

MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 7, 2010
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bruce Snead and Commissioners James E. Sherow, Loren J. Pepperd, Jayme Morris-Hardeman, and Bob Strawn were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 75 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

RECOGNITION

Leobardo Prieto, Partnership Specialist, U.S. Census Bureau, thanked the City of Manhattan for its participation in the 2010 Census and presented Mayor Snead and Lance Evans, Senior Planner, City of Manhattan, with a certificate of appreciation for the City's participation and coordination in the 2010 Census.

PROCLAMATIONS

Mayor Snead proclaimed September 16, 2010, *Homelessness Awareness Day*. Grant Hill, Rachel King, and Kelly Zachariasen, Silver Key Sophomore Honorary Members, were present to receive the proclamation.

Mayor Snead proclaimed September 19 – 25, 2010, *Community Cultural Harmony Week*. Scott Jones, Co-Chair, Community Cultural Harmony Week Committee, was present to receive the proclamation.

PUBLIC COMMENTS

Mayor Snead opened the public comments.

PUBLIC COMMENTS (CONTINUED)

Dick Miller, 4300 Cedar Ridge Drive, informed the Commission that sexual orientation and gender identity are not inherently part of someone and are behaviors. He stated that those saying that it is a biological condition or other ways are harming those individuals that have a desire to change and said that it is not immutable, there are many that have escaped that kind of lifestyle.

Tim Gotchey, 1936 Beck Street, voiced concern with the Human Rights and Services Board becoming a quasi-judicial body that would have the ability to impose fines and asked questions about the proposed ordinance with sexual orientation and gender identity.

Gary Conrad, 610 Fairchild Terrace, informed the Commission that we are all equal and that City laws should be all inclusive and treat everyone equal.

William Sier, 1824 Vaughn Drive, voiced his and his families support for the proposed ordinance and stated that it is sad that an ordinance is needed, but if it is necessary, then we need to have one.

Matt Zodrow, 409 Wickham Road, informed the Commission that this is an issue of trying to make special rights over and above everyone else. He stated that all crimes are hateful and that the proposed ordinance is a mistake. He also stated that majority of the community is not supportive of this proposed ordinance.

Jonathan Mertz, Chair, Flint Hills Human Rights Project, 34107 Highway K-18, expressed thanks to those that attended counter-protest earlier in the evening. He informed the Commission that this is not about behavior; this is about human rights, civil rights, and the dignity of all people.

Vern Henricks, 3508 Vanesta Drive, voiced concern with the proposed ordinance and how it would impact businesses in Manhattan. He asked questions about the proposed ordinance and requested that it be better defined to give citizens and businesses a strategic plan, so that everyone understands what is being proposed.

Torry Dickinson, 2391 Grandview Terrace, informed the Commission that she is aware of discrimination and that it took a long time to approve the Gay Civil Rights Bill in the New York State legislature. She encouraged the Commission to support the proposed ordinance.

Hearing no other comments, Mayor Snead closed the public comments.

COMMISSIONER COMMENTS

Commissioner Sherow thanked those attending the Commission meeting and sharing their thoughts and beliefs on the proposed discrimination ordinance. He thanked Scott Cronin, Housing Rehabilitation Inspector, for his work with the Housing Rehabilitation Program and assistance that he provided to a citizen needing help with her cooling system. He also thanked the City crews for their efforts in the tree limb cleanup from the recent storm. He then provided a historical perspective on Manhattan and read a quote from Isaac Goodnow.

Commissioner Strawn stated that he has received many emails since the last meeting on the sexual orientation and gender identity amendment being proposed to the City's discrimination ordinance. He voiced his position on the item and stated that he would not support a proposed ordinance with gender identity.

Commissioner Pepperd stated that the proposed discrimination ordinance is a critical matter and should be put to a vote of the people. He said the proposed ordinance is a divisive issue and that he could not support it if voted on by the Commission.

Commissioner Sherow voiced his opinions and views with the proposed ordinance. He stated that he would appreciate a more collaborative working environment and appreciated the Commissioners views being expressed.

Mayor Snead informed the community that during the Discussion/Briefing Session, the Commission reaffirmed the path of the proposed discrimination ordinance and that it is consistent with the direction given during the recent City Commission Work Session. He stated that the item would be going to the Human Rights and Services Board for its feedback and then back to the City Commission. He expressed appreciation on the feedback received so far and reiterated that this is a work in progress. He then informed the community that during the Discussion/Briefing Session, prior to the Commission meeting, the Commission discussed Wildcat Creek Road and alternate designs, discussed a scenic enhancement grant for a portion of Tuttle Creek Boulevard, discussed bid alternates for Sunset Zoo Education Center, highlighted various upcoming meetings and Commissioner calendar items, discussed agenda items for the Joint City/County meeting, discussed revenues received from Downtown Redevelopment and Tax Increment Financing (TIF) area, received an update from Commissioner Pepperd on the last Riley County-Manhattan Health Board meeting, and received an update on the Flint Hills Regional Council meeting attended by Commissioners Sherow and Strawn.

Commissioner Pepperd expressed appreciation for the good publicity and coverage on the baby chimpanzee born at Sunset Zoo.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, August 17, 2010, and the Special City Commission Meeting held on Tuesday, August 24, 2010.

CLAIMS REGISTER NO. 2649

The Commission approved Claims Register No. 2649 authorizing and approving the payment of claims from August 11, 2010, to August 31, 2010, in the amount of \$6,042,638.55.

LICENSE – TREE MAINTENANCE

The Commission approved a Tree Maintenance license for calendar year 2010 for Expert Tree Service, 6411 SE Riverside Terrace, St. Joseph, Missouri.

ORDINANCE NO. 6837 – FIRST AMENDMENT – KDHE LOAN AGREEMENT – WATER TREATMENT PLANT AND WELLFIELD IMPROVEMENT (WA0611)

The Commission approved Ordinance No. 6837 authorizing the execution of a first amendment to the loan agreement between the City of Manhattan, Kansas, and the State of Kansas, acting by and through the Kansas Department of Health and Environment for the purpose of increasing the loan amount to fully fund the construction of the Water Treatment Plant and Wellfield Improvement Project (WA0611).

ORDINANCE NO. 6838 – NO PARKING – ALLISON AVENUE

The Commission approved Ordinance No. 6838 removing parking on the north and south sides of Allison Avenue from its intersection with K-113 (Seth Child Road), west for a length of 1,020 feet to the top of the hill on Allison Avenue.

FIRST READING – NO PARKING – 3424-3426 EVERETT DRIVE

The Commission approved first reading of an ordinance removing parking along the west side of Everett Drive along the frontages of 3624 and 3626 Everett Drive.

NEGOTIATE CONTRACT – ENGINEERING SERVICES – MCCALL ROAD CONNECTION (ST1014)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with HWS Consulting Group, of Manhattan, Kansas, for the design for the McCall Road Connection (ST1014).

CONSENT AGENDA (CONTINUED)

* **KDOT GRANT AGREEMENT – TRANSIT IMPLEMENTATION PLAN**

Ron Fehr, City Manager, responded to questions from the Commission.

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute a grant agreement with the Kansas Department of Transportation for the Transit Implementation Plan.

REQUEST FOR QUALIFICATIONS – PROFESSIONAL SERVICES – TRANSIT PLAN UPDATE IMPLEMENTATION

The Commission authorized City Administration to advertise a Request for Qualifications for professional services related to the implementation of the 2001 Transit Plan Update and appointed Commissioner Morris-Hardeman to serve on the Selection Committee.

ADMINISTRATIVE PLAN – HOUSING REHABILITATION – CDBG CONSOLIDATED PLAN

The Commission approved the Administrative Plan for the Manhattan Housing Rehabilitation Program (CDBG) and waived building permit fees for Program participants.

NEGOTIATE CONTRACT – UPDATE ENERGY EMERGENCY RESPONSE PLAN

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate an agreement with Witt Associates, of Washington, DC, to update the City's 2002 *Energy Emergency Response Plan*.

* **WAIVER FEES – MANHATTAN AREA HOUSING PARTNERSHIP TAX CREDIT PROJECT – NORTHWING ADDITION**

Ron Fehr, City Manager, responded to questions from the Commission about past practices for waiving building permit fees.

The Commission approved the waiver of building permit fees and to absorb the utility connection fees for the 10 single-family tax credit units (Manhattan Area Housing Partnership project) in the Northwing Addition.

* **CONTRACT AMENDMENT – DESIGN – SOUTH PARK**

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, provided additional information on the item and responded to questions from the Commission on the scope of services being proposed.

CONSENT AGENDA (CONTINUED)

* **CONTRACT AMENDMENT – DESIGN – SOUTH PARK**

The Commission approved the design contract amendment in the amount of \$126,325.00 with HWS Consulting Group and Bowman Bowman Novick, both of Manhattan, Kansas, for the South Park in the South Redevelopment Area.

* **MANAGEMENT SELECTION – HILTON GARDEN INN AND CONFERENCE CENTER**

Colin Noble, 1641 Anderson Avenue, Noble Hospitality, owner of the Holiday Inn and Houlihan's restaurant in Manhattan, provided background on his company and informed the Commission that he wanted to be seriously considered to manage the new hotel and conference center. He stated that his company has the experience to manage the new Hilton and that Noble Hospitality hotels have won national and international awards, including the Holiday Inn renovation and design of the year. He informed the Commission that he is a community supporter of various organizations and charities, and that locality ought to count for something as well. He then responded to questions from the Commission.

Rick Huffman, HCW, provided background information on their company and on the hotel and conference center agreement. He informed the Commission that his company contacted Hilton International and asked for a short list of hospitality companies they recommended to manage the new hotel. He stated their company was provided with a list of twelve firms and they contacted four of the twelve, including speaking with Mr. Noble. He said that Kinseth Hospitality was selected based on their proven experience, performance, and profitability. He then responded to questions from the Commission regarding the consideration of other firms, performance measurements, profitability, community involvement, and employee and guest satisfaction. He stated that they have an aggressive opening schedule and that it is a great project.

Charles Hostetler, 1715 Thomas Circle, voiced support for Colin Noble for the management contract for the new hotel and conference center. He informed the Commission that Mr. Noble has done a marvelous job with his Manhattan properties and asked that the Commission support a qualified firm within the City of Manhattan, versus an outside firm that would take money out of state.

Bruce Kinseth, Kinseth Hospitality, provided information about his company and properties that they operate 47 hotels in ten states throughout the Midwest. He informed the Commission that his company has been in business for more than 30 years and that his company has the experience and resources to make the new Hilton extremely successful. He then provided plans to make renovations to the Fairfield Inn in Manhattan and presented additional information on Kinseth.

CONSENT AGENDA (CONTINUED)

* **MANAGEMENT SELECTION – HILTON GARDEN INN AND CONFERENCE CENTER (CONTINUED)**

Brad Everett, General Manager, Fairfield Inn, informed the Commission of the awards achieved by the Fairfield Inn and recognition for community involvement. He stated that the convention center needs to be a gem for the community and be profitable. He said that the management and ownership must ensure that the taxpayer's investment is protected with the Hilton Garden Inn and Conference Center.

Lyle Butler, President, Manhattan Area Chamber of Commerce, informed the Commission that the Chamber and the Convention and Visitors Bureau have been a proponent of a conference center and hotel. He asked that the Commission and HCW carefully consider the best management company possible and that if a local company has the expertise and talent to do it, that hopefully, they would be considered. He then responded to questions from the Commission and stated that if all things being absolutely equal, would hope that a preference would be given to the local vendor.

Rick Huffman, HCW, provided additional information on the project and agreement. He stressed the importance in the selection criteria of the operator and competition factors.

Ron Fehr, City Manager, provided additional information on the conference center and on the agreement with HCW.

Bill Frost, City Attorney, provided clarification on the item, the agreement, and on the responsibilities of the developer.

After discussion, Commissioner Morris-Hardeman moved to approve Kinseth Hospitality, of North Liberty, Iowa, as the manager of the Hilton Garden Inn and Conference Center in the South Redevelopment District. Mayor Snead seconded the motion.

Commissioner Strawn stated that this is an opportunity for a developer to select a local operator who is fully qualified. He said this is an obvious opportunity where money can stay in Manhattan and benefit from this, and reject Kinseth. He urged HCW to speak with Mr. Noble and see if they can come to some type of arrangement.

CONSENT AGENDA (CONTINUED)

* **MANAGEMENT SELECTION – HILTON GARDEN INN AND CONFERENCE CENTER (CONTINUED)**

Commissioner Sherow voiced concerns on the item and stated that this is a very important decision and understood the Commissioners role in reviewing this. He asked for additional information, comparative data, and rankings in order to make a good basis and an informed decision on Kinseth and Noble Hospitality.

Commissioner Morris-Hardeman asked the developer to take a look at the local option. She stated the Commission needs additional and comparable information to make that decision.

Commissioner Pepperd stated that this is HCW's choice and the Commission should not be able to say who to hire. However, he voiced a preference to use a local operator and stated that Brad Everett and Colin Noble both have outstanding properties in Manhattan. He asked HCW to review the differences with Hilton and requested that the item be tabled until the Commission has further information.

Mayor Snead voiced concern with competition and in getting the best performance we can out of this product. He said that while there are local connections, the goal is to approve a qualified operator and not unreasonably withhold that approval, but need more reasons to make that evaluation. He stated that the best course of action is to table the issue and allow additional information to be provided to address the reasons the Commission should approve an operator proposed by HCW.

After discussion of the Commission, Commissioner Morris-Hardeman withdrew her motion. Mayor Snead seconded the motion to withdraw the motion.

After discussion of the Commission, Commissioner Morris-Hardeman moved to table the item. Mayor Snead seconded the motion.

Jason Hilgers, Assistant City Manager, and Bill Frost, City Attorney, provided clarification on the motion.

After additional discussion of the Commission, on a roll call vote, motion carried 5-0.

* **AGREEMENT – FLINT HILLS DISCOVERY CENTER - THE IMMERSIVE EXPERIENCE**

Bob Workman, Director, Flint Hills Discovery Center, provided additional information on the item and responded to questions from the Commission on the contract and potential add alternates.

CONSENT AGENDA (CONTINUED)

* **AGREEMENT – FLINT HILLS DISCOVERY CENTER - THE IMMERSIVE EXPERIENCE (CONTINUED)**

Lauren Palmer, Assistant City Manager, provided clarification on the item.

Bob Workman, Director, Flint Hills Discovery Center, provided additional background information on the importance of the component to the project's success and responded to questions from the Commission on the life-cycle for the components and on the production services provided by Donna Lawrence Productions.

The Commission approved a contract with Donna Lawrence Productions, of Louisville, Kentucky, in an amount not to exceed \$885,000.00 for multimedia/theatrical production services for the Flint Hills Discovery Center.

BOARD APPOINTMENTS

The Commission approved appointments by Mayor Snead to various boards and committees of the City.

Band Board

Re-appointment of Thomas L. Holder, 3018 Tumbleweed Terrace, to a four-year term. Mr. Holder's term begins immediately and will expire August 31, 2014.

Bicycle Advisory Committee

Appointment of Susanne Kufahl, 2030 Tecumseh Road, to fill the unexpired Riley County-Manhattan Health Department term of Julie Gibbs. Ms. Kufahl's term begins immediately and will expire October 31, 2010.

City/University Special Projects Fund Committee

Appointment of Michael Wesch, 2041 Plymouth Road, to a one-year Faculty term. Mr. Wesch's term begins immediately and will expire June 30, 2011.

Appointment of Sarah Works, 1516 McCain Lane, to a one-year Student term. Ms. Works' term begins immediately and will expire June 30, 2011.

Re-appointment of Nate Warren, 1218 Yuma Street #2, to a one-year Student term. Mr. Warren's term begins immediately and will expire June 30, 2011.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

City/University Special Projects Fund Committee (CONTINUED)

Appointment of Stormy Lee Kennedy, 1029 Bertrand Street, to a two-year Citizen term. Ms. Kennedy's term begins immediately and will expire June 30, 2012.

Parks and Recreation Advisory Board

Appointment of Nancy Knopp, 104 Oakwood Circle, to fill the unexpired USD 383 Board of Education term of Susan Marshall. Ms. Knopp's term begins immediately and will expire June 30, 2011.

Partner City Advisory Committee

Re-appointment of Glen F. Lojka, 5240 Terra Heights, to a three-year term. Mr. Lojka's term begins immediately, and will expire August 31, 2013.

Special Alcohol Funds Advisory Committee

Appointment of Maureen Konz, 2834 Oregon Lane, to fill the unexpired term of Julie Voelker. Ms. Konz's term begins immediately and will expire June 30, 2012.

After additional discussion, Commissioner Sherow moved to approve the consent agenda, as read, with the exception of Item M - MANAGEMENT SELECTION – HILTON GARDEN INN AND CONFERENCE CENTER, which was voted on separately. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

At 9:05 p.m., the Commission took a brief recess.

GENERAL AGENDA

ECONOMIC DEVELOPMENT APPLICATION - MANHATTAN AREA TECHNICAL COLLEGE

Mayor Snead stated that his spouse works at the Manhattan Area Technical College (MATC) and that he does not have a direct conflict of interest; however, he believed that it would be most appropriate to abstain from voting and commenting on the item. He stated that he would only facilitate the item and asked for concurrence from the Commission if they were comfortable with that approach.

The Commission concurred with the Mayor.

GENERAL AGENDA (CONTINUED)

ECONOMIC DEVELOPMENT APPLICATION - MANHATTAN AREA TECHNICAL COLLEGE (CONTINUED)

Lauren Palmer, Assistant City Manager, introduced the item.

John Pagen, Manhattan Area Chamber of Commerce, presented background information on the MATC proposed expansion and noted the shortage of lab technicians.

Lauren Palmer, Assistant City Manager, presented an overview of the economic development proposal, including economic development funding criteria, performance provisions, annual accountability process, incentive package with a forgivable and conventional loan, capital reinvestment requirements, job and wage projections, workforce development requirements, local retention requirements, annual accountability provisions, clawback provision, independent risk review, and aspects of the application for the Commission to consider. She then responded to questions from the Commission regarding tracking of wages and reporting procedures.

Rob Edleston, President, Manhattan Area Technical College, provided additional background information about the College and the proposal to train the technicians needed in the community and region. He encouraged the Commission to support the proposal and responded to questions from the Commission about retention numbers, recent graduates of the College, the development of programs, the modular units being purchased from Chapman, and the workforce development tracking.

Lauren Palmer, Assistant City Manager, responded to questions from the Commission.

Geri Simon, 1728 Little Kitten Avenue, Coordinator, Manhattan Living Wage Coalition, requested that the Commission adopt a wage floor policy for economic development assistance through the City to pay all regular and full-time employees a minimum of \$12.00 an hour. She inquired about economic development averages for existing employees on the proposal and asked that the request not be considered unless the applicant ensures a minimum of \$12.00 an hour for all regular and full-time employees.

Lyle Butler, President, Manhattan Area Chamber of Commerce, voiced strong support of the proposal from Manhattan Area Technical College. He informed the Commission of the demand in the region for skilled labor and the importance in providing a qualified workforce for existing and new companies looking to come into the area.

Rob Edleston, President, Manhattan Area Technical College, provided additional information on the history of the Technical College, full- and part-time employees, salaries for employees, and benefits offered to employees. He reiterated the need to train students to be technicians and stated that the new programs and modular buildings could help create jobs in an in-demand field and keep those jobs in the region and in state.

GENERAL AGENDA (CONTINUED)

ECONOMIC DEVELOPMENT APPLICATION - MANHATTAN AREA TECHNICAL COLLEGE (CONTINUED)

After additional discussion of the Commission, Commissioner Strawn moved to schedule September 21, 2010, as the date for a final determination on an economic development incentive package for Manhattan Area Technical College. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 4-0, with Mayor Snead abstaining from the item.

FIRST READING – AMEND ZONING REGULATIONS - M-FRO OVERLAY DISTRICT

Eric Cattell, Assistant Director for Planning, presented the item and a summary of the proposed amendments recommended by the Manhattan Urban Area Planning Board and City Administration including building size, structured parking, exterior mechanical equipment, off-street parking ratios, garage orientation, building design standards, definitions, and amendments to the text of the Zoning Regulations. He then responded to questions from the Commission regarding the proposed amendments to the Zoning Regulations.

Commissioner Pepperd voiced opposition to the proposed amendments stating that stricter standards will make it harder to build housing in an area that needs additional student housing. He said the M-FRO district is the area where the City should be building for the students and stated the amendments proposed will mean that it will be more difficult to build, will be more expensive, will provide less density and fewer tenants, and will only push the students farther away from campus.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding notifications on the proposed item, primary reasons prompting the amendments, infrastructure concerns and considerations, and the impact to alleys due to the intensity of development in the area.

Bryan Elsey, 2530 Heartland Drive, developer of student housing, informed the Commission that the M-FRO District is the perfect place to build high-density student housing. He stated that students want to be able to walk to campus and said all the additional rules added to the M-FRO District will kill the density and the ability to provide housing for students. He provided examples of properties that he currently owns and voiced concern on the proposed amendments and the change in the zoning rules during his plans. He stated that the proposed amendments will hurt what he wants to build on with the land that he owns in the M-FRO District. He then responded to questions from the Commission and stated that he does not have time to go through a Planned Unit Development process and this proposed action is stalling him from developing several lots in the M-FRO District.

GENERAL AGENDA (CONTINUED)

FIRST READING – AMEND ZONING REGULATIONS - M-FRO OVERLAY DISTRICT (CONTINUED)

Eric Cattell, Assistant Director for Planning, responded to additional questions from the Commission on the status of new buildings being proposed in the M-FRO District, concerns with structured parking, screening requirements, process for Planned Unit Developments, and exceptions that can be heard by the Board of Zoning Appeals.

After additional discussion of the Commission, Commissioner Sherow moved to approve first reading of an ordinance amending Article IV, Section 4-112 M-FRO, Multi-Family Redevelopment Overlay District, of the Manhattan Zoning Regulations, as recommended in the Planning Board's revised recommendation, based on the findings in the three Staff Memorandums to the Planning Board, dated June 15, 2010 (*See Attachment No. 1*); June 30, 2010 (*See Attachment No. 2*); and August 5, 2010 (*See Attachment No. 3*). Commissioner Morris-Hardeman seconded the motion.

Eric Cattell, Assistant Director for Planning, responded to additional questions from the Commission and informed the Commission that the only submitted concept has been received from the Elsey's.

Bill Frost, City Attorney, provided clarification on the item and development application process. He then responded to questions from the Commission regarding land use rules in the City ordinance.

After additional discussion of the Commission, on a roll call vote, motion carried 3-2, with Commissioners Pepperd and Strawn voting against the motion.

INTERLOCAL AGREEMENT/PROFESSIONAL SERVICES CONTRACT - KONZA AREA WATER EXTENSION

Dale Houdeshell, Director of Public Works, presented the item. He then responded to questions from the Commission regarding the letter received from Professor Lauren Ritterbush (*See Attachment No. 4*) and on the design contract of the Konza Water Main Connection.

After discussion, Commissioner Strawn moved to approve an Interlocal Agreement with Riley County for the extension of water service to the Konza area and authorize the execution of a contract with Schwab-Eaton, P.A., of Manhattan, Kansas, for design of the Konza Water Main Extension (WA1006). Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

AWARD CONTRACT - CICO (CP0902) AND NORTHVIEW (CP0903) POOLS; RESOLUTION NO. 090710-A - ISSUE – GENERAL OBLIGATION BONDS

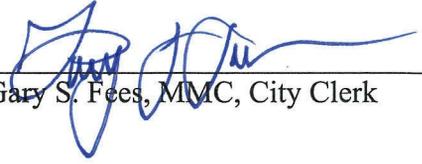
Curt Loupe, Director of Parks and Recreation, presented an overview on the item and bid alternates for CiCo Pool and Northview Pool. He then responded to questions from the Commission.

Craig Roy, Waters Edge, responded to questions from the Commission regarding the alternates.

After discussion, Commissioner Morris-Hardeman moved to accept the Engineer's Estimates in the amount of \$3,490,000.00 for Northview Pool and \$1,785,000.00 for CiCo Pool; award a contract to Vanum Construction Co., Inc., of Kansas City, Kansas, for CiCo (CP0902) and Northview (CP0903) Pools, with all alternates, for a combined total in the amount of \$4,637,800.00; and approve Resolution No. 090710-A, authorizing the issuance of General Obligation Bonds. Commissioner Strawn seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 11:55 p.m. the Commission adjourned.



Gary S. Fees, MMC, City Clerk



INTER-OFFICE MEMORANDUM

DATE: June 15, 2010

TO: Manhattan Urban Area Planning Board

MEETING DATE: June 21, 2010

FROM: Eric Cattell, AICP, Assistant Director for Planning

RE: Public Hearing to Initiate Discussion Regarding Amendments to Article IV,
Section 4-112 M-FRO, Multi-Family Redevelopment Overlay District

BACKGROUND

The M-FRO, Multi-Family Redevelopment Overlay District was developed as part of a comprehensive study of the older Traditional Neighborhoods, generally located in the grid portion of the community, starting in February 2001, and culminating in January 2005 with completion of the implementation phase, consisting of development of the TNO, Traditional Neighborhood Overlay and M-FRO Districts, and a series of rezonings based on the study's findings. The rezonings included both down-zoning and up-zoning various areas along with application of the TNO and M-FRO Districts, to stabilize and preserve areas of existing family oriented housing stock, and to establish areas for redevelopment adjacent to the Kansas State University Campus and Aggieville.

The Traditional Neighborhood study process included a broad range of stakeholders, and an extended series of meetings with the Neighborhood Coalition, the BRL Common Ground Coalition (*a coalition composed of builders, realtors and landlords*), the Manhattan/Riley County Preservation Alliance, and a number of neighborhood associations and community members. The study incorporated research conducted by the College of Architecture, Planning and Design at Kansas State University; as well as extensive analysis of the older neighborhoods conducted by the Community Development Department using census data, county appraisal data, field surveys and development of the Neighborhood Index map.

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The Neighborhood Index was created to gauge the level of change that had taken place in the older neighborhoods. The Index analyzed census data and county appraisal data regarding several factors including: owner occupied versus rental structures; family versus non-family distribution; family make-up looking at the number of school aged children (0-17 yrs.); and the type of residential structures in an area, (i.e. single family structure, duplex, or apartment building). In addition to the Neighborhood Index data, other factors that were analyzed included housing condition and neighborhood character. The purpose for this detailed analysis was to identify those areas that still had a predominantly single-family character (high neighborhood index) that would benefit from down-zoning and the application of the TNO District, and areas which had changed to such an extent that they are predominantly non-family, rental areas which might benefit from up-zoning to the R-3 District with the M-FRO District, to provide redevelopment opportunities close to the KSU campus.

M-FRO District: The M-FRO District requirements were developed through extensive community discussion, revision, and compromise between various interest groups to reach a point where they were generally supported by most stakeholders. The original M-FRO District provisions were adopted as part of the Zoning Regulations in July 2003, and the first 17.5 blocks of the redevelopment area were zoned to R-3/M-FRO in October 2003. The M-FRO District was then amended to fine-tune some provisions, in October 2005, following further analysis of issues as part of development and adoption of the Aggieville-Campus Edge District Plan.

The M-FRO District is designed to ensure that multiple-family infill development is functionally integrated into surrounding areas and compatible with the traditional character of the older neighborhoods in Manhattan. The intent is to provide a framework within which higher density housing can be built, while being sensitive to surrounding neighborhoods and the public streetscape with regard to design and site layout. The M-FRO District incorporates a number of Compatibility Standards, addressing both Site Design and Building Design issues, to promote compatible and sensitive redevelopment and infill projects.

The M-FRO District is used only in conjunction with the underlying R-3, Multiple-Family Residential District and covers 22.5 blocks, located generally along the eastern edge of the Kansas State University campus and Aggieville.

Changing Conditions: Since implementation of the M-FRO District in 2003, new apartment developments, (that are larger than duplex or four-plex buildings), have predominantly consisted of three-story buildings, up to 88 feet wide that are built on two 50-foot wide lots, or in the case of corner lot sites, up to a 115 foot long building constructed on two lots. However, the area has recently seen development of a 230 foot

Attachment No. 1

long, three-story apartment building on 5 lots, and a PUD proposal for a 281 foot long, three-story building on 6 lots. A city block in the older neighborhoods consists generally of eight (8) 50-foot wide lots. The recent shift towards very large buildings (230+ feet) that take up a significant portion of a city block has raised concern on the part of the Planning Board, neighborhood residents, and City Administration that buildings of this size and intensity are inconsistent with the character of the neighborhood and are going beyond what was envisioned as appropriate for the area.

The design of these large buildings has generally not taken into account important policies of the Manhattan Urban Area Comprehensive Plan, including policy GM-9, regarding Infill and Redevelopment projects, which states in part:

“Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area.”

This recent appearance of very large “mega” buildings in the M-FRO District has raised concern by the Planning Board and City Administration that further adjustments to the M-FRO District’s provisions need to be made, to insure that residential structures are compatible with, and sensitive to, the character and original fabric of the traditional neighborhood setting.

DISCUSSION

Public Hearing - Draft Document: As a result of concerns expressed by the Planning Board, City Administration published notice of this public hearing, to initiate discussion of modifications to the M-FRO District to address concerns about very large residential buildings, and to update several other provisions. In addition to the legal notice, notification of the hearing was sent to the public through the Early Notification *InTouch* system to the two neighborhoods with M-FRO District zoning, and broader notification was provided through the City’s web site. In addition, direct notice was sent to several architects who have designed projects in the area.

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To facilitate discussion at the hearing, City Administration developed a public hearing draft amendment document, recognizing that input from the community and Planning Board is still needed to further identify issues and other potential revisions before the amendments are finalized. *(See attached Public Hearing Draft Amendments. Language that is being eliminated is struck through and new language is underlined in bold italics).* The draft amendments address several issues identified by Planning staff as needing adjustment to address concerns expressed by the Planning Board as well as issues that have come up over the past six and one-half years since the M-FRO District was implemented, including: adding a limitation on maximum building size; modifying screening requirements for structured parking; adding provisions regarding the location and placement of exterior mechanical equipment; increasing the parking requirement for new buildings containing 18 or more dwelling units; modifying provisions regarding enclosed garages; expanding the choice of architectural features required to be included on street facing facades; modifying how window area is calculated on street facing facades; modifying provisions regarding roof pitch/design; and modifying or adding several definitions.

Building Size. One of the primary proposed changes is to limit the overall size of a residential building, because the current M-FRO District has no maximum limitation provided there is a large enough site. As noted above, most of the larger residential buildings constructed under the M-FRO District have been designed and scaled to fit on two 50-foot wide lots. Previously, in the 1980's there were several apartment projects constructed on three (3) 50-foot wide lots (at 926, 1031, 1112, and 1212 Bluemont Ave.; and 1111 Vattier Street), which range from 116, to 134 feet in length along the street. These were the largest residential apartment buildings built in this portion of the older neighborhoods, until the recent appearance of the very large 230+ foot buildings.

The draft amendment proposal adds the following new Use Limitation, under Section 4-112 (E):

- (2) **Residential buildings shall not exceed 138 feet in their longest total horizontal dimension (i.e. length, width and/or depth).**

This dimension is what could be built on three 50-foot wide lots, combined into a single site, utilizing the 6 foot side yard setbacks of the M-FRO District and measured from roof eave to roof eave. This maximum horizontal dimension is based generally on the three lot developments from the 1980's, which while large, have generally been accepted by the community. In addition, dividing eight-lot long city blocks in the traditional neighborhood into redevelopment sites of no more than three lots wide, insures that the streetscape has at least three buildings along a block, which is more in keeping with the scale and fabric of

the traditional character of the area, compared to the potential for one mega structure per block that could be built under the current M-FRO District.

It should be noted that the reason that some of the proposed amendments are placed in the “Use Limitations”, instead of the “Compatibility Standards” of the M-FRO District, is because a property owner or developer cannot apply to the Board of Zoning Appeals for an Exception of a Use Limitation. They would have to apply for a Variance, which has a stricter set of review standards for the Board of Zoning Appeals to consider. Alternatively, the developer or owner may apply for a rezoning to try and accommodate their needs.

Screening of Structured Parking. The draft amendment includes two revisions regarding screening of structured parking lots, which are defined in the District as: “Parking lots that are located entirely under, or within a building, but not including a carport(s).” The first revision is to add the following new Use Limitation, under Section 4-112 (E):

- (3) **Structured parking associated with residential buildings located along N. Manhattan Avenue, Bluemont Avenue, and/or N. 11th Street shall be screened by dwelling units within the same building so that the structured parking is not visible from those streets.**

North Manhattan Avenue, Bluemont Avenue and North 11th Street serve as high visibility corridors through the community, as well as within the M-FRO District. This new Use Limitation will help to insure that buildings incorporating structured parking are designed in a manner that screens the parking from public view along these important community corridors, to avoid the potential “building on stilts” effect. The provision requires that buildings with structured parking be designed so that their dwelling units front the street and screen the parking, to maintain a more residential feel along the public streetscape.

The second modification is to Section 4-112 (F) Compatibility Standards, (1) Site Design Standards, (f) Screening of Structured Parking Lots, which is proposed to be changed to provide a higher level and quality of screening for structured parking lots in buildings that are not located along the three major street corridors noted above:

- (f) **Screening of Structured Parking Lots:** Structured parking lots ~~located within twenty five (25) feet of, and visible from, a public street right of way~~ shall be screened ~~with~~ **by** a fence ~~or~~ **brick or stone** wall. Such fence ~~or~~ wall shall be ~~opaque to a height of at least thirty (30) inches~~ **four (4) feet in height** above the grade of the parking surface and be designed to reflect and complement the architectural style of the residential building and incorporate ~~similar~~ **the same masonry** materials.

This draft provision probably needs to be modified further to retain reference to parking that is “visible from a public street”.

Exterior Mechanical Equipment. A new Use Limitation is proposed to address the location and placement of exterior mechanical equipment associated with heating and air conditioning, such as the outdoor condenser units. The provision would not affect typical roof vents and roof top vent fans. The placement of this type of equipment appears to be an afterthought in some instances, after a site has been designed and there is no adequate room left on the ground, resulting in locating the units either on top of the roof, or mounted high on exterior walls. The proposed provision, under Section 4-112 (E) Use Limitations, is as follows:

- (4) **Exterior Mechanical Equipment for Residential Buildings. The following provisions apply to mechanical equipment associated with heating and air conditioning:**
 - (a) **There shall be no mechanical equipment mounted above the roof surface.**
 - (b) **Mechanical equipment shall be located to the side or rear of the building.**
 - (c) **Mechanical equipment shall be located behind the three (3) foot side yard setback applicable to accessory uses.**
 - (d) **Except for in-wall heating and cooling equipment, exterior mechanical equipment shall not be mounted on a street facing facade, or higher than eight (8) feet above the ground on a side facade.**
 - (e) **Exterior mechanical equipment located to the side of a residential building, or on the side facade, shall be screened by sight obscuring screening.**

Off-Street Parking Ratios. There are two proposed modifications regarding off-street parking ratios. The first increases the ratio for residential buildings containing eighteen (18) or more dwelling units, by adding the following new sentence to Section 4-112 (F)(1)(b)(3):

- (3) For residential buildings containing three (3) or more dwelling units, at least one (1) off-street parking space shall be provided for each bedroom in the residential building. Driveways and access aisles shall not be counted towards providing the required number of off-street parking spaces for residential buildings containing three (3) or more dwelling units, even if parking is permitted in such areas nothing contained in this

section shall be deemed to permit parking in such areas, if it is otherwise prohibited. **In addition to providing one off-street parking space per bedroom, residential buildings containing eighteen (18) or more dwelling units shall also provide one (1) off-street parking space for every four (4) dwelling units in the building.**

This insures that larger buildings containing 18 or more dwelling units provide additional off-street parking for residents and/or guests.

During the public hearing on June 7, 2010, regarding the proposed PUD in the 900 block of Moro Street, the Planning Board and public identified the need to consider modifying the parking ratio for one-bedroom dwelling units, because there is a greater potential for these smaller units to be occupied by more than one person per bedroom, compared to other configurations that have more bedrooms per dwelling unit where it is less common for tenants to share a bedroom. To address this issue, it is recommended that the Planning Board discuss and consider adding an additional provision requiring 1.5 or 2 stalls per one-bedroom dwelling unit.

The second revision of off-street parking ratios involves enclosed garages. To date, there has been only one new apartment building in the M-FRO District (512 N. 11th Street) that incorporated attached ground level, individual garage stalls in the building. Enclosed garage stalls have been proposed with other buildings, although not incorporated in the final design. It was brought to the City's attention that the management of these garage stalls could be an on-going challenge because in some instances tenants were using the spaces for storage, or other purposes, instead of for off-street parking. Because the garage stalls were used to count towards meeting the total required number of off-street parking stalls, it is critical in the older neighborhoods where parking is at a premium, that garage stalls are kept open for parking and are not used for other purposes. However, the City has no easy mechanism for monitoring how enclosed garage stalls are being utilized. In addition, if a property is managed in the way that requires an extra rental fee to utilize enclosed garage stalls, in addition to the apartment rental fee, then there is a disincentive for tenants to utilize those stalls, which could result in overflow parking impacts. Therefore the following new provision is proposed to be added under Section 4-112 (F)(1)(b):

- (4) **For residential buildings containing three (3) or more dwelling units, enclosed garage parking spaces shall count towards no more than thirty (30%) percent of the total number of required off-street parking spaces.**

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The Planning Board may want to discuss if 30% is too generous or not. It is recommended that the other two revisions to parking ratios noted previously also be made, to reduce the possibility of overflow parking.

Garage Orientation. The provision regarding the setback of attached garages, in Section 4-112 (F)(1)(c), is proposed to be modified as follows, to insure that attached garages associated with multi-family buildings do not dominate the streetscape by facing or opening towards a public street:

- (c) **Garages: *For residential buildings containing one or two dwelling units, A*** attached garages with doors facing a street shall be set back a minimum distance of twelve (12) feet behind the nearest portion of the façade of the residential building that faces towards the street. ***Attached garages associated with residential buildings containing three (3) or more dwelling units shall not face or open towards a street.***

Building Design Standards. The next group of proposed amendments involves several of the Compatibility Standards listed under the Building Design Standards, and is based on issues that have arisen and experience gained over the past six and one-half years of reviewing building permit applications since the M-FRO District was originally implemented.

The first proposed modification provides designers with an expanded choice of architectural features required to be incorporated on street facing facades, to provide visual interest along the streetscape. Section 4-112 (F)(2)(a)(1) **Building Exterior** is proposed to be modified as follows:

- (a) **Building Exterior:** Design elements, such as variation in massing, use of architectural features, and changes in color, texture, and material, shall be utilized to break up wall surfaces, establish visual interest and accentuate individual dwelling units.
- (1) At least two (2) of the following **categories of** architectural features shall be incorporated into street-facing facades:
- a. **Porches**, or porticos;
 - b. **Balconies**;
 - c. **Dormers**;
 - d. **Multiple gables**;
 - e. **Bay windows**;
 - f. **Door and window surrounds. *Door and window ornamentation which may include surrounds, pediments, lintels and sills, hoods, and/or shutters.***

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The second modification to Building Exterior design standards is to define more clearly how a street facing façade must include variations in the façade depth to provide visual interest along the streetscape. It adds a minimum width for the variation on shorter sections of a street facing façade, and a new larger variation for buildings having 120 feet or more of façade length. Section 4-112 (F)(2)(a)(4) is proposed to be modified as follows:

- (4) For every forty (40) feet of horizontal wall plane on street-facing facades, there shall be a ~~change in façade depth~~ **variation in the wall plane** of at least two (2) feet **in depth and six (6) feet in width**. **In addition, for every one-hundred twenty (120) feet of horizontal wall plane on street-facing facades, there shall be a variation in the wall plane of at least eight (8) feet in depth and at least twenty-four (24) feet in width**

The third modification to Building Exterior design standards involves calculation of window area on a street facing façade. The existing requirement for at least 15% of a street facing façade to be window area helps to break up the blank wall appearance of a street facing façade and provides visual interest, through penetration of the façade with windows that address the public streetscape. Some building designs have proposed balconies with glass doors, such as sliding doors. The concern has been to not have the entire required “window area” on a street facing façade, or majority of that area, to consist of modern looking sliding doors onto balconies, which are not characteristic of the older neighborhoods. Framed windows are a desirable architectural feature, characteristic of street facing facades in these neighborhoods, which should be retained as one of the defining elements of residential structures. However, some designs have incorporated doors that have more of a French door, or window appearance, when viewed from the street level. The proposed modification to Section 4-112 (F)(2)(c) provides allowance for full length glass doors to count towards no more than 30% of the total required window area on a street facing façade. Without dictating door design, the modification recognizes that glass doors in limited quantity would still promote transparency in street facing facades. The proposed modification is as follows:

- (c) **Windows Area:** The total surface area of the street-facing façades of new residential buildings shall contain a minimum fifteen (15%) percent window area, **which includes full length glass panes in exterior doors as well as windows framed into the facade. Glass panes in exterior doors shall count towards no more than thirty (30%) percent of the total window area required to meet this standard.** It is encouraged that these windows follow a width-to-height ratio of 2:3.

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The final modification to the Building Exterior design standards involves roof pitch/design. The modification incorporates the requirement that a roof pitch ascends from the eaves to the peak, instead of descending from the eaves to a valley. This proposal is to address a concern that reverse, or “butterfly” roofs are not in character with the older neighborhoods. Section 4-112 (F)(2)(d) is proposed to be modified as follows:

- (d) Roof Pitch: The roof pitch of a new residential building shall have a rise to run of 4:12 or steeper, ***and ascend from the roof eaves to the roof peak***. Additions shall have similar roof pitches as the existing building to which they are attached. The roof pitch for porches shall not exceed the roof pitch of the residential building to which it is attached.

Definitions. Several modifications are proposed to be made to the definitions in Section 4-112 (G) to clarify the expanded options for architectural features on street facing facades. The definitions for “Door Surround” and “Window Surround” are being eliminated and replaced with a new broader definition of “Surround” (*See Definitions Section in draft amendments*). New definitions for Dormer, Gable, Hood, Lintel, Pediment, and Sill are being added.

In addition a definition of “Garage” is being added, and the definition of “Structured Parking” is proposed to be modified to exclude garages. (*See Definitions Section in draft amendments*).

A Word About Density. At the public hearing on June 7, 2010, regarding the proposed PUD on Moro Street, one Planning Board member asked about density and if the measurement of density should be changed from dwelling units per net acre, to people per acre. Density is a broad issue that involves not only the structure of all the residential districts in the Zoning Regulations, but also the whole framework of residential land use policies within the Comprehensive Plan. Changing how density is quantified and regulated would require extensive policy revisions to the Comprehensive Plan, before changes could be made to the Zoning Regulations. While the current rental housing market for some college students appears to have shifted towards a demand for one bedroom apartments, the market will likely shift back to some other configuration of bedrooms in the future.

The Comprehensive Plan and its fundamental policies, as well as implementation documents like the Zoning Regulations, should provide consistency and a long term perspective, instead of being revised for every change in narrow segments of the housing market. Manhattan, like most cities around the country, quantifies and regulates residential density based on the number of dwelling units per acre, and like most cities also limits the number of unrelated people that can live together in a dwelling unit. However, it would be

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difficult to structure a land use policy and to regulate residential density based solely on people per acre, particularly in a transient community like Manhattan. This is not to say that a well conceived and designed project that is sensitive to, and compatible with the neighborhood setting in which it is proposed, could not be approved, even if it may push the recommended density limit of the neighborhood. An example is the existing Planned Unit Development located in the 800 block of Moro Street. This development consists of a two-story, 16-unit townhouse style apartment building, at a density of 19 dwelling units per net acre, which is at the upper limit under the R-M, Four-Family Residential District neighborhood that it was built within. This development also provided 43 off-street parking spaces for 38 bedrooms.

AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS

When a proposed amendment results in a change to the text of the Zoning Regulations, the report from the Planning Staff shall contain a statement as to the nature and effect of the proposed amendment, and determinations as to the following:

Whether Such Change Is Consistent With The Intent And Purpose Of The Zoning Regulations:

The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The M-FRO District is designed to ensure that multiple-family infill development is functionally integrated into surrounding areas and compatible with the traditional character of the older neighborhoods in Manhattan. The intent is to provide a framework within which higher density housing can be built, while being sensitive to surrounding neighborhoods and the public streetscape with regard to design and site layout. The M-FRO District incorporates a number of Compatibility Standards, addressing both Site Design and Building Design issues, to promote compatible and sensitive redevelopment and infill projects. The M-FRO District is to be used in conjunction with an underlying R-3, Multiple-Family Residential District, and is designed to provide additional housing opportunities mainly for the college student population, in an area located adjacent to the east and southeast edge of the Kansas State University Campus and Aggieville.

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The proposed draft amendments are to address concerns that have been raised regarding the recent appearance of very large apartment buildings that are out of scale and character with neighborhood, and to update several other provisions in the M-FRO District to better address other issues that have arisen in the past six and one-half years of administering the District. The proposed amendments are recommended to insure that the M-FRO District promotes development that meets the intent and purpose of both the Zoning Regulations and the District.

Areas Which Are Most Likely To Be Directly Affected By Such Change and In What Way They Will Be Affected:

The proposed amendments would apply to those portions of the community that are currently under the M-FRO, Multi-Family Redevelopment Overlay District, and any property that the M-FRO District is applied to in the future. Currently there are 22.5 blocks that are zone R-3, M-FRO District, generally located along the eastern edge of the Kansas State University campus and Aggieville. Existing buildings that currently conform to the existing M-FRO District requirements would become legally nonconforming with regard to the new amendment requirements. Buildings that are currently under construction with a valid building permit would become legally nonconforming with regard to new amendment requirements, provided the buildings are completed in conformance with the existing M-FRO District requirements and completed prior to expiration of such building permit.

Whether The Proposed Amendment Is Made Necessary Because Of Changed Or Changing Conditions In The Areas And Zoning Districts Affected, Or In The City Planning Area, Generally, And If So, The Nature Of Such Changed Or Changing Conditions:

The recent appearance of very large “mega” buildings in the M-FRO District has raised concern by the Planning Board, neighborhood residents and City Administration that adjustments to the District’s provisions need to be made to insure that structures are more compatible with the character and sensitive to the original fabric of the older neighborhoods. Modifications are also proposed to address issues that have been identified over the past six and one-half years of administering the District.

WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICY AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY

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The proposed amendments are a result of concerns raised about the recent shift towards very large “mega” buildings in the M-FRO District neighborhoods, as well as a recognition that some other provisions of the District need to be fine-tuned to address other issues that have arisen. The proposed amendments are designed to help insure that infill and redevelopment projects proposed and constructed in these neighborhoods are compatible with, and sensitive to the older neighborhood setting and consistent with the policies and goals of the Comprehensive Plan.

ALTERNATIVES

It appears the MUAPB has the following alternatives concerning the issue at hand. The Board may:

1. Recommend approval of the proposed amendments of the M-FRO District, to the City Commission, based on the Staff Memorandum.
2. Recommend denial of the proposed amendments to the City Commission, for specifically stated reasons.
3. Modify the proposed amendments and forward a recommendation, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, and provide further direction to City Administration.
5. Hold the public hearing and then adjourn the hearing to a later specified date in order to continue public input and discussion, prior to forwarding a recommendation to the City Commission.

RECOMMENDATION

This public hearing was advertised to initiate discussion, recognizing that input from the community and Planning Board is needed to further identify issues and other potential revisions before the amendments are finalized. It is anticipated that only four Planning Board members will be present at the June 21st public hearing date and therefore the Board will not have had the opportunity to fully discuss the proposed draft amendments and any other identified issues or desired revisions, based on public input and the Board’s discussion.

Therefore, City Administration recommends that the Planning Board open the public hearing to initiate discussion, on June 21, 2010, and then adjourn but not close the hearing in order to continue the public hearing on a later specified meeting date, to provide additional opportunity for the full Board to discuss issues and alternatives it has identified and to receive additional public input, before finalizing amendments to the M-FRO District and forwarding a recommendation to the City Commission.

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POSSIBLE MOTION

The Manhattan Urban Area Planning Board adjourns the public hearing on proposed amendments to Article IV, Section 4-112 M-FRO District, of the Manhattan Zoning Regulations, in order to continue the hearing, on July __, 2010, to provide additional opportunity for public input and Planning Board discussion.

EC
10063}MUAPB}Amend}M-FRO-Regulations

Attachments:

1. Proposed Public Hearing Draft Amendments to the M-FRO District



INTER-OFFICE MEMORANDUM

DATE: June 30, 2010

TO: Manhattan Urban Area Planning Board

MEETING DATE: July 8, 2010

FROM: Eric Cattell, AICP, Assistant Director for Planning

RE: Continuation of a Public Hearing Regarding Amendments to Article IV, Section 4-112 M-FRO, Multi-Family Redevelopment Overlay District

BACKGROUND

This is a continuation of the public hearing to consider amendments to Article IV, Section 4-112 M-FRO, Multi-Family Redevelopment Overlay District, of the Manhattan Zoning Regulations. Please refer to the attached memorandum, dated June 15, 2010, for the complete overview and discussion of the Traditional Neighborhood study; development of the M-FRO District regulations; recently changing conditions in the redevelopment area causing the need to consider amendments to the regulations; and a detailed explanation of the proposed draft amendments.

At the June 21, 2010 meeting, the Planning Board opened the public hearing to initiate discussion on the draft amendments to the M-FRO District. Following the staff presentation and questions from the Board, the Board heard input from a citizen and a local architect (*see draft Minutes of the June 21, 2010 meeting*).

Based on discussion and input received at the first meeting and additional refinement by staff, several revisions to the draft amendments have been made for discussion and consideration by the Board, as described below in the order they appear in the revised draft amendments. (*See attached draft M-FRO District amendments. Language that is being eliminated is struck through and new language is underlined in bold italics. Highlighted sections are the revisions made since the last meeting on June 21st*).

DISCUSSION

Off-Street Parking Ratios. Section 4-112 (F)(1)(b)(3) on page 5 of the draft amendments has been reformatted to add a provision requiring 1.5 off-street parking spaces for one-bedroom dwelling units. This is based on previous input from the Planning Board and public identifying the need to consider modifying the parking ratio for one-bedroom dwelling units, due to the greater potential for these smaller units to be occupied by more than one person per bedroom, compared to other configurations that have more bedrooms per dwelling unit where it is less common for tenants to share a bedroom. The proposed amendment to increase the parking ratio for residential buildings containing eighteen (18) or more dwelling units is still included with this revision.

The reformatted section now reads as follows:

(3) For residential buildings containing three (3) or more dwelling units, **off-street parking shall be provided as follows:**

(a) **One bedroom dwelling units: 1.5 spaces per dwelling unit.**

(b) **Two or more bedroom dwelling units: 1 space per bedroom.**

(c) **In addition to providing the off-street parking spaces noted above, residential buildings containing eighteen (18) or more dwelling units shall also provide one (1) off-street parking space for every four (4) dwelling units in the building.**

~~at least one (1) off-street parking space shall be provided for each bedroom in the residential building.~~ Driveways and access aisles shall not be counted towards providing the required number of off-street parking spaces for residential buildings containing three (3) or more dwelling units, even if parking is permitted in such areas nothing contained in this section shall be deemed to permit parking in such areas, if it is otherwise prohibited.

Screening of Structured Parking. Section 4-112 (F)(1)(f) on page 6 of the draft amendments was proposed to be amended to provide a higher level and quality of screening for open structured parking lots in buildings not located along North Manhattan Avenue, Bluemont Avenue and North 11th Street. The proposed amendment now includes clarification that such screening is not required along the alley side of structured parking, similar to open surface parking lots located behind buildings which also do not require screening from the alley.

- (g) Screening of Structured Parking Lots: Structured parking lots located within twenty five (25) feet of, and visible from, a public street right of-way shall be screened with by a fence or brick or stone wall on all sides except along an alley. Such fence or wall shall be opaque to a height of at least ~~thirty (30) inches~~ four (4) feet in height above the grade of the parking surface and be designed to reflect and complement the architectural style of the residential building and incorporate ~~similar~~ the same masonry materials.

Building Design Standards. Section 4-112 (F)(2) on page 6 of the draft amendments now includes an opening statement of intent to address the issue of designing street facing facades in a manner that adds visual interest and relates to the public streetscape, and encourages authenticity in the use of various architectural features and materials, as opposed to just adding ornamentation to the facade.

- (2) Building Design Standards. The intent of this section is to create visual interest in front facades and a relationship between buildings and the public streetscape. It is encouraged that building designs incorporate authentic use of architectural features, materials, proportions and massing, as opposed to mere ornamentation of the facade.

- (a) Building Exterior: Design elements, such as variation in massing, use of architectural features, and changes in color, texture, and material, shall be utilized to break up wall surfaces, establish visual interest and accentuate individual dwelling units.

- (2) At least two (2) of the following categories of architectural features shall be incorporated into street-facing facades:
- a. Porches, or porticos;
 - b. Balconies;
 - c. Dormers;
 - d. Multiple gables;
 - e. Bay windows;
 - f. Door and window surrounds. Door and window ornamentation which may include surrounds, pediments, lintels and sills, hoods, and/or shutters.

To better understand how these latest revisions and the previous proposed amendments flow with the entire M-FRO District, please refer to the full proposed draft M-FRO District attachment.

ALTERNATIVES

It appears the Planning Board has the following alternatives concerning the issue at hand. The Board may:

6. Recommend approval of the proposed amendments of the M-FRO District, to the City Commission, based on the Staff Memorandums.
7. Modify the proposed amendments to meet the needs as perceived by the Board and forward a recommendation of approval, along with an explanation, to the City Commission.
8. Recommend denial of the proposed amendments to the City Commission, for specifically stated reasons.
9. Adjourn the hearing to a later specified date in order to continue public input and discussion, prior to forwarding a recommendation to the City Commission.
10. Table the public hearing to a specific date, and provide further direction to City Administration.

RECOMMENDATION

The Planning Board needs to continue the public hearing on July 8, 2010, to gain additional input, and to discuss the amendments and related issues among the full Board. If the Board finds that the proposed amendments, or amendments as modified by the Board, adequately address the issues, concerns, and changing conditions in the redevelopment area, the Board should forward a recommendation of approval to the City Commission.

If the Board determines that the proposed amendments need more refinement, or if the Board identifies additional issues that it believes still need to be researched, prior to forwarding a recommendation, the Board should provide further direction to City Administration. It should be mentioned that during this public hearing process, building permit applications for new construction within the M-FRO District are put on hold, until the amendments are adopted. Therefore, it is recommended that the amendment process needs to proceed in a timely manner.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board recommends approval the of the proposed amendments to Article IV, Section 4-112 M-FRO, Multi-Family Redevelopment Overlay District, of the Manhattan Zoning Regulations, based on the findings in the Staff Memorandums.

EC

10073}MUAPB}Amend}M-FRO

Attachments:

1. Staff Memorandum dated June 15, 2010
2. Revised Public Hearing Draft Amendments to the M-FRO District



INTER-OFFICE MEMORANDUM

DATE: August 5, 2010

TO: Manhattan Urban Area Planning Board

FROM: Eric Cattell, AICP, Assistant Director for Planning

RE: Take up the City Commission's request for further consideration of Structured Parking and related issues in the Proposed Amendments to Article IV, Section 4-112 M-FRO, Multi-Family Redevelopment Overlay District

BACKGROUND

City Administration believes that the M-FRO, Multi-Family Redevelopment Overlay District has generally been working well and that the proposed amendments recommended by the Planning Board will help to ensure that the District continues to address issues that have arisen. However, due to concerns and unknowns surrounding placement of structured parking in an older neighborhood setting, City Administration recommends that additional discussion take place with the Planning Board to determine how best to address structured parking and associated issues in these residential areas.

Following the Planning Board hearing on the proposed amendments to the M-FRO, District, the City was asked to review a draft concept plan for apartment buildings in the M-FRO District that incorporate extensive structured parking on the ground floor, with dwelling units on several floors above. Structured parking refers to parking that is located under or within a building. While structured parking has been permitted in the M-FRO District, Manhattan has not seen any developments constructed with this type of parking, and the City has had minimal opportunity for anticipating and dealing with the unforeseen issues that this type of parking could raise in an older neighborhood setting. Additionally, structured parking allows a site to utilize the same ground area for both the building footprint and parking lot, resulting in a significantly higher intensity of use on a site, compared to a site that does not have structured parking. Significantly higher intensity use throughout the district could have an impact on infrastructure capacities in the older neighborhoods.

After comparing concept plans to the proposed M-FRO District amendments, City Administration recommends that further discussion on how to address the unknown impacts of structured parking proposals in the M-FRO District is in the community's best interest. Therefore, City Administration recommended that the City Commission return the M-FRO District amendments to the Planning Board to provide the opportunity for additional discussion to consider potential issues and impacts of structured parking in an older neighborhood setting, before finalizing the amendments.

On Tuesday, August 3, 2010, the City Commission, on a vote of 4-1, returned the Planning Board's recommendation regarding proposed amendments to Article IV, Section 4-112 M-FRO, Multi-Family Redevelopment Overlay District, for further consideration and discussion of structured parking and related issues, and to consider issues related to stone.

DISCUSSION

While there has been one new building in the M-FRO District, at the corner of N. 11th and Laramie Street, that incorporated individually enclosed single-wide garage stalls on the ground floor, that development is relatively small compared to the potential structured parking that could be seen in the district. In addition, the proposed amendments limit garage parking to no more than 30 % of the required parking for a building. However, the City has had no previous experience with residential developments incorporating structured parking. As a result, several issues have been identified that were not fully anticipated or discussed previously with the Planning Board.

Site Layout Variables: While the M-FRO District's provisions were drafted with certain assumptions on how buildings and sites incorporating structured parking might be designed, structured parking may introduce variables that a standard overlay district might not be able to fully anticipate and address with regard to site layout, driveway placement, traffic impact, and building design issues. As a result, City Administration has a concern that this type of development should undergo a more comprehensive site plan review process that can address unforeseen design variables that a building permit review process alone might not adequately address.

Development Intensity: Because structured parking accommodates both the building footprint and off-street parking in the same area on a site, it facilitates a potentially more intensive use of the same site, compared to a building without structured parking. One measure of intensity is to look at the number of bedrooms in a building, which in the M-FRO District have a direct relationship to the amount of off-street parking provided. Comparing the total number of bedrooms in an apartment building, to the number of 50 x 150 foot ward lots that make up a building site, results in an average number of bedrooms per lot. By analyzing new multiple family buildings constructed under the M-FRO

District, it was found that apartment developments range from six (6), up to fourteen (14) bedrooms per lot, with the average consisting of around 10 bedrooms per lot.

Based on draft concept plans, it appears that one tier or level of structured parking might accommodate approximately 19 to 20 bedrooms per lot, and a previous PUD application on Vattier Street proposed structured parking with 22.6 bedrooms per lot. By way of comparison, the existing seven story condominium PUD, located at 820 N. Manhattan Avenue, which does not include structured parking, has approximately 18.5 bedrooms per lot. If the entire M-FRO District, or a significant portion of it, were to be redeveloped at the greater intensities associated with structured parking, it might lead to significant traffic and utility capacity impacts. The M-FRO District and older neighborhoods will be undergoing a comprehensive study of sanitary sewer and water service capacities as part of a larger utility study that is being conducted for the City over the next year. The outcome of that study will help determine infrastructure capacities in the older neighborhoods.

City Administration is concerned that developments that are proposed with structured parking need to undergo a more comprehensive case-by-case review to ensure that unforeseen design variables and impacts caused by the more intensive use of a site can be adequately addressed to protect the public safety and general welfare, to insure that infrastructure capacities are not exceeded, and to ensure compatibility with the neighborhood setting in which a proposal is located. It is recommended that the prudent approach is to utilize the Planned Unit Development (PUD) process for proposals with structured parking. It should be noted that PUD's require a minimum half acre site, which equates to three (3) ward lots, so if this approach is adopted, proposals with structured parking would require sites of a minimum three ward lots in size.

Proposed Revisions: To assist the Planning Board's discussion of proposed revisions regarding structured parking and related issues, the attached "**Alternative 2**" reflects modifications that remove the two sections on screening of structured parking (*struck through on pages 2 and 6 of Alternative 2*), and replaces them with the new Use Limitation number 3, (*on page 2 of Alternative 2*), that prohibits structured parking in the M-FRO District.

- (5) *Structured parking shall be prohibited. Structured parking associated with residential buildings located along N. Manhattan Avenue, Bluemont Avenue, and/or N. 11th Street shall be screened by dwelling units within the same building so that the structured parking is not visible from those streets.*

If Alternative 2 is adopted, it would require an applicant to propose a rezoning to a PUD if structured parking is proposed on a site. It should be mentioned that as part of the educational process of implementing the proposed amendments, the M-FRO District User's Guide will be updated to explain the amendments and to advise applicants that structured parking proposals would need to go through the PUD process.

Alternative 2 also modifies the definitions of "Garage", "Parking Lot" and "Structured Parking", as shown to help clarify their meanings (*see pages 9 and 10 of Alternative 2*).

Encouraging Use of Native Stone: The City Commission's motion to return the item, included "issues related to stone", based on a commissioner's previous suggestion to consider incorporating the following concept into the amendments: "The use of full cut native Kansas limestone is encouraged. Full cut meaning minimum 4 inch depth." In addition, it was suggested that the definition of "stone" be considered for revision.

These concepts can be incorporated into Section 4-112 (F)(2)(a)(2), under Building Exterior, as follows, which are reflected in Alternative 2:

- (3) A minimum of thirty (30) percent of the total surface area of each building façade shall be brick or stone. Total surface area shall be measured by viewing the façade from a perspective that is perpendicular to the facade. **The use of full cut native Kansas limestone is encouraged.**

It is suggested that the definition of "Stone" be revised as follows:

Stone: Natural stone or a manufactured cement-based architectural product made to match the appearance of natural stone, and laid up in small, individual units with a veneer depth of at least two (2) inches. **Full cut native stone is four (4) inches in depth.**

Note: The amendments previously recommended by the Planning Board following the hearing are shown in **Alternative 1**. The revisions discussed above have been highlighted in **Alternative 2** to show the changes that were made from the version shown in Alternative 1.

As part of further consideration of the proposed amendments, as requested by the City Commission, the Planning Board may also ask for additional public input. This agenda item has been advertised on the City's InTouch system and the City website.

ALTERNATIVES

As per state statute, when the City Commission remands a zoning text amendment back to the Planning Board for further consideration of specific issues, the Board has the following alternatives concerning the issue at hand. The Board may:

11. **Resubmit the Board's original recommendation** of approval of the proposed amendments of the M-FRO District, as shown in **Alternative 1**, based on findings in the Staff Memorandums, dated June 15, 2010 and June 30, 2010.
12. **Submit a new and amended recommendation**, giving the reasons therefore. There are several options under this alternative, such as:
 - a) Recommend approval of proposed amendments of the M-FRO District, as shown in **Alternative 2**, as recommended by City Administration, based on findings in the three Staff Memorandums to the Planning Board along with additional findings, if any.
 - b) Modify the proposed amendments to meet the needs as perceived by the Planning Board and forward a recommendation of approval, along with the reasons therefore.

RECOMMENDATION

As stated above, City Administration believes that the M-FRO District has generally been working well and that the proposed amendments recommended previously by the Planning Board will help to ensure that the District continues to address issues in the area. Before the M-FRO District amendments are finalized, City Administration wanted the Planning Board to discuss structured parking and consider related issues that might not be adequately addressed by the M-FRO District amendments, and determine how best to address them.

Given the unknowns involving site layout, building design, compatibility with the neighborhood, and traffic and utility issues that structured parking will likely raise in the neighborhood setting, City Administration recommends that this type of development scenario be addressed through the more comprehensive PUD review process, which provides a better opportunity to analyze issues and impacts applicable to specific sites; and, that structured parking should not be permitted under the standard M-FRO District zoning provisions. City Administration recommends adoption of the proposed amendments as reflected in Alternative 2, attached.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board recommends approval the of the proposed amendments to Article IV, Section 4-112 M-FRO, Multi-Family Redevelopment Overlay District, of the Manhattan Zoning Regulations, as reflected in Alternative 2, based on the findings in the three Staff Memorandums to the Planning Board, dated June 15, 2010; June 30, 2010; and August 5, 2010.

EC

10083}MUAPB}ReconsiderStrutredParking}M-FRO

Attachments:

1. Alternative 2: Proposed amendments to the M-FRO District
2. Staff Memorandum to the Planning Board, dated June 15, 2010
3. Staff Memorandum to the Planning Board, dated June 30, 2010
4. Alternative 1: Amendments previously recommended by Planning Board
5. Minutes of the June 21, 2010, Planning Board meeting
6. Minutes of the July 8, 2010, Planning Board meeting
- 7.

Attachment No. 4

3331 Newbury Street
Manhattan, KS 66503

City Commissioners
City of Manhattan
1101 Poyntz Avenue
Manhattan, KS 66502

September 3, 2010

RE: City Commission meeting Sept 7, 2010; VII. General Agenda item C.

Dear Commissioners:

I wish to comment on construction plans to extend water service to the Konza Area along the K-177 corridor (Gateway Corridor). Given the City's goal to "preserve and promote local heritage" (Comprehensive Plan – Historic Preservation), I encourage the City to insist that impacts of construction, such as the extension of water infrastructure, on historic and archaeological resources be seriously considered during planning and construction phases.

I have conducted a very preliminary archaeological literature review of the general route for the Proposed Konza Water Trunk Line. Although this route crosses several areas of low archaeological potential, other areas hold high potential for remains of past human activities. For example, the route passes adjacent to (possibly across) the Macy archaeological site (14RY38) in the Fairmont area. This site was determined eligible for the National Register of Historic Places in 1993 (M. Hawley of the Kansas Historical Society 1993). This is one of few known sites in the region to hold evidence of multiple campsites used by native peoples between about 1000 and 2000 years ago. The 19th century GLO plat maps also indicate several historic features along the proposed route, including an early Manhattan-Topeka roadway and 'Bishop's Field'. Most portions of the proposed water line have never been inspected by a professional archaeologist. The topographic setting of much of the route south of the Kansas River floodplain, including along K-177 and Spring Branch, suggests good potential for archaeological remains.

I urge the City to insist that the planning process for the Konza Water Line include the expertise of professional archaeologists (for example, from the Kansas Historical Society or Kansas State University). Professional archaeologists familiar with this area can provide information about known site locations and provide preliminary identifications of areas of high potential for cultural remains. They can also provide recommendations regarding pre-construction archaeological survey and testing or archaeological monitoring along selected sections of the waterline during construction. (The latter may be especially important given the potential for buried archaeological deposits.)

Finally, I wish to remind Commissioners (and planners) that any City or County owned lands along the route (whether already owned by these entities or that may be purchased prior to construction) fall under the Kansas Antiquities Act. If federal funds or permits (e.g., EPA grant) are involved, archaeological considerations also may be required under Section 106 compliance.

Attachment No. 4

I thank you for your time and efforts to consider the value of the rich record of our human past in the Manhattan Urban Area. Feel free to contact me if you have any specific questions or concerns or if I may be of any assistance with this or other projects.

Sincerely,

Lauren W. Ritterbush, Ph.D.

lritterb@ksu.edu
(785) 532-6828

Cc: Tim Weston, SHPO, Kansas Historical Society.