

MINUTES
MANHATTAN BOARD OF ZONING APPEALS
Virtual Zoom Meeting
Wednesday, June 11, 2020
7:00 p.m.

MEMBERS PRESENT: Harry Hardy, Chairperson; Sara Fisher; Connie Hamilton, Vice-Chair; La Barbara Wigfall; and Ansley Chua

MEMBERS ABSENT: None

STAFF PRESENT: Chad Bunger, Assistant Director of Community Development; Barry Beagle, Senior Planner

Hardy called the meeting to order at 7:00 p.m.

Staff called roll and a quorum was established.

1.1 **CONSIDER THE MINUTES OF THE May 13, 2020, BOARD OF ZONING APPEALS MEETING.**

Wigfall moved to approve the May 13, 2020 minutes. The motion was seconded by Hamilton and approved; 5-0.

- 2.1 A PUBLIC HEARING to consider an EXCEPTION under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow a reduction of the required front yard setback from 25-feet to 7-feet to accommodate reconstruction of the surface parking lot in front of Bergman Elementary School in the R, Single-Family Residential District at 3430 Lombard Drive. (Applicant: BG Consultants, Inc.; Owner: USD 383; file no.: EXC-20-037)

Beagle presented the staff report for item 2.1. City Administration recommends to APPROVE the Exception to reduce the required front yard setback from 25-feet to 7-feet to allow for reconstruction of the surface parking lot in front of Bergman Elementary School in the R, Single-Family Residential District at 3430 Lombard Drive, subject to the following conditions:

1. The Exception shall only apply to the surface parking lot described in the application and staff report.
2. The Exception shall be subject to compliance with the overall site plan as submitted by the applicant.

3. The parking lot shall be landscaped in accordance with Sec. 7-102(E)(2) of the Off-Street Parking and Loading Regulations.
4. Information as requested by Leon Brown, City Stormwater Manager, in a memorandum dated June 8, 2020, shall be supplied and approved by Public Works before commencement of construction of the proposed parking lots.

Wigfall asked for clarification of the drawing included in the staff report that showed a red outlined parking lot coming off Westbaker Street. Beagle clarified that this is the 40-stall parking lot that was originally planned by the school district to come off of Westbaker Street. He indicated that the school district has shifted away from this parking lot to the improvement of the existing parking lot in front of the school.

Chua asked if the 16 angled parking space in front of the school on Lombard Drive were to remain with this proposal. Beagle said that those parking spaces would remain in place with the redesigned parking lot in front of the school. He said that even though they are in the public right-of-way, they are mostly in use by the school during the day and supplement available parking to the school.

Hamilton asked what the approval mechanism would be at the time the parking lot is sought for reconstruction to satisfy the requirements of Public Works. Beagle indicated that would be handled through Risk Reduction at the time the school district is ready to proceed with construction of the parking lot. He indicated there will be some approvals associated with that including satisfying stormwater management issues.

Hamilton questioned why we are requiring compliance with stormwater management as a condition of approval when it was not identified as an issue in the staff report. Beagle indicated that is conversation with the Stormwater Manager, he indicated the primary direction of stormwater runoff would be toward the stormwater retention basin that is at the southeast corner of the school grounds. He just wants to know for the record what the pre- and post-runoff would be as a result of construction. The Stormwater Manager does not have a problem with the parking lot design, he just wants to account for the difference in runoff.

Hamilton asked if this request for information was due to a concern that this information would not be provided in due course in processing the parking lot through the City. Beagle indicated that in the lead up to this meeting, there were some concerns expressed to Community Development by some residents regarding stormwater management. So, he said the question was posed back to Public Works to provide some type of response. Beagle indicated that Public Works did not see an issue with stormwater management or that this request should be held up in providing the requested information. This information would normally come in due course at the time reconstruction of the parking lot is sought. Hamilton asked if we did not have the fourth condition of approval as recommended by staff, would this not otherwise have gone through a stormwater management assessment anyway with the construction of the parking lot. Beagle replied in the affirmative.

Fisher thought this proposal represents a pretty big change and wanted know how it affects the percentage of impervious surface to green space. Beagle did not have that information and deferred to the school districts consultant to respond to. Fisher asked what the surface type of the parking lot will be. Beagle confirmed that it will be paved.

Wigfall also wanted to know if the applicant will be adjusting signage as a result of the change to the parking lot so people know the travel routes through the parking lot.

Hamilton asked if existing trees in the islands would remain. Beagle said staff did not do an analysis to determine what trees may be preserved with the reconstruction because with the reconstruction we knew that a lot of the green space that currently exists in front of the parking lot would be lost. He said the applicant will need to submit a landscape plan at the time of reconstruction to satisfy the requirements of the off-street parking regulations. Hamilton wanted confirmation of what will happen with respect to the two trees up along Lombard Drive as a result of this proposal.

Hardy opened the floor for comment from the applicant.

Clint Hibbs with BG Consultants, spoke on behalf of the proposal. He said he wants to focus on the Exception itself and provide some context for it. They always seek to work within the environs of the site before seeking an Exception or modification to a site. Hibbs explained that during the bond proposal, the district had a very high level idea of what they would need to do for the various school sites. Part of that review included parking and how it may be accommodated with minimal change to the neighborhood and existing traffic patterns. Hibbs indicated that with 6th grade being removed from the school, there will not be an increase in vehicular traffic or occupants at the school. He said they not only wanted to the drop-off and pick-up of students by parents but pull those cars parked on adjoining streets on to the school site. Hibbs also said they are improving stormwater management because they are increasing the impermeable surface of the site. He said that between improvements to the school and parking lot they are increasing the impermeable area by 0.5 acres.

Hibbs said that as the district was looking at parking lot expansion, the initial site chosen was right next to an active play zone area. So discussion centered on a way to maintain the neighborhoods pick-up and drop-off, which they worked closely with the neighborhood on. He said that Westbaker is where buses are going to stage for drop-off and pick-up of students and the district wanted to keep this location. On Lombard Drive, he said the district wanted to maintain the same traffic flow while reducing the number of cars parked along the street. He said there is an existing stormwater drainage system in place and part of the parking lot drive drains onto Lombard Drive and they plan to improve that.

Regarding traffic circulation, Hibbs said the district wants to maintain continuity with the community's expectation with respect to traffic flow into and off the site. He said the intent is to have a dedicated left-in right lane so they are not stacking as in the past on

Lombard. Special needs bussing will come off Lombard through the parking lot to the school.

Because of the increase in onsite impermeable surface they want to reroute stormwater that improves stormwater flow. The existing stormwater retention pond is designed to receive stormwater and slowly release the water into the City's storm sewer system.

With respect to signage, Hibbs indicated there will be signage provided that separates special needs bus routes through the parking lot from parental traffic dropping-off and picking-up students. There will be wayfinding signage posted on site to direct the flow of traffic through the parking lot.

Wigfall asked Hibbs to talk about how pedestrian and vehicular movements will be handled in the parking lot. Hibbs said with the intent to keep traffic movement one-way, we can control the points where people cross. He emphasized that one-site vehicle traffic movements will not come in contact with the pedestrian crosswalk in the parking lot.

Hardy asked where they propose to put vegetation, trees, and green space. Some of the islands in the parking lot will have a gravel surface and some will have trees planted in them. They do intend to plant back trees for trees lost and will meet the minimum requirements.

Wigfall asked that since there was not a landscape plan included as part of the proposal, was that to wait for a ruling on the layout. Hibbs responded that they have a landscape plan submitted to the City but not through Community Development that does show where tree plantings will be.

Eric Reid with USD 383 wanted to thank the Board for their consideration of the project.

Matthew Kohl with BG Consultants said he is working with Leon Brown, City Stormwater Manager, to make sure they are meeting the City's stormwater requirements for pre and post stormwater flow.

Hardy opened the floor for public discussion.

John Schlup, 3433 Lombard Drive, indicated that he and his family have lived at that address since 1998. Their property is right across the street from the east entrance into the school parking lot. He expressed concern that the Exception process does not allow for a neighborhood meeting. Mr. Schlup said such a meeting could have made this a much simpler process of getting information. He indicated the property owner notification letter did not contain detailed information only what the applicant was seeking.

Mr. Schlup said the first thing they identified was the change in the surface water runoff. He said it is his belief that the Exception cannot increase the runoff issues. Recent rains have shown sheets of water coming off the parking lot through the east entrance. With an increase in impermeable surface, he questioned whether there was a formal study to assess the impact. Mr. Schlup says the street sees a lot of water erosion and can it stand any increase of water flowing down the street.

With regard to traffic flow, Mr. Schlup said there are a lot of issues. That which really improved things was the moving of buses to Westbaker Street and hoped the district will be continuing that. There has been no communication from the school district. Commenting on the parking along the north side of Lombard Drive, Mr. Schlup he indicates there is barely room for three cars across the street. With on-street parking with two lines of traffic there are many issues. Signage will be critical to direct traffic, such as where to make left-turns especially during times of parents dropping-off and picking-up their children. He commented that the left-turn out would block the flow of traffic in the parking lot. Questioned whether the request should be approved without addressing some of these issues. He said that it will be important to the residents that the school keep the traffic flow one-way for the entire time and not just during the morning and afternoon peak times. Signage will be important to manage the flow of traffic.

Mr. Schlup also questioned what other options the district may have considered besides modifying the parking lot in front of the school. He recognized that is probably beyond the Exception request before the Board but wanted to know for sure the parking originally planned off of Westbaker would not work. He said the important thing is that we do no harm.

Wigfall asked about the issue of left-turns both in and out of the site and how that affects the flow of traffic. She did acknowledge that this is not a condition that exists every day, all day and asked Mr. Schlup when he considers to be the peak time when the left-turns, two lanes and the stacking of traffic happens on Lombard. Mr. Schlup said the real bottle neck is at the beginning and end of the school day and it gets a little broader because there are some before and after school programs that occur. He said the south side of Lombard is clearly marked as a no parking zone but there are a number of people who do business at the school and park there anyway which at the beginning and end of the day reduces traffic down to one lane. He said the residents know they moved in next to a school but the more that can be done to keep it safe needs to be done.

Wigfall indicated that regarding on-street parking on Lombard, the remedy of having more parking on-site should help reduce cars parked along the street. Mr. Schlup said that could definitely help as long as things are done to not complicate it.

Pat Hudgins, 3416 Westbaker Street, said that when buses were moved on Westbaker Street she gave input and said that this was a better situation because at that time they were considering making Lombard a one-way street that she felt was not a good solution. Moving the buses freed up Lombard for traffic flow and parent pick-up as well. She said that situation worked out really well.

Ms. Hudgins said that she had spoken with Mr. Hibbs and Mr. Reid and they addressed a majority of her concerns. She still has concerns with respect to signage and when a change is made, just because a sign may be posted, people tend to go with what they know and what they have done in the past. She said the district needs to educate people about the changes being made. Ms. Hudgins also said that runoff and erosion is an issue.

She said their street takes a beating with stormwater runoff and that this needs to be looked at with the changes being made. Ms. Hudgins talked about proposed landscaping and having clearly defined walkways for students walking through the parking lot. She felt that while the parking lot would provide more off-street parking it does not address all the reasons others may be coming to the school and parking on the street.

Wigfall commented that the size of the retention basin is almost as large as the school and when it holds water it should take care of erosion and drainage problems, if graded right, through percolation and evaporation.

With no further public comment, Hardy closed the public hearing and called for board discussion.

Chua said he still had concerns with respect to signage but feels it outside of the Exception request and would not factor into his decision.

Hardy said that safety is a factor to be considered and that if the Board can assure safety with traffic it ensures the safety of the neighborhood. He did acknowledge the applicant's intent to provide the needed signage to direct traffic through the parking lot.

Hamilton agreed, that when it comes to safety that which gives her pause is allowing left-turns out onto Lombard Drive. It could block track and cause concerns with traffic flow. Hamilton felt there was no reason traffic could come in the east entrance and exit through the west entrance without crossing over. Again it comes down to the existing left-turn movement. It will be incumbent upon the district to educate and enforce the manner in which traffic is to flow through the site.

Wigfall said that the left-turn inbound movement also causes her concern and how it may backup traffic and interfere with pedestrian movements. Concur that parent education is essential so parents are familiar with the access and travel routes when dropping off and picking up their children.

Fisher asked for some clarification. She inquired if the current traffic flow through the parking lot is one-way. It was confirmed. Fisher asked if the proposal makes the west entrance two-way, and the Board members said it is still one-way. It was confirmed that those existing could turn left or right as they do today. If it is not changing, Fisher inquired why the Board is discussing it. Members responded because it would potentially involve more cars going through the parking lot. Wigfall said one thing that might improve is sight distance as this would potentially remove cars that are parking on the street.

Chua asked that if the district could make the modification to the parking lot without encroaching on the 25-foot setback, they would not be discussing this. Hardy replied in the affirmative.

Fisher said her biggest issue is drainage and losing the green space that will be converted into concrete and how hot the added pavement will be. Fisher asked about permeable bricks where water can drain through. Wigfall said it is an option but it is an expensive measure. Wigfall said she is not having as much of an issue with runoff because of the

capacity of the stormwater retention pond. Fisher asked who is responsible for making sure the site is properly graded to direct stormwater runoff to the retention pond. It was acknowledged to be a responsibility of Public Works. Hardy said he is not concerned with stormwater drainage because of the size of the retention pond and the condition requiring the district to supply the information required by Public Works before the parking lot is reconstructed.

Hardy said that signage is important and people will eventually understand and follow the direction provided. He also emphasized that with the additional parking provided on-site it will take cars parked on Lombard and Gary and help with congestion along those streets.

Hamilton was surprised to learn that neighborhood meetings are not required for these type of requests. She felt that had there been such a meeting, a number of these issues could have been addressed and their plan modified to potentially address some of the concerns. Beagle confirmed that the Exceptions and Variances they have not required a neighborhood meeting because of the nature of the issues were are typically dealing with. These issues typically deal with changes that deal with adjustments in setback, building height, etc. If you apply the setback adjustment in this case, it is different from a typical request to a two-foot reduction of a side yard setback with respect to someone's home. Again, Exceptions and Variances do not require a neighborhood meeting which is why one did not occur here. A neighborhood meeting is required for other land use actions that have a greater area impact such as Conditional Uses, because you are introducing an entirely new use, or changes in zoning where you have a much broader impact than site specific type of requests such as Exceptions and Variances. He concluded by indicating that Community Development did follow due process in accordance with the regulations as written.

Hamilton said that based on her experience you cannot say that there are trivial things that don't require information provided through neighborhood meetings. If the City perceives it is more efficient not to have public hearings and let the zoning administrator decide things she questioned what type of public notices would be required based on the new UDO. Board members shared that schools are a community meeting place, hosting different functions, it would have been good for the school to have been proactive with the neighborhood to reach out and share their plans with the neighborhood.

Rollcall vote was taken. Motion carried 5-0 with four condition of approval as recommended by staff.

THE BOARD MADE THE FOLLOWING FINDINGS OF FACT FOR THE EXCEPTION AT 3430 LOMBARD DRIVE:

Present land use: R, Single-Family Residential District

COMPLIANCE WITH ALL APPLICABLE REGULATIONS: Pursuant to Sec. 4-102(A)(5) of the Zoning Regulations, schools are a permitted use of the R, Single-Family Residential

District. The school appears to comply with all applicable requirements of the Zoning Regulations including the minimum lot size requirements and bulk regulations of the R District except for off-street parking spaces available and the proposed expansion into the front yard setback.

USD 383 commissioned a parking study to assess the adequacy of available parking for each of its school sites and in recognition of 6th grade students being reallocated from the nine (9) elementary schools to Susan B. Anthony Middle School and Dwight D. Eisenhower Middle School. Based on the study, Bergman has a total of 76 FTE staff positions and 21 PTE staff positions. For primary and intermediate schools, the Zoning Regulations require at least one (1) parking space for each employee. Applied to FTE staff, that would mean a total of 76 parking spaces would need to be provided on site. Based on a survey of the site, there appears to be only 51 parking spaces on site with another 16 angled parking spaces in front of the school on Lombard Street. The 16 spaces along with on-street parking around the school do not count toward meeting the off-street parking requirement for the school. As a result, the school is deficient in meeting its off-street parking requirement by 25 spaces. The parking study references there is a current inventory of 66 parking spaces provided at Bergman. It is unclear the discrepancy between the 51 observed spaces in front of the school and the 66 spaces referenced in the parking study unless the study includes the angled parking spaces on Lombard Street in the total count.

In assessing their own parking requirement, USD 383 also assigned a parking ratio applicable to PTE staff positions at a ratio of one (1) parking space for each two (2) PTE staff positions. As a result, they indicate the future parking requirement for Bergman based on FTE and PTE positions is 84 parking spaces. Accounting for other factors, the parking study recommends that a total of 92 parking spaces be provided at Bergman. The proposed parking arrangement will increase the total number of off-street parking spaces to 79 that will be more in-line with the schools off-street parking requirement. Combined with the 16 angled spaces on Lombard Drive, there would be roughly 95 parking spaces available for use by the school.

PROBABLE EFFECT ON ADJACENT PROPERTIES: As noted, Bergman Elementary School is part of an established residential neighborhood and bounded by single-family dwellings. The principal orientation of the school is to the south as it fronts on Lombard Drive with playgrounds spaces located on the east and west sides of the school building. A large stormwater retention pond is located at the southeast corner of the property.

The proposed Exception seeks only to reduce the front yard setback on Lombard Drive with respect to the existing parking lot in front of the school. No other improvements or changes to the school grounds are sought in conjunction with this request. As proposed, the front yard setback on Lombard Drive would be reduced from 25-feet to 7-feet to reconfigure and expand the existing parking lot to increase available on-site parking and improve traffic circulation for pickup and drop off of students. The reconfigured parking lot does not alter the existing points of access on Lombard Drive and maintains the parking in front of the building as today. What will be lost is existing green space between

the parking lot and front property line on Lombard Drive. This will be a change over existing conditions but not to the extent that it will have any greater impact on opposing residential properties on the south side of Lombard Drive. Given the retention of on-street parking provided by the 16 angled spaces in front of the parking lot, it is not anticipated the resulting change will have a substantial adverse effect on neighboring property, especially in light of improved parking and traffic circulation provided by the revised design of the parking lot.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE: The impacts of the Exception request on public health, safety, morals, order, convenience, prosperity, or general welfare are expected to be minimal. The elementary school is a known presence in the neighborhood having first been established in 1994. The alteration of the existing parking lot, made possible by the reduction of the front yard setback, is not anticipated to have any greater impact on the neighborhood or neighboring residential property than that of the existing parking lot.

THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED: It is recognized that Bergman Elementary School is deficient with respect to off-street parking. To address this need, the school district proposed to reconfigure and expand the existing parking lot in front of the school off Lombard Drive. Not only will the redesigned parking lot bring the school more in-line with its off-street parking requirement but improve traffic circulation for dropping-off and picking-up students. Given the benefits associated with the expanded parking design, the strict application of these regulations would appear unreasonable and unnecessary when all facts and circumstances are considered.

Hardy adjourned the meeting at 8:25 p.m.

NEXT MEETING: Wednesday, July 8, 2020

Respectfully submitted by, Barry T. Beagle, Senior Planner