

MINUTES

MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall
1101 Poyntz Avenue

May 6, 2019

MEMBERS PRESENT

Ken Ebert, *chair*
Phil Anderson
John Ball

Jerry Reynard, *vice-chair*
Gary Stith

MEMBERS ABSENT

Debbie Nuss
Neil Parikh

STAFF PRESENT

Chad Bunger, Asst. Community Development Director; Barry Beagle, Senior Planner; John Adam, Senior Planner; Shauna Laauwe, 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 April 15, 2019 Manhattan Urban Area Planning Board meeting.
- 2.2. Consider the final plat of 17th Street Properties Addition, Unit 2, a partition of one lot into two (*Applicant: Doug Maryott; file no. SUB-19-031*)

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

3. GENERAL AGENDA

- 3.1. A PUBLIC HEARING to consider REZONING a 0.25-acre lot at 911 Sunset Avenue from R-2/UO, Two-Family Residential with University Overlay, to RM, Four-Family Residential (*Applicant: Aaron MHK Properties; file no. REZ-19-033*)

Beagle presented the staff report, which recommended approval.

Anderson asked if there will be sufficient room for parking for four units. Beagle said as illustrated in the staff report, the applicant provided a preliminary concept drawing of what is proposed for the property. With the two-story design, which would be pushed up to the

front yard setback, there is room at the rear of the property to accommodate 12 or 13 parking spaces.

Anderson commented that adds a lot of concrete. He asked if that is included for the maximum lot coverage. Beagle said, based upon the preliminary calculations, it would still fit within the allowed percentage of lot coverage for the RM district.

Anderson asked if these are two- or three-bedroom units. Beagle said two-bedroom units are proposed. There would be a ground-level entry with two units accessible from the east side and two units accessible from the west side.

Ball asked if the increased density would create any issues with sewer or water service to the lot. Beagle said the application was submitted to Public Works and he did not receive any negative comments with regard to sewer or water.

Stith commented that the red dashed line on the presentation slide does not cover the whole lot but the drawing that was submitting looks like the entire lot is a part of the site. Beagle replied that the land which wraps around the southern side of the property is actually a part of the 12-unit garden apartment building to the west. It is a drainage swale and is outside of the subject property.

Anderson asked if they would have the opportunity to see the architectural drawings at a future date. Beagle replied no, since it would be conventionally zoned. A building permit will be required and the architectural drawings will be reviewed at that point.

Ebert commented that this is a zoning issue, not a PUD. He asked if Beagle could remind the board the calculation of site coverage and if it does or does not include paving. Beagle said it is only the building cover that is calculated as part of the maximum lot coverage. It would include a principal structure and accessory structures but surface area for the parking is not included. The maximum lot coverage of the RM District is 35 percent.

Ebert asked what the building setback is on Sunset Avenue. Laauwe said it is 25 feet.

Ebert opened the public hearing.

There were no public comments.

Ebert closed the public hearing.

Stith moved that the Board recommend approval of the request to rezone from R-2/UO, Two-Family Residential District with University Overlay, to RM, Four-Family Residential District, based on the findings in the staff report; Reynard seconded.

Anderson said he intends to support the request. He has driven by this property many times and the previous structure had zero architectural appeal. He is hoping, because of its location, the new structure will have the kind of architectural integrity that the neighborhood deserves.

Motion passed 5-0-0.

- 3.2. A PUBLIC HEARING to consider an AMENDMENT of Abbott's Landing Shopping Center PUD to allow a drive-through coffee kiosk on a lot between 405 and 409 McCall Road (*Applicant: Tom Abbott; file no. PUD-19-032*)

Laauwe presented the staff report, which recommended approval, with one condition of approval.

Stith asked if there is a cross-access easement between lot 4 and lot 3. Laauwe said yes, there is a cross-access easement for the whole PUD.

Ebert said there was no indication of travel easements on the site plan and asked if it was described in the PUD. Laauwe said there is a cross-access easement for the entire PUD. Alvin's Place is a travel easement that give access to Abbott's Landing. It is already noted but an additional note can be added.

Ebert asked if bypass lanes are required in the zoning regulations for drive-through facilities. Beagle said there is no such requirement in the current regulations.

Ebert opened the public hearing.

Judd Claussen, 1270 North Winchester Street, Olathe, Kansas, is representing the franchisee who will be constructing and operating the facility. He said he has worked on many Scooters locations in the Kansas City area. He said the site is tough to develop and to fit a use on so it is functional. He said they looked at many different orientations of the site to have an appropriate amount of stacking for this facility. Putting the building in the middle of the site does not work because it decreases the stacking. He said there were also difficulties with the entrance at Alvin's Place Road and McCall Road. He said this is the best scenario from a traffic standpoint. He said there is a cross access easement in the easements, covenants, and restrictions (ECR) documents; that information is in the title work when the property is purchased.

Reynard asked if Claussen could explain how the site functions. Claussen referred to a site plan, showing entry at the northwest corner of the property with traffic moving south. Cars can exit north or west onto the Arby's property.

Ball asked if eight queuing spaces would be sufficient. Claussen said yes, they have experience with other locations and each city has different requirements but from the operation of the facility, five to eight queuing spaces is typical. He said there is no food service so it is a very quick turnaround.

Reynard asked if the menu board example that was in the staff report was incorrect because it showed food. Claussen said he is not aware of the food items.

Stith said he thinks eight cars seems like a lot of queuing spaces. Ball said the reason they asked because there is another coffee place in town that has a queuing issue and it backs up onto a congested road. Stith said the queuing would probably never get to McCall Road. Claussen agreed, that was important in the initial conversations with staff. Ebert commented that he appreciates the response to staff's comments on dimensional issues with parking.

Bob Lach, 8930 Bash Street, Indianapolis, Indiana, represents the neighboring Arby's. he said they just heard about this project due to the landlord not relaying the information. He said they have some concerns about the project from a site perspective, about the proposed location of the building. He said when this PUD was developed, it was intended that

all the buildings would have a similar setback to allow an access road in front of them. He acknowledged the proposed building is not encroaching on the front setback but all the other buildings in the McCall corridor have similar setbacks. He said they have visibility concerns with the building being so close to McCall. He noted the proposed exit of the drive-through lane would require the removal of a parking space and landscape island on the Arby's site to achieve an appropriate radius and he is concerned with congestion at that corner. He said there was no traffic study done for this site and he recommends getting an expert opinion for the best flow of traffic. He said he would also like to confirm this is drive-through only because if they do a pick-up window that means people would be parking in the Arby's lot and there is no parking agreement for this site.

Stith asked how they can modify something on the Arby's site. Lach said he does not know.

Ebert asked why Lach did not find out about the request until recently. Lach said the notice was sent to the correct person but their landlord is based out of Florida and they did not notify Lach in a timely manner. Ebert clarified that the owner of record was notified and Lach is a tenant. Lach said yes.

Ebert said he finds Lach's comments compelling. He ask if the initial intent was to have an access road in front of the businesses. Lach replied that there was discussion on the topic but if you look in the title work, the easement lane in front of Arby's and Burger King has a limited travel easement. All the other buildings have been setback the same distance.

Ebert asked if Dunkin Donuts has a travel easement in front of their building and if the lots to the east were vacant. Lach said they are vacant lots but there is a Panda Express farther east.

Ebert said the travel easement Lach is referring to is on the first two sites; he asked where it is recorded. Lach said in the original PUD.

Ebert asked if it is limited to those two lots. Lach said yes but there are curb cuts and a drainage inlet with the intent to continue the access.

Stith asked if the circulation on the original PUD went in front of the restaurants and could exit onto the street. Laauwe said no.

Stith asked if the frontage road did connect to Alvin's Place. Lach said no, it is just grass. Laauwe confirmed there is no driveway all the way across; it is just grass.

Bunger said the subject site did not have any development associated with it so there was no driving aisle associated with the PUD. There could have been a defined planning for the Burger King and Arby's circulation but the vacant lots just had a standard 25-foot setback off McCall Road without any travel easements.

Ebert asked if the owner of the ground is Abbott. Lach said National Retail Properties. Ebert asked if it is a common ownership. Lach replied no, they just own their parcel. He is not representing Burger King or Dunkin Donuts. Ebert asked if Dunkin Donuts owns their parcel. Lach said he does not know.

Bunger said the preliminary development plan for the development showed a driveway access along the southern portion but it was not memorialized, it was just pictured there with a note saying for future development. Essentially, the driving aisle was intended to be in front of all of those properties but a formal easement was never platted.

Ebert said he was not clear how it was indicated but was not memorialized. Bunger displayed the preliminary plat of the original PUD. It showed the front driveway across the entire PUD but an amendment could result in the abandonment of the driveway because it was never formally platted as a public travel easement.

Ebert said even though it was not explicitly stated as a travel easement, it is a site plan of a PUD, and shows the street. As a minimum we would consider this a change of that circulation from the original drawing. Bunger said yes.

Stith asked staff if they have any concern that if that went through, being so close to McCall Road, in terms of turning movements. Bunger said these were all approved that way; it went through city and traffic engineers, so he does not think there is a significant concern. This was intended to be an ATM site.

Lach said there is \$6 million worth of investment based on this plan showing the setback and a front access road. It does not seem right to have a building in front to block visibility.

Alison Leiszler-Bridges, 8228 South Port Drive, is the owner of the Dunkin Donuts. She said the small lot exists because Orscheln's wanted a straight road for semi-trucks to enter their property. She said it was indicated to her that their building could not be any closer to McCall because all the buildings needed to be aligned with the existing buildings. Her main concern is traffic. She said they made a major investment and they do not want someone with a smaller building and investment to come and ruin their visibility. She said they are concerned because the original intention was for an ATM, which is not as big a traffic generator as a Scooter's Coffee. She recommended requiring a traffic study to see the impact it will have on the area.

Tom Abbott, 4001 Marlatt Avenue, said this was his original project and they developed the Burger King and Arby's sites so they would be interflowing. He said Orscheln's did want a straight driveway to their store. He said Orscheln's intended on selling the lots on McCall Road but later decided to put an ATM on the small lot. He said the driveway was not intended to go through; they thought there would be an ATM that would enter and exit at the curb cut but they did not go in. He said the Scooter's is a good use for the property but it was never intended for the Burger King and Arby's to connect to Alvin's Place with the front drive.

Stith asked if it was not intended that the traffic from the two restaurants could exit onto Alvin's Place, it was only intended to be an exit for the proposed ATM. Abbott said yes.

Claussen returned to the podium for rebuttal. He said there is a drive cut on Alvin's Place and they would remove that and add a sidewalk. He said there is no driveway that connects from Alvin's Place to the Arby's parking lot today. He said it is not something that exists now and will be going away; it just will not be constructed. He said it was originally part of the plan but a PUD amendment is used to change the plan. Regarding the driveway island in Arby's, their realtors had reached out to them about alterations but this plan was submitted before conversations could happen and did not realize they had objections. He said they would propose not to do the curb modifications, so they would need to move the curb line farther south. If you go to the site today, only half a drive lane of asphalt exist on that side for the full depth parking space so there are people driving into the grass; this project would complete that and would benefit Arby's. Additionally, he said they could discuss the placement of the building. The client wants the building on the south side of the site because they feel it is the best location with traffic and safety concerns. There will not be a

pick-up window at the site.

Ebert commented that if the recommendation of the board would be to revisit the site plan to move the building farther north, to be in line with the other buildings, it would impact the stacking spaces. He said he is not concerned about the circulation along McCall Road but he does have concerns about the proximity of this building to McCall Road because it is much closer than surrounding buildings. He asked if they could still do the project if the board would recommend the building be moved 25–30 feet to the north. Claussen said they looked at that; one of the things they noticed, besides the stacking, is if they move the building north it would interrupt the drive space and parking on the west side of the building and would also cause issues with the turn radius to get to the pickup window.

Stith asked if they could move the entire drive lane closer to Alvin's Place. Claussen said there is not enough room when considering the curb, sidewalk, and green space for the order kiosk.

Stith said Mr. Abbott's explanation of the curb cut on Alvin's Place makes sense since because you would want all the traffic generated by the two restaurants to go back up and away from McCall. Claussen said there are tradeoffs, and they believed not constructing the driveway actually makes things safer.

Stith said the original intent of the curb cut was not for a drive lane but for access to the lot for the ATM. Claussen said that may explain why the driveway has never been constructed.

Stith asked Ebert if his concern is that the building sits too far in front of the other buildings. Ebert said yes.

Claussen said he understands that but the building currently meets the required setbacks, they are not asking for a reduction of the setback. He said he cannot speak to the original intent for the existing buildings being aligned because it is not shown on the plan.

Stith asked what the problem was with flipping the site around. Claussen said part of how the proposed layout works well is because it utilizes Hummels Place rather than Alvin's Place for entry to the site and they would like to avoid having the building that far away from McCall, next to the trash dumpsters.

Reynard said Hummels Place sometimes has more traffic than McCall Road because it has access to all the stores in that area. He suggested closing Alvin's Place.

Ebert asked if Alvin's Place was a right-in/right-out only. Stith said no, that's down at the Arby's.

Ebert said he remains troubled by the proximity of the building to McCall Road even though the 25-foot setback is met. Ebert asked how long the planning and design process has taken. Claussen said they began working on the project about three months ago.

Ebert asked how urgent this project is. Claussen said there are certain contractual obligations to close on the property including zoning approval but he cannot speak to the actual dates. They cannot close on the property without site plan approval.

Ball said the diagram will need to be corrected to show the correct turning radius. He asked staff if this item will need to be tabled until that is corrected. Stith said that could be made a condition of approval.

Ebert closed the public hearing.

Stith said he was concerned about the size of this lot when they first approved the PUD. He understands the need for a straight truck access road but it created a problem. An ATM would have been a nice solution. He does not think the board should put conditions on this site so it cannot be used for anything.

Stith moved that the Board recommend approval of the proposed amendment of the Abbott's Landing Shopping Center PUD based on the findings in the staff report; Ball seconded.

Ebert called point of order, asking if that motion could be amended to table this item or if that should be a separate motion.

Adam said the current motion could be withdrawn, have the discussion as to why it would be beneficial to delay the item, and then table the item in a separate motion.

Stith withdrew his motion to recommend approval of the proposed amendment of the Abbott's Landing Shopping Center PUD; Ball agreed as second on the motion.

Ebert moved to table Item 3.2 to the May 20, 2019, Manhattan Urban Area Planning Board meeting following modification to the site plan that moves the building north on the site to be more in line with the existing development; Ball seconded.

Stith commented that moving the building north will cause them to lose adjacent parking spaces.

Ebert said he would like to put the onus on the applicant to work with their neighbor to create a solution.

Stith suggested rotating the building on the site and removing some parking spots. He asked if this is the number of parking spaces required for this building. Laauwe said there is no seating so the requirement is the maximum number of employees on any given shift.

Stith said they do not need five parking spaces and this would eliminate the concern about walk-up customers. If there are spaces there that are empty, it may lead people to try to walk-up to the window. He suggests getting rid of some of the employee parking and rotating the building. He does not support the planning board redesigning something for an applicant but there are many issues so he feels tabling the item and seeing what the applicant comes back with is the best thing to do.

Ball commented that one of the reasons a PUD is done is to come forward with an integrated and synchronized plan across multiple properties. He is sensitive to those that have already developed and feels it is important to keep the same standards as it evolves because there is still one more lot to be developed. He does not want to disadvantage any of the others who have already invested in the PUD. There is an opportunity for coordination between properties. He is supportive of tabling the item to have an opportunity to address some of the issues and collaborate with other properties.

Ebert asked staff what the timeframe is for tabling the item. Bunger said there is not a set timeframe but staff will want to bring it back to the board as soon as possible.

Ebert asked if it will need to go through another notification of property owners if there is a redesign. Bunger said it will need to be determine if the public hearing will be reopened.

Adam said that is a consideration; the board needs to decide to discuss the item or hear additional public input. He said he had spoken to the applicant, who said he would like to try to have a redesign prepared for the next meeting but if it is not prepared in time, it will need to be tabled again.

The board and staff discussed the requirements for tabling the motion which included specifying a meeting date for further consideration and determining a need for additional public input.

Ball commented that he does not need to hear additional public comment. The board has heard the concerns and we can take those concerns into consideration when reviewing the redesign.

Ebert reminded the board of the current motion to table the consideration of Item 3.2 until the May 20, 2019, Manhattan Urban Area Planning Board meeting.

Motion passed 5–0–0.

4. WORK SESSION

4.1. ANNUAL REVIEW of the 2015 Comprehensive Plan: staff review of development activities and upcoming priorities

Adam presented the annual review of the 2015 Comprehensive Plan including staff progress and input from the public, the board, and Riley and Pottawatomie County.

Stith asked about the potential for a housing study. Bunger said there have been discussions about a housing study. It was a CIP request last year but it did not get funded. It was a CIP request again for this year.

Stith asked how soon they will be able to get the UDO completed. Bunger said staff is working diligently. Staff has the final draft and has read it once. They are going back through to make edits. He hopes that by mid-June it will be released to the public.

Ebert asked if staff is reviewing the final draft and if the board will get to review and comment on the draft. Bunger said they have the full document, however, it was not to a final draft quality. The plan is to spend a considerable amount of time with the planning board, city commission, and the public on its content. There will be a period of education before the adoption process begins.

Ebert asked if the consultant has made a claim for additional cost for services. Bunger said no, they are still within budget.

Reynard mentioned the annexation of Blue Township. Adam said the City Manager's office is putting out an RFP to do an analysis of the costs versus benefits of annexation. Blue Township and Pottawatomie County is debating governance internally too. He said it did not appear there is much support for annexation from residents in the area.

Ebert asked what the Pottawatomie County gave feedback for the Manhattan Comprehensive Plan was. Adam said the feedback was about the action plan. It was suggested to change the urban area boundary to fit the Green Valley Area following the completion of the Green Valley Plan. They mentioned that they have upgraded their subdivision regulations to require urban level improvements like sidewalks on both sides.

Ebert asked if their subdivision regulations were written by the same consultant who is doing the UDO. Adam said no, he believes they did the regulations themselves.

Stith said it is interesting that Pottawatomie County talked about possibly changing the priority to reflect the recommendation of the Comprehensive Plan to join the Manhattan Urban Area Planning Board. He thinks this would be a good interim step and hopes it can happen. Adam said staff asked last year if we should change the makeup of the planning board. They were not interested at the time but staff may ask again.

Stith commented a few years ago there was a joint meeting between the Manhattan Urban Area Planning Board and the Pottawatomie Planning Board.

5. REPORTS AND COMMENTS BY BOARD MEMBERS AND STAFF

5.1. Planning updates from staff

Bunger mentioned that it has been raining frequently and Tuttle Creek has a lot of water in it. City and county staff have begun meeting regularly to begin discussing future scenarios. They also have new flood planning model for different releases. They are going to begin updating their emergency planning for the Blue River. It is not time to panic but it is time to start planning in case the worst happens.

Stith commented that at the Flint Hills Regional Conference there was a presentation on the impact of climate change on agriculture and infrastructure. They talked about the fact that storms are going to be more intense and there is going to be more rain further north which has a significant impact on Tuttle Creek Reservoir. This could be something we will have to be concerned about every year if these kind of weather patterns continue. We really need to think about what we are doing in the Wildcat Creek Basin.

Bunger said they have done their best to regulate with floodplain regulations and are also trying to get homes out of the way that have routinely flooded. They have done five buy-outs in the watershed right now and have an application for 15 more.

Stith asked if they have acquired some properties. Bunger said yes, they have acquired five properties that had routinely been flooded and were substantially damaged. The new Resiliency Planner, Samantha Estabrook, also started today.

Stith asked if the computer model has been created yet. Bunger said the project was awarded to Wood Engineering and Infrastructure. They have begun; it will take about six months to complete.

Ebert said Bunger had mentioned mitigation previously, and mentioned a home on Village Drive that had been razed. He asked what the history was of that property. Bunger said the home was severely damaged because it was made of non-reinforced concrete block in the 1950s. The water crumbled part of the foundation and it was too expensive to fix. The homeowner did not have flood insurance so he walked away and the bank later sold it to a new owner who then went through the process of designing the home to meet the floodplain elevation and installed flood vents. It may not be the most appealing but it does protect the property.

Ebert asked if the venting space is uninhabitable. Bunger replied yes, there were restrictions to prevent the space from being inhabited. There are vents at the bottom of the

structure that allows flood water to flow through, equalizing the pressure.

5.2. Comments from Board members

Anderson commented that in *The Mercury* on Sunday there was a book review on *The Next American City* by Mike Cornett, the mayor of Oklahoma City. He made some interesting changes to Oklahoma City that turned it from a dying downtown area into an area that is now more of a destination by revitalizing the river. He also announced that he will be absent for the May 20, 2019 meeting.

5.3. Next meeting. Chair announced the next meeting is May 20, 2019.

6. ADJOURNMENT

Meeting was adjourned at 8:48 p.m.

Submitted by Lesley Frohberg, Urban Planning Intern