



MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 21, 2015
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Karen McCulloh and Commissioners Usha Reddi, Linda Morse, Michael L. Dodson, and Wynn Butler were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Bill Raymond, City Clerk Gary S. Fees, 10 staff, and approximately 35 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh led the Commission in the Pledge of Allegiance.

RECOGNITION

Mayor McCulloh, City Manager Ron Fehr, and City Clerk Gary Fees recognized and congratulated the Citizens' Academy Participants for 2014-2015. Morgan Bates, Anna Binder, Richard Formella, Bill Gilligan, Edward McNamara, Chris Nelson, Sarah Nelson, Bryant Parker, Charles Sexton, Melody Sexton, and Daniel Tidwell were present to receive their Certificates of Achievement. Other Academy participants that were unable to attend the recognition were Conor Milne, Austin Nichols, Neil Parikh, Morgan Peters, and Gabriel White.

PROCLAMATION

Mayor McCulloh proclaimed July 25, 2015, *Manhattan Day of the Cowboy*. Jack Lindquist, Flint Hills Discovery Center National Day of the Cowboy Committee member, and Fred Goss, Director, Flint Hills Discovery Center, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Butler encouraged citizens to support the YES! (Youth Empowerment for Success) Fund campaign. He stated that matching funds are available and you can make donations online with the Manhattan Community Foundation or complete the coupon included in the YES! Fund advertisement found in *The Manhattan Mercury*.

Commissioner Reddi informed the community that the Riley County Fair Parade is Thursday, July 23, 2015, and encouraged everyone to enjoy the Riley County Fair this weekend. She stated that Furniture Amnesty Day is on Friday, July 24, 2015, and that additional information can be found on the City of Manhattan's website. Finally, she stated that the Everybody Counts program will be held on Saturday, August 1, 2015, from 10:00 a.m. to 2:00 p.m. at the Douglass Community Center. The program will offer health screenings, booths, and a free community meal. She encouraged citizens to volunteer or if you know someone in need, let them know about the program and services available.

Mayor McCulloh stated that there would not be a City Commission Work Session on Tuesday, July 28, 2015, or on Tuesday, August 11, 2015. She said the City Budget would be on the August 4, 2015, City Commission agenda with an opportunity for public comment. She also encouraged the community to visit Sunset Zoo and to take advantage of the coupon being offered from Hy-Vee for the Zoo.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, July 7, 2015.

CLAIMS REGISTER NO. 2796

The Commission approved Claims Register No. 2796 authorizing and approving the payment of claims from July 1, 2015, to July 14, 2015, in the amount of \$3,733,925.39.

LICENSE

The Commission approved an annual Cereal Malt Beverages Off-Premises License for Hy-Vee Gas, 206 Leavenworth Street.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7148 – AMEND – LOT 5, PLATT ADDITION RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD)

The Commission approved Ordinance No. 7148 amending Ordinance No. 6479 and the Final Development Plan of Lot 5, Platt Addition Residential Planned Unit Development, located at 2113 Knox Circle, based on the findings in the Staff Report (*See Attachment No. 1*).

ORDINANCE NO. 7149 – LEVY SPECIAL ASSESSMENTS – GENERAL OBLIGATION BONDS 2015-A

The Commission approved Ordinance No. 7149 levying special assessments against the benefiting properties in the following eight (8) public improvement districts: *Western Hills Addition, Unit Fourteen – Sanitary Sewer (SS1208), Street (ST1210), and Water (WA1209); Bellerive Addition – Street (ST112) and Water (WA1113); and Candlewood Inn & Suites Parking Lot (Downtown Entertainment District, Unit Three, Lot 1) – Sanitary Sewer (SS1205), Street (ST1208), and Water (WA1206).*

ORDINANCE NO. 7150 – VACATE DRAINAGE EASEMENT – LOTS 78-82, 97-101, SCENIC MEADOWS, UNIT THREE

The Commission approved Ordinance No. 7150 vacating a portion of a drainage easement on Lots 78-82 and Lots 97-101 in Scenic Meadows, Unit Three.

ORDINANCE NO. 7151 – VACATE DRAINAGE AND CONSERVATION EASEMENTS – LOTS 1-8, DAISY MEADOW ADDITION

The Commission approved Ordinance No. 7151 vacating drainage and conservation easements on Lots 1-8 in Daisy Meadow Addition.

* AGREEMENT – PROFESSIONAL ARCHITECTURAL SERVICES – MALAYSIAN TIGER, SLOTH BEAR, AND AMUR LEOPARD EXHIBITS (CIP #SZ024P)

Commissioner Reddi and Mayor McCulloh expressed their appreciation from a private donor paying for the architecture contract for the design of the Malaysian Tiger, Sloth Bear, and Amur Leopard exhibits for Sunset Zoo.

The Commission authorized the Mayor and City Clerk to execute a contract for Professional Architectural Services with GLMV Architecture, Inc., of Wichita, Kansas, for an amount not to exceed \$160,000.00 for the design of the Malaysian Tiger, Sloth Bear, and Amur Leopard exhibits for the Sunset Zoological Park (CIP #SZ024P).

CONSENT AGENDA (CONTINUED)

* **REIMBURSEMENT AGREEMENT - MALAYSIAN TIGER, SLOTH BEAR, AND AMUR LEOPARD EXHIBITS (CIP #SZ024P)**

The Commission authorized the Mayor and City Clerk to execute a Reimbursement Agreement with the Sunset Zoological Park and Wildlife Conservation Trust to reimburse all (100%) of the City's costs incurred under the GLMV Architecture contract for the design of the Malaysian Tiger, Sloth Bear, and Amur Leopard exhibits for the Sunset Zoological Park (CIP #SZ024P).

CHANGE ORDER NO. 18 – AIRPORT TERMINAL EXPANSION CONSTRUCTION, PHASE ONE (AIP #44)

The Commission approved and authorized the Mayor to execute Change Order No. 18 for Phase One of the Manhattan Regional Airport Terminal Construction (AIP #44) resulting in a net increase in the amount of \$81,222.00 to the contract with The Weitz Company, LLC, of Lenexa, Kansas, regarding wage rate determinations.

AWARD CONTRACT – OLYMPIC ADDITION – SANITARY SEWER (SS1415), STREET (ST1418), AND WATER (WA1413) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$2,012,087.50; awarded a construction contract in the amount of \$1,666,756.85 to Bayer Construction Co., Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Olympic Addition Sanitary Sewer (SS1415), Street (ST1418), and Water (WA1413) Improvements.

AUTHORIZE – APPLICATION AND PAYMENT – SECTION 404 PERMIT – POYNTZ AVENUE PUMP STATION RCB (SM1309) AND OLD BIG BLUE STORMWATER IMPROVEMENTS, PHASES III AND IV (SM1106, CIP #SW016P)

The Commission authorized the City Engineer to obtain and execute a U.S. Army Corps of Engineers Section 404 Permit for the projects, and authorized In-Lieu of Fee payment in the amount of \$108,000.00 for the Poyntz Avenue Pump Station and Levee Relief Well (SM1309) and the Old Big Blue Stormwater Improvements, Phases III and IV (SM1106, CIP #SW016P).

BOARD APPOINTMENTS

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

Airport Advisory Board

Re-appointment of Christine Benne, 4420 Leone Terrace, to a three-year At-Large term. Ms. Benne's term begins immediately, and will expire June 26, 2018.

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS (*CONTINUED*)

Airport Advisory Board (CONTINUED)

Re-appointment of Scot Bird, 7581 South Highway 77, Junction City, to a three-year Fort Riley term. Mr. Bird's term begins immediately, and will expire June 26, 2018.

Re-appointment of Robert Boyd, 6601 Mill Cove Drive, to a three-year At-Large. Mr. Boyd's term begins immediately, and will expire June 26, 2018.

Re-appointment of Richard Hayter, 1920 Grandview Drive, to a three-year Chamber of Commerce term. Mr. Hayter's term begins immediately, and will expire June 26, 2018.

Re-appointment of Carl Reed, 2805 Tatarax Drive, to a three-year Pottawatomie County term. Mr. Reed's term begins immediately, and will expire June 26, 2018.

Parks and Recreation Advisory Board

Appointment of David Dzewaltowski, 100 South Delaware Avenue, to a four-year term. Mr. Dzewaltowski's term begins immediately, and will expire June 30, 2019.

Social Services Advisory Board

Appointment of Shelley Carver, 3720 Persimmon Circle, to a three-year term. Ms. Carver's term begins immediately, and will expire June 30, 2018.

Commissioner Morse moved to approve the consent agenda. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING – REZONE - 1011, 1015 AND 1017 THURSTON STREET

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission regarding the subject site, apartment designs near the subject area being rezoned, analysis of the utilities, and discussed the need for a future work session to discuss alleyways.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - 1011, 1015 AND 1017 THURSTON STREET (CONTINUED)

Brian Johnson, City Engineer, provided additional information on the sanitary sewer and water capacity for the subject properties. He informed the Commission that the utilities are sufficient and provided additional information on the item.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion, Commissioner Reddi moved to approve first reading of an ordinance rezoning 1011, 1015 and 1017 Thurston Street, from R-2/TNO, Two-Family Residential District with Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report (*See Attachment No. 2*) and the recommendation of the Planning Board. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

PUBLIC HEARING - RESOLUTION NO. 072115-A/FIRST READING – ISSUE INDUSTRIAL REVENUE BONDS (SERIES 2015-A, B, & C - MANKO WINDOW SYSTEMS, INC.)

Jason Hilgers, Deputy City Manager, presented an overview of the item. He informed the Commission that Manko's current abatement ends in 2015 and stated that the company is not requesting property tax abatement or any other incentives with this application. He then responded to questions from the Commission regarding the Industrial Revenue Bond (IRB) process and stated that construction materials purchased for the project would be exempt from sales tax as part of the issuance of the bonds.

Gary Jones, President, Manko Window Systems, Inc., provided additional information on the expansion plans for the facility. He then responded to questions from the Commission regarding employee wages, number of employees, and product sales.

Mayor McCulloh opened the public hearing.

Hearing no comments, Mayor McCulloh closed the public hearing.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 072115-A/FIRST READING – ISSUE INDUSTRIAL REVENUE BONDS (SERIES 2015-A, B, & C - MANKO WINDOW SYSTEMS, INC.)

After discussion and comments from the Commission, Commissioner Dodson moved to approve Resolution No. 072115-A and first reading of an ordinance authorizing the issuance of approximately \$7.75 million in Industrial Revenue Bonds for Manko Window Systems, Inc. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

AGREEMENTS - DESIGN SERVICES - KIMBALL AVENUE CORRIDOR, FROM NORTH MANHATTAN AVENUE TO COLLEGE AVENUE, (ST1511) AND NORTH MANHATTAN AVENUE CORRIDOR, PHASE 3 (ST1510)

Jason Hilgers, Deputy City Manager, presented background information and an overview of the item. He highlighted the North Campus Corridor design and process needed to further define the anticipated improvements and project budget. He also provided an overview of the project design consultants selected including Confluence, BG Consultants, and Schwab-Eaton and the respective professional services contract amounts. He then responded to questions from the Commission regarding the scope of the project, the need for 30 percent completion of the design plans to reach a solid budget number, and explained the expenses for the design phase with Kansas State University and the City of Manhattan sharing the costs equally, with the City's responsibility of \$255,756.00 being targeted with the Economic Development Fund.

After comments and questions raised from the Commission, Jason Hilgers, Deputy City Manager, responded to additional questions regarding the proposed design and construction timelines, the potential to phase the project over a period of time, the considerations for the City's rights-of-way, and reiterated that the intent is to finance the City's portion of the design costs from the Economic Development Fund. He stated that President Kirk Schulz, Kansas State University, anticipates providing the Commission with a mid-project review in the Fall of 2015 and a final review of the project specifics with a financing proposal in January of 2016.

Ron Fehr, City Manager, provided additional information on the item. He informed the Commission that discussions are ongoing with the Riley County Commission and that the City is working with Riley County to relocate EMS (Emergency Medical Services) to the Headquarters Fire Station. He stated that roadway improvements have been discussed with Riley County and have identified improving Marlatt Avenue, west of Tuttle Creek Boulevard, to Denison Avenue. He stated that this may be an excellent prospect to formulate an economic development application to the Kansas Department of Transportation.

GENERAL AGENDA (CONTINUED)

AGREEMENTS - DESIGN SERVICES - KIMBALL AVENUE CORRIDOR, FROM NORTH MANHATTAN AVENUE TO COLLEGE AVENUE, (ST1511) AND NORTH MANHATTAN AVENUE CORRIDOR, PHASE 3 (ST1510) (CONTINUED)

Brian Johnson, City Engineer, provided information on the transportation demand model and the opportunity to coordinate with Kansas State University to make needed improvements to roadways and intersections in this area, especially with the future opening of the National Bio and Agro-Defense Facility.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion and additional comments from the Commission regarding the need for planning and local involvement, Commissioner Reddi moved to authorize City Administration to finalize and the Mayor and City Clerk to execute professional services contracts with BG Consultants, of Manhattan, Kansas, in an amount not to exceed \$341,900.00 for the Kimball Avenue Corridor (North Manhattan Avenue to College Avenue) (ST1511) and with Schwab-Eaton, P.A., of Manhattan, Kansas, in an amount not to exceed \$169,612.00 for the North Manhattan Avenue Corridor Improvements, Phase 3 (ST1510) for 30% design of the North Campus Corridor. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:02 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

AN AMENDMENT OF ORDINANCE NO. 6479 AND THE APPROVED FINAL DEVELOPMENT PLAN OF THE PLATT ADDITION PLANNED UNIT DEVELOPMENT.

BACKGROUND

The proposed amendment is required because:

The Final Development Plan of the Platt Addition Residential Planned Unit Development limits the maximum building area for each lot within the PUD. Lot 5 is limited to a building coverage of 1,864 square feet. The current lot coverage of the existing home is 1,554 square feet with the proposed garage addition measuring 644 square feet, totaling 2,198 square feet of building coverage.

APPLICANT: Siegmund Meier

OWNER: Same

ADDRESS: 4464 Harbour Hills Drive

REQUEST: The applicant/owner has requested an amendment of Ordinance No. 6479 and the Final Development Plan for the Platt Addition PUD, for a proposed garage addition to the southwest corner of the existing single-family house on Lot 5. Other site improvements related to the amendment include improvements to the existing concrete driveway and the addition of a concrete pad located at the back porch.

LOCATION: 2113 Knox Circle. Generally located to the northeast of the intersection of Casement Road and Knox Lane.

LEGAL DESCRIPTION: Lot 5, Platt Addition, an Addition to the City of Manhattan, Riley County, Kansas.

AREA: 11,643 square feet (0.267 Acres)

DATE OF NEIGHBORHOOD MEETING: April 18, 2015.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, May 11, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, June 15, 2015.
CITY COMMISSION: Tuesday, June 30, 2015.

EXISTING PUD

EXISTING PUD AFFECTING LOT 5

Ordinance No. 6479

The Platt Residential Planned Unit Development, and Ordinance No. 6479, approved June 21, 2005, is subject to the following conditions of approval:

1. Permitted uses shall be limited to the ten (10) single-family dwelling units.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Signs shall allow for exempt signage described in Article VI, Section 6-104 (A)(1), (2), (4), (7) and (8); and, Section 6-104 (B) (2). *See Article VI, Section 6 -102 (A)(2) under the amended sign regulations for exempt signage.*
5. Drainage easements in the Platt Addition shall be privately maintained by the property owner, or owners, who shall be responsible for maintaining the easement to remain free and clear of any improvement, debris, structure, or any other type of obstacle, natural or manmade, that would impede flow of surface water run-off.
6. The drainage swales shall include concrete liners as per the recommendations in the Drainage Study submitted with the application. The applicant may also investigate utilizing an underground storm sewer as an alternative to, or in combination with concrete liners. *Concrete liners were included in the Final Development Plan for the Platt Residential PUD.*

Permitted Uses

Ordinance No. 6479 limits the PUD to the ten (10) single-family dwelling units.

PROPOSED AMENDMENT

The applicant/owners have proposed to construct a garage addition to the southwest side of the existing single-family home on Lot 5, Platt Addition. The proposed garage will be approximately 644 square feet in area. According to the applicant's site plan, the existing driveway is to be widened to accommodate the additional garage bay. The addition is proposed to be setback ten (10) feet from the south property line and approximately fourteen (14) from the property line to the west. A concrete pad located at the back porch is proposed in addition to the garage.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The proposed amendment is consistent with the intent and purpose of the approved PUD. The Platt PUD is a residential subdivision with ten (10) single-family residential homes. The proposed amendment is minor in nature and consistent with the character of residential development. The amendment reflects an efficient development pattern consistent with the intent and purpose of the PUD.

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The applicant indicates that, “the proposed amendment is made necessary because of the proposed garage bay addition to the home on Lot 5. The addition of the garage exceeds the maximum lot coverage allowed (16%) and maximum building area (1,864 square feet). The maximum lot coverage is proposed to be increased to 21% and the maximum building area to 2,300 square feet to accommodate the addition of the garage bay and associated driveway.”

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The proposed amendment will result in a gain to the public by allowing increased building coverage that is consistent with residential development. The amendment is necessary because the PUD is currently limited to a maximum building coverage and not because the amendment will confer a special benefit to any person.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: The site consists generally of manicured lawns, trees, bushes and a few foundation plantings. No significant changes are proposed with this development.

2. SCREENING: Screening is not required for single-family dwellings and none is proposed.

Attachment No. 1

3. DRAINAGE: The site generally drains to the west through an existing open channel that directs run-off to the stormwater infrastructure along Casement Road. The open channel is required to be maintained by the owner and will not be maintained by the City. No changes are proposed to the site that would impact the drainage on the site or in the immediate area.

4. CIRCULATION: The circulation patterns throughout the Residential PUD are established. The proposed amendment does not alter circulation and adequate access is maintained for Lot 5.

5. OPEN SPACE AND COMMON AREA: The existing lot is 11,643-square feet and the proposed open space maintains adequate front, side and rear yards. Overall, 76.6% of Lot 5 will be maintained as landscaped open space.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is generally characterized as a low density single-family and two-family dwelling unit neighborhood. A manufactured home park is located to the south of the existing PUD. Northview Elementary School is to the northwest. Northeast Community Park is to the east along the south side of Knox Lane. The Linear Trail is to the south off Casement Road.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The Platt Residential PUD consisting of ten (10) single-family dwelling units.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site generally drains to the west through an existing open channel located in the southwest corner of the site. An eight (8) foot drainage and utility easement runs along the west and north property lines

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Single-family dwellings; R-1 District

(b.) SOUTH: Knox Lane, single-family and two-family dwellings, vacant residential lot; manufactured home park, Linear Trail; R-2, Two-Family Residential District, R-1 District, and R-5, Manufactured Home Park District.

(c.) EAST: Single and two family homes and a manufactured home park, Northeast Community Park; R-2, Two-Family Residential District, R-1 District, and R-5, Manufactured Home Park District.

Attachment No. 1

(d.) WEST: Casement Road, two-family dwellings, USD 383 Maintenance facilities, townhomes, single-family dwellings; R-2 District, R-1 District and Residential PUD.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The existing single-family dwelling on Lot 5 has been in place since 2006 and is a permitted use within the PUD.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed amendment to Lot 5 within the PUD is consistent with the established character of the area.

The amendment maintains appropriate front, side and rear yards and adequate landscaped open space. The proposed amendment to the PUD is compatible with surrounding residential zoning.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Northeast Planning Area of the Manhattan Urban Area Comprehensive Plan shows the entire Platt Residential PUD as Residential Low/Medium (RLM). The proposed amendment maintains the sites current single-family residential use. The proposed rezoning conforms to the Comprehensive Plan.

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

July, 1969	Annexation south part of Lot 2, Streeter Addition
1969	Rezoned to R-1, Single-Family Residential District
October 1982	Annexation remainder of Lot 2 and Lot 1, Streeter Addition.
November, 1999	Manhattan Urban Area Planning Board approves Concurrent (Preliminary and Final) Plat of Streeter Subdivision, Unit 2.
May 16, 2000	Manhattan Urban Area Planning Board recommends approval of rezoning of Lot 2 to PUD.
June 7, 2005	City Commission approves rezoning of Lot 2 to PUD.

Attachment No. 1

- June 21, 2005 City Commission approves Ordinance No. 6479 rezoning of Lot 2 to PUD.
- August 15, 2005 Manhattan Urban Area Planning Board approves the Final Development Plan and the Final Plat of the Platt Addition.
- September 6, 2005 City Commission accepts the easements and rights-of-ways as shown on the Final Plat of Platt Addition.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed amendment 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 gain to the public that denial would accomplish. It may be a hardship to the applicant if the amendment is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the site.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: City Administration recommends approval of the proposed amendment to Ordinance No. 6479 and the Final Development Plan of the Platt Addition Residential Planned Unit Development.

ALTERNATIVES:

1. Recommend approval of the proposed Amendment to Ordinance No. 6479 and the Final Development Plan of the Platt Addition Residential Planned Unit Development, and stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment to Ordinance No. 6479 and the Final Development Plan of the Platt Addition Residential Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment to Ordinance No. 6479 and the Final Development Plan of the Platt Addition Residential Planned Unit Development, based on the findings in the Staff Report.

PREPARED BY: Chase Johnson, Planner

DATE: July 29, 2015

15012

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R-2, Two-Family Residential District with TNO, Traditional Neighborhood Overlay District.

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

APPLICANT/OWNERS: Rob Goode and Jerry Goode

ADDRESS: 3955 Eagle Ridge, Manhattan, KS 66503

LEGAL DESCRIPTION: The legal descriptions of the rezoning site are:

1011 Thurston Street: Lot 581, Ward 3, City of Manhattan, Riley County, Kansas.

1015 Thurston Street: Lot 582, Ward 3, City of Manhattan, Riley County, Kansas.

1017 Thurston Street: Lot 583, Ward 3, City of Manhattan, Riley County, Kansas.

LOCATION: The rezoning site is located approximately 150 feet east of the intersection of N. 11th Street and Thurston Street along the south side of Thurston Street.

AREA: The total area of the rezoning site is approximately 22,500 square feet in area, having a total dimensioned area of 150 feet in width by 150 feet in depth consisting of:

- Lot 581 is 50 feet in width and 150 feet in depth, or 7,500 square feet in area.
- Lot 582 is 50 feet in width and 150 feet in depth, or 7,500 square feet in area.
- Lot 583 is 50 feet in width and 150 feet in depth, or 7,500 square feet in area.

DATE OF NEIGHBORHOOD MEETING: May 20, 2015

DATE OF PUBLIC NOTICE PUBLICATION: June 15, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: July 6, 2015
CITY COMMISSION: July 21, 2015

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: (Note: Existing use information was obtained from the Riley County GIS web page):

The existing use of 1011 Thurston Street is a 1½ story full basement, 4 bedroom, 3 baths, single-family bungalow style dwelling unit structure constructed in 1936 and converted to two dwelling units.

The existing use of 1015 Thurston Street is a 2 story full basement, 4 bedroom, 1 ½ baths, single-family bungalow style dwelling unit structure constructed in 1925 and is used as a single-family dwelling.

The existing use of 1017 Thurston Street is a 1½ story full basement, five bedroom, two baths, two-family bungalow style dwelling unit structure constructed in 1925 and is used as a single-family dwelling.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The rezoning site is generally flat with existing residential structures, open yards, and mature trees. The site drains to the alley and/or street.

Off-street parking for the properties is accessed from driveways on the side of the structures leading to detached garages from a curb cut on Thurston Street. Off-street parking is also accessed off the alley.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Thurston Street, single-family and two-family dwelling units, and one twelve dwelling unit apartment building, Bertrand Street; R-2/TNO District.

SOUTH: Public alley, recently constructed twelve unit apartment building, mix of single-family, two-family, a three-family, an older twelve unit apartment and Kearney Street; R-3/M-FRO District.

EAST: Two-family dwelling units, R-2/TNO District; N. 10th Street; mix of single-family and two-family, R-1, Single-Family Residential District with TNO, Traditional Neighborhood Overlay District.

WEST: Recently constructed twelve unit apartment building (R-3/M-FRO District), a two-family dwelling (R-2/TNO District); N. 11th Street, mix of single-family, two-family, multiple-family dwelling units, including newer apartment buildings, R-3/M-FRO District.

- 4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of single-family, two-family and multiple-family dwellings, the majority of which are renter occupied units. The immediate area is at the convergence of three different zoning districts as noted above. To the west and south of the rezoning site are predominately multiple-family dwellings in the R-3/M-FRO District. To the north and east of the site, the land use is predominately single-family and two-family dwellings (R-2/TNO and R-1/TNO), and several multiple-family units are to the southeast (R-3/M-FRO). Immediately to the west of the site is a property that was rezoned in 2013 from R-2/TNO to R-3/M-FRO District and a 12-unit apartment building was recently completed.
- 5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The rezoning site consists of three 7,500 square foot lots, which individually, conform to the minimum lot size requirements for a single-family detached dwelling or a two-family dwelling. The 3 lots are suitable for the uses under the current R-2/TNO Districts.
- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in noise, light and traffic can be expected if the proposed rezoning is approved, however should not be inconsistent with the surrounding area. As previously mentioned above in the “General Neighborhood Character” standard, the area is a mixture of single-family, two-family, and multiple-family dwelling units. The majority of the residential properties in the area are rental properties. To the north of the site is a 12-unit apartment building constructed in 1974. Immediately to the west of the site is 12-unit apartment building that was constructed following a rezoning to R-3/M-FRO in 2013. To the west of N. 11th Street and south of site along Kearney Street are properties zoned R-3/M-FRO containing a number of multiple-family apartment buildings.

The applicants have proposed to construct an 18-unit apartment building that will be similar in design to what is located next door to the west. The proposed rezoning will permit construction of a similar in size and intensity and will be required to follow the current M-FRO site and design standards.

The applicant held a neighborhood meeting on May 20, 2015. According to the applicant’s meeting summary, 2 neighbors attended the meeting. One neighbor voiced concerns about on-street parking and if her property would be impacted, but her concerns were addressed by the applicants. The other attendee did not voice a concern.

The proposed rezoning should be compatible with the surrounding properties.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Core Area Neighborhoods Future Land Use Map of the recently updated and adopted 2015 Comprehensive Plan Update shows the site designated as RHD, Residential High Density. The 2003 Comprehensive Plan showed this area as RLM, Residential Low to Medium Density. Policies of the RHD categories are below:

RHD-1: Characteristics

The Residential High Density designation is designed to create opportunities for higher density neighborhoods adjacent to the KSU campus and in other more urban parts of the core area of the community, and in a suburban setting. Within the core area or in Downtown, the designation accommodates higher-intensity residential housing, such as mid-rise apartments, townhomes and condominiums, combined with complementary non-residential land uses, such as retail, service commercial, and office uses, often within the same building. In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or urban fashion, such as in planned apartment communities with complimentary neighborhood service commercial, office, and recreational facilities. These neighborhoods could be implemented through a Planned Unit Development or by following design and site plan standards during the design review process.

RHD-2: Appropriate Density Range

Possible densities under this designation are 19-50 dwelling units per net acre and greater.

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. Concentrations of Residential High Density are designated west and east of the KSU campus and in the Aggieville vicinity to promote expanded student housing options within walking distance of campus. In a more urban setting or in Downtown, Residential High Density may be combined with active non-residential uses in a vertically mixed-use building. Outside of the core area, Residential High Density uses should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods.

RHD-4: Building Massing and Form

Avoid plain, monolithic structures or blank walls on the backs or sides of buildings. In a planned apartment community context, large buildings should incorporate a variety of design elements to create visual interest. Infill projects should be consistent with area-specific design standards or guidelines, as adopted.

RHD-5: Mix of Uses

Encourage the integration of neighborhood serving retail uses (e.g., drycleaners, coffee shop) on the ground level of high density residential buildings where viable, typically in areas with high visibility and/or pedestrian activity. Nonresidential uses should generally not exceed twenty-five percent of the total floor area in a mixed-use structure; however, actual percentages will be driven by market demand and the surrounding site context.

RHD-6: Parking Location and Design

Locate off-street surface parking behind buildings, tucked under buildings (e.g., podium parking), or within parking structures in established core area neighborhoods and the Downtown to maintain a pedestrian-oriented street frontage. Integrate structured parking garages and tuck-under parking with the overall design of the building they are intended to serve. The incorporation of active uses, such as retail, into the ground floor of freestanding parking structures included as part of multi-block developments.

The applicant has stated they propose to construct an 18-unit apartment building on the approximate 22,500 square foot site. The net density for the proposed apartment building would be 35 dwelling units per net acre. The R-3/M-FRO Districts allow for 1 dwelling unit per 1,000 square feet of lot area. Based on the maximum number of dwelling units allowed for the site (22 dwelling units), the maximum residential density could be as high as 44 dwelling units per net acre, provided they could meet all the other requirements including parking.

The proposed rezoning of the site to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District conforms to the policies of the 2015 Manhattan Urban Area Comprehensive Plan and the M-FRO expansion area identified on the Future Land Use map.

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

1925:	A, First Dwelling House: One and Two Family Dwellings
1937 - 1965:	B, Second Dwelling House: One and Two Family Dwellings, Apartment Houses
1969 - 1987:	R-3, Multiple-Family Residential District
1987 - 2004:	R-2, Two-Family Residential District

Attachment No. 2

- February 19, 2004 Manhattan Urban Area Planning Board holds public hearings to consider Phase 3 rezonings of Sub Area C, and recommends approval, on vote of 6-0, based on the Traditional Neighborhood Study. (Note: the three lots are located in Sub Area C.)
- March 16, 2004 City Commission, on a vote of 5-0, approves, first reading of an ordinance rezoning the Phase 3 Sub Area C, as recommended by City Administration and the Planning Board.
- April 6, 2004 City Commission approves Ordinance Nos. 6394 rezoning the Phase 3 Sub Area C, as recommended by City Administration and the Planning Board.

The house at 1011 Thurston Street was built in 1936, the house at 1015 Thurston Street was built in 1925 and the house at 1017 Thurston Street was built in 1925.

- 9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Manhattan 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 is designed to provide for multiple-family dwellings at a density no greater than 1 dwelling unit per 1,000 square feet. The M-FRO District is designed to ensure that multiple-family infill development is functionally integrated into surrounding areas and compatible with the traditional character of the older neighborhoods of Manhattan. The intent is to provide a framework within which higher density housing can be built, while being sensitive to surrounding neighborhoods and the public streetscape with regard to design and site layout.

The site is 22,500 square feet in area and conforms to the minimum R-3 District requirements. The M-FRO District has specific site and building design standards that ensure that redevelopment meets the intent of the overlay district. These standards will be required to be met during the building permit review and construction inspection processes on the site. The proposed rezoning conforms to the intent 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 APPLICANT: There appears to be no gain to the public that denial of the rezoning would accomplish. No expected adverse impacts on the public health, safety and welfare are anticipated as a result of the rezoning. The M-FRO District requirements will be handled with the building permit and construction processes.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the site. An existing sidewalk is located to the north of the site along Thurston Street. The existing mid-block alley south of the site is not paved.

12. OTHER APPLICABLE FACTORS: The gravel public alleyways throughout the M-FRO District are a known issue due to the deteriorated condition of these alleys from which most apartment buildings access their off-street parking lots. The City is researching a variety of alternatives to address this issue throughout the redevelopment overlay district. City Administration will be scheduling a work session with the City Commission to discuss this issue in the near future.

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of 1011, 1015 and 1017 Thurston Street from R-2, Two-Family Residential District with TNO, Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of 1011, 1015 and 1017 Thurston Street from R-2, Two-Family Residential District with TNO, Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report.
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 1011, 1015 and 1017 Thurston Street from R-2, Two-Family Residential District with TNO, Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report.

PREPARED BY: Chad Bungler, AICP, CFM, Senior Planner

DATE: June 23, 2015

CB/VR
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