

MINUTES
CITY COMMISSION MEETING
TUESDAY, NOVEMBER 2, 2004
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Brad Everett and Commissioners Ed Klimek, Bruce Snead, Mark Hatesohl, and Mark Taussig were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Diane Stoddard, Assistant to the City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 9 staff, and approximately 30 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Everett led the Commission in the Pledge of Allegiance.

David Kreller, President, United Way, thanked Mayor Everett for being a great sport and for assisting with the United Way Radiothon fundraiser.

PROCLAMATIONS

Mayor Everett proclaimed November 6, 2004, ***Buddy Poppies***. John Hubbard, Commander, VFW; Caroline Seibel, Buddy Poppy Chair; and Rachel Baumbach, Poppy Girl, were present to receive the proclamation.

Mayor Everett proclaimed November 11, 2003, ***Veteran's Day***. Dave Fiser, Chairman, and Dick Jepsen, Past Chairman, Flinthills Veteran's Coalition, were present to receive the proclamation.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, October 12, 2004, and the Regular City Commission Meeting held Tuesday, October 19, 2004.

CLAIMS REGISTER NO. 2516

The Commission approved Claims Register No. 2516 authorizing and approving the payment of claims from October 13, 2004, to October 26, 2004, in the amount of \$1,799,711.22.

CONSENT AGENDA (CONTINUED)

2005 RENEWAL APPLICATIONS

The Commission approved renewal applications for Cereal Malt Beverage and Tree Maintenance licenses for calendar year, 2005. *(See Attachment No. 1)*

LICENSE – TREE MAINTENANCE

The Commission approved application for Tree Maintenance license for calendar year, 2004, for Dons Stump Removal and Tree Service, 3761 South 33rd Street.

FINAL PLAT – STONEGATE ESTATES, UNIT 7

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Stonegate Estates, Unit 7, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – BROOKFIELD ADDITION, UNIT 4

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Brookfield Addition, Unit 4, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6435 – PROHIBIT OBSTRUCTION

Commissioner Taussig asked that the minutes reflect that leaves naturally falling on the streets would not be considered an obstruction.

The Commission approved Ordinance No. 6435 prohibiting the obstruction of any street, alley, sidewalk, or public place.

ORDINANCE NO. 6436 – REZONE – CAMPUS BRIDGE LOFTS

The Commission approved Ordinance No. 6436 rezoning the proposed Campus Bridge Lofts, located generally at the southeast corner of North Manhattan Avenue and Vattier Street, from R-M, Four-Family Residential District, and UO, University Overlay District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the ten (10) conditions as recommended by the Manhattan Urban Area Planning Board. *(See Attachment No. 2)*

ORDINANCE NO. 6437 – GENERAL OBLIGATION BONDS 2004B

The Commission approved Ordinance No. 6437 issuing \$950,000.00 in general obligation bonds (Series 2004B) to finance the following six (6) special assessment projects: *Pheasant Hill Addition – Sanitary Sewer (SS0308), Water (WA0308); Stone Valley Addition, Phase I – Sanitary Sewer (SS0306), Water (WA0307); Tatarrax Hills Subdivision – Sanitary Sewer/Water (SS0205/WA0207); The Browning Project – Storm Water (SM0201);* and approve Resolution No. 110204-A authorizing delivery of the bonds to the low bidder.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6438 – 2004 STANDARD TRAFFIC ORDINANCE

The Commission approved Ordinance Nos. 6438-6440 incorporating the 2004 Standard Traffic Ordinance by reference, and amending the sections relating to theft and minor in possession in the Code of Ordinances.

RESOLUTION NO. 110204-B – TEMPORARY NOTE SERIES 2004-03

The Commission approved accepting the best bid for selling the notes and approved Resolution No. 110204-B issuing Temporary Note Series No. 2004-03 in the amount of \$1,025,000 to finance the following eight (8) special assessment projects to be debt financed: *Hackberry Addition, Street Improvements; Oak Hollow Addition, Unit 9, Sanitary Sewer, Storm Water, Street, and Water Improvements; and Woodland Hills Addition, Unit 5, Phase 1, Sanitary Sewer, Street, and Water Improvements.*

FIRST READING – VACATE UTILITY EASEMENT – 608 NORTH 12TH STREET

The Commission approved first reading of an ordinance vacating a portion of the utility easement as described within the attached ordinance on the vacation of a portion of a utility easement consisting of a small portion of the Hibachi Hut Restaurant, 608 North 12th Street, which encroaches the City of Manhattan alley.

CHANGE ORDER NO. 1-FINAL – BROOKFIELD ADDITION, UNIT 3 – WATER MAIN IMPROVEMENTS (WA0407)

The Commission approved Change Order No. 1-Final for the Brookfield Addition, Unit 3, Water Main Improvements (WA0407) resulting in a net increase in the amount of \$1,008.60 (+1.45%) to the contract with Larson Construction Company, Inc., of Manhattan, Kansas.

CHANGE ORDER NO. 1-FINAL – BROOKFIELD ADDITION, UNIT 3 – SANITARY SEWER IMPROVEMENTS (SS0405)

The Commission approved Change Order No. 1-Final for the Brookfield Addition, Unit 3, Sanitary Sewer Improvements (SS0405) resulting in net increase in the amount of \$865.00 (+0.55%) to the contract with Larson Construction Company, Inc., of Manhattan, Kansas.

AWARD CONTRACT – K-18/K-113 UTILITY RELOCATION PROJECT

The Commission accepted the Engineer's Estimate in the amount of \$93,579.00 and awarded a construction contract for relocating the sanitary sewer and water utilities at the intersection of K-18 and K-113 to Larson Construction Company, Inc., of Manhattan, Kansas.

CONSENT AGENDA (CONTINUED)

AGREEMENT – DESIGN – STORM STORAGE FACILITY

The Commission authorized the Mayor and City Clerk to enter into an agreement with BG Consultants, of Manhattan, Kansas, to complete the design of the storm storage facility located northeast of the intersection of Tuttle Creek Boulevard and McCall Road.

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

PUBLIC COMMENTS

There were no public comments.

COMMISSIONER COMMENTS

There were no Commissioner comments.

GENERAL AGENDA

DOWNTOWN REDEVELOPMENT AND ATTRACTIONS COMMITTEE RECOMMENDATIONS - INITIATE PROCESS FOR SALES TAX REVENUE (STAR) BOND FINANCING

Jason Hilgers, Assistant to the City Manager, presented the item.

Rick Kiolbasa, Dial Realty, spoke about the redevelopment, developer costs and provided an overall site plan of the area. He then answered questions from the Commission.

Jason Hilgers, Assistant to the City Manager, and Ron Fehr, City Manager, answered questions from the Commission.

Becky Blake, Director, Convention and Visitors Bureau, Manhattan Area Chamber of Commerce, encouraged the Commission to support the process and to take the application to the next level.

GENERAL AGENDA (CONTINUED)

DOWNTOWN REDEVELOPMENT AND ATTRACTIONS COMMITTEE RECOMMENDATIONS - INITIATE PROCESS FOR SALES TAX REVENUE (STAR) BOND FINANCING (CONTINUED)

Terry Olson, 958 South Manhattan Avenue, Chair, Manhattan Area Chamber of Commerce, encouraged the Commission to forward the application to the State of Kansas.

Roger Schultz, Schultz Construction, 4741 Tuttle Creek Boulevard, informed the Commission that many local developers and sub contractors would like an opportunity to assist with this project.

Lyle Butler, President, Manhattan Area Chamber of Commerce, provided background information on the item.

Ron Fehr, City Manager, answered questions from the Commission regarding the project and financing mechanisms.

Rick Kiolbasa, Dial Realty, provided additional information on the item and informed the Commission that they have received letters for a portion of the retail space.

Ron Fehr, City Manager, answered additional questions from the Commission and provided an outline of actions that will need to be taken.

After discussion, Commissioner Hatesohl moved to accept the Attractions Committee report and direct City Administration, Dial Realty, and Canyon Research to move forward with a preliminary draft application for STAR bonds with the State of Kansas. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

The Commission took a brief recess.

NATIONAL INSTITUTE FOR STRATEGIC TECHNOLOGY ACQUISITION AND COMMERCIALIZATION (NISTAC) PROJECT

Diane Stoddard, Assistant City Manager, presented the item and answered questions from the Commission regarding the selection process.

Ron Sampson, President, NISTAC, provided additional information on the item and informed the Commission of actual and projected job creation numbers for the company. He then answered additional questions from the Commission.

Bill Frost, City Attorney, provided clarification on the terms of the agreements and answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

NATIONAL INSTITUTE FOR STRATEGIC TECHNOLOGY ACQUISITION AND COMMERCIALIZATION (NISTAC) PROJECT (CONTINUED)

Bernie Hayen, Director of Finance, provided additional information on the financing considerations of the facility. He then answered questions from the Commission.

Bill Frost, City Attorney, provided additional information on the item.

Ron Sampson, President, NISTAC; and Ron Fehr, City Manager, provided additional information to the Commission and answered questions from the Commission regarding the proposed agreement.

Diane Stoddard, Assistant City Manager; Bill Frost, City Attorney; and Ron Fehr, City Manager, provided clarification on the agreements for the Commission's approval.

After discussion, Commissioner Taussig moved to authorize City Administration to finalize the economic development and lease agreements with Kansas State University and NISTAC, and authorize City Administration to negotiate of a contract with Bowman, Bowman, Novick, Inc., for architectural services on the NISTAC building. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - ANNEX AND REZONE - LEE MILL HEIGHTS ADDITION

Eric Cattell, Assistant Director for Planning, presented the item. He then answered questions from the Commission.

Russ Johnson, Airport Director, informed the Commission of the Federal Aviation Administration (FAA) requirements for the area. He then answered questions from the Commission.

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

Roger Schultz, developer, provided additional information on the item. He then answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to:

- approve first reading of an ordinance annexing the 79-acre site of the proposed Lee Mill Heights Addition, located generally west of Miller Ranch, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program;

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - LEE MILL HEIGHTS ADDITION (CONTINUED)

- approve first reading of an ordinance rezoning the 75.5-acre portion of the proposed Lee Mill Heights Addition, from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District, based on the findings in the Staff Report (*See Attachment No. 3*); and
- approve first reading of an ordinance rezoning the 3.6-acre portion of the proposed Lee Mill Heights Addition, from County G-1, General Agricultural District, to R-2, Two-Family Residential District, with AO, Airport Overlay District, based on the findings in the Staff Report. (*See Attachment No. 4*) Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

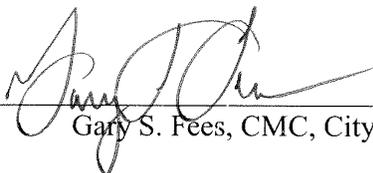
FIRST READING – REZONE - LOT 1, ENOCH ADDITION, UNIT 3

Eric Cattell, Assistant Director for Planning, presented the item and answered questions from the Commission.

After discussion, Commissioner Taussig moved to approve first reading of an ordinance rezoning Lot 1, Enoch Addition, Unit Three, from C-5, Highway Service Commercial District, to C-6, Heavy Commercial District, based on the findings in the Staff Report. (*See Attachment No. 5*) Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

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



Gary S. Fees, CMC, City Clerk

Attachment No. 1

2005 License Renewals

Cereal Malt Beverage Falley's Inc./DBA Food 4 Less #29 3011 Anderson Ave
Cereal Malt Beverage Kwik Shop, Inc/DBA Kwik Shop #733 1337 Anderson Ave

Tree Maintenance Haslett Tree Service 105 Tremont, Junction City
Tree Maintenance Hummel Tree 1019 Humboldt
Tree Maintenance Perfection Lawn and Landscape 3000 Tuttle Creek Blvd #51
Tree Maintenance B&P Maintenance 1718 S Airport Rd
Tree Maintenance Don's Stump Removal & Tree Service 3761 S 33rd St
Tree Maintenance Growing Concerns, Inc PO Box 1354
Tree Maintenance Wright Tree Service, Inc 139 6th St, West Des Moines, IA

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: R-M, Four-Family Residential District, and UO, University Overlay District

TO: PUD, Residential Planned Unit Development District

OWNER/APPLICANT: Andrew H. Suber

ADDRESS: 15264 254th Street, Lawrence, KS 66044

DATE OF PUBLIC NOTICE PUBLICATION: Thursday, August 19, 2004

DATE OF PUBLIC HEARING: PLANNING BOARD: Thursday, September 9, 2004
CITY COMMISSION: Tuesday, October 5, 2004

LOCATION: generally located on the southeast corner of Vattier Street and N. Manhattan Avenue, more specifically 1217 Vattier Street, 822 N. Manhattan Avenue/1231 Vattier Street, and 812 and 820 N. Manhattan Avenue.

LEGAL DESCRIPTION: Lots 781-784, Ward 3

AREA: approximately 0.7 acres (30,376 square feet)

PROPOSED USES: Multiple-family residential proposed to consist of an eight (8)-story 26-dwelling unit apartment building.

In addition to the multiple-family use, the applicant has proposed the possibility of leasing roof top space on the building to providers of telecommunications facilities. The height of the building may be an opportunity for providers having capacity or overload problems in the area. Any antennas or equipment will need to be shielded from view or architecturally blended with the building to minimize its appearance. The method of architecturally integrating telecommunications facilities is commonly referred to as "stealth".

Attachment No. 2

Telecommunications facilities include any cables, wires, lines, wave guides, antennas and any other equipment or facilities, including buildings, shelters or cabinets that house telecommunications providers' equipment, associated with the transmission or reception of communications which a provider would locate or install on the apartment building.

Stealth telecommunications facilities include a method of designing, constructing, and/or locating any telecommunications facility to blend in with the character and environment of the area in which it is located, and to enhance compatibility with adjacent land uses by minimizing visual impacts by either: (1) being concealed and virtually invisible to the observer, such as an antenna located behind louvers or architectural screening on a building, or placed inside the building; or (2) camouflaged through design, placement and coloration to blend in with its surroundings, or integrated into architectural elements of the building, to such an extent that it is indistinguishable by the casual observer from the structure on which it is located or the surroundings in which it is placed, such as panel antennas that are colored and located to match the architecture of the building.

PROPOSED BUILDINGS AND STRUCTURES: The PUD is called Campus Bridge Lofts, but will more likely be commonly known as 820. N. Manhattan Avenue.

A single, eight (8) story, apartment building, which will be 86-feet in height to the peak of the roof. The building will be constructed of reinforced concrete, limestone veneers and standing seam metal roof. The building will be constructed with a middle entry stairwell and elevator, which will separate the living spaces.

The first (ground) floor is a parking level accessed from the alley. Floors two (2) through four (4) are proposed as the main living occupancy with an established floor plan consisting of 16 three (3)-bedroom dwellings, four (4) units per floor. Floors five (5) through (8) will be build-to-suit or the standard three (3)-bedroom unit. Floors five (5) through seven (7) will have four (4) units per floor and the eight (8th), or penthouse/roof level, will have two (2) units. Total bedroom count will not exceed 74-bedrooms, and may be less than 74-bedrooms. Typical floor areas are 1,160 square feet, with each unit having a balcony. Telecommunications facilities may also be located on the roof level or mounted to the exterior building facade.

The remainder of the site consists of an off-street parking lot, signage, landscaping, and, other improvements.

The applicant indicates a property manager, at an off-site office, will be responsible for all leasing and maintenance.

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Sited demolition is expected around May 2005, with construction completed by June 2006.

(For more specific information see application documents, site and building plans and elevations.)

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Square Feet</u>	<u>Percentage</u>
Building	5,824	19%
Paving	18,703	62%
Landscaping	5,849	19%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
One (1) ground sign	6-feet by 2.5-feet	<u>Ground lit</u>

The 15-square foot limestone ground sign will be placed on 1.5-foot steel posts and located parallel to N. Manhattan Avenue, adjacent to the front entrance sidewalk.

PROPOSED LIGHTING: The parking lot will be lit by a single 24-foot light pole, which will be shielded and downcast.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: landscaping is functional for the site consisting and consists primarily of perimeter low level shrubs and foundation plantings, with two on-site trees on the N. Manhattan Avenue frontage. A limestone knee-wall is proposed along the N. Manhattan Avenue frontage to mirror the limestone wall on the KSU campus to the west. Additional landscaping should be provided in parking lot entry islands, which were expanded, but not shown on the landscape plan. Three (3) street trees in the Vattier Street right-of-way are shown on the demolition plan. Two (2) are noted as remaining and to be protected by the contractor. One (1) will be removed for driveway access to the site. The applicant and City Forester should coordinate the preservation and replacement of the three 930 street trees.

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Additional landscaping should be provided in the area along Vattier Street to soften, or buffer, the large off-street parking lot.

2. SCREENING: Six (6) foot screening fence will be provided around the trash receptacle off the alley and along the eastern boundary of the proposed PUD's off-street parking lot. The garage level parking will be screened from N. Manhattan Avenue frontage by a building wall.

3. DRAINAGE: The site will be graded to drain to the streets and alley. The applicant's consultant, Kaw Valley Engineering, prepared a Storm Drainage Report, which has been reviewed and accepted by the City Engineer (memo attached). A slight increase in storm water runoff will occur as a result of the increase in impervious surface, with the increase considered insignificant.

4. CIRCULATION: Access is from two, two-way, parking lot drives, which intersect with Vattier Street, and from the alley, which connects to the east with N. 12th Street and to the west with N. Manhattan Avenue. The parking area under the building is accessed from the alley. Internal circulation provides for safe and efficient driving conditions. Vision sight triangles at the driveway intersections along Vattier Street are met, as well as along the alley, although vision triangles are not technically required at driveway alley intersections.

The applicant's consultant, Kaw Valley Engineering, prepared a Traffic Impact Analysis, which has been reviewed and accepted by the City Engineer (memo attached). Minimal impacts on the surrounding street network are expected. There is an expected increase of 3.0 seconds/vehicle at the stop sign controlled intersection of Vattier Street and N. Manhattan Avenue, and basically no change at the signalized intersection of Bluemont Avenue and N. Manhattan Avenue, as a result of the proposed development.

Sidewalk exists along abutting street frontages and a proposed sidewalk extends to the building's entrance off N. Manhattan Avenue.

Off-street parking is based on a ratio of one (1) parking space per bedroom. A maximum of 74- bedrooms is proposed and 75-parking spaces are proposed. Several of the parking spaces under the building are compact spaces, meaning they are shorter in depth than commonly provided. All parking will be managed and assigned to ensure the parking arrangement is functional. The proposed 75-parking spaces should be sufficient to serve the use. If the tenant occupancy were less than the maximum bedroom count, a surplus of spaces would be available for guests.

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Parking may include controlled access if it is determined to be necessary. Controlled access may include a mechanical sway bar or its equivalent. Prior to installation of any access control, City Administration and emergency providers must review and approve the control.

5. OPEN SPACE AND COMMON AREA: Approximately 19-percent of the site is landscaped space, primarily in the yards adjacent to the building and along both streets.

6. CHARACTER OF THE NEIGHBORHOOD: The site is adjacent to a major north-south street, N. Manhattan Avenue, which separates a densely populated, student dominated, neighborhood from the KSU campus. The Aggieville Business District is in close proximity to the site, as well as Bluemont Avenue, a major east-west street.

The site is within the older, established residential neighborhood with mature trees and tree-lined streets. It is located directly east of K-State Campus along N. Manhattan Avenue. The area consists predominantly of converted single-family structures, two-family structures, and apartment buildings and some university related activities such as the Leadership House, Brockman House and UFM. Most of the lots have alley access.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: The existing use is four (4) contiguous residential lots:

1217 Vattier Street: One story, two-family dwelling with alley access to a gravel parking area.

822 N. Manhattan Ave/1231 Vattier Street: Two-story, three family dwelling and detached garage with access from a curb cut off Vattier Street to a gravel parking area.

812 N. Manhattan Ave.: Two-story, three dwelling units and detached garage with alley access to a gravel parking area.

820 N. Manhattan Ave.: Two-story, one dwelling unit, with access from a concrete driveway off N. Manhattan Avenue leading to a gravel parking area.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: A flat site located at the corner of N. Manhattan Avenue and Vattier Street. There are houses and detached garages on the site with scattered mature trees. Parking areas are gravel.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Vattier Street and a variety of uses ranging from single-family homes and duplexes to multiple-family structures and apartment buildings; R-M/UO Districts

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(b.) SOUTH: Public alley and a variety of uses ranging from single-family homes and duplexes to multiple-family structures and apartment buildings; R-M/UO Districts

(c.) EAST: A variety of uses ranging from single-family homes and duplexes to multiple-family structures and apartment buildings; R-M/UO Districts, and R-3, Multiple-Family Residential District, and M-FRO, Multiple-Family Redevelopment Overlay District.

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

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The individual R-M District lots could be developed with single-family or two-family dwellings, or could be combined to allow for three and four-family dwellings. The UO District would allow, subject to an approved Conditional Use Permit, among other uses, fraternities and sororities; offices, meeting rooms, or laboratories for educational organizations; public or private parking garages; art galleries; and other uses which would normally be adjacent to a University.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed PUD site is within part of the older established residential neighborhoods with mature trees and tree-lined streets. It is located directly east of K-State Campus along N. Manhattan Avenue. The area consists predominantly of converted single-family structures, two-family structures, and several apartment buildings and some university related activities such as the Leadership House, Brockman House and UFM. Minimal adverse affects are anticipated on adjacent properties. Further to the east is the R-3/M-FRO District, which is intended to be redeveloped with residential high-density uses, such as proposed.

For the purpose of this application, compatibility is considered based on the intent of the Comprehensive Plan, which indicates the site should be residential high density, as well as the fact that the site was previously proposed to be rezoned to R-3/M-FRO District.

The site is a corner lot and generally reflects the height and setback requirements of the R-3 District/M-FRO District. On corner lots, yards along streets are front yards and the yard opposite the front yard is a side yard. There is no restriction on building height in the R-3 District; however, an additional one (1) foot of side yard setback is required for each two (2) feet in building height over 40-feet.

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Front yard building setbacks in the M-FRO are 14-feet along streets. Side yard setbacks are six (6) feet. The proposed front yard setback along N. Manhattan Avenue is 14-feet and along Vattier Street is 18.3 feet. The east side yard is approximately 127-feet and the south side yard is 18.5-feet. Based on the side yard and height of the building, the standard south side yard would be 29-feet and the proposed setback is 11-feet less than required. However, the PUD process incorporates flexibility to accommodate such deviations from the standard requirement.

The front yard setback of the off-street parking along Vattier Street is ten (10) feet. The parking is generally to the rear of the building. Off-street parking areas for other apartment buildings in the neighborhood are at the front lot line along Vattier Street.

The proposed building is consistent with some of the building design standards of the M-FRO District, such as its primary façade is parallel to and faces N. Manhattan Avenue, a major street; the exterior façade has variations in façade depth, due to balconies; its overall shape/footprint and middle access stairwell does not present a flat façade and provides visual interest, unlike any other apartment building in the neighborhood. Rooflines are sloped and provide variation in design.

The height of the building is generally a function of its proximity to the KSU core campus, its classroom and dormitories, which are to the west and north of the site. The building's scale is not consistent, however, with the neighborhood to the east, northeast or south, which is typically two-story residential and part of the established older neighborhood. However, redevelopment of these same established areas may occur in the near future. Redevelopment is beginning to occur to the east in the R-3 District/M-FRO District, but is not comparable to the scale of the proposed PUD.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Comprehensive Plan identifies the site as RHD, Residential High Density, which is designated as such to create opportunities for higher density neighborhoods in an urban downtown and suburban setting.

Chapter 4, page 4-4 which deals with Land Use and Growth Management, provides the policy framework for considering the rezoning proposals:

Policy GM 9: Infill and Redevelopment

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

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area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area."

The proposed PUD incorporates design elements that strive to implement the Community Design goal and guiding principle as stated in Chapter 11 page 11-1 of the Comprehensive Plan:

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

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

Chapter 4 page 4-6, Policy UR 6: Design of Infill and Redevelopment, provides the policy support for this goal and guiding principle.

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

Chapter 4 page 4-7, Policy RHD 2: Appropriate Density Range

"Possible densities under this designation are 19 dwelling units per net acre and greater."

Chapter 4 page 4-8, Policy RHD 3: Location

"Residential High Density uses are typically located near intersections of arterials and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. High-density neighborhoods should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods. In a

more urban or downtown setting, residential high density may be combined with active non-residential uses in a vertically mixed-use building."

Chapter 4 page 4-8 RHD 4: Building Massing and Form

"Plain, monolithic structures shall be avoided. Infill projects should be compatible with the established mass and scale of other buildings along the block. In a planned apartment community context, large buildings shall be designed with a variety of wall planes and roof forms to create visual interest."

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The proposed development is in an area that has been identified for redevelopment and intensification as an apartment community to serve the housing needs of the student population in the immediate proximity of the K-State Campus. As such, it represents a larger multiple-family residential building that has been designed to address the policy requirements as stated in RHD 4.

The proposed density is 37-dwelling units per acre (26-dwelling units/.70-acres).

The proposed PUD is generally consistent with the Comprehensive Plan, as well as the Traditional Neighborhood Study, which also identified the area for high density residential redevelopment.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site is part of the original town plat. Houses have been on the lots for an undetermined period.

1926-1965: B, Second Dwelling House District

1965-1969: B-1, Multiple Family Dwelling district

1969-1987: R-3, Multiple Family Residential District and UO District

1986-Present: R-M District and UO District

On September 4, 2003, the Manhattan Urban Area Planning Board conducted the public hearing on the advertised Phase 4 Expanded Redevelopment Area, consisting of Sub Areas A-E. The proposed PUD site was within the area designated as Sub Area A, and was proposed to be rezoned from R-M/UO, Four-Family Residential District with University Overlay, to R-3/UO/M-FRO, Multiple-Family Residential District with University Overlay and Multi-Family Redevelopment Overlay District. The Planning Board recommended approval of the rezoning on a vote of 5-2.

On October 7, 2003, the City Commission overrode the Planning Board, and accepted the request from the Aggieville Business Association to not rezone five of the blocks that were under consideration. The proposed PUD site is within the five-block area. The site has remained R-M District, and UO District, to date. (*Note: the site is within the "Aggieville-Campus Edge" area, which is currently undergoing a conceptual master plan by a consultant working for the Aggieville Business Association.*)

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of

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housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed PUD is consistent with the intent and purpose of the Zoning Regulations.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: There appears to be no relative gain to the public that denial would accomplish, compared to the hardship to the owner. The site is within an area that was previously proposed to be rezoned to R-3/M-FRO District and would have allowed high-density residential uses. A further delay, as described above in the Zoning History, may be a hardship on the owner.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities are available to serve the site.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of Campus Bridge Lofts Planned Unit Development, from R-M, Four-Family Residential District, and UO, University Overlay District, to PUD, Residential Planned Unit Development District, with the following conditions:

1. Permitted uses shall include a multiple-family residential building and telecommunications facilities.
2. A maximum of seventy-four (74) bedrooms shall be permitted.
3. Telecommunications facilities may include any cables, wires, lines, wave guides, antennas and any other equipment or facilities, including cabinets that house telecommunications providers' equipment, associated with the transmission or reception of communications which a provider would locate or install on the apartment building.
4. Telecommunications facilities shall be of a stealth design, which includes a method of designing, constructing, and/or locating any telecommunications facility to blend in with the character and environment of the area in which it is located, and to enhance compatibility with adjacent land uses by minimizing visual impacts by either: (1) being concealed and virtually invisible to the observer, such as an antenna located behind louvers or architectural screening on a building, or placed

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- inside the building; or (2) camouflaged through design, placement and coloration to blend in with its surroundings, or integrated into architectural elements of the building, to such an extent that it is indistinguishable by the casual observer from the building or the surroundings in which it is placed, such as panel antennas that are colored and located to match the architecture of the building.
5. The off-street parking areas may include controlled access if determined to be necessary. Prior to installation of any access control, City Administration and emergency providers shall review and approve the controlled access.
 6. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
 7. All landscaping and irrigation shall be maintained in good condition.
 8. Street trees located in the public right-of-way adjacent to the site shall be preserved or replaced, as per requirements of the City Forester.
 9. Additional landscaping shall be provided in parking lot entry islands.
 10. Signs shall include a ground sign and exempt signage described in Article VI, Section 6-104 (A)(1), (2), (4), (5), (7) and (8); and, Section 6-104 (B)(2).

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Campus Bridge Lofts Planned Unit Development, from R-M, Four-Family Residential District, and UO, University Overlay District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Campus Bridge Lofts Planned Unit Development, from R-M, Four-Family Residential District, and UO, University Overlay District, to PUD, Residential Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons, and provide direction to the applicant and City Administration.

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POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Campus Bridge Lofts Planned Unit Development, from R-M, Four-Family Residential District, and UO, University Overlay District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: September 3, 2004

04013

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County G-1, General Agricultural District

TO: R, Single-Family Residential District, and AO, Airport Overlay District

APPLICANT: SSF Development LLC (Roger Schultz)

ADDRESS: 1213 Hylton Heights Road, Manhattan, KS 66502

OWNERS: Same

ADDRESSES: Same

LOCATION: generally west of the Miller Ranch Water Tower and the western dead-end of Miller Parkway.

AREA: Approximately 75.5 acres

DATE OF PUBLIC NOTICE PUBLICATION: Monday, September 27, 2004

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, October 18, 2004
CITY COMMISSION: Tuesday, November 2, 2004

EXISTING USE: Undeveloped rangeland used for grazing.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is covered with native grasses, scattered evergreen trees and dense deciduous tree coverage in natural drainage ravines. The approximate upper one-third slopes and drains to the north. The lower two-thirds slopes and drains to the south. The entire site is entirely within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site. Future uses (structures and trees), which are within the limits of the Conical Zone may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (*see below under CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE for further information concerning the AO District*).

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Rangeland: G-1 District.

- (2) **SOUTH:** Rangeland and Eureka Valley farmland: G-1 District.

- (3) **EAST:** Miller Ranch Parkway, Miller Ranch single-family residential development, two-family townhomes, Miller Ranch Water Tower, undeveloped rangeland, and undeveloped office park; Residential Planned Unit Development, I-5, Business Park District, G-1 District, and R District.

- (4) **WEST:** Rangeland; G-1 District.

GENERAL NEIGHBORHOOD CHARACTER: The site is adjacent to Miller Ranch low density residential neighborhood and an undeveloped office park.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The G-1 District permits agricultural uses, single-family homes, mobile homes, oil and gas drilling, home occupations, public utility uses, and other activities. The range of G-1 uses is inconsistent with the proposed R District and the future Lee Mill Heights subdivision, which the applicant/owner has requested.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The site is consistent with the low density character of existing Miller Ranch residential development to the east. No adverse impact on nearby properties is expected with development that is consistent with the neighborhood and conforms to the Comprehensive Plan.

CONFORMANCE WITH COMPREHENSIVE PLAN:

Land Use Policies

The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the 79-acre tract as Residential Low/Medium density (RLM) (*Southwest Planning Area Future Land Use Map attached*). Appropriate density range for development in the RLM designation is one-dwelling unit up to 11-dwelling units per net acre. The RLM category is intended to incorporate a range of housing types, from single-family and two-family to town homes.

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Page 4-6, Policy RLM 2: Appropriate Density Range

“Densities in the Residential Low/Medium designation range from less than one dwelling unit/acre up to 11 dwelling units per net acre.”

The site is a single-family housing development and the proposed density is 2.18 dwelling units per net acre.

Mobility and Transportation Options

Page 8-1, Goal #1 is to “Ensure that new development patterns facilitate safety, connectivity, and mobility for all modes of transportation in established and developing areas of the community”.

Page 8-2, Policy MTO 3: Establish Interconnected Neighborhood Street and Sidewalk Patterns

“Neighborhood streets and sidewalks in both new and existing areas shall form an interconnected network, including vehicular, bicycle, and pedestrian routes within and between neighborhoods, in order to connect neighborhoods together and with other parts of the community and region. In particular, direct walkway and bicycle routes to schools and parks, employment and service centers, and other community facilities should be provided”.

The Bicycle Master Plan for KSU and City of Manhattan provides policy guidance for bike facilities and routes. Miller Parkway is designated as a bike route in the Bicycle Plan. Street paving widths in the Lee Mill Heights Addition, as shown on the proposed Preliminary Plat, will provide for bike route lanes on both sides of Miller Parkway consistent with the recommendations of the Bicycle Master Plan.

Page 8-2, Policy MTO 4: Accessible, Pedestrian-friendly Development

“Future commercial and residential projects in the Urban Service Area Boundary shall be planned to ensure that sites and land uses are readily accessible to all modes-pedestrians, bicycles, autos, and future public transit.”

The proposed Preliminary Plat provides for streets, sidewalks and bike routes, which connect to adjoining neighborhoods and to Warner Park. The Parks and Recreation Advisory Board met with the applicant (*attachment*) on October 4, 2004, and reviewed and unanimously approved the pedestrian circulation plan for access to Warner Park.

Miller Ranch

Miller Ranch is identified as a Special Planning Area in which development should be focused around open space areas, provision for bike and pedestrian traffic to connect to Warner Park and housing and airspace issues. With respect to the annexation, relevant policy issues in Miller Ranch include: providing for a mixture of housing types and densities, preservation of drainage ways, future street extensions to the north, and airspace regulations.

The rezoning and proposed Preliminary Plat will implement the policy recommendations of the Miller Ranch area.

Page 13-5, Policy MR 1: Mixture of Housing Types

“Residential neighborhoods within Miller ranch should include a mix of housing types and densities.”

The rezoning will provide for a range of at least two housing types.

Page 13-5, Policy MR 2: Preservation of Drainage Areas

“Drainage ways, wetlands, and other sensitive natural features shall be preserved and incorporated into the overall design of neighborhoods as buffers and open space amenities.”

The proposed Preliminary Plat preserves drainage ways and ravines in conservation and drainage easements.

Page 13-5, Policy MR 3: Future ROW Preservation

“Right-of-way for the future extension of Miller Parkway and Wreath Avenue shall be identified on development proposals and preserved, through platting and other tools.”

An extension of Wreath Avenue is shown on the Preliminary Plat.

Page 13-5, Policy MR 7: Airport Airspace Regulations

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

Attachment No. 3

The proposed site is within the Conical Zone of the Manhattan Regional Airport (*Environmental Values and Constraints map attached*). The proposed Preliminary Plat notes the need for review of construction plans, prior to issuance of a building permit. The AO District will be added as an overlay district to the Lee Mill Heights Addition.

The rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has remained undeveloped to date and zoned County G-1 District.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The R District (*R District regulations attached*) is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. Lots shown on the R District portion of the proposed Preliminary Plat of the Lee Mill Heights Addition, exceed 10,000 square feet in area.

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

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone (*pages 6-9 of the AO District regulations attached*).

A letter from HNTB (*attached*) references a review of elevations depicted on the Preliminary Plat of the proposed Lee Mill Heights Preliminary Plat. Based on the plat elevations, roof elevations may encroach into the conical surface. HNTB recommends that actual roof elevations within the site be determined.

Attachment No. 3

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. The proposed Preliminary Plat conforms to the Manhattan Urban Area Subdivision Regulations. It may be a hardship to the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the 75.5-acre tract of land. The proposed Preliminary Plat shows an extension of Wreath Avenue, which is consistent with the "Connection to the Miller Ranch Development from Anderson Ave." document (*map attached*) reviewed and approved by the City Commission in 2002.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of a 75.5-acre tract of land in the proposed Lee Mill Heights Addition, from County G-1, General Agricultural District, to R, Single-Family Residential District, and AO, Airport Overlay District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of a 75.5-acre tract of land in the proposed Lee Mill Heights Addition, from County G-1, General Agricultural District, to R, Single-Family Residential District, and AO, Airport Overlay District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the rezoning of 75.5-acre tract of land in the proposed Lee Mill Heights Addition, from County G-1, General Agricultural District, to R, Single-Family Residential District, and AO, Airport Overlay District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: October 11, 2004

04016

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County G-1, General Agricultural District

TO: R-2, Two-Family Residential District, and AO, Airport Overlay District

APPLICANT: SSF Development LLC (Roger Schultz)

ADDRESS: 1213 Hylton Heights Road, Manhattan, KS 66502

OWNERS: Same

ADDRESSES: Same

LOCATION: Generally west of the Miller Ranch Water Tower and the western dead-end of Miller Parkway.

AREA: Approximately 3.6-acres

DATE OF PUBLIC NOTICE PUBLICATION: Monday, September 27, 2004

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, October 18, 2004

CITY COMMISSION: Tuesday, November 2, 2004

EXISTING USE: Undeveloped rangeland used for grazing.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is covered with native grasses, scattered evergreen trees and dense deciduous trees coverage in natural drainage ravines. The site slopes and drains to the north. The site is entirely within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site. Future uses (structures and trees), which are within the limits of the Conical Zone may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (*see below under CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE for further information concerning the AO District*).

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Rangeland; G-1 District.
- (2) **SOUTH:** Miller Parkway, Miller Ranch Water Tower, rangeland, and undeveloped office park: G-1 District, and I-5, Business Park District.
- (3) **EAST:**, Miller Ranch single-family residential development, single-family and two-family townhomes, and rangeland; Residential Planned Unit Development, G-1 District, and R District.
- (4) **WEST:** Rangeland; G-1 District.

GENERAL NEIGHBORHOOD CHARACTER: The site is adjacent to Miller Ranch low density residential neighborhood and an undeveloped office park.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The G-1 District permits agricultural uses, single-family homes, mobile homes, oil and gas drilling, home occupations, public utility uses, and other activities. The range of G-1 uses is inconsistent with the proposed R-2 District and the future Lee Mill Heights subdivision, which the applicant/owner has requested.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The site is consistent with the low density character of existing Miller Ranch residential development to the east. No adverse impact on nearby properties is expected with development that is consistent with the neighborhood and conforms to the Comprehensive Plan.

CONFORMANCE WITH COMPREHENSIVE PLAN:

Land Use Policies

The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the 79-acre tract as Residential Low/Medium density (RLM) (*Southwest Planning Area Future land Use Map attached*). Appropriate density range for development in the RLM designation is one-dwelling unit up to 11-dwelling units per net acre. The RLM category is intended to incorporate a range of housing types, from single-family and two-family to town homes.

Page 4-6, Policy RLM 2: Appropriate Density Range

“Densities in the Residential Low/Medium designation range from less than one dwelling unit/acre up to 11 dwelling units per net acre.”

The site may consist of two-family dwellings, single-family attached, or a Planned Unit Development (PUD), similar to the Townhomes at Miller Ranch PUD, which is located to the immediate east. The proposed R-2 District would allow density range of less than one (1) dwelling unit per net acre up to eleven (11) dwelling units per net acre, which is consistent with the Comprehensive Plan.

Mobility and Transportation Options

Page 8-1, Goal #1 is to “Ensure that new development patterns facilitate safety, connectivity, and mobility for all modes of transportation in established and developing areas of the community”.

Page 8-2, Policy MTO 3: Establish Interconnected Neighborhood Street and Sidewalk Patterns

“Neighborhood streets and sidewalks in both new and existing areas shall form an interconnected network, including vehicular, bicycle, and pedestrian routes within and between neighborhoods, in order to connect neighborhoods together and with other parts of the community and region. In particular, direct walkway and bicycle routes to schools and parks, employment and service centers, and other community facilities should be provided”.

The Bicycle Master Plan for KSU and City of Manhattan provides policy guidance for bike facilities and routes. Miller Parkway is designated as a bike route in the Bicycle Plan. Street paving widths in the Lee Mill Heights Addition, as shown on the proposed Preliminary Plat, will provide for bike route lanes on both sides of Miller Parkway consistent with the recommendations of the Bicycle Master Plan.

Page 8-2, Policy MTO 4: Accessible, Pedestrian-friendly Development

“Future commercial and residential projects in the Urban Service Area Boundary shall be planned to ensure that sites and land uses are readily accessible to all modes-pedestrians, bicycles, autos, and future public transit.”

Attachment No. 4

The proposed Preliminary Plat provides for streets, sidewalks and bike routes, which connect to adjoining neighborhoods and to Warner Park. The Parks and Recreation Advisory Board met with the applicant (*attachment*) on October 4, 2004, and reviewed and unanimously approved the pedestrian circulation plan for access to Warner Park.

Miller Ranch

Miller Ranch is identified as a Special Planning Area in which development should be focused around open space areas, provision for bike and pedestrian traffic to connect to Warner Park and housing and airspace issues. With respect to the annexation, relevant policy issues in Miller Ranch include: providing for a mixture of housing types and densities, preservation of drainage ways, future street extensions to the north, and airspace regulations.

The rezoning and proposed Preliminary Plat will implement the policy recommendations of the Miller Ranch area.

Page 13-5, Policy MR 1: Mixture of Housing Types

“Residential neighborhoods within Miller ranch should include a mix of housing types and densities.”

The rezoning will provide for a range of at least two housing types.

Page 13-5, Policy MR 2: Preservation of Drainage Areas

“Drainage ways, wetlands, and other sensitive natural features shall be preserved and incorporated into the overall design of neighborhoods as buffers and open space amenities.”

The proposed Preliminary Plat preserves drainage ways and ravines in conservation and drainage easements.

Page 13-5, Policy MR 3: Future ROW Preservation

“Right-of-way for the future extension of Miller Parkway and Wreath Avenue shall be identified on development proposals and preserved, through platting and other tools.”

An extension of Wreath Avenue is shown on the Preliminary Plat.

Attachment No. 4

Page 13-5, Policy MR 7: Airport Airspace Regulations

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

The proposed site is within the Conical Zone of the Manhattan Regional Airport (*Environmental Values and Constraints map attached*). The proposed Preliminary Plat notes the need for review of construction plans, prior to issuance of a building permit. The AO District will be added as an overlay district to the Lee Mill Heights Addition.

The rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has remained undeveloped to date and zoned County G-1 District.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The R-2 District (*R-2 District regulations attached*) is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. The site contains 3.6-acres and is sufficient in area to be consistent with the requirements of the R-2 District. The proposed preliminary Plat indicates the site may be rezoned to Planned Unit Development at a later date for two-family townhome development similar to the Townhomes at Miller Ranch PUD, which is located to the east of the site.

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

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of

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height above the ground and does not extend above the height limits prescribed for the Conical Zone (*AO District regulations attached*).

A letter from HNTB (*attached*) references a review of elevations depicted on the Preliminary Plat of the proposed Lee Mill Heights Preliminary Plat. Based on the plat elevations, roof elevations may encroach into the conical surface. HNTB recommends that actual roof elevations within the site be determined.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. The proposed Preliminary Plat conforms to the Manhattan Urban Area Subdivision Regulations. It may be a hardship to the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the 3.6-acre tract of land.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the rezoning of a 3.6-acre tract of land in the proposed Lee Mill Heights Addition, from County G-1, General Agricultural District, to R-2, Two-Family Residential District, and AO, Airport Overlay District.

ALTERNATIVES:

1. Recommend approval of the rezoning of a 3.6-acre tract of land in the proposed Lee Mill Heights Addition, from County G-1, General Agricultural District, to R-2, Two-Family Residential District, and AO, Airport Overlay District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

Attachment No. 4

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the rezoning of 3.6-acre tract of land in the proposed Lee Mill Heights Addition, from County G-1, General Agricultural District, to R-2, Single-Family Residential District, and AO, Airport Overlay District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: October 11, 2004
04017

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: C-5, Highway Service Commercial District

TO: C-6, Heavy Commercial District

APPLICANT: Dave Dreiling

ADDRESS: 520 McCall Road, Manhattan, KS 66502

OWNER: Same

ADDRESS: Same

LOCATION: 925 Enoch Lane, which is approximately 300-feet south of the intersection of McCall Road and Enoch Lane, along the west side of Enoch Lane.

The site is Lot 1, Enoch Addition, Unit Three (115-feet by 435-feet)

AREA: 50,076 square feet (1.14-acres)

DATE OF PUBLIC NOTICE PUBLICATION: Monday, September 27, 2004

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, October 18, 2004

CITY COMMISSION: Tuesday, November 2, 2004

EXISTING USE: There is an existing one-story, 4,500 square foot, vacant service commercial building is accessed from a single 24-foot wide curb cut off Enoch Lane on the site. The driveway provides access to the front of the building and 23-off-street parking spaces on an approximate 6,800 square foot concrete pad. The rear yard is an unimproved storage area of the site, which is enclosed by an eight (8) to ten (10) foot chain link fence, which is 140-feet by 115-feet. The fenced storage area is approximately 16,100-square feet in area. The fence previously was at the western property line and has been recently relocated approximately 72-feet to the east and a gravel surface added to the unenclosed ground area. Willie's Rides Auto Sales and Wildcat Wrecker Service recently occupied the building and site.

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PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is developed with a building on an elevated pad site, due its location in the 100 year Flood Plain. The front portion of the site drains to Enoch Lane and an existing drainage swale on the west side of Enoch lane. The rear appears to drain to the north to a parking lot owned by the applicant.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Off-street parking lot for GTM Sportswear, retail and farm equipment sales, and McCall Road; I-2, Industrial Park District, and C-5 District.
- (2) **SOUTH:** Construction equipment sales and rental, nonconforming single-family dwelling, auction house, under construction future hotel site in a recently platted service commercial subdivision (MAA AMBA Addition); C-5 District.
- (3) **EAST:** Enoch Lane and auto dealership; C-5 District.
- (4) **WEST:** Manufacturing, Carlson Street, research and testing; I-2 District.

GENERAL NEIGHBORHOOD CHARACTER: The neighborhood is developed as a combination of industrial manufacturing, industrial services and retail service commercial activities consisting of auto sales, farm equipment sales, and small construction sales and equipment rental, but not including large equipment, such as proposed.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: the site can be used for the permitted uses of the C-5 District. Minimum lot area in the C-5 district is 10,000 square feet. The site contains 1.14-acres, which is sufficient for the C-5 District. A limiting factor affecting the site is the 100 Year Flood Plain, which requires elevation of buildings to at least one (1)-foot above the base flood elevation of 1008-feet above sea level. The current site is unoccupied and in an industrial, equipment sales and service neighborhood.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:

The site is in a neighborhood bounded by service commercial and industrial activities. The proposed C-6 District is similar to the existing construction equipment and sales lot to the south and the farm equipment sales use to the north, although the proposed type of equipment, sales and repair will be larger in scale than the two nearby service commercial uses. However, no adverse impacts are expected on the service commercial and industrial neighborhood, since the site is not likely to accommodate very large equipment. In addition, the site can be accessed from McCall Road, to the north, and US 24 Highway, to the south.

Attachment No. 5

CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown on the Southeast Planning Area Future Land Use Map (*attachment*) as CC, Community Commercial. The designation is intended to provide for a unified mix of retail and commercial services in a community center. Small single-use sites, such as the rezoning site, also fit within the designation. The Plan does not specifically address C-6 District commercial activities.

Given the limited size of the site and the character of the area, the proposed rezoning generally conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site was annexed and zoned C-5 District in July 1969. The existing building and site were constructed in 1994-1995.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The C-6 District is designed to provide for commercial uses, which allow for the sale and/or service of heavy equipment or products.

Permitted Uses include: agricultural implement sales and services; automobile, truck sales and rental, including accessory repair and painting operations and facilities; boat sales and rental; commercial instructional institutions for training involving the use and operation of equipment sold or rented in this district; construction and heavy equipment sales, rental, and service; manufactured home sales; recreational vehicle sales and rental; and, trailer sales and rental.

Conditional Uses include: all uses listed as either a permitted or a conditional use in the C-5 District, except drive-in establishments.

The sales lots of motor vehicles and boats may be located as close as twelve (12) feet to the front lot line. Any outdoor storage or display, with the exception of sales lots for agricultural implements, automobiles, boats, manufactured homes, recreational vehicles, and trucks, shall be enclosed by sight obscuring screening of not less than six (6) feet in height.

Attachment No. 5

The site is intended for relocation of Martin Tractor, which is currently located at the intersection of Ft. Riley Boulevard and Delaware Avenue. The business, as described in attachments, requires a more flexible service commercial district, than the less intensive C-5 District. The proposed C-6 District accommodates a range of sales and services for larger vehicles consistent with the tenant needs.

There is limited C-6 District space available in the City. The only other C-6 District is on the northwest corner of McCall Road and Hayes Drive intersection.

The site exceeds the minimum lot requirements of the C-6 District. The proposed rezoning is consistent with the intent of the Zoning Regulations.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: The site is intended for commercial or service commercial use. The intended heavy commercial activity is not unlike typical service commercial uses that may be found on and in close proximity to the site. Denial of the request may be a hardship upon the applicant, since there do not appear to be any adverse affects on the public.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water available to serve property.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Lot 1, Enoch Addition, Unit Three, from C-5, Highway Service Commercial District, to C-6, Heavy Commercial District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lot 1, Enoch Addition, Unit Three, from C-5, Highway Service Commercial District, to C-6, Heavy Commercial District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

Attachment No. 5

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lot 1, Enoch Addition, Unit Three, from C-5, Highway Service Commercial District, to C-6, Heavy Commercial District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: October 11, 2004

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