

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
January 7, 2008
7:00 p.m.

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

MEMBERS ABSENT: Mike Kratochvil.

YOUTH IN GOVERNMENT:

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

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

1. **APPROVE THE MINUTES OF THE DECEMBER 7, 2008, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

Reynard moved that the Board approve the Consent Agenda. Ham seconded the motion, which passed on a vote of 6-0.

GENERAL AGENDA

1. **RECONSIDER AN AMENDMENT OF 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, THE REMOVAL OF A BUILDING, AND OUTDOOR STORAGE. 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 HAS BEEN RETURNED BY THE CITY COMMISSION TO THE PLANNING BOARD FOR FURTHER CONSIDERATION.**

Rolley introduced the general agenda item and explained the procedures that will be followed to reconsider the item. Rolley explained that the item was sent back to the Planning Board by the City Commission to reconsider Standards 6 and 10.

Standard 6: Compatibility of proposed district with nearby properties and extent to which it may have detrimental affects.

Standard 10: Relative gain to the public health, safety and welfare that denial of the request would accomplish, compared with the hardship imposed upon the applicant.

Rolley provided the statements that the Mayor made at the December 18, 2007 meeting concerning the Planning Board's decision; excerpts from the December 3, 2007 Planning Board minutes that provided the basis for the Board decision to deny the proposed Manhattan Marketplace, Unit Two, PUD Amendment and her opinions of the PUD amendment and the recent developments from the City Commissioners and City Administration.

Hill asked that Rolley's opinions of the amendment and actions by the City Commission and City Administration not be considered the opinion of the entire Board.

Rolley stated that the Board should decide if the item should be opened to public comment to address these issues.

The Board discussed what items to reconsider and if the Board should allow new information to be presented by the staff, applicant and public.

Hill moved to open the discussion to new information from City Staff, the applicant and the public. Meredith seconded the motion.

Rolley asked if there was any new information that the City Staff could provide. Zilkie said that no new information could be provided, other than information dealing with the financial aspect of the project.

Hill withdrew his previous motion.

Hill moved that the Board not reconsider standard ten and the financial issues. Reynard seconded the motion, which passed 6-0.

Ham moved that the Board consider new information for items dealing with standard six. Hill seconded the motion, which passed 6-0.

Zilkie provided information about six (6) new parking spaces provided on the north side of Moro Street to help support a portion of the residential units.

Reynard asked about snow removal along 4th Street.

Ron Fehr, City Manager, explained that 4th Street is an arterial street which receives priority snow removal from curb to curb.

Bob Welstead, President Dial Realty, provided their alternatives to the conditions of approval provided by City Administration. Welstead explained the following:

- Dial and Hy-Vee would move the proposed outdoor sales area originally planned to be in the parking lot to the vacant space between Buildings H and F in response to public comments made at the December 3rd Planning Board meeting.
- Six (6) new parking spaces were added along Moro Street to help decrease parking congestion along 4th Street.
- Pedestrian scale lighting along the proposed building was inadvertently left off the original drawing and has been placed on the latest submittals.
- Dial Corporation would like to submit a compromise on the wall sign on the Bed, Bath, and Beyond building (Building I). The original plan called for the wall sign to be 400 square feet in area. City Administration presented a conditional of approval of 220 square feet in the staff report, based on size comparisons with the built Best Buy store. Welstead offered 300 square feet in area for the sign as a compromise. He said that the Best Buy building, which City Staff used to compare sign sizes, has three sides to provide additional signage. Welstead also said that the Bed, Bath and Beyond store is 2 ½ times further away from Tuttle Creek Boulevard than the Best Buy store. The added distance would minimize the effects of the size of the wall sign.
- Although the percentage of EIFS exceeds the design guidelines, the PUD, as a whole, only has 16.5% of EIFS, which Welstead felt meets the spirit and intent of the design guidelines.
- Dial Realty would like the Planning Board to consider the outdoor dining area at the northeast corner of the Hy-Vee building (Building H) as landscaping. Welstead said that in his opinion, it is more pedestrian friendly.

Rolley asked if City Staff considered the outdoor dining area as landscaping. Zilkie said no, the outdoor dining was not calculated as landscaped area.

Welstead said that tree wells could be reconfigured to meet the landscaping requirements, but the reconfiguration would limit customers to 2 access points to the store. Welstead felt that leaving this open would be a better choice for pedestrian access.

Rolley asked if there was any landscaping planned for the outdoor dining area. Welstead said that some potted plants would be provided.

Hill asked if a three (3) foot strip of landscaping could be added outside of the dining area? Pete Hosch, Assistant Vice President-Real Estate for Hy-Vee, responded that a low wall with a planting bed could be provided.

Rolley asked if the proposed wall or fence with landscaping would count towards the landscape requirements. Zilkie said that it could count to the landscape requirements. Hosch stated that the landscaped area might not be three (3) feet wide, because a ten (10) foot wide sidewalk must be maintained for ADA compliance.

Rolley asked how the City Staff calculated the building EFIS and if the entire PUD was considered or if each building was considered. Zilkie said that each building's total percent of EFIS was calculated and considered. Welstead asked the Board to consider that the total development is under the twenty (20%) percent design guideline requirement.

Rolley opened the public hearing to new information concerning standard 6.

Mike Bonnella, 331 N 14th Street, spoke against the proposed PUD amendment because the whole development had strayed away from the original concept. Bonnella stated that petitions for and against this development have been circulating and to date, 750 people were against the amendment and only 50 were for the proposal.

David McFarland, 2030 Hunting Avenue, spoke against the proposed amendment, specifically conditions of approval #1 and #5. McFarland stated that Dial's failure to include pedestrian scaled lighting on the plan represents Dial's failure to think about pedestrian needs. He also said that the outdoor dining area should not count as landscaped space.

Karen Mayse, President of Leagues of Women Voters of Manhattan and Riley County, spoke against the proposed amendment because of limited number of residential parking spaces and the impact of snow removal on residential parking spaces. Mayse also asked if any Board members had a conflict of interest in this proposed development.

Each Board member responded by staying no.

Mayse said that she felt that Stacy Kohlmeier had a conflict of interest because her husband works for Kansas State Bank and that that bank has financial loans with Dial Realty. Kohlmeier responded that her past actions show that she does not have a conflict of interest with this development and that her husband does not share details of his job with her because of confidentiality issues in the banking business.

Vincent Tracy, 304 Knoxberry Drive, spoke against the proposed amendment. Specifically, Tracy was concerned about the loss of housing above OfficeMax (Building K) and the 2 commercial buildings along Tuttle Creek Boulevard.

Mike Mecseri, 1015 Leavenworth Street, opposed the PUD amendment and addressed functional issues of the proposed amendment. His concerns were with the

turning radius and space available for truck traffic behind the proposed Hy-Vee store (Building H) and the fact that the residential units along 4th Street did not have windows on the east wall of each unit, which may be building code violations.

Hill commented that the issue of windows in the housing units would be in the jurisdiction of the Code Service Department, not the Planning Board.

Scott Quaintance, P.O. Box 1889, opposed the PUD amendment. Quaintance, expressed his concerns about the loss of parking for residents on the west side of 4th Street, snow removal in the redevelopment area and the perceived conflict of interest by the Board.

Robert Busby, 730 Allen Road, stated his opposition for the proposed amendment. Busby asked if the proposed parking created for the residential units could be permit only parking so that those units would be allowed to park to those spaces. Busby also had concerns about increasing the size of the sign on the Bed, Bath & Beyond building (Building I), the amount of EFIS on the Hy-Vee building (Building H) and agreed that landscaping should be added to the outdoor dining area.

With no further comments, Rolley closed the public hearing.

Reynard said that nothing was presented that persuaded him to change his mind. Reynard stated his concerns over the 25 proposed parking spaces designed for the residential units were not near the homes, thus they do not function as parking spaces for the residential units. Reynard said that the calculation of the percentage of EFIS should be done for each building, as stated in the design guidelines, and the overall average of the development should not be considered. Reynard also said that he did not feel that the parking issue was solved on 4th Street.

Meredith stated that his first vote for the amendment was to deny the request because of his concern for the residential areas in the neighborhood. Meredith said that although he was not able to attend the second meeting on December 3, 2007, the amendment design of keeping the Strasser House and including the residential units along 4th Street met his concerns and he would have voted yes, if present. Meredith said that he based his decision on the approved, June, 2006 plan and that this amendment is not a great change from that plan. Meredith also said he would like for the residential units to be included above OfficeMax, but that he would not change his position.

Ham said that he is not against Dial Realty or Hy-Vee. Ham stated that the Planning Board has clearly stated its reason for denying the request and would not be supporting the approval of the amended PUD.

Hill stated he would not change his position. Hill said that this isn't a perfect PUD, but anytime you have as many entities involved as with this PUD, you won't find perfection. The City has spent close to 4 years in this public process and the real

issue to Hill is, is this amendment in substantial compliance with the original PUD? Hill felt that it was in compliance.

Kohlmeier agreed with Hill's comments. She commented on the parking and window issues for the residential units and told a story about a friend who rented an apartment in the Wareham Apartments, and she was excited about living there, even if it had no parking and no view. Kohlmeier said that the Board is trying to make too many decisions for future residents of the apartments. Kohlmeier also said that a lot of focus is on the corner of 4th and Moro Street, but the bigger picture must be considered when reviewing this proposed amendment. She said that the discussions on this topic have been good, but it is time to move on and continue to grow the development together. Kohlmeier also re-addressed the League of Women Voters perceived conflict of interest by saying that she makes her own decisions based on the facts and the best interest of the town.

Rolley stated that it would be difficult to say that putting a suburban solution in an urban setting is in substantial compliance with the original PUD. She said that she has not seen any indication that the same sort of urban design solutions have been applied to this amendment as were produced for the Town Center Mall. Rolley questioned the livability of the residential spaces along 4th Street, with the truck traffic and noise from the trash compaction and refrigeration units. Rolley said that her comments at the opening of the meeting could be taken as not being even handed, but wanted to remind everyone that her statements were based on the decision that four of the Board members made on December 3rd, 2007. Rolley said that if there any questions about why she does not support the amendment, they can review her opening comments in the meeting minutes.

Hill made a motion to recommend approval of the proposed amendment of the Manhattan Marketplace, Unit Two, a Commercial Planned Unit Development and Ordinance 6544 based on the findings in the Staff Report with the following modifications of the conditions of approval:

1. Remove condition 1, which pertains to the pedestrian scale lighting on the facades of Hy-Vee.
2. Allow the Bed, Bath & Beyond to have a 300 square foot wall sign.
3. Retain condition 3 which requires outdoor seasonal sidewalk sales in front of HyVee shall be conducted in a manner so as to remain ADA compliant and shall not restrict pedestrian movement. The outdoor seasonal storage and sales area in the parking lot and the area of Building G shall be limited to the areas delineated on the site plan and from March 1st to September 15th of each year.
4. Retain condition 4 which requires the front (east) and Moro Street (north) façades of HyVee shall conform to the Design Guideline's 20 % restriction on the percentage of EIFS material.
5. Require landscaping, that was acceptable to the City Commission, between the sidewalk area and outdoor dining area in front of Building H (HyVee).
6. Retain condition 6, which states that all provisions of Ordinance No. 6544 that are not in conflict with this amendment shall remain in force.

Kohlmeier seconded the motion. The motion failed to pass with a vote of 3-3, with Rolley, Ham and Reynard voting against the motion. Cattell stated that a tie vote would be considered a recommendation of denial by Kansas State Statute.

3. REPORTS AND COMMENTS BY BOARD MEMBERS

Rolley asked if there were any reports or comments. Cattell reminded the Board that a schedule of up-coming meeting and agenda items were provided. Rolley reminded the public that the Board will accept additional public comments on the Manhattan Comprehensive Plan, since the original meeting date was held during the days following the December ice storm. With no additional comments, Rolley closed the meeting.

Respectfully submitted,

Chad Bunger, Planner