

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
October 15, 2007
7:00 p.m.

MEMBERS PRESENT: Stephanie Rolley, Chairperson; George Ham Vic Chair; Jerry Reynard; Mike Hill; Mike Kratochvil; Bill Meredith and Stacy Kohlmeier.

MEMBERS ABSENT:

YOUTH IN GOVERNMENT: Shawn Westin

STAFF PRESENT: Eric Cattell, Assistant Director For Planning; Steve Zilkie, Senior Planner; Jane Winslow Senior Planner; Chad Bunger, Planner; Ron Fehr, City manager; Jason Hilgers, Assistant City Manager; Karen Davis, Director of Community Development; Rob Ott, City Engineer.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

1. **APPROVE THE MINUTES OF THE SEPTEMBER 17, 2007, AND OCTOBER 1, 2007, MANHATTAN URBAN AREA PLANNING BOARD MEETINGS.**
2. **APPROVE THE FINAL PLAT OF THE HAWTHORNE WOODS ADDITION, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF CHURCHILL STREET AND GARY AVENUE. (APPLICANT: SCI of Manhattan, Inc. Tim Schultz, President/OWNER: Kansas Farm Bureau)**

Kratochvil moved that the Board approve the Consent Agenda. Reynard seconded the motion, which passed on a vote of 7-0.

GENERAL AGENDA

1. **A PUBLIC HEARING TO CONSIDER THE REZONING OF LOTS 569 AND 570, WARD 1, GENERALLY LOCATED ON THE NORTHWEST CORNER OF SOUTH 5TH STREET AND PIERRE STREET FROM R-M, FOUR-FAMILY RESIDENTIAL DISTRICT WITH TNO, TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT, TO C-4, CENTRAL BUSINESS DISTRICT. (APPLICANT: BOYS AND GIRLS CLUB OF MANHATTAN/OWNER: CITY OF MANHATTAN)**

Zilkie presented the staff report and recommended approval based on the findings in

the staff report.

Rolley opened the public hearing. Brent Bowman, architect representing the applicant, indicated he was there to address any questions.

There were no questions and Rolley closed the public hearing with no one else speaking.

Kohlmeier moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of Lots 569 and 570, Ward 1 from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to C-4, Central Business District, based on the findings in the Staff Report.

Meredith seconded the motion, which passed on a vote of 7-0.

2. **A PUBLIC HEARING TO AMEND THE PRELIMINARY DEVELOPMENT PLAN OF MANHATTAN MARKETPLACE, UNIT TWO, COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) AND ORDINANCE NO. 6544. MODIFICATIONS INCLUDE, BUT ARE NOT LIMITED TO, PROPOSED CHANGES TO THE APPROVED SITE, ARCHITECTURAL, LANDSCAPE, FLOOR AND SIGNAGE PLANS, AND THE REMOVAL AND RELOCATION OF BUILDINGS. THE AMENDMENT SITE IS GENERALLY LOCATED NORTH OF OSAGE STREET, WEST OF TUTTLE CREEK BOULEVARD, SOUTH OF MORO STREET AND EAST OF N. 4TH STREET. (APPLICANT: DIAL-MANHATTAN SHOPS, LLC /OWNER: DIAL-MANHATTAN LLC) (NOTE: THIS ITEM WAS TABLED AT THE OCTOBER 1,**

Reynard moved to remove the item from the table. Kratochvil seconded the motion which passed on a vote of 7-0.

Rolley explained the public hearing format and time limits for presenters and asked to see how many organized groups and individuals wanted to speak.

Rolley opened the public hearing for the applicant to make their presentation.

Bob Welstead, President Dial Realty and applicant, introduced his staff and consultant team. He summarized the previous four years of work that Dial had done with the city, and the principles that Dial was charged with when selected as the developer for the project. He indicated there had been about twenty public meetings to develop a conceptual master plan. There were four principles identified, including a design that would enhance and connect to the downtown and redevelop the former steel plant site. He said the overall layout of the redevelopment area was conceptualized with denser uses at the south end near downtown, and less dense uses at the north end. It was to be a mixed-use project with retail uses, restaurants and residential uses. He said their proposed amendment still has plans for approximately 180 dwelling units. He said the city wanted the developer to be "at risk", to limit the

public investment up front. He said Dial had done that, by purchasing the Steel & Pipe property and 17 million dollars of other properties in the redevelopment area and by relocating the restaurants. He said Dial also holds the TIF bonds for the north end redevelopment. Finally, he said all this helps preserve the ability to redevelop the south end project area for the Discovery Center and Hotel-Conference Center. He said the north end is the economic engine to make that all happen.

Welstead reviewed the proposed PUD amendment building by building, saying the proposal maintains the pedestrian friendly environment with landscaping, awnings, windows and brick columns. He said all the name brand stores had altered their proto-typical storefronts, to match the look that was trying to be accomplished. He compared the architectural character of the proposed HyVee building with the northernmost building in the approved PUD, saying the HyVee was more in compliance with the design guidelines. He said they purchased the stone house and propose to move it to 4th Street and Retail Place and provide a new foundation and the lot. He said they could face it either to the west onto 4th Street, or south onto Retail Place. He said the proposed amendment only had about a 20,000 square foot difference in floor area. Regarding the residential dwellings, he said there were 53 dwellings in the area before the redevelopment and the approved PUD showed 207 dwelling units. With the amendment there would still be around 171 to 189 dwellings provided, for a net gain of 128 dwellings. He said there would be 35 to 40 new businesses.

Peter Hosch, Assistant Vice President HyVee, indicated that HyVee is an employee owned company with 224 stores in seven states and is one of the top 20 largest grocery companies in the United States, with 53,000 employees and strong benefits. He said HyVee makes an effort to become part of the community and each store is managed autonomously, making its own local decisions. He said this would be a 24/7 operation with approximately 350 employees and 40 to 55 semi-truck deliveries per week and 45 to 65 route-truck deliveries per week. Most deliveries are on Mondays and Fridays, typically between 7 am and 3 pm. He described the departments and services within the store and its internal layout, including a Starbuck's, international departments, a 170-seat dining area with an outdoor seating area, delicatessen, produce, bakery, seafood and meat, baby department, freezer and dairy, health market and organics, on-staff dietician, pharmacy, bank, photo and floral shops, and a second floor club room that is available to community organizations for meetings and for cooking demonstrations. He said they had significantly changed the architecture of the building's exterior to provide a more pedestrian, downtown look, in character with the development, with second story windows and awnings. He said the direction of traffic flow through the drive-thru had been changed to allow for the continuation of the sidewalk that runs along the front of development and they provided tree wells and added back the sidewalk curbing. In addition, the loading dock and compactor areas had been changed to provide better screening. He was aware that HyVee was not what had been envisioned for the location, and that local grocery merchants had expressed concern about HyVee's arrival, but that increased competition will benefit the community. He stated that market research had indicated that the area could

handle another grocery store, and that HyVee was different enough from existing grocery retailers to not suppress them. He said the addition of HyVee would expand Manhattan's trade area.

Rolley stated that the twenty-minute time limit had been exceeded, and asked Welstead if he had adequate time to present. Welstead said that he had.

Steve Zilkie presented the staff report and outlined the differences between the existing Planned Unit Development and the proposed amendment. He indicated that City Administration recommended approval with the seventeen conditions listed in the staff report. Zilkie explained that the Board had also been provided some revised conditions, in response to the applicant's latest revisions, which were being provided to assist the Board in its consideration of the conditions of approval.

Patrick Schaub, Bowman Bowman Novak Architects, explained that his firm was assisting city staff in reviewing the development for conformance with the design guidelines. He said that the firm had met with city staff, representatives of Dial, and representatives of HyVee and that in general, significant improvements had been made from the original HyVee design. He explained that the requested improvements were outside of HyVee's design norm, but they were not inconsistent with anything requested of the other businesses in the PUD. He stated that there were some remaining inconsistencies with the design guidelines, most notably with placement of trees and landscaping. He said that a compromise was made with Dial Realty to allow the creation of an outdoor seating area in lieu of some of the sidewalk landscaping dictated by the guidelines. Additionally, some building materials on HyVee were inconsistent with the guidelines specifically that the amount of dry-vit or EIFS material exceeded the percentage allowed by the guidelines, and the use of pre-cast concrete was specifically prohibited by the guidelines. He said the drive-thru along the front of the building was a significant interruption of the street wall and pedestrian walkway, and created awkward circulation patterns. He said the intent of the guidelines was to provide an unbroken street wall, so that the pedestrian environment would be enhanced and the development would feel like a discrete contained space. He said that overall, the current proposal contains significant improvements to the previous HyVee plan, but that there were some areas that could be judged to not meet the intent of the design guidelines.

There being no questions from the Planning Board, Rolley opened the public hearing, asking that organized groups go first.

Dixie West, 1014 Houston, member of the Manhattan/Riley County Preservation Alliance, said that four years ago the City Commission appointed a downtown redevelopment steering committee to review the recommendations of the design team suggested by the Manhattan Area Chamber of Commerce, consisting of Dial Realty, RTKL Inc. and Brent Bowman and Associates. She said five public input meetings took place over 2003 to 2004, during which design concepts were presented including pedestrian friendly, tree-lined streetscapes with storefronts of smaller businesses, and

residential areas for those wanting to live downtown. She said the public was looking forward to a design that would sympathetically tie in with smaller, diverse businesses located in the historic main street district along Poyntz Avenue. That conceptual master plan represented community compromise and was accepted by the City Commission in April 2004. She said the current PUD provides for a well proportioned number of residential and commercial uses, adequate landscaping and leaving the historic stone Strasser house in its current location. She said Dial's proposed amendment increases the commercial square footage by over 21,000 square feet and replaces the residential units with a large wall. She said these are substantial changes to the agreed upon master plan and is giving way to large box stores, oversized parking lots, a blank stone fence, reduced residential units and relocation of the Strasser house. She said if the Planning Board approves the amendment, it will take a plan that was based on community compromise and replace it with a pedestrian unfriendly strip mall adjacent to a residential neighborhood, which has little to no design ties to the historic main street district and which displaces residences and small local businesses with chain stores with oversized signage. She said the amendment is unacceptable to the community.

Michael Mecseri, 1015 Leavenworth Street, addressed zoning standards 2 and 13 (the physical and environmental characteristics of the property and additional matters), saying the Strasser house has existed on the site since 1874. He said the memorandum of agreement between the City and the Historic Preservation Officer is a unique circumstance, which outlines conditions and responsibilities agreed to in caring for the historic resources in and around the redevelopment area. He said the City agreed to not issue a demolition permit for 326 Laramie and to seek its listing on the National Register of Historic Places. Preservation of the Strasser house was also intended to offset the demolition of several other historic structures identified in the redevelopment site. He said the Preservation Alliance had relied on the memorandum of agreement to advise the owner of the Strasser house that it would be protected. He said the suggestion to relocate the stone house is unrealistic and undesirable. Mecseri said if the house is left in place it can be repaired and remodeled for continued use. If moved, listing the house on the National Register would be lost and most likely it could not be listed on the state register. Tax credits that could be used to help with restoration would also be lost. He questioned why the applicant was unimaginative compared to other developments that have incorporated and capitalized on historic structures in a development. He said the community is counting on the Planning Board to uphold the Memorandum of Agreement to protect the Strasser house as agreed to be all parties.

Elaine Mohr, 800 S. Juliette, member of the Preservation Alliance, addressed zoning standard 3, saying the area west of the PUD was rezoned three years ago to Traditional Neighborhood Overlay District, due to the character of the neighborhood with mostly single family homes, walkable sidewalks, mature trees, nearby schools and diverse residents. She said the design guidelines refer to the importance of protecting and reinforcing these neighborhoods and that along the east side of 4th Street development of live-work town homes will create a buffer between the

residential area to the west and commercial development. She said the amendment replaces this buffer with the back service area of a 24/7 big box store along and the eight foot high wall. She said the development is no longer a part of the neighborhood and urged the Board to deny the amendment.

Marci Maullar, 417 Vattier, member of the Preservation Alliance, addressed character of the neighborhood (standard 5), saying she lives in an 80-year old house and has spent much time and money renovating it. She said she went to the public meetings when the Dial proposals first came out to see what impact it would have on her neighborhood. She was impressed by the original proposal that included small specialty shops, housing for seniors and low income people, as well as some anchor stores. It looked like the community was going in the direction of creating aesthetics similar to downtown Lawrence and would be positive for the neighborhood and small business owners in the area. Based on this plan, she took out a second mortgage and spent a significant amount on additional renovations to her house. She said the amendment changes the plan significantly by moving the stone house, adding a wall, and removing low income housing and specialty shops, all for a grocery store that is not needed. She said she and her neighborhood were betrayed by Dial and asked the Planning Board to not vote for the amendment.

Jean Hill, 1818 Cedar Crest Drive, addressed zoning standard 6 regarding compatibility with nearby properties and the extent to which it may detrimentally affect those properties. She said the original proposal called for 26 dwelling units in this area and the design guidelines call for live-work town homes and row housing to buffer residential neighborhoods to the west from the commercial development. She said the report of the Downtown Redevelopment Steering Committee called for increasing the number of people living downtown and creating a self-sufficient atmosphere by providing a variety of housing opportunities for different income levels and enhancing diversity. She said Wards 1 and 2 were documented in the Historic Survey of June 2004 that identified between 232 and 351 properties that exhibit architectural integrity in the area. She said it was unfair to these property owners to make the substantial changes to the plan, and in her opinion as a Realtor, would negatively impact the values of those residential properties. She said replacing the affordable housing with a 12 foot tall wall to screen the loading dock area is not pedestrian friendly, or inviting to the downtown area.

David MacFarland, 2030 Hunting Avenue, spoke on behalf of the Preservation Alliance addressing standards 7 and 10, conformance to the comprehensive plan, and the relative gain to the public health, safety and welfare. He said the proposed changes are not an amendment, but a substantial change and that the City Commission did not make the Design Guidelines mandatory possibly because they trusted Dial to follow them. He said the amendment's reduction in walkability affects public health and welfare and is less conducive to walking. He said people shopping for groceries will drive and not walk, and that the original proposal was for a pedestrian friendly, mixed-use design that was attractive to shoppers in the north end to access the downtown on foot. He said the pedestrian linkage, landscaping and

residential dwellings that would have added a humanizing element to the commercial area are now gone. He noted there is already four other grocery stores in the downtown area and said increased tax revenues at HyVee would be offset by decreased revenues at the existing grocery stores and the total demand for food will not increase. He said from the economic development standpoint, the public welfare would be harmed if the smaller local stores such as Ray's Apple Market are put out of business. MacFarland said the impact on public welfare is incalculable if the Strasser house is raised or moved, due to impact on its historic value.

Jim Harwell, 1908 Plymouth Landing, addressed standard 12, the recommendation of staff, saying the City was more concerned about Dial than the concerns of the community. He said the seventeen conditions of approval are just cosmetic changes. He said the City should not be embarrassed with the possibility that the project may fail, or need significant changes. He requested the Planning Board to deny the amendment to send a message that the community expects nothing but the best, because it will have to live with the development after Dial is gone.

Jayne Morris-Hardeman, 1822 Laramie, final speaker with the Preservation Alliance addressed the three standards for amending PUD's. She indicated when she made the decision to vote on eminent domain for the north end project area, she did that based on the project benefiting the good of the whole community. She indicated she could not make that vote now, based on the proposed amendment, because it does not benefit the community. She said the most detrimental change is the removal of housing along 4th Street, because the community has worked hard to preserve the older neighborhoods with the implementation of the TNO District. She said the proposed HyVee wall is not the same as using housing to buffer the neighborhood. She said removal of the Strasser house eliminates the possibility of its nomination to the National Register and the City signed an agreement to leave the house in place. To negate the agreement is not in the best interest of the community. She asked the Board to deny the amendment because it is not in the best interest of the community, it doesn't support the public health, safety and welfare, and it is not necessitated by changes in the neighborhood or the PUD.

Rolley called for a five minute ADA break.

Rolley continued the public hearing.

Ray Weisenburger, 1927 Vermont, representing the Historic Resources Board, explained the makeup and membership of the Board and outlined its activities and charge to advise the City Commission and others on historic resources. At its meeting on September 10, 2007, the Historic Resources Board unanimously passed a motion that the Board is opposed to the proposed PUD amendment because of problems involved with relocation of the Strasser house, the negative impact on the character of the adjacent neighborhood as identified in the 2004 Cultural Resource Survey of Wards 1 and 2, and because it is inconsistent with the historic 4th Street corridor which contains National Register Historic properties including the

Community House, Damon Runyon House and the Downtown Historic District. He said the Board had agreed to demolition of several structures with historic value within the PUD site, because its goal was to recognize the most important of those structures, the Strasser house, which is protected by the Memorandum of Agreement. Moving it would make it ineligible for National Register status, or to get tax credits to help preserve the building. Regarding the zoning standards, he indicated the Historic Resources Board had a major concern with impact on the neighborhood, because of the removal of a substantial number of dwelling units along 4th Street, which were intended to set the context of the street and buffer the neighborhood from the commercial area to the east. He said zoning and land uses of nearby properties will be dramatically affected. The housing buffer proposed in the current PUD, to contribute to the 4th Street corridor, is lost with the amendment and replaced with a wall, which will impact compatibility and the character of the neighborhood.

Weisenburger referred to the Design Guideline's regarding the importance to protect and reinforce the residential neighborhood to the west by construction of live-work dwellings along the east side of 4th Street to create a buffer for the neighborhood. Citing the Comprehensive Plan, he said policy GM-9 states that regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area, and design considerations are important when redevelopment occurs adjacent to established residential neighborhoods, or when a change in use or intensity would negatively impact the character of the area. He read from page 1-1 of the Design Guidelines saying the guidelines encourage buildings and public spaces that are appropriate to the legacy of form, scale and texture of the existing fabric, and that the underlying concept is authenticity and the resultant urban district must be an extension of the city's heritage. He said the revised PUD eliminates housing units and fails to respect the orderly development of the 4th Street corridor. He indicated the Historic Resources Board is interested in helping to build Manhattan as a community with character and quality, that is environmentally and economically sustainable, diverse and openly interactive, while being well planned and designed.

Karen Mayse, 3340 Newbury, President of the League of Women Voters, said the proposed amendment would detrimentally affect the stone house and with the agreement, it is unethical to move it. Adding 20,000 square feet to the building is not compatible with the vision for the area. She said even with small shops in HyVee, once inside, they will appear to be all one big store. She cited detrimental impact on other businesses in the area, particularly grocery stores. The League is supportive of HyVee coming to town, but it is not compatible with the downtown redevelopment area. She said the League was involved with developing the original concept and supports affordable housing in the downtown within walking distance of critical services, however reducing the number of housing units is detrimental to the community. She said the proposed amendment further erodes the plan that the community bought into. She asked the Planning Board to turn down the amendment and indicated the League wants a downtown that values and preserves historic

treasures, while providing a mix of places to live, work and play, which would be sustainable.

Peter Sultana, 914 Osage, Co-Chair of the Eastside Neighborhood Association, said he represented 50 people and described the boundaries of the association, saying they have lost one block of their residents to the development area. He read a letter from Scott Quaintance, owner of the apartment house at 318 Fremont Street. The letter cited the newspaper's opinion survey which suggested that 60 % of the population of Manhattan was opposed to the proposed change. A 100,000 square foot anchor store is another broken promise by the developer and the proposal looked more like the east side of Tuttle Creek Boulevard. With the original development there were promises of green space, walkways and pedestrian shopping. The letter expressed the importance of protecting the Strasser house and concerns about the loss of historical significance if moved and the difficulty of moving it. A grocery is not upscale shopping and replacement of the housing buffer with a wall is not a friendly transition between the neighborhood and the development. Bringing a HyVee to this location will put financial pressure on other groceries in the area. The letter concluded that promises are not being kept and that the community would not have agreed to this revised plan in 2003.

Sultana said the goals of his neighborhood association are to maintain the appearance and structures in the area and create an atmosphere that encourages people to live there. He said the amendments will directly affect their neighborhood, including: the wall, the large 24-hour store, increased size of signage, loss of the transition between neighborhood and businesses, the change in building materials, and moving the Strasser house. He said the Eastside Neighborhood is in the Traditional Neighborhood Overlay District and the Board of Zoning Appeals has rejected exceptions in the neighborhood. He urged the Planning Board to follow the same spirit to maintain the neighborhood.

Lisa Rockley, 426 Vattier Executive Director for Downtown Manhattan Inc. (DMI), represents over 200 businesses in the historic business district. She said DMI has been involved with the downtown redevelopment plan from early on, including the Downtown Tomorrow Plan, and that DMI had initiated the work leading to the application for the District's registration on the National Register of Historic Places. She said DMI is concerned that the proposed amendment does not satisfy the zoning standards concerning character of the neighborhood, and compatibility with nearby properties and the extent of detrimental impact. She indicated the neighborhood is adversely affected by discouraging walkability, the size and scale of the building, the 8-foot high wall, elimination of the housing buffer with loss of residents and customers, modification of traffic patterns, 24-hour trucks, and discouraging access to downtown. She said the proposed PUD does not integrate physically, historically, economically, socially, or culturally with neighboring properties, or the historic downtown district. She said the DMI redevelopment committee and board of directors are opposed to the proposed PUD amendment.

There being no other organized groups, Rolley opened the floor to individuals.

Lyle Larson, Food Marketing Success, a retail food consulting firm in Minneapolis, Minnesota indicated he had been assisting the Floersch family with short and long term growth plans for their company, Ray's Apple Market. He said the family purchased the two Food-4-Less sites in 2005 after extensive investigative work to make an educated decision on purchasing and remodeling the stores. They had met with various people from the City to discuss the downtown redevelopment plans including additional residential development and new retail stores. Larson cited a July 24, 2005 newspaper article that identified a strip of retail with a large box store at the northern end, which developers said would be a nationally known junior department store. There was no mention of a supermarket. He said a market survey done in May 2005, coupled with the proposed city's redevelopment plan, showed it was viable to purchase and remodel the west side and downtown Food-4-Less stores under the current market conditions. He said the owners invested over one million dollars on remodeling the downtown store and plan to spend 2.5 million dollars on the west side store. Larson said they are now told that the city is considering altering the plan to use Tax Increment Financing for a new supermarket in the downtown. While competition is expected in a free enterprise system, it is understandable how the Flourish family feels misled by this change. He said they could be injured significantly and suffer extreme financial peril and there is a high probability that they could be forced to discontinue business and leave Manhattan. Larson showed charts of the grocery market in Manhattan, saying there is about \$1,950,000 of food sales per week and that the Wal-Mart Super Center already expanded the Manhattan food trade area in 2004. He said an additional supermarket will not expand the trade area and will have to capture their sales from the other current stores within the market area. He said a new 80,000 square foot store would need to capture about \$800,000 - \$960,000 per week to be profitable. He suggested this would rewire two to three stores to go out of business and Ray's Apple Market could be one of those. He asked if Manhattan needs another supermarket, or additional residential or retail that is not offered in town. He asked the Planning Board's assistance in living up to what was previously proposed, or modify the plan to be complimentary to the existing services in Manhattan.

David Darling, 131 E.J. Frick Drive, said he had been doing retail trade analyses for the past 20 years for every county in the state and is working with the Chamber of Commerce for the Manhattan Area Retail Trade Study that was provided to the Planning Board. He summarized his analysis and showed a chart of an ideal economic development approach including five strategies, the first being retention and expansion of existing business and industry and the last being attracting outside companies. He questioned why Dial hadn't spoken to Ray's Apple Market.

Paul Yarbrough, 405 Fremont, Co-Chair of the Eastside Neighborhood Association, said the proposed wall and downtown redevelopment alienates the neighborhood and he was opposed to the request.

Gwyn Riffel, 1117 Hylton Heights Road, said he had served on the Planning Board and worked on the Downtown Tomorrow Plan, which is a significant document and is part of the Comprehensive Plan. He said the PUD amendment does not meet the public vision of the downtown redevelopment plan and is not in conformance with the Comprehensive Plan, particularly with respect to transitional buffers and sensitive urban design along the 4th Street corridor to buffer the neighborhood to the west. He said the amendment is not consistent with the intent and purpose of the existing approved PUD; to provide a pedestrian oriented mixed-use retail and residential environment as an extension of the downtown. It does not respect the preservation of the historic Strasser house. He said the public welfare will be negatively impacted by the loss of grocery sales tax revenue for the redevelopment of the TIF district, which he suggested will require a property tax increase. Riffel said the loss of 36 market rate housing units is significant, because that leaves 171 dwellings, of which 129 are market rate assisted senior housing, resulting in only 78 true market rate dwellings. He encouraged the Board to vote against the amendment.

Susanne Siepl-Coates, 315 N. 15th St, expressed concern about any change that would have a negative impact on pedestrian accessibility to the development and its impact on public health. She said as part of her academic work she is working on a project called Slim-Downtown to identify ways create a walkable environment in the downtown. She said studies have found that the ability and willingness of people to walk is closely related to the quality and character of the built environment. She indicated that people's desire to walk is dependant upon an environment that is pedestrian friendly, and that good design offers increased safety, convenience and a pleasing walking and biking environment. The design of streets and sidewalks influences the desire to walk and an interesting urban setting with human scale, shade trees and landscaping, detailed facades and places to rest and housing creates an more enjoyable walking experience. She said 3rd Street was to have a feeling of a pedestrian promenade; however important elements are being eliminated along the east side of HyVee that would have contributed to that. She said the north side of HyVee and the blank wall along the 4th Street corridor do nothing to increase the desire of people to walk. She urged the Board to deny the amendment.

Enell Foerster, 920 Ratone, said she lives in one of the oldest stone houses in the area and would never consider having it moved. She said the proposed wall will not shield the neighborhood from the noise and pollution of idling trucks. She asked the Board to not allow the amendment and challenged Dial to retain an architect that has the creativity to incorporate the Strasser house into the development in its current location.

Cheryl Collins, 1724 Fairchild Avenue, Director of the Riley County Historical Museum, said she attended a 106 review meeting in March 2006, in which the developer assured those in attendance that they would work with the City to try to relocate within the City or surrounding area, the six houses which were eligible for the National Register and that they would leave the Strasser house in place, as per the Memorandum of Agreement signed by the City and the Kansas Preservation Officer.

She said that all six houses have all been bulldozed. The Strasser house is the only remaining eligible house and the original PUD kept it in place, preserving its eligibility for listing. She said the existing PUD provides a transition of housing along the edge that provides a better relationship with the neighborhood to the west. The proposed amendment doesn't connect to the historic neighborhood. She urged the Board to not approve the amendment and to ask the developer to follow the approved plan, or to go back and develop a better plan to serve the community.

Marolyn Caldwell, 325 Fordham, said she was hoping for a unique development with small, one-of-a-kind shops that would attract people from surrounding areas. She said the community can still do something creative. She suggested replacing "bottom line" with integrity for the nature of the town and respect for the people who live there.

Sandra Hobbs, 851 Stadel Road, said Manhattan has beautiful historic homes. She said her brother moves houses and indicted the stone house can't be moved. She said Dial was making a mistake and should have left Steel & Pipe and not changed the community. Hobbs asked the Board to vote against the request.

Ruth Schrum, 720 Midland, indicated she owns a house on 4th Street that will face the proposed wall. She said the Damon Runyon house is a historic house on 4th Street and that most of the houses in the area are old. She said it doesn't matter how many trees are planted along the wall, there will be trucks, trash, smells and lights associated with the grocery store. She asked the Board to vote no and stated that Dial shouldn't own the whole city.

Roger Seymour, 1181 Rock Spring Lane, indicated he owns property on 4th Street that will look at a wall, instead of the housing units that were to buffer the neighborhood. He asked the Board to send the request back to be redesigned as a residential corridor. He suggested that if they don't want a residential corridor, they should rezone the west side of 4th Street to commercial. He said the stone house can be moved one stone at a time, but it won't be the same structure. He was concerned about the 24-hour operation, trash and noise. He said Dial was removing the affordable housing that was promised and suggested the site be redesigned to keep the housing buffer and HyVee.

Meghan Orr, 420 Moro, said she has worked hard to renovate her house and was excited when the development first began. She indicated it was still a good neighborhood and she chose to live in the downtown. However the proposal was not the downtown she chose.

Marge Davidson, 1600 Humboldt, said she has lived in the same house since 1933. She indicated her opposition to the amendment, saying there should have been a performance bond. She indicated Dial said it would be a destination shopping area, but a grocery store is not a destination. She asked the Board to not approve the request.

Clarence Swallow, 3800 McDowell Creek Road, said the development was a mistake from the start and it appeared there was a push to get this proposal through, to get cheaper funding to fix the south end development area. He said the cheapest way may end up being the most expensive. He said the building is so big, it needs a wall to hide it and he questioned if there was room for the sidewalks and trees. He said they should have kept the railroad.

Carol Barta, 718 Laramie, expressed concern about the proposed wall and the impact of the amendment on the character of the neighborhood. She indicated she chose to live in the downtown and had been putting money into renovating her house with the understanding that the original development would help gentrify the area. She urged the board to vote no.

Jeff Head, 3115 Heritage Court, addresses conformance of the change to the adopted Comprehensive Plan, saying the Plan's goals are to promote pedestrian friendly humane scaled design, to encourage attractive design in character with surrounding neighborhoods and compatible infill development that enhances neighborhood character. He showed pictures of architectural details of the west side of the Town Center Mall along 3rd Street, preserved existing building facades and loading dock areas across from parking lots, saying that is how designers chose to transition the mall to the downtown in a complimentary way. He said the town home buffer would provide a more pleasant pedestrian walk along the rear of HyVee. He suggested the Board stop the project and develop a form-based code, so the public would know what to expect.

Brennon Walter, 831 Pierre, said that with all the speakers who don't want the amendment approved, the Board should not vote for it, because they are supposed to represent the people.

David Krum, 2500 Farm Bureau Road, questioned if HyVee had studied where the best location in town would be, saying it didn't make sense to be within a half-mile of three other supermarkets. He suggested there are better locations and asked the Board to turn it down.

Darrel Kaup, Houston St., said he recently moved to Manhattan from Charlottesville, Virginia where they did a downtown redevelopment that worked well, with a mix of locally owned businesses, a pedestrian mall and some big boxes. He bought a house downtown when he heard about Manhattan's proposed redevelopment. He asked the Board to think about what downtown means and not just redevelopment and showed pictures of other HyVee stores.

Linda Glasgow, 2236 Snowbird, said she agreed with the previous speakers that the amendment was a substantial change from the existing PUD and asked the Board to deny the request.

Lyle Butler, President of the Manhattan Area Chamber of Commerce, indicated the hearing should focus on zoning and that if the Board was going to discuss the volume of stores and if the community should have grocery stores or not, the Board should keep in mind that there was a lot of other information that had not been presented. He summarized where the community had come from regarding downtown redevelopment, starting in 2001 with a series of focus group discussions of what the community wanted and that everyone had different visions. Of the seven issues identified in that process, the two primary issues that kept coming up as being most important were: concern for good design which is why there was a desire for design standards to be put in place; and landscaping standards. He said the Board had heard from staff and Patrick Schaub regarding those issues and that the Chamber had worked with Dial for four years and they had not always agreed with each other during discussions about those issues. Butler said of the seventeen conditions of approval, Dial agreed to fourteen and had made some concessions. He urged the Board to focus its attention on the design guidelines and landscaping standards, and that the community needs to work towards consensus.

G. L. Hirsh, 1616 Laramie, said he had fought the mall and that the proposed changes were a mistake. He asked the Board to vote against the changes.

Marlene Ferlemann, 1309 Waters, indicated she had been a member of the Downtown Redevelopment Steering Committee and that her concerns had been addressed by previous speakers. As a member of the Committee, she said the proposed amendment is not what was envisioned; for a regional shopping center that is unique from surrounding communities. She was disappointed in the grocery store which would not enhance the viability of the downtown, or bring in new shoppers. She expressed concern about the lights at the rear of HyVee shining 24-hours a day. She asked the Board to vote no.

Tracy Anderson, 116 E. J. Frick Drive, said an amendment to a PUD should make it better and the proposed amendment doesn't do that. He was not opposed to HyVee coming, or maximizing the development's square footage. He suggested it could be redesigned to keep the residential dwellings along with HyVee and putting the curve back in 3rd Street. He asked if the request should have been readvertised because Dial had made changes, following it being tabled.

Rolley ask staff for clarification. Zilkie said it was consistent with the original hearing and that the applicant had made some changes that they submitted to the Board at the last meeting. Subsequent to that date, the applicant had provided some graphic representations that were available to the public.

Rolley closed the public hearing and the Board took 5 minute ADA break.

Rolley reconvened the meeting and reminded the audience that the responsibility of the Planning Board was to evaluate the request for compliance with the Comprehensive Plan and the standards for amending a Planned Unit Development.

She indicated the Board does not evaluate the economic impact, or viability of the project. She said the Board would use the thirteen zoning standards and the three standards for PUD amendments and asked the Board if it had questions.

Meredith asked Dial if it was possible to place HyVee along Tuttle Creek Boulevard, facing Best Buy to allow the stone house and residential dwellings to remain.

Rick Kiolbasa, Dial Realty, indicated they looked at a number of different layouts, but that HyVee's width and depth dictates the placement. He didn't think it would fit facing Best Buy and it would not address the concerns expressed in the hearing.

Reynard asked about truck deliveries to HyVee. Hosch explained that trucks would enter the rear loading dock area from 4th Street and Moro, and exit to the south.

Reynard expressed concern about trucks negotiating the proposed round-a-bout on Bluemont Avenue and coming south on 4th Street into the site and mixing with car traffic. Buck Driggs, HWS Consulting, indicated they had analyzed truck turning movements at the entrances to the site and had made changes to the radiuses to accommodate large trucks. He said trucks can also enter the site off Tuttle Creek Boulevard, and Leavenworth to 4th Street.

Ham expressed concern about the visibility of the seasonal garden display and sales area in the parking lot along Tuttle Creek Boulevard.

Rolley asked about the specifics of moving the stone house and asked if they had consultant work that demonstrates it can be done. Kiolbasa said they had a bid from three firms that would work together and said they could move it. He indicated if the move failed, the money would be donated for historic purposes. Kiolbasa clarified that the firms were house movers and not architectural or engineering consultants.

Hill asked about parking requirements for HyVee. Kiolbasa indicated they typically want 5 stalls per 1,000 square feet of floor area.

Hill asked if HyVee has more parking than it needs and if there was a possibility of reducing parking. Hosch said that is what they need to cover peak periods, such as holidays and weekends, which are similar to the restaurant's peak times, and they are already lower than what they would want.

Rolley asked why HyVee was proposing a suburban footprint, versus a more urban design which they have done in other cities. Hosch said they have relocated an existing 35,000 square foot store into a new 65,000 square foot space. He said to make the numbers work in Manhattan, they need the larger proposed store.

Hill asked about the future liquor store space and what will happen to that vacant space if HyVee is not successful with the proposed legislative change. Hosch

indicated HyVee is purchasing the ground and they would work with Dial to add another retailer in that location.

Ham asked how long the vacant space might be there. Hosch said the area would be screened, landscaped and maintained; however he did not know how long it might be vacant.

Ham asked if the pedestrian-vehicle conflict with the drive-thru had been resolved. Zilkie indicated it was resolved with the redesign to place the sidewalk along the building.

Hill said he didn't want to get the Board off-track from the zoning; however he had to ask the Chamber's perspective on if the mission of creating a regional shopping attraction was accomplished.

Lyle Butler indicated it is not over yet and the community had done a lot of things to accomplish that including the downtown mall. He described the original controversy over the mall's location and with some of anchor tenants. He said what is attractive about the mall is its design and landscaping and how it fits into the community. He said businesses come and go and markets continually change. He described how the Chamber, Mayor and others have worked to get specific name brand stores to come and look at Manhattan. He said it comes down to demographics and boardroom decisions by retailers on where they can best make a profit at the national level and making timing and risk decisions. He said the Chamber is working towards bringing people to the community and stopping retail leakage. No one anticipated a grocery store, and a regional survey indicated people want Kohl's. However, Kohl's isn't ready to come to Manhattan. Butler said with the growth anticipated in the Manhattan area, there is room in the future for more grocery stores and expansions of existing stores.

Kohlmeier said the proposed architecture is in keeping with the downtown and pedestrian access is being provided by the 10-foot wide sidewalk, all the way from Walgreens down to the mall, as well as along the front of HyVee and the other proposed stores down to Best Buy. She asked about replacement of the housing buffer with the landscaped wall.

Zilkie said the question is how to mitigate the effect of removing the residential structures that were going to mitigate the loading dock area. He said the intent of the wall and landscaping is to mitigate that impact. The loading dock and compactor area would be about four feet below grade and combined with the eight foot high wall, softens the effect of the loading area. He said the Design Guidelines suggest there be residential buffer along 4th Street and the applicant has proposed to amend that requirement.

Rolley asked the Board if there were any further questions. There being none, she asked the Board to make comments on the factors that will influence their vote.

Rolley said the amendment proposes a substantial change in the footprint of the building and a substantial change to the relationship of the development to the neighborhood. She went through each factor influencing her decision.

Surrounding Land Uses and Zoning of Nearby Properties. Rolley indicated that because of the loss of residential units to buffer the adjacent homes and the proximity of a store that operates 24/7, it is not an appropriate amendment.

Suitability of Site for Uses To Which It Is Restricted Under Current Zoning. Rolley said it was deemed to be appropriate in the approved PUD. A great deal of thought and input was put into that and while she agreed that the Board was not there to determine whether this should be a HyVee, a Kohl's or any other retailer, it is important to recognize that the footprints that were drawn on the original PUD were not conceptual. They reflected a specific type of environment that this community asked for.

Character of the Neighborhood. Rolley said she appreciated retailer's efforts to meet the details and standards that the community asked for. It is extremely difficult in today's retail environment and there are many more considerations than our community's design standards. But even with those changes, she thought the reason it's so difficult to make it work is that they are looking at a suburban solution in an urban environment. Everything from the surfaces of the facades, to the footprints of the buildings reflects a different type of environment and shows why it's difficult to make this particular amendment work.

Compatibility of the Proposed Zoning District With Nearby Properties and the Extent To Which It May Detrimentially Affect Those Properties. Rolley said the Downtown Tomorrow Plan gives very clear policies. As a member of the Board, she had been continually impressed when turning to the Comprehensive Plan for clear guidance on what the community has asked for. She saw a Plan that was unanimously approved by the Planning Board and the City Commission and involved countless hours of citizen input. The Downtown received special attention, not just with the Comprehensive Plan, but with the Downtown Tomorrow Plan and the Design Guidelines to help the Board make the decision. The clear policies about creating new housing opportunities, as well as protecting existing housing are important to the community's future and 4th Street's role as a collector and not a semi-truck arterial are important to what the Board needs to consider.

Rolley said that finding also addresses the standard about **Conformance of the Requested Change To The Adopted Comprehensive Plan For the City of Manhattan.**

Whether The Proposed District Would Be Consistent With The Intent and Purpose of The Zoning Regulations. Rolley said a PUD should give us a better environment. The way this is worded in the PUD regulations is that they are intended

to allow variations to zoning codes to promote progressive development of land. So they allow creative development solutions and hopefully place the community and the developer in a win-win situation. She said in this situation we only have one side that appears to be winning.

Recommendations of Permanent or Professional Staff. Rolley said she appreciated that staff had studied this, obviously in great detail because they have seventeen recommendations that the Board has been asked to consider and edit as we work on this. She said it makes her question the intent of the application, if it requires that many recommendations and the recommendations do not even get into addressing the Strasser home, or the residential development. She said it seems that there is more work that needs to be done.

Whether the Proposed Amendment Is Consistent With The Intent And Purpose Of The Approved PUD, And Will Promote The Efficient Development And Preservation Of The Entire PUD. Rolley indicated as she had just described, she did not believe the amendment is consistent with the approved PUD and it is important that the Board evaluate the implications of the design decisions that were made.

Whether The Proposed Amendment Will Result In A Relative Gain To The Public Health, Safety, Convenience Or General Welfare, And Is Not Granted Solely To Confer A Special Benefit Upon Any Person. Rolley said there is a restricted timeline that involves the project and how it impacts the potential development of other parts of downtown. When considering this standard and whether the proposed amendment will confer a special benefit upon any person, the conclusion she came to is that if the Board overlooks the community's well established policies in order to benefit the South District, it probably is no different and perhaps much more egregious than granting a special benefit to one person.

Whether The Proposed Amendment Is Made Necessary Because Of Changed Or Changing Conditions In Or Around The PUD, And The Nature Of Such Conditions. Rolley said it is possible that changes are needed in our policies to address the change in the market. There are documented changes in the retail market, but as our community's policies are written, they do not support an amendment of this nature, so if we need to amend or change our policies that needs to be next on our agenda. However, to make one change that does not follow the policies is not fair to all the individuals who put so much effort into creating a plan for our future that we believe in, and as so many people told us tonight, have been counting on.

Ham said he agreed with everything that the Stephanie had said. He indicated that what they had heard was not just disgruntled citizens, but people who have been involved in the process from the beginning and were expressing concern about the substantial changes in PUD. Ham said he supports downtown redevelopment, but these concerns were overriding. What Dial had done up to until now was good, but that removal of the residential buffer was a major concern for him, as well as the

amount of traffic generated by the 24/7 operation, and the proposed wall. Ham thought this part of the redevelopment puzzle needed to be reexamined to address the concerns.

Meredith said he was personally in favor of the development, but had concerns about the loss of the residential area and buffer zone and concerns about the semi traffic going down 4th Street and how it affects nearby residences. With regard the zoning standards he said in terms of standard 5 Character of the Neighborhood, standard 6 Compatibility and standard 10 Public Health and Safety are all things he is concerned about and that this had been an extremely difficult decision trying to keep his personal feelings aside.

Kohlmeier said she was supportive of the downtown redevelopment, but she was concerned about zoning standard 6 Compatibility, with regard to pulling out the residential buffer.

Kratochvil agreed with what the Chairperson had said and indicated that loss of the residential buffer was a big concern for him. He told Dial to keep the buffer and he thanked the public for their participation.

Hill said he was impressed with the public input and appreciated that HyVee wants to come to the community. He recognized Dial's commitment to the project in time and money and indicated they had done a good job in trying to put the development together. He said Stephanie did a good job in laying out the zoning standards. Hill thought the community had a good concept and plan from the beginning and that is what needs to be gone back to. As a developer, he had been denied before and in the end it made for a better project. He said it is not just about Dial, it is about the community. He said there are elements that Stephanie talked about that are not coinciding with what is trying to be accomplished.

Reynard said the City of Manhattan is the winner, because it is giving direction to the applicant. His concern was public safety and welfare with regard to the grocery store semi-truck traffic, which would be dramatically increased over a dry goods store. He was concerned about that traffic running through a residential area and the problems that would create. He agreed with the comments of the other Board members and encouraged the public to go to the City Commission.

Shawn Westin, Youth In Government participant, said he agreed with everything that had been said.

Hill said the Board was looking at a small piece of the pie and the City Commission has a lot of other issues to consider.

Kratochvil moved to recommend denial of the proposed amendment of the PUD and Ordinance No. 6544, based on the comments of the Chairperson.

Reynard seconded the motion, which passed on a vote of 7-0.

3. REPORTS AND COMMENTS BY BOARD MEMBERS

There were no reports or comments.

Respectfully submitted,

Eric Cattell, Assistant Director for Planning