



MINUTES
SPECIAL CITY COMMISSION MEETING
TUESDAY, JANUARY 22, 2013
7:00 P.M.

The Special 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, and Richard B. Jankovich were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Raymond, City Clerk Gary S. Fees, 10 staff, and approximately 7 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Pepperd led the Commission in the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Jankovich extended his appreciation to the Manhattan Rotary Clubs for sponsoring the Free Skate Day at the Wefald Pavilion and GTM Family Center. He also thanked the Parks and Recreation staff for their support.

Mayor Pepperd congratulated Commissioner Jim Sherow and his spouse Bonnie Lynn-Sherow, both on the history department faculty at Kansas State University, for acceptance of their essay and on attending the presidential inauguration in Washington, D.C. He also thanked the City Parks Department and Kansas State University students that were involved in the initiative to install lights around City Park and members of the City/University Projects Fund Committee.

Lauren Palmer, Assistant City Manager, provided additional information on the City Park lighting project. She highlighted several of the individuals involved with the project and stated that the City/University Projects Fund paid for the project.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meetings held Tuesday, January 8, 2013, and Tuesday, January 15, 2013.

CLAIMS REGISTERS

The Commission approved Claims Register Nos. 2718 and 2719 authorizing and approving the payment of claims from January 1, 2013, to January 15, 2013, in the amounts of \$2,423,126.77 and \$2,668,560.59, respectively.

LICENSES

The Commission approved a Tree Maintenance License for calendar year 2013 for Wildcat Tree Service, PO Box 1282, and an annual Cereal Malt Beverage Off-Premises License for Walmart #35, 101 Bluemont Avenue.

FINAL PLAT – HIGHLAND MEADOWS ADDITION, UNIT SEVEN

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Highland Meadows Addition, Unit Seven, generally located west of North Scenic Drive between the northern and southern portions of Highland Ridge Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

RESTRICTIVE COVENANT – HIGHLAND MEADOWS ADDITION, UNIT SEVEN

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an Agreement Creating a Restrictive Covenant regarding construction and maintenance of a detention pond and drainage structures.

ORDINANCE NO. 6982 – NO PARKING – 1600 BLOCK OF PLYMOUTH ROAD

The Commission approved Ordinance No. 6982 designating a “No Parking Zone” along a portion of the 1600 block of Plymouth Road.

* **ORDINANCE NO. 6983 – MUNICIPAL FACILITY REVIEW – CHILDREN’S LIBRARY EXPANSION PROJECT**

Richard Hill, representing Manhattan Landlords Association, asked about the Zoning Ordinance for the Manhattan Public Library’s expansion and the no direct financial aspects to this land use action. He stated that he was not opposed to the Manhattan Public Library or the proposed expansion, but was opposed to using public property tax financing for the project.

Ron Fehr, City Manager, responded to questions and provided clarification on the item.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 6983 – MUNICIPAL FACILITY REVIEW – CHILDREN’S LIBRARY EXPANSION PROJECT (CONTINUED)**

The Commission found by a preponderance of the evidence that the public interests to be served by the proposed expansion of the Manhattan Public Library outweigh the impacts upon legitimate community interests and approved Ordinance No. 6983 authorizing the proposed Municipal Facility, generally located at 629 Poyntz Avenue, for the expansion of the Manhattan Public Library as proposed, based on the findings in the Staff Report, with the two conditions of approval as recommended by the Planning Board (*See Attachment No. 1*).

FIRST READING – FRANCHISE AGREEMENT – WAMEGO TELECOMMUNICATIONS COMPANY, INC.

The Commission approved first reading of an ordinance authorizing a telecommunications franchise with Wamego Telecommunications Company, Inc.

RESOLUTION NO. 012213-A – SUPPORT – HOUSING TAX CREDIT – STONE POINT TOWNHOMES ADDITION (BIRCHWOOD VILLAS)

The Commission approved Resolution No. 012213-A indicating the City of Manhattan’s support for Housing Investment Partners LLC, to apply for tax credits from the State of Kansas, for an affordable housing development in Stone Pointe Townhomes Addition.

RESOLUTION NO. 012213-B – PETITION – PRAIRIE LAKES, UNIT 6 – STREET IMPROVEMENTS (ST1209)

The Commission found the petition sufficient and approved Resolution No. 012213-B finding the project advisable and authorizing construction of street improvements (ST1209) via benefit district financing charged to Prairie Lakes, Unit 6.

RESOLUTION NO. 012213-C – PETITION – PRAIRIE LAKES, UNIT 6 – SANITARY SEWER IMPROVEMENTS (SS1207)

The Commission found the petition sufficient and approved Resolution No. 012213-C finding the project advisable and authorizing construction of sanitary sewer improvements (SS1207) via benefit district financing charged to Prairie Lakes, Unit 6.

RESOLUTION NO. 012213-D – PETITION – PRAIRIE LAKES, UNIT 6 – WATER IMPROVEMENTS (WA1208)

The Commission found the petition sufficient and approved Resolution No. 012213-D finding the project advisable and authorizing construction of water improvements (WA1208) via benefit district financing charged to Prairie Lakes, Unit 6.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 012213-E – INDUSTRIAL REVENUE BONDS – MANKO WINDOW SYSTEMS, INC.

The Commission approved Resolution No. 012213-E authorizing the issuance of approximately \$1.7 million in Industrial Revenue Refunding Bonds and up to \$5 million in new Improvement Bonds for Manko Window Systems, Inc., of Manhattan, Kansas.

RESOLUTION NO. 012213-F – DISPOSE OF SURPLUS ASSETS

The Commission approved Resolution No. 012213-F authorizing the disposition of heavily used surplus animal cages removed from the T. Russell Reitz Animal Shelter through a public auction format and authorized that any funds received be deposited to the Animal Shelter Restricted Donations account.

BOARD APPOINTMENTS

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

Flint Hills Discovery Center Advisory Board

Appointment of Larie Schoap, 1903 Plymouth Landing, to a three-year term. Ms. Schoap's term will begin February 1, 2013, and will expire January 31, 2016.

Housing Authority Board of Commissioners

Re-appointment of Richard Jankovich, 2021 Somerset Square, to a four-year Commissioner term. Mr. Jankovich's term will begin March 4, 2013, and will expire March 3, 2017.

Municipal Audit Committee

Re-appointment of Richard Jankovich, 2021 Somerset Square, to a one-year Commissioner term. Mr. Jankovich's term will begin April 1, 2013, and will expire March 31, 2014.

After discussion, Commissioner Jankovich moved to approve the consent agenda, as read. After comments from the Commission, Commissioner Butler seconded the motion. On a roll call vote, motion carried 4-0, with the exception of Item F, ORDINANCE NO. 6983 – MUNICIPAL FACILITY REVIEW – CHILDREN'S LIBRARY EXPANSION PROJECT, which carried 3-1, with Commissioner Butler voting against the item.

GENERAL AGENDA

LEASE AGREEMENT - KANSAS STATE UNIVERSITY VETERINARY CLINIC OUTREACH, INC.; VETERINARY SERVICES AGREEMENT - KANSAS STATE UNIVERSITY

Scott Shoemaker, Director, Sunset Zoo, presented an overview of the item. He then responded to questions from the Commission regarding the automatic adjustment of three percent annually for veterinary services, renovation plans, savings and mutual benefits that will be realized from the veterinary services agreement, and the opportunity to have access to three full-time veterinarians at Sunset Zoo.

After discussion, Commissioner Jankovich, moved to authorize the Mayor and City Clerk to execute the Lease Agreement with Kansas State University Veterinary Clinical Outreach, Inc. to facilitate leasehold improvements to the veterinary medical facilities at the Sunset Zoo; and authorize the Mayor and City Clerk to execute the Veterinary Services Agreement with Kansas State University. Commissioner Butler seconded the motion. On a roll call vote, motion carried 4-0.

FIRST READING - KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) LOAN AGREEMENT - WATER METER AUTOMATION AND REPLACEMENT PROJECT (WA1114)

Commissioner Jankovich moved to remove the item from the table. Commissioner Matta seconded the motion. On a roll call vote, motion carried 4-0.

Dale Houdeshell, Director of Public Works, presented an overview of the City water meters, the City's data collection system, the proposed replacement of City water meters and the conversion to Meter Transmitting Units, an overview of the meter equipment, the program projections and total project costs, and the proposed water meter replacement. He then responded to questions from the Commission regarding the accurate tracking of savings, the efficiency and capability of the new meters, installation costs of the new meters, and data for unaccounted water usage.

Richard Hill, 3513 Stagecoach Circle, informed the Commission that he has several properties and likes the fact that the City can notify him of variations in his water usage. He stated that the new meters are helpful in tracking water and saves him time.

After discussion and comments from the Commission, Ron Fehr, City Manager, provided additional information regarding the item. He informed the Commission that if there is a desire to include adding performance measures to the motion that can be done.

Dale Houdeshell, Director of Public Works, responded to questions from the Commission regarding the ability to track water exception reports and stated that this would be valuable for the community.

GENERAL AGENDA (CONTINUED)

FIRST READING - KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) LOAN AGREEMENT - WATER METER AUTOMATION AND REPLACEMENT PROJECT (WA1114) (CONTINUED)

After additional discussion and comments from the Commission, Commissioner Jankovich moved to approve first reading of an ordinance authorizing the execution of a loan agreement between the City of Manhattan, Kansas, and the State of Kansas for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund in order to finance the Water Meter Automation and Replacement Project (WA1114) and that we require a performance measurement annually to be reflected during the budgetary process. Commissioner Butler seconded the motion. On a roll call vote, motion carried 4-0.

Mayor Pepperd informed the community that there would not be a City Commission Work Session next Tuesday, January 29, 2013.

ADJOURNMENT

At 7:56 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

**STAFF REPORT
STATE OR MUNICIPAL FACILITY REVIEW**

APPLICANT: Bowman Bowman Novick, Inc. – Brent Bowman/Manhattan Public Library

ADDRESS: 228 Poyntz Avenue and 629 Poyntz Avenue

LOCATION: Manhattan Public Library, 629 Poyntz Avenue
Lots 604 – 608 & Lots 612 – 616, Ward 1, including vacated alleyway

AREA: 78,659 square feet (1.81 acres)

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 21, 2012.

DATE OF PUBLIC HEARING:

PLANNING BOARD: Monday, December 17, 2012.

CITY COMMISSION: Tuesday, January 8, 2013.

At the conclusion of the hearing, the Manhattan Urban Area Planning Board shall forward its recommendation to the Governing Body. Such recommendation shall include all factors and reasons the Board relies upon to support such recommendation. In arriving at such recommendation, the Planning Board shall balance the public interests to be served by the construction or expansion of the utility or facility, as opposed to the impact upon interests intended to be protected by the Zoning Regulations. In balancing such interests, the Planning Board shall consider factors, such as:

MUNICIPAL FACILITY PROCESS:

The Municipal Facility Review process is outlined in Section 3-412 of the Manhattan Zoning Regulations (attached), which indicates, in part, that: “Any public utility, or facility, owned and operated by either the State or a Municipality is hereby authorized as a permitted use in any zoning district, subject to the remaining provisions of this section.”

If a utility or facility is specifically listed in a zoning district as a permitted or conditional use, the municipality can follow the requirements set out in Article IV, District Regulations, or follow the provisions of Section 3-412. If the utility or facility is not set out in a zoning district in which it is proposed, the utility or facility must follow the provisions of Section 3-412.

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The process requires that both the Manhattan Urban Area Planning Board and the City Commission hold public hearings on the proposal. This process is not a rezoning action, but a process whereby the Planning Board and the City Commission consider the proposal by balancing the public interests to be served by a proposed Municipal Utility or Facility, as opposed to the impact upon public interests intended to be protected by the Zoning Regulations. In performing this balancing test and evaluating a proposed facility, the Planning Board and City Commission must consider the factors listed under the Staff Report headings.

The City Commission is not bound by the recommendations of the Planning Board, nor is it obligated to return the matter to the Planning Board for reconsideration, unless the City Commission chooses to do so. If the City Commission approves the request, it does so by adoption of an ordinance, following a public hearing.

EXISTING USE:

The existing use of the site is the Manhattan Public Library. The three-story, limestone and concrete structure is approximately 27,687 square feet in area. The original, two-story structure was constructed in 1967 and is the western portion of the building. In 1998, a three-story addition was completed on the eastern half of the subject site. The first floor of the library consists of the main entrances and atrium, the children's library, young adult library, circulation office, reading areas and restrooms. The second floor houses the main library stacks, auditorium, offices and restrooms. The third floor is where offices and support areas are present. There are no public activities on the third floor. There is a basement that houses mechanical equipment, storage and offices for North Central Kansas Libraries System.

The building is as close as zero feet from the property line along Poyntz Avenue and S. Juliette Avenue; and setback approximately 7 feet from the east property line; and, approximately 130 feet from the front property line along Houston Street.

Sixty-four off-street parking spaces are located to the south of the structure. The 1994 Municipal Facility Review site plan showed 66 off-street parking spaces. The difference is due to a change in configuration of the off-street parking lot. When comparing the proposed 1994 off-street parking plan to the existing conditions; a handicap stall was eliminated near the building, an additional parking space was added to the east parking field and 2 spaces were eliminated from the center parking field. It is unclear why the net loss of 2 spaces occurred.

The off-street parking lot gains access off of S. Juliette Avenue and Houston Street. Six light poles are in the off-street parking lot to illuminate the area. The lights are shielded and downcast.

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Landscaping in the form of manicured grass lawns and deciduous trees are present along Poyntz Avenue and S. Juliette Avenue. A grass and garden area is present near the southern entrance, just north of the parking lot. Deciduous trees, evergreen bushes and ground cover are present in and along the perimeter of the parking lot. An 8 foot tall wrought iron and limestone fence is located on the east side of the parking lot to partially screen the parking lot from adjacent residences to the east. The fence was designed and constructed in coordination with the desire of the adjoining property owner to the east.

The subject site is in 2 zoning districts: C-1, Restricted Business District, and R-M, Four-Family Residential District. The majority of the building lies in the C-1 District, with the entire off-street parking lot in the R-M District. When a lot is held in one ownership in 2 zoning districts at the time of adoption of the current Zoning Regulations, the entire lot is construed to be in the majority district, or the C-1 District in this case. The existing physical improvements were approved through the Municipal Facility Process on July 24, 1994. Ordinance No. 4869 authorized the expansion of the Manhattan Public Library as an authorized permitted use in the zoning districts, with the following conditions of approval:

- a. The vision clearance triangle at the intersection of Houston Street and Juliette Avenue shall be maintained and shall only be planted with low ground cover. Vision clearance at entrance and exit curb cut islands shall be maintained and only low ground cover shall be planted in the curb cut islands.
- b. On-site lighting shall be downcast into the driving areas where illumination is needed, and the impact of lighting shall result in minimized exposure on the neighborhood.
- c. A fence shall be provided along the east side of the off-street parking lot and materials uses in construction of the fence shall be mutually agreed upon between the property owner to the east of the parking lot and the Library Board.
- d. Adjacent property owners shall be informed about the stages of construction.
- e. The construction site shall be conventionally screened from the neighborhood by the contractor.
- f. The Library Board shall notify all property owners of the 600 block of Houston Street prior to finalizing any plans to expand hours of operation.
- g. City Staff shall complete a traffic, parking, and pedestrian study of the larger area and that study shall make recommendations to maximize off-site public parking available to the library and to assure pedestrian safety.
- h. A plan shall be developed with public involvement to feature the assets of the neighborhood including the houses that have been removed for the library, and the Historic District Review Board will be assigned the responsibility.

Construction on the Library expansion began in 1996 and was completed on April 6, 1998.

PROPOSED USES:

The Manhattan Public Library has proposed to construct a building expansion to enlarge its children's library area and provide future programming space. According to the application documents, "The Children's Room is no longer adequate for Manhattan's children."

Since the 1998 library expansion, circulation of children's materials increased 84%, and participation in children's programs grew 69% to more than 18,000 annually. This is a direct outcome of one of the Library's main priorities – to create young readers ensuring that they enter school ready to read, write and listen. It's an outcome of a growing community. The population of Manhattan has grown by more than 16% since 1998. Birth by residence in Manhattan increased by 55% from 482 in 1998 to 749 in 2010. It's also a remarkable testament to the importance of the Library for residents and to its vital role as a community's center.

Over 8,000 children under the age 18 have their own Manhattan Public Library cards. By every measure, circulation and program participation have annually exceeded previous years' statistics for preschoolers, children, and teenagers. The array of materials available to families has grown to include not just books, but also CDs, DVDs, and thematic learning kits. 345,508 children's items were checked out last year.

However, there isn't sufficient space in the Children's Room.

- The children's media collection must be housed across the lobby near the circulation desk.
- Space for independent study and work is not sufficient.
- There is no room for more computers to meet demand that keeps growing. Today, children crowd around just six computers, sometimes waiting as long as 30 minutes to play fun, educational games that provide early introduction to technology and develop motor skills.
- Storytime has grown so popular that parents can't find a place in the room to sit and the storytime room is too small for older children.
- Many children's programs are now held in the auditorium, limiting the ability to meet the high demand for use of the auditorium by community groups.

Building and Site

The proposed expansion is a two-story, 3,635 square foot addition per floor, or a total 7,270 square feet of floor space, to the north and a single-story, 1,120 square foot addition to the south of the eastern public entrance to the building. The northern section will be to expand the children's library area on the first floor and have an area for future

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programmable space on the second floor. The southern expansion will be for a larger children's story time area.

The building's two-story addition to the north will be approximately 72 feet wide, 50 feet deep and 25 feet tall. The building will be set back 11 feet four inches from the Poyntz Avenue front property line and 8 feet 7 inches from the east side property line. The addition will be constructed of glass walls, limestone and concrete panels that match the rest of the library building.

The south addition will be approximately 40 feet wide, 32 feet deep and roughly 13 feet tall. The southern addition will be set back 24 feet 11 inches from the east property line and 142 feet 11 inches from the front property line along Houston Street. The addition will have similar architecture features and materials as the existing building with glass walls, limestone and concrete panels.

Landscaping

In addition to the building expansion, a memorial and garden is proposed around the southern building expansion. The site plan and elevation plans show this area to be enclosed by an 8 foot limestone wall that will match the existing building. No specifics details of the memorial and garden have been provided.

The existing site has approximately 36% percent of landscape and sidewalks and other non-vegetative features (the total site that is not the building or parking lot). The proposed expansion will reduce the landscape area to 30% of the total lot area. The total footprint, or maximum lot coverage, of the existing and proposed building will be approximately 42% of the site.

Lighting

There are 6 existing light poles illuminating the off-street parking lot. No changes to the parking lot lighting are proposed. The building addition is proposed to have wall lights on the east side of the south building addition to illuminate a service entrance and west facades of the north addition to provide lighting for the main entrance to the Library. These wall lights are for up and down lighting of the façade walls and will be shielded to avoid impacting adjacent properties.

Off-Street Parking

Sixty-four off-street parking spaces are located to the south of the structure in the Library's off-street parking lot, which gains access off of S. Juliette Avenue and Houston Street. The number of off-street parking spaces was established in 1994, with the approval under the Library's Municipal Facility Review Process. The Zoning Regulations do not specify a minimum off-street parking ratio for a library. At that time, City Administration did extensive research on the appropriate requirement for off-street

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parking spaces. Ultimately, it was decided to use a parking requirement ratio of 1 parking space per 1,000 square feet of gross floor area (66,594 square feet), which would have required 67 off-street parking spaces.

Using that same ratio for the proposed expansion, the total gross square footage will be 74,984 square feet in area. A minimum of 75 off-street parking spaces would be required. The development plans for the Children's Library expansion does not result in a corresponding increase in the total amount of off-street parking. To address the finite off-street parking available to the Library and its relationship to the proposed building expansion, the applicant indicates following:

“The expansion accommodates the increased use of service and changes in the nature of services that the library has experienced since the last expansion in 1998. The addition is required to provide services for the number of patrons that presently use the library.

Manhattan Public Library offers eleven Children's Story Time sessions per week with an average attendance of 25 children per session. Parents stay with very young children, so this means that there are 25 to 50 people in the room during each session. It is crowded and it limits the potential of activities with multimedia, stories and activities that incorporate movement and crafts. The additional space will allow the library to better serve the existing patrons that are currently using the facility.

Additional space will allow the library to accommodate present needs for shelving, seating and technology and provide comfortable, inviting public space and ensure compliance with ADA requirements.

Library staff is aware of the limitations of parking. Programs, tours and group visits are scheduled at a variety of times to alleviate demand for parking at a single time. The library is also a stop for the ATA bus route, which provides a good transportation option and can help reduce parking demands. The expansion will not eliminate available parking nor is it likely that it will generate new patrons that are of an age to operate a vehicle.

While downtown parking may be a challenge with growth in the community, the library expansion should not be a major impact.”

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:

Public Utilities and Services

The site is relatively flat with existing public and private utilities servicing the site. An existing 15 inch public sanitary sewer main is located in the general area of the southern building addition and would be under the addition unless relocated. The City of Manhattan's Utility Division will require that the sanitary sewer main be relocated to insure it is not beneath the proposed building addition. A condition of approval is that a development agreement between the Manhattan Public Library Board of Trustees and the City of Manhattan shall be approved by the City, prior to the issuance of any building permits.

Public water services are in the street. Private utilities will have to be relocated as necessary to accommodate the building additions.

Stormwater is currently directed to the adjacent streets, where it is collected in the City's stormwater sewer system. Jeff Hancock, P.E. of SMH Consultants conducted a drainage analysis of the proposed addition (*see attached*). According to the drainage analysis, the proposed improvements would increase the amount stormwater runoff by 0.51 cfs or 0.08%, all of which will be along Poyntz Avenue area. In the drainage report, Hancock states that there be would negligible impact to properties downstream. The Public Works Administration accepts the drainage report without exception (*see attached memorandum*). No detention or post-construction best management practices are recommended by City Administration.

THE FOLLOWING SEVEN (7) FACTORS SHALL BE CONSIDERED WHEN BALANCING THE PUBLIC INTERESTS TO BE SERVED BY THE CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY, AS OPPOSED TO THE IMPACT UPON THE INTERESTS INTENDED TO BE PROTECTED BY THE ZONING REGULATIONS:

1. THE NATURE AND SCOPE OF THE MUNICIPALITY OR STATE AGENCY:

The Manhattan Public Library provides a broad range of services to the residents of Manhattan, Riley County and the Flint Hill Region. The Library has books, magazines, newspapers and digital materials for viewing or to be checked out. The Library also has a number of computers and meeting rooms for use by the public, and offers programs and events for all ages to participate in. The proposed building expansion is designed to increase the children's library area by an additional 4,755 square feet, of which 3,650 square feet is for the children's library area and 1,120 square feet will be for children story time activities. The second floor of the north addition is labeled as "future programmable space," and will be approximately 3,635 square feet. No specific details of this area have been provided at this time.

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2. **THE FUNCTION OF THE UTILITY OR FACILITY:** The function of the Manhattan Public Library is that of the City's only public library. The Library provides a number of cultural, informational and recreational needs to the citizens of Manhattan, Riley County and the Flint Hills Region.

3. **THE EXTENT OF THE PUBLIC INTEREST TO BE SERVED BY THE UTILITY OR FACILITY:** The extent of the public to be served by the proposed building expansion is primarily families with children. The majority of the building additions will be devoted to the children's library area or activities and events associated with the children's library area. The applicant states "Over 8,000 children under the age 18 have their own Manhattan Public Library cards. By every measure, circulation and program participation have annually exceeded previous years' statistics for preschoolers, children, and teenagers. The array of materials available to families has grown to include not just books, but also CDs, DVDs, and thematic learning kits. 345,508 children's items were checked out last year." The Library's Children's Services Fact Card (*see attached*) lists a 69% increase in children's program attendance from 1998 to 2011.

In addition to the Children's Library Expansion, a new space on the second floor of the north addition is labeled as "Future Programmable Space." Although this area does not have a defined purpose as of yet, the space is planned for anticipated growth from activities and events of the Library.

4. **THE EFFECT THAT REGULATION OF THE CONSTRUCTION, OR EXPANSION, EITHER BY THE IMPOSITION OF REQUIREMENTS NECESSARY TO MITIGATE IMPACTS OR BY A COMPLETE DENIAL, WILL HAVE UPON THE MUNICIPALITY'S, OR STATE AGENCY'S, ABILITY TO EFFICIENTLY, ECONOMICALLY AND PRUDENTLY MEET THE PUBLIC INTERESTS THEY ARE SERVING:** The subject site is in two zoning districts: C-1, Restricted Business District, and R-M, Four-Family Residential District. The majority of the building lies in the C-1 District, with the entire off-street parking lot in the R-M District. The Public Library is a municipally owned and operated public facility and is a Permitted Use in the C-1 and R-M Districts. "Public Library" is not specifically listed as a permitted or conditional use in either district and is therefore subject to the Municipal Facility review process. The off-street parking is accessory to the Public Library and on the same zoning lot and is considered a permitted accessory use to the Public Library.

The proposed building addition on the north side of the property does not conform to the minimum required front yard setback of 25 feet from the Poyntz Avenue property line. The proposed building setback from this front property line is 11 feet, 4 inches. Denial of the request will have a negative impact up the Manhattan Public Library's

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public interest to provide services and activities to the young patrons of the Library. As previously stated, circulation and program participation of the children's area of the Library has caused the need for the proposed expansion. Current floor space cannot meet the program demands for children's services.

The original Library footprint, which was constructed in 1967, has a building setback of zero feet, measured to the roof overhang, from the front property line along Poyntz Avenue. A large portion of the front façade along Poyntz Avenue is setback approximately 11 feet. The proposed setback of the addition will not extend beyond the established building line along the street.

Maximum lot coverage in the C-1 District is 30% and the proposed addition is 42%. The increase in lot coverage exceeds the maximum by 12%. The expansion is based on the need to expand and increase services, which exceed current floor space. A denial of the minimal lot coverage would prohibit the Public Library from meeting the public demand for children's services.

Based on the off-street parking requirement calculated from the 1994 Municipal Facility Review of 1 parking space per 1,000 square feet of gross floor area; the proposed building expansion would be required to have a minimum of 75 off-street parking spaces (74,984 square feet in total building area). Sixty-four parking spaces are shown on the application site plans. The amount of off-street parking on the site is restricted to what currently exists; no vacant land is available to provide additional parking spaces. As the applicant has stated, "the addition is required to provide services for the number of patrons that presently use the library." The proposed expansion is in most part needed to provide room for children activities and programs that are overcrowded. The second floor "Future Programmable Space" has not been defined, but, according to the applicant, is not anticipated to generate additional traffic beyond the present conditions. Due to the nature of the children area in the Library, most young patrons are accompanied by an adult, and should not generate additional vehicle traffic. The application documents conclude that "the expansion will not eliminate available parking nor is it likely that it will generate new patrons that are of an age to operate a vehicle."

A denial of the Municipal Facility Review based on not meeting previously accepted off-street parking standards for the Library would further prohibit the Public Library from meeting the public demand for children's services.

5. THE IMPACT THAT CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY WILL HAVE UPON THE LEGITIMATE INTERESTS OF THAT PORTION OF THE COMMUNITY IN WHICH IT IS PROPOSED TO BE LOCATED:

The library is located in a neighborhood with a mix of uses. Along Poyntz Avenue are commercial, public and semi-public uses. To the south of the site are primarily residential uses. Immediately to the west of the site along the south side of Poyntz Avenue are the Landmark National Bank and the Commerce Bank office building and their accessory off-street parking lots. To the northwest of the site on Poyntz Avenue is the First Congregational Church, commercial office buildings and multiple-family residential dwellings. To the north of the Library are a professional office and the First United Methodist Church and its accessory parking lot. To the northeast is the activity building of the First United Methodist Church and a professional office building. To the immediate east are the St. Paul's Episcopal Church, single-family homes and the Colony Square office building. To the south of the site along Houston Street are primarily single-family homes. The Seven Dolores Catholic Church, Lucky Junior High School and Seven Dolores Catholic Elementary Schools are also to the south of the site along Juliette Avenue and Pierre Street.

Historical Review

The houses to the south of the site are located in the Houston-Pierre Historic District. Two single-family homes to the east of the Library (E.A. & Ura Wharton House and Mattie M. Elliot House), the First Congregational Church and Seven Dolores Church are listed on the National Registry of Historic Places. The site is within the historic environs of the properties. The Manhattan Historic Resource Board reviewed the proposed building expansion on November 26, 2012 and recommend to the State Historic Preservation Office (SHPO) that "The proposal meets the *Standards and Guidelines for Evaluating the Effect of Projects on Environs* and will not encroach, damage or destroy any listed historic property or its environs (*see attached letter*). The SHPO also reviewed the project and agreed with the Manhattan Historic Resource Board's recommendation and determined that the project may proceed (*see attached letter*).

Condition H of Ordinance No. 4869 that authorized the expansion through the Municipal Facility Review process states, "A *plan shall be developed with public involvement to feature the assets of the neighborhood including the houses that have been removed for the library, and the Historic District Review Board will be assigned the responsibility.*" It is not readily clear if such a neighborhood assessment was conducted by the City and the Historic District Review Board (the Board preceding the Manhattan Historic Review Board). However, as described in the paragraph above, a number of homes in the area have been placed on the National Registry of Historic Places and the residential neighborhood to the south of the Library has been designated as a Historic District that is on the National Registry.

Building Setback & Facility Operations

There should be minimal impact as a result of the construction of the Manhattan Public Library children's library area expansion upon the legitimate interests of that portion of the community in which the facility is proposed. The Library has been in existence on the site since 1967. The building was expanded in 1998 and has been in its current condition since that time. The residential properties to the east are buffered from the off-street parking lot by an eight foot tall wrought iron fence and limestone columns separate the site from the adjacent property to the east. The wrought iron fence was mutually agreed upon by the Library and the adjacent property owner.

The proposed north addition will maintain an identical east side yard setback as the existing building, which is 8 feet, 7 inches. The south building addition will have an east side yard setback of 24 feet, 11 inches. The minimum required side yard setback for this use in the C-1 District is 8 feet and the minimum setback is met. The front yard setback along Poyntz Avenue will be in line with the front façade of the existing building, which will maintain a consistent character along Poyntz Avenue.

No change in the business hours of the Library is proposed. Currently the hours are the following:

Monday – Thursday	9:00 am – 9:00 pm
Friday	9:00 am – 8:00 pm
Saturday	9:00 am – 6:00 pm
Sunday	1:00 pm – 6:00 pm

Traffic Analysis & Parking

As part of the application, a traffic analysis was conducted by Jeff Hancock, P.E. of SMH Consultants, Inc. for the Library and the proposed building expansion (*see attached*). The analysis looked at both the sight distances of driveways on the adjacent streets and the increase in the amount of traffic generated by the building addition. No changes are proposed for the location and design of the 2 driveways leading to the off-street parking lot. The analysis states that there are unrestricted (with the exception of existing mature trees) and adequate sight distances at these 2 access points of the parking lot.

The traffic analysis calculated that the finished building would generate a total 357 p.m. peak hour trips, or an increase of 46 trips when comparing to the existing condition (311 trips in the p.m. peak hour). These calculations were using the Institute of Transportation Engineers, Trip Generation Report for libraries, using the gross square footage of a building. The Public Work Administration has reviewed the traffic analysis and accepts its findings (*see attached memorandum*).

Attachment No. 1

The 1994 Municipal Facility Review used an off-street parking calculation of 1 parking space per 1,000 square feet of gross area to base the minimum parking requirements at that time. Using that same parking ratio, the proposed addition would be required to provide a minimum of 75 parking spaces. As stated previously, the building expansion is, in most part, designed to accommodate the expansion of existing children programs and activities that are crowded and “will allow the Library to better serve the existing patrons that are currently using the facility.” The applicant is not anticipating the added space for the children’s area of the Library will generate additional vehicle traffic over the existing demands of the facility. As mentioned, most patrons of these existing activities and programs are too young to drive and will be accompanied by an adult, thus not generating additional vehicle trips to the Library.

As described earlier, the “Future Programmable Space” has not been defined, but, is not anticipated to generate additional traffic beyond the present conditions.

The number of parking spaces on the site is set at 64 spaces and cannot be easily increased due to site constraints. However, there is on-street parking on both sides of Poyntz Avenue and the south side of Houston Street. A public parking lot is available to the east of the site at S. 6th Street and Houston Street for parking. It can also be assumed that patrons of the Library park in the bank parking lots to the west of the site during peak hours of the Library and when the bank buildings are closed and parking is available.

Although the site cannot provide the minimum required off-street parking for the proposed expansion, there appears to be sufficient evidence that the proposed addition will not generate an increase in parking demands on the site compared to the existing use and that adequate on-street and off-street parking is available throughout the area, the majority of which should not affect neighboring property owners. Considering these factors, the impact that the expansion of the facility will have upon the legitimate interests of that portion of the community in which it is proposed to be located appears to be minimal.

Condition G of Ordinance No. 4869 that authorized the expansion through the Municipal Facility Review process states, *City Staff shall complete a traffic, parking, and pedestrian study of the larger area and that study shall make recommendations to maximize off-site public parking available to the library and to assure pedestrian safety.* It is unknown if City Administration conducted such a study. The Library has been in its present state for since 1998, when the construction of the east expansion was completed. It does not appear that the traffic generated from the Library has substantially impacted public parking and pedestrian safety throughout the neighborhood. Through the application process, SMH Consultants conducted a traffic analysis that determined that the sight distances were adequate for the existing entrances to the off-street parking lot on the site.

6. IF THE OWNER OF THE UTILITY OR FACILITY IS THE CITY OF MANHATTAN, AND IF THE FACILITY OR UTILITY IS OF A TYPE EMBRACED WITHIN THE COMPREHENSIVE PLAN, WHETHER OR NOT IT IS IN CONFORMITY WITH THAT PLAN:

The City of Manhattan is the owner of the land and the Library building. Through a charter ordinance, the Manhattan Public Library Board of Trustees maintains the property and operates the activities as a separate entity. The Library is funded through property taxes for its operation and maintenance.

The Library is shown on the Downtown Core Neighborhoods Future Land Use map Public/Semi-Public use. The term Public/Semi-Public is used in the Comprehensive Plan and includes among other public uses, “libraries” as a primary use, which is the appropriate designation for the Manhattan Public Library. The proposed expansion to the municipally owned and operated facility is in conformance with the Comprehensive Plan.

7. OTHER FACTORS AS THE PLANNING BOARD DEEMS APPROPRIATE AND RELEVANT: If the Planning Board believes there are other factors to consider, the Board should determine those factors it deems appropriate and relevant and clearly articulate the factors.

STAFF RECOMMENDATION: City Administration recommends approval of a proposed building expansion to the Manhattan Public Library, 629 Poyntz Avenue, to enlarge the children’s library on the first floor and future program space on the second floor. In addition to the existing conditions of approval, the following condition of approval shall apply:

1. Exterior building lights shall be shielded to minimize affects on adjacent properties.
2. A development agreement for the relocation of the City utilities located under the proposed building expansion shall be completed between the Manhattan Public Library Board of Trustees and the City of Manhattan prior to the issuance of a building permit.

The Planning Board shall not recommend approval of the request unless it determines, by a preponderance of the evidence, that the public interests to be served by the construction or expansion of the utility or facility outweigh any impact upon legitimate community interests, as such impact is mitigated by any requirements of the Planning Board.

If the Planning Board recommends approval, they shall also recommend any requirements or conditions they deem necessary to mitigate impacts caused by such use. Such requirements or conditions may include, but are not limited to, any bulk, or other requirements, which would have otherwise been applicable within the zoning district in which the proposed use is to be placed.

ALTERNATIVES

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

1. Hold a public hearing on the proposal and, following the hearing, recommend approval of a proposed expansion of the Manhattan Public Library based on the findings in the staff report, with the one condition of approval recommended by City Administration.
2. Hold a public hearing on the proposal and, following the hearing, recommend denial of the proposed municipal facilities, for specifically stated reasons.
3. Hold a public hearing on the proposal and, following the hearing, modify the site plan and/or conditions of approval, to meet the needs as perceived by the Planning Board, and establish such conditions, if any, as deemed necessary to mitigate any impacts created by the proposed expansion of the Manhattan Public Library.
4. Table the public hearing of the proposed municipal facilities, for specifically stated reasons and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends that the Planning Board:

1. Hold a public hearing on the proposed municipal facilities;
2. Determine by a preponderance of the evidence, that the public interests to be served by the proposed expansion of the Manhattan Public Library outweigh the impacts upon the legitimate community interests, as mitigated by requirements of the Planning Board; and,
3. Recommend approval of the proposed and future municipal facilities, with the one condition of approval recommended by City Administration. This recommendation is based on the findings in the Staff Report.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board finds that the public interests to be served by the proposed Municipal Facility, outweigh the impacts upon the legitimate community interests and recommends approval of the proposed expansion of the Manhattan Public Library, based on the findings in the Staff Report, with the two conditions of approval recommended by City Administration.

PREPARED BY: Chad Bunger, AICP, CFM, Planner II.

DATE: December 7, 2011.