

## Summary of Initial Stakeholder Meetings

**Date:** Friday, April 7, 2017

**To:** Mr. Chad Bunger, Assistant Director of Community Development  
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### Introduction

On Tuesday, March 28, 2017, the Kendig Keast Collaborative (KKC) Consultant Team, in coordination with Community Development staff members, held a series of “listening sessions” to invite face-to-face discussion in order to identify the key land use and regulatory issues currently facing the City. These sessions were broken into eight different groups (with seven different group types) in order to determine the key issues that affect each stakeholder group. These groups and the corresponding dates and times of the meetings are shown in the table below.

Time	Stakeholder Group
8:00 - 8:50 AM	Business Owners (Session #1)
9:00 - 9:50 AM	Land Owners & Developers
10:00 - 10:50 AM	Realtors
11:00 - 11:50 AM	Builders
2:00 - 2:50 PM	Design Professionals
3:00 - 3:50 PM	Business Owners (Session #2)
4:00 - 4:50 PM	Government
5:00 - 5:50 PM	Neighborhood Associations

The purpose of these listening sessions was to hear firsthand what residents, business owners, and developers and investors view as being the greatest issues and highest priorities for the new code. This begins with an essential understanding of the ordinances, how they’ve been applied, and the outcomes and implications of these ordinances. These comments, together with an analytic review of the ordinances, will frame the Strategic Approach to the UDO, which will be presented and discussed prior to initiating the drafting process.

Below is an abbreviated recordation of the issue themes that emerged through these conversations.

## Land Owners and Developers

### Comments Received

- The pre-development meetings with developers are viewed by them as being very important. From their perspective, these meetings help them to understand what is required to determine the costs and feasibility of doing a project. It is their desire to reframe or enhance the process by being able to submit pre-application materials prior to the meeting to enable City Staff ample time in advance of the meeting to review and provide more thorough comments at the meeting. As a follow up to the meeting, it would be most helpful to have the identified requirements and comments provided in writing.
- The pre-development meetings generate a lot of conversation and good ideas from a large number of staff members but often without specifics as to what is or is not required. Therefore, other comments are provided subsequent to submittal of plans thus requiring – in some cases, substantial and costly – revisions. More assurance is desired about the specific requirements of a project submittal.
- It short, land owners and developers would prefer to engage City Staff earlier in the process and to gain a higher level of certainty and confidence in the adequacy of their plan submittals.
- The length of the public review process is a question or concern. What is the City's processes and the length of time required relative to the state statutory requirements?. An explanation of the City's reasoning for the structure of this process is desired.
- There seem to be more steps in the development process than necessary. Can the process be shortened and simplified?
- Having first and second readings for rezoning property adds further delay. Is this required or necessary?
- Making sure that a project is completed within the construction season is critical to its feasibility. Otherwise, the construction on a project may not begin or may sit idle through the winter months, which has a significant financial impact. The two most critical items relative to the weather are paving and seeding.
- The installation of private utilities subsequent to rather than during and in coordination with the construction of the public improvements causes a delay of no less than 45 to 60 days. This too, adds unnecessary expense. Might the processes laid out in the new code better coordinate between the City and utility companies in order to create a more efficient system?
- Consistency is needed to ensure the same standards apply to all properties within the City, e.g. backfilling.
- If there is consideration as to consolidating zoning districts, we need to ensure that during this process the character of our communities is maintained. We want to streamline and simplify the regulations, but also must preserve community character.

- The concept of consolidating zoning districts to avoid unnecessary steps in the process does sound appealing; however, we want more than one residential district because there needs to be some separation and control of development to preserve character and uniqueness.
- The Planned Unit Development (PUD) process is over-used. It is a minimum four-month process, which, in many cases, seems unnecessary. While the desire of the City to use a PUD has slowed in recent years, it remains a viable option in certain instances but not to the extent it's been used by the City. PUDs are not necessarily needed to create a quality project that has increased density. Could a PUD not be a regular zoning classification?
- Mixed use properties are not opposed as long as the development is laid out properly.
- There are homes throughout the City that warrant upgrades or rehabilitation, yet to do anything out of the norm requires a very lengthy process. This seems unnecessary and acts as a barrier to redevelopment.
- The use of open space needs to be thought through as to ownership and long-term management. While it's desired for a lot of reasons, from a practical standpoint, the use of Homeowner Associations (HOA) can be difficult as some have dissolved. In this instance, who assumes the maintenance responsibilities other than the City? As a result, these properties can deteriorate quickly and leave the community seeking resolution. There are some – but not all - properties that can be maintained through a conservation easement. Additionally, another avenue used is through the covenants where improvements can be made and assessed to the owners.
- The Federal Aviation Administration (FAA) height regulations to protect our airport is important; however, the City's Airport Overlay regulations are over and above the Federal requirements. Items required by the City are not needed by the FAA. Additionally, a permit that is only good for 18 months is problematic since most projects are longer in duration than this, meaning reapplication is required. Can this be resolved?
- The current regulations of the MFRO District are difficult to make a project feasible. Can these be examined in the process of the UDO project?

### **Key Themes / Concerns**

- Restructuring the pre-development meetings would aid the process substantially, making efficient use of both staff and applicant time.
- Creating districts and development options that accomplish the same outcomes without requiring a PUD would be greatly beneficial to the new UDO.
- Procedural streamlining is valuable to identify the most efficient path relative to the length of time and number of steps in the development process.

## Realtors

### Comments Received

- There are currently a large number of nonconformities in the City. However, these nonconformities have not caused problems in obtaining loans. Rather, the issue for many investors is the fear of its impacts on the use and value of the property and whether the nonconformity can be resolved through any means. In turn, this fear of the unknown has hurt the desire and potential for people to reinvest in certain neighborhoods.
- There are homes in some neighborhoods that have been nonconforming for 60 years. It is almost more common to be nonconforming than conforming in many of the neighborhoods surrounding the University. If the nonconforming uses are more prevalent than conforming uses, what is the best of more reasonable solution?
- There is a requirement in the code that no more than four unrelated persons can reside in the same “living space”. However, “living space” is defined differently in different codes. Additionally, there are two living spaces within a duplex, meaning that eight unrelated persons are permitted in the structure, instead of four should the home be a single family residence. This works against the downzoning or property to R-1. Lastly, enforcing the number of unrelated persons is quite difficult.
- In the R1 districts near the University, there are structures with six or seven very small bedrooms that lend themselves to being a boarding home. Although there are very few boarding homes in the community, these are difficult to re-establish as single family residences given the income-producing potential of these structures. Therefore, the City must consider the economics contributing to the market for continuing nonconforming uses.
- Given that there are very few existing boarding homes, making this use prohibited is a viable option.
- The land use and zoning changes of the City have had an impact as it used to be far more common to see dilapidated single family homes converted to apartments. Instead, this market is being filled by the M-FRO and foreseeably by the UCR district.
- People moving into our City who looking for a home often remark on the lack of walkability, options for biking, and the predominance of single use developments. They amenities are highly desired and sometimes expected of a University community. Additionally, these folks are especially surprised by the lack of pocket parks and smaller playgrounds and open spaces within our neighborhoods.
- Many existing and new residents would like to see a greater emphasis on the pedestrian in our developments, e.g., Tuttle Creek and Bluemont.
- Some like the idea of Accessory Dwelling Units (ADUs) whereby as owners and residents, they’re able to rent the ADU to students or to others during football game weekends. ADUs would also offer an opportunity to increase owner occupancy will providing a supplemental income in lieu of rental property.
- Accessory Dwelling Units may work well for homes with six or seven bedrooms that are close to the University. These homes lend themselves to this type of use and arrangement more so that asa traditional single family home.

- There are full kitchens that have been built-out within basements throughout our City. Most were likely never permitted by the City. This adds to the viability of these properties as rentals with substantial income, making it all the more difficult to return them to a single family use, without strategic direction as to dealing with such nonconformities.
- In most instances, the lot size or setbacks are not a constraint to building additions or reinvestment in older homes and properties as much as is the building coverage. In other instances, it is a combination of building coverage and rear yard setback that limited rear yard parking or garages off the alley. If this can be addressed, this could remove cars from the streets.
- Builders and developers need more creative allowances to facilitate redevelopment and reinvestment. Currently, the rules are too rigid.
- On home football weekends there is always a large demand for short-term rentals, however, absent these days, there is not that much demand for temporary housing in the City. Finding ways to fill this niche would be favorable.
- With the “baby boomer” generation becoming older there is a heightened demand for multi-generational housing and very little supply within the City.

#### **Key Themes / Concerns**



- Given the prominence of nonconforming uses and properties, especially within the neighborhoods nearest the University, the UDO provides an opportunity to rethink how these are being managed and the means for transitioning them to conforming uses.
- Portions of the current ordinances hinder the desire and feasibility for reinvestment in the most well-established neighborhoods. These hindrances **much** overcome in the UDO.
- The UDO also provides an opportunity to integrate amenities (e.g., parks, playgrounds, open space, sidewalks, trails, etc.) into new development projects, particularly if there are regulatory incentives for doing so.

## Builders

### Comments Received


- There are many who have entered the Planned Unit Development (PUD) process who spend a lot of time and money without having any certainty in their approval or what might be required. Instead, through changes to the pre-development process, as well as more articulate ordinances, these situations can be largely eliminated. This would be a great benefit to all.
- There are many requirements within the current ordinances that are overlapping or redundant. For example, in order to prove that all taxes are current, we are three separate requirements and processes, including a signed affidavit and a letter signed by the County. In some instances, the same documents are required to be submitted at different points in the same process. It seems that either a signed affidavit or a letter signed by the County Treasurer would suffice, and not both.
- It is frequent that minor, non-substantive variances or exceptions are required to go before the Board of Zoning Appeals (BZA). Is this necessary or might there be a minor modification process where staff could take care of these insignificant issues in lieu of involving the BZA and/or City Council. The same issue exists relative to minor plats.
- During the platting process, receiving notice well in advance of an issue warranting a variance or exception would be very helpful.
- Stormwater has been a big issue, and increasingly so in the older areas of the City. There needs to be much stricter compliance on this issue. As it is now, stormwater seems to be transferred from one property to another as buildings are constructed at different elevations. Furthermore, impervious cover is of much greater importance to stormwater management than building coverage, which is all that is now regulated.
- The idea of allowing a one-time lot coverage exception to allow for rear yard parking is viable provided stormwater standards are considered and implemented. Stormwater runoff might be handled via rainwater collection such as rain barrels or cisterns, rain gardens, pervious pavement, green roofs, etc. Of course, these would require public education and a few local applications to make them more common.
- Compliance with stormwater standards and the prevention of subpar construction are big health and safety issues to be resolved. There are numerous residential decks across the City that are of substandard construction that pose real safety hazards.
- Grading plans are not required today although they are a good idea to create quality, well-functioning developments. This should be considered as a requirement, at least for certain types or sizes of projects.
- Single parks are not being developed in neighborhoods, the use of a density bonus in exchange for parkland dedication or a fee in-lieu of dedication is something worth exploring.

### **Key Themes / Concerns**

- Stormwater in the older parts of **time is**  become an increasing issue, particularly with greater densities and impervious cover. Thinking creatively about the ways to address and curb the issues of flooding are essential.
- Evaluating the current procedures objectively as to their inefficiencies and impacts will be a positive outcome of the UDO.
- If there are ways to create **more** administrative processes for insignificant modifications that crop up during development  this would reduce time and expense and be much more practical than the current processes.

## Design Professionals

### Comments Received

- Finding every ordinance needed to meet the requirements is an overly difficult process. One such example is the application of the National Pollutant Discharge Elimination System (NPDES) requirements, which were tucked into the code where they were not expected. This led to a substantial delay and after-the-fact adjustments and redesign.
- Consolidating all of the City's development-related ordinances (not just the zoning and subdivision regulations) is something that would be really helpful.
- There are numerous requirements within the code where graphics would be helpful. This is especially true with the landscaping and storm water management portions of the code.
- There have been issues within the code where words or requirements have been interpreted differently among the city staff and also with applicants and their agents. A relevant example is how to define a 3.5-story building. What is the maximum height in feet and how is height measured?
- The code should be specific but less prescriptive as to the landscaping requirements to enable more creativity in design and the use of materials.
- The definitions within the current ordinances need to be expanded and reworked **asa** large number of the definitions are ambiguous which leads to inconsistent interpretation.
- The site design standards should be logically grouped together within the UDO instead of being spread out in different locations of the code.
- The TNO and M-FRO zoning districts should be revisited because these districts limit development. The TNO is not meeting the intent of the overlay district as homes are not being repaired or kept up because it implicates conformance with the design standards. Additionally, the TNO building coverage standards are too restrictive.
- Responsible, in part, for the stormwater issues, the percent of impervious cover is more important than the percentage of property covered by a building.
- Having more opportunities for the use Accessory Dwelling Units (ADUs) within the original gridded area of the community would lead to greater reinvestment.
- Allowing for porous pavement is a concept that should be explored with the new UDO.
- Many people are open to the idea of using green infrastructure such as: pervious parking; green roofs; rain barrels; cisterns; and collected water.
- The City should consider using the Institute of Traffic Engineers (ITE) shared parking requirements as a guide to regulating the required parking, and amount of impervious cover, so as not to review overdevelopment.
- Structured parking needs to be encouraged within the UDO, especially within the MFRO and UCR districts.
- The City's parking requirements as a whole are too high 



- The application and permit process for exceptions and variances is not clear as to the exact requirements. These need more clarity.
- The City should increase parking lot security through lighting regulations.
- The pre-development meetings are often attended by different members of staff. While their work schedules are understood and appreciated, this limits the thoroughness of comments that are vitally needed at the outset of the development process, rather than after plan submittal or later. This is an opportunity for improvement in the process.
- The importance of the pre-development meetings may be lessened if the UDO is clear as to the specific standards and what's required and under what circumstances.
- The parking lot requirements are not within the zoning code; instead, they are within the building code. These requirements are not in a logical location.
- The PUD process can be a very lengthy and cumbersome process both for us and our clients. We would like to engage the City in order to create a process with greater certainty.

#### **Key Themes / Concerns**

- There is a significant need to reorganize and restructure the current ordinance structure in order to allow the user to find applicable requirements with greater ease.
- Pre-development meetings are critically important to provide certainty in the process.
- The districts and overlays need to be evaluated closely to determine if they are accomplished their intended results and if not, either revise them or handle them in a different manner.
- Particularly in the older, most well-established areas of the City, addressing stormwater by the extent of imperviousness and through the use of "green" infrastructure would go a long way toward dealing with this issue.

## **Business Owners**

The sessions with business owners was lightly attended. Therefore, these issues discussed were limited.

### **Comments Received**

- There is an increasing need to address home occupations and the difference of an occupation with a home business.
- In some cases, outside employees are needed to help sole proprietors who are not yet prepared to occupy office space. What would be required to minimize impacts on neighborhoods?

## **Government**


### **Comments Received**

- Kansas State University has plans to densify its campus. This includes reducing the total amount of parking that is currently available on campus. The University wants to encourage walking and bicycling. In order to do this the University is looking at different parking management strategies. There needs to be improved crossings into campus for pedestrians and bicyclists. For these reasons, KSU is in favor of the City's concept of the UCR District.
- The local school district has coordinated with and worked well with the City with their development of school campuses.
- Fort Riley and the Critical Noise Zone impacts about a one-third of the City and its growth area. There have been noise maps created, with the latest to be published this summer.
- The Joint Land Use Study (JLUS) found that approximately 4% of the City's population works at Fort Riley.
- The applicable portions of the JLUS should be integrated into the Unified Development Ordinance (UDO), particularly relative to the air installation compatibility use zone (AICUZ) and other critical zones, as well as managing noise and encroachment.
- Transit should be an important site design factor in the close-to-campus areas.
- The City and Riley County need to be in constant coordination with governmental entities like the University and Fort Riley.
- The Zoning and Subdivision Regulations of Riley and Pottawatomie Counties are relevant to the City's UDO to coordinate development in areas of mutual concern and to work toward improved consistency in the application of standards and processes.
- The City is now accepting lot split and lot consolidation processes, which is consistent with that of Riley County. These could be administered by City staff in lieu of requiring Planning Board review and approval.
- Having a district within the City to accommodate the growing Animal Sciences and Veterinary Research Center at KSU will be important in the future. Similarly, the urban-rural transitions are

important as there are new subdivisions that directly abut agricultural operations, which warrant consideration of appropriate buffering and separation standards.

- One way to protect the growing research industry for animal sciences and veterinarians might be for the City to create an Agricultural Protection Easement and Air Space Easement similar to what Riley County has done. These protection easements apply to all new properties that have been approved in a defined location.

#### **Key Themes / Concerns**

- Enhanced coordination between the City, Riley and Pottawatomie Counties, KSU, and Fort Riley, as well as other governmental agencies and the development community is of essential importance.
- The UDO must account for unique land uses such as Fort Riley (and its critical areas) and the National Bio and Agro-Defense Facility. 
- With the realignment of the transit system and its routes, and an increasing focus on improved avenues for walking and bicycling, new site design considerations should be considered for inclusion in the UDO.

## Neighborhood Associations

### Comments Received

- The Historic Preservation Ordinance should be considered for integration into the UDO.
- With the down zoning of a neighborhood about 10 years ago, there has been a steady return to single-family residences. It has taken some time for this to happen, however it has happened! There are new young families moving back into the neighborhood.
- With the City Commission being elected at-large, the protection of the character and integrity of single-family neighborhoods is challenged without an elected “champion” for individual neighborhoods.
- The TNO overlay needs to be rethought. While the stated purpose of the district is to conserve the traditional character of the older neighborhoods through compatibility standards which aim to incorporate traditional site design and site layout, the reality is that it brings uses that are not traditional single-family residences, which detracts from rather than supports the neighborhood.
- The problems with the TNO overlay district include parking coverage, lot coverage, design/landscaping, and unregulated rentals. Higher design standards are needed.
- The nonconforming properties create overcrowding with issues such as parking within neighborhoods that were not designed for such intensity of use.
- The University has relied on the community for off-campus housing, which has burdened many surrounding neighborhoods. The University should invest in creating more on-campus housing.
- While the requirement that no more than four unrelated persons can live together in a single residential unit is positive, the City does not have the ability to enforce this provision.
- The downzoning that occurred on the west side of City Park was very successful. There is hope that the same results are seen with the recent downzoning on the east side of City Park.
- Overcrowding of students into rental units is a problem and pose significant health and safety concerns.
- In many neighborhoods, the street infrastructure is breaking down, which is compounded by the overcrowding of cars and traffic on these roads.
- Constant stock of what exists in the neighborhoods must be taken so the historic integrity is not diminished over time. Neighborhood conservation standards are needed.
- Enhanced design review and/or historic preservation should be instituted within neighborhoods.
- The City of Topeka has a tax rebate program which helps property owners reinvest in their historic properties. The City of Manhattan should consider adopting the same or a similar program.
- With the up zoning of a neighborhood close to the University, there are changing economic dynamics that are occurring. Developers are consolidating lots in order to create multi-family housing on road infrastructure that is not suitable for that intensity or form of development.
- The City is needed to preserve historic properties because of the changes in State law. Previously, State law stated that historic structures were protected under the definition of environmental law; however, with this change historic structures are at risk.

- There have been situations in the past where the City has chosen to not replace a brick sidewalk with another brick sidewalk. There are other examples of beautiful stone retaining walls that were replaced with regular concrete. It is important to replace high quality and/or historic materials with similar materials.
- When a Planned Unit Development (PUD) is created to impose different rules on one property versus another in the area, does this essentially equate to spot zoning? This to be especially true for PUDs that are as small as one-half acre in size.
- Fraternity homes are not the problem within the neighborhoods close to the University. The homes are owned by the fraternity's alumni; they have house mothers; and the quality of the housing is in much better shape than the rentals around campus.
- While it is good that the City has recently committed to a rental registration program, ultimately, the City should return to the rental inspection program that was previously in place.

### **Key Themes / Concerns**

- Neighborhood character is highly valued, including the preservation of the traits that have made it unique and desirable, e.g. historic preservation, property maintenance, etc.
- The past and recent down zonings paired with other changes in the regulations will have a fundamental impact on the community and its value and integrity over time.
- The regulatory strategies and approaches taken should consistent long-term neighborhood stability as a priority.