

MINUTES

MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall
1101 Poyntz Avenue

June 18, 2018

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

MEMBERS ABSENT: Phil Anderson

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

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 June 4, 2018, Manhattan Urban Area Planning Board meeting.
2. Approve the **FINAL PLAT** of Stonehaven, Unit Two, generally located south of Miller Parkway, near the intersection of Miller Parkway and Amherst Avenue. (*Applicant/Owner: Neil Horton, Bayer Construction Co.; File no. SUB-18-025*).

Stith moved that the Board approve the Consent Agenda; Reynard seconded. Motion passed 6–0–0 on consent item 2; 5–0–1 on item 1, Stith abstaining due to absence from previous meeting.

III. GENERAL AGENDA

1. A **PUBLIC HEARING** to consider a request to **REZONE** a 0.37-acre tract of land from R/AO, Single-Family Residential District with the Airport Overlay District, to I-5/AO, Business Park District, with the Airport Overlay District. (*Applicant/Owner: Neil Horton, Bayer Construction Co.; file no. SUB-18-031*).

Davidson presented the staff report for the rezoning and recommended approval with 11 conditions.

Nuss opened the public hearing.

Neil Horton, 3629 Vanesta Drive, said he was available to answer questions from the board. They had none.

Nuss closed the public hearing.

Stith moved to recommend approval of the proposed rezoning of a 0.37-acre tract of land from R/AO, Single-Family Residential District with the Airport Overlay District, to I-5/AO, Business Park District, with the Airport Overlay District; Reynard seconded. Motion passed 6–0–0.

2. A **PUBLIC HEARING** to **REZONE** the proposed Americare PUD, an 11.32-acre tract of land, generally located at the southwest corner of the Amherst Drive and Miller Parkway intersection from I-5, Business Park District, and R-3, Multiple-Family Residential District, with a portion of this District in the AO, Airport Overlay District, to Planned Unit Development with a portion of this District to contain the AO, Airport Overlay District. (*Applicant/Owner*: Neil Horton, Bayer Construction Co.; *file no.* SUB-18-024).

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

Stith asked if the development of Lot 5 would follow land use regulations of an I-5 district. Davidson said yes.

Stith asked if the PUD will come before the board to present building plans and materials. Davidson replied if it is permitted in the I-5 district the applicant will not need to present it to the board.

Stith noted that the board typically reviews building materials, architectural design, site plans, and landscaping plans for a PUD.

Davidson said the PUD is being proposed because a previous rezoning caused Lot 5 to be under the minimum lot size; the PUD will permit the undersized lot. As a PUD, the applicant can develop according to all remaining I-5 district regulations, including uses and bulk standards.

Stith said he was not suggesting the applicant needs board approval if it is allowed in an I-5 district. Davidson confirmed they would not need to for permitted I-5 uses. Stith asked if that was explained in the conditions. Davidson said yes.

Ebert asked if staff will review the plans and drawings. Davidson said yes.

Ebert noted that the staff report stated the applicant would need a variance to become conforming to minimum lot size. He asked why they would not need to meet the minimum size requirements as a PUD.

Davidson replied that a previous rezoning caused some of the lots to become nonconforming and undevelopable. She explained the lot does not conform to the I-5 district currently but it is being requested to be rezoned to a PUD so it will no longer be required to meet all I-5 regulations. The PUD will take on the permitted uses and bulk regulations of the I-5 district but not the minimum lot size requirements.

Bunger said that during the previous rezoning the boundary line between Lot 5 and 6 shifted north and a small piece of Lot 5 was rezoned to R-3; this caused Lot 5 to be under the minimum lot size in an I-5 district.

There followed further discussion clarifying that a variance was an option for the applicant to attempt only if the property were not rezoned to PUD per the proposal currently before the board.

Stith asked if the plat in the staff report was outdated because it shows a property abutting the Warren Court cul-de-sac. Davidson replied that the cul-de-sac in the applicant packet was an old rendition and it has been corrected.

Stith asked if the units on Lot 7 will be rentals or condos, and if the units are on individual lots. Davidson said they will be rental units and they are not on individual lots.

Ebert said the staff report references photometric data but he did not see where that information was included. He asked if that was a requirement for a preliminary plat. There is also a statement that the owner or applicant can decide to change or move the lighting without approval and he recommends that be changed to require approval.

Davidson said a preliminary development plan can be very extensive and detailed or it can be simple. The applicant did not include a photometric plan with the preliminary plans.

Ebert asked if it was a requirement for a PUD submission. Davidson said lighting was discussed and it will have to follow the I-5 zoning regulations. Information was included for lighting signs but an overhead lighting plan was not included.

Ebert commented that he would like someone to check the requirement for photometric data for lighting because once preliminary plans are approved there is little room for corrections or additions. Davidson said changes are allowed; there is just no public input.

Ebert said there are many things to be submitted for a PUD and that is something that the UDO will change but until then the current regulations need to be followed.

Nuss commented that the board can further discuss Ebert's addition to the conditions when the motion is made.

Parikh asked if a photometric assessment would normally accompany a PUD. Davidson said yes.

Bunger commented that within the requirements of a preliminary development plan application it states that signage and lighting plans may be submitted separately or combined

with other plans. Normally they are submitted with the preliminary plat but it is not required. Staff felt implementing the light regulations for the I-5 district would be sufficient for the development.

Parikh commented that if staff did not feel strongly enough to recommend that it was included then it has been assessed to some extent.

Davidson said the lighting plan will be introduced with the final development plan which the planning board has the opportunity to make comments and add conditions.

Ebert said the applicant stated that a photometric plan would be supplied with the preliminary development plan, which has not been, and a final photometric plan will be provided with the final development plan. The photometric plan should be in conformance with the Manhattan Land Development Code.

Stith asked if the development will still have to conform to the I-5 regulations even though there will not be an I-5 district in the UDO. Davidson said yes. Stith asked if they have to conform as it exist today rather than the new zoning regulations. Davidson said yes.

Nuss opened the public hearing.

Neil Horton, 3629 Vanesta Drive, said he would answer any questions that pertain to Lot 5. There were none.

Neal Slattery, 3310 Bluff Creek Drive, Suite 106, said the lighting plan is still being designed but agrees with the board that it be included as a condition of approval. Slattery showed images of what the proposed development building materials and architectural design. He mentioned that the topography of the site did not allow for cluster development. If the rezoning gets approved, he would like to submit construction documents by September and begin construction later this fall. The timeline to complete the project is usually 15 months.

Nuss asked if any of units will be income based. Slattery replied no. The assisted living campus and the memory care building are regulated by the State of Kansas but the cottages are considered independent units with leases through Americare.

Nuss closed the public hearing.

Ebert asked if the Fire Department had comments. Davidson said some changes were made and they were not included in the board's packet. Slattery said the changes the Fire Department made included adding a 26-foot fire lane with a hammerhead to the rear of the building to provide better access and relocating a connection to make it more visible for the Fire Department. Revised plans reflecting those changes will be submitted.

Stith commented that the grading plan shows changes in the topography that infringe on adjacent properties and it needs to be corrected.

Slattery said they are the first to develop the area and with the owner/developer working on the project, some excavation that is complete can be utilized elsewhere for future development.

Horton said he will accept those grading changes into future plans of Stonehaven. Stith said since Bayer owns those lots he is not concerned.

Ball moved to recommend approval of the proposed rezoning of Americare PUD, an 11.32-acre tract of land, generally located at the southwest corner of the Amherst Drive and Miller Parkway intersection, from I-5, Business Park District, and R-3, Multiple-Family Residential District, with a portion of this District in the AO, Airport Overlay District, to Planned Unit Development with a portion of this District to contain the AO, Airport Overlay District with the 11 conditions recommended by City Administration and with the addition of a 12th condition to require a photometric plan to be submitted with the final development plan. Stith seconded.

Ebert proposed a friendly amendment to the 12th condition to require evaluation and approval for the relocation or changes to the total number of light poles from the final development plan. Ball accepted the friendly amendment; Stith seconded.

Ebert noted the preliminary plans incorrectly cite Covington, Tennessee, Code of Ordinances; this needs to be corrected to Manhattan, Kansas, Code of Ordinances for the final plans.

Bunger asked if the evaluation and approval of changes to the lighting plan could be an administrative approval. Ebert said yes.

Motion with amendments passed 6–0–0.

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

Stith asked if the board will receive the Aggieville Design Standards prior to the upcoming UDO Work Session. Bunger replied it will be provided in the meeting packet.

Nuss thanked the Community Development Department for being present at the Juneteenth Celebration.

Ebert commented the parking for the PUD is significantly more than the minimum requirements. He asked if the proposed parking has been compared to the proposed UDO parking standards and why the applicant is providing an abundance of parking.

Nuss said there is often a shortage of parking at similar facilities like Via Christi Village and Meadowlark because of staffing patterns. The facilities also have public community rooms that need additional parking for events.

Ebert asked if assisted living facilities is a specific land use in the UDO.

Bunger replied yes; currently a nursing home is 1 parking space per 2 patient + 1 space per employee at the maximum shift. The UDO proposes a minimum of 0.3 parking spaces per bed + 0.75 per employee and a maximum of 1 space per bed + 1 per employee.

Ebert said this is a new example to compare to the proposed regulations. Davidson said the proposal was within the minimum–maximum range in the proposed UDO parking regulations.

Meeting was adjourned at 8:13 p.m.

Submitted by Lesley Frohberg, Planning Intern