

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall
1101 Poyntz Avenue

March 5, 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: Eric Cattell, Director of Community Development; Chad Bunger, Assistant Director of Community Development; Carol Davidson, Senior Planner; John Adam, Senior Planner; Ben Chmiel, Planner; Doug May, Planner

Nuss called the meeting to order at 7:05 p.m.

I. OPEN PUBLIC COMMENTS

There were none.

II. CONSENT AGENDA

1. Approve the **MINUTES** of the February 19, 2018, Manhattan Urban Area Planning Board meeting.

Stith moved that the Board approve the Consent Agenda; Reynard seconded. Motion passed 7-0-0.

III. WORK SESSION

1. Discussion of the Unified Development Ordinance Module 2.

Bunger introduced Bret Keast from Kendig Keast Collaborative, the consultant firm writing the Unified Development Ordinance for the City of Manhattan.

Keast presented on the changes of zoning and overlay district names for the Unified Development Ordinance.

Stith asked if the mixed use zone was primarily PUD's.

Keast explained that each of the residential districts have different development options including a standard, clustered, or planned development. The planned development allows for different housing types and regulates density, setbacks, and open space ratios. The PUD floating zone still exist and gives the developer maximum flexibility if their

development is truly unique. The planned development type will allow for an easier process for the board, staff, and the applicant.

Keast presented on subdivision standards. A majority of the existing subdivision process will remain the same to what exist.

Stith asked if minor adjustments to lots can be handled administratively.

Keast replied yes. He shared the flexible standards that are applied to subdivision design standards including variable building pads, lot access and connectivity, block design, and road classification and design standards.

Stith asked if the road classification would align with the MPO's classification system in the transportation plan.

Keast said yes, the Manhattan Area Transportation Standards were used.

Stith asked if provisions for bikeways and pedestrian easements were included.

Keast said yes, there are provisions for bicycle lanes and public access easements including sidewalks and trails.

Keast presented on travel easements or private drives, alleyways, dead-end streets, and cul-de-sacs.

Reynard asked staff if the board currently has authority over the fire department to make an exception on the length of a cul-de-sac.

Stith and staff replied yes.

Bunger explained that it is called a variation in the current subdivision standards and gives the board the power. He explained that it does not supersede the fire department's requirements but a variation can be made with their approval.

Keast explained that it's meant to be an exception, not the rule, and only used when necessary due to the land or development arrangement. He continued to present on access.

Reynard asked if the image shown on the Driveway Access slide was an aerial view in Manhattan.

Keast replied that it is an aerial photo of the Taco Bell and Wendy's restaurants.

Ebert asked what to do in the situation when lots are 75 feet wide and the spacing between access drives was greater than 75 foot.

Keast said single access would be ideal but not always possible.

Stith asked if the UDO would require private access easements.

Keast said yes, the first development would be required to provide a stub out but if the development currently exists it is more difficult. Regardless code does require cross access to be provided when possible.

Keast continued to present on pedestrian and bicycle regulations. He shared the only way you would not have to provide sidewalks in a development is if less than 60% of the development has sidewalks or no sidewalks within 200 feet.

Ball asked where that exception is located within the UDO.

Keast said it is on page 25 under alternate circulation plan in section 6.

Ball said he doesn't want to waive the requirement to add sidewalks just because there is not a sidewalk connection currently because the surrounding lots may later be developed to fill the sidewalk gaps. He said he does not mind a sidewalk to nowhere because it may become a part of a larger network at some point in the future.

Keast said this would apply in the situation that one lot was developed surrounded by existing development that does not have sidewalks. It would be different in the case that it is a new development in an undeveloped area. This regulation states that if 60% of the area is developed without sidewalks then a new construction in the same area would not have to add sidewalks. All communities take different approaches to this topic. You could be stricter to eventually fill in the gaps or be more lenient to existing developments.

Stith said if sidewalks are not developed then the city will have to do infill development which is controversial and expensive. Sidewalks need to be constructed when the property is developed.

Ball said in Tattarrax Hills there are no sidewalks but there are some buildable parcels. He understands why those new properties wouldn't add sidewalks but it also makes it more difficult in the future when adding sidewalks.

Keast said he had written regulations before that require the developer to add sidewalks after 80-85% of the area has been developed.

Nuss responded that she likes that idea because in her neighborhood sidewalks exist on all properties except the undeveloped parcels leaving gaps but it would be good if the developer was required to fill those gaps.

Keast said the concern is that the sidewalk will be torn out when the lot is eventually developed.

Bunger suggested that a variation process be implemented on parcel by parcel bases. An approval process could be implemented that can be reviewed and given a waiver for the sidewalk requirement. He agrees that some properties should be strictly required to have a sidewalk but there are other properties that it may be unfair.

Parikh said that as the regulation is written it requires a parcel to meet specific requirements to be considered for an exception. Therefore the approval process exists as written because they must provide justification as to why the sidewalk regulation should be waived.

Keast said as it's written it only applies to 17,500 square foot lots or larger.

Parikh said the regulation could be more specific but as is, the property owner would have to justify why they fall under the alternative.

Keast asked if the board was in favor of the requirement that the developer must fill in sidewalk gaps after 80-85% of development has occurred.

Nuss said she likes it because developments get built out and a few parcels remain vacant. There is a cost associated with the sidewalk but if it's not getting built after ten years it may never get built.

Ball said he likes the basic requirement that everything gets a sidewalk. He also likes the alternate circulation plan but he does not agree with the lot size of 17,500 square feet or larger. All lots should be required to have a sidewalk unless you fall under an exception and they must justify that exception. Sidewalk gaps will always be an issue but if this regulation is implemented the city will have better access in 50 years. The default needs to be that sidewalks are required.

Ebert asked if the 80-85% development was in the UDO.

Keast replied no. He was just stated a regulation that other communities use but that threshold can be changed.

Ebert said sometimes people will purchase an adjoining lot to maintain green space but never build on it but the cities policy is that sidewalks don't have to be added to a lot until it's developed.

Cattell said currently the sidewalk is designed with the street so when a builder buys a lot they get the sidewalk design with their permit and have five years to add the sidewalk. Public works is considering building the sidewalk with the street and then requiring the builder to make necessary fixes or replace the sidewalk after development.

Stith asked if sidewalks are done with special assessments.

Cattell said the street and sidewalk were all a part of special assessments and he will confirm that with public works.

Nuss said she spoke with public works about vacant lots in her neighborhood and she was told of the five year policy but those specific lots have been vacant longer than five years.

Cattell said they are reviewing the policy.

Ebert asked if the five year policy is current because he spoke with public works within the last year and the policy was not mentioned. He asked if there were thoughts about changing that policy.

Cattell said public works would have to confirm if it was changing but he stated that the five year allowance was leaving too many sidewalk gaps.

Ebert asked what the five years was based upon.

Cattell said that five years begins when the subdivision is created. It is similar to the policy that Keast suggested but it is time rather than percentage of development. There will always be gaps on vacant lots and there is \$50,000 allocated in the CIP to fill sidewalk gaps but it is not enough. That is why they want to build all sidewalks with the streets.

Ebert cited a situation where a sidewalk was overlooked by the city and now was the cities responsibility to fill it in. He suggested these situations be addressed in the subdivision regulations.

Keast said that issue would be resolved with what public works is suggesting.

Cattell said another reason to put sidewalks in at the beginning is so that homebuyers understand where pedestrian easements exist prior to purchasing or building.

Bunger said many of the situations being discussed are specific and unique and relate to public works policy. He asked for feedback on the notion of requiring sidewalks on both sides of all streets and cul-de-sacs as it is a change from the current zoning regulations.

Nuss said she supports it.

Anderson said he lives on Fairchild that only has a sidewalk on one side but it only gets utilized about 50% of the time. He stated that there should be sidewalks wherever there are houses.

Nuss said she has lived in neighborhoods that don't have sidewalks and everyone has to walk in the street, she lives in an area that has many gaps in the sidewalks, and has lived downtown where there are sidewalks on both sides. A sidewalk on both sides is preferable for safety and many other reasons.

Anderson said that if people wait to add sidewalks then mature trees have to be removed and that upsets many people.

Parikh asked the board if they would include an exception or not. Based upon Ball's statement, his proposal would not fit under the alternative circulation plan because the lot is not 17,500 square feet but he understands why the alternative circulation plan would not fit under all lot sizes. He asked what the other exception would be.

Anderson said Bunger's suggestion of building in a waiver that is very specific is a good idea.

Parikh said he is trying to avoid having an issue similar to the PUD issue. It is often easier to have an exception so it's automatic and built in. As a board the concern is with the future of the city and the board agrees that they all want improved connectivity throughout the city so he does not see a problem requiring sidewalks on both sides of the street but it may be an undue burden on the builder. He suggested that this topic be explored further.

Bunger suggested that one of the standards included is being in areas with an approved preliminary plat or an existing circulation plan that does not have sidewalks on both sides or does not have sidewalks at all. There are existing subdivisions that aren't built out so when a new home comes in and is required to put in a sidewalk it may have never been approved to have a sidewalk. Those areas may never have sidewalks because it may be the last house to be in the subdivision or on that street to be developed. Moving forward, every subdivision gets sidewalks on both sides of the street and at the edge of all cul-de-sacs but everything before that goes according to its development plans that were originally approved by the board and city commission.

Stith said that would basically be grandfathering it in.

Cattell said he agreed with one exception, if it's an area that's under redevelopment then it needs to conform to the new standards. He is referring to when a block of houses is being redeveloped, not just a single home.

Anderson ask if sidewalks were apart of benefit districts.

Bunger said most of the time they are not.

Anderson asked if it was possible to include sidewalks in the benefit districts. A deferment process could be established based on the time the homes were built. He asked staff if funds exist somewhere to pay for future improvements.

Bunger said it's probably beyond the scope of the UDO. That is more of a public works discussion but said staff would look into it.

Anderson said his street only has sidewalks on one side of the street. He is thankful he doesn't have to shovel the snow off of the sidewalk but he finds it odd that there are not sidewalks on both sides. As time passes it becomes another expense and people get accustom to not having a sidewalk.

Keast presented on open space regulations and flood plain standards.

Ball asked who the flood plain administrator was that is referenced in the UDO.

Davidson was acknowledged as the flood plain administrator.

Keast said it is typically an appointee. He continued to present on landscape standards.

Stith asked if they could remove landscaping like it was done in Candlewood.

Keast said if it was cut down, it would have to be replaced.

Cattell said Candlewood still needed to put some trees back.

Keast discussed the credit a developer would get if they preserved existing, mature trees. One mature tree equals four new trees. A list of prohibited trees is in the ordinance.

Ebert asked about the origin of the list of prohibited trees.

Keast said a Kansas landscape architect drafted the regulations and compiled that list of prohibited trees.

Bunger said the list was reviewed by the city forester and he had comments he was going to provide Keast.

Stith said he liked the idea of preserving mature trees and giving the developer a credit but asked if the city forester would need to evaluate the tree.

Keast said yes, it would have to be a healthy tree and not on the list of prohibited species.

Ebert asked if these were trees on private property.

Keast said yes.

Anderson asked if there is a requirement for concrete to be permeable if it's near a tree because the concrete could damage the tree.

Keast said there are standards for landscape maintenance and replacement. He believed there is language about that topic but will check as it is an important component.

Stith asked if the landscape plans would get reviewed by staff in districts that are developable by right.

Keast said yes, their submittals will include a landscape plan.

Stith asked if it would be included with the building permit.

Keast said if it is a new development it will be submitted with the site plans. He then presented on buffer yards, outdoor lighting, parking and loading, bicycle parking, and special provisions.

Davidson introduced the staff presentation on parking regulations.

Chmiel presented a comparison between current regulations and the proposed regulations in the UDO.

Anderson asked if the number of employees would be a factor in the number of parking spaces required for a manufacturing use.

Chmiel said that employees could be used as a determining factor.

Anderson said that square footage is arbitrary because it could be automated with only ten employees leaving a large amount of parking spaces unused.

Keast said a variety of uses are included in the UDO so a land use without many employees does not have to provide extra parking but they are required to set aside that land if the use were to change.

Chmiel continued to present on the comparison of parking standards for retail uses.

Stith commented that the parking lot for Best Buy is never even half full.

Chmiel continued to present on the comparison of parking standards for residential uses.

Stith said basing the parking standards off of bedrooms makes sense in many instances because a family could live in a four bedroom apartment and children don't drive but in Manhattan each bedroom is usually leased to a student. He commented that the current regulations may require too much parking but one parking space per bedroom may be too little.

Chmiel agreed, stating that you would typically assume one occupant per room and based on the example it would only require 24 parking spaces for 48 bedrooms. The goal is to convert this standard to the number of bedrooms to make it more accurate for the communities needs.

May presented case studies for parking requirements in other cities in the United States similar to Manhattan.

Davidson presented on the proposed UDO credits and reductions.

Stith asked if they were going to begin requiring off-street parking in the downtown and Aggieville districts.

Davidson said no but it will be required in the mixed-use district. She continued to present on UDO credits and reductions.

Ebert asked if parking would be permitted on the grass under the deferred parking credit.

Davidson said no, a plan would have to be presented to the zoning administrator and be approved. If the zoning administrator finds they need more parking they will have a specified time to convert the space to parking or if additional parking is not needed it will remain green space until the circumstances change.

Ball asked if a manufacturer would have to build out all required parking if he wasn't within 500 feet of a bus stop even if the parking won't be needed.

Davidson said yes, as it's currently written but there are possibilities for exceptions in situations like the one mentioned.

Ball said specifically in manufacturing there is a lot of variation so he likes the flexibility in the parking requirements.

Davidson said the UDO proposes more manufacturing uses than in the current parking requirements.

Keast said a solution is to land bank green space for parking spaces if needed in the future.

Ball said the parking credits are creative solutions but ultimately the goal is to allocate the necessary amount of parking to the activity and by adding more specific requirements that help. He is uncomfortable about experiences he has had with the Corp of Engineers; when money gets tight the first thing cut is parking. Then other funds have to be used to build more parking so customers can access the facility. The board needs to be sure that the parking regulations are not pushing people to on-street parking as that is a current problem. He suggests modeling the parking in Manhattan that shows if we have extra spaces not being used or if there is on-street parking always being used. He doesn't want extra but doesn't want too few either.

Davidson continued to present on UDO parking credits.

Anderson said one of the biggest problems in creating concrete parking lots is the runoff. He asked if there was any thought in requiring permeable paving to reduce these effects as this is already being done for the high-rise on Bluemont. He does not know what the cost implications for this are. He is very interested in the number of cities that are eliminating parking requirements; the denser a city becomes the more alternate ways people must find to get around. He is favoring reduced amounts of parking required and the use of permeable concrete.

Keast said there are many ways to encourage or regulate permeable paving. Typically permeable pavement is not recommended for heavily used and highly trafficked areas but there are portions of parking lots that aren't used very often that could be pervious. There are also regulations to require a certain percentage of a parking lot to have a porous material. Generally the approach to reduce the overall parking is accomplished by reducing the minimums and setting a cap. This will not be a one-time, fix all solution. It will be something that will need to be monitored and fixed as needed.

Parikh asked if current regulations had 30 different uses and the UDO proposed 130.

Keast said yes.

Parikh asked if they would have varying requirements for both minimum and maximums.

Keast said yes, the issue with having so few uses is it puts a burden on staff to interpret the operating use when they had so few options so the UDO provides more uses and distinguishing use types.

Parikh said he thinks that makes sense especially when trying to get the right amount of parking for the use. Moving in the direction of having more uses is positive to get the right sizing in the right way but the idea of having maximums versus minimums is interesting. For some commercial uses, almost every one of these uses have minimums and only some have maximums. The animal veterinary services has one space per employee but there is not maximum parking spaces. It would be interesting if some commercial uses only had a maximum but not minimum to give the business the option to make that decision. There are many pitfalls and would need to be specific to the use.

Keast said that is why a provision for special studies exists. Someone could present a study showing compliant uses within the community and demonstrate the need with a traffic engineer to request a reduction of the parking and that can be granted on a case by case basis. Special events are an example of why a one-size fits all does not work but there are certain cases that will be able to work within the minimums and maximums. There will be instances that people will want to present a unique case to go above or below the requirements but most of the intensive uses have minimums and maximums for every use type.

Stith said that the problem is that uses can change and there are some uses that are more intensive in terms of creating parking demand and some are less. He like the idea of the credit program but if you get a credit you still have to set aside the property for future expansion if it becomes necessary because of changing uses. He likes the idea of the public transit credit but he is not sure Manhattan is there yet. Maybe if it is included, it will become something to strive for in the future. He has seen places where employers pay for a bus pass for their employees and then get parking credits.

Ball said if it's the business making the decision, weighing the cost benefits of buying bus passes rather than paying for parking, they are making that risk benefit decision and the city is just providing the option. He likes that aspect.

Ebert commented that he enjoyed the graphics showing the parking requirements from various cities. He likes that the city is not considering eliminating parking requirements. The overall issue of parking, which has been around for a long time, is a major cultural topic. Other consultants say that by providing parking, it is enabling people to drive. He does like the alternative opportunities to present studies and other forms of material to do variations of the parking requirements. There are a few uses in the UDO that he feels the minimums are too low. Problems get created when too few parking spaces are provided and often when using this strategy the minimum becomes the maximum. He thinks the multi-family and sorority/fraternity parking minimums need to be reviewed. In sororities and fraternities virtually all occupants drive cars and need the parking. The sororities and fraternities that are in the older neighborhoods overcrowd the streets with parking today. Assembly occupancies, specifically churches, are based on seat count which is ambiguous because many are not permanent. The current regulations are 1 space per 4

occupants and the UDO reduces it to 1 space per 6 occupants. 1 per 4 is already inadequate and drives parking into the neighborhood. 1 space per 6 occupants for stadiums is also low, the K-State stadium parking flows into the neighborhoods. There was also mention that parking is allowed on lawns for K-State game days, which he thought was clever. He does not have an issue with the reductions for less intense commercial and office uses. He thought there are a couple of land uses that maximums may create issues. He asked Keast what the parking maximum is for assembly uses.

Keast said the maximum is 1.5 parking spaces per 1 occupant.

Ebert said he thinks that is adequate. He asked what the parking credit formula for on-street parking was.

Keast said if a new mixed-use development is constructed you look at the total on-street parking for the whole district and then give a proportional allocation for parking based upon street frontage to go towards required parking.

Ebert asked if that typically resulted in a substantial reduction.

Keast said it can be substantial if there is diagonal parking. It does have an impact to reduce the amount of off-street parking or structured parking.

Ebert asked if a twin-home was a duplex.

Keast said it is a duplex that is on two lots that straddles the lot line.

Ebert commented that a townhome required one parking space and he thinks the market is going to create more of the minimum parking than the ordinance will.

Keast said after talking to staff, the multi-family parking requirements needs to be looked at.

Ebert said parking needs for townhomes can be different if they are rentals or if it's owner occupied.

Keast said if the requirements were changed to a bedroom system then it will be based on the unit type and number of bedrooms.

Keast asked the board if they agreed with the general direction of the parking requirements with maximums and minimums to reduce where applicable and to provide opportunities for flexibility.

Nuss said she thinks the idea of maximums is a useful tool to help the city. She also likes the idea that they may have to monitor this and make changes after a period of time. This is going to be a culture change that the community will have to grapple with and the board will have to teach people that walking is okay.

Keast said the changes are not so dramatic that people will notice but staff will notice.

Nuss said there huge parking lots all over the community with empty spaces. They are not even full during the holidays.

Anderson commented that the only lot that is used is the football stadium lot.

Keast commented that the mall parking lot could be decreased and that space utilized for building square footage.

Nuss said parking credits could encourage investment in public transit and will play a part of economic and business development and help support it. She hopes that even if the credits are not used right away that are recognized as possibilities for the future.

Ball commented that he has never had a citizen complain that there is too much parking. Excess parking is paid for by the business; they pay for the cost of permeable surfaces and pay extra to manage the storm water. As we move forward and refine right sizing he would like to give those that have excess parking the opportunity to come back in and ask to reduce parking and turn it to green space so that they have the opportunity to be able to do that if they wish. Some places have had excess parking have put additional business in that parking lot to utilize that extra parking.

Keast said he thinks that's what the ordinance will do.

Ball said that is an opportunity but what we find with the parking shortages which exist, is overuse of on-street parking on narrow streets that don't have sidewalks, creating a safety issue. That is primarily in neighborhoods where the parking wasn't the right size for rentals or bedrooms that were developed. People complain about parking shortages that are impacting them. He asked if K-State announced that they were going to be eliminating parking because if they eliminate parking it will just shift it down onto the street.

Cattell said their long range plan is to use the stadium parking and shuttles and eventually build another parking garage by the business school. To elevate the on-street parking issue the colored zones east of campus were implemented to prevent students from storing their cars. He said the city managers officer requested that the colored parking zoning be revisited in conjunction with the Aggieville study.

Ball said he knows they have parking spaces but he knows that students don't necessary follow a plan so they will find someplace in close proximity which is street parking. The board needs to consider that otherwise the neighborhoods will feel the impacts of that change.

Anderson commented the parking problem can be elevated buy building permanent shelters for public transit to begin to implement the permanent routes. Over a period of time they would be more heavily utilized and have a positively impact on parking. He asked Keast why he felt the board would be happy following the completion of the UDO.

Keast said he thinks the UDO addresses many of the long standing issues that the community has been dealing with. He said many of the regulations will take strides

forward in many aspects including reducing the number of districts and increasing the opportunities in those districts, a reduction of PUD's, a transformative parking strategy to improve the community, more articulate standards to improve administrative processes, incorporate many plans and studies, improve landscapes, and improved regulations of sidewalks and trails. The next module will address non-conformities and will create a process for those properties. Collectively it will positively impact the community. There will be tweaks that will need to be made in the future but the good will far outweigh the adjustments that will need to be made.

Cattell commented that another topic that hasn't been discussed is short-term rentals. It is something the city commission and the chamber wants the UDO to address. Staff will do more research and have more information on that topic. Kansas City, Missouri and Lawrence recently adopted a short-term rental ordinance so we can look to them for guidance.

Keast said that is an issue that won't go away so now is a good time to address it. 101 short-term rental properties were identified in Manhattan.

Stith commented that Riley County is going through the process of updating their land use regulations and was wondering if there have been any opportunities for coordination with them. Since both parties are doing it at the same time this is a real opportunity to make sure that both sets of regulations are compatible.

Bunger said the subdivision regulations will remain coordinated like they currently are. The zoning is a little different so there is less coordination there. Staff has a good working relationship with Riley County so they will continue to coordinate through that process.

Stith said he was told by the planner in Pottawatomie County that they are looking at setting standards similar to Manhattan's because it has become a market issue. He suggests that the UDO should be shared with them to pick and choose what they find useful. He suggests that staff reach out to Pottawatomie County to exchange information.

Keast said that he is working on the comprehensive plan for Pottawatomie County, there is a public meeting tomorrow, and Cattell has been involved in focus groups. Kending Keast Collaborative associates will be having a meeting with city staff this week to get their perspective on topics for Pottawatomie County's plan.

Stith asked where the Pottawatomie County public meeting will be held.

Cattell said it could be found on the Pottawatomie County website. He said once the OEA Grant is acquired they will do a more detailed neighborhood plan which is where the regulations would be located.

Keast said a general regulation review is happening but the larger items haven't been addressed because it is still early in the process.

Stith commented that the major concern is urbanization in a predominately rural area.

Keast said the developing area to the east is the top priority.

Nuss asked for further input. There was none.

2. REPORTS and COMMENTS by Board Members and Staff

Parikh reminded the board that he would be absent from the next meeting.

Stith and Anderson said they would also be absent from the next meeting.

Meeting was adjourned at 9:28 p.m.

Submitted by Lesley Frohberg, Planning Intern