



MINUTES
SPECIAL CITY COMMISSION MEETING
TUESDAY, OCTOBER 11, 2005
7:00 P.M.

The Special Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Ed Klimek and Commissioners Bruce Sncad, Tom Phillips, Mark Hatesohl, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 8 staff, and approximately 68 interested citizens.

PLEDGE OF ALLEGIANCE

Manhattan Area Football Association 7th Grade Jaguars led the Commission in the Pledge of Allegiance.

RECOGNITIONS

Mayor Klimek recognized Manhattan Area Football Association 7th Grade Jaguars. Jim Stewart, Coach, and Brad Schoen, President, Manhattan Area Football Association, thanked the City for inviting the boys to lead the Pledge of Allegiance and informed the community about their organization.

Mayor Ed Klimek and City Manager Ron Fehr recognized Jerry Snyder, Fire Chief, and Don Francis, Assistant Chief for Technical Services, for the Life Safety Achievement Award.

PROCLAMATION

Mayor Klimek proclaimed October 9-15, 2005, ***Fire Prevention Week***. Don Francis, Assistant Chief for Technical Services, and Jerry Snyder, Fire Chief, were present to receive the proclamation.

PUBLIC COMMENTS

Helen Roser, P.O. Box 1814, Manhattan, displayed a yellow ribbon in support of our troops and informed the Commission that wounded veterans need to be welcomed at the Manhattan Town Center Mall. She said the Town Center Mall needs to provide better accessibility to the disabled and provide additional powered doors at the Mall.

COMMISSIONER COMMENTS

Commissioner Morris-Hardeman informed the community that the United Way campaign is underway with a goal of \$675,000.00, and to consider making a donation. She also informed the community of an organized run and fun walk/run at Bishop Stadium at CiCo Park on Saturday, October 15, 2005, at 9:00 a.m., to help support the Hurricane Katrina Relief Fund efforts.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 20, 2005.

CLAIMS REGISTER NO. 2538

The Commission approved Claims Register No. 2538 authorizing and approving the payment of claims from September 14, 2005, to October 4, 2005, in the amount of \$2,088,070.77.

LICENSE – CEREAL MALT BEVERAGES

The Commission approved the applications for 2005 Cereal Malt Beverage Licenses for Silverado Saloon, 531 North Manhattan Avenue, and Porters Bar and Deli, 706 North Manhattan Avenue.

ORDINANCE NO. 6498 – AMEND - MANHATTAN URBAN AREA COMPREHENSIVE PLAN

The Commission approved Ordinance No. 6498 amending the Manhattan Urban Area Comprehensive Plan, by incorporating the Aggieville-Campus Edge District Plan, as a part thereof, along with the citation.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6499 – AMEND – MANHATTAN ZONING REGULATIONS

The Commission approved Ordinance No. 6499 amending the Manhattan Zoning Regulations Article IV District Regulations, Section 4-112, M-FRO, Multi-Family Redevelopment Overlay District, as proposed, based on the findings in the Staff Memorandum. *(See Attachment No. 1)*

FIRST READING – LEVY – BUSINESS IMPROVEMENT SERVICE FEES

The Commission approved first readings of ordinances levying Business Improvement Service Fees, for the year 2006, on businesses located within the Aggieville and Downtown Business Improvement Districts.

FIRST READING – RENAME – WREATH AVENUE IN LEE MILL HEIGHTS ADDITION, UNIT 2

The Commission approved first reading of an ordinance renaming Wreath Avenue within Lee Mill Heights Addition, Unit 2, to South Wreath Avenue.

RESOLUTION NO. 101105-A – SET DATE FOR SALE – GENERAL OBLIGATION BONDS (SERIES 2005-B)

The Commission approved Resolution No. 101105-A setting November 1, 2005, as the date to sell \$1,010,000.00 in general obligation bonds (Series 2005-B) for the following: *900 Block Alley between Humboldt and Leavenworth – Street (ST0406); Hackberry Addition – Street (ST0403); Oak Hollow Addition, Unit 9 – Sanitary Sewer (SS0404), Street (ST0404), Water (WA0405), Stormwater (SM0403); Woodland Hills Addition, Unit 5, Phase I – Sanitary Sewer (SS0402), Street (ST0402), Water (WA0403), and \$6,180,000.00 in Series 204 and 208 general obligation refunding bonds (Series 2005-C); and approve first reading of an ordinance issuing \$1,010,000.00 in general obligation bonds.*

RESOLUTION NO. 101105-B – PLATT ADDITION – SANITARY SEWER IMPROVEMENTS (SS0501)

The Commission found the petition sufficient and approved Resolution No. 101105-B finding the Sanitary Sewer Improvements for the Platt Addition, advisable and authorizing construction.

RESOLUTION NO. 101105-C – PLATT ADDITION – WATER IMPROVEMENTS (WA0511)

The Commission found the petition sufficient and approved Resolution No. 101105-C finding the Water Improvements for the Platt Addition, advisable and authorizing construction.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 101105-D – PLATT ADDITION – STREET IMPROVEMENTS (ST0517)

The Commission found the petition sufficient and approved Resolution No. 101105-D finding the Street Improvements for the Platt Addition, advisable and authorizing construction.

AGREEMENT – ENGINEERING SERVICES – PLATT ADDITION IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with Ruggles and Bohm, P.A., of Wichita, Kansas, to perform engineering services for the improvements.

SOLICIT PROPOSALS – WILDCAT CREEK LIFT STATION PUMP REPLACEMENTS AND PARALLEL FORCEMAIN IMPROVEMENTS

The Commission authorized City Administration to solicit proposals for the design of the Wildcat Creek Lift Station Pump Replacements and Parallel Forcemain Improvements and appointed Commissioner Hatesohl to serve on the selection committee.

* DEVELOPMENT AGREEMENT – FOUR WINDS VILLAGE

Jeff Hancock, Director of Public Works, answered questions from the Commission regarding the new development process.

The Commission authorized the Mayor and City Clerk to execute the proposed Development Agreement with Cedar Hills Development Corporation for infrastructure in the Four Winds Village.

* AWARD CONTRACT – MIDRANGE COMPUTER SYSTEM

Bernie Hayen, Director of Finance, provided additional information on the item and answered questions from the Commission.

The Commission authorized the Mayor and the City Clerk to execute a contract in the amount of \$37,700.00 with HTE VAR, LLC, of Chamblce, Georgia, for the purchase of a midrange computer system including hardware, operating software, maintenance and technical support.

After discussion, Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

PUBLIC HEARING - MUNICIPAL FACILITY REVIEW - PROPOSED KANSAS NATIONAL GUARD FACILITY

Eric Cattell, Assistant Director for Planning, presented the item.

Colonel Eric Peck, Chief of Staff, Kansas Army National Guard, provided additional information on the item and answered questions from the Commission.

Mayor Klimek opened the public hearing.

Hearing no comments, Mayor Klimek closed the public hearing.

FIRST READING - MUNICIPAL FACILITY REVIEW - PROPOSED KANSAS NATIONAL GUARD FACILITY

After discussion, Commissioner Hatesohl found the public interests to be served by the proposed Kansas National Guard Facility, outweigh the impacts upon legitimate community interests, as mitigated by conditions of approval; and, moved to approve first reading of an ordinance authorizing the proposed National Guard Armory and Support Facility, generally located at 721 Levee Drive, based on the findings in the Staff Report, with the four (4) conditions of approval recommended by the Planning Board. (*See Attachment No. 2*) Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

PUBLIC HEARING – ESTABLISH – TAX INCREMENT FINANCE DISTRICT

Ron Fehr, City Manager, introduced the item.

Brent Bowman, Bowman, Bowman & Novick, presented an overview of the proposed Downtown Redevelopment District.

Jason Hilgers, Assistant to the City Manager and Redevelopment Coordinator, presented an overview of the history of the downtown redevelopment project and details of the Tax Increment Finance (TIF) district. He then answered questions from the Commission.

Bob Welstead, Dial Realty, provided an update on the progress and responsibilities of their company. He asked the Commission to support the item as presented.

Lyle Butler, President, Manhattan Area Chamber of Commerce, encouraged the Commission to support the item.

Mayor Klimek opened the public hearing.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING – ESTABLISH – TAX INCREMENT FINANCE DISTRICT (CONTINUED)

Scott Quaintance, Garcia-Quaintance Apartments, 318 Fremont Street, informed the Commission that he was concerned for the potential relocation of his tenants at this location and asked who would be responsible for the relocation of the current tenants. He then introduced several tenants at 318 Fremont Street.

Pat Geraghty, 318 Fremont Street; Robert Tartaglia, 318 Fremont Street; Lenny Arveson, 318 Fremont Street; and Shawn Manor, 318 Fremont Street, informed the Commission that they do not drive and like where they live for various reasons.

Scott Quaintance, Garcia-Quaintance Apartments, 318 Fremont Street Apartments, provided additional information and answered questions from the Commission.

Lisa Rockley, Executive Director, Downtown Manhattan, Inc. (DMI), spoke in support of the concept of downtown redevelopment and the utilization of Tax Increment Financing for the project. However, she stated that DMI is in opposition to the TIF district boundaries at this time, and said she believed the north component of the district lacks pedestrian and vehicular access to the core area.

Robert Dickens, 3553 Dempsey Road, property owner of 324 and 326 Laramie Street, informed the Commission that he has been in contact with Dial Realty for two years and that Dial has been good to work with. He spoke in favor of the development, as presented.

Robert Green, Real Estate Counsel, O'Reilly Auto Parts, Springfield, Missouri, representing O'Reilly Auto Parts, 324 Fort Riley Boulevard, informed the Commission that he recently sent them a letter informing them that their business in the southern portion of the redevelopment area may be seriously and negatively impacted. He requested the Commission consider his position and available options as outlined in the September 30, 2005, letter sent to the City Commission and Dial Realty.

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, answered questions from the Commission.

Jamaica Lowe, 314 Leavenworth Street, informed the Commission that she could not afford to relocate in the area and wanted to know what the relocation plan is and when she would need to move.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING – ESTABLISH – TAX INCREMENT FINANCE DISTRICT (CONTINUED)

Rick Kiolbasa, Dial Realty, updated the Commission on negotiations that have taken place with property owners in the affected area. He then answered questions from the Commission and talked about the relocation plan.

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, provided additional information on the components of the relocation plan. He then answered questions from the Commission.

Marlene Ferlemann, 1309 Waters Street, informed the Commission that she was concerned with the people living at 318 Fremont Street and said that they need to remain together. She stated that she is not being offered fair market value for her property at 521 North Third Street and has not signed a contract with Dial. She said approximately 18 properties that she is aware of have not signed contracts yet.

Jim Crespino, 3417 Lombard, informed the Commission that he recently moved to Manhattan from Kansas City and asked that the Commission use good judgment in the use of Tax Increment Financing.

Scott Quaintance, Garcia-Quaintance Apartments, 318 Fremont Street Apartments, informed the Commission that money is not the issue in the relocation plan but will need to provide the quality of life that his tenants currently have.

Rick Kiolbasa, Dial Realty, provided additional information on the item and informed the Commission that he would need backup material to support the amount of money that some property owners are asking for their property beyond the appraisal information that he has received. He then answered questions from the Commission.

Marlene Ferlemann, 1309 Waters Street, explained to the Commission that the appraisal completed on her property did not reflect the true value of her property.

Scott Quaintance, Garcia-Quaintance Apartments, 318 Fremont Street Apartments, spoke about the appraisal process completed on his property and asked for comparable structures suitable to his property. He said that he has not made any improvement on negotiations with Dial Realty since late spring and have not signed an agreement.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING – ESTABLISH – TAX INCREMENT FINANCE DISTRICT (CONTINUED)

Robert Green, Real Estate Counsel, O'Reilly Auto Parts, Springfield, Missouri, representing O'Reilly Auto Parts, 324 Fort Riley Boulevard, informed the Commission that different plans have shown their property in and out of the district area and that the southern district is not complete.

Ron Fehr, City Manager, and Bill Frost, City Attorney, provided clarification on the process to establish the district area. They then answered questions from the Commission.

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, and Bill Frost, City Attorney, provided additional information and clarification on the item.

Robert Green, Real Estate Counsel, O'Reilly Auto Parts, Springfield, Missouri, representing O'Reilly Auto Parts, 324 Fort Riley Boulevard, requested that the Commission address their relocation concerns now and not at a later time.

Linda Weis, 215 Pine Drive, informed the Commission that Fletcher Simmons is a very high ranking appraiser in the community and suggested that property owners have the right to get their own appraisals done if they have a concern about the appraised evaluations of their properties.

Rick Kiolbasa, Dial Realty, provided clarification on the appraisals completed.

Hearing no further comments, Mayor Klimek closed the public hearing.

FIRST READING - ESTABLISH – TAX INCREMENT FINANCE DISTRICT

The Commission took a brief recess at 9:20 p.m.

Ron Fehr, City Manager, answered questions from the Commission regarding the district.

Joe Norton, Gilmore and Bell, Bond Council for the City of Manhattan, informed the Commission on the process and requirements for a Tax Increment Financing project.

After discussion, Commissioner Snead moved to approve first reading of an ordinance establishing a Tax Increment Finance District within the City of Manhattan. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

POYNTZ AVENUE, JULIETTE AVENUE TO 3RD STREET, TRAFFIC STUDY

Rob Ott, City Engineer, presented the item and answered questions from the Commission.

Jason Hilgers, Assistant City Manager, and Ron Fehr, City Manager, provided additional information on the item and answered questions from the Commission.

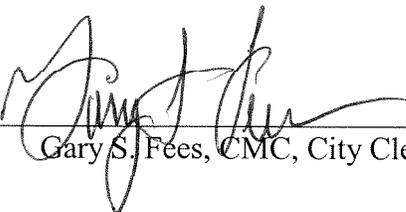
Lisa Rockley, Executive Director, Downtown Manhattan, Inc., informed the Commission that parking is a big issue and that DMI understands that not everyone will enjoy the changes. She asked that the traffic signal on Fourth Street and Poyntz Avenue be addressed as soon as possible.

Rob Ott, City Engineer; Jeff Hancock, Director of Public Works; and Ron Fehr, City Manager, answered questions from the Commission regarding the item and the traffic signals at Fourth Street and Poyntz Avenue, as well as the intersection of Houston and Fourth Street.

After discussion, Commissioner Snead moved to authorize City Administration to re-stripe parking stalls and install tubular markers at a cost of \$3,000.00 on a temporary evaluation basis along Poyntz Avenue as shown in Option Four, and to proceed with using parts from the traffic signal at Houston and Fourth Street to repair the traffic signal at Poyntz Avenue and Fourth Street, and to replace the traffic signal at Fourth and Houston Street with a four-way stop. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 10:20 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

Attachment No. 1



INTER-OFFICE MEMORANDUM

DATE: August 9, 2005

TO: Manhattan Urban Area Planning Board

FROM: Cameron Moeller AICP, Planner II

RE: Amendments to the Manhattan Zoning Regulations; Article IV, Section 4-112 M-FRO Multi-Family Redevelopment Overlay District.

PURPOSE

The purpose of the public hearing is to consider amending the Manhattan Zoning Regulations to amend Article IV District Regulations, Part 1 Residential Districts, Section 4-112 M-FRO Multi-Family Redevelopment Overlay District. *(The proposed text amendment is attached.)*

BACKGROUND

From May 2003 through April 2004 a series of down-zonings and up-zonings were undertaken in four phases to implement the findings of the Traditional Neighborhood Study, which identified a 17.5 block Redevelopment Area that was up-zoned to R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District. The M-FRO District was designed to establish minimum site-layout and building compatibility standards, to insure that new development would be more compatible by maintaining certain defining characteristics of their respective neighborhoods.

The Redevelopment Area was originally identified for a 22.5 block area located east of the KSU Campus, generally to N. 9th Street, and extending southward around Aggieville, to City Park. In October 2003, the City Commission approved the rezoning of the Redevelopment Area, to R-3/M-FRO District, with the exception of the five (5) blocks that had been identified by the Aggieville Business Association for further evaluation as part of the Aggieville-Campus Edge Study.

Attachment No. 1

The Aggieville Business Association approached an architecture design consultant to assist in the preparation of a planning study for a mixed-use residential redevelopment concept within the five blocks north of Aggieville, as well as a study of the Aggieville shopping district. The Aggieville Business Association and consultant held several public and stakeholder meetings in regard to development of the draft Aggieville-Campus Edge Study. At a September 2004 joint City Commission-Planning Board Work Session, the Aggieville Business Association and consultant presented the results of the Aggieville-Campus Edge Study and discussed urban design concepts and suggestions regarding how to proceed towards implementation. The City Commission directed City Administration to expand the Aggieville-Campus Edge conceptual visions into a formal District Plan for consideration for adoption as an amendment to the Comprehensive Plan, and to develop the necessary design guidelines and zoning tools to implement the District Plan. The Commission also directed City Administration to proceed with up-zoning the remaining 5-block Campus Edge area to the R-3/M-FRO District, which was completed in January 2005.

The Aggieville-Campus Edge District Plan and associated implementation tools were originally initiated to focus on the redevelopment of the five-block Campus Edge District, as conceived by the RTKL study. However during the public process of developing the RTKL concept into a District Plan with specific zoning tools, several issues came to light, which were found to be important not only to the Campus Edge area, but also applicable to the larger 17.5-block R-3/M-FRO Redevelopment Area, which surrounds and abuts the five-block Campus Edge area to the east and southeast.

When rezoning proposals were being considered for the original 22.5 block redevelopment area the issues, objectives and conclusions were very similar to those reached in the RTKL/Aggieville Business District study for the Campus Edge planning area. An evaluation of the M-FRO District regulations since its original adoption and implementation identified certain portions that could benefit from refinement and clarification. The identified issues such as the maximum building height; the restriction that lot width places on small lot redevelopment opportunities and objectives; and lot coverage, among other things, were found to be equally relevant in the larger 17.5 block M-FRO district as in the five-block Campus Edge District. These issues, together with the fact that a single redevelopment district would help to reduce confusion for property owners and developers, and simplify zoning implementation and enforcement, led the Planning Board and City Commission to recommend that adjustments be made to the existing M-FRO District regulations to address the common issues and apply these to the whole 22.5 block R-3/M-FRO area (5-block Campus Edge and the 17.5-block Redevelopment Area).

Attachment No. 1

The Community Development Department developed the draft Aggieville - Campus Edge District Plan along with proposed adjustments to the M-FRO, Multi-Family Redevelopment Overlay that will serve as the implementation tool for the redevelopment area. The Draft Aggieville - Campus Edge District Plan along with specific implementation tools were presented to the public for comment on January 31, 2005 and were presented to the Manhattan Urban Area Planning Board at work sessions on February 17th and April 18th, and in a work session with the City Commission on April 26th.

The proposed amendment consists of additions and modifications to the existing M-FRO, Multi-Family Redevelopment Overlay District regulations (see attached proposed modifications to M-FRO).

Overview of Proposed Amendments to the Zoning Regulations

The proposed changes to the wording of the M-FRO, Multi-Family Residential Overlay District differ from the original version in the following instances (*see attached copy of the proposed text with changes shown as: struck-through for text that is being deleted; and bold for revised or new text*):

- **Section (C) Lot Size Requirements:** Due to the multiple ownership patterns and relative difficulty of assembling development sites in the redevelopment area, it was recognized that single 50-foot wide lots may become sandwiched between larger developments. In order to provide more flexibility in the types of residential structures permitted on 50-foot wide lots, it is proposed that the required minimum lot width for three and four family dwellings (having no more than 8 bedrooms) be reduced from sixty (60) feet to fifty (50) feet. The limitation on the total number of bedrooms helps to ensure that the overall development intensity, in terms of the number of residents and the amount of off-street parking, is similar to that of an 8-bedroom duplex, which is permitted on a 50-foot wide lot under the current regulations.

- **Section (D)(1) Maximum Structure Height:** It is proposed that building height be limited to 3 ½ habitable stories above ground level, with a maximum building height of 55 feet. While it remains the intent to encourage high-density redevelopment within the M-FRO District, the limitation on building height is designed to ensure that new development is not out-of-scale with surrounding properties and does not detract from the character of the Kansas State University campus to the west and the traditional neighborhoods to the east. Proposed buildings that exceed these height limitations can be considered on a case by case basis through either the PUD process, or the Board of Zoning Appeals.

Attachment No. 1

- **Section (D)(2)(a) Minimum Front Yard:** In order to provide increased flexibility and to allow for creativity in building design and site layout, it is proposed that certain architectural features be allowed to encroach closer to the front property line than the 14 foot setback. As proposed, bay windows could be as close as 12 feet from the front property line. Roof eaves, front stoops, open porches, porticos, and balconies could be as close as 10 feet, and steps leading to a front entrance could be as close as 6 feet.

- **Section (D)(3) Maximum Lot Coverage:** In order to provide more flexibility and to further encourage high-density redevelopment, it is proposed that the maximum lot coverage be increased from 40 percent to 50 percent. The proposed increase in allowable lot coverage also helps to counter-balance any potential disincentives to high-density development created by limiting building height and helps accommodate additional architectural features.

- **Section (F)(1)(a) Driveways and Curb Cuts:** To ensure that adequate green space is retained when 3-plexes and 4-plexes are placed on 50-foot wide lots (see Section C, Lot Size Requirements), it is proposed that the maximum driveway width for such structures be reduced from 24 feet to 12 feet. It is proposed that this same driveway width be applied to single-family homes and duplexes, which would increase the maximum driveway width from 10 feet (the current standard) to 12 feet for such structures. In addition, it is recognized that the existing “one curb cut” limit for all developments within the M-FRO District may be too restrictive for zoning lots which potentially could be as large as a half to a full city block. It is proposed that the City Engineer develop criteria to be used by him/her when considering allowing more than one curb cut on a case by case basis for zoning lots that have 200 feet or more of frontage along a single street.

- **Section (F)(1)(e) Buffering of Surface Parking Lots:** In order to provide greater flexibility in how parking lots are buffered, it is proposed that the utilization of landscaping, walls/fences, and/or berms be considered an acceptable alternative to the previous minimum requirement of providing a continuous row of shrubs.

- **Section (F)(1)(f) Screening of Structured Parking Lots:** Because structured parking lots will generally have a higher degree of visibility from the public street than surface parking lots (which must be located to the rear or side of structures), it is proposed that structured parking lots (which include parking garages as well as structures with a level of parking located underneath residential dwelling units) be “screened” rather than merely “buffered”. It is proposed that structured parking lots be screened with a wall or fence that is opaque to a height of at least 30 inches.

Attachment No. 1

- **Section (F)(1)(g) Building and Foundation Landscaping:** It is proposed that the landscaping requirement be amended so that it is also applied to screening walls and fences that face public streets in addition to buildings.
- **Section (F)(2)(a) Building Exterior:** It is proposed that this standard be expanded and quantified in order to provide further clarity and to remove potential misinterpretations of how the standard is met. Other than the minimum masonry requirement, the proposed expansion of this standard does not require a higher level of building design than the current standard. The intent is merely to quantify and clarify the same design concepts.
- **Section (F)(2)(b) Building Placement and Orientation:** Previous references to “primary facades” have been replaced with “street-facing facades”. Otherwise, no substantive changes are proposed.
- **Section (F)(2)(c) Windows:** Previously, the minimum window percentage requirement applied to “primary facades”. With the reference to primary facades removed, it is proposed that the window percentage requirement be applied to “street-facing” facades. The only structures affected by this proposed text change would be buildings located on corner lots, in which the window percentage requirement would apply to each street-facing façade rather than being limited to the primary façade only. It appears that the new structures that have recently been built on corner lots in the M-FRO area would already meet this requirement.
- **Section (F)(2)(f) Building Entrances:** It is proposed that this standard be expanded to ensure street-facing facades meet the original intent of this provision and provide more than a token entrance leading to only one apartment. The proposed text requires that street-facing facades provide either a common entrance leading to a foyer, lobby, or hallway, or multiple entrances leading to individual apartments.
- **Section (G) Definitions:** The following new definitions have been created to provide clarity and remove potential misinterpretations of the Compatibility Standards: Balcony, Basement, Bay Window, Brick, Door Surround, Entrance, Façade, Street-facing Façade, Structured Parking, Surface Parking, Porch, Portico, Stone, Story, First Story, Half Story, Stoop, and Window Surround.

Standards for Reviewing Amendments to the Text of the Manhattan Zoning Regulations.

Attachment No. 1

Article XV, Section 15-302 of the Zoning Regulations requires that when a proposed amendment results in the change in the text of the Zoning Regulations, the report from the Planning Staff shall contain a statement as to the nature and effect of the proposed amendment, and determinations as to the following:

(A) **Whether such change is consistent with the intent and purpose of the Zoning Regulations.**

The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The proposed text changes to the Multi-Family Redevelopment Overlay (M-FRO) provide further clarity and refinements to the regulations while remaining consistent with the overall intent of the M-FRO, which is designed to ensure that infill development is functionally integrated into surrounding areas and compatible with the traditional character of the older neighborhoods of Manhattan. The M-FRO District is intended to provide site and building design standards within which higher density housing can be built, while being sensitive to, and ensuring compatibility with, surrounding neighborhoods and the public streetscape. The proposed changes are designed to fine-tune the M-FRO District, based on lessons learned over the past 22 months since its initial implementation and to address issues and goals identified in the Aggieville-Campus Edge District Plan.

(B) ***The areas which are most likely to be directly affected by such changes and in what way they will be affected.***

The M-FRO District is applied to 22 ½ blocks within the neighborhoods adjacent to the east edge of the Kansas State University campus and along the Aggieville Business District, which were identified through the Traditional Neighborhood Study as appropriate for a higher density residential redevelopment area. Generally, the proposed text changes will provide increased clarity of intent, increased flexibility in building design and site layout, and will promote redevelopment that is more urban in density and character than most residential neighborhoods in the community given its location adjacent to the University.

(C) **Whether the proposed amendment is made necessary because of changing conditions in the areas and zoning districts affected, or in the city planning area, generally and if so, the nature of such changed or changing conditions.**

The amendment to the M-FRO is proposed as an implementation tool to help achieve the urban design concepts envisioned in the Aggieville-Campus Edge District Plan, and to address portions of the existing M-FRO regulations that will benefit from further clarification and refinement, based on the lessons learned since its original implementation.

(D) *Whether such change is consistent with the intent and purpose of the policies and goals as outlined in the adopted Comprehensive Plan.*

The Zoning Regulations are one of the primary tools to help implement the policies of the Comprehensive Plan. The older neighborhoods present unique opportunities and challenges for infill housing and redevelopment to address the housing needs of families and students. Providing opportunities for high-density redevelopment that is compatible in scale and character with the surrounding area helps ensure that present and future housing needs of Manhattan are met and neighborhoods adjacent to the redevelopment area are stabilized so that families feel comfortable living in the core areas of the community.

Some of the stated Goals and Guiding Principles of the Comprehensive Plan are:

- ❑ Provide opportunities for a greater mix of housing types, which are appropriately located, scaled and designed in relation to surrounding neighborhoods.
- ❑ Encourage creative, attractive commercial and multi-family design, compatible in scale and character with surrounding neighborhoods;
- ❑ Encourage infill redevelopment that is compatible with and enhances the surrounding neighborhood character;

The proposed amendments conform to the Comprehensive Plan.

ALTERNATIVES

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

1. Recommend approval of the proposed amendments to the City Commission, based on the findings in the Staff Memorandum.
2. Recommend denial of the proposed amendments to the City Commission, based on specifically stated reasons.
3. Modify any of the proposed amendments and forward the modifications, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, for specifically stated reasons and provide further direction to City Administration.

Attachment No. 1

RECOMMENDATION

City Administration recommends approval of the proposed amendments to the Manhattan Zoning Regulations: Article IV District Regulations, Part 1 Residential Districts, Section 4-112, M-FRO Multi-Family Redevelopment Overlay District, as described in the Staff Memorandum, based on the findings in the Staff Memorandum.

POSSIBLE MOTION

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

Attachments:

1. Proposed M-FRO, Multi-Family Redevelopment Overlay District

CM
05114

**STAFF REPORT
STATE OR MUNICIPAL FACILITY REVIEW**

APPLICANT: City of Manhattan as Purchaser of Contract; Future Tenant: the Kansas National Guard

ADDRESS: 1101 Poyntz Avenue, Manhattan, KS 66502

LOCATION: generally at 721 Levee Drive; Lot 4 and Lot 6, Manhattan Industrial Park, Unit One. Lots 4 and 6 are separated from one another by Levee Drive.

AREA: Total acres: 10.41 acres; Lot 4: 1.83 acres; Lot 6: 8.58 acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, September 12, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, October 3, 2005
CITY COMMISSION: Tuesday, October 11, 2005

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:

EXISTING USE: The overall site consists of two tracts. The northern tract, Lot 6, is the location of a vacant manufacturing building at 721 Levee Drive, which is vacant and formerly occupied by Troy Design & Manufacturing (TDM), outdoor storage and off-street parking. The southern tract, Lot 4, is an off-street parking lot immediately south of 721 Levee Drive, which serves 721 Levee Drive.

PROPOSED USE: A National Guard Armory and Support Facility proposed for the Kansas National Guard recruiting, operations, training, logistics, and administrative functions; military vehicle and equipment storage; vehicle washing, maintenance, and repair; fuel storage and dispensing; equipment disassembly, reconditioning, and assembly; manufacturing and warehousing; research and testing; emergency management operations and training; state agency administrative activities and programs; community support activities; storage of weapons with occasional limited storage of ammunition; and other

Attachment No. 2

activities or uses that are authorized by federal or state law relating to the Kansas Adjutant General's Department and Kansas National Guard. The Facilities may be rented or sub-leased to federal, state, and local government agencies or to private persons and civic groups in accordance with the Kansas Adjutant General's Department and Kansas National Guard rental and leasing policies.

Possible uses of the facility by the National Guard and expected employment:

- Units stationed at current armory to be reassigned to new facility as soon as possible
- KSNG undergoing wide-scale transformation and re-stationing. Facility provides several possibilities:
 - Engine Rebuild Program, 150 jobs, \$4.6 million annual payroll
 - Wheeled Vehicle Maintenance, 79 jobs, \$1.7 million annual payroll
 - Transmission Rebuild, 30 jobs, \$0.75 million annual payroll
 - Warehousing/Distribution Center, 30 jobs \$0.60 million annual payroll

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The overall site is relatively flat and developed. The site drains to open grass lined swales around the perimeter of the site. Lots 4 and 6 are within the 500 Year Flood Plain, which is not regulated by the Flood Plain Regulations of the Manhattan Zoning Ordinance. A rail spur extends to the site from the Union Pacific Railroad along Highway 24. The rail spur is located along the western boundary of Lot 4 and Lot 6.

Lot 4

The majority of the lot is occupied by an asphalt off-street parking lot containing 164-off-street parking spaces. Access is from a double wide curb cut onto Levee Drive. There are grass lined drainage swales along the street frontage and western boundaries of the lot.

Lot 6

The lot is dominated by a vacant office/manufacturing building previously occupied by Troy Design & Manufacturing (TDM), an electric/natural gas vehicle production center.

Based on the original building permit, the floor plan consists of a 60,000 square foot plant area and an 18,000 square foot, two-story office area (9,000 square feet per floor). The plant building is 29-feet in height and constructed with an exterior of light tan metal siding and red standing seam metal roof. The office portion is 27-feet in height and has a light

tan EFIS façade with a contrasting red metal seam roof over the covered entrance and red metal fascia along the roofline. An eight (8) foot tall chain link fence, which is topped with three strands of barbed wire, encloses the majority of the plant and rear portions of the site. On the eastern side of the site, the eight (8) foot fence extends to the east side lot line and steps down to a six (6) foot chain link fence, without slats. The six (6) foot fence extends over the property line to enclose the rear and side yards of the property to the east. White screening slats are installed on the fence facing Levee Drive and along the western side of the property, but not along levee/Linear Trail side of the fence. The area in front of the building consists of driveways, off-street parking and open yards of lawn, trees and foundation shrubs.

Access to the property is from two (2) curb cuts off Levee Drive, with sidewalk access leading from the front of the building to Levee Drive and the off-street parking lot on Lot 4 to the south. The rear storage area is accessed from the two driveways. The eastern driveway to the storage area is through gated guard house and/or key pad controlled entrance. The western driveway to the storage area is a key pad controlled gate. A guard house is inside the perimeter fence on the west side of the site. The outside storage area was designed for storage of a 400 vehicle inventory. Twenty-eight (28) off-street parking spaces are provided in front of the building, with internal access drives and storage drives on the eastern, western, and northern sides of the site.

THE NATURE AND SCOPE OF THE MUNICIPALITY OR STATE AGENCY:

The scope of the Kansas Adjutant General's Department includes the Kansas National Guard, the Department of Emergency Management, and Homeland Security, which serves the public good at the local, state, and national levels. The Kansas National Guard will be the primary user of the facility. It is estimated that the facility will create employment described above under **PROPOSED USE**.

THE FUNCTION OF THE UTILITY OR FACILITY: The facility will initially serve as a Kansas National Guard Readiness Center to replace the Armory currently located at 1709 South Airport Road adjacent to the Manhattan Airport. Likely expansion will include the stationing of depot level maintenance activity or warehousing function within the next two years. Proposed uses are described above under the heading **PROPOSED USE**.

THE EXTENT OF THE PUBLIC INTEREST TO BE SERVED BY THE UTILITY OR FACILITY:

Relocating the Kansas National Guard from its current Armory location to the new facilities represents an upgrading of facilities and the public interest served by the National Guard. The National Guard's mission includes homeland defense and emergency management support within the State of Kansas and nation-wide under the

Attachment No. 2

orders of the Governor of Kansas, as well as providing for national defense under the orders of the President of the United States. In addition, there is opportunity for considerable increased full-time employment in Manhattan associated with relocation/expansion of other Kansas Army Guard activities. Facility space not used by the Guard's full-time activity may be rented at nominal fees for civic and community activities.

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: Current facilities at 1709 South Airport Road are inadequate to meet the current needs of the Kansas National Guard. New facilities must be provided or the existing facilities will need major modifications.

The City of Manhattan will purchase the facilities at 721 Levee Drive and the off-street parking lot to the immediate south, which may eventually be purchased by the State of Kansas, Kansas Military Board.

In order to fund a new facility, a substantial commitment is normally required by the community, typically 10% of the construction cost. Contributions for a facility of this size would usually require a \$1.5 million share by the community. Furthermore, the Department of Defense funding process is very lengthy and involves a seven year budgeting cycle from the time of initial request until the beginning of construction. Therefore, the acquisition of this property will: (1) serve the immediate needs of the Kansas Army National Guard, (2) bring additional full time employment to Manhattan, and (3) require a substantially smaller financial commitment from the community.

The original use of the site complied with the requirements of the I-2 District. However, some of the proposed land uses are not I-2 District uses. City Administration believes the combination of proposed uses is reasonable given the public benefit that will be served by the facility.

The Guard is also requesting that additional sight obscuring screening not be required along the rear and east property lines. The rear lot line adjoins the levee, which is elevated. Requiring sight obscuring screening along the rear lot line will not keep the rear yard storage from being screened from the public on the Linear Trail due to the elevation difference. However, the rear storage yard is screened from public view along Levee Drive by the eight (8) foot gated entrance portion of the screening fence, which is on the east and west sides of the building.

Attachment No. 2

City Administration understands that a new fence will be built along the east side property line to separate the Guard's site from the property to the east. The new fence is not proposed to be screened. No amount of screening will obscure the view of the storage area from the elevated Linear Trail on the levee. The rear of the property to the east is storage and should not be adversely affected by a lack of screening.

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 site adjoins an I-3, Light Industrial District, to the immediate west, but is otherwise generally located within the I-2, Industrial Park District. Minimal impact is expected on adjoining property and the legitimate interests of the surrounding community in which the Kansas National Guard facility will be located. The use will occupy an existing building and off-street parking lot to the south of the existing building.

To the north is the City boundary along the northern lot line of Lot 6, the flood control levee, Linear Trail, flood plain, open space and unincorporated farm land. To the west and the east/southeast is warehousing. To the south is Levee Drive, which connects to US Highway 24 to the southeast and to McCall Road further to the west. To the southeast of the off-street parking lot is warehousing and distribution. To the southwest is a vehicle towing and storage use.

Given that the existing facilities are already constructed, no adverse impact should be expected on the industrial/manufacturing/warehousing nature on the surrounding area. The proposed occupancy and activity of the Kansas National Guard is not inconsistent with the surrounding area. The training activities of the National Guard are not unlike training activities that may be associated with Vocational Educational Facilities, a permitted use in the I-2 District.

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 site is shown on the Future Land Use Map for the Northeast Planning Area of the Comprehensive Plan as Industrial (IND).

THE LAND USE POLICIES OF THE IND CATEGORY INCLUDE:

Industrial (IND)

I 1: Characteristics

The Industrial designation is intended to provide locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations. Typically, heavy industrial uses involve more intensive work processes, and may involve manufacturing or basic resource handling and/or extraction. Design controls within an Industrial area are not as extensive as in the Office/Research Park category and a broader range of uses is permitted.

I 2: Location

Because of their potential environmental impacts, Industrial uses should generally be located away from population centers or must be adequately buffered. Traffic generated by industrial uses should not pass through residential areas. Sites should have access to one or more major arterials or highways capable of handling heavy truck traffic. Railroad access is also beneficial to certain types of heavy industrial uses. Light industrial uses can typically be located in areas that also contain some highway-oriented commercial uses, and might benefit from close proximity and better access to their local customer base.

I 3: Screening

Storage, loading and work operations should be screened from view along all industrial area boundaries (when adjacent to non-industrial uses) and along all public streets.

Municipal facilities are generally shown within the Public/Semi Public category, such as the Waste Water Treatment Plant to the south of the site. The Comprehensive Plan identifies existing municipal facilities and does not embrace circumstances such as the proposed location. Furthermore, Municipal Facilities are a permitted use in any zoning district and cannot be identified in all circumstances on the Comprehensive Plan.

The proposed use is within an industrial park setting dominated by warehousing and storage facility uses, which will be used for intermittent National Guard training. Occasional outside use may include public use for local, state or federal activities, as well as private activities. Public and private permitted and conditional uses are located throughout the I-2 District. Uses in the I-2 District such as the T Russell Reitz Regional Animal Shelter, a kennel, and Vocational Educational Facilities, as well as Conditional Uses such as Health and Fitness Centers and Group Day Care Centers, are not inconsistent with the nature of the IND category and I-2 District. The range of uses, associated with a National Guard Armory and Support Facility proposed for the Kansas National Guard conforms to the Comprehensive Plan.

OTHER FACTORS AS THE PLANNING BOARD DEEMS APPROPRIATE AND RELEVANT: The Kansas Adjutant General's Department and the Kansas National Guard view this action as an opportunity to partner with the City of Manhattan to ensure there is a long-term National Guard presence in the city in order to provide support for the local community, the State of Kansas, and the nation as a whole.

STAFF COMMENTS: City Administration recommends approval of a proposed National Guard Armory and Support Facility proposed for Kansas National Guard, generally located at 721 Levee Drive, with the following conditions of approval:

1. The proposed use shall be for a National Guard Armory and Support Facility to include Kansas National Guard recruiting, operations, training, logistics, and administrative functions; military vehicle and equipment storage; vehicle washing, maintenance, and repair; fuel storage and dispensing; equipment disassembly, reconditioning, and assembly; manufacturing and warehousing; research and testing; emergency management operations and training; state agency administrative activities and programs; and community support activities; storage of weapons with occasional limited storage of ammunition; other activity or use that is authorized by federal or state law relating to the Kansas Adjutant General's Department and Kansas National Guard; and, these facilities may be rented or sub-leased to federal, state, and local government agencies or to private persons and civic groups in accordance with the Kansas Adjutant General's Department and Kansas National Guard rental and leasing policies.
2. Except for existing sight obscuring screening in the south and west portions of the perimeter fence, no additional sight obscuring screening shall be required.
3. Future buildings or additions for training or storage shall be permitted, subject to the Bulk Regulations of the I-2, Industrial Park District.
4. Landscaping shall be maintained in good condition.

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.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: September 27, 2005

05018

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 National Guard Armory and Support Facility for the Kansas National Guard, based on the findings in the staff report, with the four (4) conditions of approval recommended by City Administration.
2. Hold a public hearing on the proposal and, following the hearing, recommend denial of the proposed National Guard Armory and Support Facility for the Kansas National Guard, 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 National Guard Armory and Support Facility for the Kansas National Guard.
4. Table the public hearing of a proposed National Guard Armory and Support Facility for the Kansas National Guard, 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 National Guard Armory and Support Facility for the Kansas National Guard;
2. Determine by a preponderance of the evidence, that the public interests to be served by the proposed National Guard Armory and Support Facility for the Kansas National Guard, outweigh the impacts upon the legitimate community interests, as mitigated by requirements of the Planning Board; and,
3. Recommend approval of the proposed National Guard Armory and Support Facility for the Kansas National Guard, with the four (4) conditions 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 a proposed National Guard Armory and Support Facility, generally located at 721 Levee Drive (Lot 4 and Lot 6, Manhattan Industrial Park, Unit One), based on the findings in the Staff Report, with the four (4) conditions of approval recommended by City Administration.