

# MINUTES

## MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall  
1101 Poyntz Avenue

**January 23, 2020**

### MEMBERS PRESENT

Phil Anderson  
John Ball  
Debbie Nuss

Neil Parikh  
Gary Stith, *vice-chair*

### MEMBERS ABSENT

Jerry Reynard, chair  
Ken Ebert

### STAFF PRESENT

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

## 1. CALL TO ORDER

- 1.1. Stith 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 December 16, 2019 Manhattan Urban Area Planning Board meeting

**Ball moved that the Board approve the Consent Agenda; Anderson seconded. Motion passed 3–0–2.**

## 3. GENERAL AGENDA

- 3.1. A PUBLIC HEARING to consider the REZONING of 0.3 acre at 922 Riley Lane from R-2, Two-Family Residential, to I-3, Light Industrial District (Applicant: Big Kat Development; file no. REZ-20-002)

Barry Beagle presented the staff report. City staff recommended disapproval of the proposed rezoning because of inconsistency with the Comprehensive Plan, the substandard right-of-way width of Riley Lane, and unnecessary intrusion of industrial zoning into a stable residential neighborhood.

Anderson and Nuss said that there was no mention of a neighborhood meeting in their packets; Beagle said that there was a neighborhood meeting and documentation was accidentally not included. He indicated that the applicant would be able to answer questions

about the neighborhood meeting. Anderson then asked when the property located at 707 South 10th Street was rezoned as I-3, Light Industrial. Beagle said the lot was only zoned as I-3 since the existing car repair shop was there. Anderson asked if the lot next to 707 South 10th Street was owned by the same owner of the car repair shop, Beagle confirmed that it is. Anderson asked if the car repair shop has been storing cars on the second lot that is still zoned as R-2. Beagle confirmed that there have been cars stored on the property but the situation is being remedied and will soon be back in compliance. Beagle noted that the property owner of the car repair shop may be exploring rezoning his land as well.

Ball asked what is east of the property located at 922 Riley Lane. Beagle said there is a church, a house, and a small parking area associated with the house.

Public hearing opened.

Devin Ojeda, 922 Riley Lane, said he obtained the property through a tax foreclosure sale and was unable to see the interior of the building beforehand. Ojeda said the car repair shop and improper use of the R-2 lot just west of the property is the main reason he is seeking a rezoning. He said he has tried to work out various agreements with Mr. Fleeker, the owner of the car repair shop and adjacent lot. He has tried to sell the lot to Mr. Fleeker or make a trade of properties, but they could not come to any agreement. Ojeda has asked Mr. Fleeker to remove the vehicles from the R-2 lot, but it has taken five years for the cars to get removed. He said he brought it to the attention of the code department after all other means of negotiation had failed. Adjacency to the railway was another issue he had with the property.

Ojeda said it has been hard to come up with a feasible residential idea with the property issue to the west, the church to the east, and the train to the north. Ojeda discussed the neighborhood meeting and said he presented a few ideas to those who showed up but did not offer a concrete plan for the property as he is still unsure of what he would put there. He said most concerns raised was the width of Riley Lane. One resident was upset about the conflict between Ojeda and Fleeker. Ojeda said one possible plan was to build a residence on the west side of 922 Riley Lane and have Fleeker obtain a rezoning for the R-2 property. This would allow Fleeker to have his parking lot and then Ojeda would fence in the north end of the property to prevent access from random people.

Ojeda said that he was surprised when he saw city staff's recommendation because a few blocks east and a few blocks west, he sees mixed uses. He said on the north side of Riley Lane, there is currently one or two houses. All others are on the south side of Riley Lane and have a residential block-sized buffer between them and the train.

Nuss asked for clarification on the neighborhood meeting. She asked if the only negative response was over the disputes between Fleeker and Ojeda. Ojeda confirmed that most residents were supportive except for the one. Anderson asked what would have to happen to the Fleeker property if anything for Ojeda to rehab the current property. Ojeda said if the property to the west was kept clean and residential then he would be more likely to try to rehab the property.

Public hearing closed.

Anderson said he is uncomfortable with putting an industrial use into a residential neighborhood and that Riley Lane was unfit for that type of traffic. Ball stated that Manhattan has a shortage of residential properties and the city is unable to expand. The Board is trying

to resist transforming residential lots into other uses and the encroachment of industrial into a residential district. Stith asked if city staff can have code services monitor Fleeker's property for more violations to ensure he stays in compliance. Anderson asked if Fleeker's property was rezoned as industrial and a screening fence was constructed, would Ojeda be able to rehab the property. Ojeda said he would be uncomfortable rehabilitating a property with gutted vehicles, trailers, tires, and metal lying around next door. Stith asked if the passage of the UDO would offer any reprieve. City staff said there is no substantial change to the R-2 lots expected that would change the circumstances. Ojeda asked if the property could be rezoned for higher density. Bunger said that could be looked at but he will not offer an opinion at this time.

**Ball moved that the Board recommend disapproval of the request to rezone from R-2, Two-Family Residential District, to I-3, light Industrial District, based on the findings in the staff report. Nuss seconded. Motion to deny carried 5–0–0.**

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

##### **4.1. Planning updates from staff**

Bunger said Community Development is preparing to receive the final draft of the UDO and staff will present parts of it to the Board in February. Bunger said a housing study is going to begin in the near future. Bunger wanted to know if a MUAPB member would be interested to sit on the selection committee. The study would begin in the second part of the year and completed in 2021. Stith said the Flint Hills Regional Council is looking at doing a housing study as well and wanted to know if city staff had communicated any collaboration with them. Bunger said he was aware of this but was apprehensive of doing a joint study due to ability to come to similar conclusions. Stith volunteered to join the steering committee with Nuss as a backup.

Adam mentioned that the final plat and final development plan for St. Isadore's church would be on the March 2 meeting.

Stith asked for updates on the incorporation study of the Green Valley area. Bunger said the consultant would have a draft by the end of the month and by March or April they would have something to present. Stith said he hopes there's opportunity for discussion in having that area incorporated into the urban area and having Pottawatomie representation. Bunger said that is a political hot potato currently. Nuss said when she was appointed to the Planning Board a joint meeting was proposed and she said it might be time to have another one of those joint meetings.

Stith asked for updates on Aggieville. Adam said there were designs for the garage submitted a few months ago and there are some streetscape designs now.

##### **4.2. Comments from Board members**

Anderson said he is still working on the riverfront project and said his research has found that all the cities he has viewed have had positive impacts on those cities.

Parikh said he will be absent on the February 20, 2020 meeting.

##### **4.3. Next meeting. Monday, February 3, 2020**

**5. ADJOURNMENT**

Meeting was adjourned at 8:00 p.m.

*Submitted by Dre'Vel Taylor, Planning Intern*