



MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 21, 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, 9 staff, and approximately 28 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Snead proclaimed September 17-23, 2010, ***Constitution Week***. Susan Metzger, Regent; Sydney Carlin, Chairperson, Constitution Week; and Linda Weis, Chairperson, Commemorative Events, Daughters of the American Revolution, were present to receive the proclamation.

Mayor Snead proclaimed September 20-24, 2010, ***National Rehabilitation Week***. Lou Irwin, Nurse Manager, Mercy Regional Rehabilitation Unit, was present to receive the proclamation.

Mayor Snead proclaimed October 3-9, 2010, ***Fire Prevention Week***. Ryan Almes, Fire Marshal, was present to receive the proclamation.

Mayor Snead proclaimed October 4, 2010, ***2010 World Habitat Day***. Jinny Garton, Director, Manhattan Area Habitat for Humanity, was present to receive the proclamation.

COMMISSIONER COMMENTS

Mayor Snead informed the community that during the Discussion/Briefing Session, prior to the Commission meeting, the Commission discussed concerns with the Federal Emergency Management Agency (FEMA) Levee recertification; identified Commissioner Strawn to serve on the Airport Passenger Terminal Master Plan Selection Committee; discussed the upcoming Human Rights and Services Board meetings on October 14 and October 28, 2010; received information on accepting Letters of Interest for Lot 9 in the South Redevelopment Area and for additional information, contact Jason Hilgers, Assistant City Manager; received a report from Commissioner Pepperd on the Manhattan Housing Authority and Riley County Senior Center meetings he attended; discussed the most recent Law Board meeting; and shared calendar items of the Commission.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 7, 2010.

CLAIMS REGISTER NO. 2650

The Commission approved Claims Register No. 2650 authorizing and approving the payment of claims from September 1, 2010, to September 14, 2010, in the amount of \$1,545,739.04.

LICENSE – CEREAL MALT BEVERAGE

The Commission approved an annual Cereal Malt Beverage Off-Premises License for Ray's Apple Market #447, 222 North 6th Street, and Ray's Apple Market #448, 3007 Anderson Avenue.

ORDINANCE NO. 6839 – NO PARKING – 3624-3626 EVERETT DRIVE

The Commission approved Ordinance No. 6839 removing parking along the west side of Everett Drive along the frontages of 3624 and 3626 Everett Drive.

* ORDINANCE NO. 6840 – AMEND ZONING REGULATIONS – M-FRO DISTRICT

Chris Elsey, 2052 Hunting Avenue, voiced concerns with the amendments being proposed to the M-FRO District. He stated that the amendments to the Zoning Regulations will cut his ability to supply needed housing for students and voiced concerns with infrastructure improvements, density, and potential impact to infrastructure.

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

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 6840 – AMEND ZONING REGULATIONS – M-FRO DISTRICT (CONTINUED)**

The Commission approved Ordinance No. 6840 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*).

* **FIRST READING – RECOVERY ZONE FACILITY BONDS – GTM SPORTSWEAR**

Lauren Palmer, Assistant City Manager, provided additional information on the item.

Jane Gibson, 1427 Leavenworth Street, Chair, Manhattan Living Wage Coalition, informed the Commission that the City of Manhattan needs to adopt a living wage policy for companies requesting economic development support from the City. She stated that a living wage of at least \$12.00 an hour should be the minimum and provided information on jobs and wages found in the 2008 Economic Development Report for GTM Sportswear, Inc. She asked that the Commission not consider this request for economic development support to expand the business until all employees at GTM receive at least a wage floor of \$12.00 an hour.

Lauren Palmer, Assistant City Manager, provided additional information on the economic development report and wage target categories for GTM.

Ron Fehr, City Manager, clarified that there would not be any local economic development funds used for the issuance of these Bonds.

The Commission approved first reading of an ordinance authorizing the issuance of Recovery Zone Facility Bonds (\$2,170,000.00) and Industrial Revenue Bonds (\$980,000.00) for GTM Sportswear, Inc., located at 520 McCall Road.

* **RESOLUTION NO. 092110-A – AMENDED PETITION – BARTON PLACE, UNIT 2, STREET IMPROVEMENTS (ST0620)**

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on the item and future street connections.

The Commission found the amended petition sufficient and approved Resolution No. 092110-A, repealing Resolution No. 101408-A and finding the new project advisable and authorizing the requested construction for Barton Place, Unit 2, Street Improvements (ST0620).

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 092110-B – AMENDED PETITION – MCCALL ROAD STREET IMPROVEMENTS (ST0821)

The Commission found the amended petition sufficient and approved Resolution No. 092110-B, modifying Resolution No. 042010-B by amending the Method of Assessment set forth therein for McCall Road Street Improvements (ST0821).

* **AWARD CONTRACT – MCCALL ROAD STREET IMPROVEMENTS (ST0821)**

The Commission accepted the Engineer's Estimate in the amount of \$3,463,810.80 and awarded a construction contract in the amount of \$2,416,751.60 to Bayer Construction, Inc, of Manhattan, Kansas, for McCall Road Street Improvements (ST0821).

AMENDMENT – ENGINEERING SERVICES – MCCALL ROAD STREET IMPROVEMENTS (ST0821)

The Commission approved an amendment in the amount of \$12,157.88 with HWS Consulting Group, of Manhattan, Kansas, for Construction Engineering related services for McCall Road Street Improvements (ST0821).

AWARD CONTRACT – MCCALL ROAD WATER MAIN IMPROVEMENTS (WA1018)

The Commission accepted the Engineer's Estimate in the amount of \$458,928.40 and awarded a construction contract in the amount of \$410,091.30 to Bayer Construction, Inc., of Manhattan, Kansas, for the McCall Road Water Main Improvements (WA1018).

RESOLUTION NO. 092110-C – ISSUE GENERAL OBLIGATION BONDS – MCCALL ROAD WATER MAIN IMPROVEMENTS (WA1018)

The Commission approved Resolution No. 092110-C, authorizing the issuance of General Obligation Bonds for the McCall Road Water Main Improvements (WA1018).

* **AWARD CONTRACT – 3RD STREET/PIERRE STREET INTERSECTION STREETScape (ST0910)**

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, provided additional information on the item and on STAR bonds.

The Commission accepted the Engineer's Estimate in the amount of \$564,711.28 and awarded a construction contract to R.M. Baril, Inc., of Manhattan, Kansas, in the amount of \$542,257.65 for the 3rd Street and Pierre Street Intersection Streetscape (ST0910).

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – HOUSING REHABILITATION PROJECTS

The Commission accepted the bids for 1712 Kenmar Drive and 1701 Winne Street; awarded the bids to the lowest responsible bidders; authorized the Mayor and City Clerk to enter into agreements with the contractors and property owners for expenditure of Housing Rehabilitation Funds; and authorized City Administration to approve any necessary change orders.

REQUEST FOR QUALIFICATIONS – AIRPORT PASSENGER TERMINAL MASTER PLAN

The Commission authorized City Administration to issue a Request for Qualifications for Airport Passenger Terminal master planning services for the Manhattan Regional Airport and appointed Commissioner Strawn to serve on the Selection Committee.

TASK ORDER NO. 17 – AIRPORT LAYOUT PLAN

The Commission authorized the Mayor and City Clerk to execute Task Order No. 17 in the amount of \$23,783.00 with HNTB Corporation, of Overland Park, Kansas, to update the Airport Layout Plan set of drawings to reflect the as-built conditions of the recently constructed Runway 3/21 Runway Safety Area Improvements (AIP 38) and the Runway 13/31 Extension and Reconstruction (AIP 39).

* AGREEMENT – CITY/UNIVERSITY SPECIAL PROJECTS FUND

Lauren Palmer, Assistant City Manager, provided clarification on the project funds in the City/University Special Projects Fund and responded to questions from the Commission.

The Commission authorized the Mayor and City Clerk to execute the 2011 City/University Special Projects Fund Agreement with Kansas State University in the amount of \$185,500.00.

BOARD APPOINTMENT

The Commission approved the re-appointment of David Colburn, 1906 Bluestem Terrace, to a three-year USD 383 term on the Bicycle Advisory Committee. Mr. Colburn's term will begin November 1, 2010, and will expire October 31, 2013.

After discussion, Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0, with the exception of item E, Ordinance No. 6840 – Amend Zoning Regulations – M-FRO District, which carried 3-2, with Commissioners Strawn and Pepperd voting against the motion, and with the exception of item F, First Reading – Recovery Zone Facility Bonds – GTM Sportswear, which carried 4-0, with Commissioner Strawn abstaining from the item.

GENERAL AGENDA

SECOND CONSIDERATION - ECONOMIC DEVELOPMENT APPLICATION - MANHATTAN AREA TECHNICAL COLLEGE

Mayor Snead reiterated that his spouse works at the Manhattan Area Technical College 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.

Lauren Palmer, Assistant City Manager presented an overview on the economic development proposal, economic development funding criteria, proposed incentive package, capital investment requirements, workforce development requirements, local retention requirements, annual accountability provisions, clawback provisions, and significant positive aspects of the application. She then responded to questions from the Commission.

Rob Edleston, President, Manhattan Area Technical College (MATC), informed the Commission that economic development funds are needed to provide students with an adequate learning environment and to expand course offerings. He stated that with the expansion, the plans are to keep students on MATC campus with courses taught by MATC faculty. He then responded to questions from the Commission regarding potential classroom or lab space at Mercy Regional Hospital and stated that at this point, it was cost prohibitive to use that space at Mercy.

After discussion of the Commission, Rob Edleston, President, Manhattan Area Technical College, responded to additional questions regarding employee wages, fringe benefits provided, positions, and job descriptions. He stated that if he was required to meet an absolute minimum wage base of \$12.00 an hour for all employees, that he could not meet those requirements at this time.

Jane Bloodgood, VP of Business Services, MATC, responded to questions from the Commission on the employees receiving less than \$12.00 an hour and stated that Manhattan Area Technical College is continually trying to improve the salary base for classified and professional employees. She also voiced concern in balancing wage compression issues.

After discussion, Commissioner Strawn moved to authorize the Mayor and City Clerk to execute an Economic Development Incentives Agreement with Manhattan Area Technical College. Commissioner Pepperd seconded the motion.

After additional discussion of the Commission, on a roll call vote, motion carried 4-0.

GENERAL AGENDA (CONTINUED)

PARTNER CITY FLAG PLAZA – DESIGN AND PRIVATE FUNDRAISING EFFORTS

Curt Loupe, Director of Parks and Recreation, introduced and provided background information on the item.

Ed Klimek, Chair, Partner City Advisory Committee, provided information on the history of the item and on the selection process and planning efforts guided by Dr. Joseph Barton-Dobenin, a Czech native and former professor at Kansas State University, in choosing the City of Dobřichovice as its partner city. He provided an overview on the proposed Partner City Flag Plaza project at the corner of 14th Street and Poyntz Avenue in City Park. He also informed the Commission on the initial work process and involvement of the Advisory Committee and community members. He then responded to questions from the Commission and provided information on the fundraising efforts and initiatives planned.

Brent Bowman, Bowman Bowman Novick, Inc., presented the Partner City Flag Plaza illustration and identified the proposed features and materials to be used for the Flag Plaza. He stated that the design is quite modest, but will be a high-quality feature with a stone and brick wall backdrop, including a portion of the wall with a relief sculpture and a Welcome to City Park lettering in the wall design. He informed the Commission that the Flag Plaza will also include an interpretive panel about the Partner City relationship, benches, irrigation system, lighting elements, plant and landscape materials, and illuminated flags representing the United States and Czech Republic, and the cities of Manhattan and Dobřichovice. He then responded to questions from the Commission about incorporating bronze insets of the Kansas State University and United States Army seals in the design.

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission about the potential of adding additional flagpoles in the future.

Ed Klimek, Chair, Partner City Advisory Committee, responded to questions from the Commission on the item and stated that Dobřichovice is planning to have their own flag plaza.

Brent Bowman, Bowman Bowman Novick, Inc., responded to questions from the Commission and reiterated that the inclusion of subtle inlays with the Kansas State University and United States Army seals could be accomplished very reasonably. He stated the Flag Plaza wall will also provide screening from the street for the traffic signal control box and that the sidewalks for patron passage will be both in front of and behind the wall.

Ron Fehr, City Manager, informed the Commission that Kansas State University and Fort Riley are represented with their purple and green colors on the City of Manhattan flag.

GENERAL AGENDA (*CONTINUED*)

PARTNER CITY FLAG PLAZA – DESIGN AND PRIVATE FUNDRAISING EFFORTS (*CONTINUED*)

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission and reported that the Parks and Recreation Advisory Board reviewed the Flag Plaza proposal several times and are in complete support of the project.

Jane Gibson, 1427 Leavenworth Street, informed the Commission that she did not have a problem with the Flag Plaza, but voiced concerns with the overall planning of the City Park Master Plan. She stated that with the addition of the Splash Park, there seems to be more things added to our parks and public squares, and asked the Commission to be mindful of the importance of greenspace.

After discussion, Commissioner Strawn moved to approve the proposed design by Bowman Bowman Novick, of Manhattan, Kansas, for the Partner City Flag Plaza in City Park and authorize the Partner City Advisory Committee to proceed with private fundraising efforts. Commissioner Sherow seconded the motion.

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

FIRST READING – ADOPT - THE 2009 INTERNATIONAL CODES AND THE 2008 NATIONAL ELECTRICAL CODE

Brad Claussen, Building Official, presented the proposed Codes, municipalities in Kansas adopting the 2009 Codes, scope and application of the Codes, notable changes and amendments, new Americans with Disabilities Act (ADA) and the International Code Council (ICC) Codes, and proposed ordinance changes for re-inspection fees and fee for electrical permits.

Ryan Almes, Fire Marshal, presented a few of the changes to the International Fire Code amendments and the fire alarm and fire sprinkler contracting licensing.

Brad Claussen, Building Official, responded to questions from the Commission about the requirements of carbon monoxide detectors and smoke alarms. He then provided additional information and responded to questions on the construction standards for storm shelters and safe rooms.

GENERAL AGENDA (CONTINUED)

FIRST READING – ADOPT - THE 2009 INTERNATIONAL CODES AND THE 2008 NATIONAL ELECTRICAL CODE (CONTINUED)

After discussion, Commissioner Sherow moved to approve the first reading of ordinances adopting the 2009 editions of the International Code package (2009 International Fire Code, 2009 International Building Code, 2009 International Mechanical Code, 2009 International Plumbing Code, 2009 International Fuel Gas Code, 2009 International Property Maintenance Code, 2009 International Residential Code, and 2009 International Existing Buildings Code) and the 2008 National Electrical Code and amending sections of the Code of Ordinances, City of Manhattan, Kansas, relating to Buildings, Building Regulations, and Fire Prevention. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

At 8:59 p.m., Commissioner Strawn moved to recess into Executive Session until 9:25 p.m. for the purpose of consulting with the City Attorney regarding matters that are deemed privileged under the attorney/client relationship. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

At 9:26 p.m., the Commission reconvened with Mayor Snead and Commissioners Sherow, Pepperd, Morris-Hardeman, and Strawn in attendance.

ADJOURNMENT

Commissioner Sherow moved to adjourn the meeting. Commissioner Pepperd seconded the motion. On vote, motion carried 5-0.

At 9:26 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.

Attachment No. 1

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.

Attachment No. 1

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.**

Attachment No. 1

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.***

Attachment No. 1

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.

Attachment No. 1

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

Attachment No. 1

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 is it 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.

Attachment No. 1

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

Attachment No. 1

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.

Attachment No. 1

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.

Attachment No. 2

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.

Attachment No. 3

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

Attachment No. 3

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.*

Attachment No. 3

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