

# MINUTES

## MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall  
1101 Poyntz Avenue

**April 1, 2019**

### MEMBERS PRESENT

Ken Ebert, *chair*  
Phil Anderson  
John Ball

Debbie Nuss  
Jerry Reynard, *vice-chair*

### MEMBERS ABSENT

Neil Parikh  
Gary Stith

### STAFF PRESENT

Chad Bunger, Asst. Community Development Director; Barry Beagle, Senior Planner; John Adam, Senior Planner; Ben Chmiel, Planner II

## 1. CALL TO ORDER

- 1.1. Ebert called the meeting to order at 7:00 p.m. Staff called roll and stated there was a quorum.
- 1.2. Open Public Comments: there were none.

## 2. CONSENT AGENDA

- 2.1. Approve the minutes of the March 18, 2019 Manhattan Urban Area Planning Board meeting
- 2.2. Consider the final plat of Townhomes at Miller Ranch, Unit 8, a replat of Lots 9A and 9B of the Townhomes at Miller Ranch, unit 6, Lot 13 of the Townhomes at Miller Ranch, Unit 5, and Lot 2 of the Townhomes at Miller Ranch, Unit 1 (*Applicant: Frazee Development; file no. SUB-19-017*). [Postponed until April 15, 2019 meeting]
- 2.3. Consider the final plat of 12th & Bluemont Lofts PUD, Unit 2, a consolidation of Lot 1, 12th & Bluemont Lofts PUD, and Lots 626–628 of Ward 3 of the Original Town Plat into a single lot and dedication of easements (*Applicant: T.J. Vilkanskas, 12th & Bluemont LLC, Back 9 Development; file no. SUB-19-027*).

**Nuss moved that the Board approve the Consent Agenda; Reynard seconded. Motion passed 5–0–0.**

Ball noted for the record that Item 2.2 has been postponed until the next meeting.

### 3. GENERAL AGENDA

*Adam presented Item 3.2 in conjunction with Item 3.1.*

- 3.1. A PUBLIC HEARING to consider the ANNEXATION of 10.84 acres northwest of the intersection of North Scenic Drive and Wildcat Creek Road (*Applicant: Blueville Nursery/Keith Westervelt; file no. ANX-19-001*).

Adam presented the staff report for Items 3.1 and 3.2, explaining the proposed annexation and proposed changes to zoning, and recommended approval.

Ebert opened the public hearing.

Charly Pottorff, 3761 Cumberland Road, commented that this is probably a good project but is concerned about the timing after the significant flood in September 2018. His issue with project is that adding buildings in the flood area will exacerbate the flooding elsewhere. He said in the last flood there was a detention pond that did not have any water in it; all of the water flooded his property. He said is supportive of the project but thinks they need to wait until studies of the watershed are complete in about 5 months so the findings can be implemented.

Anderson asked Pottorff how long he has lived in Manhattan. Pottorff said 51 years.

Rich Seidler, 3214 Kimball Avenue, said he is representing the owner and applicant. He said his engineers and the city engineers agree that there will be a reduced release of water based on their plan. He urged the board to take the advice of the city's professional staff and approve the project.

Ebert closed the public hearing.

**Ball moved to recommend approval for the proposed annexation of 10.84 acres northwest of the intersection of North Scenic Drive and Wildcat Creek Road based on the findings in the staff report and public testimony; Reynard seconded.**

Anderson commented that he appreciates Pottorff's testimony. He said he has driven along the area of Wildcat Creek and remnants of the September 3 event are still present. He said Manhattan is surrounded by a levee; once the Kansas River gets to a certain point we cannot open the flood gates to let the water out, so it then backs up Wildcat Creek. He said it is a risk when building in the area, but this project looks reasonably safe. He said flooding will probably happen at some point as 100-year flood events are happening every 5–10 years. He said Seidler and the owner wish to pursue the project so there is no reason for him to vote against it.

**Motion passed 5–0–0.**

- 3.2. A PUBLIC HEARING to consider the REZONING of 27.44 acres located on both sides of North Scenic Drive between Anderson Avenue and Wildcat Creek Road/Cumberland Road from AG, Agriculture, and C-5, Highway Service Commercial, to C-5, Highway Service Commercial, and C-2, Neighborhood Commercial (*Applicant: Blueville Nursery/Keith Westervelt; file no. REZ-19-002*).

Ebert opened the public hearing.

There was no testimony.

Ebert closed the public hearing.

**Ball moved to recommend approval for the proposed rezoning of 27.44 acres located on both sides of North Scenic Drive between Anderson Avenue and Wildcat Creek Road/Cumberland Road from AG, Agriculture, and C-5, Highway Service Commercial, to C-5, Highway Service Commercial, and C-2, Neighborhood Commercial based on the findings in the staff report; Reynard seconded.**

Ebert said he believes that Pottorff's comments had more to do with the runoff created by development, not a concern for the property owner. He said board members do not have the expertise to fully understand how flooding works, so the board must rely on staff and experts. He noted the standards are in place to control runoff but it is still runoff. He said he finds it difficult to go against the recommendations of experts.

**Motion passed 5-0-0.**

3.3. REMOVE FROM THE TABLE and conduct a PUBLIC HEARING to consider the REZONING of 0.52 acres at the northwest corner of North 11th Street and Bluemont Avenue from R-3/M-FRO, Multi-Family Residential with Multi-Family Redevelopment Overlay, to 12th & Bluemont Lofts PUD (*Applicant: T.J. Vilkanskas, 12th & Bluemont LLC, Back 9 Development; file no. PUD-19-019*).

**Reynard moved to remove Item 3.3 from the table and conduct a public hearing; Nuss seconded. Motion passed 5-0-0.**

Chmiel presented the staff report for Items 3.3 and 3.4, which proposed a rezoning and amendment for 12th & Bluemont Lofts PUD. He noted that the first condition, stating that the proposed development will one residential building rather than two residential buildings, will need to be amended since the plans have since changed to be one building.

Reynard commented that he is concerned about parking. He said the City has implemented 0.75 parking space per bedroom and increased bike parking to one bicycle parking space per two bedrooms; he asked if this is working or if it is just making the streets more congested.

Chmiel said the applicant thinks the parking reduction is working; the existing lot is currently over-parked. He said the bicycle commuter rates have been increasing for the past five years; we recently broke the 2% mode-share mark. That means that 1 of every 50 residents are biking as a mode of transportation to work, not including recreation or entertainment trips. He said the community is moving in a similar direction as whole: 11% of renter households do not have a car. He said the number of cars per renter-occupied household is down to 1.55 cars per unit. He said it is difficult to tell the effect of individual projects but generally we are going in the direction of reduced vehicle parking demand.

Nuss added that we also need to consider that public transit ridership is increasing due to more effective routes.

Chmiel said there are two ATA bus stops within one block of this development. He said the Census data do not reflect the changes in the routes because it is always a few years behind, but local data reflects increased ridership.

Ball commented that he is supportive of this project but he questions the durability of EIFS

at ground level. He asked if the design standards allows the EIFS to go all the way to the ground. Chmiel said there is nothing that limits the product from being used on the ground level and suggested asking the applicant to speak on the matter.

Anderson said that he has observed that public transit ridership continues to grow; every time the buses stop there are people getting off or getting on. He has no concern about lowering the parking requirements.

Ebert asked if the 0.75 parking spaces per bedroom is for the entire complex. Chmiel said yes.

Ebert asked if each building fulfilled the requirement or if one is supplementing the other to meet the parking standards. Chmiel said it is nearly equal but it is platted as one lot so it is figured together.

Ebert commented that Chmiel made a change to a condition that it is one building since it is connected. He asked if the new building is dependent upon the existing stair exit at the west end for egress. He said at the moment there is no indication of fire separation that would makes these two independent buildings but if the property is sold in the future fire separation will need to be added.

Chmiel said that the Code Department has indicated that it will have to be fire rated. He said their concern was if they could get a hose under the structure to access the back lot and they were comfortable with what is proposed. He agreed with Ebert that there may be some additional code issues but they will be worked out during the building permit process.

Ebert asked if both buildings have stormwater detention underground. Chmiel said yes.

Ebert asked if the drainage easement exists to allow the water in the detention to be released. Chmiel suggested the applicant speak on this topic but Public Works has reviewed the drainage plan and is comfortable with it.

Ebert opened the public hearing.

T.J. Vilkanskas, 3417 Vanesta Drive, owner of 12th and Bluemont LLC and Back 9 Development. He said the existing developments parking lot is running about 50–75% capacity with the current 80 spaces to 105 bedrooms. He said the complex is currently at tenant capacity. He said they do have a gate but rarely use it; they usually leave it open because many of the residents use Uber and the drivers like to go in and turn around. This also alleviates traffic issues on Bluemont and 12th Street if the cars are not dropping off or picking up on the street. He said he plans on tracking the number of cars that are in the existing lot but they are not close to capacity. He reported that the tenants are buying parking spaces but they are not being used. He said public transportation and ride sharing programs are picking up a lot of the slack. He said City staff's survey findings that only 60% of the parking lots in nearby apartment complexes were being used comport with what he is seeing.

Nuss if there were any takers on the two houses yet. Vilkanskas said he has been in contact about potentially moving one of the homes. The house on the corner does have some historical significance. He is more than happy to move the homes rather than demolishing them.

Nuss thanked Vilkanskas for being willing to move the homes because they have architectural significance.

Anderson asked how the detention system works and if he has been satisfied with the system during recent rain events. Vilkanskas said he thinks it is overkill to keep water on the site and his engineers agree. He said they disagree with what Public Works has said about detaining water because it is unnecessary; it makes construction cost more expensive and makes rents higher. He does not understand the system. The only reason it is required is because the lot is above 0.5 acres.

Anderson said his understanding is it holds the water to a certain point and releases it—he asked what happens to the rest. Vilkanskas said it all eventually gets released.

Nuss asked if the building is fully occupied. Vilkanskas said yes. Nuss said the higher rent is not necessarily an obstacle then. Vilkanskas agreed but would like to make things more affordable.

Nuss said when the first project was presented, it was a more green alternative than in the past and it does what it is supposed to do by reducing the flooding to the west. She commented that it is a great contribution to the public good. Reynard asked if there is any way to monitor how well it is working.

Brett Louk, 2605 Brook Lane, said he does not think there is a way to measure that. He said one of the concerns is that the property is already at the bottom part of the basin and there are already issues with standing water. He opined that by having detention on the site it is delaying peak release, so as the peak of the Bluemont storm system drains the two peaks are closer together.

Reynard commented that everything underground is much older in this area than in the western part of the city. Louk replied that the system on Bluemont Avenue is under capacity. He said that was some of the discussion they had with city staff.

Reynard said, like parking, monitoring the site and having the data could be beneficial.

Ball commented that the city has to operate on the do-no-harm principle. He said the Board just has to consider if development will make flooding worse or not worse, and that is why the city is requiring detention of water. He said Manhattan has a flooding issue and the goal is to encourage high-density development while doing no harm to the community. He said we may not know what is right but the city is working towards getting it right and protecting residents. He said if there are data showing the detention is not effective then the city may reconsider. He asked if EIFS is durable enough to be used on the ground floor of the building.

Vilkanskas said the architect working on this project designs many hotels around the country and they have recommended to use EIFS for this particular building. He said he is starting to use more of it for single-family homes. He said the product has gotten better over time, as long as it is installed properly. He has been assured that it will not be an issue. He said there will also be landscape beds along the building that will help.

Ball commented that the concern is the potential damage that will cause it to not look good over time. Vilkanskas said they will have the problem especially in this area. The styrofoam panels are easily repaired but he agrees with Ball. They were going for a sleek appearance and the material achieves that.

Ebert commented that his experience with EIFS is that it has a reinforcing mesh that can be heavy duty to increase the durability. He said he remembers discussing not allowing EIFS at

ground level, although he does not personally support or oppose the use of the material. He asked staff if they recall this discussion. Chmiel said it has been discussed; it did not make it into the most recent amendments to the C-3 district. The UDO has a recommendation for stucco specifically to ensure it is a three-coat application and says EIFS is only allowed on upper stories.

Ebert asked where this regulation is located. Chmiel replied in the most recent UDO draft but he cannot confirm it will remain. This was added due to concerns about durability in a bar district. This is a bit different because it is not in the core of Aggieville. Ebert said he would choose EIFS before stucco at ground level because it is typically more durable.

Ebert clarified that the detention system is a non-mechanical system that collects water and then releases it at a controlled rate. Louk replied yes.

Ebert asked if Vilkanskas rent his parking spaces. Vilkanskas said they do pay a yearly charge. Ebert asked how that has affected parking and how much he charges. Vilkanskas said they charged \$150 per parking spot. He said for 2019 leases it was raised to \$200 and added they have yet to have someone not buy a parking space. When they first built the complex they did not know if parking would be an issue and it has not been an issue yet. He added that the metal paneling on the first building could be more easily damaged than EIFS.

Ball appreciated the discussion on the EIFS but he tends to defer to the owner and builder because they are making the cost effective decisions. He said if EIFS is the correct building material and we are drafting regulations limiting its use, we need to be aware of it.

Vilkanskas said his concern with EIFS has always been with getting water trapped behind it, which is where EIFS has gotten a bad name in the past. He said he had not thought about the damage aspect but some damage is unavoidable. He said he is happy with the durability of the EIFS he has used on past projects.

Ebert closed the public hearing.

**Ball moved to recommend approval for the proposed rezoning of 0.52 acres at the northwest corner of North 11th Street and Bluemont Avenue from R-3/M-FRO, Multi-Family Residential with Multi-Family Redevelopment Overlay, to 12th & Bluemont Lofts PUD based on the findings in the staff report; Reynard seconded.**

**Motion passed 5-0-0.**

3.4. REMOVE FROM THE TABLE and conduct a PUBLIC HEARING to consider an AMENDMENT of 12th & Bluemont Lofts PUD to add an attached 33-unit, four-story apartment building at the northwest corner of North 11th Street and Bluemont Avenue (*Applicant: T.J. Vilkanskas, 12th & Bluemont LLC, Back 9 Development; file no. PUD-19-019*).

**Reynard moved to remove Item 3.4 from the table and conduct a public hearing; Nuss seconded. Motion passed 5-0-0.**

*Chmiel presented Item 3.4 in conjunction with Item 3.3. See item 3.3 for discussion and public hearing.*

**Ball moved to recommend approval for the proposed amendment of 12th & Bluemont Lofts PUD to allow the construction of an attached 33-unit, four-story apartment building**

**at the northwest corner of North 11th Street and Bluemont Avenue based on the findings in the staff report and the 11 conditions of approval and based on recommendation from City Administration include the amendment of Condition 1 to say the permitted use shall allow one residential, multi-family dwelling structure totaling 70 dwelling units; Reynard seconded.**

**Motion passed 5–0–0.**

#### **4. REPORTS AND COMMENTS BY BOARD MEMBERS AND STAFF**

##### 4.1. Planning updates from staff

Bunger commented that staff is reviewing the full draft of the Unified Development Ordinance. Planning staff will complete reviews by the end of the month and the rest of city staff will review the draft in May, then then it will be released to the public and the board. At that time there will be a series of community outreach events to educate the public on the new regulations.

##### 4.2. Comments from Board members

Nuss said that Linda Glasgow made a comment to the board that the Manhattan–Riley County Preservation Alliance was urging the Historic Resources Board to make a recommendation to the City Commission to approve an Aggieville Historic Survey. She suggested supporting the recommendation because the grant match would be waived so there would be no expense to the city. Chmiel commented that they have been given authorization to apply for the grant. They still have to receive the grant and the City Commission will need to accept the funds. Ebert asked if anyone was opposed to this. Ball said he would personally support the survey to the City Commission but as a member of an advisory board he does not think it is appropriate to seek support from other boards. Nuss commented that with the board's involvement with the plan for Aggieville, decisions for the area, and the UDO she feels this board has an interest in it. Ebert agreed.

Anderson commented that Bluemont Avenue was blocked due to cars waiting to get into Starbucks over the weekend; he suggested putting a sign and impose a fine for blocking the street. He noted that Patricia O'Brien died last week; she wrote a book in 1998 on the architectural history of Manhattan. He said the Riverfront Development Committee is meeting on Thursday at 4:00 p.m. at the Aggieville Radina's. It is an open meeting and anyone is welcome to attend. Ebert added that when O'Brien wrote her book she only included architects that were deceased.

4.3. Next meeting. Chair announced the next meeting is Monday, April 15, 2019.

#### **5. ADJOURNMENT**

Meeting was adjourned at 8:12 p.m.

*Submitted by Lesley Frohberg, Urban Planning Intern*