

MINUTES

MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall
1101 Poyntz Avenue

March 19, 2018

MEMBERS PRESENT: Debbie Nuss (chair), Ken Ebert (vice-chair), John Ball, Jerry Reynard

MEMBERS ABSENT: Phil Anderson, Neil Parikh, Gary Stith

STAFF PRESENT: Chad Bunger, Assistant Director of Community Development; Carol Davidson, Senior Planner; John Adam, Senior Planner; Bob Isaac, Planner for Riley County Planning and Development

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

I. OPEN PUBLIC COMMENTS

Mel Borst, 1918 Humboldt Street, discussed Kansas statute that grants cities and counties the authority to develop land use plans, zoning regulations, and subdivision regulations but stated that the statute does not preclude combining zoning and subdivision regulations and local ordinances and policies as Manhattan's proposed UDO will. He proposed that all of Manhattan's zoning, subdivision, and all other regulations and policies that will be in the UDO be separated and organized showing a direct comparison to existing regulations they will replace; including the charter ordinance for the Historic Resources Board. He suggested that mandatory state statues be required to be exhibited and regularly updated in the UDO. For clarity, it would be helpful to have an outline of what would be included in Module 3, a map of the proposed zoning classification changes, and to know who is on the UDO advisory committee and their addresses.

Nuss commented that on the Community Development's website, the UDO process is outlined and the names of the members of the UDO advisory committee are listed. She asked for confirmation from Bunger.

Bunger said he would make that information available. Borst said that would be very helpful.

Nuss asked for any additional public comments.

Mary Ann Fleming, 215 South 8th Street, stated she is an officer of the South Manhattan Neighborhood Association and met with the consultant and Bunger several weeks ago. She sent a letter to the MUAPB, but did not know if they had received it. She is concerned because her neighborhood association fought hard to downzone and put a TNO over parts of the older city, intending to protect the single-family residences that were there. She feels that the UDO will take away what is currently the R-1, allowing for

duplexes. She stated that getting information on the UDO has been difficult because the City's website is very confusing. She found a lack of specific information on the provisions pertaining to the Established Neighborhood District. She would like to see a comparison chart as Borst requested to see how the changes will affect her neighborhood.

Nuss commented that the Board has not received her letter but assumes staff will forward it. Bunger said he would get the letter to the Board for the next meeting as it related to the content for the work session topics to give them context.

II. CONSENT AGENDA

1. Approve the **MINUTES** of the March 5, 2018, Manhattan Urban Area Planning Board meeting.
2. Approve the **FINAL PLAT** of Heritage Square North, Unit Three, generally located at the northeast corner of South Port Drive and US Hwy 24.

Ebert noted corrections to the minutes on page two, third paragraph from the bottom, comments regarding curb cuts on lots of certain sizes; it identified Reynard as the questioner but should be Ebert. On page 11, "clever" was misspelled as "cleaver". Ebert asked staff if transcripts were taken from audio with direct transcription or if they were summarized or paraphrased because his comment on townhomes was confusing.

Adam said that there is an intern that listens or watches the recording then summarizes it. Transcripts take a long time and are not good practice. He asked Ebert if he had a suggestion on how the statement should be written.

Ebert asked Davidson if she listened to the recording. Davidson said she did not. She spoke with the intern, Frohberg, who said she has been doing more of a verbatim instead of summarization. She did not go back and listen to it but she understands that the statement did not make sense. Ebert said sometimes we do not talk as we write.

Davidson commented that Frohberg said it was difficult to determine who was talking because the camera was on the presentation display instead of on the board members.

Ebert said it may be a moot point since the parking regulations for multi-family and residential are still being reviewed, but his remarks were in reference to a townhome needing one parking space if owner occupied and the need could change if it was a rental property.

Ball stated his appreciation for the minutes but noted a correction on page 3, in the fifth paragraph from the top: "not" needs to be added before "mind a sidewalk to nowhere".

Ball moved that the Board approve the Consent Agenda with the Minutes as corrected; Reynard seconded. Motion passed 4-0-0.

Nuss commented she also appreciates the minutes and thinks the transcription is helpful for the public and the Board to remind them of topic and its context.

III. GENERAL AGENDA

1. A PUBLIC HEARING to consider the request to REZONE a 0.75-acre unplatted tract of land, from AG, Agricultural District, to C-PUD, Commercial Planned Unit Development, generally located approximately 1/4 mile north of Skyway Drive, on the west side of Scenic Drive (*applicant: Bart D. Thomas; file no. RCF-18-011*).

Isaac presented the staff report stating the applicant wishes to rezone the subject property from county zone AG, Agricultural District, to county zone C-PUD, Commercial Planned Unit Development. The site is located within the Manhattan urban area and Manhattan urban service area. Isaac described the history, location and physical characteristics of the subject property.

Isaac said that due to the proposed uses, no buildings or structures are to be built or located on the tract with the exception of one billboard. He stated that the list of permitted uses are temporary parking, not to exceed 180 days, for two semi-tractor trailers; outdoor storage of agricultural equipment; overflow parking for Britt's Farm Market; and one outdoor advertising sign.

Isaac explained the tract is subject to a private lease agreement between Britt Farms (lessee) and Thomas Outdoor Advertising, Inc. (lessor) that ties the subject property to the Britt Farms tract, fulfilling the zoning regulations requirement that an operating business must be located on the premises.

Staff recommended the Board should forward a recommendation to the Board of County Commissioners of Riley County to approve the request to rezone the proposed property for the reasons in the staff report. Isaac announced that the Board of County Commissioners will hear the request on Thursday, April 5, 2018 at 11:00 a.m. in the County Commission chambers.

Reynard asked if the property will be mowed and maintained. Isaac replied it will be maintained to an extent to accommodate the occasional overflow parking.

Reynard asked if the tractor-trailers mentioned in the staff report would belong to Britt's Farm and if it would have to be moved as they were only allowed to be there for six months at a time.

Isaac said yes. He clarified that only two tractor-trailers are allowed for temporary parking on the property.

Nuss opened the public hearing.

Bart Thomas, 5640 Anderson Avenue, said he wanted to thank Isaac for his work on the project. He said that the Britt's Farm Market needs the space for overflow parking for events such as the pumpkin patch. He said from a visual aspect, the number trailers are limited to two.

Ebert asked if people are currently parking on the site as overflow parking. Thomas replied yes and stated that is why he wants to rezone, due to liability issues. He said he would like to see poles with ropes be used to designate parking for future events.

Ebert asked if Scenic Drive was under county or state control. Nuss said county.

Ebert commented that the parking is a concern if it's impacting the safety of kids visiting the pumpkin patch. He asked if there are "No Parking" signs on Scenic Drive. Thomas said no.

Ebert said that a sign indicating overflow parking for Britt's Farm would need to be put in. Thomas replied he could do that very affordably for Mr. Britt.

Ebert replied that would be an advertising sign and there is only one sign allowed. Thomas indicated directional signs are allowed.

Nuss closed the public hearing.

Ball moved to recommend approval to the Board of Commissioners of Riley County to rezone a unplatted tract from AG, Agriculture District, to C-PUD, Commercial Planned Unit Development; Ebert seconded.

Ball commented that this is consistent with the commercial development in the area and it is also agricultural-commercial so it fits with the vision of the area.

Nuss commented that she will vote to support the rezone because there was a sign before. If there had never been a sign in this location she would probably hesitate to support this motion because she likes that there are not many billboards in that area.

Motion as originally stated passed 4-0-0.

2. A PUBLIC HEARING to consider the request to REZONE 530 N. 14th Street, 532 N. 14th Street, and 1323 Laramie Street from R-3/UO, Multiple Family Residential District with University Overlay, to C-3, Aggieville Business District for the purpose of redevelopment (*applicant: Xiaobiao "Michael" Chen; file no. REZ-18-006*).

Davidson presented the staff report for the rezoning and recommended approval.

Reynard ask when will happen to the small duplex that is east of 1323 Laramie Street.

Davidson said the owner of the duplex at 1321 Laramie Street came to the neighborhood meeting and has begun the process to rezone her property as well. She could possibly sell it to the Chen's or develop the property in another manner.

Reynard wanted to confirm that the property owner of 1321 Laramie was not getting overlooked and trapped.

Davidson said no, it would have remained as an island of R-3 but she is going through the process of rezoning.

Nuss opened the public hearing.

No one came forward to speak.

Nuss closed the public hearing.

Ebert moved to recommend approval of the proposed zoning of 530 North 14th Street, 532 North 14th Street, and 1323 Laramie Street from R-3/UO, Multiple-Family Residential District with University Overlay, to C-3, Aggieville Business District; Reynard seconded. Motion passed 4-0-0.

3. A PUBLIC INPUT MEETING for the ANNUAL REVIEW OF THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN to receive comments to determine if there are any significant issues that might need further study or other action (*file no.* CPA-18-010).

Adam presented an update on the progress of the Manhattan Urban Area Comprehensive Plan.

Nuss opened the public hearing.

Mel Borst, 1918 Humboldt Street, inquired if there was any more thought of implementing a Bluemont Avenue or Juliette Avenue corridor study. He thinks Juliette Avenue was connected to a downtown study but was curious if that has been discussed since the plan was adopted.

Nuss said the board discussed the topic during the CIP discussion as something of interest.

No one else came forward to speak.

Nuss closed the public hearing.

Nuss asked if staff would be presenting on further on this item at the next meeting. Adam said no, it may be the meeting after or the first meeting in May. Staff is trying to finish development activity maps to share so there is no firm date set.

4. REPORTS and COMMENTS by Board Members and Staff

Ebert asked if the County's regulation update will limit the number of request that come before the board as the rezone on Scenic Drive seemed like an onerous process for minimal change.

Bunger said he cannot comment on the County's update because it would be an uninformed comment. The City and County are working together on subdivision regulations because that is how the Planning Board and its jurisdiction works. Staff is going to coordinate those efforts but the zoning will be based on their interpretation of the comprehensive plan.

Nuss commented that she is the representative to the County's planning committee and there has not been a lot of activity updating the County regulations. Most of the work has been the responsibility of staff and consultant. At some point she is hoping that there will be a public process component. The County does have information on their website similar to Manhattan's information on the UDO.

Nuss wanted to share a information from Donna Schenk-Hamlin, who has commented before the Planning Board before; she has a grant and is hosting a participatory forum on April 12 at the Manhattan Public Library about community solutions to affordable housing. The hope is to encourage members of the public to come and share their personal stories about the challenges they have faced finding affordable housing. The Board has mentioned the issue of affordable housing in the past and this is one mechanism to engage the community and get input.

Bunger commented that he thinks it is a great project and is interested in participating. If the Board is interested in participating to let staff know. He does not want to discourage participation but wants to avoid violations of open meetings law if a quorum of the Board attends.

Nuss replied that given the structure of the forum, she does not think it will be an issue. They will be breaking into small groups so as long as there are no more than two board members in each group. It will be focused on people living in the community that are struggling with affordable housing, not decision makers.

Bunger said he appreciated Nuss sharing the information and he does not want to discourage any board members from attending. If anyone is interested staff will make sure it meets protocol. Nuss said the public will just need to be informed that planning board members will be attending a meeting.

Bunger said staff is continuing work on the UDO. They are taking comments from the last consultant visits to make revisions. Staff has kicked off an information series on the UDO. It will be condensed to just one topic per week so it is more easily understood. Anyone can find that on the city's website at cityofmnhk.com/howdoudo. "How Do UDO" is the name of the information series. More information can be found at cityofmnhk.com/udo. During the April work session the first four topics that will be covered in the information series will be discussed. This is to get in-depth about the topics and inform the public. He understands the public's concerns so staff is trying to make the information easier to comprehend.

Ebert asked if the information Borst asked about during public comments has been shared. Ball said it was present in the consultant's presentation. He asked if that was secret information.

Bunger said it was not secret information. He understands the website may not be the most user friendly but staff is trying to share the information with the public. He understands the concerns and will do his best to inform everyone of the process. It may be difficult to compare the current regulations to the new regulations because they will be in completely different format. He will try to make it clear what is being included in the new regulations and what is being removed.

Ball said specifically the chart that showed the zoning migration should be provided to the public. He also has trouble navigating the city's website.

Bunger said the city's website can be difficult but staff is working to improve it. The first insert for the "How Do UDO" series has a table showing the zoning conversion and a map of the changes.

Nuss suggested that the city's website not be redesigned during the process of adopting a UDO as it may be confusing now but it will be more difficult to find information if it is changed.

Ball mentioned that sometime in the future the new roundabout at Anderson Avenue and Scenic Drive should be discussed, specifically the impact it has on Wildcat Creek. He would appreciate information on that topic in the future. This was brought to his attention because of flooding concerns in Wildcat Creek. Nuss commented that people are driving at very fast speeds through that roundabout.

Ebert asked if a schedule for the next meeting would be distributed to the board. Bunger said he forgot it. Davidson said she would send the schedule to the board.

Nuss asked if the board has materials to sign. Davidson said yes, they need to sign the plat they approved in the consent agenda.

Meeting was adjourned at 8:07 p.m.

Submitted by Lesley Frohberg, Planning Intern