

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
November 5, 2012
7:00 p.m.

MEMBERS PRESENT: Gary Stith, Chairperson; Linda Morse, Vice-Chairperson; Phil Anderson; John Ball; and, Jerry Reynard.

MEMBERS ABSENT: Mike Kratochvil.

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Chad Bunger, Planner II; Lance Evans, Senior Planner; Kevin Credit, Planner; and Rob Ott, City Engineer.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE OCTOBER 15, 2012, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

Morse moved that the Board approve the Consent Agenda. Anderson seconded the motion, which passed on a vote of 5-0.

GENERAL AGENDA

A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED 1845 COLLEGE HEIGHTS RESIDENTIAL PLANNED UNIT DEVELOPMENT, AN APPROXIMATE 1.5 ACRE TRACT OF LAND GENERALLY LOCATED EAST OF SUNSET AVENUE, SOUTH OF COLLEGE HEIGHTS ROAD, AND NORTH OF HUNTING AVENUE, FROM R-2, TWO-FAMILY RESIDENTIAL DISTRICT, AND UO, UNIVERSITY OVERLAY DISTRICT; R-M, FOUR-FAMILY RESIDENTIAL DISTRICT, AND UO, UNIVERSITY OVERLAY DISTRICT; AND, R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT, AND UO, UNIVERSITY OVERLAY DISTRICT, TO PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT. (APPLICANT: ELSEY PARTNERS LLC - CHRIS ELSEY/OWNERS: RUBY A. WEIK TRUST; BRUCE L. AND NANCY C. ARNOLD TRUST; JOSEPH G. SEXTON; JOHN L. AND VIRGINIA L. COLBERT; LB RENTALS; WALTER J. AND DOROTHY L. PESARESI TRUST; AND, ARTHUR E. AND DORIS SCHUMANN)

Zilkie presented the staff report and recommended denial.

Stith opened the public hearing.

Gwyn Riffel, 1117 Hylton Heights Road, and owner of 1000 Sunset Avenue located to the north of the proposed PUD, said his family has been involved in real estate for 40 years and he has never seen anything with the proposed density. The proposed PUD is appropriate in an urban setting but not a suburban setting. He described the types of dwellings in the area. He said the building he built to the north was designed in scale with the neighborhood. The proposed PUD is not in harmony with anything done in the neighborhood. He said the density is of such nature that it would cause severe damage to the properties in the neighborhood. He mentioned the issues he described in his letter and requested the Board deny the application

Dan Enochs, 1839 Hunting Avenue, said he lived at the address and there is a small group of about five households that live on Hunting, and all are opposed. He said he was opposed due to the size and scale of the PUD. He said Riffel's building is appropriate for the neighborhood. He said the PUD is not in scale. He mentioned a new dorm is going in between Goodnow and Marlatt Hall and may be a little biased as he works for Housing at KSU. Jardine is also continuing and with all that there is still a lack of housing in Manhattan. Even with all that let's develop in a smart way. Think about what you are doing. He said scale it down and build another down the road.

Doug Denning, 815 Sunset Avenue, said he and his wife live in a residential tree lined area. The density is too great. With 300 students additional traffic will be added with friends and family. Because there is no shopping nearby additional driving will add to the traffic. The increase in density from 40% to 85% is drastic. He is also concerned about losing a quality of life even though they are near the university. He asked if the applicant was going to buy the Kappa Sigma house and, if the PUD is denied, would they propose to build somewhere else.

David T. MacFarland, 2030 Hunting Avenue, agreed with others concerns about the incredible density. He said he use to walk down Hunting to KSU as a professor, and on rainy days the east end of Hunting flooded. He didn't hear there would be any mitigation to the problem and wondered if the lower parking level would flood. He asked how many people would be displaced and replaced with a huge number of people and cars. The facades and setback are not in character. There should be landscaping and there is too much crammed on too small a site.

Mark Knackendoffel, 726 Sunset Avenue, said he's two blocks south of the site and the Board has heard many comments about the inappropriateness of the PUD for the neighborhood and asked the Board to follow its principles, such as sensitivity. He asked the Board to follow its rules.

Rodney Franz, 2000 Thackery, said his neighborhood takes pride in its area and the PUD does not fit and asked the Board to follow its principles and deny the project.

Tom Abbott, 4001 Marlatt Avenue, owns the property to the immediate east, and was concerned about the height and the impact the height would have on his tenants with only a ten foot setback.

Drew Riffel, 1847 Hunting Avenue, directly south of the project, said the size and density don't fit but duplexes and townhomes may.

Sharon Reilly, 2024 Thackery, said the area is a big neighborhood and the existing homes have been there a long time and asked the Board to respect the neighborhood.

David McNamara, 825 Harris, said the immense building would forever destroy the large mainly owner occupied neighborhood for blocks around. He said there already problems with two landlords with over occupancy: 1941 Montgomery, 825 Harris, 700 Lee Street, 1910 Montgomery and 700 Harris Avenue. He said the building and anything like it should not be built in the area.

Eileen Koehn, 2008 Thackery, said when she and her husband made an investment in the neighborhood they expected it to stay that way. She said the traffic is very heavy on the streets at 5 o'clock and asked the Board to deny the project.

Stith closed the public hearing and asked the applicant to speak.

Chris Elsey said he resided at 2052 Hunting, and presented a PowerPoint. He said Elsey Partners has three companies under the partnership, PrimeDesign, PrimeBuilt, and PrimePlace and student housing is what they do. To date, they have built about 450 beds, mostly in the M-FRO District. They have gone through several PUDs. What drives their strategy is walkability. To do that density has to be created if it's in the right place. He said they provide parking structures. They attempted that in the M-FRO but it was denied. He believed parking structures were originally allowed but no longer. He said that led them to pursue projects in other communities. A project in Stillwater is valued at \$13 million dollars. He said they went to Stillwater because they bought some land on Moro Street and felt that the Planning staff changed the rules while they were playing the game.

He said it's difficult to build anything in Manhattan with a parking structure and that is what they want to do and the site is the most appropriate location for a parking structure. A parking structure requires that density go up. He said a parking structure is more attractive than a surface parking lot. He described the neighborhood as a rental neighborhood. He said that to preserve the neighborhood to the southwest then high density student housing should be provided within walking distance.

Elsey presented a 3D sketch of the project. He felt the proposed 55 foot height is ok and is being built in the M-FRO District. He said a lot of the proposed units are one bedroom because that is the way the market has gone and people want privacy. He described the parking demand analysis in their application documents. He said the conversion of single family homes has led to parking problems due to four cars per lot because the community has not met the demand for high density one bedroom units. He then described density in terms of bedrooms per acre versus dwelling units per acre and what they could do by right. He said Manhattan like other communities defines density based on units per acre rather than people per acre, which is the issue. He said Strasser Village is a precedent to allow high density housing near single family dwellings, but they don't want to build downtown because they want students to walk to KSU

Elsey showed a picture of a zero lot line building in Stillwater, which to him looked better than a three story apartment with surface parking.

He said their proposed project would have an approximate assessed value of \$26-\$28 million dollars and generate about \$360,000 in annual property taxes. He said it's either their project or three-story structure with surface parking in the M-FRO or on Scenic Drive.

He showed elevations of buildings that had been approved in Stillwater, Oklahoma and other buildings in various college towns, saying those communities embraced similar projects. He asked the Planning Board to approve the proposed PUD, compared to how things have always been done.

Morse asked Elsey how the parking ratio was determined. Elsey said it was based on their study and staff's agreement that adequate parking was provided.

Anderson said he agreed with Elsey's approach in terms of walking, but that the other examples of buildings in other cities looked urban and the proposal was out of scale.

Elsey said that was incorrect. The area has changed and the university has grown. He said the Stillwater project is near single family and doesn't destroy the neighborhood. The proposed PUD is in a rental area.

Anderson responded that the rules have to change first, which hasn't been decided, before considering a project at this proposed scale. Elsey asked who decides what the rules are and was told that ultimately the City Commission decides but the Planning Board is also involved.

Stith said a lot of the concepts are good ideas, if applied in the right place. The proposed project appears to have a floor area ratio of about four in a city where he previously worked, Silver Springs Maryland, which is a very urban area. He said Elsey is asking the planning Board to ignore the Comprehensive Plan, zoning requirements, and character of the neighborhood, which is in transition but nothing like the proposal. Stith said the Board couldn't recommend the proposal that ignores so much, but that it raised a number of issues that need to be discussed with the Comprehensive Plan update.

Elsey asked Stith if the proposed PUD was built, wouldn't it be successful? Stith said it could probably be filled, but that isn't the question. The questions are what the impacts are on the community, the road system and infrastructure.

Elsey said those things have been adequately addressed and Stith responded that the Public Works and Planning staff, and neighbors do not think the issues have been adequately addressed.

Elsey asked what they would propose for the area. Stith said a nice project could fit in, if it met the Comprehensive Plan and Zoning Regulations.

Elsey said he can't spend a million and a half dollars on land and build a two story building. Stith said the value of the land should have been based on the capacity of the

land for development and Elsey knew what that was, based on the Comprehensive Plan and the zoning, so you paid too much, which is not the Board's or neighborhood's fault.

Elsey showed the Board a schematic of a conceptual apartment building on the site and said they could build it right now, by right.

Cattell described the current zoning of the site, which is R-2, R-3, and R-M, and indicated that the applicant's claim of what could currently be built by right on the site was not correct.

Elsey asked if staff wasn't proposing high density on the site.

Cattell responded that the site is not shown for high density. He said an update of the Comprehensive Plan is scheduled and could include discussion about what areas might be appropriate for high rise development on the west side of campus.

Ball said he was a supporter of commercial development when it is proposed, but the purpose of zoning and planning is to get the right development at the right time and in the right place. He said it was a great development at the wrong location. He said they should continue to look for a location and understood the cost relationship between high density and structured parking. He said the density is not consistent with the character of the neighborhood. He said the project may not stress the street and infrastructure now, but sees problems in the future. He said the size and scale of the project isn't consistent with the neighborhood as well as the lack of setbacks in the area. He said he walked the area to try and envision it and decided it wasn't in character with the area.

Morse said the development is overly intense but the immediate area has deteriorated and improvement is needed, but that doesn't mean the leap should be from one density to another. She thought there should be more landscaping and balanced, and not just built to the curb. She understood they are trying to maximize their investment but she is looking to what is best for the community. Because the site is near the University it needs to be one of the major pieces as the Board pursues an update of the Comprehensive Plan for the whole community. She said there is a public input meeting on December 3rd for the annual review of the Comprehensive Plan. Morse said the applicant has raised some issues about density, but the problem, to her, is the scale of the project.

Ball moved that the Planning Board recommend denial of the of the proposed rezoning of the 1845 College Heights Residential Planned Unit Development from R-2, Two-Family Residential District, and UO, University Overlay District; R-M, Four-Family Residential District, and UO, University Overlay District; and, R-3, Multiple-Family Residential District, and UO, University Overlay District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report.

Reynard seconded the motion, which passed on a vote of 5-0.

Stith recommended the public provide the City Commission the same testimony at first reading of the ordinance on November 20th.

The Board took a five minute break.

A PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT (PRELIMINARY PLAT AND FINAL PLAT) OF COUNTRYSIDE ESTATES ADDITION, GENERALLY LOCATED EAST OF CASEMENT ROAD AND SOUTH OF KNOX LANE. THE CONCURRENT PLAT IS PROPOSED TO CREATE TWO (2) LOTS. (APPLICANT: PATRICIA BORN/OWNERS: COUNTRYSIDE PARKS, LLC – TIM NIKOLAEV AND PATRICIA J. BORN TRUST)

Bunger presented the staff report and recommended approval of the Concurrent Plat.

Stith asked about not platting the interior right-of-way because the drives are private and the lots are not platted because they are not lots. Bunger confirmed both. Stith also asked about the flood plain issue and Bunger described the elevation requirements.

Stith opened the public hearing.

Tim Schultz said he grew up in the area and it has not been prone to flooding, except in 1993 when the flow from the lake was dramatically increased.

No one else spoke.

Stith closed the public hearing.

Morse commented that this seems to be a minimal issue to clarify property lines and platting gives the property definition. She also spoke about fire hydrants, which Bunger said was reviewed by Fire Services, who were comfortable with fire protection for the site, but were more concerned with the site northeast of Knox Lane. It was also noted that sidewalks adjoin the site and are adequate. Morse noted a sidewalk to the Northeast Community Park was needed.

Reynard moved that the Planning Board approve the Preliminary and Final Plats of Countryside Estates Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations.

Ball seconded the motion, which passed on a vote of 5-0.

A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF HIGHLAND MEADOWS ADDITION, UNIT SEVEN, AN APPROXIMATE 16.6-ACRE TRACT OF LAND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF THE SOUTHERN PORTION OF HIGHLAND RIDGE DRIVE AND N. SCENIC DRIVE. THE PRELIMINARY PLAT IS PROPOSED TO CREATE 29 SINGLE-FAMILY RESIDENTIAL LOTS AND 28 SINGLE-FAMILY ATTACHED RESIDENTIAL LOTS. (APPLICANT/OWNER: HM LAND COMPANY, LLC- TIM SCHULTZ)

A PUBLIC HEARING TO CONSIDER THE REZONING OF AN APPROXIMATE 4.61 ACRE TRACT OF LAND IN THE PROPOSED

HIGHLAND MEADOWS ADDITION, UNIT SEVEN, GENERALLY LOCATED NORTHWEST OF THE SOUTHERN INTERSECTION OF HIGHLAND RIDGE DRIVE AND N. SCENIC DRIVE, FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO R-2, TWO-FAMILY RESIDENTIAL DISTRICT. (APPLICANT/OWNER: HM LAND COMPANY, LLC- TIM SCHULTZ)

Zilkie presented the staff report for the rezoning and preliminary plat and recommended approval of the rezoning and approval of the plat with conditions.

Stith opened the public hearing. No one spoke.

Stith closed the public hearing.

Stith asked about sidewalks on Scenic Drive.

Ott explained the problem with sidewalks on Scenic Drive and lack of curbs and underground storm water improvements, combined with higher speed limits, clear zone requirements from the shoulder are a problem.

In response to a comment regarding storm water requirements, Ott said the details of storm water requirements are worked about in the design phase and the developer will not be allowed to begin construction until those issues are addressed.

Anderson asked Ott if the development would impact Wildcat Creek. Ott said the release rate from the site will be the same for pre and post development. Ott said he will be asking the developer to look at the release rate into the creek with the final design of the detention basin.

Ball moved that the Planning Board recommend approval of the proposed rezoning of a 4.61 acre tract of land in proposed Highland Meadows, Unit Seven, from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, based on the findings in the Staff Report.

Reynard seconded the motion, which passed on a vote of 5-0.

Morse moved that the Planning Board approve the Preliminary Plat of Highland Meadows Addition, Unit Seven, with the following two conditions of approval, based on the findings in the Staff Report:

1. The Preliminary Plat of Highland Meadows Addition, Unit Seven, is subject to approval of the rezoning of the eastern portion, generally Lots 30A through 43B, in Preliminary Plat of Highland Meadows Addition, Unit Seven, from R-1, Single-Family Residential District to R-2, Two-Family Residential District.
2. A covenant between the City and owner concerning, but not limited to, the maintenance and repair of drainage easements, improvements and the detention basin shall be reviewed and approved by the City and shall be filed with the Final Plat.

Anderson seconded the motion, which passed on a vote of 5-0.

REPORTS AND COMMENTS BY BOARD MEMBERS

Stith said the Board would not meet on November 19th.

Morse said the annual review of the Comprehensive Plan is on the Board's December 3rd meeting and is the perfect time for public input about development issues, concerns, or complements about the Plan.

Anderson said he's given each Board member a copy of a resolution to be sent to the City Commission. The resolution establishes the Board's jurisdiction on making recommendations to the City Commission and the resolution is about public transportation.

He said he'd been at a public presentation today and the ATA Director, Ann Smith, and she spoke about the tremendous growth in public transportation in the City. He said she is waiting for is to be able to put up the signage around the City, which requires the City Commission to provide the right-of-way on public property and would not cost the City much money at all, if any.

The resolution urges the City Commission to more expediently provide the right-of-way so the ATA bus system can put up adequate signage so that people know where the bus stops are, and people that don't necessarily know about public transportation may become more informed. He said the Board may want to continue this until December 3rd if Board members need more time to think about it.

There was no discussion to wait until December 3rd.

Anderson moved that the Board send the enclosed resolution from the Manhattan Urban Area Planning Board to the Manhattan City Commission. Reynard seconded the motion.

Morse said Countryside Mobile Home Court and the larger area are near the Adult Learning Center at Casement Road and Knox Lane and other than observing the bus going through the parking lot there is no way to know that there is a bus stop. She related an example of someone in the mobile home park who has no choice but to use the bus and has no access to the Internet to get information about the bus. It is an example of people in a low income area that are dependent upon the bus system. She said calling attention to the bus stop locations is the purpose of the resolution.

Ball said he can't support the motion and was at the City Commission meeting, whom the Board advises, when they voted and settled the issue. He thought it was inappropriate for the Board to bring the issue back up. Even with that, he doesn't believe there is a demand even though people say there is. He said he has been asked why there are empty buses driving around the City and explained that it is at someone else's expense and not the City's. He said if there was a demand it would be done commercially because there would be a profit to be made. He said what he understood the motion to be is to recommend City subsidized transportation, which is different than public transportation. He said he had difficulty supporting a City subsidized bus route because there are no funds allocated for a fixed route under City funds and there's no funding stream for it. He

said the City is currently \$290,000,000 in debt He the spoke about the City debt and proposed half cent sales tax and if it fails property owners' property taxes will be significantly raised. If it doesn't fail there will be a much more minor rise property tax but it's still going to rise. With the City going into debt at \$900,000 to one million dollars per month, at some point elected officials have to balance income inflow with outflow so debt does not continue to increase. He said these are four reasons he cannot support the Board going back to the Commission on the issue.

Anderson said the ridership in 2007 was about 20,000 and this year as of the end of October, there were about 120,000 riders most of whom, according to Ann Smith, use public transportation to go to work. He said this is an economic issue and people that go to work pay taxes. The rest of the responses can wait until the next Commission race.

In response, Ball said public transportation for people to get to work, if they pay to get to work, then that's the whole purpose of going to work. What is being asked is for the taxpayers to subsidize them going to work, and if that is the will of the people to prioritize that over city staff, police and fire, then he can understand it. It's a matter of priorities. He said he's not averse to providing a safety net for those that need it but you cannot continue to spend more than you balance the book on.

Stith said the resolution isn't to underwrite public transportation but to allow the posting of signs in the public right-of-way by ATA and not the City. He said it's hard to increase ridership without signs identifying the stops, times and routes.

Ball said he thought the Commission had answered the question and it was inappropriate for the Board to raise the issue. He said he respectfully disagrees with what the Board is attempting to do.

On a vote the motion passed, 4-1, with Ball opposed.

Stith mentioned KSU will hold Campus Master Plan meetings this week. Morse said that with the City's annual Plan review, the University's Plan may be forthcoming because the Board doesn't hear from the University.

There were no other comments and the meeting was adjourned.

Respectfully submitted,

Steve Zilkie, Senior Planner