

# MINUTES

## MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall  
1101 Poyntz Avenue

**February 19, 2018**

**MEMBERS PRESENT:** Debbie Nuss (chair), Phil Anderson, John Ball, Ken Ebert (vice-chair), Neil Parikh, Jerry Reynard, Gary Stith

**MEMBERS ABSENT:** none

**STAFF PRESENT:** Chad Bunger, Assistant Director of Community Development; Carol Davidson, Senior Planner; John Adam, Senior Planner; Ben Chmiel, Planner II

Nuss called the meeting to order at 7:00 p.m.

### **I. OPEN PUBLIC COMMENTS**

There were none.

### **II. CONSENT AGENDA**

1. Approve the **MINUTES** of the February 5, 2018, Manhattan Urban Area Planning Board meeting.

**Stith moved that the Board approve the Consent Agenda; Reynard seconded. Motion passed 6-0-1.**

### **III. GENERAL AGENDA**

1. A **PUBLIC HEARING** to consider **AMENDING** Ordinance No. 6804 and the Final Development Plat of Lot 1, Downtown Entertainment District, Unit Two, Commercial Planned Unit Development to allow for a parking lot to be placed on this lot located at the northeast corner of 4th and Colorado Streets. (*Applicant: CP Building, LLC, Charlie Busch; file no. PUD-18-002*).

Davidson presented staff report for the PUD amendment and Final Development Plan for the Downtown Entertainment District, Unity Two and recommended approval with three conditions of approval.

Ebert asked for clarification of the east boundary of Lot one in reference to travel easement.

Davidson pointed the east boundary out on the circulation map.

Ebert asked if the proposed travel easement has already been granted.

Davidson said that the applicant can address the easement but an agreement will be made with the Fairfield Inn. She also pointed out an existing solid waste unit that will remain in the same location following the construction of the parking lot.

Ebert asked if the six parking spaces for the Fairfield Inn currently exist.

Davidson said no.

Ebert asked if this project will provide the additional private parking spaces for the Fairfield Inn.

Davidson responded yes.

Ebert asked about the small piece of property zoned C-4 east of the subject site, illustrated on the zoning map.

Davidson said she is not aware why that parcel is zoned C-4 but that is where the existing travel easement is.

Ebert asked if that parcel was owned by Fairfield Inn.

Davidson said she was not aware of the ownership but she could check.

Ebert asked if it was a part of the current PUD.

Davidson said no.

Ebert asked if the reason for referring to the project as temporary parking is in hopes that it will change in the future.

Davidson said yes, the applicant wants the future plans of the lot to remain the same with commercial on first floor with residential above. The applicant can speak more of the future plans.

Ebert said that calling it temporary has no impact because it is not a measure of time.

Davidson said there is not an exact timeframe. It depends how the market evolves. The planning board should be reviewing it based upon current conditions. The letter from the applicant in the packet explains this but it isn't in his best interest to keep it as a parking lot because he's not making much money. To build what it was designed for would be beneficial to him, and he is still looking for suitors to be able to develop this lot for how it was intended.

Stith said he doesn't think that the word temporary needs to be in the conditions because all parking that isn't required parking is temporary in terms of economics. He'd rather see

the parking lot there than a small one-story retail strip that would be there for a long time as that's not that kind of development the board wants to encourage downtown. By having it as a parking lot it is serving a need, and the board cannot force someone to build the three-store project that was proposed.

Nuss suggested that the board save their comments until after the public hearing.

Davidson addressed why the term temporary parking was included, it was included so the applicant wouldn't have to amend the PUD again to develop the property as it was originally intended to be.

Stith asked if they come back with the exact same proposal as they had before could they develop without amending the PUD.

Davidson said yes.

Stith said he does understand including the term temporary for that purpose.

Nuss opened the public hearing.

Charlie Busch, owner, 5480 West 63<sup>rd</sup> Avenue, commented that he developed the Idea Center building downtown after being sought after by a company. A long-term lease was signed and had a major tenant in building, forming a partnership to mitigate the risk of the development. They would like to have a similar situation for this property. Initially, 4<sup>th</sup> Street Lofts weren't on the PUD but were allowed to develop and absorbed the need for residential apartments in that area. There are many apartments downtown with 90% occupancy so the owners don't feel like it's a good time to develop. If there was a situation similar to the Idea Center, having a lease or partner, then they would repurpose the parking lot at a future date. There is no timeline for what temporary is, it could be a number of years or a short term. The intent is to development to its highest and best use. The Civic Plus building has a space in the south portion that is about 2,000 square feet and it has been vacant since it was built. There is no available parking in the parking lot behind the Civic Plus building so additional parking is needed for future tenants of the south portion of the building. Lastly, Civic Plus has requested more parking and they are willing to lease them from the owner.

Nuss asked if the parking lot will be specifically reserved for civic plus 24 hours or just during the day.

Busch said 24 hour reserved parking. There hours are pretty flexible so they will utilize the lot.

Stith asked for clarification of the access easement coming off Colorado Street.

Busch said the Fairfield Inn owners have agreed by email to grant them an easement. The extra parking spaces on the east will be built for Fairfield Inn.

Anderson asked if the lot would be gated in some way so you would need a pass card for entry or how would the lot be regulated.

Busch said that hasn't been discussed but they will probably wire it for a gate but not install a gate. Hopefully with signage and some monitoring the lot can be policed pretty well. Most of the time if the signs are posted and it's enforced initially, then people realize it's a private lot.

Anderson asked if civic plus employees work nights.

Busch said he cannot say but they do have flex hours. The lot behind civic plus is usually full in the evenings.

Anderson said he was thinking of the nightlife downtown and if it's not being used by employees then it could be used.

Busch said that after hour parking has not been discussed much and he doesn't know who the new tenant in the south portion of his building will be, may be a night type business so they want to reserve that option.

Nuss closed the public hearing.

Stith suggested that a parking lot as a temporary use be in the UDO to make a staff decision so it doesn't have to come before the board for a decision. It seems like it is unnecessary for it to come before the planning board.

Bunger said he understands and he will take that suggestion into consideration. Staff envisions that the UDO will decrease the number of Planned Unit Developments, which are concise and custom made, that have these unfortunate steps for small changes that cannot be anticipated before it goes before the Planning Board and the City Commission. Hopefully less Planned Unit Developments allows for more flexibility.

Stith commented that this is a much better use than a one-story retail building that could be there for 40 years. This gives the owner the opportunity to respond to the market when it does improve. It is certainly much better to have a well landscaped and well surfaced parking lot rather than an empty lot.

**Stith moved to recommend approval of the proposed amendment of Ordinance Nos. 6804 and the Final Development Plan of Lot 1, Downtown Entertainment District, Unit Two, Commercial Planned Unit Development with conditions recommended by city administration; Ebert seconded.**

**Ball proposed a friendly amendment to insert "the three" before "conditions recommended" in the motion for clarity. Stith accepted the friendly amendment; Ebert seconded.**

Nuss commented that in this instance she agrees with what is happening but she wishes the board didn't have to do this because there is a parking garage that is severely under utilize within walking distance. The board should encourage walking rather than encourage parking right next to your workplace. She does understand that a nicely landscaped parking lot is a better use than a vacant lot. The board needs to support the use of the existing parking garage to get support for future parking garages in the city.

Anderson commented that there is a walking problem, not a parking problem in our society. He suspects that as the downtown becomes more congested and parking areas are developed, the parking garage will be used more.

**Motion with amendment passed 7-0-0.**

2. **AUTHORIZE CITY ADMINISTRATION TO INITIATE THE REZONING PROCESS**, pursuant to Section 15-102 of the Zoning Regulations, for implementing the rezoning area along North Manhattan Avenue to UCR, Urban Core Residential, consisting of approximately four and a half blocks generally bounded by North Manhattan Avenue on the west, North 12th Street on the east, Ratone Street on the north, and the alley south of Vattier Street on the south , plus the south side of Vattier Street between North 12th Street and North 11th Street, but excluding 820 North Manhattan 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.

Adam presented the rezoning area along North Manhattan Avenue to UCR, Urban Core Residential, and recommended approval.

Nuss opened the public hearing.

Jenny and Louis Swoboda, 2108 Griffith Terrace, expressed concern with the minimum required lot size in the UCR district as they own a single, corner lot at 1201 Kearny Street. Next to their lot is a new apartment building that probably won't be torn down soon, leaving a single home on the corner without the opportunity of redevelopment. Currently a four-plex can be built on that lot but under the new UCR regulations their single corner lot cannot be developed. They are concerned about their investment.

Nuss closed the Public hearing.

**Stith moved that the Manhattan Urban Area Planning Board initiate the rezoning process pursuant to Section 15-102 of the Zoning Regulations to rezone the Urban Core Residential zoning district, identified as the four and a half block identified in the adopted Manhattan Urban Area Comprehensive Plan, dated March 2015, and direct city administration to finalize and process the application showing the MUAPB as the applicant; Ball seconded.**

Ball asked staff to outline the process this motion will begin.

Adam said provided the motion passes, a deadline for the meeting April 2nd hearing will be announced. The hearing would happen on April 2nd, notices for the hearing would be sent out in mid-March to the same parties; property owners and people within 200 feet of the area. After that hearing it would go to the city commission, there are two readings on an ordinance to rezone, those usually follow in rapid succession, one after the other,

unless there is a hang up or they want further information. After the second reading is completed the properties would be rezoned.

Ball asked if there will be an opportunity for the public to raise objections when this is being presented to the city commission.

Adam replied yes, there will be opportunities at the MAUPB and city commission meetings.

Nuss commented that there will be three opportunities, once before the planning board and twice before the city commission.

Anderson asked what opportunities the couple that had the 7,500 square foot lot have to develop the property over the next several months or potentially sell it, as it may have more value as an empty lot.

Bunger said at the point of the notice for the public hearing, which is approximately 22 days before the public hearing, all building permits cease to be obtained by state statutes. They could pull a building permit now, it would still need to meet all existing standards of the district, but they still have that opportunity.

Anderson said its speculation to waiting on an empty lot even with the apartment next to you. This kind of development could even supersede that so the lot could become more valuable over time but that's speculation.

Reynard asked what happens to these individual lots. There are several single lots that are surrounded by larger apartments.

Louis Swoboda joined the discussion and stated that across the street from his property they will be allowed to build a four-plex. Right now a four-plex can be built on his lot but after the rezoning passes he cannot and his taxes will go up. He has a concern and wants to protect his investment.

Reynard asked how many other are in the same situation.

Swoboda replied that he did not know.

Reynard commented that looking at the map and the lots it appears that are several.

Swoboda said that he is not trying to stop the rezoning but he doesn't want to end up with a single lot with one house on it.

**Motion as originally stated passed 7-0-0.**

Stith asked staff to investigate the number of parcels that are not of adequate size to develop on that seem to be locked in because there is a fairly significant development.

Adam replied yes, with the caveat that knowing if something is locked is an iffy proposition as staff may not have a full understanding of ownership and properties status.

Stith added that if there are two single-family lots next to each other with anything less than a four-plex, then it is less limiting for future development rather than having a twelve-plex that will be there for awhile.

Adam replied that it limits the options today but it depends on the future market for this kind of product. This kind of development may not occur immediately but in the future more development will occur. The option to build a four-plex has been available for 40 or 50 years and this was something that was talked about during the comprehensive plan as a top priority which is why staff is bringing it forward.

### 3. REPORTS and COMMENTS by Board Members and Staff

Bunger shared that the consultants from Kending Keast Collaborative will be in Manhattan March 5-6th to review module two of the UDO. Staff has been diligently working to finalize module two as well as module one. From 5:30 to 6:30 PM on March 5th there is an open door meeting for the public in the Harmon Room to ask the consultant one-on-one or small group questions. Then the planning board will have an opportunity to discuss the UDO with Bret Keast. A module draft will be sent out tomorrow for the boards review. There are meetings on March 6<sup>th</sup> to further discuss the UDO with other groups. Staff will also be pushing out a series of information pieces to the public about the UDO and there will be some work sessions with the planning board and the city commission to break down 200 pages of regulations into information that people can better understand.

Nuss said when the first module was presented to the board they would have like to have an overview piece before they tried to go through it themselves. She asked if it was possible with the second module to have a guide to help the board review it.

Bunger replied that the second module is much easier to grasp then the first module. It includes subdivision regulations, parking, and signs.

Nuss said she feels that a piece to help guide the board through the UDO makes the time with the consultant more valuable.

Anderson commented that the new buildings east of the university are attractive but he thinks that there is not the same amount of energy put towards those many houses that have been abused and are going unrented. He thinks that one way to reverse that is to see if the city can find some incentives for those single family houses to be renovated and made more attractive. At the sometime, the lighting in those areas is very poor, crime could be a result of that, and the parking is very intense. Some of the apartments that have parking behind have paved their alleys. In addition to improvements within the Urban Core Residential district, improvements also need to be made to the eastern side to make those neighborhoods more attractive.

Nuss announced that Stith and Parikh will be absent for the March 19th meeting.

Meeting was adjourned at 7:52 p.m.

Submitted by Lesley Frohberg, Planning Intern