

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
June 21, 2010
7:00 p.m.

MEMBERS PRESENT: Bill Meredith, Chairperson; Jerry Reynard, Vice-Chair; Stephanie Rolley; and Mike Kratochvil.

MEMBERS ABSENT: Linda Morse; Mike Hill; Nikki Miller.

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Cam Moeller, Planner II; and, Chad Bunger, Planner II.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE FINAL DEVELOPMENT PLAN OF LOT 3, MANHATTAN MARKETPLACE COMMERCIAL PUD FOR A PROPOSED LONGHORNS RESTAURANT AND APPROVE THE FINAL PLAT OF LOT 1, MANHATTAN MARKETPLACE ADDITION, UNIT 3, COMMERCIAL PUD, A REPLAT OF LOT 3, MANHATTAN MARKETPLACE, COMMERCIAL PUD, GENERALLY LOCATED NORTH OF RETAIL PLACE AND WEST OF TUTTLE CREEK BOULEVARD. (APPLICANT: RARE HOSPITALITY OF KANSAS INC. – BRETT MASCHAK / OWNER: DIAL-BB MANHATTAN, LLC – RICHARD KIOLBASA, MANAGER)

Rolley indicated she wanted discussion on the Final Development Plan of Lot 3, Manhattan Marketplace Commercial PUD.

Meredith indicated the item would be moved the end of the General Agenda for discussion.

APPROVE THE FINAL DEVELOPMENT PLAN OF LOTS 7, 8, AND 10 OF THE DOWNTOWN ENTERTAINMENT DISTRICT COMMERCIAL PUD FOR A PARKING LOT (LOT 7), CITY PARK (LOT 8), AND THE DISCOVERY CENTER (LOT 10), ALL OF WHICH ARE GENERALLY LOCATED SOUTH OF PIERRE STREET AND EAST OF S. 3RD STREET. (APPLICANT / OWNER: CITY OF MANHATTAN)

Kratochvil moved that the Planning Board approve the Final Development Plan of Lots 7, 8, and 10 of the Downtown Entertainment District Commercial PUD. Reynard seconded the motion, which passed on a vote of 4-0.

GENERAL AGENDA

A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF THE MANHATTAN ZONING REGULATIONS CONCERNING MODIFYING ARTICLE IV, SECTION 4-112 M-FRO, MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT, INCLUDING PORTIONS OF THE USE LIMITATIONS, COMPATIBILITY STANDARDS, AND DEFINITIONS. (APPLICANT: CITY OF MANHATTAN)

Cattell provided an overview of the Traditional Neighborhood Study and development of the existing M-FRO, Multi-Family Redevelopment Overlay District regulations, indicating that the process included a broad range of stakeholders, and an extended series of meetings from 2001 to 2005, with a number of neighborhood and community associations and community members. The study incorporated research conducted by the College of Architecture, Planning and Design at Kansas State University; as well as extensive analysis of the older neighborhoods conducted by the Community Development Department using census data, county appraisal data, field surveys and development of the Neighborhood Index map. The detailed analysis identified those areas that still had a predominantly single-family character (high neighborhood index) that would benefit from down-zoning and the application of the TNO District, and areas which had changed to such an extent that they are predominantly non-family, rental areas which might benefit from up-zoning to the R-3 District with the M-FRO District, to provide redevelopment opportunities close to the KSU campus.

He explained that the M-FRO District's provisions were developed through extensive community discussion, revision, and compromise between various interest groups to reach a point where they were generally supported by most stakeholders. The original M-FRO District provisions were adopted in July 2003, and the District was then amended to fine-tune some provisions, in October 2005, following further analysis of issues as part of the Aggieville-Campus Edge District Plan.

Cattell said the M-FRO District is designed to ensure that multiple-family infill development is functionally integrated into surrounding areas and compatible with the traditional character of the older neighborhoods in Manhattan. The intent is to provide a framework within which higher density housing can be built, while being sensitive to surrounding neighborhoods and the public streetscape with regard to design and site layout. The M-FRO District incorporates Compatibility Standards, addressing both Site Design and Building Design issues, to promote compatible and sensitive redevelopment and infill projects.

Since implementation of the M-FRO District in 2003, new apartment developments have predominantly consisted of three-story buildings, up to 88 feet wide that are built on two 50-foot wide lots, or in the case of corner lot sites, up to a 115 foot long building constructed on two lots. However, the area has recently seen development of a 230 foot long, three-story apartment building on 5 lots, and a PUD proposal for a three-story building 281 foot long, on 6 lots. The recent shift towards very large buildings (230+

feet) that take up a significant portion of a city block had raised concern on the part of the Planning Board, neighborhood residents, and City Administration that buildings of this size and intensity are inconsistent with the character of the neighborhood and are going beyond what was envisioned as appropriate for the area.

Cattell indicated that City Administration developed a public hearing draft amendment document, to facilitate discussion at the hearing, recognizing that input from the community and Planning Board is needed to further identify issues and other potential revisions before the amendments are finalized.

Cattell and Moeller presented the draft amendments including: adding a limitation on the maximum horizontal building dimension; modifying screening requirements for structured parking; adding provisions regarding the location and placement of exterior mechanical equipment; increasing the parking requirement for new buildings containing 18 or more dwelling units; modifying provisions regarding enclosed garages; expanding the choice of architectural features required to be included on street facing facades; modifying how window area is calculated on street facing facades; modifying provisions regarding roof pitch/design; and modifying or adding several definitions.

Cattell addressed the question if the measurement of density should be changed from dwelling units per net acre, to people per acre. He explained that density is a broad issue that involves all the residential districts in the Zoning Regulations and the residential land use policies within the Comprehensive Plan. Changing how density is quantified and regulated would require extensive policy revisions to the Comprehensive Plan, before changes could be made to the Zoning Regulations. He said the Comprehensive Plan and its fundamental policies, as well as implementation documents like the Zoning Regulations, should provide consistency and a long term perspective, instead of being revised for every change in narrow segments of the housing market. Manhattan, like most cities around the country, quantifies and regulates residential density based on the number of dwelling units per acre.

Because only four members of the Planning Board were present, Cattell indicated that the City was recommending that the Planning Board open the public hearing to initiate discussion, and then adjourn the hearing in order to continue the hearing on a later specified meeting date, to provide additional opportunity for the full Board to discuss issues and alternatives it has identified and to receive additional public input, before finalizing amendments and forwarding a recommendation to the City Commission.

Regarding density, Kratochvil asked if the recent PUD proposal in the M-FRO District had been changed to two bedroom units, would it conform to the M-FRO District. Cattell indicated that it might have; however the concern is that the District currently has no limit on building size.

Kratochvil indicated that he agreed with all of the proposed draft amendments and offered two suggestions. He suggested not allowing parking lots to get direct access onto the alleys, unless the developer is responsible for improving their portion of the alley. He also was glad to see that the Public Works Department was analyzing sanitary sewer

capacity in the redevelopment area to insure they are adequate.

Cattell explained that when the Traditional Neighborhood study was conducted, the Public Works Department conducted mathematical analyses of utility capacities and found them to be adequate. However, the current analyses are based on actual real time measurement of flows with portable meters.

Rolley appreciated the attention to architectural detail in the M-FRO District and the presentation and asked about the broad architectural categories. She asked if the cornerstone treatment that several of the new buildings incorporated was one of the listed architectural features.

Moeller indicated that cornerstones were being incorporated at the developer's discretion.

Rolley said it appeared that some new buildings reflect applied ornamentation, instead of the kind of architectural design characteristics that the standards were striving for. She did not advocate an architectural review board, but suggested a more defined choice of architectural features and architectural form to avoid unauthentic use of cornerstones and keystones, or possibly using a limited pallet that specifies that what is desired is not ornamentation. She preferred to see a butterfly roof, instead of made-up architectural features, and suggested identifying standards that call for authentic use of materials. She said standards like façade variations every 40 feet might not be true to following the structure of how a building is constructed. She suggested it may be a matter of proportion and correct use of materials.

Cattell said putting those concepts into zoning language would be a challenge and any suggestions would be appreciated.

Kratochvil suggested considering percentages to describe wall variations, instead of linear feet. He said some buildings may be overdramatic in use of architectural features, but overall the M-FRO District has improved what is being developed.

Meredith opened the public hearing.

Mary Ann Fleming, 215 S. 8th Street, said the area has come a long way since adoption of the M-FRO District. She agreed that building size needs to be restricted and it was not the intent of the district to have buildings that look like projects found in eastern cities. She said streets should not look like alleys and she supported increased use of screening and orienting garages away from the street, to keep them looking more residential. She agreed with increasing the parking ratio for one bedroom apartments which often have two people and two cars associated with them. She was concerned about what she described as the penitentiary look of some of the larger buildings with flat facades and incorrect use of ornamentation. She said buildings could be more dignified in appearance.

Tim Clark, architect 1431 Poyntz Avenue, indicated that he had designed several projects in the M-FRO District. He suggested getting rid of the design guidelines in the district because it restricts his ability to be creative as a designer, citing controls of setbacks, roof

plain and other items, but little definition of form. Regarding density, he said that people should be allowed to construct as big a building as they want along the east side of the Kansas State University, Aggieville and City Park, citing larger buildings in the area that already exist. He said parking garages will be necessary and will help control density and suggested the City should build a garage in Aggieville. He said the University adds three hundred new students a year and the redevelopment area is the best place for high density housing, close to campus and within walking distance. He said fifty years from now what is being built will likely to be replaced and he was surprised that someone had already assembled almost a full block for a single building. He mentioned that the previous amendment to the M-FRO District had allowed the four foot encroachment into the setback for porches, balconies and other items, which is why the front facades were not as flat as earlier projects. Clark showed slides and described his M-FRO District projects and said there were two additional issues he wanted speak to; roof slope and window area.

Clark indicated there is some history of different roof forms in the city including butterfly roofs located on campus and on a private home. He said he had designed a contemporary four-plex with a butterfly roof following the M-FRO District requirements that had not been built. He said that roof form could be used to create interesting attic living spaces which the building code would allow. He said flat roofs or low slope roofs are not allowed in the M-FRO District; however parapets could hide rooftop mechanical equipment, which creates more space on the ground for landscaping and patios. Regarding window percentages on the front facades, he said the City's proposed amendment to count glass doors towards the required fifteen percent window area is a good change, which would address issues he had to address with a previous building involving the floor plan and structural wall design. He said he was most concerned about the roof slope and window area issues. He also mentioned the proposed revision to require structured parking to be enclosed along major street corridors, might conflict with fire codes that require a certain percentage of structure parking exterior walls to be open.

There were no other public comments.

Rolley moved that the Planning Board adjourn the public hearing on the proposed draft amendments to Article IV, Section 4-112 M-FRO District, of the Manhattan Zoning Regulations, in order to continue the hearing, on July 8, 2010, to provide additional opportunity for public input and Planning Board discussion..

Reynard seconded the motion, which passed on a vote of 4-0.

APPROVE THE FINAL DEVELOPMENT PLAN OF LOT 3, MANHATTAN MARKETPLACE COMMERCIAL PUD FOR A PROPOSED LONGHORNS RESTAURANT AND APPROVE THE FINAL PLAT OF LOT 1, MANHATTAN MARKETPLACE ADDITION, UNIT 3, COMMERCIAL PUD, A REPLAT OF LOT 3, MANHATTAN MARKETPLACE, COMMERCIAL PUD, GENERALLY LOCATED NORTH OF RETAIL PLACE AND WEST OF TUTTLE CREEK BOULEVARD. (APPLICANT: RARE HOSPITALITY OF KANSAS INC. – BRETT

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Meredith reopened the Final Development Plan of Lot 3, Manhattan Marketplace Commercial PUD, which had been moved from the Consent Agenda for discussion.

Rolley asked about landscaping maintenance within the PUD, noting one of the conditions of approval that: “All landscaping and irrigation shall be maintained in good condition”. She asked how that is determined.

Zilkie explained that the Zoning Inspectors coordinate with the City Forester to periodically inspect PUD’s to determine if the landscaping is in good condition or if it is dead, dying or missing and needs to be replaced, and that they notify the owner if any landscaping needs to be replaced.

Rolley expressed concern over the lack of maintenance of the trees within Manhattan Marketplace PUD. She said many trees have dead material that needs to be removed so that the trees have the opportunity to get established.

Rick Kiolbasa, Dial-BB Manhattan, LLC., indicated that they have been having trouble with ash trees being affected by ash bore, resulting in trees breaking off in the wind. He said they have been replacing damaged trees. There had also been overwatering in some areas, so they have now turned over the watering and maintenance of the landscaping to Blueville Nursery to address the problems. He said they may need to remove the ash trees in the future and replace them with a different species.

Rolley appreciated that trees are being replaced, however indicated that other trees in the parking lots are not being pruned and are getting leggy. If they were pruned correctly, they will have a better opportunity to grow and be healthy.

Rolley expressed concern about the orientation of the front of the proposed Longhorns Restaurant facing onto Tuttle Creek Boulevard instead of Retail Place. She said one standard that PUD’s are considered by is the character of the neighborhood, and that a nice pattern was established by McAlister’s Deli which fronts onto the entrance to the development; however Longhorns’ fronts in a different direction towards the highway. She said it is a complex urban design issue of placing a suburban form in an urban setting. Olive Garden fronts onto Bluemont Avenue and lines up with Walgreens, which makes sense. But facing Longhorns towards the highway, instead of following the pattern established by McAlister’s facing the internal street at the entrance to the development, is a critical shift that doesn’t make sense.

Zilkie said he had spoken about this issue with architect that reviews the Downtown Redevelopment plans for the City, and that they had reviewed the Downtown Design Guidelines for the project which indicate that orientation of buildings shall be towards a street. While the original PUD concept had the building in this location facing south, the Design Guidelines for the development do not require buildings to face towards an internal street.

Rolley appreciated attention to the Design Guidelines, but indicated she was referring to basic application of the PUD standards and looking at the big picture context of the PUD's setting regarding the established pattern to orient buildings towards the entrance, which is something that should be considered. She asked if the building could be reoriented towards Retail Place.

Rick Kiolbasa said they looked at a number of different layouts for the site including orienting the building towards Retail Place, but couldn't get the necessary parking to fit on the site. They tried putting an access road in front, similar to Olive Garden, with parking throughout the site, but the only way they ended up with close to enough parking for Longhorns was with the proposed orientation towards the highway. He clarified that Olive Garden also faces the highway, not onto Bluemont Avenue.

Rolley suggested if orientation of Longhorns needed to be addressed, and there are many tracts within the development, perhaps some reconfiguration of the PUD would allow for that reorientation of the building to occur.

Kiolbasa said they looked at many layouts for the site and this was the best configuration.

There being no further comment, Kratochvil moved that the Planning Board approve the Final Development Plan of Lot 3, Manhattan Marketplace, Commercial Planned Unit Development, based on conformance with the approved PUD; and approve the Final Plat of Lot 1, Manhattan Marketplace Addition, Unit 3, Commercial Planned Unit Development, based on conformance with the Manhattan Urban Area Subdivision Regulations.

The motion was seconded by Reynard and passed on a vote of 3-1, with Rolley voting in opposition.

REPORTS AND COMMENTS BY BOARD MEMBERS

There were no reports or comments from the Board or staff.

Respectfully submitted,

Eric Cattell, Assistant Director for Planning