

MINUTES
CITY COMMISSION MEETING
TUESDAY, DECEMBER 21, 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, Youth in Government Representative Brianna Olds, 9 staff, and approximately 25 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Everett led the Commission in the Pledge of Allegiance.

MAYOR'S EMPLOYEE EFFICIENCY AWARD

Mayor Brad Everett, City Manager Ron Fehr, and Director of Finance Bernie Hayen recognized Assistant Director of Finance/Risk Manager Debra Daily, recipient of the Mayor's Employee Efficiency Award.

COMMISSIONER COMMENTS

Commissioner Taussig wished everyone a Merry Christmas and a Happy New Year.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, December 7, 2004.

CLAIMS REGISTER NO. 2519

The Commission approved Claims Register No. 2519 authorizing and approving the payment of claims from December 1, 2004, to December 14, 2004, in the amount of \$1,111,853.40.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS

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

Aggieville Business Improvement District Advisory Board

Appointment of Jeff Pfannenstiel, 2801 Nevada Street, to a three-year term. Mr. Pfannenstiel's term will begin on January 1, 2005, and will expire on December 31, 2007.

Board of Zoning Appeals

Re-appointment of Harry Hardy, 3461 Treemill, to a three-year term. Mr. Hardy's term will begin on January 1, 2005, and will expire on December 31, 2007.

Appointment of Dan Morin, 1605 Little Kitten Avenue, to a three-year term. Mr. Morin's term will begin on January 1, 2005, and will expire on December 31, 2007.

Cemetery Board

Re-appointment of Donna Scheck-Hamlin, 1922 Leavenworth Street, to a three-year term. Ms. Scheck-Hamlin's term will begin on January 1, 2005, and will expire on December 31, 2007.

Re-appointment of Eric Londeen, 1616 Poyntz Avenue, to a three-year term. Mr. Londeen's term will begin on January 1, 2005, and will expire on December 31, 2007.

Downtown Business Improvement District Advisory Board

Re-appointment of Charlie Busch, 5480 West 63rd Ave., to a two-year term. Mr. Busch's term will begin January 1, 2005, and will expire on December 31, 2006.

Riley County Law Board

* Re-appointment of Brad Everett, 2806 Oregon Lane, to a two-year At-Large term. Mr. Everett's term will begin January 1, 2005, and will expire on December 31, 2006.

Re-appointment of Ed Klimek, 2928 Gary Avenue, to a two-year City Commission term. Mr. Klimek's term will begin on January 1, 2005, and will expire on December 31, 2006.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Re-appointment of Mark Taussig, 1845 Virginia Drive, to a two-year At-Large term. Mr. Taussig's term will begin on January 1, 2005, and will expire on December 31, 2006.

Mayor Everett clarified the appointments to the Riley County Law Board.

RENEWAL LICENSES

The Commission approved renewal applications for Cereal Malt Beverage and Tree Maintenance licenses for calendar year 2005. (*See Attachment No. 7*)

FINAL PLAT – OAK HOLLOW, UNIT 10

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Oak Hollow Addition, Unit 10, generally located south of the intersection of Davis Drive and Fort Riley Boulevard, along the south side of Davis Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

* FINAL PLAT – LEE MILL HEIGHTS ADDITION, UNIT 1

Jeff Hancock, Acting Director of Public Works, answered questions from the Commission.

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Lee Mill Heights Addition, Unit 1, generally located west of an extension of the western dead-end of Miller Parkway, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6448 – VACATE DRAINAGE EASEMENT – 220 KOPP DRIVE

The Commission approved Ordinance No. 6448 vacating a portion of the drainage easement on Lot 5, Bear Creek Addition (a.k.a. 220 Kopp Drive) an addition to the City of Manhattan, Riley County, Kansas.

* RESOLUTION NO. 122104-A – CITY BOUNDARY

Ron Fehr, City Manager, provided additional information on the item.

The Commission approved Resolution No. 122104-A establishing and defining the boundaries of the City of Manhattan, Kansas as of December 21, 2004.

CONSENT AGENDA (CONTINUED)

* **RESOLUTION NO. 122104-C – LEE MILL HEIGHTS ADDITION, UNIT 1 – STREET IMPROVEMENTS (ST0415)**

Jeff Hancock, Acting Director of Public Works, answered questions from the Commission.

The Commission found the petition sufficient and approved Resolution No. 122104-C finding the street improvement (ST0415) for Lee Mill Heights Addition, Unit 1, advisable and authorizing construction.

RESOLUTION NO. 122104-D – LEE MILL HEIGHTS ADDITION, UNIT 1 – SANITARY SEWER IMPROVEMENTS (SS0407)

The Commission found the petition sufficient and approved Resolution No. 122104-D finding the sanitary sewer improvement (SS0407) for Lee Mill Heights Addition, Unit 1, advisable and authorizing construction.

RESOLUTION NO. 122104-E – LEE MILL HEIGHTS ADDITION, UNIT 1 – WATER IMPROVEMENTS (WA0412)

The Commission found the petition sufficient and approved Resolution No. 122104-E finding the 2004 water improvement (WA0412) for Lee Mill Heights Addition, Unit 1, advisable and authorizing construction.

AGREEMENT – ENGINEERING SERVICES – LEE MILL HEIGHTS ADDITION, UNIT 1, IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, P.A., of Manhattan, Kansas, to perform engineering services for the Lee Mill Heights Addition, Unit 1, improvements.

CHANGE ORDER NO. 1-FINAL – STONE VALLEY ADDITION, PHASE 1 – STREET IMPROVEMENT (ST0306)

The Commission approved Change Order No. 1-Final for the Stone Valley Addition, Phase I, Street Project (ST0306) resulting in a net increase in the amount of \$32,501.65 (+17.07%) to the contract with Bayer Construction Company, Inc. of Manhattan, Kansas.

CHANGE ORDER NO. 1-FINAL – HACKBERRY ADDITION – WATER IMPROVEMENT (WA0404)

The Commission approved Change Order No. 1-Final for the Hackberry Addition Water Improvements (WA0404) resulting in net decrease in the amount of \$453.00 (-0.83%) to the contract with Manhattan Trenching of Manhattan, Kansas.

CONSENT AGENDA (CONTINUED)

CHANGE ORDER NO. 1-FINAL – HACKBERRY ADDITION – SANITARY SEWER IMPROVEMENT (SS0403)

The Commission approved Change Order No. 1-Final for the Hackberry Addition Sanitary Sewer Improvements (SS0403) resulting in net increase in the amount of \$2,259.00 (12.68%) to the contract with Manhattan Trenching, of Manhattan, Kansas.

*

AWARD CONTRACT – LIME SLUDGE BASIN IMPROVEMENT (SP0401)

Jeff Hancock, Acting Director of Public Works, and Ron Fehr, City Manager, answered questions from the Commission.

The Commission accepted the Engineer's Estimate in the amount of \$724,779.00 and awarded a construction contract to the low bidder, Bayer Construction Company, Inc., of Manhattan, Kansas, in the amount of \$702,813.00 for the Lime Sludge Basin Improvements (SP0401).

TASK ORDER NO. 4 – AIRPORT CONSULTANT ENGINEERING CONTRACT – AIRPORT LIGHTING PROJECT, RUNWAY 3-21, AND TAXIWAYS

The Commission authorized the Mayor and City Clerk to execute Task Order No. 4 with HNTB Corporation, Inc., of Overland Park, Kansas, contingent upon accepting an expected grant in the amount of \$1,339,377.00 from the Federal Aviation Administration (FAA).

NEGOTIATE CONTACT – 11TH STREET AND FORT RILEY BOULEVARD TRAFFIC STUDY (ST0412)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with BG Consultants, Inc., of Manhattan, Kansas, for completing the Eleventh Street and Fort Riley Boulevard traffic study (ST0412).

2005 AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT CONTRACT

The Commission authorized the Mayor and City Clerk to execute the 2005 Aggieville Business Improvement District contract.

CONSENT AGENDA (CONTINUED)

2005 DOWNTOWN BUSINESS IMPROVEMENT DISTRICT CONTRACT

The Commission authorized the Mayor and City Clerk to execute the 2005 Downtown Business Improvement District contract.

2005 CONTRACTS

Commissioner Hatesohl informed the Commission that his spouse receives compensation from the Boys and Girls Club and would be abstaining from any portion of this action that deals with that agency.

The Commission approved the following contracts as budgeted in the 2005 City Budget and authorized the Mayor and City Clerk to execute said contracts with the following agencies: *NISTAC (2005 MACC Service Agreement), Crime Stoppers, Manhattan Arts Center, Wolf House, Downtown Manhattan, Social Services Advisory Board and Special Alcohol Funds.*

REMOVE RESTRICT COVENANTS HABITAT FOR HUMANITY – 700 BLOCK SOUTH JULIETTE

The Commission authorized the Mayor and City Clerk to sign an agreement with Habitat for Humanity, removing certain Restrict Covenants on Real Estate, generally in the 700 block of South Juliette Avenue.

*** APPROVAL - 2003 COMPREHENSIVE ANNUAL FINANCIAL REPORT/2003 CITY AUDIT**

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

Bernie Hayen, Director of Finance, and Debra Daily, Assistant Director of Finance, provided additional clarification on the item.

Ron Fehr, City Manager, informed the Commission that a report would be provided to the Commission in response to the audit.

The Commission approved the 2003 Comprehensive Annual Financial Report and attachments, including the 2003 City audit.

*** STATE HOMELAND SECURITY PROGRAM GRANT - WATER TREATMENT PLANT FENCE PROJECT (WA0409)**

Ron Fehr, City Manager, and Jerry McIntyre, Deputy Director of Public Works/Utilities, answered questions from the Commission and provided additional clarification on the item.

CONSENT AGENDA (CONTINUED)

* **STATE HOMELAND SECURITY PROGRAM GRANT - WATER TREATMENT PLANT FENCE PROJECT (WA0409) (CONTINUED)**

The Commission authorized the Mayor to enter into a contract with the Kansas Highway Patrol for a State Homeland Security Program Grant in the amount of \$100,000.00.

After discussion, Commissioner Snead moved to approve the consent agenda as presented. Commissioner Taussig seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item O: Boys and Girls Club Contracts, which carried with 4 votes, with Commissioner Hatesohl abstaining from the item.

GENERAL AGENDA

FIRST READING – REZONE - FIVE-BLOCK CAMPUS EDGE AREA

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

Victor Olson, 2208 Browning Avenue, informed the Commission that he supported the item and would like to see the lot size requirement reduced.

Roger Seymour, 1181 Rock Springs Lane, asked the Commission to consider vertical construction and encouraged the City to look at all current zoning regulations.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning the Campus Edge Sub Areas A and B, located generally east of the K-State Campus and north of Aggieville, as proposed, based on the findings in the Cover Memorandum and the Sub Area Staff Reports. *(See Attachment Nos. 1 - 3)* Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – AMEND - THE MANHATTAN MEDICAL CENTER PLANNED UNIT DEVELOPMENT (PUD)

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

Brent Bowman; Bowman, Bowman, Novick, informed the Commission he was available to answer any questions.

GENERAL AGENDA (CONTINUED)

FIRST READING – AMEND - THE MANHATTAN MEDICAL CENTER PLANNED UNIT DEVELOPMENT (PUD) (CONTINUED)

After discussion, Commissioner Taussig moved to approve first reading of an ordinance amending the Manhattan Medical Center Planned Unit Development, located southwest of the intersection of Claflin Road and College Avenue, and Ordinance No. 3999, based on the findings in the Staff Report, with the four conditions of approval recommended by the Planning Board. *(See Attachment No. 4)* Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

2005 CHAMBER INDUSTRIAL PROMOTION - TOURISM AND CONVENTION CONTRACTS/BUDGETS - 2005 FORT RILEY CONSULTANT CONTRACT

Diane Stoddard, Assistant City Manager, introduced the item.

Lyle Butler, President, Manhattan Area Chamber of Commerce, presented an overview of the item and introduced, Becky Blake, Director, Manhattan Convention and Visitors Bureau (CVB).

Becky Blake, Director, Manhattan Convention and Visitors Bureau, presented highlights of the CVB and activities planned in 2005. She then answered questions from the Commission.

Lyle Butler, President, Manhattan Area Chamber of Commerce, provided an update on the economic development activities of the Chamber. He also updated the Commission on employment levels, new building permits, retail sales, cost of living, and employment and wage figures for the area. He then answered questions from the Commission and provided additional clarification on the consultant plans for Fort Riley.

Ron Fehr, City Manager, and Lyle Butler, Director, Manhattan Area Chamber of Commerce, provided additional information regarding Fort Riley and answered questions from the Commission.

Roger Schultz, 4741 Tuttle Creek Boulevard, informed the Commission that the Chamber has done an excellent job, and said that the area contractors are excited about the opportunities with Fort Riley and should be well prepared for expansion efforts.

Terry Olson, Board Chair, Manhattan Area Chamber of Commerce, 958 South Manhattan Avenue, asked the Commission to support the Chamber's budget as proposed.

GENERAL AGENDA (CONTINUED)

2005 CHAMBER INDUSTRIAL PROMOTION - TOURISM AND CONVENTION CONTRACTS/BUDGETS - 2005 FORT RILEY CONSULTANT CONTRACT (CONTINUED)

After discussion, Commissioner Hatesohl moved to authorize the Mayor and City Clerk to execute the 2005 Industrial Promotion, Tourism and Convention, and Fort Riley Consultant Contract with the Manhattan Area Chamber of Commerce. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

The Commission took a brief recess at 9:15 p.m., and Commissioner Snead left the Commission meeting at that time.

FIRST READING – ANNEX/REZONE - BROOKFIELD ADDITION, UNIT 5, EISENHOWER BASEBALL FIELDS, AND A PORTION OF CASEMENT ROAD

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

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

Roger Schultz, Schultz Construction, presented additional information about the item and housing planned for the area. He then answered questions from the Commission.

Roger Seymour, 1181 Rock Springs Lane, informed the Commission to be careful with the annexation of Marlatt Road and encouraged discussion with the Corp of Engineers, Riley County, and the Kansas Department of Transportation regarding drainage issues.

Roger Schultz, Schultz Construction, addressed comments that were made and informed the Commission that he was comfortable that the necessary detention structures would be in place.

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

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance annexing the 61-acre site consisting of the proposed Brookfield Addition, Unit 5; Eisenhower Baseball Fields and a portion of Casement Road, located generally west of Casement Road and south of Marlatt Avenue, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; approve first reading of an ordinance rezoning the 53-acre portion of the site, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 5*); and, approve first

GENERAL AGENDA (CONTINUED)

FIRST READING – ANNEX/REZONE - BROOKFIELD ADDITION, UNIT 5, EISENHOWER BASEBALL FIELDS, AND A PORTION OF CASEMENT ROAD (CONTINUED)

reading of an ordinance rezoning the 8-acre portion of the site, from County G-1, General Agricultural District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report. *(See Attachment No. 6)* Commissioner Taussig seconded the motion. On a roll call vote, motion carried 4-0.

RESOLUTION OF INTENT - ANNEX - HIGHLAND MEADOWS ADDITION

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

Roger Schultz, Schultz Construction, provided clarification on the item and asked that the item be approved, as presented.

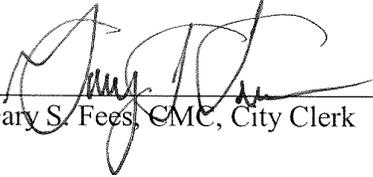
Ron Fehr, City Manager, answered questions from the Commission.

Eric Cattell, Assistant Director for Planning, answered questions from the Commission regarding the protest petition and annexation process.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 122104-B, requesting that the Board of Riley County Commissioners make certain findings regarding the annexation of the proposed 86-acre Highland Meadows Addition. Mayor Everett seconded the motion. On a roll call vote, motion carried 4-0.

ADJOURNMENT

At 10:00 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

Attachment No. 1



INTER-OFFICE MEMORANDUM

DATE: October 19, 2004

TO: Manhattan Urban Area Planning Board

FROM: Ockert Fourie, MCIP, Senior Planner

RE: Cover Memorandum, M-FRO, Multi-Family Redevelopment Overlay District and Related Rezoning for Five-Block Campus Edge Area

BACKGROUND

A comprehensive study of the issues affecting the older traditional neighborhoods of Manhattan was initiated by the Community Development Department in early 2001 after a number of residents expressed to the Planning Board their concern about the development of larger duplex dwellings in the older parts of the City, and the impact those structures have on the neighborhood and its traditional character (*see attached Project Chronology*).

In response to these concerns two new zoning overlay districts were developed. The draft TNO, Traditional Neighborhood Overlay, and M-FRO, Multi-Family Redevelopment Overlay Districts, as well as where they could be applied in the older neighborhoods, were extensively discussed starting in December 2001. Based on these inputs, as well as direction from the Planning Board, the Community Development Department also identified potential areas in the traditional neighborhoods, which in combination with the overlay districts might be appropriate to down-zone, as well as areas that may be appropriate for redevelopment and up zoning.

In February 2003, City Administration recommended that rezonings to apply the TNO and M-FRO Districts in the older traditional neighborhoods, and any concurrent down-zonings or up-zonings, be implemented in four (4) phases (*see Implementation Phases Map*).

Attachment No. 1

On June 17, 2003, City Administration recommended that the City Commission, initiate the rezoning process to consider implementation of the M-FRO, Multi-Family Redevelopment Overlay District and the concurrent up-zoning to R-3, Multiple-Family Residential District in the proposed Redevelopment Area (Phase 4) located adjacent to the east edge of the KSU Campus and Aggieville, based on the neighborhood study. On October 7, 2003, the City Commission rezoned 17.5 blocks of the originally proposed Redevelopment Area to R-3/M-FRO. However, the Commission overrode the Planning Board, and accepted the request from the Aggieville Business Association to not rezone the five blocks immediately north of Aggieville to allow time to develop a plan concept for Aggieville, the five-block area, and the impacted neighborhoods prior to a final decision on the M-FRO, Multi-Family Redevelopment Overlay District.

At the September 28, 2004, Joint City Commission - Planning Board Work Session the Aggieville Business Association and RTKL, Inc. presented the draft Aggieville-Campus Edge Study and discussed suggestions regarding what the City should do next.

Following the presentation, public input, and discussion with the Planning Board, the City Commission expressed the desire to not hold up development proposals any further within the five-block area, which had been held out of the up-zoning in October 2003. The City Commission directed City Administration to proceed with rezoning the remaining five-blocks to R-3/M-FRO District.

On November 12, 2004, notices for the Public Hearings were mailed to the owners of all property proposed to be rezoned in the five-block Aggieville-Campus Edge Study Area (referred to as Campus Edge Area), and to all owners of property located within 200 feet of the areas to be considered for rezoning. The legal notice and map for the Public Hearing was published in the Manhattan Mercury on Monday, November 15, 2004.

DISCUSSION

The Campus Edge Area has been divided into two (2) sub areas for the purpose of the public hearing, based on the current underlying zoning, and the proposed rezoning (*see Campus Edge Area Map, showing Sub Areas*). The following table provides an overview of the Campus Edge Area; its sub areas; the current zoning classification of each sub area; as well as the proposed rezoning:

Campus Edge Area:

Areas located generally east of the KSU Campus and north of Aggieville.

<i>Sub Area</i>	<i>Current Zoning</i>	<i>Proposed Future Zoning</i>
A	R-M/UO, Four-Family Residential with University Overlay	R-3/UO/M-FRO, Multiple-Family Residential w/ University Overlay and Multi-Family Redevelopment Overlay
B	R-M, Four-Family Residential	R-3/M-FRO, Multiple-Family Residential w/ Multi-Family Redevelopment Overlay

M-FRO, Multi-Family Redevelopment Overlay: The proposed M-FRO District is designed to provide a framework within which multiple-family infill housing and redevelopment can be built, while being sensitive to surrounding neighborhoods and the public streetscape with regard to building design and site layout (*see attached text of M-FRO District*). The M-FRO District is to be used in conjunction with an underlying R-3, Multiple-Family Residential District, and is designed to provide additional housing opportunities mainly for the college student population, in an area located adjacent to the east edge of the University Campus. It is proposed that this new redevelopment area be up-zoned to the R-3 District and combined with the M-FRO District.

Up-Zoning to R-3 District

Up zoning refers to increasing the intensity of the zoning classification for an area. In other words, the new zoning district allows uses of a generally higher density than the existing zoning district. For example, if an area is currently zoned R-2, Two Family Residential District, an "up-zoning" would occur if the area was rezoned to the R-3, Multiple Family Residential District.

The Planning Board, City Commission and community have generally favored a combination of both up-zoning particular blocks to the R-3 District, and also applying the M-FRO District to that area, to provide site plan and building design standards within which higher density housing can be built, while being sensitive to, and ensuring compatibility with, surrounding neighborhoods, KSU and the public streetscape. The R-3, Multiple-Family Residential District is designed primarily for multiple-family residences at a density no greater than one (1) dwelling unit per 1,000 square feet (*see attached text of R-3 District*).

UO, University Overlay District

As shown in the table above, Sub Area A currently includes the University Overlay District, which overlays the existing residential zoning classification in this area. The University Overlay District is designed to provide for the establishment of the types of uses that ordinarily locate close to a University, however might not be located on University property, such as Greek housing, and uses associated with the University for

Attachment No. 1

Man and the KSU Foundation. The University Overlay District regulations are applied in combination with an underlying residential district. The proposed rezoning will have no affect on the status of the University Overlay uses within this area. The University Overlay District will remain unchanged and unaffected by the M-FRO District, or any upzonings in this area. Uses provided by the University Overlay District are “conditional uses” requiring approval by the Board of Zoning Appeals, and will remain as such, except that land uses specifically listed as “permitted uses” in the R-3 District that are also listed in the University Overlay, would become permitted through the R-3 zoning, such as Greek housing.

Neighborhood Index

Key components of the analysis of the traditional neighborhoods and the conclusions that were reached are summarized in part by the Neighborhood Index. The Neighborhood Index was developed by the Community Development Department to gauge the level of change that has taken place in the older parts of Manhattan. The Index is based on analyzing census data and county appraisal data regarding a number of factors including: ownership and occupancy patterns, such as owner occupied versus rental structures; family versus non-family distribution; family make-up, looking at the number of school aged children (0-17 yrs.); and the type of residential structures in an area, (i.e. single family, duplex or apartments). In addition to the Neighborhood Index data, other factors that were also analyzed included housing condition and neighborhood character. The purpose of all this detailed analysis was to identify those areas that still have a predominantly single-family character (high neighborhood index) that would benefit from down-zoning and the application of the TNO District, as well as other areas that have changed to such an extent that they are predominantly non-family oriented rental areas which may benefit from up-zoning to the R-3 District with the M-FRO District, to provide redevelopment opportunities close to the KSU campus (*see Neighborhood Index map and 4 data set maps*).

CONCLUSION

The proposed rezoning to establish a redevelopment area (R-3/M-FRO) is a continuation towards implementing the recommendations developed in the in-depth, two-year study of the traditional neighborhoods in the grid portion of the City. The rezoning proposals discussed in this cover memorandum and the attached Staff Reports for Sub Areas A and B, are based on input from citizens, business and neighborhood groups; the Planning Board and the City Commission; research by the College of Architecture, Planning and Design at Kansas State University; as well as extensive research and analysis of the older neighborhoods conducted by the Community Development Department.

Attachment No. 1

The rezoning will create a true redevelopment area adjacent to the KSU campus to provide for high-density multiple-family redevelopment opportunities. This area was not envisioned for development of primarily smaller duplex and four-plex projects.

At the September 28, 2004 Joint City Commission - Planning Board Work Session, the City Commission, in addition to initiating the R-3/M-FRO rezoning, also expressed the desire to concurrently expand the Aggieville-Campus Edge Study into a formal District Plan and to develop the necessary design guidelines and/or other implementation tools to implement the District Plan. The Planning Division has initiated development of the District Plan and the necessary implementation tools, which will be brought to the public and Planning Board for comment and input in the near future. The District Plan will be considered for adoption as an amendment to the Comprehensive Plan as part of the implementation process.

The disadvantage of rezoning the five-block area to R-3/M-FRO District, before the District Plan and specifically customized implementation tools are in place, is that it could promote redevelopment without the benefit of customized design controls, as recommended by RTKL, Inc. and the Aggieville Business Association, to achieve the conceptual visions for this area. Additionally, the potential redevelopment of the key primary blocks along Bluemont Avenue as a mixed-use parking garage and high-density housing and limited commercial edge to Aggieville, could be compromised by scattered, uncoordinated individual redevelopment projects that are not guided by a consistent District Plan along with the appropriate design controls.

It should also be recognized that implementation of the Aggieville – Campus Edge Plan and its customized implementation tools will require another future rezoning of the five-block area to bring it into conformance with the Aggieville-Campus Edge District Plan and whatever Design Standards are developed. This will be either in the form of a revised Overlay District or a whole new Campus Edge zoning district.

ALTERNATIVES

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

1. Recommend approval of rezoning the final five blocks of the Redevelopment Area, as proposed, based on the findings in the Cover Memorandum and the Sub Area Staff Reports.
2. Recommend denial of rezoning any of the advertised areas, based on specifically stated findings addressing the 13 zoning standards.

Attachment No. 1

3. Recommend rezoning a smaller alternative extent of Sub Area A and/or B, based on specifically stated findings addressing the 13 zoning standards.
4. Table the rezoning to a specific date for specifically stated reasons, and provide further direction to City Administration.

Note: The Board will need to make separate motions on each of the Sub Areas (*see Staff Reports for specific motions*).

RECOMMENDATION

Based on the extensive Neighborhood Study and the information and findings cited in this cover memorandum and the attached Staff Reports for Sub Areas A and B, City Administration recommends approval of the proposed rezoning of Sub Areas A and B as proposed, to complete the high-density redevelopment area.

However, it should be noted that once this rezoning is in place, there will be a period of time during which this five-block area would be able to be redeveloped in a manner that could potentially be contrary to concepts being finalized as part of the draft Aggieville – Campus Edge District Plan.

Attachments:

1. Project Chronology
2. Traditional Neighborhood Study Area Map
3. Implementation Phases Map
4. Neighborhood Index Map and four data set maps
5. Neighborhood Study Rezoning Proposals: Map of down-zoning areas and up-zoning areas; Map of TNO and M-FRO Districts
6. Map of Existing Zoning
7. Comprehensive Plan Map
8. Five-Block Campus Edge Rezoning Area Map and Staff Reports for Sub Areas A, and B
9. M-FRO District Text
10. R-3, Multiple-Family Residential District Text

04126}MUAPB}R-3/M-FRO

STAFF REPORT
CAMPUS EDGE, SUB AREA A

ON AN APPLICATION TO REZONE PROPERTY

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

TO: R-3/UO/M-FRO: Multiple-Family Residential with University Overlay and Multi-Family Redevelopment Overlay District.

APPLICANT: Manhattan City Commission

ADDRESS: 1101 Poyntz Avenue

OWNERS: Owners of Record as per Ownership List

ADDRESSES: As per Property Ownership List

LOCATION: Generally located west of North 12th Street; south of Bertrand Street; east of North Manhattan Avenue; and north of Bluemont Avenue.

AREA: 19.54 acres (4 blocks)

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 15, 2004

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 6, 2004
CITY COMMISSION: Tuesday, December 21, 2004

EXISTING USE: The area has a variety of uses with some single-family homes and duplexes, but mostly apartment buildings (eleven in total); a recently approved residential Planned Unit Development for an eight-story apartment building; and single-family structures that have been converted to multiple occupancy student rental properties. This area also includes university related uses associated with the KSU Foundation and the University for Man. There are 57 properties in the area.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: This is part of the older well-established grid street neighborhood area of the community. The structures are generally set back providing open space in the front yards along tree lined streets. The area is relatively flat with a gentle slope and drainage generally to the east and southeast.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** R-3, Multiple Residential District with UO, University Overlay and M-FRO, Multi-family Redevelopment Overlay. This area includes single-family and two family homes, and some apartment buildings.
- (2) **SOUTH:** South of Bluemont Avenue the area adjoins Aggieville, which is zoned C-3, Aggieville Business District.
- (3) **EAST:** R-3, Multiple Residential District with M-FRO, Multi-family Redevelopment Overlay, and R-M, Four-family Residential District. The area includes a variety of uses ranging from single-family homes and duplexes to multiple-family structures and apartment buildings.
- (4) **WEST:** N. Manhattan Avenue; U, University District encompassing the main core-campus of Kansas State University. The uses are those associated with this educational facility.

GENERAL NEIGHBORHOOD CHARACTER: Sub Area A is part of the older, well-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. Most of the lots in this Sub Area back onto an alley, which could provide a rear entrance to properties, and accommodates the utilities serving the neighborhood.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Sub Area A is currently zoned R-M, Four-family Residential District with UO, University Overlay District, and while it was generally suitable for uses allowed under that classification much of the area has undergone significant change from its original function and character. Conversions of single-family homes to multi-family rental structures have occurred because of its proximity to the K-State Campus and the demand for rental properties in this area. Many of the existing structures have become marginal and are in need of replacement through redevelopment. Redevelopment at a residential density that is higher than what is allowed under the current R-M District would not only help to provide the necessary incentive for housing redevelopment, but would also provide for student housing adjacent to the university campus. Based on the analysis of the area, as summarized in the Neighborhood Index and Cover Memorandum, the current zoning is less suitable for the continued stability of this Sub Area. As the area is adjacent to KSU, the UO, University Overlay District is appropriate to retain.

Attachment No. 2

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Located adjacent to the east edge of the University Campus, this area has already undergone substantial change in character from a low- to medium-density neighborhood to a medium- to high-density neighborhood. The area to the east and north of this Sub Area has also recently been rezoned to R-3/M-FRO. The proposed R-3 District would acknowledge the changed character and provide potential redevelopment opportunities that would unify this area and also take the redevelopment pressures off the adjoining family oriented neighborhoods. The rezoning could potentially lead to increased traffic within this area and also generate more traffic through the adjoining neighborhoods. However, the location of the proposed rezoning area, adjacent to and within walking distance of the campus, will reduce the need for the use of vehicles. The area is also well served by collector streets and an arterial, which would further help reduce any potential detrimental affect that the higher density development may have. There is an existing traffic circle located at the intersection of 12th Street and Vattier Street that serves as a traffic-calming device.

The intent of the proposed rezoning to the R-3/UO/M-FRO classification is designed to provide a framework within which multiple-family infill housing can be built and redevelopment can take place, while being sensitive to surrounding neighborhoods and the public streetscape with regard to design and site layout. This will help to reduce the affect of the proposed district on nearby properties. Existing single-family and two-family dwelling units normally house up to four individuals who each require a parking space. The off-street parking requirement for a single-family or duplex dwelling is a minimum of two parking spaces per dwelling unit. In addition many of the converted houses and apartment buildings were built prior to today's requirements and have insufficient parking to serve the number of tenants. The off-street parking requirement in the M-FRO District is one parking space per bedroom, which should reduce the need for tenants to park on the street, as properties get redeveloped.

CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed rezoning is in conformance with the Manhattan Urban Area Comprehensive Plan for the reasons indicated below.

The Manhattan Urban Area Comprehensive Plan identifies a RHD, Residential High Density area, located generally adjacent to the east edge of the KSU Campus and Aggieville, which includes this Sub Area.

Attachment No. 2

The Comprehensive Plan recognizes that this RHD land use designation shown on the Future Land Use Map is a work in progress that still needs formal rezoning consideration and ... *"reflects the current concept for the proposed redevelopment area"* (Housing and Neighborhoods Chapter 9 page 9-4).

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

POLICY GM 9: INFILL AND REDEVELOPMENT.

"Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area."

Sub Area A is part of an area that has been specifically identified through the Neighborhood Study as an area *"where deteriorated or obsolete structures have become detrimental to an area"* and where redevelopment can be accommodated.

The Compatibility Standards of the M-FRO District also 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."*

Attachment No. 2

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.”

The proposed R-3/UO/M-FRO classification is consistent with the RHD, Residential High Density designation identified in the Comprehensive Plan.

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.”

The proposed R-3/UO/M-FRO area also meets this policy requirement, and is bounded by Bluemont Avenue, an arterial, and will have direct access to two collector streets (North Manhattan Avenue and Bertrand Street).

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The area has been subject to zoning regulations since 1926 and was a built environment prior to that date.

1925/1940/1955	“A” First Dwelling House District
	“B” Second Dwelling House District
1965	“B” Multiple-Family Dwelling District
	“B-1” Multiple-Family Dwelling District

Attachment No. 2

1970: R-3, Multiple-Family Residential District
U, University District

1987 to 2003: R-M, Four-Family Residential District
UO, University Overlay 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 insure compatibility; and to protect property values.

The proposed R-3, Multiple-Family Residential District is designed to provide for multiple-family residences at a density no greater than one dwelling unit per 1,000 square feet. This proposed classification would increase the intensity of new construction in Sub Area A.

The intent of the Multi-Family Redevelopment Overlay (M-FRO) is 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 M-FRO District is used in conjunction with an underlying R-3 District. The M-FRO District would maintain most of the requirements of the associated underlying R-3 District, reduce the setback and parking requirements, and add Compatibility Standards specifically designed to address the issues unique to the older neighborhoods of Manhattan. The Compatibility Standards require that new infill residential buildings, and additions or modifications to existing residential buildings, incorporate basic design and site layout elements.

The UO, University Overlay District would remain in place to accommodate university related activities as a conditional use, which is appropriate due to the area being directly adjacent to KSU and having a history of related activities (UFM, Leadership House, Brockman House).

The proposed rezoning is consistent with the intent of the Zoning Regulations and would provide opportunities for the redevelopment and replacement of housing in a part of the City that has a significant number of moderately to severely deteriorated structures.

Attachment No. 2

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 Sub Area has undergone substantial change in character and no longer reflect the single-family character of the older neighborhoods. Denial of the rezoning proposal for this Sub Area would realize no relative gain to the public health, safety and welfare. The intent of the proposed rezoning to the R-3/UO/M-FRO classification is designed to provide a framework within which multiple-family infill housing can be built and redevelopment can take place, while being sensitive to surrounding neighborhoods and the public streetscape with regard to design and site layout.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: With regard to utilities, Westar Energy has indicated that serving the redevelopment area should not pose problems from a capacity standpoint for gas or electric service. The Public Works/Utilities Department analyzed the area, and indicated that the water and sanitary sewer system capacities should be able to accommodate potential redevelopment. However, some of the sewer and water lines in this part of the community are quite old and redevelopment could accelerate the timing for needing to rehabilitate or replace some lines, primarily as a result of potential accidental damage to the integrity of the systems due to all the new connections associated with the redevelopment construction activity. Additionally, alleys in the redevelopment area that are still gravel will have accelerated pressure to be paved, due to increased traffic loads. Paving is typically done through a benefit district.

OTHER APPLICABLE FACTORS: The Cover Memorandum outlines additional information on the community process used to carry out the two-year study of the traditional neighborhood areas, which include the Campus Edge Sub Areas. Additional information on the development and findings of the Neighborhood Index, and other factors that were considered during the neighborhood analysis, are detailed in the Cover Memorandum and helped to form the reasoning upon which this rezoning proposal is based (*see Cover Memorandum and related attachments*).

STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Sub Area A 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, based on the findings in this Staff Report and the Cover Memorandum.

Attachment No. 2

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Sub Area A from R-M/VO, Four-Family Residential District with University Overlay, to R-3/VO/M-FRO, Multiple-Family Residential District with University Overlay and Multi-Family Redevelopment Overlay District, based on the findings in this Staff Report and the Cover Memorandum.
2. Recommend denial of the proposed rezoning of Sub Area A from R-M/VO District to R-3/VO/M-FRO District, based on specifically stated findings addressing the 13 zoning standards.
3. Recommend rezoning a smaller alternative extent of Sub Area A to R-3/VO/M-FRO District, based on specifically stated findings addressing the 13 zoning standards.
4. Table the proposed rezoning to a specific date based on specifically stated reasons, and provide further direction to City Administration.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Sub Area A from R-M/VO, Four-Family Residential District with University Overlay, to R-3/VO/M-FRO, Multiple-Family Residential District with University Overlay and Multi-Family Redevelopment Overlay District, based on the findings in the Cover Memorandum and the Sub Area A Staff Report.

PREPARED BY: Ockert Fourie, MCIP, Senior Planner.

DATE: October 25, 2004

04018}SubArcaA

STAFF REPORT
CAMPUS EDGE, SUB AREA B

ON AN APPLICATION TO REZONE PROPERTY

FROM: R-M, Four-Family Residential District.

TO: R-3/M-FRO: Multiple-Family Residential with Multi-Family Redevelopment Overlay District.

APPLICANT: Manhattan City Commission

ADDRESS: 1101 Poyntz Avenue

OWNERS: Owners of Record as per Ownership List

ADDRESSES: As per Property Ownership List

LOCATION: Referred to as Sub Area B this one block area is bounded by North 12th Street on the west, Vattier Street on the north; North 11th Street on the east and Bluemont Avenue on the south.

AREA: 4.44 acres (1 block)

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 15, 2004

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 6, 2004
CITY COMMISSION: Tuesday, December 21, 2004

EXISTING USE: The area has a variety of uses ranging from single-family homes and duplexes to multiple-family apartment buildings. Most of this area consists of student rental properties with many of the existing larger single-family structures converted into multiple occupancy student rental housing. There are a total 15 properties in the area.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: This is part of the older well-established grid street neighborhood area of the community. The structures are generally set back providing open space in the front yards along tree lined streets. The area is relatively flat with a gentle slope and drainage generally to the east and southeast.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** R-3/UO/M-FRO, Multiple Residential District with University Overlay and Multi-Family Redevelopment Overlay. This area includes single-family and two family homes, and some apartment buildings.
- (2) **SOUTH:** South of Bluemont Avenue the area adjoins Aggieville, which is zoned C-3, Aggieville Business District.
- (3) **EAST:** R-3/UO/M-FRO, Multiple-Family Residential District with University Overlay and Multi-Family Redevelopment Overlay. This area includes single-family and two family homes, and some apartment buildings.
- (4) **WEST:** R-M/UO, Four-Family Residential District with University Overlay that includes larger single-family homes with many of these original single-family homes converted to multiple occupancy student rental properties.

GENERAL NEIGHBORHOOD CHARACTER: Sub Area B is part of the older, well-established residential neighborhoods with mature trees and tree-lined streets. It is located east of the University and directly north of the commercial area of Aggieville. Most of the older larger traditional two-story structures in this block have been converted to multiple occupancy student rental properties. Most of the lots in this Sub Area back onto an alley, which could provide a rear entrance to properties, and accommodates the utilities serving the neighborhood.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Sub Area B is currently zoned R-M, Four-Family Residential District, and while it was generally suitable for uses allowed under that classification much of the area has undergone significant change from its original function and character.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Located one block east of the University Campus, this area has already undergone substantial change in character from a low to medium density neighborhood to a medium to high density neighborhood. The proposed R-3/M-FRO District would acknowledge the changed character and create potential redevelopment opportunities that would unify this area and also take the redevelopment pressures off the adjoining family oriented neighborhoods. The rezoning could potentially lead to increased traffic within this area and also generate more traffic through the adjoining neighborhoods. However, the location of the proposed rezoning area, adjacent to and within walking distance of the campus, will reduce the need for the use of vehicles. The area is also well served by a

Attachment No. 3

collector street and an arterial, which would further help reduce any potential detrimental affect that the higher density development may have. There is an existing traffic circle located at the intersection of 12th Street and Vattier Street that serves as a traffic-calming device.

The intent of the proposed rezoning to the R-3/M-FRO classification is designed to provide a framework within which multiple-family infill housing and redevelopment can be built, while being sensitive to surrounding neighborhoods and the public streetscape with regard to design and site layout. This will help to reduce the affect of the proposed district on nearby properties. Existing single-family and two-family dwelling units normally house up to four individuals who each require a parking space. The off-street parking requirement for a single-family or duplex dwelling is a minimum of two parking spaces per dwelling unit. In addition many of the converted houses and apartment buildings were built prior to today's requirements and have insufficient parking to serve the number of tenants. The off-street parking requirement in the M-FRO District is one parking space per bedroom, which should reduce the need for tenants to park on the street, as properties get redeveloped.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Manhattan Urban Area Comprehensive Plan identifies a RHD, Residential High Density area, located generally adjacent to the east edge of the KSU Campus and Aggieville, which includes this Sub Area. The Comprehensive Plan docs recognize that the land use designation shown for the Traditional Neighborhood Planning Area is a work in progress that still needs formal rezoning consideration and ...*"reflects the current concept for the proposed redevelopment area"* (Housing and Neighborhoods 9-4).

The proposed rezoning of Sub Area B is in conformance with the Manhattan Urban Area Comprehensive Plan for the following reasons:

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 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.

Attachment No. 3

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.”

Sub Area B has been identified through the Neighborhood Study as an area “*where deteriorated or obsolete structures have become detrimental to an area*” and where redevelopment can be accommodated.

The Compatibility Standards of the M-FRO, Multi-Family Redevelopment Overlay achieve 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.”

The proposed R-3/M-FRO classification is consistent with the RHD, Residential High Density designation identified in the Comprehensive Plan in 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.”

Attachment No. 3

The proposed R-3/M-FRO area also meets this policy requirement and will be adjacent to Bluemont Avenue, an arterial, and have direct access to 11th Street, a collector.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The area has been subject to zoning regulations since 1926 and was a built environment prior to that date.

1925/1940/1955	“A” First Dwelling House District “B” Second Dwelling House District
1965	“A” Single- and Two-Family Dwelling District “B” Multiple-Family Dwelling District “B-1” Multiple-Family Dwelling District
1970:	R-3, Multiple-Family Residential District
1987 to 2003:	R-M, Four-Family Residential District

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The proposed R-3, Multiple-Family Residential District is designed to provide for multiple-family residences at a density no greater than one dwelling unit per 1,000 square feet. This proposed classification would increase the intensity of new construction in Sub Area B and replace some of the lower density obsolete structures in this area.

The intent of the Multi-Family Redevelopment Overlay District (M-FRO) is 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 M-FRO District is used in conjunction with an underlying R-3 District. The M-FRO District would maintain most of the requirements of the associated underlying R-3 zoning district, reduce the R-3 District setback and parking requirements, and add Compatibility Standards specifically designed to address the issues unique to the older neighborhoods of Manhattan. The Compatibility Standards require that new infill residential buildings, and additions or modifications to existing residential buildings, incorporate basic design and site layout elements.

The proposed rezoning of Sub Area B will be consistent with the intent of the Zoning Regulations and would provide opportunities for the redevelopment and replacement of housing in a part of the City that has a significant number of moderately to severely deteriorated structures.

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: Sub Area B has undergone substantial change in character and no longer reflects the single-family character of the older neighborhoods. Denial of the rezoning proposal would realize no relative gain to the public health, safety and welfare. The intent of the proposed rezoning to the R-3/M-FRO classification is designed to provide a framework within which multiple-family infill housing and redevelopment can be developed, while being sensitive to surrounding neighborhoods and the public streetscape with regard to design and site layout. The M-FRO District is to be used in conjunction with an underlying R-3, Multiple-Family Residential District, and is designed to provide additional housing opportunities mainly for the college student population, in an area located adjacent to the east and southeast edge of the University Campus.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: With regard to utilities, Westar Energy has indicated that serving the redevelopment area should not pose problems from a capacity standpoint for gas or electric service. The Public Works/Utilities Department analyzed the area, and indicated that the water and sanitary sewer system capacities should be able to accommodate potential redevelopment. However, some of the sewer and water lines in this part of the community are quite old and redevelopment could accelerate the timing for needing to rehabilitate or replace some lines, primarily as a result of potential accidental damage to the integrity of the systems due to all the new connections associated with the redevelopment construction activity. Additionally, alleys in the redevelopment area that are still gravel will have accelerated pressure to be paved, due to increased traffic loads. Paving is typically done through a benefit district.

OTHER APPLICABLE FACTORS:

The Cover Memorandum outlines additional information on the community process used to carry out the two-year study of the traditional neighborhood areas, which includes Sub Area B. Additional information on the development and findings of the Neighborhood Index, and other factors that were considered during the neighborhood analysis, are detailed in the Cover Memorandum and helped to form the reasoning upon which this rezoning proposal is based (*see Cover Memorandum and related attachments*).

STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Sub Area B from R-M, Four-Family Residential District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in this Staff Report and the Cover Memorandum.

Attachment No. 3

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Sub Area B from R-M, Four-Family Residential District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in this Staff Report and the Cover Memorandum.
2. Recommend denial of the proposed rezoning of Sub Area B from R-M District to R-3/M-FRO District, based on specifically stated findings addressing the 13 zoning standards.
3. Recommend an alternative smaller extent of rezoning Sub Area B from R-M, District to R-3/M-FRO District, based on specifically stated findings addressing the 13 zoning standards.
4. Table the proposed rezoning to a specific date based on specifically stated reasons, and provide further direction to City Administration.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Sub Area B from R-M, Four-Family Residential District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Cover Memorandum and the Sub Area B Staff Report.

PREPARED BY: Ockert Fourie, MCIP, Senior Planner.

DATE: October 25, 2004

04019}SubAreaB

STAFF REPORT

ON AN APPLICATION TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD)

BACKGROUND

APPLICANT: Manhattan Medical Center, Inc.

ADDRESS: 1133 College Avenue, Manhattan, Kansas 66502

APPLICANT: Manhattan Medical Center, Inc.

ADDRESS: 1133 College Avenue, Manhattan, Kansas 66502

LOCATION: generally on the southwest corner of the intersection of Claflin Road and College Avenue, which currently consists of Dunne's Pharmacy, the Benson Building, various medical buildings, and the off-street parking lot serving those uses.

AREA: Approximately 9.0 Acres

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 15, 2004

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 6, 2004
CITY COMMISSION: Tuesday, December 21, 2004

DESCRIPTION OF PROPOSED AMENDMENT: Construction of a new physical therapy building, the utilization of the existing sign, and an addition to the existing maintenance shop in the southwest corner of the Manhattan Medical Center PUD, near the entrance off of Sycamore Lane (*see site plan*).

The proposed physical therapy building is 15.4-feet in height, measuring 76-feet by 40-feet, 3040 square feet, constructed with metal siding, brick and a metal roof. The interior space will consist of exam rooms and a large cardio room.

The proposed addition to the existing maintenance shop is 41.1 feet by 18 feet, making a 753 square foot addition. The addition will be located on the south side of the existing. The proposed addition will be eleven (11) feet in height, approximately 5 feet shorter in height, than the existing maintenance shop. The addition will be constructed with metal siding, brick and a metal roof.

Attachment No. 4

No additional signage is being proposed. There is a sign located on the site where the proposed physical therapy building will be built. It will remain in its location but the lettering will be changed.

Currently there is a drive that runs to the south of the proposed physical therapy building's location and along the east side of the area. This drive will be closed off and parking spaces will be added the will create a continuous row of parking on the north side of the physical therapy building site, adding five (5) new parking stalls. The number of parking stalls required is based on the ratio of 5.5 stalls/1000 square feet of building. This would require that 217 parking stalls be provided for the Manhattan Medical Center P.U.D. The total number of parking stalls in the PUD and the adjacent west property, which is also owned by the Manhattan Medical Center, is 667 parking stalls. Adequate parking is available at this site. The applicant conducted a parking count during the week of September 7- September 15, twice a day. The numbers of stalls occupied and vacant were counted. During this week the parking count found that rarely is more than 65% of the parking lot is used. Parking availability is not currently an issue and should not be if the PUD amendment is approved.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The amendment is necessary because the Final Plan could not predict the amount of growth the Manhattan Medical Center would encounter.

No conditions were listed in Ordinance 3999 (*attached*) which established the PUD on October 19, 1982.

The amendment is generally consistent with the intent of the PUD.

WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The applicant is proposing a new physical therapy building and an expansion of the existing maintenance building. The current PUD consists of occupied medical buildings. No other conditions appear to cause the need for the amendment.

Attachment No. 4

WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The amendment will allow the Manhattan Medical Center to increase the services they are able to provide to the public.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

- 1. LANDSCAPING:** There is no landscaping being removed or proposed around the maintenance shed. However, the proposed physical therapy site has three large evergreen trees that will remain. Along the south side of the building there are no windows or brick being proposed. The proposed landscaping consists of an added trees, shrubs and tall grasses that will break up the monotony of the metal siding along the south side of the building.
- 2. SCREENING:** The Zoning Regulations require that off-street parking that is within twenty-five (25) feet of a residential district provide sight obscuring screening not less than six (6) feet in height. There is some existing screening provided along the south boundary of the PUD. In some areas the current screening is deciduous and sparse. When looking from the residential properties into the PUD the residents see parking lots, the existing maintenance building and will see the proposed physical therapy building. The south side of the proposed physical therapy building will be facing the adjacent single-family homes. Landscaping is being provided along the south side of the proposed physical therapy building that also buffers the non-residential activities.
- 3. DRAINAGE:** The amendment does not require additional drainage improvements.
- 4. CIRCULATION:** The only change in drive aisles is on the east side of the proposed physical therapy building. Currently there is a drive aisle that connects the parking along the south side of the PUD and the parking area that is located between the maintenance building and the site where the physical therapy building is being proposed. The small aisle will be closed and the area will be landscaped. Parking will be added to create one continuous row of parking in front of the proposed physical therapy building. The proposed changes will not affect vehicular entrance and exiting movements to the medical center.

Attachment No. 4

Five (5) parking spaces will be added where the drive aisle will be closed. There are approximately 392 spaces currently, and the existing and proposed uses are required to have 216 parking spaces. The added parking is minimal; however the parking ratio exceeds the approximately 5.5 spaces per 1,000 square feet of net floor area for medical uses. The parking counts conducted by the applicant shows there is an excess of parking that exists.

5. OPEN SPACE AND COMMON AREA: The location of the proposed new physical therapy building currently is open green space. This location is approximately forty-five (45) feet northwest of the Sycamore Lane entrance.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is characterized as a commercial/residential area, with commercial service/apartments dominating the area to the north of the site across Claflin Road and to the northeast of this site. To the east, across College Avenue and immediately adjacent on the south is single-family residential. There is some screening along the southern boundary of the PUD, to screen the adjacent homes from the existing use of the PUD. City Administration recommended to the applicant that brick be added to the rear façade or some type of landscaping on the proposed physical therapy building that will be added to create a visually appealing elevation, since it does face the adjacent residential properties to the south.

EXISTING USE: This site consists of medical buildings, offices and medical related businesses. On the north, along Claflin Road are Dunne's Pharmacy and the Benson building. The remainder of the site consists of various medical buildings and off-street parking.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: A developed medical center with off-street parking.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Claflin Road and apartments and bank; Southwind Capital PUD and U, University District
- (2) **SOUTH:** Single family residential; R, Single-Family Residential District
- (3) **EAST:** College Avenue and single family homes; R, District
- (4) **WEST:** Medical Offices; C-1, Restricted Business District.

GENERAL NEIGHBORHOOD CHARACTER: See above.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The PUD allows the permitted uses of the C-1, Restricted Business District, which consists of professional offices and businesses. The proposed physical therapy building would be considered a professional business, medical offices and the other change is an expansion of an already existing use.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed use is a permitted use within the PUD. Adjacent properties should not be adversely affected by the proposed use. A new medical office will be located near single-family homes, but this should be a low intensity use. The residential dwellings are located approximately 150 feet from the new building's site. The increase in use of this area where the new physical therapy building being proposed should be primarily during daytime hours, so it should not affect the single-family homes. The PUD is an existing use and the construction is a minimal change.

CONFORMANCE WITH COMPREHENSIVE PLAN: The site is designated as Office-Medical Research, a designation intended to provide a "campus-like" setting for employees. The proposed amendment conforms with the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site was annexed in 1962 and zoned 'A'- First Dwelling House District, until 1965. In 1965 it was rezoned to 'A-A', Single-Family Dwelling District. In 1969 it was rezoned to 'R', Residential District. The site was rezoned to 'PDD', Planned Development District in 1971 and the first construction of the Manhattan Medical Center occurred. The current Manhattan Medical Center PUD was established in 1982.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed amendment is consistent with the intent and purpose of Ordinance No. 3999, the Zoning Regulations, and the intent of the PUD Regulations.

Attachment No. 4

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 adverse affects on the public and no relative gain would be accomplished by denial; however, it may be a hardship on the applicant/owner if the amendment is denied. There is an apparent need for the service and denial would prohibit the use.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public sewer and water are available to serve the business.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS: City Administration recommends approval of the proposed Amendment to Final Development Plan of the Manhattan Medical Center PUD, and Ordinance No. 3999, for a proposed new physical therapy building and an addition to the existing maintenance building, with the following conditions:

1. Construction shall be limited to the new physical therapy building and maintenance building expansion and modification to the off-street parking lot.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.

ALTERNATIVES:

1. Recommend approval of the proposed Amendment of the Final Development Plan of the Manhattan Medical Center Planned Unit Development, and Ordinance No. 3999, stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment, and Ordinance No. 3999, stating the specific reasons for denial.
3. Table the proposed Amendment(s) to a specific date, for specifically stated reasons.

Attachment No. 4

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment of the Final Development Plan of the Manhattan Medical Center Planned Unit Development, and Ordinance No. 3999, based on the findings in the Staff Report, with the three (3) conditions recommended by City Administration.

PREPARED BY: Julie Kruse, Planner

DATE: November 24, 2004

04021}SR}PUDAmendmentManhattanMedPUD

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County G-1, General Agricultural District

TO: R-1, Single-Family Residential District

APPLICANT: SSF Development LLC, and Dale Knight

ADDRESSES: 1213 Hylton Heights Road; 2320 Bailey Road; and, 1101 Poyntz Avenue, Manhattan KS

OWNERS: SSF Development LLC, Dale Knight, and the City of Manhattan.

ADDRESSES: 1213 Hylton Heights Road; 2320 Bailey Road; and, 1101 Poyntz Avenue, Manhattan KS

LOCATION: South of Marlatt Avenue, west of Casement Road, east of the dead-end of Walters Drive, and north and northwest of the existing Brookfield Addition

AREA: Total acreage is approximately 53-acres, which consists of an approximate 43-acre tract, which is part of the proposed Brookfield Addition, Unit Five; a ten (10) acre tract of land owned by the City, less Marlatt Avenue road right-of-way; and, a .25 acre tract along the eastern side of Casement Road.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 15, 2004

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 6, 2004

CITY COMMISSION: Tuesday, December 21, 2004

EXISTING USE: Farm fields, Eisenhower baseball fields, and the eastern portion of Casement Road.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The Eisenhower baseball field portion is developed as a recreational site. The majority of the site is farm field, flat and adjacent to the Marlatt drainage ditch, which is along the north and east sides of the proposed Brookfield Addition, Unit Five. The .25-acre tract is the eastern part of Casement Road.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Marlatt Avenue, single-family residential and farm fields; G-1 District
- (2) **SOUTH:** Brookfield Additions, Units One-Four, a single-family residential subdivision; R-1 District.
- (3) **EAST:** Casement Road and farm fields; G-1 District
- (4) **WEST:** Farm fields, single-family and two family homes and Eisenhower Middle School; G-1 District, R-2, Two-Family Residential District, and R-1 District.

GENERAL NEIGHBORHOOD CHARACTER: Generally characterized as a developing low-density residential neighborhood. Eisenhower Middle School is a part of the established single-family and two-family neighborhood to the west. Riley County areas to the north and east are primarily agricultural with scattered low density residential uses along the two major streets, Marlatt Avenue and Casement Road. The site is separated from areas to the north by Marlatt Avenue drainage ditch and from the east by Casement Road.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for the existing uses. The current zoning is unsuitable for the proposed use. The County G-1 District would not allow approximately 161-single family residential lots, as proposed in Unit Five. The site must be annexed, rezoned, platted and public services must be extended, prior to development.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed R-1 District is consistent with the established Brookfield Additions to the south and the R-1 District, as Eisenhower Middle School is currently zoned. An increase in traffic, light and noise can be expected, but is similar to the same conditions existing in nearby neighborhoods.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan shows the 53-acre tract as Parks and Recreation, and a combination of Residential Medium/High (RMH), and Residential Low/Medium density (RLM). The appropriate density range for development in the RMH is 11 to 19-dwelling units per net acre and the RLM designation is one-dwelling unit up to 11-dwelling units per net acre.

Attachment No. 5

The Parks and Recreation category consists of the existing Eisenhower baseball fields, a recreational area, and is reflected as such on the Future Land Use Map.

The RMH and RLM categories suggest a range of housing types, from single-family and two-family to townhomes, with the RMH category adding four-plexes. Both suggest planned unit developments for apartments or condominiums, where net densities are consistent with the respective category. Planned unit developments in the RLM category are suggested to be small-scale apartment buildings, with sufficient open space to meet the RLM density.

Proposed density in the R-1 District portion of the proposed Brookfield Addition, Unit Five, is approximately 3.1 to 4 dwelling units per acre.

The proposed rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has been zoned G-1 District for an undetermined period of time. The Eisenhower baseball fields were built in the late 1990's.

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-1, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. The site is sufficient in area to conform to the R-1 District requirements.

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. 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 site.

OTHER APPLICABLE FACTORS: Prior to development, a Preliminary Plat must be approved, which will be considered by the Planning Board on December 20, 2004.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of an approximate 53-acre tract of land consisting of the proposed Brookfield Addition, Unit Five, the Eisenhower baseball ball fields, and a portion of Casement Road, from County G-1, General Agricultural District, to R-1, Single-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of an approximate 53-acre tract of land, from County G-1, General Agricultural District, to R-1, Single-Family Residential 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 proposed rezoning of an approximate 53-acre tract of land consisting of the proposed Brookfield Addition, Unit Five, the Eisenhower baseball ball fields, and a portion of Casement Road, from County G-1, General Agricultural District, to R-1, Single-Family Residential District based on the findings in the Staff Report .

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: November 30, 2004

04022

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County G-1, General Agricultural District

TO: R-3, Multiple-Family Residential District

APPLICANT: SSF Development LLC

ADDRESS: 1213 Hylton Heights Road, Manhattan KS

OWNERS: SSF Development LLC

ADDRESS: 1213 Hylton Heights Road, Manhattan KS

LOCATION: generally located one thousand two hundred (1,200) feet south of Marlatt Avenue, one thousand four hundred (1,400) feet west of Casement Road, seven hundred and sixty (760) feet east of the existing eastern dead-end of Walters Drive, and northwest of the existing Brookfield Addition, Unit Four.

AREA: 8.085-acres, which is part of the proposed Brookfield Addition, Unit Five. (The proposed platted lot is 7. 219-acres, which is a result of dedication of part right-of-way for Walters Drive)

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 15, 2004

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 6, 2004

CITY COMMISSION: Tuesday, December 21, 2004

EXISTING USE: Farm field.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is a flat farm field, which drains to the south and east.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Eisenhower baseball fields, farm fields, future single-family in proposed Brookfield Addition, Unit Five; G-1 District
- (2) **SOUTH:** Farm fields, future Mission Pond subdivisions; G-1 District.

Attachment No. 6

- (3) **EAST:** Casement Road, farm fields, future single-family in proposed Brookfield Addition, Unit Five; G-1 District
- (4) **WEST:** Farm fields, future Mission Pond subdivisions, single-family and two family homes and Eisenhower Middle School; G-1 District, R-2, Two-Family Residential District, and R-1 District.

GENERAL NEIGHBORHOOD CHARACTER: Generally characterized as a developing low-density residential neighborhood. Eisenhower Middle School is a part of the established single-family and two-family neighborhood to the west. Riley County areas to the north and east are primarily agricultural with scattered low density residential uses along the two major streets, Marlatt Avenue and Casement Road.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for the existing use. The current zoning is unsuitable for the proposed multiple-family use. The G-1 District would not allow the R-3 District uses. The site must be annexed, rezoned, platted and public services must be extended, prior to development.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed R-3 District is in the middle of agricultural fields and will eventually be surrounded by other residential densities. An increase in traffic, light and noise can be expected, but is similar to the same conditions existing in nearby neighborhoods.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan shows the 8-acre tract at the edge of the Residential Medium/High (RMH), and Residential Low/Medium density (RLM). The appropriate density range for development in the RMH is 11 to 19-dwelling units per net acre and the RLM designation is one-dwelling unit up to 11-dwelling units per net acre.

The RMH and RLM categories suggest a range of housing types, from single-family and two-family to townhomes, with the RMH category adding four-plexes. Both categories suggest planned unit developments for apartments or condominiums, where net densities are consistent with the respective category. Planned unit developments in the RLM category are suggested to be small-scale apartment buildings, with sufficient open space to meet the RLM density.

The R-3 District would allow more than 19 dwelling units per net acre, if sufficient land area is available. The proposed density, limited by a proposed covenant restricting the total number of dwellings to 130, would be approximately 18-dwelling units per net acre ($130/7.219=18\text{du/net acre}$), which is within the RMH category.

Attachment No. 6

The site is within the Special Planning Area of the Blue River Valley, which is an area planned as a mixed-use residential area containing low to medium density residential, with medium to high density uses focused near Tuttle Creek Boulevard and Casement Road. Neighborhood commercial and employment opportunities would be integrated with the residential uses. While the proposed R-3 District location is conceptually more appropriate at the two described intersections, the restrictive covenant will achieve a density consistent with the medium to high designation as shown on the Plan.

The proposed rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has been vacant and zoned G-1 District for undetermined period of time.

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-3 District (*R-3 District regulations attached*) is designed to provide a dwelling zone at a density no greater than one (1) dwelling unit per 1,000 square feet. The R-3 District would allow greater than 19-dwelling units per net acre. A restrictive covenant will limit the total number of units to no greater than 130-dwelling units, which is equivalent to 18-dwelling units per net acre. The net density is within the RMH category and the rezoning is consistent with the Comprehensive Plan.

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. 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 8-acre tract of land.

OTHER APPLICABLE FACTORS: The Preliminary Plat must be approved, prior to development of the tract. The applicant has indicated the site will likely develop as a Residential Planned Unit Development (PUD). As proposed with the Preliminary Plat, only one apartment building could be constructed on the lot. The Zoning Regulations do not allow for more than one principal residential building on an R-3 District lot, unless located in the PUD.

Attachment No. 6

STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of an 8-acre tract of land, in the proposed Brookfield Addition, Unit Five, from County G-1, General Agricultural District, to R-3, Multiple-Family Residential District.

ALTERNATIVES:

4. Recommend approval of the proposed rezoning of an 8-acre tract of land, from County G-1, General Agricultural District, to R-3, Multiple-Family Residential District, stating the basis for such recommendation.
5. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
6. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of an 8-acre tract of land, in the proposed Brookfield Addition, Unit Five, from County G-1, General Agricultural District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: November 30, 2004

Attachment No. 7

2004 License Renewals

Tree Maintenance	Horticultural Services Inc.	11524 Landscape Ln, St. George, KS
Tree Maintenance	Carnahan Creek Tree Service	12415 Carnahan Rd, Olsburg, KS
Cereal Malt Beverage	Third Street Pizza Hut	231 Moro

