

# MINUTES

## MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall  
1101 Poyntz Avenue

**March 2, 2020**

### MEMBERS PRESENT

Phil Anderson  
John Ball  
Debbie Nuss

Neil Parikh  
Jerry Reynard, *chair*

### MEMBERS ABSENT

Ken Ebert  
Gary Stith, *vice-chair*

### STAFF PRESENT

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

## 1. CALL TO ORDER

- 1.1. Reynard 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 February 3, 2020, Manhattan Urban Area Planning Board meeting
- 2.2. Consider the Final Development Plan for St. Isadore's PUD, a 1.5-acre institutional use at 711 Denison Avenue (*file no. PUD-20-010; applicant: Salina Diocese*)
- 2.3. Consider the Final Plat for St. Isadore's PUD, a 1.5-acre institutional use at 711 Denison Avenue (*file no. SUB-20-011; applicant: Salina Diocese*)
- 2.4. Consider the Replat of Grand Mere, Unit 6, to vacate right-of-way for an unneeded "eyebrow" cul-de-sac and to adjust utility easements accordingly for a single 1.3-acre lot (*file no. SUB-20-009; applicant: Pestinger*)

**Ball moved that the Board approve the Consent Agenda; Parikh seconded. Motion passed 4-0-1 on item 2.1 (Parikh abstaining) and 5-0-0 on items 2.2-2.4.**

### 3. GENERAL AGENDA

- 3.1. A public hearing to consider **Rezoning** 0.52 acres at 1018–1026 Poyntz Avenue from C-1, Restricted Business District, to Parkside PUD (*file no. REZ-20-003; Applicant: Phyllis Pease*)
- 3.2. A public hearing to consider the **Preliminary Development Plan** for Parkside PUD, a 0.52-acre commercial development consisting of a bakery/caterer and a café at 1018–1026 Poyntz Avenue (*file no. PUD-20-004; Applicant: Phyllis Pease*)

[Items 3.1 and 3.2 were presented and considered together]

Beagle presented the staff report for the rezoning located at 1018–1026 Poyntz Avenue and preliminary development plan for Parkside PUD. He said staff recommends approval.

Phyllis Pease, 1905 Leavenworth Street, said she owns the Little Batch MHK bakery business that delivers. She discovered this property through a personal connection and purchased it. With the acquisition of this property, she and her daughter will be able to expand their existing business and enter new markets.

Aaron Dyck, BBN Architects, said he lives on Colorado Street and visits City Park with his child regularly. He said having this local business in the proposed location will be nice. He is also excited that the applicant is maintaining the historic design of the property. Dyck said this will create a cool social environment. Pease said there is a current emphasis on restoring mid-century modern properties such as this one and they are excited to improve the lot.

Parikh noted the fuel tanks had been removed but wondered if associated piping remained beneath the lot. Dyck said he did not know and would need to do more research. Parikh asked if there has been any history of a fuel leak or spill. Dyck said there is no history of a spill. He said Kansas Department of Health & Environment (KDHE) is monitoring five sites on the property where the tanks used to be located. Pease said KDHE is conducting soil tests periodically but has found nothing thus far. She said KDHE has been given permission to continue monitoring the site after remodeling the property and have not been given a date by which KDHE will discontinue monitoring. Parikh asked when the last site assessment was; Dyck confirmed it was in 2016.

Nuss wanted to thank the applicant for bringing this project forth. She said this will be a great benefit to the community.

Anderson said this is a very attractive move and he is very intrigued by it. He is intrigued that the applicant is maintaining the original design of the station and converting it to a bakery. As an individual who walks City Park, he is excited to see it.

**Ball moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning from C-1, Restricted Business District, to Parkside Commercial PUD, Planned Unit Development District, and the Preliminary Development Plan of Parkside PUD based on the findings in the staff report with the two conditions recommended by City Administration:**

1. **To reinforce the one-way orientation of the western drive approach on Poyntz Avenue, install a “One-Way, Do Not Enter” sign at the point where the drive intersects with the alley.**

2. **Any change of use beyond the restaurant/café and local produce market, and, catering bakery and catering business, will constitute an amendment to the PUD and will require the applicant to go through a plan amendment process as a substantial modification.**

**Parikh seconded. Motion carried 5–0–0.**

#### **4. UDO REVIEW AND COMMENT**

Chmiel presented Articles 1–3 of the proposed Manhattan Development Code and a run-through of the MDC on the Encode website

Ball asked why the ICS was abbreviated to three letters instead of two letters like the others. Chmiel said the ICS stands for Industrial Commercial Services so it just made sense. He said the abbreviation has no impact on the regulation itself.

Nuss asked if the Public/Institutional zoning would allow the institution to avoid going through a municipal review process. Chmiel said that is the general idea. Nuss asked what type of public process public institutions would go through. Chmiel said it would still constitute a rezoning, therefore there is a public process associated with that. He said it would allow them to perform modifications without having to appear before a board. Chmiel said there will still be a municipal facility review for certain situations. Nuss said she is uncertain on how she feels about this and will have to think on it.

Anderson highlighted a misspelling on page 11, part D. Anderson noted that bed and breakfasts now have to go through an annual fire inspection. He asked if it would be relevant to add that into the UDO. He asked if the City is going to begin regulating Airbnb's. Chmiel said the City is planning on doing that but not through the UDO. Anderson said that under section B, it states that employees are restricted to residents of the dwelling. He asked what the purpose behind that. Chmiel said there are two categories of bed and breakfasts, one of which allows a greater number of rooms. He said the idea is that bread and breakfast homes should have a person living within the establishment who can respond to emergencies and complaints at all times. Anderson said the he read and interpreted the regulations completely differently. Chmiel said they would review the text and modify it appropriately.

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

5.1. Planning updates from staff: Bunger said city staff would like to create a process by which staff can gain a loose general consensus from the MUAPB and City Commission. He said the last thing staff want is to get to the public hearing to adopt and get derailed. He wants to address issues as they introduce the ordinance. Nuss said she thinks that is a good idea because there are aspects that not everyone agrees on and she wants her position on various issues to be on record, but does not want to have to vote against the whole document. Bunger said that if the Board or City Commission feel as if staff have missed the mark, they can go back and address it. He said at the end of the day staff want the best zoning regulations possible.

Parikh said he was in favor of that and asked when the Board would respond to Articles 1–3. Bunger said he would like to get some feedback at the next meeting. Anderson said he

agrees with the idea of clarifying and giving feedback to city staff.

5.2. Comments from Board members: there were none

5.3. Next meeting. Chair announced the next meeting is Monday, March 16, 2020

**5. ADJOURNMENT**

Meeting was adjourned at 8:13 p.m.

*Submitted by Dre'Vel Taylor, Planning Intern*