

MINUTES
CITY COMMISSION MEETING
TUESDAY, JUNE 19, 2012
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Loren J. Pepperd and Commissioners John Matta, Wynn Butler, Richard B. Jankovich, and James E. Sherow were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 10 staff, and approximately 14 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Pepperd led the Commission in the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Jankovich congratulated the United Way of Riley County Board of Directors; Candice McIntosh, Director of Events and Volunteer Engagement for United Way of Riley County; Chef Howard Hanna; and all the participants, attendees, and volunteers for a successful Dinner by Design fundraising event for United Way on June 17, 2012, at the Hilton Garden Inn and Manhattan Conference Center. He informed the community of an upcoming Wildcat Creek Watershed Working Group meeting at 7:00 p.m., June 28, 2012, in the City Commission Room, City Hall. He stated that he would be abstaining from participating on Item K, AGREEMENT – DEPOSITORY AND BANKING SERVICES, due to his employment with Commerce Bank.

Mayor Pepperd provided an overview of items mentioned during the Discussion/Briefing Session held prior to the City Commission Legislative Meeting. The Commission reviewed calendars; discussed the upcoming Joint City/Riley County/Pottawatomie County Meeting on June 28, 2012, at 4:00 p.m., City Commission Room regarding a presentation on the Metropolitan Planning Organization; provided an update on the Manhattan Area Chamber of Commerce Board meeting that he attended; and informed the community that the next City Commission Work Session would be on June 26, 2012, at 5:00 p.m., with a focus on the 2013 Budget and presentations from social services and outside agencies.

COMMISSIONER COMMENTS (*CONTINUED*)

Ron Fehr, City Manager, provided additional information on the purpose of the presentation regarding the Metropolitan Planning Organization for the upcoming Joint City/Riley County/Pottawatomie County Meeting at 4:00 p.m., June 28, 2012, in the City Commission Room.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 5, 2012, and the Special City Commission Meeting held on Tuesday, June 12, 2012.

CLAIMS REGISTER

The Commission approved Claims Register No. 2704 authorizing and approving the payment of claims from May 30, 2012, to June 12, 2012, in the amount of \$3,696,057.75.

LICENSES

The Commission approved a Fireworks Display License for July 4, 2012, for the Manhattan Country Club, 1531 North 10th Street and a Fireworks Display License for July 4, 2012, for Steve Brewer, CiCo Park.

ORDINANCE NO. 6951 – AMEND FINAL DEVELOPMENT PLAN – LOT 4, DOWNTOWN ENTERTAINMENT DISTRICT PUD

The Commission approved Ordinance No. 6951 amending Ordinance No. 6804 and the Final Development Plan of Lot 4, Downtown Entertainment District Commercial Planned Unit Development District, based on the findings in the Staff Report, with the one condition recommended by the Manhattan Urban Area Planning Board (*See Attachment No. 1*).

ORDINANCE NO. 6952 – NO PARKING ZONE – SHUSS ROAD (SOUTHWIND PLACE TO JOHNSON VALLEY DRIVE)

The Commission approved Ordinance No. 6952 designating a “No Parking Zone” along both sides of Shuss Road from Southwind Place to Johnson Valley Drive.

ORDINANCE NO. 6953 – SPEED LIMIT – SHUSS ROAD (SOUTHWIND PLACE TO JOHNSON VALLEY DRIVE)

The Commission approved Ordinance No. 6953 establishing a 25 mph speed limit along Shuss Road from Southwind Place to Johnson Valley Drive.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 6954 – NO PARKING 3 A.M. – 6 A.M. – 1100 BLOCK OF LARAMIE STREET**

Ron Fehr, City Manager, provided clarification on the item.

The Commission approved Ordinance No. 6954 designating a “No Parking 3 a.m. to 6 a.m.” zone along the north and south side of the 1100 block of Laramie Street and the east side of 12th Street from its intersection with Laramie Street thence south 180 feet to the alley between Laramie Street and Fremont Street.

* **ORDINANCE NO. 6955 – AMEND – MOVING STRUCTURES OR BUILDINGS**

Katie Jackson, City Attorney, provided additional information and clarification on the item. She then responded to questions from the Commission regarding the complexities and difficulties in trying to interpret private covenants and the issues associated in determining neighborhood fit, defining standards, ensuring legal validity, and considering justification by the City Commission.

After additional discussion and comments from the Commission, Ron Fehr, City Manager, suggested that the Commission approve this ordinance amending various sections as recommended. He stated that the Legal Department can investigate the incorporation of neighborhood recommendations and neighborhood fit and bring the item back to a future Work Session in order to work through the issues and to become better educated on the pros and cons.

The Commission approved Ordinance No. 6955 amending Sec. 8-217, Sec. 8-232, Sec. 8-236, Sec. 8-237, and Sec. 8-241 of the Code of Ordinances relating to moving structures or buildings within the city limits.

SET PUBLIC HEARING DATE – SPECIAL ASSESSMENTS

The Commission set July 3, 2012, as the date to hold the public hearing levying special assessments against the benefiting properties in the following two (2) projects which have been completed: *KSU Foundation Addition – Sanitary Sewer (SS0812) and Miller Ranch Addition, Unit Three, Phase Two – Street (ST1102)*.

REQUEST FOR QUALIFICATIONS – PARKS AND RECREATION EXPANSION/CITY AUDITORIUM RENOVATION (SP1206)

Commissioner Matta requested this item be moved to the end of General Agenda.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – HOUSING REHABILITATION PROGRAM – 1818 ROCKHILL ROAD

The Commission accepted the bids for 1818 Rockhill Road; awarded the bid to the lowest responsible bidder; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owner for expenditure of Housing Rehabilitation Funds; and authorized City Administration to approve any necessary change orders.

* AGREEMENT – DEPOSITORY AND BANKING SERVICES

Bernie Hayen, Director of Finance, responded to questions from Commissioner Butler regarding the depository and banking services agreement. He elaborated on optional services including a P-Card for vendor payments and a City-sponsored affinity credit card where the City would share in revenue generated. He then responded to additional questions from the Commission.

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute a depository and banking services agreement with Commerce Bank (July 1, 2012 to June 30, 2017).

DEVELOPMENT AGREEMENT – ALPHA TAU OMEGA (1632 MCCAIN LANE) (SS1206, WA1207)

The Commission authorized City Administration to finalize and the City Manager to execute the development agreement with Delta Theta Chapter of Alpha Tau Omega Building Corporation for water main (WA1207) and sanitary sewer (SS1206) improvements for its new house located at 1632 McCain Lane.

PURCHASE – MANHATTAN REGIONAL AIRPORT - 2012 TRACTOR WITH LOADER AND MOWER DECK ATTACHMENTS (CIP #AP001E)

The Commission authorized City Administration to purchase in the amount of \$81,934.47 a 2012 Tractor with loader and mower deck attachments for the Manhattan Regional Airport from Concordia Tractor, Inc., of Abilene, Kansas.

RENEW – COMPUTER SOFTWARE UPGRADE, MAINTENANCE, AND SUPPORT SERVICES

The Commission authorized the City of Manhattan to renew the computer software upgrade, maintenance, and support services agreement for a term of July 1, 2012, to June 30, 2013, in the amount of \$72,727.68 with SunGard Public Sector, Inc., of Lake Mary, Florida.

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS

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

Airport Advisory Board

Re-appointment of Carl Reed, 2805 Tatarax Drive, to a three-year Pottawatomie County term. Mr. Reed's term will begin June 27, 2012, and will expire June 26, 2015.

Appointment of Scot Bird, 7581 South Hwy 77, Junction City, to a three-year Fort-Riley term. Mr. Bird's term will begin June 27, 2012, and will expire June 26, 2015.

Code Appeals Board

Re-appointment of Pat Cox, 7228 Deer Trail Road, to a three-year Engineer term. Mr. Cox's term begins immediately, and will expire May 31, 2015.

Corporate Technology Park Architectural Review Committee

Re-appointment of Stacy Kohlmeier, 3446 Vanesta Drive, to a three-year term. Ms. Kohlmeier's term will begin August 16, 2012, and will expire August 15, 2015.

Historic Resources Board

Re-appointment of Michael Krysko, 1517 Leavenworth Street, to a three-year History term. Mr. Krysko's term begins immediately, and will expire April 30, 2015.

Appointment of Angie Danner, 419 Oakdale Drive, to a three-year Real-Estate term. Ms. Danner's term begins immediately, and will expire April 30, 2015.

Joint Corrections Advisory Board

Re-appointment of Linda Teener, 1900 Judson Street, to a two-year Adult term. Ms. Teener's term will begin July 1, 2012, and will expire June 30, 2014.

Re-appointment of Linda Teener, 1900 Judson Street, to a three-year Juvenile term. Ms. Teener's term will begin July 1, 2013, and will expire June 30, 2016.

Social Services Advisory Board

Appointment of John Ford, 2102 Sloan Street Apt. #2, to a three-year term. Mr. Ford's term will begin July 1, 2012, and will expire June 30, 2015.

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS (*CONTINUED*)

Special Alcohol Funds Advisory Board

Appointment of Brad Waller, 3712 Wreath Avenue, to fill the unexpired term of Yvonne Lacy. Mr. Waller's term will begin July 1, 2012, and will expire June 30, 2013.

After discussion and comments from the Commission, Commissioner Sherow moved to approve the consent agenda, as read, with Item I, REQUEST FOR QUALIFICATIONS – PARKS AND RECREATION EXPANSION/CITY AUDITORIUM RENOVATION, to be moved to the end of the General Agenda. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item K, AGREEMENT – DEPOSITORY AND BANKING SERVICES, and Item L, DEVELOPMENT AGREEMENT – ALPHA TAU OMEGA (1632 MCCAIN LANE), which carried 4-0-1, with Commissioner Jankovich abstaining on each item.

GENERAL AGENDA

TASK ORDER NO. 4/FEDERAL GRANT - DESIGN AND BID SERVICES - PASSENGER TERMINAL (AIP 3-20-0052-42)

Peter Van Kuren, Airport Director, presented an overview of the Terminal Area Plan, Task Order No. 4, the Federal Aviation Administration (FAA) grant offer, and the local share financing for the project, which is anticipated to be done through the issuance of temporary notes with plans to fund the annual debt service from Passenger Facility Charges (PFC). He then responded to questions from the Commission regarding the PFCs.

Ron Fehr, City Manager, and Peter Van Kuren, Airport Director, provided clarification on the use of the PFC charges and financing for the proposed project.

After discussion and comments from the Commission, Commissioner Sherow moved to authorize the Mayor and City Clerk to execute Task Order No. 4 in the amount of \$1,289,578.00 with Mead & Hunt, Inc., of Madison, Wisconsin; accept the FAA Grant Offer in the amount of \$911,565.00 for the design of the Passenger Terminal expansion at the Manhattan Regional Airport; and approve Resolution No. 061912-A, authorizing the issuance of temporary notes for the Airport Terminal design. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

FIRST READING - AMEND MANHATTAN ZONING REGULATIONS - MODIFY PROVISIONS FOR DRIVEWAYS LOCATED IN FRONT OF SINGLE- FAMILY AND TWO-FAMILY DWELLINGS

Eric Cattell, Assistant Director for Planning, presented an overview on the current driveway regulations and proposed amendments. He then responded to questions from the Commission and provided clarification regarding single-family and duplex dwellings.

After discussion, Commissioner Sherow moved to approve first reading of an ordinance amending the Manhattan Zoning Regulations, Article VII, Off-Street Parking and Loading, Section 7-102(C); and, Article XIV, Administration, Section 14-604, as proposed, based on the findings in the Staff Memorandum and the recommendation of the Planning Board (*See Attachment No. 2*). Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

ITEM REMOVED FROM CONSENT AGENDA

REQUEST FOR QUALIFICATIONS – PARKS AND RECREATION EXPANSION/CITY AUDITORIUM RENOVATION (SP1206)

Jason Hilgers, Assistant City Manager, provided background information on the Parks and Recreation offices, the City Auditorium, the Community Building, and the Request for Qualifications Proposal and process to select a qualified design firm to assist with the analysis of retrofitting the Parks and Recreation offices at City Hall and renovating City Auditorium. He then responded to questions from the Commission regarding the availability of funds in the Capital Improvement Reserve Fund.

Ron Fehr, City Manager, provided additional information on the Capital Improvement Reserve Fund. He reiterated the desire to improve the working conditions at the Parks and Recreation offices and to look at potential alternatives.

Jason Hilgers, Assistant City Manager, responded to questions from the Commission regarding potential use of the current Parks and Recreation offices and informed the Commission that the Community Building will need a much broader investigation.

After comments from the Commission, Ron Fehr, City Manager, provided additional information on the status of the Community Building and its historical significance, repairs that would be required, and potential options for the Community Building. He then responded to questions from the Commission regarding the timing of this item in relationship to approval of the 2013 Budget.

ITEM REMOVED FROM CONSENT AGENDA (CONTINUED)

**REQUEST FOR QUALIFICATIONS – PARKS AND RECREATION
EXPANSION/CITY AUDITORIUM RENOVATION (SP1206) (CONTINUED)**

Curt Loupe, Director of Parks and Recreation, provided an update on the improvements made to the Community Building and items in the Capital Improvement Project.

Bernie Hayen, Director of Finance, and Ron Fehr, City Manager, presented additional information and clarification on the Capital Improvement Reserve Fund.

After discussion and comments from the Commission, Commissioner Sherow moved to authorize City Administration to seek qualifications to develop a preliminary design to expand the Park and Recreation offices and renovate the City Auditorium and appointed Commissioner Sherow to be on the Selection Committee. Commissioner Jankovich seconded the motion.

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission regarding timing of this item and provided additional information on the preliminary design request.

Ron Fehr, City Manager, and Jason Hilgers, Assistant City Manager, responded to questions from the Commission regarding use of the Capital Improvement Reserve Fund. They also provided additional information and responded to questions on the funding and timing of the preliminary design request.

After additional discussion and comments from the Commission, on a roll call vote, motion carried 4-1, with Commissioner Matta voting against the motion.

ADJOURNMENT

At 8:37 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

AMENDMENT OF A COMMERCIAL PLANNED UNIT DEVELOPMENT

APPLICANT/OWNER: The applicant/owner is HCW-Manhattan, LLC – Rick Huffman.

ADDRESS: The applicant/owner's address is 153 S. Payne Stewart Drive, Branson, MO, 66516.

REQUEST: The applicant/owner has requested an amendment of Ordinance No. 6804 and the approved Final Development Plan of Lot 4, Downtown Entertainment District Commercial Planned Unit Development District. The proposed amendment consists of modifications to the existing Hilton Garden Inn's off-street parking lot including reduction of the number of off-street parking spaces and landscape plan in order to accommodate a proposed four-story mixed use building. The first floor of the mixed use building will be commercial use. Floors two, three and four are for twenty four residential dwelling units. The amendment is in the form of a Final Development Plan.

LOCATION: Lot 4 is generally on the southeast corner of S. 4th Street and Colorado Street. The location of the proposed mixed use building is an open green space located at the southeast corner of S. 4th Street and Colorado Street.

AREA: All of Lot 4 is 3.3 acres/144,640.56 square feet. The proposed amendment site within Lot 4 is approximately 240 feet by 160 feet, 0.9 acres/38,400 square feet.

DATE OF NEIGHBORHOOD MEETING: November 29, 2011.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 16, 2012.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 7, 2012.

CITY COMMISSION: Tuesday, June 5, 2012.

EXISTING PUD AND APPROVED LOT 4:

Ordinance

Lot 4 is in the Downtown Entertainment District Commercial Planned Unit Development and subject to Ordinance No. 6804, dated December 15, 2009 (*attached*). Prior to completion of the off-street parking lot, the owner requested a delay of construction of a portion of the parking lot for the Hilton Garden Inn hotel in anticipation of an amendment (*Agreement attached*.)

Attachment No. 1

The Agreement was entered into between the owner and the City on August 2, 2011, setting the amendment site apart from the Lot 4 delaying the construction of off-street parking in the amendment site subject to submittal of an amendment by the owner and approval by the City. If an amendment is not approved by September 30, 2013, the owner must construct the parking consistent with the approved PUD of Lot 4.

The applicant's plan sheets contain Exhibit A and Exhibit B noted in the Agreement. Two hundred and sixteen off-street parking places were approved with the Final Development plan for Lot 4 and 142 off-street parking spaces were constructed. Seventy four parking spaces within the amendment site have not been constructed. Landscaping within the amendment site was not installed except for shrubs adjacent to the S. 4th Street and Colorado Street frontages and several trees on the perimeter. A sidewalk connection was constructed on the south part of the site from S. 4th Street to the east for pedestrian access. The balance of the site is seeded and is now grass covered. Utility equipment is located in the northwestern part of the amendment site. This space will be screened.

Permitted Uses

The Permitted Uses of the PUD include all of the Permitted Uses of the C-4, Central Business District, and a City Park, Conference Center, Parking Garage, and Museum. A drive-in restaurant, restricted to a coffee and bakery restaurant use, is permitted in the east end of the mixed-use building on Lot 3, Downtown Entertainment District PUD, and Unit Three. The C-4 District allows a broad range of retail, services and residential uses.

The Downtown Entertainment District is an extension of the C-4, Central Business District, not including the conditional uses of the C-4, except for the drive-in restaurant on Lot 3, Unit Three.

Existing development in the PUD includes recently a constructed hotel, conference center, parking garage, museum, park, and office building. Two mixed use commercial/residential buildings and two hotels will be constructed in the near or longer term. Additional improvements in the PUD include public and private off-street, landscaping, signage and other improvements.

The site is within the South Project Area of the Downtown Redevelopment Plan. The Downtown Redevelopment-Entertainment District Design Guidelines (*attached*) apply to the proposed development.

Approved Use and Building on Lot 4

The existing use and structure on Lot 4 is a four-story Hilton Gardens Inn approximately 46 feet in height fronting on S. 3rd Street between Colorado Street and the Conference Center. Exterior materials are a combination of brick, limestone veneer and EFIS. The hotel's main entrance is off S. 3rd Street with a second entrance off the west side of the hotel adjacent to the hotel's parking lot. Current room count is 133 rooms with a future expansion on the north end of the hotel for 48 +/- rooms. The hotel floor space includes a dining room, fitness area, meeting rooms, and administrative and mechanical rooms. The parking lot located to the west of the hotel has curb cuts off Colorado Street and S. 4th Street and 216 approved and 142 constructed off-street parking spaces. Pedestrian walkways and sidewalks connect to the hotel entrances from all streets.

PROPOSED AMENDMENT OF LOT 4

The proposed application consists of an amendment of Ordinance No. 6804 and the approved Final Development Plan of Lot 4, Downtown Entertainment District Commercial Planned Unit Development District. Changes include reduction of the approved 216 off-street parking spaces for the existing Hilton Garden Inn's off-street parking lot from 216 to 142, and revisions to the landscaping plan within the parking lot for a proposed four-story mixed use building. The first floor of the mixed use building will be commercial use. Floors two, three and four are for twenty four residential dwelling units. The amendment is in the form of a Final Development Plan.

Proposed Use and Building:

The four-story mixed use building is generally along the S. 4th Street and Colorado Street frontages and is set back 29 feet from the S. 4th Street property line due to a 20 foot utility easement and is set back 35 feet from the Colorado Street property line due to a 35 foot utility easement.

The building is 49 feet in height to the roof cornice with an additional 8 feet of height for loft height for 4th floor units. Exterior materials are brick, a mixture of metal and composite metal panels on the second through fourth floors and cast stone bands on upper floors. Ground floors are brick, cast stone and store front windows. Each dwelling unit has a balcony with extensive window space.

The first floor contains 8,337 gross square feet of retail and restaurant space. Floors two through four are 8,294 square feet of residential space per floor, for a total of 24 dwelling units, with five, one bedroom and three, two bedroom units per floor, or 15, one bedroom

Attachment No. 1

Dwelling units and nine, two bedroom dwelling units. Total floor space for the building is 33,219 square feet. Stairwells are in the northwest and southeast corners of the building with an elevator in the southeast corner opposite the stairwell. Retail space doorway entrances and windows are oriented to S. 4th Street.

Adjacent to the western ground floor retail floor space is an outdoor plaza and restaurant eating area enclosed by a low wrought iron fence and landscape buffer. Landscaped green and plant spaces are on the north and east sides of the building along with a resident plaza area. Landscaping is also proposed behind the edge of the sidewalks. The landscape/green space on the east side of the building is an area to walk pets.

A bike rack is located opposite the southeastern entrance to the residential stairwell.

PROPOSED SIGNS: Exterior wall signs, 30 square feet in area, are proposed over tenant doorways. A projecting identification sign is proposed on the southeast and northwest corners of the building and extends approximately four feet six inches, a distance generally equal to the balcony projection.

Condition 4 in Ordinance No. 6804 is modified regarding exempt signage due to updating of the sign provisions for exempt signage since the PUD was approved in 2009.

PROPOSED LIGHTING: Exterior lighting is wall luminaries on the first floor with the balance of lighting from existing parking lot lights.

Design Guidelines for Downtown Redevelopment

Existing Lot 4 is within the South Project Area of the Downtown Redevelopment Plan. The Downtown Redevelopment-Entertainment District Design Guidelines (*attached*) apply to the proposed development.

The Design Guidelines for Downtown Redevelopment set out policy, intent, and conditions; site guidelines; building guidelines; supplemental guidelines for large format retail design and small scale residential guidelines; and, checklists for site and building guidelines. The Guidelines are not regulations. The Guidelines are for developers, architects, owners and decision makers for reviewing and evaluating proposals and design quality. Exceptions to the Guidelines may be considered if the overall intent of the Guidelines has been met.

Attachment No. 1

A letter from Patrick Schaub, AIA, LEED AP BD&C, Bowman Bowman Novick Inc., dated May 2, 2012, is a review of the amendment based on the Design Guideline with comments on Guidelines 1b (page 3-1, 6th bullet point, in the Design Guidelines), and 4a-d (page 4-2, 4th, 6th, 7th and 8th bullet points, respectively, of the Design Guidelines). The applicant's consultant, David A. Parrish, AIA, LEED AP, responded in a letter dated April 16, 2012, (*attached*), which includes several Exception requests that were addressed in updated plans submitted after April 16th and not addressed in Schaub's letter (1b and 5a-d are the current Exceptions applicable to Schaub's May 2, 2012, letter).

Exceptions to the Guidelines may be considered by the Planning Board and City Commission if it is determined that the overall intent of the Design Guidelines has been met. The overall intent of the Guidelines is expressed in several statements found on pages 2-1 to 2-3, which generally include:

The Guidelines are generally intended to provide a mix of uses and a pedestrian and bicycle friendly commercial area with connection to the downtown core and residential neighborhoods; increase the economic and cultural vitality of the downtown; incorporate sustainable design; and, other development intents.

Overall, the intent of the Guidelines is met. City Administration concurs with the applicant's consultant and recommends that the Exceptions be approved based on the information provided by the consultant.

**MATTERS TO BE CONSIDERED WHEN AMENDING A
PLANNED UNIT DEVELOPMENT**

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The proposed amendment is consistent with the intent and purpose of the approved PUD which envisions an extension of the C-4 District with a broad range of mixed use retail and residential uses. The proposed amendment will promote the efficient development and preservation of the entire PUD by allowing a more efficient and economically beneficial use of off-street parking spaces for commercial and residential uses. In addition, the amendment will facilitate and attract more retail and retail services to the PUD as well as the City's central business district and increase residential occupancy in support of those retail activities. The amendment also adds a quality building and landscaping consistent with the Design Guidelines for the Downtown Entertainment District.

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The applicant indicates that, “The proposed change is not due to changing condition but as an accent to the Downtown Entertainment District. The amendment proposed at the February 7th, 2012 Planning commission for Lot 9 of this District shows that the intent of the addition is acceptable”.

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The proposed amendment will result in a relative gain to the public health, safety, convenience or general welfare by providing additional residential, retail and dining options in the downtown area. No special benefit is conferred by the proposed amendment as the public at large will benefit from the additional retail and residential options in the downtown area.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: Landscaping consists primarily of foundation and border shrubs and perennials, six ornamental trees, and fescue sod spaces. Underground irrigation will be provided for watering landscape space.

2. SCREENING: A six foot four inch trash enclosure is proposed near the northeast corner of the building constructed of brick and cast stone with metal gates matching the buildings color.

3. DRAINAGE: The site is proposed to drain to the south to the Kansas River through storm inlets and storm water sewer pipe improvements. Adequate inlets and improvements will be provided to assure the drainage system is functional. A comprehensive drainage plan for the entire PUD, the Downtown Entertainment District Drainage Impact Study, was reviewed and accepted by the City Engineer with the rezoning to PUD in December, 2009.

4. CIRCULATION The proposed internal circulation plan provides for safe, convenient and efficient movement of goods, motorists, and pedestrians. Conflicts between motorists, bicyclists and pedestrians are minimized. The site will be accessed from the surrounding street system and a curb cut off S. 4th Street and Colorado Street and public sidewalk from the surrounding neighborhood.

Attachment No. 1

George Butler and Associates previously provided a memorandum dated October 28, 2005, of traffic analyses for the entire North and South Project Area, which indicated nominal impact on the surrounding transportation network as a result of the approved rezoning. The City Engineer reviewed and accepted the analysis with the approved PUD.

Off-Street Parking

The applicant's consultant, Kaw Valley Engineering, submitted an analysis (*attached*) of the proposed off-street parking for the combined uses on Lot 4.

There are currently 216 approved off-street parking spaces and 142 having been constructed.

Using Manhattan Zoning parking ratios:

- Hotel 133 rooms: 1 per room plus 2 or 135 required off-street parking spaces. 15 one bedroom units: 2 per unit or 30 required off-street parking spaces.
- 9 two bedroom units: 3 per unit or 27 required off-street parking spaces.
- Restaurant: 1 per 3 persons based on occupancy plus 1 per employee on largest shift, or 30 required off-street parking spaces.
- Retail: 1 per 250 square feet of floor area (3,559 gross square feet) or 14-15 required off-street parking spaces.
- Total for combined proposed uses: 236 off-street parking spaces and 142 are available, or 94 off-street parking spaces less than required.

The applicant's consultant, Kaw Valley Engineering, submitted a parking analysis, *Parking Generation Study SE Corner 4th & Colorado, Manhattan, Kansas*, dated April 6, 2012 (*attached*). The analysis examines the existing hotel parking conditions and proposed mixed use building using the *Parking Generation, 3rd Edition: An Institute of Transportation Engineers Informational Report* (ITE). Parking ratios below are based on the information provided in the consultant's analysis of the ITE Report.

The hotel ratio provided in the consultant's analysis is based on national average, expressed by month as a percentage. The 12 month range is from 48% to 72% of the required number of parking spaces. The average was used because the new hotel does not have a track record, which will take several years to establish. The analysis also indicates there are peak hours and overlaps between employees and guests.

Attachment No. 1

The standard residential ratios are generally high and are more consistent with occupancy by unrelated people. It is not uncommon to allow parking per bedroom, which would reduce the 57 parking spaces to 33 parking spaces. The applicant's consultant has suggested the ratio should be one per unit, based on their analysis of central business district standards or 24 spaces, which are specifically set aside in the parking lot, and signed as dedicated for tenants. This results in a net 118 parking spaces for the hotel, restaurant and retail spaces.

The consultant indicates the ITE restaurant ratio is consistent with the Zoning Regulations, but there is a demand peak for each day ranging from 30%-49% on certain days up to 100% on Saturday.

The retail space parking ratio is slightly higher than the Zoning Regulation standard or seven more than required, or 14-15 versus 22 per the ITE.

The consultant's analysis suggests one scenario based demand for a Wednesday afternoon at 3 PM to Friday evening at 8 PM. The consultant suggests there may be many scenarios. The consultant's concludes that a parking reduction can be achieved based on ITE standards and peak demands for the day, week and season and that there are times when peaks may affect the neighborhood; however, this will not be the norm.

Staff Analysis

The Manhattan Zoning Regulations do not require off-street parking for any use in the C-4 Central Business District. Off-street parking is maximized within the PUD, and separate uses have not been required to meet standard Zoning Regulation requirements for the minimum number of off-street parking spaces provided on Lot 4 for the hotel. Requiring minimum off-street parking standards in the PUD, which is an extension of the Central Business District, would sacrifice floor space in lieu of surface parking, which will generally be adequate on Lot 4, except at peak demands.

In addition, there are 436 parking spaces available in the parking garage in the PUD that can be used. There will be times when peak demand exceeds existing parking within the PUD. Parking is also available on adjoining public streets and in public parking lots located in the surrounding area to the northwest at S. 5th Street and Pierre Street, recently constructed parking on the southwest corner of Houston Street and S. 4th Street, and at the Manhattan Town Center parking lot. Some overflow during peak times may encroach to the west into what is largely a commercial neighborhood between S. 4th Street and S. 5th Street, and it is less likely that overflow would extend onto Colorado Street west of S. 4th Street because the street is one way east from S. 5th to S. 4th Streets.

Attachment No. 1

Peter Clark, P.E., Civil Design Engineer, of the City of Manhattan's Engineering Division, Public Works Department, reviewed the consultant's parking generation report (*memorandum dated May 1, 2012, attached*) and indicates, "Public Works staff recommends that this parking study be accepted and that the knowledge that a reduced amount of parking spaces should be taken into account by the developer and future tenants when planning large events in the Downtown Entertainment District. Accommodations, such as shuttle services or other measures, should be implemented to ensure that adequate parking is obtained during special events and that parking will not spill over and impact the neighborhood directly to the west."

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: The owner will be responsible for maintenance of open landscaped space around the building

6. CHARACTER OF THE NEIGHBORHOOD: The amendment site is within a predominately commercial area commonly known as the Downtown Entertainment District with a conference center, parking garage, city park, museum, hotels, and mixed use commercial-residential ground level and upper floor residential. A major street corridor adjoins the site on its west side, S. 4th Street, with a local street, Colorado Street, on its north side. Major street corridors are nearby including Ft. Riley Boulevard to the south and S. 3rd Street to the east. Further south are commercial and industrial uses. To the west of S. 4th Street is a mix of single-family, two-family, multiple-family, including two 47 dwelling unit four and five story apartment buildings, service commercial and retail uses further to the northwest and southwest. Residential uses increase to the west of S. 5th Street. To the north are Pierre Street and a mix of uses including a hotel, Manhattan Town Center and Manhattan's Central Business District.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: An open green space within Lot 4 subject to an Agreement between the City and owner subject to approval of an amendment of the PUD described above under **EXISTING PUD AND APPROVED LOT 4.**

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally flat with existing drainage to the east and south to storm sewer inlets. The site is located in a 500 Year Flood Plain and is not subject to flood plain development regulations. The amendment site is grass covered with landscaping shrubs on the northern and western property lines and several trees on the perimeter of the site.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Colorado Street, hotel, Pierre Street, Manhattan Town Center and the Central Business District.; C-5, Highway Business District with RDO, Redevelopment District Overlay and C-4 District.

(b.) SOUTH: Conference center, parking garage, retail and Ft. Riley Boulevard; Downtown Entertainment District Commercial PUD, and LM-SC, Light manufacturing Service Commercial District.

(c.) EAST: Hilton Garden hotel, parking lot, S. 3rd Street, Discovery Center, Blue Earth Park, public parking lot, hotels, mixed use building; Downtown Entertainment District Commercial PUD.

(d.) WEST: S. 4th Street, single-family, two family and multiple-family buildings (a four story and five story apartment building with 47 dwelling units per building), auto sales and service, and other service commercial uses; PUD, R-M, Four-Family Residential District, and C-5, Highway Service Commercial District, C-4 District.

4. GENERAL NEIGHBORHOOD CHARACTER: See above under Review Criteria for Planned Unit Development, number 6.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for the approved off-street parking lot for the Hilton Garden Inn, subject to approval of an amendment.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed amendment and Final Development Plan are consistent with the commercial residential nature of the approved PUD and developed properties in the PUD. Expected increases in traffic, light, and noise will be consistent with the predominately commercial and residential character of the neighborhood. Residential properties west of the site are the smallest part of the neighborhood to the west, which is separated by S. 4th Street, a major north south street. Minimal impacts on adjacent properties are anticipated and detrimental effects are not expected. Some overflow parking may occur in the largely commercial neighborhood to the west during peak event times in the PUD, but should not be the common occurrence.

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Historic property potentially impacted by the proposed project is the Downtown Manhattan Historic District. The Manhattan Historic Resources Board reviewed the proposed project at its meeting on November 28, 2011, and found that the proposed project, “Meets the *Standards and Guidelines for Evaluating the Effect of Projects on Environs* and will not encroach upon, damage or destroy any listed historic property or its environs with the condition that all metal panels and span metal materials on the top floor match the historic district colors, specifically the earth tone colors”, (*attached letter dated November 29, 2011, from Lance Evans, AICP, Senior Planner, and Staff Liaison to the Manhattan Historic Resources Board to Jennie A. Chinn, Executive Director/State Historic Preservation Officer (SHPO).*) The HRB’s condition is advisory only. The SHPO’s letter (*attached*), dated December 2, 2011, reviewed the materials associated with the project in accordance with the state preservation statute. The letter states that, “The SHPO has determined the proposed project will not encroach upon, damage, or destroy any listed historic property or its environs. As far as this office is concerned, the project may proceed.” No detrimental effects on historic properties are expected based on local and state review of the proposed rezoning.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Manhattan Urban Area Comprehensive Plan shows the site as Central Core District (CCD), which is a special purpose designation for the Downtown Core. The amendment site is also designated as a primary redevelopment area for expansion of the Central Business District, in Downtown Tomorrow – A Redevelopment Plan for Downtown Manhattan, Kansas, adopted in May 2000.

The proposed amendment conforms to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

November 6, 2009: Manhattan Urban Area Planning Board conducts the public hearing on the proposed Downtown Entertainment District from C-4, Central Business District; C-5, Highway Service Commercial District with RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District, with eight conditions of approval. The **PLANNING BOARD RECOMMENDED APPROVAL OF THE REZONING ON A VOTE OF 7-0. IN A SEPARATE ACTION, THE PLANNING BOARD APPROVED THE FINAL PLAT OF THE DOWNTOWN ENTERTAINMENT DISTRICT ADDITION ON A VOTE OF 7-0.**

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- December 1, 2009 City Commission approves first reading of an ordinance rezoning the proposed Downtown Entertainment District from C-4, Central Business District; C-5, Highway Service Commercial District with RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District.
- December 15, 2009 City Commission approves Ordinance No. 6804 rezoning the proposed Downtown Entertainment District from C-4, Central Business District; C-5, Highway Service Commercial District with RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District; and accepts the easements and rights-of-way as shown on the Final Plat of the Downtown Entertainment District Addition.
- January 20, 2010 Manhattan Urban Area Planning Board approves the Final Development Plan for Lots 1-4 of the Downtown Entertainment District Commercial PUD on a vote of 4-0.
- February 18, 2010 Manhattan Urban Area Planning Board sets aside the Final Plat approved on November 6, 2009 and approves the revised Final Plat of the Downtown Entertainment District Addition.
- February 23, 2010 City Commission accepts the rights-of-ways and easements of the Downtown Entertainment District Addition.
- August 2, 2011 City Commission and HCW-Manhattan LLC sign agreement to delay construction of the entire off-street parking lot for the Hilton Garden hotel.

The building permit for the hotel was issued on August 26, 2010, and the Certificate of Occupancy was issued on December 20, 2011.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: 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 PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through

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conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed amendment and Final Development Plan are consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations.

The PUD is an extension of the C-4 District, which is the primary commercial center of the community and is designed to provide for a broad range of retail shopping facilities, services, and cultural activities, including residential with no off-street parking requirements.

Proposed Amendment

The proposed mixed use building is consistent with the Downtown Entertainment District and is an appropriate mix of uses consistent with the intent and purpose of the Manhattan Zoning Regulations and the Downtown Entertainment PUD.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no relative gain to the public that denial would accomplish. Minimal impact on the public is expected as a result of traffic and storm water. Transportation and storm water proposals are consistent with the policies of the City. Denial of the amendment would be a hardship on the owner because no adverse effects on the public are expected.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public streets, sanitary sewer and storm sewer, fire hydrants, streets, and sidewalks are provided.

12. OTHER APPLICABLE FACTORS: There are no other applicable factors.

13. STAFF COMMENTS: All provisions of Ordinance No. 6804 that are not in conflict with this amendment shall remain in force. Condition 4, in Ordinance No. 6804, is modified regarding exempt signage due to updating of the sign provisions for exempt signage since 2009 when the PUD was approved.

City Administration recommends approval of a proposed amendment of Ordinance No. 6804 and the amended Final Development Plan of Lot 4, Downtown Entertainment District Commercial Planned Unit Development District for modifications to the existing Hilton Garden Inn's off-street parking lot including reduction of the number of off-street parking spaces and landscape plan, and adding a proposed four-story mixed use building,

subject to the following condition:

1. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5), of the Manhattan Zoning Regulations.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 6804 and the amended Final Development Plan of Lot 4, Downtown Entertainment District Commercial Planned Unit Development District for modifications to the existing Hilton Garden Inn's off-street parking lot including reduction of the number of off-street parking spaces and landscape plan, and adding a proposed four-story mixed use building, stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of Ordinance No. 6804 and the amended Final Development Plan of Lot 4, Downtown Entertainment District Commercial Planned Unit Development District for modifications to the existing Hilton Garden Inn's off-street parking lot including reduction of the number of off-street parking spaces and landscape plan, and adding a proposed four-story mixed use building, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6804 and the amended Final Development Plan of Lot 4, Downtown Entertainment District Commercial Planned Unit Development District for modifications to the existing Hilton Garden Inn's off-street parking lot including reduction of the number of off-street parking spaces and landscape plan, and adding a proposed four-story mixed use building, based on the findings in the Staff Report, subject to the one condition of approval recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner.

DATE: May 2, 2012.



INTER-OFFICE MEMORANDUM

DATE: May 25, 2012

TO: Manhattan Urban Area Planning Board

MEETING DATE: June 4, 2012

FROM: Chad Bunger, AICP, CFM, Planner II

RE: Amend Manhattan Zoning Regulations to Modify Provisions for Driveways Located in Front of Single-Family and Two-Family Dwellings

BACKGROUND

Article VII of the Manhattan's Zoning Regulations addresses driveways, parking lots, off-street parking and loading requirements for all properties within the City. Section 7-102(C) currently restricts the amount of paving in the front yard area for residential properties in residential districts by requiring that at least seventy-five percent (75%) of the area between the front property line and a line parallel to the front lot line drawn through a point which is on the side of the house furthest from the front lot line, yet still facing the front lot line, is maintained as landscaped open space. Residential structures containing no more than two (2) dwellings can have a driveway that exceeds this minimum landscape area as long as the driveway is no wider than twenty-four (24) feet, nor larger than 960 square feet in area.

The intent of Section 7-102(C) is to limit the amount of driveway paving located between the street and a residential structure, no matter if it's a single-family, two-family, or multiple-family structure, in order to maintain a minimum area of landscaped open space and to prevent the front yard area from becoming an off-street parking lot.

While the regulation applies city-wide, except for properties in the TNO, Traditional Neighborhood Overlay, M-FRO, Multi-Family Redevelopment Overlay Districts, and PUD, Planned Unit Development Districts, the original purpose of the regulation was to address areas in the older Ward Districts that were being converted from owner occupied

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single-family dwellings, to single-family rental units, two-family and multiple-family apartments and replacing landscaped front yards with off-street parking lots. The current language of the regulations reflects the typical residential home on a residential lot in the older Ward Districts; which have consistent front yard setbacks along a street, have few if any changes in the front façade depths of the house and with parking typically being located to the side or in the rear yard off of a public alley.

Since the mid 1980's, when this specific section was adopted; building designs, subdivision designs and home owner's expectations of single-family and two-family homes have substantially changed compared to the older homes in the Ward Districts and other older subdivisions, which was the emphasis of the existing regulations. Newer homes tend to have varying front façade depths, two or three-car wide attached garages facing the street, or being side-loaded, and driveways that are sometimes wider than the attached garage to accommodate an additional vehicle, RV trailers, boats, etc. Modern subdivisions are not designed with public alleys to the rear of lots to provide garage access. The current regulations can make it difficult to provide a driveway to a single-family home with a three-car wide garage in a new residential subdivision, and on cul-de-sacs, unless the lot is very large and the 75% landscape open space requirement can be met.

To vary from the current provisions of Section 7-102 (C), a Variance request is required to be approved by the Board of Zoning Appeals. In recent years, the Board of Zoning Appeals has considered and approved a number of requests to increase the maximum width of a paved driveway and to decrease the required minimum amount of landscaped open space in front of the house for unique or extreme driveway proposals.

Several citizens, developers, and members of the Board of Zoning Appeals have suggested that the regulation needs to be revised to provide more flexibility to address the changing trends in homes and driveways that are built today.

City Administration has been working on proposed revisions to Article VII, Off-Street Parking and Loading and Article XIV, Administration, that reflect current trends of driveway designs for single-family and two-family developments. The Manhattan Urban Area Planning Board held four (4) work sessions on the topic to discuss the issue, and review various options. City Administration also held an informational meeting with the Flint Hills Area Builders Association on February 28, 2012, to discuss the issue and get input and suggestions on draft revisions. At the March 5, 2012 Planning Board work session, City Administration presented proposed amendments of Section 7-102(C) and Section 14-604 for its review. The Planning Board reviewed these proposals, made comments and suggestions and requested a formal public hearing be held to begin the Zoning Regulation amendment process.

Proposed Amendments for Driveways Located in Front of Single-family and Two-Family Dwellings

The proposed amendments include the following:

1. Modify Article VII, Off-Street Parking Loading, Section 7-102(C) to change how driveways in front of single-family and two-family dwellings are regulated, and;
2. Add to the list of authorized Exceptions in Article VIX, Section 14-604 to include any of the front yard restrictions in Article VII Off-Street Parking and Loading, Section 7-102 (C) (2) – (4) pertaining to driveways, parking and landscaping in front of single-family and two-family dwellings.

Article VII – Front Yard Driveways

The proposed amendments to Section 7-102(C) represent significant changes to the regulations for driveways of residential dwellings containing no more than two-dwelling units.

Front-loaded Garages. Permitted driveway widths are determined by the number of vehicles bays in an attached garage or carport. All residential dwellings containing no more than two-dwelling units are allowed at least a twenty-four (24) foot wide driveway, (i.e. houses with no garage/carport, one-car wide, or two-car wide garage/carports). Any rear-loaded attached garage/carports, or any detached garages/carports, regardless of their width may have a 24 foot wide driveway in front of the house. If an attached front-loaded garage or carport has three (3) garage bays, the maximum driveway width is thirty-six (36) feet. The proposed amendments limit the width, but not the maximum area of a driveway for a single-family or two-family dwelling.

Side-loaded Garages and Circle Drives. The proposed amendments establish driveway widths for side-loaded garages, and establish provisions for construction of circle driveways for single-family houses.

A driveway can exceed the proposed maximum width standards if at least seventy-five percent (75%) of the area between the front property line and a line parallel to the front lot line drawn through a point which is on the side of the house furthest from the front lot line, yet still facing the front lot line, excluding the principal structure, is maintained as open landscape area.

Article XIV - Exceptions

The proposed amendment to Article XIV, allows a property owner to apply for an Exception with the Board of Zoning Appeals (BZA), instead of the current requirement to apply for a Variance, to allow a driveway wider than the proposed width standards and to decrease the minimum required front yard landscape area, as described above. The

standards used by the BZA to consider Exceptions are less stringent and easier to meet compared to the standards for Variances. Exception standards primarily focus on impacts on adjacent properties and the general public, and if strict application of the regulation is unreasonable. The proposed amendment to Article XIV, Section 14-604 adds any of the front yard restrictions in Section 7-102(C) pertaining to driveways, parking and landscaping in front of single-family and two-family dwellings to the list of authorized Exceptions.

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 four standards:

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

The intent of the Manhattan Zoning Regulations is to protect the public health, safety and general welfare and to protect property values. The current regulations were adopted to prevent single-family homes in the Ward Districts and homes that were being converted to two-family and multiple-family dwellings from having the front yards converted to off-street parking lots. The regulations apply City wide, with the exception of the TNO, Traditional Neighborhood Overlay District, M-FRO, Multi-Family Redevelopment Overlay District, and PUD, Planned Unit Development Districts. The current regulations were not envisioned for today's housing trends, with multiple car attached garages, varying front façade depths, extra driveway areas for additional cars and trailers, and modern subdivisions.

For various reasons, several homes have been constructed with driveways that do not conform to the current requirements of Section 7-102(C). It is apparent that these driveways have not adversely impacted the public health, safety or general welfare or impacted property values, and reflect the changing expectations of home owners. In addition, the Board of Zoning Appeals has approved the majority of the variance requests from the current regulations, to increase driveway pavement area and/or widths and reduce front yard landscaped open space.

The proposed amendments are consistent with the intent and purpose of the Manhattan Zoning Regulations and are envisioned to bring a majority of these existing driveways into conformance with the Zoning Regulations and respond to single-family and two-family housing trends for future residential developments.

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

The proposed amendments to Article VII and XIV would apply equally throughout the City to all single-family, single-family attached and two-family dwellings, except those zoned PUD - Planned Unit Development, TNO - Traditional Neighborhood Overlay District, and M-FRO - Multiple-Family Redevelopment Overlay District. The PUD, TNO, and M-FRO Districts have separate provisions that address the width and location of driveways associated with residential uses and the required amount of landscaped open space in front of residential structures.

City Administration carefully considered the impacts that these proposed amendments may have on residential areas around the City that are in transition from primarily owner-occupied housing, to rental housing. The proposed amendments are designed to address changing expectations with home designs and construction standards found in many newer residential developments, while maintaining the front yard landscaped open space in older and transitional residential neighborhoods that typically have smaller lots.

The proposed amendments are similar to the current regulations in that the definition of the front yard area remains unchanged. Also, Single-family and Two-family dwellings with no garage, or having a front-loaded one-car attached garage or two-car attached garage, are permitted to have at least a twenty-four (24) foot wide driveway, which is identical to the existing regulations. The amendments add more flexibility in layout and design of driveways by controlling widths, but not the total area of front yard driveways. The amendments also provide standards to address the newer side-loaded garages, as well as establish minimum standards for circle drives (*see proposed Section 7-102(C)(3) and (4)*).

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 current requirements for driveways for residential uses in residential districts were adopted in the mid 1980's. The regulations were created to address the loss of landscaped front yards associated with single-family and two-family homes in the older neighborhoods that were being converted to rental units and/or multiple-family structures and for new apartment buildings in which parking lots were being constructed in the front yard area. These residential areas were primarily built in the 1920's – 1960's and generally have similar site design characteristics, such as small lots, the presence of alleys and off-street parking in the rear yard, or narrow driveways off the street leading to

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attached or detached garages, and homes with simpler and less variation in the front façade depth. Although the intended purpose was focused on addressing driveways, parking lots and loss of green space in the older neighborhoods with smaller lots, the regulation applies throughout the City.

The current regulations did not anticipate the current trends in single-family and two-family developments in newer, larger lot areas. Homes in these areas typically have front or side-loaded attached garages, many with three-bays, driveways wider than the garage to accommodate additional vehicles and/or trailers, no alleys and no parking in the rear yard, and architectural styles having more depth changes in the front façade. These current design trends generally do not easily conform to the requirements of the current regulations in Article VII.

The proposed amendments to Article VII and XIV are necessary due to the changing trends in the design homes in newer subdivisions with generally larger lots and the change in buyer expectations. The proposed amendments are designed to bring some existing driveways for single-family, single-family attached and two-family dwellings into conformance and accommodate the changing trends in new developments, while ensuring that houses in smaller lot areas, transitioning from owner-occupied to rental units, do not replace the front yard landscape areas with an excessive amount of paving. In addition, the amendments will help reduce the number of cases that would need to go to the Board of Zoning Appeals, and for cases that do go before the BZA, the less stringent review standards for Exceptions will apply, instead of the Variance standards.

Whether Such Change Is Consistent With The Intent And Purpose Of The Policies And Goals As Outlined In The Adopted Comprehensive Plan Of The City

The Zoning Regulations implement the Comprehensive Plan, its goals, objectives, and policies. The Comprehensive Plan is more general in nature and does not specify administrative site planning and construction details such as those addressed by the proposed amendments. However, the proposed amendments ensure that the general policies in the Comprehensive Plan are implemented consistent with legal requirements.

ALTERNATIVES

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

1. Recommend approval of the proposed amendments to the City Commission.
2. Recommend denial of the proposed amendments to the City Commission.
3. Modify the proposed amendments and forward the modifications, along with an explanation, to the City Commission.
4. Table and/or continue the public hearing to a specific date, and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends approval of the proposed amendments of the Manhattan Zoning Regulations, Article VII, Off-Street Parking and Loading, Section 7-102(C) to establish new driveway standards for residential structures with no more than two (2) dwelling units; and to Article XIV, Administration, Section 14-604, to add the front yard restrictions in Section 7-102(C), pertaining to driveways, parking and landscaping in front of single-family and two-family dwellings to the list of authorized Exceptions.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board recommends approval of the amendment to the Manhattan Zoning Regulations to Article VII, Off-Street Parking and Loading, Section 7-102(C) to establish new driveway width standards for residential structures with no more than two (2) dwelling units; and, to Article XIV, Administration, Section 14-604, to add the front yard restrictions in Section 7-102(C) (2) – (4) to the list of authorized Exceptions, based on the findings in the Staff Memorandum.

CB
12054}MUAPB}AmendDrivewayRegulations

Attachment:

1. Proposed Amendments to Article VII and Article XIV