

Minutes

MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall

1101 Poyntz Avenue

Monday, July 17, 2017

7:00 p.m.

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

MEMBERS ABSENT: Phil Anderson

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

Parikh called the meeting to order at 7:01 p.m.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE July 6, 2016, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

Stith moved to approve the Consent Agenda; Nuss seconded. Motion passed 6–0–0.

GENERAL AGENDA

TABLE THE PUBLIC HEARING TO CONSIDER THE ANNEXATION OF APPROXIMATELY 21.4 ACRES GENERALLY LOCATED WEST AND SOUTH OF THE INTERSECTION OF MILLER PARKWAY AND HIGHWAY K-18 AS PART OF A SUBDIVISION PROJECT CALLED STONEHAVEN, UNIT TWO.

(Applicants: Bayer Construction & Manhattan Properties of Kansas; file no. ANX-17-059)

TABLE THE PUBLIC HEARING TO CONSIDER REZONING PARTS OF A 124-ACRE DEVELOPMENT AREA FROM AG, R-2, I-5, AND R TO C-2, C-5, AND R-3 AS PART OF A SUBDIVISION PROJECT CALLED STONEHAVEN, UNIT TWO, GENERALLY LOCATED SOUTH OF MILLER PARKWAY, NEAR THE INTERSECTIONS OF MILLER PARKWAY AND ARBOR DRIVE AND MILLER PARKWAY AND AMHERST AVENUE.

(Applicants: Bayer Construction & Manhattan Properties of Kansas; file no. REZ-17-060)

TABLE THE PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF A 124-ACRE SUBDIVISION, CALLED STONEHAVEN, UNIT TWO, CONTAINING 128 TOWNHOME AND SINGLE-FAMILY LOTS, COMMERCIAL AREAS, AND OPEN SPACE. THE DEVELOPMENT IS GENERALLY LOCATED SOUTH OF MILLER PARKWAY, NEAR THE INTERSECTIONS OF MILLER PARKWAY AND ARBOR DRIVE AND MILLER PARKWAY AND AMHERST AVENUE.

(Applicants: Bayer Construction & Manhattan Properties of Kansas; file no. SUB-17-061)

Gary Stith moved to table the three items; Nuss seconded. Motion passed 6-0-0.

A PUBLIC HEARING TO CONSIDER AMENDING ORDINANCE NOS. 3999, 6451, AND 7111, AND THE FINAL DEVELOPMENT PLAN OF MANHATTAN MEDICAL CENTER PUD, PHASE 1, TO ALLOW FOR THE PROPOSED REZONING FROM PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO C-1, RESTRICTED BUSINESS DISTRICT, AND THE FINAL PLAT OF MANHATTAN MEDICAL CENTER, UNIT III, LOCATED AT 1133 CLAFLIN ROAD.

(Applicant: Manhattan Medical Center; file no. PUD-17-072)

A PUBLIC HEARING TO CONSIDER THE REZONING OF 2408 BUENA VISTA DRIVE FROM R, SINGLE-FAMILY RESIDENTIAL, TO C-1, RESTRICTED BUSINESS, AND 0.88 ACRES GENERALLY LOCATED IN THE MIDDLE OF THE MANHATTAN MEDICAL CENTER, 1133 CLAFLIN ROAD, FROM MANHATTAN MEDICAL CENTER PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO C-1 DISTRICT.

(Applicant: Manhattan Medical Center; file no. REZ-17-057)

A PUBLIC HEARING TO CONSIDER THE FINAL PLAT OF MANHATTAN MEDICAL CENTER, UNIT III, GENERALLY LOCATED AT GENERALLY LOCATED IN THE MIDDLE OF THE MANHATTAN MEDICAL CENTER, 1133 CLAFLIN ROAD, AND AT 2408 BUENA VISTA DRIVE.

(Applicant: Manhattan Medical Center; file no. SUB-17-058)

Parikh read the rules for public hearing procedure.

Chad Bunger presented the staff report. The applicant is requesting (1) an amendment of the PUD to remove a 63-foot-wide swath on the west edge of the PUD, (2) to rezone 2408 Buena Vista Drive and the 63-foot swath from R, Single-Family Residential, and PUD, respectively, to C-1, Restricted Business, and (3) a final plat combining 2408 Buena Vista Drive with the existing Manhattan Medical Center lot and adjusting the lot to incorporate the rezoned portion of the PUD lot. The applicant intended to build a parking lot, necessitating the rezoning to C-1. Some of the elements of the proposed parking lot will need the approval of the Board of Zoning Appeals before it can be built. City administration recommended approval of the PUD amendment and proposed rezoning for the 2408 Buena Vista Drive and Manhattan Medical Center as well as the approval for the final plat.

Stith asked if there was an intention of creating a right-of-way off the end of Sycamore Lane in the proposed 63-foot-wide swath. Bunger replied that there was an access already of the end of Sycamore Lane; he doubted that the medical center intended to make it a street. Stith further asked if there was an intention of converting that into a three-lane road. He was concerned that it might encourage high-speed traffic. Stith said that it shows restricted access on the plat where there are residential lots. Bunger said there were no changes in the existing PUD except for the off-street parking and changes in landscaping to make room for the building addition by the Manhattan Medical Center. He also pointed out that the City controlled access at the north end, along Claflin Road, so a straight shot from Sycamore Lane would not be possible.

Stith expressed his concern again about a possible increase in traffic. With regard to the 0.88-acre strip rezoning in the middle, he suggested keeping a portion of the area adjacent to Sycamore Lane zoned PUD; that is, plat it in a way that nobody is able to put in a private street and make it a cut-through.

Ken Ebert asked about the number of lots in the C-1 District. Bunger replied that while the PUD District had three lots, the C-1 has one large plat and it had two buildings. Ebert then asked if the Zoning Regulations allow more than one principal commercial structure per zoning lot and Bunger replied in the affirmative. He then asked if moving the west line of the PUD to the east creates a nonconformity with the setback on the maintenance building on southwest by Sycamore Lane. Bunger replied no; because the building is in a PUD the Board, by its approval action, defines the acceptable setback for it, so it does not need to follow the general setback requirements needed in other districts.

Ebert inquired about the time frame for demolishing all the residential property and if the comprehensive land use plan update future land use map showed those residential lots as residential or commercial. Bunger replied that the Comprehensive Plan is typically not lot-specific, adding that those two lots were not under consideration at this hearing.

Stith asked if the C-1 zone required screening. Bunger replied the Regulations require screening between lots, but not along rights-of-way; he also pointed out that District Regulations requires a 25-foot setback for parking. According to the application materials, the neighborhood wanted screening along Buena Vista Drive. Stith commented that since the fence is not in the restrictive covenant the City cannot require its installation.

John Ball asked if the Board could make a screening fence a condition of approval. Bunger said such a condition is not appropriate for this action because the plat doesn't address specific development elements. He directed further comments to the applicant.

Stith asked about the related request that the applicant was going to make before the Board of Zoning Appeals. Bunger said they are asking for a reduction of the 25-foot front yard setback along Buena Vista Drive and a six-foot screening fence some distance away from the front property line.

Debbie Nuss said that the neighborhood is not amenable to pedestrian access. She asked if there was pedestrian access except form Sycamore Lane. Bunger replied that there was no dedicated pedestrian access except the dead end's right-of-way.

Parikh opened the public hearing.

Bob Dieball, Manager for the Manhattan Medical Center, 1133 College Avenue, came up to speak on the behalf of the applicant. He said they want to expand Building E by 30,000 square feet to bring more medical facilities to Manhattan, which will require more parking. He said the applicant was in the process of establishing an agreement with the tenant in Building E to lease that parking area, after which the applicant will move forward with demolition of the houses and construction of the parking lot.

Ball asked about the specialties they plan to bring to Manhattan. Debbie Yocum, Cotton O'Neil Clinic, 5045 SE 10th Street, Tecumseh, Kansas, said that they have 75 full-time employees in their clinic space besides the specialists that come in on a monthly basis. She said Manhattan needs more primary care physicians. They want to bring in had 10 different specialists representing eight specialties, including neurology, nephrology, and cardiology.

Nuss asked when the construction for the building and parking will start and what will be the sequence of events. How will the construction workers access the site on the building to work? Dieball answered that the parking will be created before any other construction starts.

Mike Perl, 2424 Buena Vista Drive, read out the comments from his neighbors, Marvin Colbert and Hope Goodwin, who could not be present at the meeting due to medical reasons. They said that there must be fencing and landscaping along North Buena Vista Drive and the south side of the parking lot. Car headlights will be shining into home windows if there were no fencing. Also, they wanted no through street from the parking lot to Buena Vista Drive. Razing of the three houses will decrease property values of the four remaining residential homes north of Buena Vista Drive. If the Medical Center razes three houses the Islamic Center would want to do the same on 2430 Buena Vista Drive and 1212 Hylton Heights Road since they made their request prior to this. He held that this rezoning and final plat would ruin the long standing neighborhood.

He further argued that the people who live on Buena Vista Drive, Hylton Heights Road, and Woodland Street have come to public meetings several times. Generally, the Planning Board was opposed to code changes to properties that were not directly on their street. However, this time the intent is to remove three perfectly livable homes to create a parking lot. People were living in each of these homes until three months ago. He said this was clearly a private entity infringing upon residential property. Medical Center should not invade into R-1 and destroy properties. There is plenty of room on their existing site—they could fill in the gulley to south, for example, but because it will cost them more money and time they are avoiding it at the cost of peoples' houses. They can redo their own building into taller buildings and make arrangements with Kansas State

University until the construction phase which would be a win-win situation. The rezoning was not needed because this plan that he described will be done in the future anyway.

Ben Eckart, 1121 Hylton Heights Road, commented that turning residential property into parking lots was ridiculous. He asked for the definition of a screening fence and said that additional parking was not needed. It does have a visual effect. He said that the Medical Center will never be able to park people in the new parking lot and drop those people in the Buena Vista area. The neighbors had tried to stop these encroachments but the City Commission has so far not supported the neighbors.

Ball asked for clarity on the mosque because, as he recalled, the original request was not to take a property and build it into a parking lot. Bunger replied that the mosque had requested to purchase the property but it was not in the PUD plan. Bunger said that the mosque has been approved and the parking lot has not been part of the proposal then. Adam added that they could not do the parking lot then because the zoning was residential and they did not request rezoning. In this case the applicant is requesting to change the zoning. With regard to Stith's comment about setting precedent, he said rezoning is a legislative decision. A precedence cannot be established because in each individual case the applicant has to prove their case to the satisfaction of the City Commission.

Parikh asked if the applicant wished to rebut. Dieball explained that the drainage to the south in the narrow part of the Manhattan Medical Center property was all greenery to allow storm water retention and they need to create a retention pond to hold back storm water. He said current parking exceeds need, but the 30,000-square-foot addition to the medical center would need 160 new stalls, which is 85 more than the present number. He said the applicant's idea of screening is an aesthetically pleasing, solid, double-sided wooden fence.

Mary Molt, 1122 Hylton Heights Road, said that it was disheartening to see constant encroachment of residential property and that there were alternatives that people heard in the meeting. There could be shuttle buses to bring staff in and out. This would save a lot of parking space; Kansas State University is already doing it. Destroying a neighborhood might be an easy alternative but not the best one.

Gwyn Riffle, 1117 Hylton Heights Road, said that the proposed rezoning was not a beneficial step for the neighborhood. It was unjust encroachment by the Medical Center. Demolishing three homes would change the character of the neighborhood. The expansion of the parking lot has alternatives. He requested the Board deny the application.

Christopher Stuart, 400 Cherry Circle, pointed out that the applicant has not talked about the sidewalk going to the parking over to the street. There is a concern that the applicant might do it because that would encourage employees to park along Buena Vista Drive and walk through. The Medical Center has changed the dynamics of the neighborhood. They have harassed home owners into selling them their property. All this needs to stop somewhere.

Parikh closed the public hearing.

Stith commented that a Comprehensive Plan is a policy document to provide guidelines rather than a regulation to set fixed limits. Two out of the three houses in question are already zoned C-1, so the Board can do nothing about that, but it would set a precedent to rezone the third house. He noted that the revised bus route that will be put into place in January there would be a bus service and employees could use it.

Ebert agreed with Stith and said that he was surprised at the rezoning of the other two houses. He further agreed that it was an encroachment to the neighborhood and the applicant needs to look for alternatives to the parking needs.

Reynard asked if the Board denies the rezoning request can the applicant still build a parking lot on the two residential properties zoned C-1. Bunger answered in the affirmative.

Ball supported the expansion but objected to the encroachment of the neighborhood. He commented that it was logical for communities to rezone properties, but the protection of the neighborhood was a priority. He did not support the addition of the third lot to the current rezoning and felt that it was an encroachment on the neighborhood.

Stith further commented that there were other ways of dealing with meeting the medical needs of a community and parking issues. They could go to Board of Zoning Appeals and ask for a reduction of the parking needs. Nuss commented that this neighborhood provides affordable housing and hence it is important to protect it.

Parikh commented that it was a public versus private interest and the Board needs to draw a line.

Stith moved to recommend approval of an amendment to Ordinance numbers 3999, 6451, and 7111, and the approved final plan of the Manhattan Medical Center PUD, based on the findings in the staff report and one condition of approval as recommended by City Administration. Reynard seconded. Motion passed 6-0-0.

Stith moved to recommend approval of rezoning of the 0.88-acre portion of the Manhattan Medical Center property from Manhattan Medical Center PUD to C-1, Restricted Business. Reynard seconded. Motion passed 6-0-0.

Stith moved to recommend denial of rezoning 2408 Buena Vista Drive from R to C-1 based on the Board's discussion; Nuss seconded. Motion passed 6-0-0.

Stith moved to deny the final plat as presented based on the fact that the rezoning has been denied; Nuss seconded. Motion passed 5-1-0.

Stith urged the public to go to the Board of Zoning Appeals and City Commission as the decision of the Planning Board was not ultimate and binding on them.

REPORTS AND COMMENTS

Pariikh asked the Board for any final comments. Stith announced that there was a public meeting regarding the joint land use study that is being done in Fort Riley through the Flint Hills Regional Council on Wednesday, July 19 at 7:00 p.m. in the City Commission Room and at Hoover Opera House on Thursday night in Junction City.

Pariikh adjourned the meeting at 8:56 p.m.

Respectfully submitted by:
Annapurna Singh, Planning Intern