

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
March 6, 2017
7:00 p.m.

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

MEMBERS ABSENT: Neil Parikh, Chairperson, and Gary Stith.

STAFF PRESENT: Chad Bunger, Assistant Director of Community Development; John Adam, Senior Planner.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE FEBRUARY 23, 2017, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

Ball moved that the Board approve the Consent Agenda.

Anderson seconded the motion, which passed on a vote of 3–0–2 with Anderson and Ebert abstaining.

Anderson added to Neil Parikh’s comment in the minutes that the alley restoration funds in Manhattan’s Capital Improvements Program (CIP) are insufficient. He cited an alley between Fairchild Ave and Fairview Ave was looked at by the City of Manhattan last year and had an estimated renovation cost of \$250,000. Considering the \$50,000 per year budgeted for alley renovations in the CIP, “it’s going to take us hundreds of years to get our alleys taken care of.”

GENERAL AGENDA

A PUBLIC HEARING TO CONSIDER AMENDING ORDINANCE NOS. 6607, 6991, 7010, 7035, 7062, 7139, 7166, AND 7202 AND THE APPROVED FINAL DEVELOPMENT PLAN OF LOT 9, HERITAGE SQUARE SOUTH, COMMERCIAL PLANNED UNIT DEVELOPMENT, TO BE KNOWN AS THE FINAL DEVELOPMENT PLAN OF CRECHE DAYCARE. GENERALLY LOCATED TO THE SOUTH OF THE INTERSECTION OF U.S. HIGHWAY 24 AND SOUTH PORT ROAD. (APPLICANT/OWNER: SCHULTZ PROPERTY MANAGEMENT, INC. – TIM SCHULTZ)

Bunger presented the staff report and provided the City Administration's recommendation of approval for the ordinance amendments.

Ebert asked if other lots at this PUD would have approved use of a child care facility. Bunger said this amended use was only for Lot 9 of the PUD.

Ball asked for the capacity of this child-care facility. Bunger believed it was 70-80, but that would be dictated by the fire department and Kansas Department of Health and Environment (KDHE).

Anderson asked if the property were to change ownership, would this particular lot continue to be a child-care facility as well as any of the uses permitted in C-5, Highway Service Commercial District. Bunger clarified the lot could be for any use permitted by the PUD ordinance. Some of the C-5, Highway Service Commercial District uses were included or excluded in the PUD's list of permitted uses.

Ebert asked about the use of the parcel to the west of the PUD. Bunger said it was a tractor supply store.

Ebert asked if there was a liquor store within this same PUD. Bunger confirmed this was correct. It is located on the opposite side of the proposed child-care facility. He also said KDHE would ensure these two uses are in compliance with another.

Nuss opened the public hearing.

Tim Schultz, the applicant, stepped to the podium. He said there will be about 90 children enrolled at the facility, and the three- and four-year-old children represent the largest classes. The number of children enrolled at the facility is regulated by the amount of square footage per child. He also stated a licensing official from KDHE visited the site, and was "thrilled" with it.

Schultz said the outdoor area would have a turf material and have a six-foot fence around it. The playground would have a gate exiting to the outside while one of the classrooms would have an exit onto the playground. The playground would be very similar to the one at the other Creche Daycare facility on the west side of Manhattan, off of Kimball Avenue.

Schultz said Creche Daycare currently has a waiting list and this new facility would serve families that drive from the east to the current facility on the west side.

Ball asked when the facility was anticipated to be opened. Schultz said in August.

Schultz said he and his company have worked closely with the City of Manhattan's code services department to go over all of the details of the use of the facility.

Nuss asked to clarify if the outdoor area had shade or trees. Schultz said there was an outdoor space with a roof that would primarily be used for storage of toys when not in use, but in inclement weather, the outdoor space could be used. It has heating and cooling with retractable doors. Under KDHE rules, though, it does not count as an outdoor space. There are some young trees around the site but it will take time for these to provide adequate shade.

Ball asked if some of the enrollment spaces would be reserved for low-income children. Schultz said he was not sure about slots reserved for low-income children, but they did have conversations about providing accommodations for disabled children. He also said the military pays half of a child's daycare costs if the child is from a military family.

Nuss closed the public hearing.

Ball moved the Manhattan Urban Area Planning Board recommend approval of the proposed amendment of Ordinance Nos. 6607, 6991, 7010, 7035, 7062, 7139, 7166, and 7202 and the approved Final Development Plan of Lot 9, Heritage Square South, Commercial Planned Unit Development, to be known as the Final Development Plan of Creche Daycare, generally located to the south of the intersection of U.S. Highway 24 and South Port Road, based on the findings in the staff report. Reynard seconded the motion, which passed 5-0.

Ball commented this facility is a great addition to the community due to the shortage in the capacity of affordable daycare facilities, and if there is some consideration for low-income families, the Manhattan Social Service Advisory Board is currently taking funding requests for next fiscal year to take to City Commission and subsidize low-income family child development.

Nuss supported Ball's comment. She said she serves on the Riley County Public Health Advisory Committee, and in the group's last meeting, they had a discussion about affordable child care for low-income families. She also believed it came up at the Chamber of Commerce Leadership Retreat last month and how the shortage is negatively impacting employers in terms of families being able to meet their child care needs. She said it has been over a decade since the Manhattan Daycare and Learning Center closed, which provided child-care slots for low-income families. She encouraged for-profit organizations to look at creative solutions to address this issue.

Anderson added "we have not been very good as a state or a nation as well with respect to subsidized child care."

A PUBLIC HEARING TO CONSIDER AMENDING ORDINANCE NOS. 6388 AND 7185 AND THE APPROVED FINAL DEVELOPMENT PLAN LOT 2B, STONECREEK BUSINESS CENTER, UNIT FOUR PLANNED UNIT DEVELOPMENT, TO BE KNOWN AS THE FINAL DEVELOPMENT PLAN OF ENT AMENDMENT. THE PROPERTY IS GENERALLY LOCATED

SOUTHEAST OF THE INTERSECTION OF SCENIC DRIVE AND ANDERSON AVENUE. (APPLICANT/OWNER: ENT PROPERTIES, INC. – ERIC PURDOM)

Bunger presented the staff report and provided the City Administration's recommendation of approval for the ordinance amendments.

Ebert asked to clarify the square footage of the building. Bunger said it was 6,000 square feet.

Ebert asked to clarify the parking currently at the PUD site.

Bunger said the original PUD was approved with four buildings with a total of 39,800 square feet of gross floor area and 158 off-street parking spaces. It was generally approved the PUD would not have all doctor's offices and feature a mix of uses permitted in the C-1, Restricted Business District. The PUD is modeled after the C-1, Restricted Business District uses. City staff took the highest, most-intense parking demand for the approved uses in C-1, Restricted Business District and applied it to the parking for the entire PUD.

Ebert asked for further clarification on the off-street parking requirements for the PUD with the addition of the proposed building to the overall gross floor area.

Bunger said taking the gross square footage of what has been approved and the proposed building being discussed, the gross floor area increases to 40,575 square feet for the entire PUD. He said the Manhattan Zoning Regulations allow a property to extract hallways, bathrooms and storage areas in the floor area used to calculate minimum parking spaces. He was not sure, though, if this PUD has been using that extraction. He said the City uses 15 percent as a safe bet to make these extractions and based on a doctor's office scheduling practice, the PUD would need 189 off-street parking spaces. However, he analyzed there were specialty doctor's offices and other businesses, existing or unknown, in the PUD that do not have the same minimum off-street parking requirement. He said City staff feels the current parking is adequate, but if it is not, then the PUD and its businesses would only be hurting themselves since users of the area could not park on Anderson Ave or to the north of Anderson Ave. The east side of the property is very busy since it is a doctor's office, so the PUD users would not be expected to park this area. Two of the four property owners within the PUD are "willing participants" to allow for this fifth building.

Ebert continued to ask about the off-street parking availability.

Bunger said the sleep lab in the proposed building may affect the parking required throughout the day as their hours may be different from a normal doctor's office.

Anderson said they could alleviate Ebert's concern by connecting bike paths to other commercial areas to limit cars needed to access the PUD. He said if the PUD has a parking problem, it is their problem because it has its own parking lot. Bunger said there

will be a sidewalk added along Anderson Ave as well as along the west boundary of the PUD site to help connect existing bike and pedestrian paths.

Anderson said he hoped as a city they would consider other forms of transportation, besides just automobiles. The other modes include public transportation, bikes and/or walking.

Nuss opened the public hearing.

Tracy Anderson, of Action Pact Design and representing the applicant/owner ENT Properties, Inc., stepped to the podium. He added to Bunger's comments about the sleep lab, saying the facility would have a majority of its clientele using it in the evening or overnight hours. The demand for parking during normal business hours would be less intense. He said, based on his experience and casual observation, he would be "surprised if I've seen that (parking) lot 25 percent full at any time I've been out there." The building to the north within the PUD has a clientele that uses that facility more on a scheduled basis.

Ebert asked to clarify how much of the square footage was approved within the PUD.

Bunger said the PUD was approved in a way that only final development plans would have to go through the City for building permits. Currently, about 34,000 square feet is constructed, under construction or has been approved but not started constructed. The addition of the proposed building would increase the total square footage to roughly 40,000 square feet. The PUD is approved for all uses in C-1, Restricted Business District, which includes business professional offices. Parking ratios in this district can range from one (1) stall for every 300 square feet to five-and-a-half spaces per 1,000 square feet. The PUD's parking was generally approved for the highest use of doctor's office, although the math does not quite work out in total spaces.

Ebert said 187 off-street parking spaces would be required based on his quick math.

Nuss closed the public hearing.

Ball moved the Manhattan Urban Area Planning Board recommend approval for the proposed amendment of Ordinance Nos. 6388 and 7185 and the approved Final Development Plan Lot 2B, Stonecreek Business Center, Unit Four Planned Unit Development, to be known as the Final Development Plan of ENT Amendment, generally located southeast of the intersection of Scenic Drive and Anderson Avenue, based on the findings in the staff report with the condition recommended by City Administration that any future building expansions will require a PUD amendment. Reynard seconded, which passed 4-1 with Ebert voting against.

Ebert said while the current use of the proposed building is a sleep lab, that may change in the future and affect off-street parking demands for the PUD.

Bunger also clarified if any property in this PUD were to subdivide its land again or put in another building addition, it must come back through the Manhattan Urban Area Planning Board.

Nuss said her experience with the site demonstrates the PUD has adequate parking. However, the Stonecreek doctor's offices to the east can reach its parking capacity, and some of those clients will park in the PUD's spaces. She said Ebert's concerns were warranted and properties should provide as much as parking as possible, but this particular issue was inherited and there is not much the Board can do about it.

Ebert said that was partly true.

Anderson thought there could be a higher concern for the property based on its proximity to Wildcat Creek.

Bunger said City staff reviewed flood risk, and it is not in the flood area. There is also a berm on the south side of the property. The area did not have any flood damage during the last major flooding event in 2011. While he cannot predict what future floods may look like, it is not currently mapped in a flood area and features some low-level protection. Therefore, the City cannot stand on any precedent to prohibit it based on flood risk.

REPORTS AND COMMENTS BY BOARD MEMBERS

Bunger asked for a Board member to sit on the advisory committee for the K-113/Seth Child Road corridor study.

Ball moved to nominate Nuss, which Anderson seconded. It passed 4-0-1 with Nuss abstaining.

Bunger said the Unified Development Ordinance (UDO) process was getting ready to start this month, and the consultants requested a joint meeting with the Board, the Manhattan City Commission and the citizens' advisory committee, called the Ordinance Advisory Committee, on Monday, March 27.

Nuss asked for a reminder on who the consultant was for the UDO project.

Bunger said the lead consultant was Kendig Keast Collaborative while White & Smith, LLC out of Kansas City would handle the legal matters. Confluence and Gateway, landscape architecture and architecture design firms, would also assist on the project.

Bunger said there will also be a series of stakeholder meetings on Tuesday, March 28 and the Board was invited to attend. For these meetings, City staff and the consultants were inviting business owners, developers and land owners that were "primed for development," design professionals, development professionals such as builders and developers, and neighborhoods. He said the City has not had a consultant review its zoning and subdivision regulations since 1969 and not had a full rewrite since 1996.

Ebert asked if it was common to calculate parking requirements on proposed uses at the time. Bunger said generally, no. The PUD was established with that in mind, that more than one business with different uses and shared parking.

Ebert asked what the origin was for the parking requirements for a doctor's office. Bunger said he did not know the origin, but the concept behind it was doctor's offices schedule multiple patients at a time and thus have a higher parking demand.

Ebert asked the last time this parking requirement was reviewed. Bunger said he was not sure.

Anderson said he experienced a back-up near the intersection of Bluemont Ave and N Manhattan Ave due to a car trying to get into the Starbucks drive-thru. Anderson said the drive-thru should be evaluated or stopped because it can create a dangerous situation. Bunger said the City cannot do much with the existing drive-thru. Since it can be a traffic hazard, the police department could address it in that way.

Adam said the Board will review quick-fix code amendments at the April 3 meeting, with one of those amendments being to prohibit auto-oriented, drive-thru development in the Aggieville area. While it does not address what is already there, it does prevent it moving forward until a full set of development standards can be put into place.

Ebert asked if that would only be along Bluemont Avenue.

Adam said it would be for the entire Aggieville area (C-3, Aggieville Business District). He said City staff would like to put these quick-fix code amendments into place before any further development takes place.

Nuss asked if there was any information about the number of accidents at this intersection, near the Starbucks drive-thru. She said she avoids the area in the morning.

Anderson wondered if a sign that said "Do Not Block the Sidewalk or Street" could be placed where you turn into the drive-thru. He said if a police officer had been there, the driver would have received a ticket.

Following no additional comments or reports, Nuss adjourned the meeting.

Respectfully submitted,

Chris Kutz, Planning Intern