

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
August 1, 2016
7:00 p.m.

MEMBERS PRESENT: John Ball, Chairperson; Neil Parikh, Vice-Chairperson; Jerry Reynard; Phil Anderson; Debbie Nuss; and Ken Ebert.

MEMBERS ABSENT: Gary Stith

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

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE JULY 18, 2016, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

APPROVE THE FINAL DEVELOPMENT PLAN OF INTERLACHEN VILLAS, UNIT ONE PLANNED UNIT DEVELOPMENT AND THE FINAL PLAT OF THE INTERLACHEN VILLAS ADDITION, UNIT ONE, GENERALLY LOCATED ON THE WEST SIDE OF VANESTA DRIVE, ALONG BOTH SIDES OF COLBERT HILLS DRIVE, AS FAR WEST AS PALMER CIRCLE AND FIELDHOUSE CIRCLE. (APPLICANT: PMG PROPERTIES, LLC, TJ VILKANSKAS)

Anderson moved that the Board approve the Consent Agenda.

Reynard seconded the motion, which passed on a vote of 5-0-1 for the minutes with Ball abstaining; and 6-0 for the Final Development Plan of Interlachen Villas, Unit One Planned Unit Development.

GENERAL AGENDA

A PUBLIC HEARING TO CONSIDER ANNEXATION OF CITY OF MANHATTAN OWNED PROPERTY ASSOCIATED WITH THE WASTEWATER TREATMENT PLANT AND THE MANHATTAN LEVEE, AN APPROXIMATE 185-ACRE TRACT, GENERALLY LOCATED ALONG U.S. HIGHWAY 24 AND THE LINEAR TRAIL AREA. (APPLICANT: CITY OF MANHATTAN, RON FEHR, CITY MANAGER)

PUBLIC HEARING TO REZONE CITY OF MANHATTAN OWNED PROPERTY ASSOCIATED WITH THE WASTEWATER TREATMENT PLAN AND THE MANHATTAN LEVEE, AN APPROXIMATE 185-ACRE LOT, GENERALLY LOCATED ALONG U.S. HIGHWAY 24 AND THE LINEAR TRAIL AREA, FROM RILEY COUNTY AG, AGRICULTURE DISTRICT AND POTTAWATOMIE COUNTY, A1, AGRICULTURE DISTRICT, TO I-3, LIGHT INDUSTRIAL DISTRICT. (APPLICANT: CITY OF MANHATTAN, RON FEHR, CITY MANAGER)

Bunger presented the staff report for both items and recommended approval. He indicated that the primary reason for annexation of the Wastewater Treatment Plant and well fields is so ensure that the Riley County Police Department can respond to incidents, instead of the Pottawatomie Sheriff.

Anderson asked if the long term goal was to expand the Waste Water Treatment Plant.

Bunger said it was recently remodeled, but the potential is always there for improvements.

Anderson asked if the plant was regulated by the federal government.

Bunger said it was regulated by state and federal requirements.

Anderson moved that the Planning Board recommend the approval of the annexation of City of Manhattan owned property (185.14 acres) associated with the Wastewater Treatment Plant and the Manhattan Levee System, based on conformance with the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas, the Growth Vision, and the Capital Improvements Program.

Nuss seconded the motion, which passed on a vote of 6-0.

Ball opened the public hearing for the rezoning.

No one spoke.

Ball closed the public hearing

Nuss moved that the Planning Board recommend approval of the proposed rezoning of City of Manhattan owned property associated with the Wastewater Treatment Plant and the Manhattan Levee System from Riley County AG, Agriculture District and Pottawatomie County, A1, Agriculture District, to I-3, Light Industrial District, based on the findings in the Staff Report.

Reynard seconded the motion, which passed on a vote of 6-0.

A PUBLIC HEARING TO AMEND ORDINANCE NOS. 4581 AND 7203 OF THE GREENBRIAR RESIDENTIAL PLANNED UNIT DEVELOPMENT TO ALLOW FOR MORE DWELLING UNITS AND BEDROOMS THAN ORIGINALLY PERMITTED IN THE APPROVED PUD, WHICH IS GENERALLY LOCATED TO THE NORTHWEST OF THE INTERSECTION OF KIMBALL AVENUE AND COLLEGE AVENUE. THE PUD AMENDMENT IS IN THE FORM OF A FINAL DEVELOPMENT PLAN. (APPLICANT: WEARY DAVIS, OWNER: WOODWAY INVESTORS, LLC)

Bunger presented the Staff Report, recommending approval.

Anderson asked if this became an issue before the property changed ownership.

Bunger said that was correct.

Ball asked if the City would have any objection to it, had it been a part of the original PUD plan.

Bunger said different standards at that time applied, and it was one of the first large apartment complexes in the city. He added that the parking today is adequate and has been functioning without any issues for many years.

Ebert asked when the offices had been converted.

Bunger indicated that was not known. Bunger added that the applicant upon purchasing the property contacted the Code office to inspect the units in question, to ensure each unit complied with building codes, which they do.

Ebert asked what happens if a property becomes non-conforming.

Bunger explained the enforcement process.

Ball opened the public hearing.

Steve Streubing, Weary Davis Law representing the applicants, said to their knowledge this is the way the apartment complex has been operating since its original construction in the late 1980s. Streubing said they are not changing the primary use, as a residential property, they are trying to bring the property into compliance with how it has always been used.

Hunter Harris, Woodway Investors LLC, apologized that the incident was not cleared up in the previous amendment application that occurred earlier in the year in April. However, they plan to make a large capital improvement in the complex and want everything to be in compliance for financing reasons.

Ebert asked if during negotiations for the property, were they given information on the number of units and bedrooms in the PUD from the owner.

Harris said they received the number of rooms, which is how it had been operating; however it did not include the original PUD information regarding numbers of rooms.

Anderson asked if the manager's quarters is still used as originally intended.

Devin Schuster, Woodway Investors LLC, said it is being used as a leasing office, but not as a manager's live-in unit.

Anderson asked if this provision had been included in the original PUD.

Schuster said that it had, the original floor plans have not changed, the labels on the original PUD specify different uses than what was historically used.

Ebert asked if the leasing office had a kitchen.

Schuster said it does not.

Ebert said that if future plans included remodeling to make it a dwelling unit, it would need to go through a building permit process.

Schuster said they had no plans to convert the leasing office and that an apartment complex of this size requires a leasing office.

Anderson asked how many apartments were in the complex.

Schuster said there were 87 units.

Ball closed the public hearing.

Anderson asked City staff if there was a mechanism to ensure developments are in compliance with the original agreements.

Bunger said he was unsure how this property went unnoticed for so long, however the City's process now involves Community Development sending the plans to Code Services for building permit review. The property in question likely had a different process 30 years ago and the process is more efficient today.

Cattell added that when this original PUD was built, the City had no zoning inspectors. In addition, this was the first large multi-building apartment complex that was built in the City and it was checked for code compliance by the Code Inspectors, but they might not have been inspecting for adhering to the zoning requirements.

Anderson concluded that this type of incident is less likely to happen now and Cattell said that was true.

Nuss wanted to ensure that as the community grows, applicants build what their original agreements entail and asked if Community Development receives feedback from Code.

Bunger said that Community Development reviews the plans, and Code goes through the details and issues a certificate of occupancy if it conforms.

Bunger said every two weeks, City departments meet for a Development Review Committee, to discuss current developments.

Ebert asked if Woodway LLC officially owned the property.

Harris said that was correct.

Ebert recalled another issue with studios being used as bedrooms in another complex and hopes that enforcement continues to occur today.

Bunger said the Community Development and Legal Departments have worked towards classifying rooms that appear as bedrooms to be counted as such, rather than studio rooms or other rooms.

Anderson wanted to clarify that if a room is labeled as an office, but appears to be a bedroom, it is being counted as a bedroom.

Bunger said that was correct.

Anderson moved that the Planning Board recommend approval of the proposed amendment of Ordinance Nos. 4581 and 7203 and the approved Final Development Plan of the Greenbiar Residential Planned Unit Development, based on the findings in the Staff Report, with the following two (2) conditions of approval:

1. Modify Condition No. 5 of Ordinance 4581 to increase the number of dwelling units to 87 and to increase the number of bedrooms to 291, as requested by the applicant.
2. Modify Condition No. 6 to increase the total occupancy from 250 to 291 occupants.

Nuss seconded the motion, which passed on a vote of 6-0.

REPORTS AND COMMENTS BY BOARD MEMBERS

Cattell reported the first meeting in September would be on a Thursday.

Anderson mentioned that Green Apple Bikes have added another 100 bikes into circulation and called for improved bike lanes in the City, especially on the fringes of the City and perhaps a bicycle master plan should be created. He encouraged future transportation infrastructure to be multimodal.

Cattell said there is a Bicycle and Pedestrian Advisory Committee that meets once a month to address those issues and there is a Bicycle Master Plan that was completed by the City and K-State which has been updated since then. In addition, the CIP includes bicycle infrastructure projects to be completed in the future.

Bunger added that the Flint Hills MPO just began a regional multi-modal study which will address pedestrian, bicycle and mass transit on a regional scale. He also said the City has received grants to address multimodal transportation goals.

Nuss suggested that Green Apple Bikes encourage the use of bike helmets, as she has seen many young kids riding them without helmets.

Nuss mentioned that Everybody Counts will be held Saturday, August 6th from 9 am to 1 pm at the Douglass Community Center, which is the fifth event by this organization, to provide health and social services to members of the community.

Ball adjourned the meeting.

Respectfully submitted,

Amelia Lewis, Planning Intern