

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**January 4, 2016**  
**7:00 p.m.**

**MEMBERS PRESENT:** John Ball, Chairperson; Ron Hageman, Vice-Chairperson; Phil Anderson; Gary Stith; Neil Parikh; Jerry Reynard; Debbie Nuss.

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Chad Bunger, Senior Planner; and Lance Evans, Senior Planner.

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

**APPROVE THE MINUTES OF THE DECEMBER 7, 2015, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

**APPROVE THE FINAL PLAT OF SHERLEY PLACE ADDITION, 3308 ANDERSON AVENUE, WHICH IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF ANDERSON AVENUE AND MEADOWBROOK LANE. (APPLICANT/OWNERS: ROBERT SHIVLEY & MARLENE IRVINE).**

**APPROVE THE FINAL PLAT OF INTERLACHEN ADDITION, UNIT THREE, GENERALLY LOCATED ON THE WEST SIDE OF VANESTA DRIVE AND IS APPROXIMATELY 700 FEET NORTH OF THE INTERSECTION OF VANESTA PLACE AND VANESTA DRIVE. (APPLICANT SMH CONSULTANTS – JEFF HANCOCK OWNERS: FIELDHOUSE DEVELOPMENT, INC. – ZAC BURTON)**

**APPROVE THE FINAL PLAT OF GRANDE BLUFFS AT MILL POINTE ADDITION, UNIT FOUR, GENERALLY LOCATED 165 FEET SOUTHEAST OF THE INTERSECTION OF LEONE RIDGE DRIVE AND GRANDE BLUFFS COURT (APPLICANT/OWNERS: MILL POINTE LAND COMPANY – TIM SCHULTZ)**

Stith moved that the Board approve the Consent Agenda. Reynard seconded the motion, which passed on a vote of 6-0-1, with Nuss abstaining.

**GENERAL AGENDA**

**TABLE THE PUBLIC HEARING TO CONSIDER AMENDING THE MANHATTAN ZONING REGULATIONS, ARTICLE VI, SIGN REGULATIONS, TO DEFINE AND ALLOW TRI-VISION BILLBOARDS AS A PERMITTED TYPE OF OFF-PREMISE SIGN. (APPLICANT/OWNERS: THOMAS OUTDOOR ADVERTISING INC. – BART THOMAS)**

Stith moved that the Board table the public hearing to the January 21, 2016, Planning Board meeting. Reynard seconded the motion, which passed on a vote of 7-0.

**TABLE THE PUBLIC HEARING TO CONSIDER AMENDING ORDINANCE NOS. 6730, 6915 AND 7008 OF THE PENNY'S CONCRETE INDUSTRIAL PLANNED UNIT DEVELOPMENT TO ACCOMMODATE AN EXISTING "TRI-VISION" OFF-SITE ADVERTISING (BILLBOARD) SIGN ON LOT 3, PENNY'S ADDITION, UNIT TWO (APPLICANT/OWNER: THOMAS OUTDOOR ADVERTISING INC. – BART THOMAS)**

Stith moved that the Board table the public hearing to the January 21, 2016, Planning Board meeting. Reynard seconded the motion, which passed on a vote of 7-0.

**TABLE THE PUBLIC HEARING TO AMEND ORDINANCE NOS. 6607, 7062 AND 7139 AND THE APPROVED PRELIMINARY DEVELOPMENT PLAN OF LOT 2, HERITAGE SQUARE SOUTH COMMERCIAL PLANNED UNIT DEVELOPMENT, UNIT FOUR, TO ALLOW FOR A PROPOSED FAMILY ENTERTAINMENT CENTER. (APPLICANT: STACEY NIEDFELDT OWNERS: TIM SCHULTZ)**

Stith moved that the Board table the public hearing to the January 21, 2016, Planning Board meeting. Reynard seconded the motion, which passed on a vote of 7-0.

**A PUBLIC HEARING TO CONSIDER REZONING 2600 EUREKA TERRACE, A 0.98 ACRE SITE FROM I-3, LIGHT INDUSTRIAL DISTRICT WITH AIRPORT OVERLAY DISTRICT, TO C-6, HEAVY COMMERCIAL DISTRICT WITH AIRPORT OVERLAY DISTRICT. (APPLICANT/OWNER: WILLIAM BUTLER)**

Bunger presented the Staff Report with a recommendation of approval.

Ball opened the public hearing. No one spoke.

Ball closed the public hearing.

Stith moved that the Planning Board recommend approval of the proposed rezoning of Lots 19 and 20 of the Eureka Addition from I-3 Light Industrial District with Airport Overlay District, to C-6, Heavy Commercial District with Airport Overlay District, based on the findings in the Staff Report.

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

**A PUBLIC HEARING TO CONSIDER REZONING 801 MORO STREET, A 0.26 ACRE SITE FROM R-M/TNO, FOUR-FAMILY RESIDENTIAL DISTRICT WITH TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT, TO R-3/M-FRO, MULTIPLE-FAMILY RESIDENTIAL DISTRICT WITH MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT. (APPLICANT: SMH CONSULTANTS, JEFF HANCOCK OWNER: FIELDHOUSE DEVELOPMENT, ZAC BURTON)**

Bunger presented the Staff Report with a recommendation of approval.

Stith said the Board has already implemented the Comprehensive Plan rezoning to the west of campus and east of City Park and asked when the rezoning of this neighborhood area would occur.

Cattell said authorization of initiating the rezoning of the M-FRO expansion areas by the Planning Board is on the agenda for the January 21<sup>st</sup> meeting for city staff to begin the paperwork and public notice for a public hearing on February 18th.

Reynard asked if the alley was paved.

Bunger said it was.

Anderson expressed concern about the condition of the alleys in the older part of town, and concern for development that increased the traffic along alleys, suggesting waiting until the City Commission addressed the alley paving issue first before addressing the rezoning.

Bunger commented that City Administration and Public Works is working with the City Commission to address the alley paving issue.

Ball said it should be addressed in a consistent approach, versus a piecemeal approach tied to individual construction projects.

Anderson said there needs to be that discussion by the City Commission.

Ball opened the public hearing.

Linda Schwulst, 730 Moro Street, asked what a four family dwelling consisted of, is it two bedrooms in each dwelling.

Bunger explained that it was not dependent on the number of bedrooms, but there could be up to four unrelated individuals living in one dwelling unit, so the maximum would be four bedrooms per dwelling.

Schwulst suggested there will be two college students per bedroom and expressed concern about the increased number of cars and no parking spaces, being within close proximity to the roundabout on Moro Street. She said she lived there 17 years and was

concerned about traffic and pedestrian safety. There has been no action on one-way streets.

Bunger clarified that the current zoning allows up to four dwelling units in a structure. He said he was not sure about the applicant's building design, but there are minimum parking requirements of one parking stall per bedroom.

Schwulst said students don't use the parking lots in back, they park on the street.

Zac Burton, Fieldhouse Development the applicant, came forward to answer questions.

Ball asked what Burton was proposing to build.

Burton said the plan was for a six unit building, as was the previous structure on the property, and commented that the parking lot would provide the required number of spaces and was to be located in the back of the building. Burton said when he talked to Code Services the previous property had a significant number of code violations (33) and a history of police responses (11) associated with it before he bought it. He wanted to bring something new into the neighborhood.

Ball asked how many bedrooms would be in each unit.

Burton said it would consist of two and three bedroom units, but he was unsure of the total number until plans have been finalized.

Hageman asked about the roundabout concerns raised by Schwulst and how the zoning would affect traffic.

Schwulst said there are issues of speed, traffic volume and congestion caused by parked cars along the street and expressed the view that Moro should be made a one way street. She was glad there will be a new building, but had concerns about traffic.

Ball suggested that on-street parking congestion could be addressed in other ways.

Stith commented that the existing roundabout was meant to calm traffic and suggested that maybe other traffic slowing mechanisms could be explored. However, making a street one way tends to result in increased traffic speeds, so that might not be helpful and he would be cautious about doing that. He said the required number of on-site parking spaces will have to be put in place by the developer, but there is no way to force where people park.

Ball closed the public hearing.

Anderson asked Schwulst if her concern was with nighttime traffic.

Schwulst indicated it was daytime during school that you often have to wait for an oncoming car and there is no room to pull over because of parking on both sides of the street.

Stith said parking both sides can also calm traffic.

Anderson agreed with Burton's statement about the property, as he also checked with the Code Department into the history of the property. He said the house had been built by an architect named Wilber McKeen in 1904 who was one of the first architecture college graduates and the house was listed in a book on homes in Manhattan. It was a nice house that was divided into six units and ruined many years ago and fell into disrepair. Across the street a stone house designed by the original dean of the architecture school had been torn down for the 16-plex. Anderson said, while he supported the rezoning in hopes it would improve the property, he still had some concerns about the rezoning, because the community is ignoring maintaining the existing housing stock and the original single family structures in the area. He was sorry to see some important homes being lost.

Stith moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of 801 Moro Street from R-M/TNO, Four-Family Residential District with 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 7-0.

**A PUBLIC HEARING TO CONSIDER REZONING 917, 919 AND 923 THURSTON STREET, A HALF-ACRE SITE FROM R-1/TNO, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT, TO R-3/M-FRO, MULTIPLE-FAMILY RESIDENTIAL DISTRICT WITH MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT. (APPLICANT: SMH CONSULTANTS, JEFF HANCOCK OWNER: FIELDHOUSE DEVELOPMENT, ZAC BURTON)**

Bunger presented the Staff Report with a recommendation of approval.

Anderson asked if the rezoning was just for those three lots and not the whole block.

Bunger said that was correct, the larger area would be included in the M-FRO expansion discussion the Board will have later in January. He said the applicant wanted to proceed and not wait for the City sponsored rezoning.

Anderson asked if that larger rezoning discussion includes this block.

Bunger said it does as well as the north side of the 1000 block of Thurston and along parts of Bluemont Avenue and Moro Street.

Reynard asked about the sanitary sewer capacity study regarding the increased density associated with rezoning.

Bunger said capacity in this area north of Bluemont Avenue was adequate, while service along Moro and Laramie is less adequate; however the City is addressing that issue.

Ball said sewer capacity was discussed as part of the Comprehensive Plan update process to ensure there would be adequate capacity.

Ball opened the public hearing.

Jami Ramsey, 831 Bertrand, said she lives a block away and expressed concern over the rezoning, stating that the three properties are in good condition and zoned correctly (R-1/TNO) and the installation of three story apartment buildings does more harm than revitalization to a neighborhood. The effect on adjacent properties can also be damaging, halting investment and causing deterioration in the neighborhood. Ramsey said she has lived in the neighborhood for 35 years and storm drainage is a big concern, as Thurston Street frequently floods. With the June storm event many new areas flooded and dropping in more apartments will only make that worse and that needs to be addressed. She also questioned the need for more apartment housing, with a large number of “for rent” signs already existing in the neighborhood.

Ball asked if Ramsey was familiar with the 18 month long Comprehensive Plan update.

Ramsey said she was involved with the previous update process that created the two-block buffer area around campus and knows that is now being expanded and that it is a question of what neighborhood area do you redevelop. She questioned the need to change from R-1/TNO to R-3/M-FRO for these properties.

Ball said the Comprehensive Plan update process looked at population projections and growth of the community and looked at increasing housing densities round the university to minimize traffic and improve public transit and this area. Several other areas were identified for increased density housing.

Ramsey questioned the need when Kansas State University’s growth is flat.

Ball said the intent is to get students to live in areas closer to campus, opening up apartments farther out to help fill the need for housing the growth of the community.

Ramsey said the block is appropriate as R-1/TNO and if it is up-zoned, other than the new building, it will only cause the area to deteriorate. She was concerned that it was a spot zoning.

Ball said this rezoning is part of a larger identified redevelopment area, including the whole block that is identified in the Comprehensive Plan update.

Bunger commented that this is part of the larger area that will be up-zoned as part of the Comprehensive Plan implementation and the City will be coming to the Board at the next meeting to get authorization to start that process. However the applicant choose to submit this request before the broader rezoning and it had to be processed. While it appears to be a spot zoning, it is envisioned as part of the Comprehensive Plan update for the area. If the timing had been better on the applicant’s and/or City’s part, the whole block would have been done collectively.

Ramsey asked if the whole block will redevelop with three story apartments.

Bunger said it could, but even a single lot can redevelop as a four-plex, it's up to the property owner.

Stith said the application is not really a spot zoning, as it is consistent with the Comprehensive Plan update for the area.

Nuss commented that the process seemed backwards, as the Board will have to go through this process again in a couple of weeks. She understands the whole Comprehensive Plan process. She disclosed that she works for Jamie Ramsey. Nuss said the process would be cleaner and more comfortable if it had happened in a different order.

Anderson said he agreed, and suggested postponing this item and handling the rezoning as a whole and see how the process plays out.

Zac Burton said he understood what Nuss was saying; however from his perspective he is making a buying decision based on what the Comprehensive Plan identifies for the area. It was a two-year process and was approved through numerous public hearings that anyone could attend and provide input into on specific blocks. This area was approved for higher density. He expressed frustration that it wasn't rezoned faster and that he had to make application and take the heat. He said he is not blaming the city and there are two perspectives on the timing of implementation. He asked when the Comprehensive Plan was approved.

Evans said it was adopted in April 2015. The different implementation rezonings have been occurring since its adoption, with the M-FRO being the last of five.

Nuss commented that the rezoning implementation process seemed to be moving quickly, given the number of Planning Board meeting since adoption April, and not waiting a couple more weeks for the broader M-FRO rezoning made the process awkward. She said it is the Board's responsibility to ensure there is not the appearance of favoritism or impropriety.

Burton said he took offense to that and that everything is open in the public hearing process, and there are no backdoor meetings.

Nuss said she didn't mean to offend, but appearances can be powerful.

Burton said as a developer he makes financial decisions based on the Comprehensive Plan and he hoped that along with City's Staff's recommendation, the Comprehensive Plan will be adhered to.

Nuss said her comments did not mean she was voting against the request.

Anderson said implementation of the Comprehensive Plan requires going through this review process to make sure the rezoning is appropriate at this time and place.

Burton said there was a precedent set by the Board and City Commission, with two previous projects, where the developer preceded the City on the rezoning.

Hageman said it still looks like spot zoning and asked Burton if he could wait two weeks.

Burton said in two weeks it's just a discussion of the rezoning process and then there are several more meetings beyond that and you get into issues associated with other blocks that are identified closer to Bluemont School.

Hageman asked if the whole block can be rezoned with this application.

Ball said that can't be done. He said he understands from an investment standpoint that the applicant has skin on the line and he understands that a delay would cost more than it should.

Bunger said during the pre-application meeting, City Administration talked about the process schedule and the alley paving issue was a factor that City Administration wanted to be addressed before getting into implementing the whole M-FRO expansion area. He said that was a factor for the applicant in proceeding forward. He clarified that at the next meeting the Board would be deciding if it wants to authorize City Administration to begin the rezoning process for the broader M-FRO area, and it would be two months before the public hearings and about three to four months to complete.

Ball closed the public hearing.

Stith said the Board adopted the Comprehensive Plan which is one of the few things the statute says Board has to do, as opposed to just making a recommendations on most other actions. Part of the Boards job is to make sure it makes decisions that are consistent with the Plan. He said there is absolutely no way that the Board could justify turning down this rezoning, in his opinion. While this is a little head of the process in implementing the whole area, it can't be justified not approving this rezoning.

Parikh said he agreed with Stith's comments, and it would be tidier if the rezoning was postponed to do it as part of the whole area. However, there is a process the Board has in place to put together the Comprehensive Plan and to implement it. The applicant has followed the process that's available to him for the rezoning. It's an investment decision for the applicant and he is assuming some risk, but is mitigating that risk based upon what the Board has already approved through the Comprehensive Plan and he has relied upon the Comprehensive Plan in making his decision.

Anderson said he evaluated the block and rated the condition of existing structures, based on his renovation experience. He said the area appears to be primarily single family with some rentals, consisting of houses that still have some integrity. He thought the zoning ended at 10<sup>th</sup> Street, with there being a difference in the quality of houses between 9<sup>th</sup> and

10<sup>th</sup>. Anderson said he felt uncomfortable with the rezoning, with potentially losing affordable housing units in Manhattan's housing stock.

Stith made a motion that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of 917, 919, and 923 Thurston Street from R-1/TNO, Single-Family Residential District with 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.

Parikh seconded the motion, which passed on a vote of 5-2, with Reynard and Anderson voting in opposition.

### **REPORTS AND COMMENTS BY BOARD MEMBERS**

Stith asked about plans to expand the Board's jurisdiction to include members from Pottawatomie County. Cattell said there was no additional discussion since the last Planning Board Meeting.

Anderson commented on the effect of apartments being constructed in single family areas and said that with redevelopment there should be efforts to maintain the integrity of single family neighborhoods, with apartments and single family houses in co-existence. Anderson wanted to put on the next meeting agenda a resolution asking the City Commission to take a more aggressive approach to enforcement actions for residential rental properties.

Anderson read his draft resolution to the Board: that the Board urges the Manhattan City Commission to implement a policy or policies which addresses point 1B, on page 91, Chapter 8, in the Manhattan Urban Area Comprehensive Plan entitled "Healthy Livable Neighborhoods Offer a Variety of Lifestyle Options" which states: "Enhance the physical quality of and quality of life in established core area neighborhoods through active enforcement of public health, property maintenance codes and safety violations in accordance with local building codes and other applicable ordinances as adopted by the City and County".

Nuss seconded the motion.

Reynard said regulations for rental properties were already in existence.

Cattell said the policy Anderson was referring to called for active enforcement of the existing codes and regulations.

Anderson said the codes are not enforced, which is visible.

Reynard questioned if it was a lack of the number of people in place to enforce them and a budget issue.

Cattell said that there were four or five building code inspectors and two zoning

inspectors who spend the whole day enforcing regulations.  
Ball said he thought the City Commission was already working on this issue.

Cattell said there were internal efforts by City Administration to improve coordination and effectiveness of enforcement between departments.

Anderson made a motion to add to the February 1<sup>st</sup> agenda a resolution related to enhancing code enforcement on rental properties.

The motion passed 7-0.

Hageman wanted to clarify that on the Thurston rezoning item, he was not opposed to the developer's proposal but to the idea of spot zoning three lots. He asked why the rezoning process has been taking so long.

Cattell said that with five rezonings needed to implement the Comprehensive Plan, there is a significant amount of public process that needs to be completed for each. The City conducted the neighborhood meetings in the summer and proceeded with the west side and east City Park rezonings. City Administration had asked that the broader M-FRO rezonings be delayed until the alley paving discussion could take place and be addressed by the City Commission.

Ball adjourned the meeting.

Respectfully submitted,

Amelia Lewis, Planning Intern