

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, OCTOBER 2, 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 65 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Pepperd led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Pepperd proclaimed October 7-13, 2012, ***Fire Prevention Week***. Rick Stillwagon, Fire Inspector, and Ryan Almes, Deputy Chief of Technical Services, were present to receive the proclamation.

Mayor Pepperd proclaimed October 2012, ***Domestic Violence Awareness Month***. Judy Davis, Executive Director, Crisis Center, Inc., was present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Pepperd opened the public comments.

Hearing no comments, Mayor Pepperd closed the public comments.

## COMMISSIONER COMMENTS

Commissioner Jankovich congratulated the Public Works staff for their efforts on the dedication of the Water Treatment Plant expansion on Saturday, September 29, 2012.

Commissioner Sherow informed the community that the City of Manhattan received an Office of Economic Grant Reimbursement Corridor Study check from Ty Warner, Executive Director, Flint Hills Regional Council, in the amount of \$28,678.00.

Mayor Pepperd thanked Ty Warner, Executive Director, Flint Hills Regional Council, for the grant reimbursement check. He also thanked the Partner City Advisory Committee, the Director of Parks and Recreation Curt Loupe, and members of City staff involved with the Flag Plaza ceremony held in City Park and the Czech Potluck in the Wefald Pavilion and GTM Family Center on Sunday, September 30, 2012.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 18, 2012.

### \* CLAIMS REGISTER

Bernie Hayen, Director of Finance, responded to questions from the Commission and provided additional information regarding the sales tax receipts for September 2012.

The Commission approved Claims Register No. 2711 authorizing and approving the payment of claims from September 12, 2012, to September 25, 2012, in the amount of \$1,759,696.72.

### LICENSES

The Commission approved a Tree Maintenance License for calendar year 2012 for A Bargain Tree Service, 6039 North West Heath Rd, Topeka, Kansas, and an annual Cereal Malt Beverages On-Premises License for Happy Valley, 2307 Tuttle Creek Boulevard Suite A.

### FINAL PLAT – WESTERN HILLS ADDITION, UNIT FIFTEEN

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Western Hills Addition, Unit Fifteen, generally located northwest of Everett Drive and southeast of the end of Londonderry Circle, based on conformance with the Manhattan Urban Area Subdivision Regulations.

## CONSENT AGENDA (CONTINUED)

### RESTRICTIVE COVENANT – WESTERN HILLS ADDITION, UNIT FIFTEEN

The Commission authorized the Mayor and City Clerk to execute the Agreement Creating a Restrictive Covenant on Real Estate regarding construction and maintenance of detention ponds and drainage structures.

### FINAL PLAT – ALLEN-BLANKENHAGEN ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Allen-Blankenhagen Addition, generally located northeast of the intersection of N. 10<sup>th</sup> Street and Claflin Road, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 6967 – ADOPT – 2012 STANDARD TRAFFIC ORDINANCE

The Commission approved Ordinance No. 6967 incorporating by reference the Standard Traffic Ordinance for Kansas Cities, 2012 Edition.

### ORDINANCE NO. 6968 – VACATE EASEMENT – LOTS 86-94, LEE MILL HEIGHTS, UNIT 4, PH II

The Commission approved Ordinance No. 6968 vacating portions of a utility and drainage easement on Lots 86 through 94 in Lee Mill Heights, Unit 4, Phase II, an addition to the City of Manhattan.

### ORDINANCE NO. 6969 – NO PARKING – COLLEGE HEIGHTS AREA

The Commission approved Ordinance No. 6969 designating “No Parking Zones” along the south side of the 2000 block of College Heights Road from its intersection with Lee Street thence west 145 feet and along the south side of the 2100 block of College Heights Road from its intersection with Elling Drive thence west 120 feet.

### ORDINANCE NO 6970 – MULTI-WAY STOP SIGN – COLLEGE HEIGHTS ROAD AND COLLEGE AVENUE INTERSECTION

The Commission approved Ordinance No. 6970 modifying the College Heights Road and College Avenue intersection to a multi-way stop condition.

### FIRST READING – LEVY 2013 SERVICE FEES – AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT

The Commission approved first reading of ordinances continuing the establishment of the Aggieville and Downtown Business Improvement Districts and levying Business Improvement Service Fees for the year 2013, on businesses located within the Districts.

## CONSENT AGENDA (CONTINUED)

### FIRST READING – LEVY 2013 SERVICE FEES – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

The Commission approved first reading of ordinances continuing the establishment of the Aggieville and Downtown Business Improvement Districts and levying Business Improvement Service Fees for the year 2013, on businesses located within the Districts.

### RESOLUTION NO. 100212-A – PETITION – LOT 5, DOWNTOWN ENTERTAINMENT DISTRICT, UNIT 3 – STREET IMPROVEMENTS (ST1212)

The Commission found the petition sufficient and approved Resolution No. 100212-A, finding the project advisable and authorizing construction for street improvements for Lot 5, Downtown Entertainment District, Unit 3, (ST1212).

### RESOLUTION NO. 100212-B – KDOT AGREEMENT – BLUEMONT AVENUE CORRIDOR (11<sup>TH</sup> STREET TO NORTH MANHATTAN AVENUE) – SAFETY IMPROVEMENTS (ST1103)

The Commission approved Resolution No. 100212-B authorizing the Mayor and City Clerk to execute Agreement No. 171-12 with the Kansas Department of Transportation for safety improvements to the Bluemont Avenue Corridor between N. Manhattan Avenue and 11<sup>th</sup> Street (ST1103).

### RESOLUTION NO. 100212-C – KDOT RESURFACING AGREEMENT – FORT RILEY BOULEVARD (WILDCAT CREEK BRIDGE TO SETH CHILD ROAD INTERCHANGE)

The Commission approved Resolution No. 100212-C authorizing the Mayor and City Clerk to execute Agreement No. 203-12 with the Kansas Department of Transportation for the KLINK 1R Resurfacing improvements on Fort Riley Boulevard (K-18) from its interchange with K-113 (Seth Child Road) to the Wildcat Creek Bridge.

### NEGOTIATE CONTRACT – ENGINEERING SERVICES – CASEMENT ROAD BRIDGE OVER MARLATT DITCH IMPROVEMENTS (SM1203)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate an engineering service contract with Olsson Associates, of Manhattan, Kansas, for the design of the Casement Road Bridge over Marlatt Ditch Improvements Project (SM1203).

## CONSENT AGENDA (CONTINUED)

\* **CONTRACT – PRELIMINARY DESIGN – PARKS AND RECREATION OFFICES EXPANSION AND CITY AUDITORIUM RENOVATION (SP1206)**

The Commission authorized the Mayor and City Clerk to execute a contract in the amount of \$34,785.00 with Bruce McMillan, Architects, of Manhattan, Kansas, for the preliminary design to consider expanding the Park and Recreation offices at City Hall vs. City Park which will also analyze renovating the City Auditorium.

\* **PURCHASE – ANIMAL SHELTER ANIMAL ENCLOSURES**

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

The Commission authorized the purchase of 90 stainless steel animal enclosures, wheel kits, cardholders, and resting platforms in the amount of \$77,267.10 from Suburban Surgical, of Wheeling, Illinois, for the T. Russell Reitz Animal Shelter with proceeds from accumulated donations.

**REJECT BID/NEGOTIATE CONTRACT – CITY PARK PEDESTRIAN LIGHTING (CU751P)**

The Commission rejected the bid from Heineken Electric, of Manhattan, Kansas; authorized City Administration to finalize and negotiate a project scope in an amount not to exceed \$82,200.00; and authorized the Mayor and City Clerk to execute a contract for installation of the pedestrian lighting in City Park (CU751P).

**LEASE AGREEMENT – KANSAS ENTREPRENEURIAL CENTER**

The Commission approved a renewal of the lease agreement with the Manhattan Area Chamber of Commerce for the Kansas Entrepreneurial Center at 1500 Hayes Drive.

**GRANT AGREEMENT/CONTRACTS – 2012 EMERGENCY SOLUTIONS GRANT**

The Commission accepted the award of a 2012 Emergency Solutions Grant and authorized the Mayor and City Clerk to execute contracts with the Manhattan Emergency Shelter, Inc, and The Crisis Center for allocation of the funds.

**BOARD APPOINTMENTS**

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

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### Human Rights and Services Board

Appointment of Patrick McLaughlin, 2125 Buckingham Avenue Apt. 10, to replace the unexpired term of DeRay Gamble. Mr. McLaughlin's term begins immediately, and will expire March 9, 2015.

#### Partner City Advisory Board

Re-appointment of Pamela Hatesohl, 1206 Stacy Lane, to a three-year term. Ms. Hatesohl's term begins immediately, and will expire August 31, 2015.

### AUTHORIZE CONSTRUCTION – TEMPORARY AIRPORT PARKING (AP1201)

The Commission authorized City Administration to seek proposals and negotiate a contract to build temporary parking (AP1201) at the Manhattan Regional Airport and bring the item back to the City Commission for consideration on or after October 16, 2012.

After discussion, Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item N: CONTRACT – PRELIMINARY DESIGN – PARKS AND RECREATION OFFICES EXPANSION AND CITY AUDITORIUM RENOVATION, which carried 4-1, with Commissioner Matta voting against the item.

## GENERAL AGENDA

### FIRST READING – AMEND FINAL DEVELOPMENT PLAN - STONE POINTE TOWNHOMES RESIDENTIAL PLANNED UNIT DEVELOPMENT, UNIT ONE, AND ORDINANCE NO. 6693

Eric Cattell, Assistant Director for Planning, presented an overview of the item.

After discussion, Commissioner Sherow moved to approve first reading of an ordinance amending the Final Development Plan of Stone Pointe Townhomes, Unit One, Residential PUD, and Ordinance No. 6693, to be known as Stone Pointe Townhomes, Unit Three, Residential PUD, based on the findings in the Staff Report, with the two conditions recommended by the Manhattan Urban Area Planning Board (*See Attachment No. 1*). Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - THE BLUEMONT AND N. MANHATTAN HOTEL PUD

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He responded to questions from the Commission and provided additional detail on the layout, design elements, parking, traffic report, and conditions of approval based on the recommendation of the Manhattan Urban Area Planning Board for the proposed hotel.

Andy Suber, Applicant, provided additional information of the item and responded to questions from the Commission regarding hours of operation for the lounge and coordination of trash collection.

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance rezoning the proposed PUD, generally located on the northeast corner of Bluemont and N. Manhattan Avenues, from R-3, Multiple-Family Residential District, with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report with the eight conditions recommended by the Planning Board (*See Attachment No. 2*). Commissioner Sherow seconded the motion.

Commissioner Butler requested additional information regarding drainage before second reading of the item.

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

### PUBLIC HEARING - DEMOLITION PERMIT - 1446 LARAMIE STREET

Commissioner Jankovich stated that he would recuse himself from the item due to a conflict of interest.

Karen Davis, Director of Community Development, provided an overview of the item.

Mayor Pepperd opened the public hearing.

Calvin Emig, Applicant, Wildcat Property Management, 1431 Anderson Avenue, provided background information of his business and an overview of the property at 1446 Laramie (*See Attachment No. 3*). He presented exterior and interior photographs of 1446 Laramie Street; highlighted maintenance costs, property value and renovation costs; outlined changes to the environs and neighborhood near the KSAC Radio Tower; presented traffic considerations; and requested that the City Commission issue a permit for demolition to the structure located at 1446 Laramie. He stated that Wildcat Property Management would build a new exit to 16<sup>th</sup> Street to help alleviate congestion and traffic hazards at the intersection of Laramie Street and 16<sup>th</sup> Street. He then responded to

## GENERAL AGENDA (CONTINUED)

### PUBLIC HEARING - DEMOLITION PERMIT - 1446 LARAMIE STREET (CONTINUED)

questions from the Commission regarding Anderson Village, future plans for the property, and the consideration of utilizing tax credits. He informed the Commission that he did not believe that it was feasible to apply for tax credits and that there is not a prudent alternative to the demolition of the structure.

Kathy Dzewaltowski, President, Manhattan/Riley County Preservation Alliance, informed the Commission that the Manhattan/Riley County Preservation Alliance opposes the proposal to demolish 1446 Laramie Street and believes there are feasible and prudent alternatives to demolition (*See Attachment No. 4*). She stated that Mr. Emig has neglected to adequately maintain the property and should not be allowed to claim that renovation costs would be prohibited. She highlighted and expanded on key points why the Manhattan/Riley County Preservation Alliance opposes the demolition of 1446 Laramie Street, including the lot where 1446 Laramie Street is located is a buildable lot with options for renovation and off-street parking; a feasible alternative to demolition would be to sell 1446 Laramie Street; renovating 1446 Laramie Street is an economically feasible alternative to demolition; and the owner has neglected to adequately maintain 1446 Laramie Street and should not be allowed to claim economic hardship for conditions he caused and now finds too costly to address. She stated that the Preservation Alliance would be willing to assist Mr. Emig if he is interested in investigating the possibility of historic registry or with other guidance and support within its available resources. She then responded to questions from the Commission.

Linda Glasgow, 2236 Snowbird Drive, provided additional historical information on the 1446 Laramie Street property and voiced concern with demolition by neglect. She stated the challenges in working with Code Services to protect older homes and that it is a terrible shame to lose our heritage one building at a time.

Kevin Ingram, President, Manhattan Christian College, spoke in support of Mr. Emig's request for demolition of the property to improve safety and address parking issues. He provided additional information on the prior ownership and existing poor condition of the property at 1446 Laramie before it was acquired by Mr. Emig.

Marvin Rodriguez, 3000 Creighton Terrace, voiced support to grant the demolition request and stated that it is not economically feasible and is a financial burden to the owner.

Alyn Pennington West, 321 North 16<sup>th</sup> Street, informed the Commission that she lives about three blocks from the house in question and has spent a lot of money on fixing up her home. She voiced concern in losing a beautiful historic neighborhood and did not want to have this location as a parking lot.

## GENERAL AGENDA (CONTINUED)

### PUBLIC HEARING - DEMOLITION PERMIT - 1446 LARAMIE STREET (CONTINUED)

Hearing no other comments, Mayor Pepperd closed the public hearing.

### DEMOLITION PERMIT - 1446 LARAMIE STREET

After discussion and comments from the Commission, Commissioner Butler moved to approve the issuance of a demolition permit, as requested, no sooner than November 5, 2012, because there are no feasible or prudent alternatives to demolition and the applicant's information includes all possible planning to minimize harm to the historic properties. This motion is based upon all of the evidence presented to the Commission, both oral and written, and specifically upon the fact that this will cause economic hardship and the property's relationship to Manhattan Christian College and Anderson Village. Commissioner Matta seconded the motion. On a roll call vote, motion carried 3-1, with Commissioner Sherow voting against the motion.

At 8:55 p.m., the Commission took a brief recess.

### METROPOLITAN PLANNING ORGANIZATION

Commissioner Jankovich returned to the dais.

Mayor Pepperd introduced the item.

Lauren Palmer, Assistant City Manager, presented the proposed map options; the five-year projected budget options and summaries; the interim policy board; the designation agreement; and recommended actions for the Commission's consideration. She then responded to questions from the Commission.

Karen Davis, Director of Community Development, responded to questions from the Commission regarding the requirements in creating a Metropolitan Planning Organization and provided clarification on transportation funds.

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information of the proposed budget scenarios.

Rob Ott, City Engineer, provided additional information of the two proposed maps and the budget scenarios.

Karen Davis, Director of Community Development, informed the Commission that the budget numbers presented are not final and will be dependent on the host agency and how the organization will be structured. She responded to questions from the Commission and outlined responsibilities of the interim policy board.

## GENERAL AGENDA (CONTINUED)

### METROPOLITAN PLANNING ORGANIZATION (CONTINUED)

Ron Fehr, City Manager, and Lauren Palmer, Assistant City Manager, responded to additional questions from the Commission regarding considerations for the designation agreement, fiscal obligations, and the composition of the interim policy board.

Gary Olds, 3308 Frontier Circle, asked for further explanation of the Metropolitan Planning Organization (MPO) and how it relates to transportation funding and how it will help Junction City and Manhattan. He asked how Topeka and Lawrence developed their MPO and the need for more education on the item.

Ron Fehr, City Manager, provided clarification of the Metropolitan Planning Organization requirements and process to prioritize regional planning transportation initiatives.

Gary Olds, 3308 Frontier Circle, informed the Commission that looking at a larger area for transportation makes sense. However, he agreed with Commissioner Butler to start with the smaller map and make sure the budget numbers projected are accurate, then, expand the Metropolitan Planning Organization and map.

Karen Davis, Director of Community Development, responded to questions regarding state and federal funding related to Metropolitan Planning Organizations (MPO) and similarities with other cities with an MPO.

Larry Tawney, 5435 Pheasant Ridge Road, asked for a public forum to answer some of the questions that exist on the item. He expressed concerns in following a federal mandate and with the proposed budget. He asked the Commission to hold off on voting on a map until additional answers are received. He stated that he has talked to a constitutional lawyer willing to educate the Commission.

Jim Fawcett, resident of Junction City, businessperson, and Kansas Representative for District 65, informed the Commission that there is a large amount of concern in who will pay more and in missing the point that there is strength in numbers. He encouraged the Commission to include the entire region and to include Junction City and Geary County so that the entire region will be the beneficiary and work together.

Bruce McMillan, owner, Bruce McMillan AIA, Architects, P.A., with offices in Junction City and Manhattan, provided background information regarding the formation of the Flint Hills Regional Council and significance of regional cooperation. He informed the Commission that he has talked with representatives of Geary County and the City of Junction City and that both entities have reiterated their interest and commitment to participate in the Metropolitan Planning Organization. He encouraged the Commission to support the larger map, Map 4a.

## GENERAL AGENDA (CONTINUED)

### METROPOLITAN PLANNING ORGANIZATION (CONTINUED)

John Ball, 3107 Harahey Ridge, asked for clarification regarding good fiscal management with elected officials in Manhattan and voiced concern with the current debt of the City of Manhattan. He voiced support to establish a process and system to maintain local control and exhibit prudent fiscal management of the city's elected officials.

Ron Fehr, City Manager, responded to questions and stated that the City of Manhattan has been informed that it will receive \$165,000.00 for the first year and if future funds are appropriated by congress and the state, that it will continue to receive funding.

Marvin Rodriguez, 3000 Creighton Terrace, stated that this is taxpayer's money and the City is in debt. He requested that the City consider starting small, if it has to start at all.

Holly Friesen, 3159 Ella Lane, informed the Commission that she has concerns about the amount of debt and the representation on the Metropolitan Planning Organization (MPO). She asked the Commission to wait on the vote and to table the item to allow time for additional education to the public so they can be part of the process. She provided additional background on her findings regarding MPOs and asked if these projects can be done without creating a regional board.

Ron Fehr, City Manager, responded to additional questions. He said that if a community the size of Manhattan applies for federal funds, a Metropolitan Planning Organization (MPO) must be developed. He stated that grants are competitive and provided additional information regarding Federal Statute 23 USC Sec. 134 and Code of Federal Regulations Title 23 Part 450 relating to MPOs. He also stated that this information would be posted on the City's web site, with information about MPOs.

Chuck Henderson, 2008 Somerset Square, questioned the federal mandate to create a regional Metropolitan Planning Organization. He voiced concerns in creating a regional body and loss of local control. He urged the Commission to not enter into this at all or to choose the smallest map if the requirements must be met. He then provided additional information regarding the item (*See Attachment No. 5*) and responded to questions from the Commission.

Chris Tawney, 5435 Pheasant Ridge Road, provided additional information on the formation of Metropolitan Regional Councils. She voiced concern for the lack of information to the citizenry, amount of current debt, unknown future funding, and asked for closer evaluation of the item before it proceeds forward. She asked the Commission to consider keeping the control at home and at the local level with local input.

## GENERAL AGENDA (CONTINUED)

### METROPOLITAN PLANNING ORGANIZATION (CONTINUED)

Lyle Butler, President, Manhattan Area Chamber of Commerce, provided additional information regarding the Regional Planning Organization and planning initiatives resulting in the construction of K-18. He stated that the Chamber supports the Metropolitan Planning Organization because the federal government says it has to be created in order to access state and federal funds. He stressed the need to maintain local control and said this provides an opportunity for leaders in the region to continue transportation discussions.

After discussion and comments from the Commission, Commissioner Sherow moved to Select Map 4a (*See Attachment No. 6*) with budget option 2 (*See Attachment No. 7*) as the preferred boundary for the Metropolitan Planning Organization, and appointed Commissioner Butler to serve on the interim Policy Board. Commissioner Jankovich seconded the motion.

Ron Fehr, City Manager, responded to questions from the Commission regarding the host agency for the Metropolitan Planning Organization and the importance in developing a sound fiscal policy by the interim Policy Board.

Mayor Pepperd stated that the City Commission discussed selecting Commissioner Butler to serve on the interim Policy Board during the Discussion/Briefing Session.

After additional discussion and additional comments from the Commission, on a roll call vote, motion carried 3-2, with Commissioners Matta and Butler voting against the motion.

Mayor Pepperd informed the community that there would be a Riley County Half-Cent Sales Tax Renewal educational presentation on Tuesday, October 9, 2012, following the City Commission Work Session, at 6:00 p.m., in the City Commission Room, at City Hall.

### ADJOURNMENT

At 10:45 p.m., the Commission adjourned.

  
\_\_\_\_\_  
Gary S. Fees, MMC, City Clerk

## **STAFF REPORT**

### **AN AMENDMENT OF ORDINANCE NO. 6693 AND A PORTION OF THE APPROVED FINAL DEVELOPMENT PLAN OF STONE POINTE TOWNHOMES RESIDENTIAL TOWNHOMES PUD.**

## **BACKGROUND**

**APPLICANTS:** The applicants are:

- Stone Crest Land Co. LLC – Tim Schultz
- Excel Development Group - Bill Caton.

**OWNER:** The owner is Stone Crest Land Co. LLC – Tim Schultz.

### **ADDRESSES:**

- Stone Crest land Co. LLC, 1213 Hylton Heights Rd., Manhattan, KS 66502
- Excel Development Group, 8551 Lexington Avenue, Lincoln, NE 68505

**LOCATION:** The amendment site is generally east of N. Scenic Drive, and southeast of the intersection of Stone Crest Drive and Stone Crest Court.

### **AREA:**

- Total area of the amendment site is 3.147 acres (137,083 .32 square feet) consists existing Lots 5A-5D, 6A-6F, 7A-7D, 8A-8D, 9A-9D, Tract B, part of existing Tract A, and Stone Crest Way right-of-way.
- The amendment site is proposed Lot 1 - 2.782 acres (121,184 square feet) and proposed Tract E common area - 0.365 acres (15,899 square feet).

**DATE OF PUBLIC NOTICE PUBLICATION:** Thursday, August 16, 2012.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Thursday, September 6, 2012.

**CITY COMMISSION:** Tuesday, October 2, 2012.

## **EXISTING PUD**

### **Ordinance**

Stone Pointe Townhomes Residential Planned Unit Development and Ordinance No. 6693, dated April 15, 2008 (*attached*).

### **Conditions of Approval**

The conditions of approval set out in Ordinance No. 6693 include:

1. Permitted uses shall include ninety six (96) residential townhome units.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. Two ground entry signs and exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2), of the Manhattan Zoning Regulations shall be permitted.
4. All landscaping and irrigation shall be maintained in good condition.
5. No parking shall be allowed along the entire length of the east side of the Stone Crest Way right-of-way driving lane and shall be appropriately signed as No Parking.

### **Current Zoning**

The current zoning of Stone Pointe Townhomes is PUD, Residential Planned Unit Development District with AO, Airport Overlay District.

The Final Development Plan of the entire Stone Pointe Townhomes PUD was approved June 2, 2008. Of the 96 approved townhomes, 20 townhomes are fully constructed, and four are under construction.

## **PROPOSED AMENDMENT**

The proposed amendment will be known as Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development. The proposed amendment will delete 22 future approved townhomes on Lots 5A-9D from the approved PUD and replace the townhomes with two (2) multiple-family residential apartment buildings and one common area tract. Other changes include off-street parking, signage, lighting, landscaping, and other improvements. All of Tract B and a portion of Tract A in the approved PUD are included

*Attachment No. 1*

within the amendment site, with the balance of Tract A outside of the amendment site and included with the proposed Final Plat. The proposed changes are in the form of a Final Development Plan. A Final Plat (see separate staff memorandum) of the amended PUD is also proposed.

The proposed apartments are affordable rental housing. Application documents indicate, "Tenants will be required to meet either the Low Income Housing Tax Credit or HOME program income levels. Area Median Income at 60 percent or below will be required to qualify for housing." The Manhattan Area Housing Partnership Inc., the state certified non-profit CHDO (Community Housing Development Organization) will manage the apartment complex out the leasing office on the lower floor of the 19 unit apartment building. (FOR MORE DETAILS SEE THE WRITTEN APPLICATION DOCUMENTS.)

**Proposed Buildings, Structures, and Phasing**

Proposed Lot 1: The proposed structures are two, three story, separate apartment buildings:

The 19 dwelling unit apartment building has ten, 2 bedroom dwelling units and nine, 3 bedroom dwelling units, leasing office, and storage space. The second building is a ten dwelling unit apartment building with five 2 bedroom and 5 three bedroom dwelling units and storage space.

Both buildings front on Stone Crest Drive presenting a street appearance of a two story building with the lower level accessed off the off-street parking lot. (SEE SHEETS A5.1 AND A5.2 FOR ELEVATIONS)

Exterior materials include brick veneer, stone accents, lap siding, decorative cedar wall features, and asphalt roof shingles. Building colors are noted on SHEETS A5.1 and A5.2 as tans, browns, white trim and red and brown brick.

Other structures include two six foot four inch trash enclosures constructed with brick veneer walls and metal gates and located at either end of the parking lot.

Playground space is noted as a wood mulch base with wood playground equipment. A bike rack is adjacent to the playground.

*Attachment No. 1*

**Proposed Tract E:** Proposed Tract E is common area open space to be owned and maintained as open natural space by Stone Pointe Land Company LLC and deeded to the Stone Pointe Town Home Association once the entire development is complete.

### **Phasing**

The 19 unit building, off-street parking, drives, playground, and sidewalks will be constructed and ready for leasing in June 2013 with the 10 unit building scheduled for lease in September 2013.

**PROPOSED SIGN:** One ground sign is proposed at the off-street parking lot's entrance off Stone Crest Drive. The sign is constructed of cast stone sign face supported by stone and brick piers four feet four inches tall. The sign face is cast stone on which the name of the apartments "Scenic Pointe" will be routed and painted.

Exempt sign requirements set out in Condition 3 above changed since approval of the PUD in 2008. Updated with this amendment are those exempt signs 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 (*attached*).

**PROPOSED LIGHTING:** Full cut-off parking lot light poles are 20 feet in height. Building lights are also full-cut off to shield light from spilling onto adjacent properties and the public street.

## **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 intent of the approved PUD is a multiple-family townhome development. The amendment preserves its multi-family character. The application documents indicate the amendment is consistent with the intent and purpose of the approved PUD, which "is a mix of owner occupied and rental units in four-plex townhomes. The amendment continues to provide a choice of housing for those not wishing to purchase or rent a single family home. The street side two story building is similar in heights to the existing townhomes."

**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 amendment is necessary due to changing housing market conditions. The application documents indicate, “Existing sales have been very slow for the townhomes. The steep terrain on the proposed site will drive the cost of townhomes even higher, hurting sales even more. The amendment will allow us to keep the density needed on the site and stay clear of the steep slopes on the east side of the site.”

**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 application documents indicate, “The City of Manhattan would benefit from increased affordable housing. The proposed project would integrate nicely into the housing that is already established in the area.” No special benefit is conferred upon an individual. The amendment creates an opportunity for affordable housing to serve a market demand which benefits the public.

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

**1. LANDSCAPING:** Landscaping consists of shade and ornamental trees, foundation plantings, and irrigated turf around the buildings. Areas away from the building and common area will be native seeded and will not be irrigated.

**2. SCREENING:** Trash enclosures will be constructed of brick veneer walls and metal gates.

**3. DRAINAGE:** The site will drain to an existing detention basin constructed as a part of Stone Pointe Townhomes. No additional drainage analysis was required by the City.

**4. CIRCULATION:**

Public Access. Access to the site’s off-street parking lot is off Stone Crest Drive. Internal sidewalks connect the apartment entrances and parking lot to public sidewalk on the east side of Stone Crest Drive.

Traffic. The applicant’s consultant, Schwab Eaton, submitted a Traffic Impact Study, dated August 17, 2012. The study concludes the apartment buildings in the amendment site will generate six additional trips over the number calculated with the original PUD.

*Attachment No. 1*

The City Engineer has reviewed and accepts the study, and concurs that the proposed change in traffic has an insignificant affect on the surrounding streets.

Off-Street Parking. Using the Manhattan Zoning Regulations parking ratios for two and three bedroom units, 94 parking spaces would be required, 45 for the two bedroom units and 49 for the three bedroom units. The ratios of three parking spaces per two bedroom units and three and one-half per three bedroom units is generally oriented towards an occupancy of unrelated occupants. The proposed complex is family oriented, and requires occupancy approval as described above, and would be managed by the local CHDO.

Seventy six parking spaces are proposed. One parking space per bedroom is proposed, which would require 72 parking spaces. The proposed 76 are reasonable to serve the proposed affordable housing market. The proposed number of parking spaces should accommodate management personnel and tenants.

A bike rack is proposed off the parking lot and near the playground.

**5. OPEN SPACE/LANDSCAPED AND COMMON AREA:** Proposed Lot 1 has 38,070 square feet of open/native seeded space and 31,794 square feet of landscaped space. Tract E is common area of 15,918 square feet of open/native seeded space.

**6. CHARACTER OF THE NEIGHBORHOOD:** The general neighborhood is characterized as a developing growth corridor of the City with single-family, two-family and multiple-family residential development to the north. Highland Meadows Additions are to the northwest and include single-family, two-family, and multiple-family residential development. Scenic Meadows apartments are under construction to the north. Development occurring in the Lee Mill Heights and Miller Ranch areas to the east will continue to grow westward towards the PUD. The Miller Parkway street connection to N. Scenic Drive from Lee Mill Heights and Miller Ranch will accommodate future access to other parts of the City for development occurring in the Scenic Drive corridor.

**MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** The use of the amendment site is an approved site for 22 townhome dwelling units, a public street, and common area. The amendment site is currently used as a part of construction activity in the neighborhood.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The graded site slopes and drains to the north.

**3. SURROUNDING LAND USE AND ZONING:**

- (a.) **NORTH:** Stone Pointe townhomes, common area, and drainage basin; PUD.
- (b.) **SOUTH:** Future Stone Pointe townhomes and Independence Place apartments, and future neighborhood shopping; PUD and C-2, Neighborhood Shopping District.
- (c.) **EAST:** Future Independence Place apartments; PUD.
- (d.) **WEST:** Stone Pointe townhomes, N. Scenic Drive, and open range land; PUD and G-1 General Agriculture District.

**4. GENERAL NEIGHBORHOOD CHARACTER:** See above under **6, CHARACTER OF THE NEIGHBORHOOD.**

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The amendment site is suitable for the approved 22 townhomes and common area.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed amendment is within a multiple-family townhome setting and west of an approved multiple family apartment development, Independence Place PUD. To the north of Stone Pointe townhomes are Scenic Woods apartments, which are under construction, Stone Pointe apartments are further to the north. Highland Ridge apartments, which have an affordable housing component, are to the northwest and west of Scenic Drive. The proposed development is close to and easily accessed from N. Scenic Drive, a major north south street. Any expected changes in light, noise, and traffic are not unlike what would exist with the approved 22 townhomes.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE PROPOSED SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE SOUTHWEST PLANNING AREA AS A COMBINATION OF RESIDENTIAL MEDIUM HIGH DENSITY (RMH), AND PRESERVED OPEN SPACE. THE SITE IS ALSO LOCATED IN THE MILLER RANCH SPECIAL PLANNING AREA AND IS IN THE CONICAL ZONE OF THE MANHATTAN REGIONAL AIRPORT. THE AO, AIRPORT OVERLAY DISTRICT WILL BE ADDED AS AN OVERLAY DISTRICT TO THE SPECIFIC PORTIONS OF STONE POINTE ADDITION THAT ARE AFFECTED BY THE CONICAL ZONE.**

Residential designations: Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or four-plexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

Other applicable policies to The Miller Ranch Special Planning Area include:

**MR 5: Views from Scenic Drive**

*Development, including signage, should be set back from Scenic Drive to protect views and existing vegetation. The master plan for Miller Ranch should incorporate a buffer zone or overlay area along Scenic Drive designed to protect views, existing vegetation, and other important attributes of the area's scenic quality. Development of a neighborhood center, as described in MR 4, should occur east of the Scenic Drive buffer or overlay and be sited in a manner that minimizes visual impact on the Scenic Drive Corridor.*

**MR 7: Airport Airspace Regulations**

*Development shall be consistent with established airspace regulations for the Manhattan Regional Airport and the Airport Master Plan.*

**THE APPLICANT FILED A RESTRICTIVE COVENANT WITH STONE POINTE ADDITION, UNIT TWO, IN 2006, WHICH LIMITS NET DENSITY TO NO MORE THAN 19 DWELLING UNITS PER NET ACRE, WHICH IS THE UPPER LIMIT OF THE RMH CATEGORY. THE NET DENSITY OF THE APPROVED STONE POINTE TOWNHOMES IS 7.66 DWELLING UNITS PER NET ACRE, WHICH IS BELOW THE RMH DENSITY AND MORE CONSISTENT WITH A LOW DENSITY DEVELOPMENT. THE PROPOSED OVERALL NET DENSITY, AS A RESULT OF THE 29 DWELLING UNITS IS SLIGHTLY MORE THAN APPROVED IN 2008, OR APPROXIMATELY 8.22 DWELLING UNITS PER NET ACRE. THE CHANGE IN DENSITY REMAINS CONSISTENT WITH LOW DENSITY CHARACTER OF THE PUD.**

**THE PROPOSED AMENDMENT CONFORMS TO THE COMPREHENSIVE PLAN.**

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

*Attachment No. 1*

- July 17, 2006 Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Stone Pointe Addition, Unit Two, from G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- August 15, 2006 City Commission approves first reading of annexation and rezoning to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- September 5, 2006 City Commission approves Ordinance Nos. 6564 and 6564 annexing and rezoning Stone Pointe Unit Two, to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- November 6, 2006 Manhattan Urban Area Planning Board approves Preliminary Plat of Stone Pointe Addition, Unit Two.
- December 19, 2006 Manhattan Urban Area Planning Board approves Final Plat of Stone Pointe Addition, Unit Two.
- January 9, 2007 City Commission accepts easements and right-of-way as shown on the Final Plat of Stone Pointe Addition, Unit Two.
- March 17, 2008 Manhattan Urban Area Planning Board recommends approval of the rezoning of the Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- April 1, 2008 City Commission approves first reading of the rezoning of the Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.

*Attachment No. 1*

- April 15, 2008      City Commission approves Ordinance No. 6693 rezoning Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- June 2, 2008      Manhattan Urban Area Planning Board approves the Final Plat and the Final Development Plan of the Stone Pointe Townhomes Residential Planned Unit Development.
- June 17, 2008      City Commission accepts easements and right-of-way as shown on the Final Plat of Stone Pointe Residential Townhomes Planned Unit Development.

**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 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 PUD is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

Subject to the conditions of approval, the proposed amendment is consistent with the Zoning Regulations.

The existing AO District “is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by the facility to the region. The district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport's operation or the public welfare.”

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and

*Attachment No. 1*

proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone.

**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, which denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. No adverse impacts to the public are expected. There may be a hardship to the applicant if the amendment is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: THE CAN BE SERVED BY EXISTING PUBLIC IMPROVEMENTS, INCLUDING STREET, WATER, FIRE SERVICE AND SANITARY SEWER.**

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed amendment of Ordinance No. 6693 and the approved Final Development Plan of Stone Pointe Townhomes Residential PUD to be known as the Final Development Plan of Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development, subject to the following conditions:

1. Permitted uses shall include seventy four (74) residential townhome units and twenty-nine (29) dwelling units and a leasing office in two (2) multiple-family residential apartment buildings.
2. 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. 6693 and the approved Final Development Plan of Stone Pointe Townhomes Residential PUD to be known as the Final Development Plan of Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development, stating the basis for such recommendation.

*Attachment No. 1*

2. Recommend denial of the proposed amendment of Ordinance No. 6693 and the approved Final Development Plan of Stone Pointe Townhomes Residential PUD to be known as the Final Development Plan of Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development, 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. 6693 and the approved Final Development Plan of Stone Pointe Townhomes Residential PUD to be known as the Final Development Plan of Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development, based on the findings in the Staff Report, subject to the two conditions of approval recommended by City Administration.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** August 29, 2012

12023}SR}StonePointeTownhomesThree}PUDAmendment

## **STAFF REPORT**

### **APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT**

#### **BACKGROUND**

**THE PRESENT ZONING DISTRICT CLASSIFICATION IS:** R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District.

**THE PROPOSED ZONING DISTRICT CLASSIFICATION IS:** PUD, Commercial Planned Unit Development District (PUD).

The proposed PUD is referred to as Bluemont and N. Manhattan Hotel Commercial PUD.

**OWNER/APPLICANT:** The owner applicant is EXCEL GROUP LLC- Andrew Suber.

**ADDRESS:** The owner/applicant's address is 1524 254<sup>TH</sup> Street Lawrence KS 66044.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, August 27, 2012.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, September 17, 2012.

**CITY COMMISSION:** Tuesday, October 2, 2012.

**LOCATION:** The rezoning site is generally located on the northeast corner of Bluemont Avenue and N. Manhattan Avenue, more specifically 800 and 810 N. Manhattan Avenue and 1212, 1222, and 1224 Bluemont Avenue.

**LEGAL DESCRIPTION:** The legal description of the rezoning site is Lots 787, 788, 789, 790, 791, and 792, Ward Three, City of Manhattan, Riley County, Kansas.

**AREA:** The rezoning site is 45,198 square feet in area, 1.04 acres, based on the survey of the site provided as a part of the application.

**PROPOSED USES:** The proposed Permitted Uses in the PUD include the majority of the Permitted Uses of the C-3, Aggieville Business District (*attachment*).

*Attachment No. 2*

**PROPOSED BUILDINGS AND STRUCTURES:** The applicant has proposed a four story hotel, with partial fifth floor, consisting of 111 hotel suites, and structured parking garage for 123 off street parking spaces; two separate ground floor commercial spaces; landscaping; and signage and other improvements.

The applicant has described the hotel and its management in the attached written documents,

“The proposed project is a 4.5 story, 111 suite hotel. The overall development, including retail space for lease will serve the general public. Additionally, there are:

Two micro-retail or office spaces on the first floor with separate entrances  
Two non-occupied model unit spaces on the first floor  
5<sup>th</sup> floor rooftop-terrace event space

The Permitted Uses shall include all of the Permitted Uses of the C-3, Aggieville Business District, *excluding* Automobile Service Stations, Bed and Breakfast Homes, Bed and Breakfast Inns, Carpet and Rug Stores, Laundry Establishments, Miniature Golf Courses, Pet Grooming Shops, and Taverns.”

“Direct responsibility of the maintenance of the property and immediate surroundings falls to the owner, Excel Group, LLC, who may hire and contract third party businesses to maintain and manage various aspects of the property, such as parking management, waste management, and security.”

Building and Floor Plans

**Hotel**

The five story building is 70 feet in height measured to the southwestern uppermost cornice. The top of the fourth floor/bottom of the fifth floor height is 49 feet.

The hotel’s entrance, identified by address signage, is at the intersection of Bluemont Avenue and N. Manhattan Avenues. Other hotel entrance locations are to an outdoor dining area enclosed by an approximate 2½ foot tall limestone wall; an outdoor seating area enclosed by a 4 foot tall limestone wall and accessed from the indoor pool; emergency stairwell doors on the eastern and western sides; and, two additional service entrance/exits for access on the east. The emergency exit only stairwells and service doors connect to sidewalk on either N. Manhattan Avenue or a proposed walkway extending along the eastern boundary to the sidewalk along Bluemont Avenue. Other service doors connect to the first floor parking garage.

*Attachment No. 2*

First floor hotel plans are divided into a lobby/check-in desk, office space, bathrooms, breakfast area, kitchen, hotel eating area, and lounge/bar, outdoor dining area, indoor pool, outdoor seating adjacent to the pool, fitness area, two non-occupied model units that are intended for assisting with hotel room booking, and service spaces.

Floors two through four are set aside for hotel rooms, 37 rooms per floor. Other rooms on each upper floor are devoted to service spaces such as laundry, vending and housekeeping space.

The fifth floor public space, generally on the south half of the fifth floor, consists of two meeting room spaces (1,290 square feet and 1,739 square feet), roof garden (1,277 square feet), lobby and elevator, storage rooms and restrooms. The remainder of the rooftop is not open to the public.

A two-story structured parking garage will provide off-street parking for the hotel and its meeting rooms, and the separate commercial floor spaces. At-grade parking off N. Manhattan Avenue leads to a 61 off-street parking spaces and a ramp up to the second floor parking area open to the sky. Access off N. Manhattan Avenue is from a right-in and right-out off N. Manhattan Avenue and an entrance/exit to an existing concrete alley. An entrance/exit off the alley at the eastern end of PUD leads to 62 off-street parking spaces that are below grade. The access to the lower level may be gated, subject to approval by the Manhattan Fire Department. See Sheet A2.2 for a graphic elevation of the parking garage.

Trash collection is proposed to be located in a screened trash enclosure to the north of the alley, in coordination with the condominium apartment building. The applicant's attached written documents indicate, "Waste Management: Dumpster enclosure area will be shared with the neighboring property to the north (820 N. Manhattan Ave) to the benefit of both properties, utilizing the area in the alley already designated for such use. Trash pick-ups will likely be cycled daily. Screening walls will be improved to blended masonry walls and gates, improving alley aesthetics and cleanliness as well as discouraging illegal use."

### **Separate Ground Floor Commercial Space**

Two separate commercial spaces are entered off Bluemont Avenue. The commercial spaces have a total gross square foot commercial floor area of 1,690 square feet (838 and 852 square feet separately), with net commercial floor space less storage and bathrooms of 450 square feet and 399 square feet, respectively. No specific tenants are identified at the time of the rezoning.

### **Model Room and Model Suite**

The applicant's written documents state that, "Included in the first level of the hotel are two non-occupied model units that are intended for assisting with hotel room booking. There is a great value in being able to easily display our suite-style rooms to hotel visitors; this is one of the factors that sets us apart from other local hotels."

### **Building and Other Materials**

The Bluemont Avenue ground floor façade is primarily aluminum storefront framing and display window, doorways, and an outdoor dining and seating areas enclosed by short masonry walls. Exterior details are focused on the hotel's upper floors above the entrance with glass windows and metal mock balconies. Two vertical projecting 21 foot tall signs will identify the name of the hotel and will be located on each street façade near the entrance extending from the third to fifth floor. Mock balconies, varying façades distinguished by depth, height, and materials of stone and brick, and window treatments, will create the appearance of multiple buildings.

The N. Manhattan Avenue ground floor façade is aluminum storefront framing and window. The balance of the upper floor's façade is primarily stone, with horizontal stone courses, mock balconies, windows, and an entrance/exit opening to the ground floor garage identified by signage and lighting fixtures.

The alley ground floor is largely open to the garage space with parking signage identifying the entrance to the lower level parking off the alley. The eastern side façade is stone wall and stone courses, and concrete screening walls to screen parking areas.

Retail space entrances along Bluemont Avenue are glass and aluminum framing accented by fabric awning or metal canopy. The hotel's outdoor dining and front door entrance, and the N. Manhattan Avenue parking entrance/exit are covered by flat projecting metal and glass awnings.

**PROPOSED LOT COVERAGE:** The proposed lot coverage is 99% impervious. See comments regarding the proposed lot coverage under **CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE.**

**PROPOSED SIGNS:** Exterior "Parking" wall signs at the garage entrance off N. Manhattan Avenue and the basement garage ramp off the alley are 32 square feet in area, and internally illuminated over front door retail wall signs along Bluemont Avenue are 20 square feet in area. Two internally illuminated projecting identification signs are proposed on the southwest and northwest corners of at the building's front entrance and project

approximately four feet over the property and are about three feet in depth by 21 feet in height, or approximately 70 square feet in area.

**PROPOSED LIGHTING:** Exterior lighting fixtures are wall lights (*attachments*). Lights are generally residential in character and shielded, except for fixtures that will allow for wall wash of lights.

## **SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

**1. LANDSCAPING:** Landscaping is about 1% of the lot coverage consisting of plants and shrubs in urns along each street frontage and at the hotel's entrance. The landscaping would be maintained by hand watering. Bench seating is provided on the N. Manhattan Avenue building frontage.

**2. SCREENING:** Off-street parking is partially screened from N. Manhattan Avenue by walls and metal screening. The driveway opens into the garage space, which will be visible from the street and sidewalks. No screening of the parking area along the alley is proposed and is not required as is common along alleys. The building walls screen the adjoining property to the east from the ramp and at grade parking area consistent with screening between residential properties.

**3. DRAINAGE:** SMH Consultants, submitted a Stormwater Drainage Analysis, dated August 3, 2012 (*attached*). The site will drain to underground storm sewers along Bluemont Avenue and roof drains will tie directly to a curb inlet on Bluemont Avenue consistent with existing conditions, with post construction runoff rates not exceeding the capacity of the existing Bluemont system.

The consultant's analysis indicates that, "Essentially, although the impervious area has increased it is believed that it is going to take longer for water to get to the Bluemont Avenue system once the hotel is built. If that is the case then there will be a natural decrease in the rate of runoff through indirect storm water detention." And, "While the proposed hotel project is not maintaining the pre-construction flow rate, the percentage increase of flows to the existing system are less than 1% and will have no impact on the Bluemont Avenue storm sewer."

A memo (*attached*) dated August 22, 2012, from Robert K. Ott, P.E., City Engineer; Shane Swope, P.E., Stormwater Engineer; and, Peter Clark, P.E., PTOE, Civil Design Engineer, regarding the applicant's storm water analysis states, "The developer's consultant SMH Consultants prepared a drainage report dated August 3, 2012 that analyzed the stormwater drainage for this proposed development. The stormwater drainage from this development will be conveyed into the city system by overland flow.

*Attachment No. 2*

The roof drains will be directly tied into the system. The overall stormwater effect to the system will be negligible. City Administration accepts the drainage report without exception.”

**4. CIRCULATION:** The proposed circulation plan provides for safe, convenient and efficient movement of goods, motorists, and pedestrians. Conflicts between motorists, bicyclists and pedestrians are minimized. Vehicle access to the site will be from the surrounding street system, a proposed curb cut off N. Manhattan Avenue and the public alley. Turning movements at the hotel’s N. Manhattan Avenue vehicle entrance and alley are limited to right in right out turning movements due to a raised median on N. Manhattan Avenue. Turning movements at the alley’s eastern end onto N. 12<sup>th</sup> Street are either direction. Pedestrian access is from existing public sidewalks along adjoining public streets in the surrounding neighborhood. Street improvements on Bluemont Avenue will provide new eight foot wide sidewalks. A nine foot wide sidewalk will be provided along N. Manhattan Avenue as a part of the hotel’s construction. The public alley will need to be improved as a part of the redevelopment.

Variation of Access

The proposed right in/right out to the parking garage on N. Manhattan Avenue is closer to the Bluemont Avenue intersection than the Manhattan Urban Area Subdivision allows for spacing of a driveway onto a collector street (N. Manhattan Avenue) which intersects with an arterial (Bluemont Avenue). The minimum spacing, centerline to centerline, is 300 feet while the proposed spacing is approximately 150 feet, which is approximately ten feet south of an existing curb cut for the residential zoning lot. The applicant’s consultant has submitted a Variation request (*attached*), which has been reviewed and accepted by the Public Works Department (*see comments below under staff analysis*).

Bluemont Avenue and N. Manhattan Avenue Street Improvement Project

A portion of the street and intersection for sidewalk and pedestrian crossing street plans for the Bluemont Avenue and N. Manhattan Avenue improvements, dated April 2012 (*attachments*), were prepared by Bartlett & West, and include Survey Control Alignment Information, Bluemont Ave. Plan & Profile, Traffic Signal Plans. The plans show an eight foot wide sidewalk along the north side of Bluemont Avenue with the pedestrian crossings at Bluemont and N. Manhattan Avenues, N. 12<sup>th</sup> and N. 11<sup>th</sup> Streets. At this time, existing street trees will be removed but no new trees are proposed.

### Sidewalks and Bike Racks

Sidewalks exist along all street frontages in the area and connect to the site. Street improvements include intersection pedestrian crossings and wider sidewalks on Bluemont Avenue, eight feet in width, and N. Manhattan Avenue, approximately nine feet in width. Bike racks are proposed in the northwestern corner of the street level and along the alley near the ground floor entrance/exit.

### Off-Street Parking and Gating of Basement Parking

Using parking ratios of the Manhattan Zoning Regulations:

- Hotel 111 rooms: 1 per room plus 2 or 113 total off-street parking spaces.
- Retail: 1 per 250 square feet of floor area (1,690 gross square feet) or seven off-street parking spaces, which assumes the retail floor area is maximized and made available for retail activity.
- Meeting space, lobby and roof garden space, assumed either as separate lease space from the hotel or at capacity: 138 off-street parking spaces based on 6,195 square feet of space, less service area, 15 square feet per person, and one parking space per three person for unfixed seating ( $6,195/15=413$  total occupancy per code;  $413/3=138$  parking spaces).
- Total off-street parking for the combined proposed uses is 258 off-street parking spaces.
- 123 off-street parking spaces are proposed.

With respect to the use of the 5<sup>th</sup> floor space the applicant states in the written documents:

“The Hotel has 5<sup>th</sup> Floor event and meeting space. We will utilize off-site parking and shuttle services to host the rare event that has an excess parking need. Oftentimes events will be held at a time when we will have an inventory of excess on-site parking available, such as a summertime wedding reception or business conference. Hotel occupancy will be low, and a number of the event attendees will be guests of the hotel already. In this instance, our on-site parking will be adequate.

When an event booking is considered, we will be able to calculate if additional parking is required. If a need for additional parking is anticipated, we will partner with an external parking provider and the event customer to shuttle or valet guests, so that we do not displace our non-event hotel patrons. Conformation of this parking arrangement will be a condition to our booking the event, as the displacement or inadequacy of parking would negatively affect for our anchor hotel business. This also is a benefit to other businesses who may have excess parking available and or shuttle services that could capitalize on the market.”

*Attachment No. 2*

The applicant states in the written documents, "Parking Access Control: Hotel parking facilities will be managed by on-site hotel staff 24 hrs/day. Parking areas will be monitored by CCTV. Appropriate posting and signage clearly explaining the parking policies to patrons (common to garages) will be posted on the interior, within the constraints of City Ordinance. Access control will be utilized as needed for the garage area, with approval of City Fire and Code services. At a minimum the area will be equipped with a swing-arm system, allowing flexible control by Hotel staff. Control level will vary depending on the time period. For example, during periods of low intensity or occupancy (i.e. summer) Parking areas may be made available to nonpatrons. During periods of high occupancy (i.e. Football weekends), parking will be dedicated to hotel patrons only."

Any gating must be reviewed and approved by the Manhattan Fire Department prior to construction.

Traffic Report

SMH Consultants, submitted a Traffic Impact Analysis, dated August 3, 2012 (*attached*). The consultant's conclusion is that 111 room hotel peak trips in the a.m. are 74 and in the p.m. are 82. The increase is expected to result in minimal impacts to the surrounding street system. In addition, sight distance along N. Manhattan Avenue will remain unchanged.

**Staff Analysis**

The C-3, Aggieville Business District, requires off street parking for multiple-family dwelling units and businesses over 15,000 square feet of floor area. While not in the C-3 District, the proposed PUD is envisioned as an extension of the C-3 District. In which case, the hotel would be required to provide 113 off-street parking spaces, as proposed. The retail floor space would not be required to provide off-street parking as the space is less than 15,000 square feet of floor. The fifth floor meeting space and roof garden, assuming it was a separate space, and not accessory to the hotel, is 6,195 square feet in total floor space (lobby, meeting rooms, and roof garden). That total space, or individually, would not require off-street parking. Discounting the ground floor retail space, ten additional parking spaces are provided beyond that required by the C-3 District.

In this case, applying the standard off-street parking ratios indicates adequate parking is provided. Meeting room space is considered accessory to the principal use and may serve guests or others. The applicant's written documents described above, describe how the 5<sup>th</sup> floor would be managed. There may be instances when parking is not adequate to meet demand. In those cases the surrounding neighborhood may see an increase in parking on the street or in public parking lots in the surrounding neighborhood in the C-3 District or on campus. Specific locations for shuttle service have not been determined by the

*Attachment No. 2*

applicant. The applicant has said the project will be well managed and there is no information to suggest otherwise. The applicant has provided a reasonable proposal for providing and accommodating parking for the hotel and other uses associated with the hotel.

Peter Clark, P.E., Civil Design Engineer, of the City of Manhattan's Engineering Division, Public Works Department, reviewed the consultant's parking garage report and a Variation of the spacing requirement for the proposed access point to the parking garage on N. Manhattan Avenue (*memorandum dated August 22, 2012, attached*) and recommends the Board approve the Variation.

A memo (*attached*) dated August 22 2012, from Robert K. Ott, P.E., City Engineer; Shane Swope, P.E., Stormwater Engineer; Peter Clark, P.E., PTOE, Civil Design Engineer, regarding the applicant's traffic report states, "The traffic study submitted by the developer's engineer has been reviewed by Staff. It has been determined that the study conforms to the requirements outlined in Appendix A of the Manhattan Area Transportation Strategy (MATS). Staff accepts the traffic study as is, concluding that the proposed development will not have a significant impact on the adjacent streets or intersections." For comments on the public alley see below under **ADEQUACY OF PUBLIC FACILITIES AND SERVICES**.

**5. OPEN SPACE AND COMMON AREA:** The open space is limited to the outdoor dining and sitting areas and fifth floor rooftop garden.

**6. CHARACTER OF THE NEIGHBORHOOD:** The character of the neighborhood is a mixture of commercial, single-family through multiple family residential dwellings converted to apartments, newer apartment buildings, the campus of Kansas State University, and two major streets, one a collector and the other an arterial. N. Manhattan Avenue, a north-south collector street, separates the densely populated, student dominated residential neighborhood from the KSU campus, and Bluemont Avenue, an east-west arterial street, separates the student dominated residential neighborhood from the Aggieville Business District.

**THIRTEEN MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS**

**1. EXISTING USE:** The existing use is four contiguous residential houses, and an 18 dwelling unit apartment building. The four dwellings appear to be conversions to apartments.

1212 Bluemont Avenue: Two story 18 dwelling unit apartment building with off-street parking off the alley.

*Attachment No. 2*

1222 Bluemont Avenue: Two-story, four-family dwelling unit accessed from a concrete paved public alley leading to a gravel off-street parking area.

1224 Bluemont Avenue: Two-story, four-family dwelling unit accessed from 810 N. Manhattan Avenue's gravel drive and off-street parking area leading to another gravel off-street parking area.

800 N. Manhattan Avenue: Two-story, three-family dwelling unit accessed from an existing curb cut off the east side of N. Manhattan Avenue leading to a gravel off-street parking area.

810 N. Manhattan Avenue: Two-story, two-family dwelling unit accessed from the curb cut serving 800 N. Manhattan Avenue and the concrete paved public alley leading to a gravel off-street parking area.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The rezoning site is a flat tract of land located at the northeast corner of N. Manhattan Avenue and Bluemont Avenue, between N. 12<sup>th</sup> Street and N. Manhattan Avenue. A concrete paved public alley is along the north side of the proposed PUD. There are four residential structures houses and an 18 unit apartment building on the site with scattered mature trees. Off-street parking areas for the four houses is gravel and concrete for the apartment building.

**3. SURROUNDING LAND USE AND ZONING:**

(a) **NORTH:** Concrete paved public alley, Campus Bridge Lofts, a seven story residential condominium and its gated off-street parking lot, Vattier Street, and single-family homes, duplexes, conversions to multiple-family structures, and apartment buildings; PUD, R-3/M-FRO/ UO Districts.

(b) **SOUTH:** Bluemont Avenue, intersection of Bluemont Avenue and N. Manhattan Avenues, retail commercial and retail services; C-3 District.

(c) **EAST:** Multiple-family dwellings and apartment buildings, single-family homes and duplexes; R-3/M-FRO/ UO Districts, and R-3/M-FRO Districts.

(d) **WEST:** N. Manhattan Avenue and KSU Campus; U, University District.

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

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The R-3/M-FRO/VO Districts allow a broad range of residential uses ranging from single-family residential dwellings to multiple-family apartments and uses, which may serve the University or commonly be near the University, and are allowed by the VO District as permitted or conditional uses. That portion of the site with the four house conversions could be developed with a small scale multiple family building, or a use allowed in the VO District. As split into four zoning lots, 1224 Bluemont does not have direct access to a public street, with the remaining lots accessed from either the public alley or N. Manhattan Avenue; 800 and 810 N. Manhattan Avenue, and 1224 Bluemont Avenue are 5,000 square feet in area and are limited for new construction due to size and capacity to provide off-street parking. 1222 Bluemont Avenue, a 7,500 square foot lot, with direct access from the public alley, is suitable for single-family to multiple-family development.

The 18 unit apartment building is suitable as a use under the current R-3 District.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed PUD is generally compatible with nearby properties. The rezoning site is expected to develop in a mixed use pattern as envisioned by the Aggieville - Campus Edge District Plan. The proposed PUD implements that Plan, and is generally consistent with that Plan, by establishing ground floor commercial and upper floor hotel suites that are generally similar to residential dwelling units.

Minimal light, noise and traffic impacts are anticipated. Light fixtures will be shielded to prevent glare on neighboring properties and public streets. Because of the increase in intensity from four residential structures and an 18 dwelling unit apartment building to a hotel, noise may increase due to the number of vehicles but can be expected to be less than the noise levels that may be expected with residential rentals. All activities are inside the hotel or separate commercial space except for the outdoor dining and sitting areas. On-site hotel management will also assure activities are monitored. Traffic volumes will increase at a.m. and p.m. peak periods, but are not inconsistent with characteristics of the major street corridors or high density residential neighborhood.

The applicant has proposed a lounge/bar as a service to hotel guests. It should be assumed that this service may be a destination for other members of the public as well. City Administration has some concern about establishing a bar on the north side of Bluemont Avenue as a part of the redevelopment and if that pattern would be repeated along the north side of the street.

*Attachment No. 2*

The Aggieville - Campus Edge District Plan recommends small scale commercial uses: “slow food” restaurants and outdoor seating, sandwich shops and coffees shops and other service retail, north of Bluemont Avenue. The recommendation on land use does not suggest that alcohol sales should be prohibited within the hotel setting. It should be understood that more than hotel guests may be customers of the bar as it could be a destination. Limiting a bar/lounge to the hotel within the first floor space and, at the same time prohibiting alcohol and cereal malt beverage sales, including package liquor stores, in either of the separate retail/commercial spaces, or conversion of other first floor space to retail floor space, should assure compatibility with property along the north side of Bluemont Avenue. This assumes the hotel’s bar is well managed, as the applicant has indicated, in which case the bar may not be inconsistent with the Aggieville - Campus Edge District Plan land use recommendations and the general character of the Bluemont Avenue corridor. Future redevelopment along the north side of Bluemont Avenue will have to be considered on a case by case basis. This proposed change should be balanced with an understanding that if the south side of Bluemont Avenue is redeveloped, a bar would be a permitted use in the C-3 District.

The structure’s maximum height is 70 feet at the southwestern corner and 54 feet at the southeast corner. The balance of the upper floor on the north side is 49 feet and approximately 54 feet on the east façade, due to a four foot parapet wall. The M-FRO District limits building height to 55 feet; however, the Aggieville - Campus Edge District Plan’s Building Design Guidelines, under Building Proportion and Scale, indicates that taller structures that enclose a mixed use parking garage may be considered. The proposed mixed use structure contains a parking garage and the taller building heights are along the streets while other building façade heights are otherwise consistent with the M-FRO District. In addition, increases in height should not adversely affect adjoining property to the east, as a 49 foot to 54 foot tall structure could be constructed in the M-FRO District or north of the alley where an approximate 82 foot tall residential condominium is located.

The applicant conducted a neighborhood meeting. Meeting documents are attached.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Comprehensive Plan identifies the site as RHD, Residential High Density, which is designated as such to create opportunities for higher density neighborhoods in an urban downtown and suburban setting. More specifically, the site is identified as the Bluemont/Aggieville Corridor in the Aggieville-Campus Edge District Plan (“District Plan”) (*maps attached*), a supplement to the Comprehensive Plan. The District Plan “is intended to promote patterns of land use, urban design, circulation and services that contribute to the economic, social, and physical health, safety and welfare of the people who live and work in the District.”

## Comprehensive Plan

In combination with the District Plan, policies in Chapter 4 of the Comprehensive Plan, which deal with Land Use and Growth Management, provide a broader policy framework for considering a rezoning proposal:

### ***Policy GM 9: Infill and Redevelopment***

*“Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. 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.”*

### ***Policy UR 6: Design of Infill and Redevelopment, provides the policy support for this goal and guiding principle.***

*“Infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding neighborhood. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements.”*

## District Plan

The Goals of the District Plan are to: (1) Create a Campus –Edge Urban Village - Liveable Neighborhood; (2) Promote Active Community Participation; and (3) Create a Distinct Identity Through the Built Environment. In order to achieve these Goals a range of Principles encourage a mix of land uses, commercial, residential parking, offices at a neighborhood pedestrian scale; provide a diversity of housing stock; create an economically viable district meeting the owner’s needs and the public; promote employment; and creating a walkable neighborhood. Participation can be achieved by creating opportunities to be involved in community events and decisions as well as allowing for informal gatherings by providing public spaces and activity nodes. The area

*Attachment No. 2*

can be identified by establishing an entrance to Aggieville, a recognizable landmark, or a distinct identity by placing buildings, the public realm and special architectural features and details in close proximity to one another.

The site is within the Bluemont/Aggieville Corridor Sub Area of the District Plan, with recommendations on the Conceptual Framework, Land Use, and Street Space and Public Realm (*attached*). PUD mixed use Design Guidelines, Appendix A (*attached*), provide site and building design guidelines for development.

With respect to the design guidelines, the applicant states, “In following the design guidelines outlined in the Aggieville - Campus Edge District Plan we are proposing a development that respects and enhances the surrounding neighborhood through the use architectural elements suggested within the Plan: Emphasis on masonry facade, pedestrian scale, walk-up micro-retail and a curb side seating area.”

**Staff Analysis**

The proposed PUD incorporates design elements that strive to implement the Community Design goal and guiding principle of the Comprehensive Plan:

*“Guide the quality of development with building and site design guidelines as appropriate.*

*Encourage infill redevelopment that is compatible with and enhances the surrounding neighborhood character.”*

The proposed PUD broadly implements the majority of the recommendations of the Sub Area of the District Plan, Bluemont/Aggieville Corridor. The hotel’s first floor consists of an outdoor dining and sitting areas, and other spaces typically found in modern hotels, all of which are intended to serve the guests of the hotel. While the hotel’s first floor square footage is greater than the recommendation of the District Plan’s suggested limit of 3,600 square feet, compared to the approximate 9,640 square feet, excluding service storage, bathrooms and similar floor space. The increased floor area can be balanced against the reduced by the square footage of the separate commercial spaces totaling 1,690 gross square feet, even though the net change is greater than 3,600 square feet. Additionally, some of the space such as the lounge or eating area could serve a broader public than guests. Also, building height and uses are consistent with recommendations of the District Plan.

In general, the proposed PUD implements and conforms with the Comprehensive Plan and the Aggieville - Campus Edge District Plan and recommendations under the Conceptual Framework, Land Use, and Street Space & Public Realm for the Bluemont/Aggieville Corridor sub area, and with the PUD Design Guidelines.

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

1926-1965	B, Second Dwelling House District.
1965-1969	B-1, Multiple Family Dwelling District.
1969-1987	R-3, Multiple-Family Residential District and UO, University Overlay District.
1987-2004	R-M, Four-Family Residential District and UO District.
September 4, 2003	Manhattan Urban Area Planning Board conducts public hearing on the advertised Phase 4 Expanded Redevelopment Area, consisting of Sub Areas A-E. The proposed PUD site was within the area designated as Sub Area A, and was proposed to be rezoned from R-M/UO, Four-Family Residential District with University Overlay, to R-3/UO/M-FRO, Multiple-Family Residential District with University Overlay and Multi-Family Redevelopment Overlay District. The Planning Board recommended approval of the rezoning on a vote of 5-2.
October 7, 2003	City Commission overrides the Planning Board and accepts the request from the Aggieville Business Association to not rezone five of the blocks under consideration. The proposed PUD site was within the five-block area and remained R-M/UO District.
September 28, 2004	The Aggieville-Campus Edge Study is presented to the Manhattan Urban Area Planning Board and City Commission at a Joint Work Session.
October 21, 200	Present – R-3/M-FRO District.
October 11, 2005	M-FRO District amended by Ordinance No. 6499.
September 21, 2010	M-FRO District amended by Ordinance No. 6840.

June 18, 2012            Manhattan Urban Area Planning Board recommends approval of a proposed rezoning of 800 and 810 N. Manhattan Avenue and 1222 and 1224 Bluemont Avenue, from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to Commercial PUD.

July 10, 2012            Applicant withdraws rezoning application.

Riley GIS records indicate 810 N. Manhattan Avenue, 1222 and 1224 Bluemont Avenues were built in 1920, with 800 N. Manhattan Avenue built in 1940. The apartment building at 1212 Bluemont Avenue was built in 1985.

**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 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.

Under the General Standards for Planned Unit Developments, Lot Coverage for a single use in a commercial district is limited to 50%, meaning the lot can be covered by no more than 50% building or other structure. When a PUD is proposed in or adjacent to a district which allows greater coverage, then the greater coverage may apply. In the case of the proposed PUD, the site is within the R-3/M-FRO/UO Districts, which has maximum lot coverage of 50%. However, the proposed PUD is also adjacent to the C-3 District to the south, which has no maximum lot coverage. Additionally, one of the Aggieville - Campus Edge District Building Design Guidelines recognizes that a mixed use project is likely to have high lot coverage particularly if a parking garage is incorporated. Based on the adjacency to the C-3 District and the Building Design Guideline, the lot coverage of the proposed PUD is consistent

The proposed PUD is consistent with the intent and purpose of the Zoning Regulations, subject to the conditions of approval.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There does not appear to be a relative gain to the public health, safety and welfare that denial would accomplish because street improvements, including pedestrian crossing improvements will be made, the increase in a.m. and p.m. peaks associated with the hotel will not adversely affect the street system, existing storm water facilities are sufficient to handle storm water associated with the development, and public services and utilities, including sidewalks, are adequate to serve the proposed PUD. Denial of the rezoning may be a hardship upon the owner as no adverse impacts on the public health, safety and welfare are expected.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public facilities and services are available to serve the site. Street improvements to Bluemont Avenue and nearby intersections will address turning and pedestrian crossing improvements, as shown on the Bartlett and West attachments.

A 16 foot wide public right of way for alley with approximate 11 foot wide concrete driving surface is 400 feet in length between N. 12<sup>th</sup> Street and N. Manhattan Avenue, and north of the proposed PUD. The western 300 feet of the alley adjoins the PUD's northern boundary. The condition of the public alley requires that it to be replaced to accommodate the redevelopment. Public Works has noted in its August 22, 2012 memo that,

“The only item that is of concern to staff is the increase of traffic on the alley north of the development. The parking for the facility will use driveways onto N. Manhattan Avenue and the alley. The alley is currently sized to accommodate a single vehicle traveling in one direction. The increase in traffic along this alley may require that the traffic flow in the alley be changed to a one-way directional flow to decrease vehicle conflicts. The condition of the pavement in the alley warrants replacement. Many of these alleys were not intended to be used with as much traffic as this area of Manhattan has increase in density. Engineering department would like to see a financing mechanism put in place such as a benefit district or CID to help pay for the removal and replacement of the alley such that it properly drains and the stressed pavement is repaired.”

A condition of approval to insure the alley is paved will require that prior to issuance of any occupancy certificate for the property, the alley shall be repaved according to City specifications, from N. Manhattan Avenue to N. 12 Street. The applicant shall insure that such repaving is completed either by initiating the benefit district process, or by another mechanism in which the applicant assumes primary financial responsibility for the repaving.

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

**13. STAFF COMMENTS AND RECOMMENDATION:** City Administration recommends approval of the Variation of the proposed driveway spacing along N. Manhattan Avenue, and proposed rezoning of the Bluemont and N. Manhattan Hotel Commercial Planned Unit Development from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial Planned Unit Development District, with the following conditions of approval:

1. The Permitted Uses shall include all of the Permitted Uses of the C-3, Aggieville Business District, excluding Automobile Service Stations, Bed and Breakfast Homes, Bed and Breakfast Inns, Carpet and Rug Stores, Laundry Establishments, Miniature Golf Courses, Pet Grooming Shops, and Taverns.
2. The two (2) separate ground floor commercial spaces, as shown on the first floor plans, and conversion of ground floor space to separate commercial space such as, but not limited to, the model room and model suite, shall not be included within the licensed premises for alcoholic liquor or cereal malt beverage sales.
3. Signage shall be limited to signs proposed in the application documents.
4. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5).
5. Landscaping shall be maintained in good condition.
6. A landscape performance agreement shall be approved, prior to issuance of a building permit.
7. Prior to issuance of any occupancy certificate for the property, the alley shall be repaved according to City specifications, from N. Manhattan Avenue to N. 12 Street. The applicant shall insure that such repaving is completed either by initiating the benefit district process, or by another mechanism in which the applicant assumes primary financial responsibility for the repaving.

#### **ALTERNATIVES:**

1. Recommend approval of the Variation of the proposed driveway spacing along N. Manhattan Avenue, and the proposed rezoning of the Bluemont and N. Manhattan Hotel Commercial Planned Unit Development from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.

*Attachment No. 2*

2. Recommend approval of the Variation of the proposed driveway spacing along N. Manhattan Avenue, and the proposed rezoning of the Bluemont and N. Manhattan Hotel Commercial Planned Unit Development from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the Variation of the proposed driveway spacing along N. Manhattan Avenue, and the proposed rezoning of the Bluemont and N. Manhattan Hotel Commercial Planned Unit Development from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the seven conditions recommended by City Administration.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** September 13, 2012

12028

# Wildcat Property Management

- In business since 1975
- Renovated 7 commercial properties in Manhattan Downtown Historical District
- Received Award of Excellence in Historic Preservation from Manhattan/Riley County Preservation Alliance: 327 Poyntz, 315 Poyntz and 311 Poyntz
- Kansas Main Street Award for Excellence in Design: 327 Poyntz

# 1446 Laramie

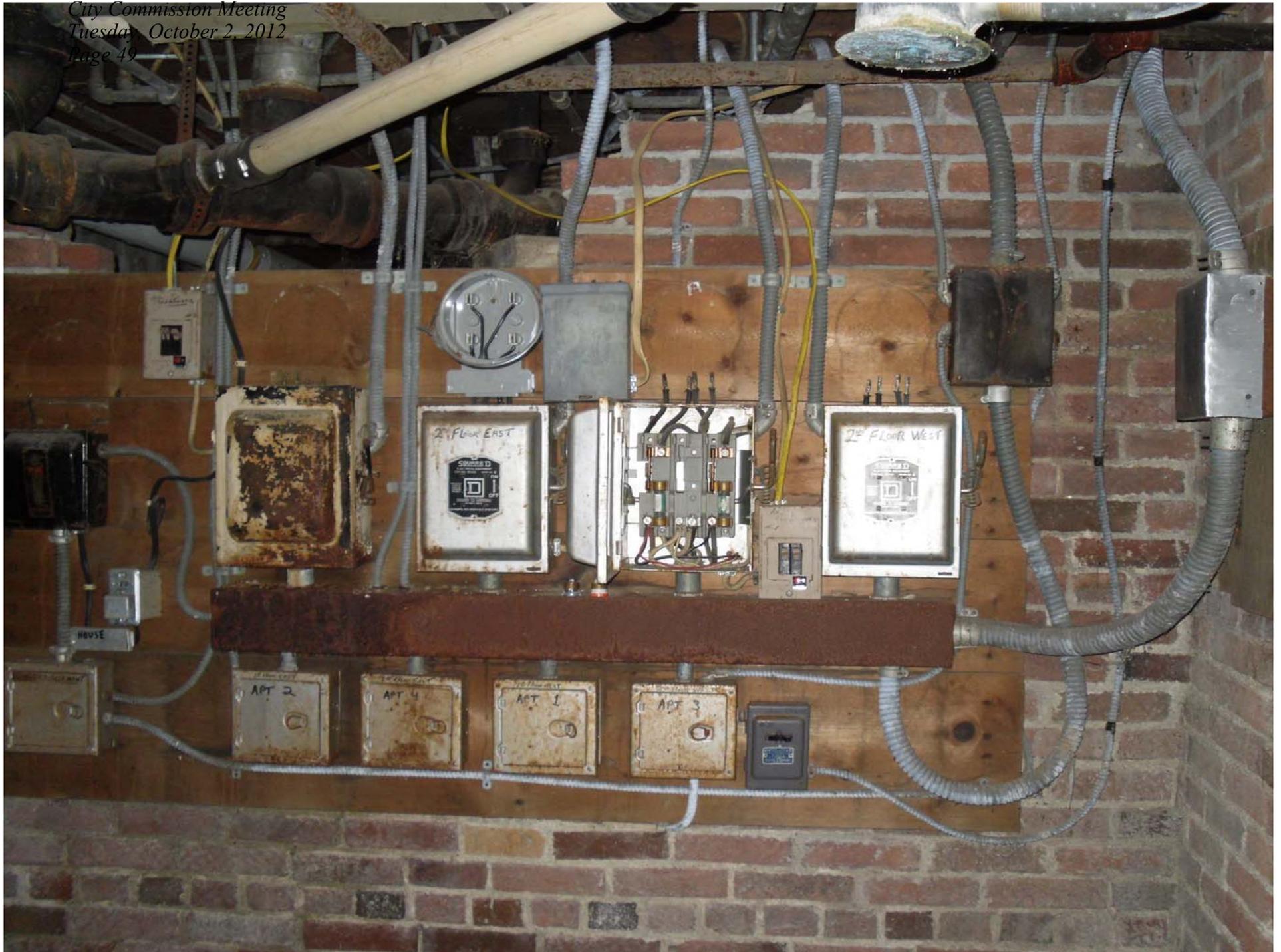
- Built in early 1900's
- Converted to multi-family dwelling after WWII
- Large addition made to back of building
- No major plumbing, electrical, structural improvements made after WWII except for boiler
- Rented out by WPM from 1998 to 2008





# Plumbing and Mechanicals

- Old fuses, “knob and tube” wiring
- Cast iron plumbing
- Older hot-water boiler heating system
- No central air conditioning
- No insulation due to earlier third-floor conversion
- Main clay sewer line backups caused frequent health hazard and expense
- Original WWII addition and renovation don’t adhere to current codes







# Maintenance Costs

- Annual fire inspection report shows adequate maintenance by WPM
- 172 maintenance/repair requests
- Approximately \$18,000 in maintenance
- Maintenance costs escalated due to age and antiquated electrical, plumbing and heating.
- Net income decreased with higher maintenance costs.
- Lower occupancy due to antiquated operating systems.

# Value and Renovation Costs

- Riley County Appraiser's Office market value: \$81,770
- WPM retained Reynolds, Knight, Anderson Architecture Engineering (later Anderson Knights Architects) to do concept drawings for possible renovation
- Estimated cost of renovation: \$300,000+, based on modest estimate of \$100/sq ft

# Value and Renovation Costs

- Projected cash flow: \$28,800 (estimate from M/RCPA)
- Taxes, repairs, maintenance, insurance: \$13,514
- Annual debt service: \$24,764 (\$300,000 note)
- Capitalization Rate: 3.62%
- Industry standard for viable real estate investment is Cap Rate of 9% or better
- Negative cash flow for 20 years
- Possibility of underwater value due to high renovation costs

## Changes to Environs and Neighborhood near KSAC Radio Tower

- Anderson Village Shopping Center
- KSU Parking Garage
- Holiday Inn and Houlihan's
- Dara's
- Alumni Center
- Calvin Hall
- K-State Division of Continuing Education
- Future MCC expansion plans





City Commission Meeting  
Tuesday, October 2, 2018  
Page 38



City Commission Meeting  
Tuesday, October 2, 2012  
Page 59







# Changes to Environs and Neighborhood near KSAC Radio Tower

- 1446 Laramie is on outskirts of 500-foot radius from KSAC Radio Tower
- 1446 not visible from tower
- Tower protected by large trees and other buildings
- Environs have altered so much that preservation of 1446 Laramie is historically irrelevant

## Changes to Environs and Neighborhood near KSAC Radio Tower

- Not in a predominantly historical neighborhood, with majority of historical, renovated homes
- Mixed-use neighborhood
- Nearby houses 1413 and 1428 Laramie were demolished in July 2012; consequently, the demolition of this house has little or no additional impact on the neighborhood

# Traffic

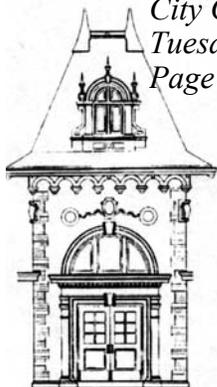
- If allowed, owner will resubmit PUD to add exit from parking lot to 16<sup>th</sup> Street
- Would improve traffic flow and calm traffic on Laramie through Manhattan Christian College
- Would support expected MCC expansion
- MCC favors removal of the structure and new exit onto 16<sup>th</sup> Street

# Summary

- Building over 100 years old
- Would require approximately \$300,000 to rehab with negative cash flow and possible underwater position to the investor/owner for 20 years
- Environs already altered and compromised
- Demo will have no significant impact on the neighborhood and would improve traffic flow
- Not wise and prudent to invest large sums of money in rehab—simply not feasible

# Requested Action

- Issue permit for demo of 1446 Laramie
- Wildcat Property Management will build new exit to 16<sup>th</sup> Street, helping to alleviate congestion and traffic hazards at the intersection of Laramie and 16<sup>th</sup> streets



PROMOTING  
HISTORIC  
PRESERVATION  
SINCE 1994

**2011-12 Board of Directors**

Kathy Dzewaltowski  
*President*

Sara Fisher  
*Vice President*

Nancy Holmes  
*Secretary*

Barbara Poresky  
*Treasurer*

Gary Ellis  
Linda Glasgow  
Angie Hickel  
Dori Milldyke  
Pat O'Brien  
Marina Pecar-Krstic  
Alyn Pennington West  
Sharlin Sargent  
Bob Stamey  
Mary Stamey

August 24, 2012

Mayor Loren Pepperd and Members of the City Commission  
1101 Poyntz Avenue  
Manhattan, Kansas 66502

Dear Mayor Pepperd and Members of the City Commission:

The Manhattan/Riley County Preservation Alliance (M/RCPA) opposes Mr. Calvin Emig's proposal to demolish 1446 Laramie Street, located within the environs of the KSAC Radio Towers. The M/RCPA believes there are feasible and prudent alternatives to demolition, such as renovating the structure and adding off-street parking. The M/RCPA is also of the opinion that Mr. Emig has neglected to adequately maintain the property and should not be allowed to claim that renovation costs would be prohibitive for conditions he caused.

Listed below are the main points outlining why the M/RCPA opposes the demolition of 1446 Laramie St. Each of these points is expanded upon in the comments that follow with supporting documentation where applicable.

- The lot where 1446 Laramie St. is located is a buildable lot with options for renovation and off-street parking.
- A feasible alternative to demolition would be to sell 1446 Laramie St.
- Renovating 1446 Laramie St. is an economically feasible alternative to demolition.
- The owner has neglected to adequately maintain 1446 Laramie St. and should not be allowed to claim economic hardship for conditions he caused and now finds too costly to address.

Going forward, the M/RCPA would gladly provide Mr. Emig with assistance should he be interested in investigating the possibility of historic registry for 1446 Laramie St. or with other guidance and support within our available resources.

Sincerely,

Kathy Dzewaltowski, President

EXPANDED COMMENTS:

Mr. Emig's information states that 1446 Laramie St.'s lot is "virtually a non-conforming, non-buildable lot," due to a small lot size and no off-street parking for residents, seemingly making renovations an impractical investment. The lot located at 1446 Laramie St. is zoned Planned Unit Development (PUD) and is located in the Anderson Village PUD. The guidelines of the Anderson Village PUD regarding allowed uses state (See Attachment #1):

This amendment requests allowance of two-family dwellings. The existing building at 1446 Laramie may be renovated as a part of the PUD. The existing building contains (4) dwelling units and has no off-street parking. During renovation, the building will either remain a 4-plex, or may be converted to a duplex. The owner also requests the flexibility within the PUD to completely replace the building with a new residential duplex if the expense of renovation does not prove cost-effective. The new duplex unit will be 2 ½ stories and limited to 800 SF per floor per dwelling unit. Overall lot coverage by the new building will not exceed 1600 SF.

Off-street parking will be expanded within the PUD by an additional (4) parking spaces if the existing residential building is renovated and by (8) spaces if the building is replaced rather than renovated. The existing building location limits potential parking expansion.

The Anderson Village PUD guidelines allow for the existing structure at 1446 Laramie St. to be renovated as a 4-plex or a duplex, allow for it to be replaced with a new duplex, and allow for it to be provided with off-street parking spaces if the structure is renovated or replaced. The options of renovation and replacement are allowed according to the Anderson Village PUD in spite of 1446 Laramie St.'s lot being smaller than a typical lot. Thus, the claims that the lot at 1446 Laramie St. is unusable because it's nonconforming, non-buildable and has no opportunity for off-street parking are not true. In accordance with the Anderson Village PUD guidelines, Mr. Emig has the option of either renovating 1446 Laramie St. or replacing it with a new structure, and both options provide for the addition of off-street parking. If Mr. Emig does not wish to renovate or build a new compatible structure, selling 1446 Laramie St. and allowing a new owner to either renovate it or build a new compatible structure is a feasible alternative because the lot is, in fact, buildable and does have off-street parking options. While the M/RCPA does not favor replacing 1446 Laramie St. with a new structure, the point is that Mr. Emig's claim that the lot is not usable due to zoning and building codes is not true.

The information Mr. Emig supplied estimates that renovation costs may be around \$300,000, and he did not provide documentation that would support the estimate. For argument's sake, the M/RCPA will assume that \$300,000 is somewhere in the ballpark. Mr. Emig suggests that renovation costs are prohibitive because of the limited lot size and lack of off-street parking, making investing in the property not economically viable. The M/RCPA has already shown that the small lot size and off-street parking are not issues with the current PUD zoning, which accounts for renovation of the structure and would add off-street parking. The concepts for

renovation included in the packet show plans for renovating the house and creating two one-bedroom units and two two-bedroom units. Given the house's close proximity to Kansas State University, Manhattan Christian College, and Aggieville, the renovated apartments would easily rent. Based on typical rental rates, if Mr. Emig were to charge \$500/month for the one-bedroom units and \$700/month for the two-bedroom units, he would earn \$2,400/month in rental income, \$28,800 annually.

It's also possible that 1446 Laramie St. would be eligible for the Register of Historic Kansas Places or the National Register of Historic Places under the "Late 19<sup>th</sup> and Early 20<sup>th</sup> Century Residential Resources in Manhattan, Kansas" multiple property nomination. If the property were listed on a historic register, then a rehabilitation project would be eligible for state and/or federal tax credits. The rehabilitation tax credit programs are designed to provide a financial incentive for owners to rehabilitate and maintain their historic properties. If the house were listed on the Kansas historic register, then it would be considered a "qualified building," and rehabilitation work would be eligible for the Kansas State Tax Credit, which is equal to 25% of qualifying expenses. Using Mr. Emig's estimate of \$300,000, the state tax credit would amount to \$75,000. If the property were listed on the National Register and was an income-producing rental property, then it would also qualify for the federal 20% tax credit. Using Mr. Emig's estimate of \$300,000, the federal tax credit would amount to \$60,000. In total, 1446 Laramie St. could be eligible for \$135,000 of state and federal tax credits, which would significantly impact renovation costs (See Attachment #2). The M/RCPA would gladly assist Mr. Emig in pursuing historic registry for 1446 Laramie St. (Properties included in the National Register are automatically listed in the Kansas register.) Assuming the property was renovated to create the four rental units mentioned in the previous paragraph, the \$165,000 investment not recovered through tax credits (the \$300,000 reduced by the \$135,000 in tax credits) would be earned in rental revenue in less than six years. In addition, a property owner can re-apply for the state tax credit every year for future qualifying expenses for projects used to maintain the house, i.e. there is no limit to the number of times an owner may apply and take the state tax credit. Historic registry listing would also make the property eligible for granting opportunities, such as the Heritage Trust Fund, which provides assistance for the preservation of historic properties in Kansas. Renovating the house with the aid of rehabilitation tax credits is an economically feasible alternative to demolition.

Mr. Emig also states that "the age of the building exceeds its useful life." All structures need investment in upkeep and basic maintenance on an ongoing basis, and Mr. Emig clearly states that he did not invest in any improvements to the structure. Age itself does not deteriorate a building, but a lack of maintenance does. Based on Riley County Tax records, 1446 Laramie St. was built in 1908. A comparable house in a similar neighborhood is located at 1015 Leavenworth, which was built in 1909 and which was in a similarly deteriorated condition (See Attachment #3). The house located at 1015 Leavenworth was renovated in 2003. Another older home that was completely renovated in 2006 is located at 1416 Humboldt. The houses located at 1015 Leavenworth and 1416 Humboldt were successfully renovated, demonstrating the age of a building does not determine "its useful life."

The M/RCPA believes that 1446 Laramie St. is suffering from what is known as "demolition by neglect." The National Trust for Historic Preservation defines "demolition by neglect" as the

“process of allowing a building to deteriorate to the point where demolition is necessary to protect public health and safety.” The term describes the situation that occurs when a property is destroyed through abandonment, lack of maintenance, or intentional damage by its owner. Intentional neglect is a disturbing trend occurring nationwide as a strategy to circumvent legislation designed to protect historic properties, historic environs, cultural resources, and the interests of the public. Property owners who want to demolish properties protected by legislation have discovered that they can easily get around these laws by simply allowing their properties to intentionally deteriorate: “If you won’t let me tear it down, I’ll let it fall down.” The owners of the neglected properties argue that the costs to renovate the structures are prohibitive and the deferred maintenance will cause economic hardship, and thus, demolition is the only solution. When presented with evidence of deteriorated structures and high costs to rehabilitate, the entities making the decisions about demolition tend to find that rehabilitation isn’t feasible. What gets lost when making a determination about demolition is the role the property owner may have played in causing the circumstances, i.e. the deteriorated condition of the property resulting in high renovation costs. If a property were in poor condition as the result of damage caused by a fire, flood, or violent storm undoubtedly the cause of the property’s condition would be mentioned during the demolition discussion. The M/RCPA believes that the reasons behind why a property is in the condition that it is in is a relevant factor that should not be glossed over when the property owner is the cause because property owners should be accountable for their decisions.

Mr. Emig’s information states that he acquired 1446 Laramie St. in 1996 and rented it to tenants through December 2008. He states that during this time, he made no improvements to the structure. He states that prior owners made no improvements to the house’s mechanical systems, so neither did he. The actions or inactions of previous owners do not dictate the actions and choices of future owners. The house has been observed to have a third floor window left open, exposing the interior to the elements for an extended length of time, and which would also accelerate deterioration. During the Historic Resources Board meeting held on Feb. 27, 2012 (See Attachment #4), Jim McDiffett, Code Services, reported that given the house’s need for paint, soffit repairs, and other repairs, demolition would likely be approved. Mr. McDiffett stated that the foundation looked stable and also noted that he had seen radiators being removed from the house. Basic maintenance, such as exterior paint, soffit repairs, and closing a window, has been deferred. While the M/RCPA would disagree with Mr. McDiffett’s assessment that the need for exterior paint and repairs are sufficient reasons to demolish the structure, the M/RCPA does find Mr. McDiffett’s comment that he had observed radiators being removed to be telling. Removing the radiators indicates a lack of interest on the owner’s part to reduce renovation costs and shows that piecemeal demolition has already been taking place. The photographs supplied by Mr. Emig also indicate potential intentional damage. The photographs labeled as (with descriptions added to help identify the photo) Apt. #1 bathroom, Apt. #2 sinks with visible bathtub, and Apt. #4 with visible bathtub all show holes in the walls behind bathtubs where it’s reasonable to assume plumbing was located and has been removed with no regard to the damage inflicted. The photos labeled Apt. #1 kitchen, Apt. #2 kitchen, Apt. #4 kitchen, and Apt. #3 bathroom all show sinks whose water faucets have been removed. All of these examples support the opinion that 1446 Laramie St. is suffering from “demolition by neglect,” meaning the structure is intentionally being neglected, damaged, and incrementally being demolished through the removal of items in order to accelerate deterioration, which in turn elevates renovation costs

and helps to achieve the desired goal of permission to demolish.

The request to demolish 1446 Laramie St. was discussed at the June 27, 2011, meeting of the Historic Resources Board. The Historic Resources Board and the State Historic Preservation Office both found that demolition of 1446 Laramie St. would be detrimental to the historic environs of the KSAC Radio Towers, and permission to demolish was not granted. More than a year had passed before Mr. Emig elected to pursue an appeal to the City Commission, a year in which the structure continued to be neglected. The property was cited with code violations in Oct. 2011, and Jim McDiffett, Code Services, reported almost monthly to the members of the Historic Resources Board on the lack of progress by the owner in addressing the violations. Due to the owner's lack of response, Mr. McDiffett reported at the May 21, 2012 and June 25, 2012 Historic Resources Board meetings that the matter would be turned over to Municipal Court.

Historic Resources Board Minutes, May 21, 2012:

3. Code Violation Report

Evans presented the Code Violation Report, mentioning that not much had changed at 210 S. 10th, and that in the case of 1446 Laramie, Code Services had begun the discussion of sending the property owner a ticket for the ongoing Code violations. Mecseri asked about the fine for illegal demolition, and the Board briefly discussed the fines for illegal demolition to historic properties or properties in historic environs. Lauppe mentioned that a structure near 905-907 Leavenworth has been gutted and is a fire hazard, and asked if Evans would pass that information along to Jim McDiffett in Code Services. Evans said he would.

Historic Resources Board Minutes, June 25, 2012:

6. Code Violation Report

Credit presented information conveyed to him in an email from Code Services Officer Jim McDiffett. At 210 S. 10th Street, work continues with significant progress on the wood exterior painting. The stucco siding has been removed and the building awaits siding contractor. Interior condition remains unknown, as well as whether or not repairs are included. As for 1446 Laramie Street, the property has been turned over to Municipal Court for review and correspondence with owner for action.

When property owners in Manhattan are cited for code violations, they are expected to address the violations typically within 30 days of the citations, submit a plan or communicate with Code Services regarding how the violations will be addressed if longer than 30 days will be needed, or make an appeal to the Housing Appeals Board. The lack of response by the owner of 1446 Laramie St. indicates a lack of interest in working with Code Services to address the code violations. It appears the owner preferred to let the property continue to sit neglected and further decline for a full year until potential court action forced him into acting (See Attachment #5).

The information provided by Mr. Emig states he retained the services of Reynolds, Knight, Anderson Architecture Engineering to do concept drawings for renovation plans in 2009, which he says was a few months after he ceased to rent the house. The M/RCPA believes that Mr. Emig's timeline is not accurate. According to the Kansas Business Center's web site (part of the Secretary of State), it appears that Reynolds, Knight, Anderson dissolved in 2006, meaning the

concept drawings are from 2006 at the latest (See Attachment #6). The difference between 2009 and 2006 may seem like a simple mistake and not significant, but Mr. Emig indicated that the concept drawings led him to believe that renovating the structure was not economically feasible and the property was not worth any investment. With that being the claim, it would seem likely that Mr. Emig stopped investing in maintenance of the property as long ago as 2006 at the least, which is another indication that 1446 Laramie St. is suffering from long-term neglect.

The M/RCPA feels the intentional neglect of 1446 Laramie St. by its owner is a relevant factor that should not be overlooked in making the determination whether to permit demolition. Similar in concept to zoning, historic environs as governed by Kansas statute K.S.A. 75-2724 create conditions specific to a property. When an applicant seeks relief from Manhattan's zoning regulations, the Board of Zoning Appeals takes into consideration whether the conditions causing the hardship were caused by the applicant and denies the request if they were. For example, the Standards for Variances state (Article XIV, Administration, Part 5):

(A) The Board of Zoning Appeals shall not grant a variance as authorized in Section 14-501 hereof unless it shall, in each case, make specific written findings of fact, based upon the particular evidence presented to it, that all of the following standards have been met:

(1) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant;

The M/RCPA believes the evidence suggests that 1446 Laramie St. has been neglected by its owner, i.e. the owner is the cause of the current conditions, and therefore, the request to demolish should be denied.

The M/RCPA also believes that 1446 Laramie St. is suffering from "demolition by neglect" because the owner has a history of neglect and of demolishing properties that he owns. The history demonstrates that the deteriorated condition of 1446 Laramie St. as well as Mr. Emig's desire to demolish the structure are not unique circumstances that he tried to avoid. According to the Riley County Community GIS Mapping Service, another property Mr. Emig owns is a house located at 1507 Poyntz Ave. In July 2012, the windows and doors of 1507 Poyntz Ave. were removed and boarded up (See Attachment #7). The online database of code violations lists Mr. Emig as the owner for at least five years, so it is not a case of his recently acquiring the property in already deteriorated condition. As of the end of Aug. 2012 when this document was prepared, a demolition permit for 1507 Poyntz Ave. had not been issued, in the event that the doors and windows had been removed for salvage prior to imminent demolition.

The vacant lots located at 1501, 1509, and 1515 Poyntz Ave. are also owned by Mr. Emig. The structures that were located on the lots were demolished in 2009. According to the minutes of the Nov. 12, 2009 meeting of the Board of Zoning Appeals, Mr. Emig planned to build a single-story office building on the lots of 1509 and 1515 Poyntz (See Attachment #8). There are other instances when Mr. Emig was also involved with the demolitions of structures; for example, the demolition of the structures located at 804, 810, 812, and 816 Moro St. A 16-unit residential building was built on the four lots. None of these structures were protected by historic legislation. There was nothing to prevent Mr. Emig's demolishing the structures with the plan to redevelop their lots. However, the demolition of all of these structures coupled with the neglected condition of 1507 Poyntz Ave. call into question Mr. Emig's claim that he has tried his

best to maintain 1446 Laramie St., and instead, demonstrate that demolition and also neglect are repeated occurrences.

The structure located at 1446 Laramie St. falls within the 500-ft. environs of the KSAC Radio Towers, which were listed on the National Register of Historic Places in 1983. The Kansas Preservation Act was enacted in 1977, and a 1988 amendment defined “environs” to be within 500 feet of a listed historic property (1,000 feet for unincorporated portions of counties). Therefore, the 500-ft. historic environs condition was an existing condition at the time that Mr. Emig purchased the property in 1996.

Mr. Emig suggests that since 1446 Laramie St. is near the edge of the 500-ft. historic environs boundary, its demolition will not impact or damage the KSAC Radio Towers. When the Historic Resources Board conducted an environs review on June 27, 2011, board members discussed that 1446 Laramie St. is “one of the last character-defining structures remaining within the environs.” The Historic Resources Board found that Mr. Emig’s proposal to demolish 1446 Laramie St. did not meet Standards #3 and #4 of the *Standards and Guidelines for Evaluating the Effect of Projects on Environs* established by Kansas statute (K.S.A. 75-2721(b)).

- Standard #3: The environs of each property will be recognized as a physical record of its time, place, and use. Changes to the environs that have acquired historic significance in their own right should be retained and preserved.
- Standard #4: Demolition of character-defining buildings, structure, landscape features, etc. in historic property’s environs should be avoided. When the severity of deterioration requires removal within the environs, compatible reconstruction shall occur.

The Historic Resources Board made a recommendation to the State Historic Preservation Office, which made a similar determination, stating that the house is “part of a small group of character-defining residential properties that remains along the 1400 block of Laramie Street” and that demolition would have an adverse impact. Whether or not the State Historic Preservation Office was correct when it determined the proposed demolition would have an adverse impact on the KSAC Radio Towers is not up for debate. Therefore, Mr. Emig’s opinion about the impact the demolition would have on the KSAC Radio Towers is irrelevant.

The Kansas statute that governs historic environs (K.S.A. 75-2724) applies, regardless of where a property is located within the 500-ft. environs. Two houses near 1446 Laramie St., the houses located at 1413 and 1428 Laramie St., were demolished in July 2012. Both houses were located outside the 500-ft. environs of the KSAC Radio Towers. The 500-ft. environs places a condition on a property, similar in concept to conditions placed on a property by zoning regulations. It may seem unusual that properties in close proximity would have different applications of the historic environs statute, but there are many examples in Manhattan where opposite sides on the same street have different zoning applications, or even opposite sides of alleys. For example, properties that face Poyntz Avenue between 6<sup>th</sup> and 17<sup>th</sup> Streets are zoned C-1, Restricted Business District, but the zoning only extends as far as the alleys immediately north and south of Poyntz Avenue. Properties located north or south of the alleys have different zoning regulations (R-1 and R-M), and the same occurs with historic environs. Properties near one another may be within the 500-ft. historic environs or outside its boundaries, just like properties a scant few feet apart on the opposite side of an alley may be in different zonings. The house located at 1446 Laramie St. may be on the outer edges of the historic environs, but the conditions of the historic

environs still apply.

Another argument that is frequently used when a property owner seeks the demolition of a property located within a 500-ft. historic environs is that the owner should be able to do what he/she wants to with the property and that the environs statute infringes on his/her property rights. While it's true that the historic environs place a condition on the property, so do Manhattan's zoning regulations and in some instances, homeowners' association covenants. Property owners are only as free to do what they want to with their properties as specified in the zoning regulations, and no one is free to do whatever they want.

In conclusion, the M/RCPA believes that the renovation of 1446 Laramie St. is a feasible and prudent alternative to demolition because the Anderson Village PUD contains provisions for renovation and the addition off-street parking. If the house were historically registered, the utilization of rehabilitation tax credits would make a renovation project viable and an economically feasible alternative to demolition.

#### ATTACHMENTS:

#### ATTACHMENT #1

Anderson Village PUD amendment, approved Sept. 1, 1998

##### **PROPOSED PUD NAME CHANGE.**

The name "ANDERSON VILAGE" is the new name proposed in this PUD amendment. The former PUD name was "Manhattan Christian College Student Services Center". The PUD name change results in matching the document name with existing signage identifying the center as "Anderson Village".

##### **PROPOSED LAND-USES.**

No changes are proposed to the land-uses currently permitted within the PUD with two exceptions.

1. This amendment requests the allowance of an ATM facility to serve the banks and financial institutions currently permitted. This amendment will enhance the level of service offered to banking customers. A "walk-up" type A TM is proposed to be installed in the front (north) facade of the existing building at the location of the KSU Federal Credit Union.
2. This amendment requests allowance of two-family dwellings. The existing building at 1446 Laramie may be renovated as a part of the PUD. The existing building contains (4) dwelling units and has no off-street parking. During renovation, the building will either remain a 4-plex, or may be converted to a duplex. The owner also requests

the flexibility within the PUD to completely replace the building with a new residential duplex if the expense of renovation does not prove cost-effective. The new duplex unit will be 2 ½ stories and limited to 800 SF per floor per dwelling unit. Overall lot coverage by the new building will not exceed 1600 SF.

Off-street parking will be expanded within the PUD by an additional (4) parking spaces if the existing residential building is renovated and by (8) spaces if the building is replaced rather than renovated.

The existing building location limits potential parking expansion.

The allowable land-uses and related square footage limitations shall remain as permitted under Ordinances No. 4236 and No. 4812, with exceptions given to the uses and building areas described above in this amendment. In summary, the following uses will be permitted:

1. Bookstores, including the sale of college-related wearing apparel.
2. Camera and photographic supply stores.
3. Drug Stores.
4. Florist shops.
5. Food stores, including grocery stores, meat markets, bakeries, and delicatessens.
6. Hobby shops.
7. Day care centers.
8. Music stores, and music instrument sales and repair.
9. Restaurants, but not drive-in types.

## **ATTACHMENT #2**

<http://www.kshs.org/p/kansas-state-tax-credit/14666>

### **Requirements**

- The Kansas State Tax Credit is equal to 25 percent of qualifying expenses incurred during a qualified project on a qualified building.
- Buildings must be qualified historic structures. Qualified buildings are those that have been listed on the National Register of Historic Places, the Register of Historic Kansas Places, or have been deemed contributors to a National or State Register Historic District. Projects that qualify and are approved by the National Park Service for the 20 percent Federal Tax Credit will also qualify for the Kansas State Tax Credit.
- Building may be either income-producing or non income-producing. Private residences **do** qualify for the State Tax Credit.
- Proposed work must follow a qualified rehabilitation plan. Qualified projects are those that have been reviewed and approved by the State Historic Preservation Office (SHPO) through the application process.
- Applications must be approved by the SHPO before work begins.

- Project expenses must exceed \$5,000. You may combine smaller projects in order to exceed the minimum requirement.
- All work must meet the Secretary of the Interior's [Standards for Rehabilitation](#) This will be determined by the SHPO staff during the application process.
- State Tax Credits may be carried forward for 10 years if you are unable to use all of your credits in one year.  
State Tax Credits may also be transferable to other taxpayers. Please contact the SHPO for more information

<http://www.kshs.org/p/federal-tax-credits/14610>

**20 percent credit for historic buildings** The National Park Service (NPS), in partnership with the State Historic Preservation Office (SHPO) and the Internal Revenue Service (IRS), offers a federal income tax credit equal to 20 percent of a property owner's investment in the rehabilitation of a historic building. Additional information can be found on the [NPS website](#).

### Requirements

- The Federal Tax Credit is equal to 20 percent of qualifying expenses incurred during a qualified project on a qualified building
- *Buildings must be qualified historic structures.* Qualified buildings are those that are listed on the National Register of Historic Places, have been deemed contributors to a National Register Historic District, or have been certified as a historic structure by the National Park Service through Part 1 of the application process. Buildings that are not yet listed on the National Register, but have been certified as historic for purposes of the tax credit program, must be added to the National Register within 30 months of the project's completion.
- *Proposed work must follow a qualified rehabilitation plan.* Qualified rehabilitation projects are those that meet the Secretary of the Interior's Standards for Rehabilitation and have been reviewed and approved by the National Park Service (NPS) through the application process.
- *Buildings must be income-producing.* Uses include hotels, rental residences, bed & breakfasts, office space, retail space, industrial or agricultural use.
- The Internal Revenue Service requires that rehabilitation projects be "substantial". This means that the *cost of the rehabilitation must exceed the adjusted basis of the building*. You must exceed that adjusted basis within a 24-month period (or you may phase a project out for 60 months if needed.) Please see the [IRS Info](#) page or contact your financial adviser or the SHPO for more information.
- Work may begin before the rehabilitation plan is approved by the NPS, but it is not recommended. Please contact the SHPO as soon as possible to avoid risking denial of your project.  
The 20 percent Federal Tax Credit may be carried forward for 20 years if you are unable to use all of your credits in one year.

**ATTACHMENT #3**

1015 Leavenworth



1416 Humboldt



1416 Humboldt



#### **ATTACHMENT #4**

Historic Resources Board minutes, Feb. 27, 2012  
<http://www.cityofmhk.com/archives/48/022712.pdf>

1. Code Violation Report – Code Services  
1446 Laramie – McDiffett said there has been no change in status the owner said he is going to the City Commission to appeal previous demolition denial. McDiffett also noted that he had seen radiators being removed from the house. The board discussed the likelihood of a demolition being approved by Code Services, McDiffett thought that given the need for paint, soffit and other repairs, it would go through but the foundation did look stable.

#### **ATTACHMENT #5:**

Historic Resources Board minutes, June 27, 2011  
<http://www.cityofmhk.com/archives/48/062711.pdf>

5. Environs Review  
Demolition of Residential Structure, 1446 Laramie (within environs of KSAC Radio Towers)  
Mecseri recused himself because he had earlier conversations with the applicant about the project before being appointed to the Board.  
Moeller provided an overview of the proposal.  
West said the house, built before the Radio Towers were constructed, is one of the last character-defining structures remaining within the environs. West moved that the Board find that the proposal does not meet The Standards and Guidelines for Evaluating the Effect of Projects on Environs and will encroach upon, damage or destroy the environs of the KSAC Radio Towers. Specifically, the proposal does not meet Standards #3 and #4.  
Dudek seconded the motion, which passed on a vote of 6-0 (Mecseri did not vote).

Historic Resources Board minutes, Oct. 24, 2011  
<http://www.cityofmhk.com/archives/48/102411.pdf>

1. Code Violation report – Code Services  
Jim McDiffett updated the Board on the four violations. He is continuing to work with the property owners at 117 N. Delaware, 1931 Leavenworth and 1446 Laramie St. The violation at 210 S. Leavenworth will likely be turned over to the attorney's office for prosecution.

Historic Resources Board minutes, Nov. 28, 2011  
<http://www.cityofmhk.com/archives/48/112811.pdf>

1. Code Violation report – Code Service  
McDiffett reported on the status of the four outstanding violations as noted in report.

Historic Resources Board minutes, Feb. 27, 2012  
<http://www.cityofmnhk.com/archives/48/022712.pdf>

1. Code Violation Report – Code Services  
1446 Laramie – McDiffett said there has been no change in status the owner said he is going to the City Commission to appeal previous demolition denial. McDiffett also noted that he had seen radiators being removed from the house. The board discussed the likelihood of a demolition being approved by Code Services, McDiffett thought that given the need for paint, soffit and other repairs, it would go through but the foundation did look stable.

Historic Resources Board minutes, March 26, 2012  
<http://www.cityofmnhk.com/archives/48/031212.pdf>

1. Code Violation Report – Code Services  
210 S. 10th – McDiffett said there have been numerous reports of issues at the property; he spoke to the owner on February 27th and confirmed that required exterior work would begin soon.  
1446 Laramie – McDiffett explained that a City Commission work session was to be scheduled to discuss the possible demolition of the property. McDiffett asked the Board whether or not there were other properties that might need to be looked at in terms of Code Violations. No suggestions were raised.  
The Board then discussed the process for moving forward with demolition on 1446 Laramie, given that SHPO had denied the request. McDiffett explained that the property owner had not yet appealed that ruling to the City Commission; however, if the property owner were to appeal, the HRB would certainly send a recommendation to the Commission.

Historic Resources Board minutes, April 23, 2012  
<http://www.cityofmnhk.com/archives/48/042312.pdf>

Code Violation Report

1. McDiffett reported that 1446 Laramie was working to get on the May 26th 2012 City Commission agenda. Evans noted it was unlikely he would be scheduled for any May Commission meetings based on the appeal process.

Historic Resources Board minutes, May 21, 2012  
<http://www.cityofmnhk.com/archives/48/052112.pdf>

3. Code Violation Report

Evans presented the Code Violation Report, mentioning that not much had changed at 210 S. 10th, and that in the case of 1446 Laramie, Code

Services had begun the discussion of sending the property owner a ticket for the ongoing Code violations. Mecseri asked about the fine for illegal demolition, and the Board briefly discussed the fines for illegal demolition to historic properties or properties in historic environs. Lauppe mentioned that a structure near 905-907 Leavenworth has been gutted and is a fire hazard, and asked if Evans would pass that information along to Jim McDiffett in Code Services. Evans said he would.

Historic Resources Board minutes, June 25, 2012

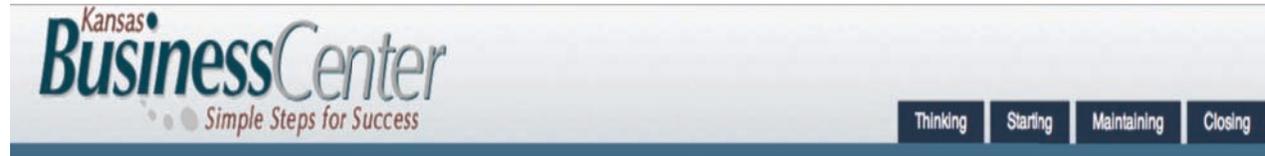
[http://www.cityofmhk.com/archives/48/062512\\_RN3171.pdf](http://www.cityofmhk.com/archives/48/062512_RN3171.pdf)

6. Code Violation Report

Credit presented information conveyed to him in an email from Code Services Officer Jim McDiffett. At 210 S. 10th Street, work continues with significant progress on the wood exterior painting. The stucco siding has been removed and the building awaits siding contractor. Interior condition remains unknown, as well as whether or not repairs are included. As for 1446 Laramie Street, the property has been turned over to Municipal Court for review and correspondence with owner for action.

**ATTACHMENT #6**

<https://www.kansas.gov/bess/flow/main?execution=e1s1>



## Business Entity Search

Date: 08/16/2012

Be advised the business information on this page is for summary informational purposes only. It is not an official filing with the Secretary of State's office and should not be relied on as such. Please view actual documents filed by customers with the secretary of State's office to ensure accurate information. When filing a Uniform Commercial Code statement on an entity, consult with your attorney to ensure the correct debtor name.

### Business Summary

Current Entity Name	Business Entity ID Number
REYNOLDS KNIGHT ANDERSON, P.C. <a href="#">File Name Change Online</a>	3674710 <a href="#">View History and Documents</a>

Current Mailing Address: 1140 MAIN AVE STE B, DURANGO, CO 81301 [Update](#)

Business Entity Type: FOREIGN FOR PROFIT

Date of Formation in Kansas: 12/13/2004

State of Organization: CO

Current Status: FORFEITED - FAILED TO TIMELY FILE A/R

[Certificate of Good Standing](#)

### Resident Agent and Registered Office

Resident Agent: TRACY D. ANDERSON

Registered Office: 327 POYNTZ AVE STE 201, MANHATTAN, KS 66502

[Update Resident Agent/Office](#)

### Annual Reports

The following annual report information is valid for active and delinquent status entities only.

Tax Closing Month: 12

The Last Annual Report on File: 12/2004

Next Annual Report Due: 04/15/2006 [File Online](#)

Forfeiture Date: 07/15/2006

**ATTACHMENT #7**

1507 Poyntz Ave.



1507 Poyntz Ave.



Interior photo is from the Riley  
County Community GIS  
Mapping Service

## **ATTACHMENT #8**

Board of Zoning Appeals minutes, Nov. 12, 2009

<http://www.cityofmhk.com/archives/42/BZA%7D111209.pdf>

A PUBLIC HEARING TO CONSIDER AN EXCEPTION TO ALLOW FOR AN INCREASE OF THE MAXIMUM THIRTY (30) PERCENT LOT COVERAGE TO THIRTY-FIVE (35) PERCENT FOR A PROPOSED SINGLE-STORY OFFICE BUILDING AT 1509 AND 1515 POYNTZ AVENUE IN THE C-1, RESTRICTED BUSINESS DISTRICT. (APPLICANT/OWNER: CALVIN EMIG).

Manhattan Urban Area Planning Board minutes, Feb. 7, 2005

<http://www.ci.manhattan.ks.us/archives/52/020705.pdf>

A PUBLIC HEARING TO CONSIDER THE REZONING OF 804, 810, 812, AND 816 MORO STREET FROM R-M, FOUR-FAMILY RESIDENTIAL DISTRICT, WITH TNO, TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT, TO RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT. THE MORO PUD IS PROPOSED TO CONSIST OF SIXTEEN (16) DWELLING UNITS, OFF-STREET PARKING, LANDSCAPING AND OTHER IMPROVEMENTS. (APPLICANT: CALVIN EMIG/OWNERS: CALVIN AND GENIE EMIG, AND PETER AND G. A. GARRETSON)  
Calvin Emig, applicant, and Tracy Anderson, architect, provided an overview of the project proposal. Emig described the conditions and use of the existing structures on the site and surrounding properties.

Mayor Pepperd & Commissioners --

Just a couple of points with regard to the pending vote on which map to adopt for the Manhattan-area Regional Planning Organization...

Firstly, we have yet to see any proper citation or formal reference to any specific statute under U.S. Code or elsewhere that specifically mandates our participation in this (or any other) planning organization.

Secondly, if such statute does exist, I assert for the record that it would be un-Constitutional under Article 4 §4, and thus not enforceable by law.

If, in fact, there is no such statute or lawful mandate from the Federal government, then what is happening is legislative sleight-of-hand, inducing local (i.e. City, County &/or State) governing bodies to sign away their own rights & responsibilities in return for funding that may not even materialize, but only if/when those local governments agree to follow federal guidelines that effectively abrogate and neuter the local governments and their elected officials...

To wit, the various road & transportation projects will be required to meet Federal guidelines for "greenspace" and "inter-modal" standards, which will combine to expand the amount of land required for eminent domain in the first place, and effectively bypass local &/or county zoning standards (especially with regard to advance notifications to land owners).

When a new or expanded roadway is approved under these new guidelines, more land will be condemned under eminent domain (to meet the requirements for greenspace, bike lanes, bus-stops, etc), and those landowners who find themselves adjacent to newly-designated "transportation corridor" will wake up one day to discover they can no longer do what they want with their own land due to new restrictions for the aforementioned "greenspace" stds (among other things), all without ever having notification of practical changes to their zoning-status or any opportunity to participate in those decisions or object to their intentions.

At its very foundation, there is absolutely nothing the new RPO bureaucracy will do that the existing City & County Commissions cannot or should not already be doing... nothing. If we want a new, upgraded or expanded road, highway or other transportation project, the existing bodies have all the requisite authority to plan and implement every step of the process, up to and including applying for grants or other supplemental funding from State or federal sources.

There is a widely expressed rationale that "a lot of very good, very smart people have worked many, many hours to develop the working plan for this Regional Planning Organization...", but the very same things were true at the launch of the RMS Titanic!

In the absence of a lot more supporting information, I urge the Commission to table the issue until at least next Spring (if not longer).

Failing that, I urge the Commission to adopt the smallest possible map (i.e., "Map 2"), so as to keep the greatest possible control as close-to-home as possible. The resulting 5-member Board will only give 2 votes to the City of Manhattan, putting us in a permanent minority to a bureaucracy that will nonetheless take the lion's share of its funding from City taxpayers. The larger "Map 4A" will result in a 7-member Board, putting Manhattan in an even worse position while still extorting the greatest amount of its funding from Manhattan taxpayers.

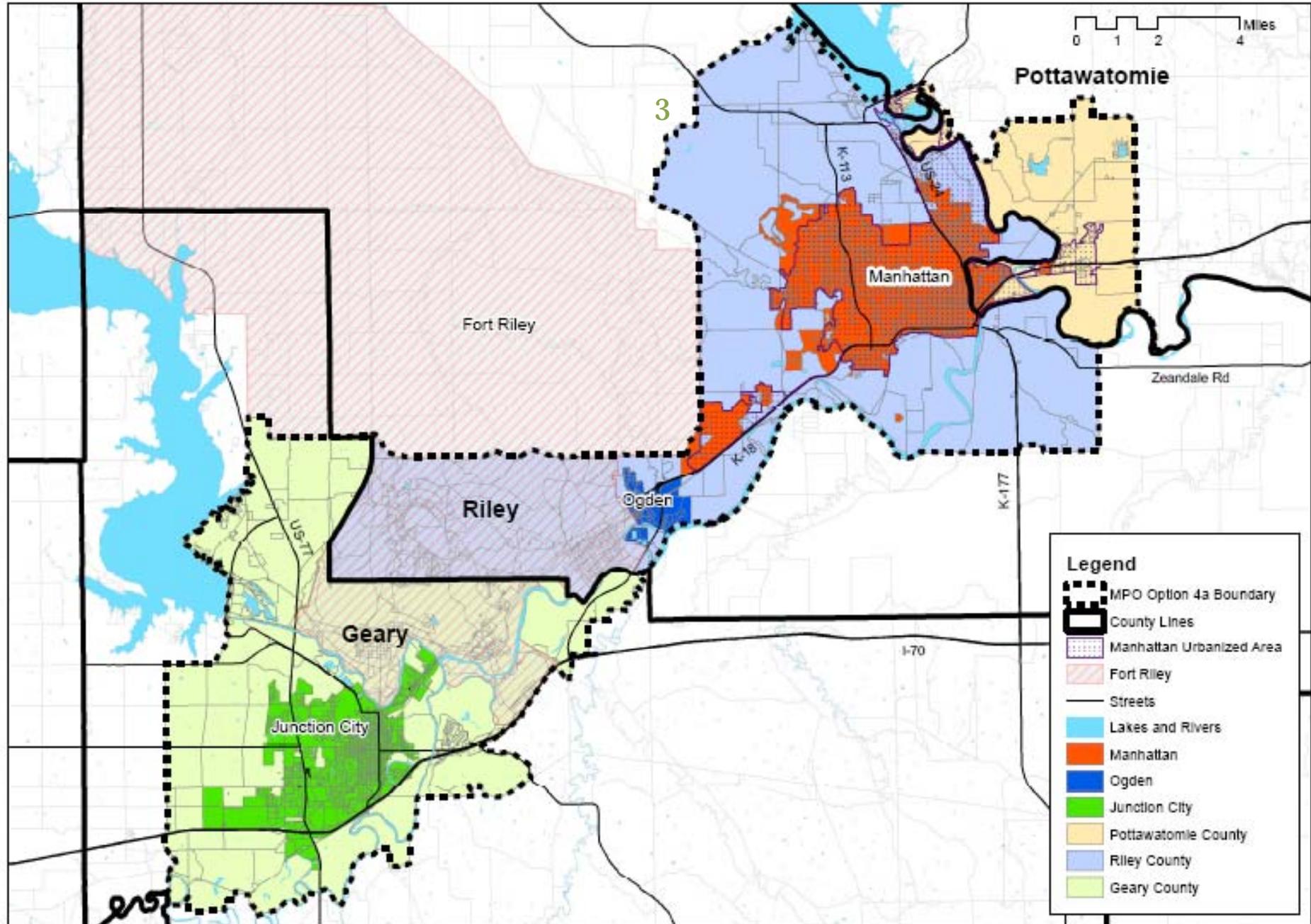
Neither of these possible outcomes are desirable nor are they acceptable to properly informed voters in either City or County districts, wards or precincts. I know you are aware of various other locations across the US that have experienced "buyer's remorse" over this type of program, and I urge you not to support the RPO.

Thank you very much for your time and consideration in this matter.

Chuck Henderson

Active Member: Our Manhattan and Flint Hills TEA Party  
785-236-1286 (cell)

# MPO Option 4a: Jurisdictional Boundaries



2. MAP 4a w/o Ogden w Fort ~ MPO Proposed Budget							
Expenditure Detail	2013 Proposed	2014 Proposed	2015 Proposed	2016 Proposed	2017 Proposed		
EXEMPT - FULL TIME	\$ 70,000	\$ 71,400	\$ 72,828	\$ 74,285	\$ 75,770		
BENEFITS	\$ 17,500	\$ 17,850	\$ 18,207	\$ 18,571	\$ 18,943		
<b>*PERSONNEL SERVICES</b>	<b>\$ 87,500</b>	<b>\$ 89,250</b>	<b>\$ 91,035</b>	<b>\$ 92,856</b>	<b>\$ 94,713</b>		
Expenditure Detail	2013 Proposed	2014 Proposed	2015 Proposed	2016 Proposed	2017 Proposed		
ADVERTISING	\$ 1,000	\$ 1,020	\$ 1,040	\$ 1,061	\$ 1,082		
TELECOMMUNICATIONS	\$ 1,000	\$ 1,020	\$ 1,040	\$ 1,061	\$ 1,082		
POSTAGE	\$ 300	\$ 306	\$ 312	\$ 318	\$ 325		
TRAVEL AND TRAINING	\$ 3,000	\$ 3,060	\$ 3,121	\$ 3,184	\$ 3,247		
COPY/IMAGE/SCAN	\$ 1,000	\$ 1,020	\$ 1,040	\$ 1,061	\$ 1,082		
OFFICE EQUIPMENT	\$ 1,000	\$ 200	\$ 204	\$ 208	\$ 212		
COMPUTERS	\$ 4,000	\$ 2,000	\$ 2,040	\$ 2,081	\$ 2,122		
<b>*COMMODITIES</b>	<b>\$ 11,300</b>	<b>\$ 8,626</b>	<b>\$ 8,799</b>	<b>\$ 8,974</b>	<b>\$ 9,154</b>		
PLANNING STUDIES	2013 Proposed	2014 Proposed	2015 Proposed	2016 Proposed	2017 Proposed		
TRAVEL DEMAND MODEL	\$ -	\$ 280,000	\$ 120,000	\$ -	\$ -		
METRO TRANSPORTATION PLAN	\$ -	\$ -	\$ 100,000	\$ 100,000	\$ -		
<b>*CAPITAL OUTLAY</b>	<b>\$ -</b>	<b>\$ 280,000</b>	<b>\$ 220,000</b>	<b>\$ 100,000</b>	<b>\$ -</b>		
CONTRACTED SERVICES	2013 Proposed	2014 Proposed	2015 Proposed	2016 Proposed	2017 Proposed		
LEGAL FEES	\$ 3,000	\$ 3,000	\$ 3,060	\$ 3,121	\$ 3,184		
TDM ANNUAL UPDATE	\$ -	\$ -	\$ -	\$ 10,000	\$ 10,000		
SOFTWARE MAINTENANCE AGREEMENTS	\$ -	\$ -	\$ 14,000	\$ 2,800	\$ 2,800		
<b>*CAPITAL OUTLAY</b>	<b>\$ 3,000</b>	<b>\$ 3,000</b>	<b>\$ 17,060</b>	<b>\$ 15,921</b>	<b>\$ 15,984</b>		
SUMMARIES	2013 Proposed	2014 Proposed	2015 Proposed	2016 Proposed	2017 Proposed		
<b>***END of PREVIOUS YEAR Balance</b>	<b>\$ -</b>	<b>\$ 97,998</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>		
<b>***TOTAL MPO DEPARTMENT EXPENDITURE</b>	<b>\$ 101,800</b>	<b>\$ 380,876</b>	<b>\$ 336,894</b>	<b>\$ 217,751</b>	<b>\$ 119,850</b>		
<b>REVENUE KDOT CONTRIBUTION FROM FED GOV</b>	<b>\$ 159,838</b>	<b>\$ 159,838</b>	<b>\$ 159,838</b>	<b>\$ 159,838</b>	<b>\$ 159,838</b>		
<b>REVENUE MIN LOCAL MATCH EACH YR</b>	<b>\$ 39,960</b>	<b>\$ 39,960</b>	<b>\$ 39,960</b>	<b>\$ 39,960</b>	<b>\$ 39,960</b>		
<b>***DIFFERENCE (KDOT + Local Match - DEP BUD)</b>	<b>\$ 97,998</b>	<b>\$ (83,081)</b>	<b>\$ (137,096)</b>	<b>\$ (17,954)</b>	<b>\$ 79,947</b>		
<b>REVENUE NEEDED BY LOCAL BEYOND MIN CONTRIB</b>	<b>\$ -</b>	<b>\$ 83,081</b>	<b>\$ 137,096</b>	<b>\$ 17,954</b>	<b>\$ -</b>		
% Pop	AGENCY	2013 Proposed	2014 Proposed	2015 Proposed	2016 Proposed	2017 Proposed	
51.96%	<b>Manhattan</b>	\$ 20,762	\$ 63,928	\$ 91,992	\$ 30,090	\$ 20,762	\$ 227,534
0.00%	<b>Ogden</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
23.21%	<b>Junction City</b>	\$ 9,274	\$ 28,555	\$ 41,091	\$ 13,441	\$ 9,274	\$ 101,635
2.58%	<b>Pottawatomie County</b>	\$ 1,032	\$ 3,177	\$ 4,571	\$ 1,495	\$ 1,032	\$ 11,307
14.19%	<b>Riley County</b>	\$ 5,672	\$ 17,465	\$ 25,132	\$ 8,220	\$ 5,672	\$ 62,161
8.06%	<b>Geary County</b>	\$ 3,220	\$ 9,915	\$ 14,268	\$ 4,667	\$ 3,220	\$ 35,291
100.00%							