

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
July 6, 2015
7:00 p.m.

MEMBERS PRESENT: Phil Anderson, Chairperson; John Ball Vice-Chairperson; Jerry Reynard; Ron Hageman; and Katie Stunkel.

MEMBERS ABSENT: Neil Parikh; Gary Stith

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Chad Bunger, Senior Planner; Lance Evans, Senior Planner; Chase Johnson, Planner; and Ben Chmiel, Planner; Monty Wedel, Riley County Planning and Special Projects Director.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE JUNE 15, 2015, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

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

GENERAL AGENDA

A PUBLIC HEARING TO CONSIDER REZONING 1011 THURSTON STREET, 1015 THURSTON STREET AND 1017 THURSTON STREET, A HALF-ACRE SITE FROM R-2, TWO-FAMILY RESIDENTIAL DISTRICT WITH TNO, TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT TO R-3/M-FRO, MULTIPLE-FAMILY RESIDENTIAL DISTRICT WITH MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT. (APPLICANT/OWNER: ROB GOODE AND JERRY GOODE)

Bunger presented the staff report and recommended approval.

Anderson asked if this site was the farthest east that the M-FRO District extended.

Bunger said that along Thurston it is, but Kearney and areas to the south extend to 9th Street. The Comprehensive Plan follows the same outline.

Anderson commented on Bunger's statement about city actions to address the issue of gravel alleys in this area and how important it is to get them paved for larger housing

developments.

Anderson opened the public hearing.

No one spoke.

Anderson closed the public hearing.

Ball asked the applicant if he had considered making any improvements to the alley.

Tom Dillon, applicant, stated that the issue had come up in meetings with City staff. He said he would like to participate in improvements to the alley; however it involves agreement from other owners on the alley and is not strictly up to us.

Bunger added that the property owner only has ownership of half of the alley, so a comprehensive action would be better for the improvement.

Ball moved that the Planning Board recommend the approval of the 1011, 1015 and 1017 Thurston Street from R-2, Two-Family Residential District with TNO, Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report.

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

AUTHORIZE CITY ADMINISTRATION TO INITIATE THE REZONING PROCESS, PURSUANT TO SECTION 15-102 OF THE ZONING REGULATIONS, FOR IMPLEMENTING THE UP-ZONING OF THE ELAINE DRIVE AREA, TO R-3, MULTI-FAMILY RESIDENTIAL DISTRICT, GENERALLY LOCATED ALONG THE NORTH SIDE OF TODD ROAD BETWEEN DENISON AVENUE AND ELAINE DRIVE AND INCLUDING ALL LOTS ABUTTING BOTH SIDES OF ELAINE DRIVE; AND UP-ZONING THE EASTERN PORTION OF HUNTING AVENUE, TO R-3/UO, MULTI-FAMILY RESIDENTIAL DISTRICT WITH UNIVERSITY OVERLAY, CONSISTING OF THE 20 LOTS LOCATED ALONG BOTH SIDES OF HUNTING AVENUE STARTING APPROXIMATELY 140 FEET EAST OF SUNSET AVENUE AND EXTENDING EASTWARD TO DENISON AVENUE; ALL PURSUANT TO AND IN COMPLIANCE WITH THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN, DATED MARCH 2015, ORDINANCE NO. 7131, AS AUTHORIZED BY K.S.A. 2014 SUPP. 12-757, ET. SEQ.

Evans presented the staff report and recommended that the Planning Board authorize City Administration to initiate the rezoning process, pursuant the Zoning Regulations, for implementing the R-3, Multi-Family Residential District generally located north of Todd Road and along Elaine Drive, and along the identified portion of Hunting Avenue, pursuant to and in compliance with the Manhattan Urban Area Comprehensive Plan.

Stunkel asked what some of the concerns from the neighborhood meeting were.

Evans said there were questions about the zoning process, why it was happening, parking ratios, traffic patterns and building heights. He said some questions/concerns could have stemmed from the previous PUD proposal in the neighborhood for a very large apartment building that was not approved. The density of the proposed R-3 rezoning would be much less than the PUD proposal, at about 40 units per acre, compared to 80 -100 units per acre in the previous PUD.

Anderson asked for explanation of the process for this rezoning the area.

Evans explained that it would be a rezoning application sponsored by the Planning Board on behalf of the City, because it is an area consisting of multiple lots and a larger area than a sign property site. This eliminates the difficulty of having multiple lots and property owners trying to coordinate on an application. The City has identified the rezoning of the two proposed areas as a goal in the Comprehensive Plan and the Planning Board has the authority to authorize initiation of the rezoning process.

Anderson opened the floor for public comment.

Rodney Franz, 2000 Thackery, said he has owned his home for 40 years. He expressed his disapproval of the rezoning saying it was not unanimous that citizens want this rezoning. He was concerned about: existing traffic congestion in the neighborhood, saying traffic often backs up on Sunset Avenue for several blocks north of Anderson Avenue. He was concerned about the condition of the older existing infrastructure and parking issues. He thought it would disrupt the current neighborhood, and does not want the higher density encroaching westward into his neighborhood.

Doug Denning, 815 Sunset Avenue, said he had many of the same concerns as Mr. Franz and that this would have an impact on the residential feel of the neighborhood. He asked the Planning Board to table the item or consider it further in future proceedings.

Theresa Hinrichs, owner of 826 Sunset Avenue, mentioned a letter she sent the City on behalf of her property and the adjacent property to the east at 1855 Hunting Avenue, requesting those two properties be included in the rezoning boundary. The three sides around those properties already have multi-family units or parking lots. She said she would like to be included in the rezoning now, rather than later and asked for more consideration on the boundaries and the timeline for inclusion.

Anderson asked if Hinrichs was included in the process.

Hinrichs said she spoke to the Eric Cattell, after hearing about the rezoning proposal, who suggested she send in the letter expressing their interest in being included in the rezoning.

Kevin Bryant, co-owner of 1855 Hunting Avenue, explained the existing land uses around the two properties which is why he wanted to be included in the rezoning. He suggested that design restrictions similar to the M-FRO standards east of campus, be placed on this rezoning area on the west side of campus.

Darrell Bryant, co-owner of 1855 Hunting Avenue, said that by not including his property and 826 Sunset, given the surrounding land uses, would devalue the two properties because they would not be able to develop it and no one would want to live there in a single family home.

With no one else wanting to speak, Anderson closed the floor for public comment.

Stunkel said the proposed rezoning area was identified in the approved Comprehensive Plan in March 2015. She asked for clarification on the rezoning process and that the City was not taking the properties and that property owners would still have a choice for what happens on their property through negotiations with developers that may want to build in that area.

Evans said that was correct, the city was not condemning property. The zoning designation would change to establish the long term vision and direction for the area.

Stunkel said she understood the request for the expanded area but thought the two areas identified in the Comprehensive Plan should be addressed first.

Ball said the Board could make a possible motion to ask City Administration to evaluate adding those two additional properties in light of infrastructure limitations in the area, and to make a recommendation on the properties that wished to be included. He said adding more acres to the infrastructure might pose a problem, but just two lots might not be an issue.

Cattell indicated that the City Administration's recommendation is to authorize what is shown in the Comprehensive Plan that was identified through the 15-month process with numerous opportunities for public engagement. The boundary for this rezoning was determined through that public process. With regard to the addition of the two additional properties, they could be considered later on if the Board wanted additional study, or the Board could instruct the City to add them. He said the city was concerned about adding the two lots because that is not what was seen during the planning process. He explained the public notice process for rezoning. Cattell identified four options: Authorize initiating the rezoning process for the areas identified and recommended in the Comprehensive Plan; Do not authorize any rezoning and provide additional instructions; Authorize the rezoning including the two additional lots; or, Authorize the rezoning as recommended by City Administration and provide direction on the timing of further study of the additional lots with the involvement of the Thackery and Montgomery neighborhoods.

Ball said he was inclined to add the properties, based on the rational arguments of the property owners, there isn't much of a buffer zone provided by the two lots.

Reynard said to expand the area to include the lots.

Stunkel was concerned with the process and addition of the other properties; and that the neighboring property owners would not have a chance to have their say.

Ball said they will still receive notice of the hearing.

Evans explained that the neighbors of the original lots and the additional lots will be notified of the public hearing process. He explained that the Board can rezone less area than what gets advertised and lots can be removed, but the Board cannot rezone more than what is advertised.

Anderson asked if those two lots were included in the Comprehensive Plan.

Evans said they were not identified as part of the area to be rezoned in the Comprehensive Plan process.

Ball said during the implementation phase of the Comprehensive Plan he expected some refinements could be made and there will still be due process and people will still get notice and have the opportunity to discuss it within the public hearing process with both the Planning Board and the City Commission.

Anderson agreed with Ball, that the properties should be included now.

Ball moved that the Planning Board authorize initiation of the rezoning process, pursuant to Section 15-102 of the Manhattan Zoning Regulations, for implementing the R-3, Multi-Family Residential District, in the two identified areas generally located north of Todd Road and along Elaine Drive, and along the identified eastern portion of Hunting Avenue, pursuant to and in compliance with the Manhattan Urban Area Comprehensive Plan, dated March 2015, Ordinance No. 7131, as authorized by Kansas Statute; with the addition of the two lots located at 826 Sunset Avenue and 1855 Hunting Avenue; and,

Direct City Administration to:

- a) Finalize applications based upon this action of the Manhattan Urban Area Planning Board, and showing the MUAPB as the applicant;
- b) Establish dates at which the public hearings can be conducted upon such applications; and,
- c) Provide the appropriate notice of such public hearings as required by law.

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

Reynard asked if there was any way to change the notification buffer of 200 feet to make it larger.

Cattell cautioned the Board about doing public notice differently. He said the 200 feet is what is in the State statute which could raise problems if people outside of the 200 foot zone wanted to protest. He explained that this is why the early notification process through the City's InTouch system on the web site was created, as well as the

Neighborhood meeting process which provides much earlier notification that the statutory notice.

Reynard encouraged the public to sign up on the InTouch system.

WORK SESSION

PRESETATION AND DISCUSSION OF EXTENDING THE NATIVE STONE SCENIC BYWAY INTO RILEY COUNTY

Monty Wedel explained the Native Stone Scenic Byway Committee approached the Riley County Board of Commissioners about extending the byway through Riley County. The Board specifically requested him to bring this matter to the Manhattan Urban Area Planning Board to determine any potential impacts on development and would the designation be compatible with newly adopted Manhattan Urban Area Comprehensive Plan.

Mr. Wedel said if the designation is approved, billboards would not be permitted by federal law in a scenic byway. He said there are representatives from the Committee, the State and a sign company in attendance but reminded everyone that this is a work session, not a public hearing.

Phil Anderson asked if the existing billboards would have to be removed.

Monty replied existing billboards would be grandfathered, but subject to the nonconforming regulations. He said the boards can be maintained but if it becomes damaged 50% or more it can't be reestablished.

Sue Stringer with the Kansas Department of Wildlife Parks and Tourism stated she manages the Kansas Byway and the Kansas Agritourism programs. The byway program is very important to the strategic plan and overall tourism. She said the Discovery Center has a fabulous story to tell about the tallgrass prairie and would like one of the byways to connect with it. She said off-premise billboards wouldn't be allowed.

Marsha Erickson with the Native Stone Scenic Byway Committee stated that the Wabaunsee County Commissioners have approved extending the byway to the town of Wabaunsee. She stated the byway would really like to take in the Konza Prairie.

Bart Thomas with Thomas Outdoor Advertising said byways limit towns from advertising their businesses, services, activities and cautioned the Board. He sees byways as detrimental.

John Ball stated he read the letter received from Mr. Thomas and understands his concerns. He stated we don't want K177 to be billboard sign after billboard sign.

Bart Thomas said it can't happen. He worked on the 2006 State Legislature Committee that helped write the state rules that exist right now. He said the reason the rules were rewritten is because of Grandview Plaza.

Bart Thomas said Manhattan exists 8.5 to 9 miles off the interstate which has been a dilemma for a long time. He said we strive to get the people who drive through our state to stop in Manhattan and that is what billboards do.

Ron Hageman asked about the zip line park and how it will be advertised.

Bart Thomas said it would have to be an awfully big on-premise sign to be seen from 177 and currently he can't put an off-premise sign for the zip line along the highway.

Phil Anderson said when he travels he uses his Garmin to find businesses. He asked Mr. Thomas if this is affecting outdoor business advertising.

Bart replied outdoor advertising is still very strong.

Sally Stratton, President of the Native Stone Scenic Byway Committee, said by extending our byway to 177 we will be able to put signage up advertising it as a scenic byway. The committee encourages economic development in all communities along and adjacent to the byway.

Layton Thomas with Thomas Outdoor Advertising said Council Grove has advertising signs along 177. Billboards are very strong and very vital to communities.

Monty Wedel said he will verify with several Chamber of Commerce's to find out how scenic byways have impacted economic development.

John Ball said he has no objection of extending the byway through K18 but the real question is the inclusion of 177. We already have restrictions along 177 and then a more restrictive overlay on top, I don't think it's a good idea.

Monty Wedel suggested going back to what the Board of County Commissioners asked, would the byway be in conflict with development proposed in the Manhattan Urban Area Comprehensive Plan?

John Ball said to put more restrictive controls in place and once we do that then it becomes outside of our ability to influence or make adjustments.

Monty Wedel said it would affect billboard signs but not zoning.

John Ball said it is basically marking businesses that may not be directly adjacent to 177.

Phil Anderson asked if a sign can be erected along 177 and the Konza Prairie now.

Monty Wedel said current regulations don't allow off-premise advertising in commercial districts unless it is a planned unit development or industrial. There isn't any industrial zoning in that corridor nor is there any planned.

Ron Hageman said if their comments go to the Commission the Board doesn't need to act on this issue. He said he thinks it's a great idea because we want to promote what we have here. However, in the future it could become an issue of development along the corridor.

Jerry Reynard said he doesn't think it will hurt the development of Manhattan at all. There are so many things going on that there isn't anything going to slow down or stop what is going to happen to Manhattan in the next 10-15 years. He asked how many have smart phones and you have everything you need right there. He said he doesn't think anyone needs billboards. He stated he is very much in favor of the byway.

Katie Stunkel said she loves the Konza and the Discovery Center needs more attention. She stated she is supportive of the byway.

Phil Anderson said he lived in Vermont when they banned outdoor advertising and put a lot of sign companies out of business. He said he is all for the scenery but is conflicted regarding the byway.

REPORTS AND COMMENTS BY BOARD MEMBERS

Cattell mentioned the upcoming meetings including the July 20th Planning Board meeting to discuss the broad concepts for the draft Urban Core Residential District.

Bunger announced that the City of Manhattan along with Riley County and the State of Kansas have moved on to the second phase of a 35 million dollar HUD Grant to address flood mitigation issues for Wildcat Creek. Ball asked if it would resolve all the issues, Bunger said that while there will always be issues the grant would help.

Anderson suggested that the three Thurston properties the Board considered rezoning tonight had fallen into disrepair and will now be taken down. Given the need for affordable housing and the 60% rental rate in Manhattan, he urged the community to take more initiative in protecting and maintaining older existing rental properties to maintain more of the existing affordable housing stock. He cited page 91 of the Comprehensive Plan which addressed the issue of stabilizing and preserving affordable housing as well as code enforcement. He said he may bring a proposal to the Board to consider, to impress upon the City Commission the need for active enforcement of codes.

Ball said that affordable housing is impacted by increases in property taxes. It makes properties more valuable and rents go up. The city has approved zoning with affordable housing and contractors have built it. Rental as an industry in the city needs to be looked at on how to improve the quality of life.

Stunkel said the low minimum wage for young adults and families also contributes to the housing affordability problem, not just property taxes.

Anderson adjourned the meeting.

Respectfully submitted,

Amelia Lewis, Planning Intern

Lisa Daily, Administrative Assistant, Riley County Planning & Development