



MINUTES
CITY COMMISSION MEETING
TUESDAY, AUGUST 4, 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, Assistant City Attorney Katharine Jackson, Assistant City Clerk Brenda K. Wolf, 16 staff, and approximately 24 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor McCulloh opened the public comments.

Breanna Nechols, 1513 Highland Drive, representative of the growing transgender community in the area and a board member of the Flint Hills Human Rights Project, wanted to bring awareness to the benefits to the community of the legal protection for transgender residents. She highlighted some of the discriminations she has faced in employment and housing and mentioned that Kansas State University is the most LGBT (lesbian, gay, bisexual, and transgender) friendly university in the state.

Hearing no other comments, Mayor McCulloh closed the public comments.

COMMISSIONER COMMENTS

Commission Dodson stated that he attended the Everyone Counts event at the Douglass Center on Saturday, August 1, 2015, and was impressed with the number and nature of volunteers.

COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Morse complemented Everyone Counts cooperative effort and leadership. She liked the location of the event at the Douglass Center, and stated that the event will only get bigger.

Mayor McCulloh thanked Debbie Nuss for organizing activities and volunteers for the Everyone Counts event at the Douglass Center and Patrick McLaughlin who organized events held previously at the First United Methodist Church.

Commissioner Reddi provided numbers from Everyone Counts: Harvesters distributed food to more than 100 people; Lions Club conducted 33 vision screenings, Via Christi did 20 diabetes screenings, many had blood pressure checked, and the Community Health Ministry did 15 dental screenings. She also mentioned that approximately 500 people attended the Parks and Recreation Arts in the Park 40th Anniversary celebration that was held on Friday, July 31, 2015, and Saturday, August 1, 2015, nights in City Park. She encouraged the public to attend the 2015 Water Matters Day at City Park Pool on Saturday, August 8, 2015, sponsored by Manhattan Konza Rotary and other private sponsors, to make people aware of the needs of clean water and sanitation in the community and around the world.

Mayor McCulloh thanked the Flint Hills Discovery Center for the National Day of the Cowboy on Saturday, July 25, 2015, and stated there were 221 small cowboys and over 600 people that attended the event. She mentioned that there will be a Primitive Skills Workshop on Saturday, August 15, 2015, from 12:00 p.m. (noon)-8:00 p.m., and a Local and Sustainable Food in the Flint Hills event with Andrea DeJesus, President, Downtown Farmers Market on Thursday, August 13, 2015, 6:30 p.m. – 7:30 p.m., both to be held at the Flint Hills Discovery Center: She also encouraged the public to attend the Downtown Farmers Market on Saturday mornings.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, July 21, 2015.

CLAIMS REGISTER NO. 2797

The Commission approved Claims Register No. 2797 authorizing and approving the payment of claims from July 15, 2015, to July 28, 2015, in the amount of \$3,202,072.43.

CONSENT AGENDA (CONTINUED)

LICENSE

The Commission approved a Tree Maintenance License for the calendar year 2015 for Kyle's Tree Service, 2049 Hayes Drive.

ORDINANCE NO. 7152 – ISSUE INDUSTRIAL REVENUE BONDS – MANKO WINDOW SYSTEMS, INC.

The Commission approved Ordinance No. 7152 authorizing the issuance of approximately \$7.75 million in Industrial Revenue Bonds for Manko Window Systems, Inc.

ORDINANCE NO. 7153 – REZONE – 1011-1017 THURSTON STREET

The Commission approved Ordinance No. 7153 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. 1*) and the recommendation of the Planning Board.

FIRST READING – INSTALL YIELD SIGN – FIRETHORN DRIVE/COURT AT SILVERLEAF DRIVE/CIRCLE INTERSECTION

The Commission approved first reading of an ordinance authorizing the installation of yield signs at the east and westbound intersection of Silverleaf Drive/Circle and Firethorn Drive/Court.

FIRST READING – INSTALL STOP SIGN – KEEN STREET AT BLUEHILLS ROAD INTERSECTION

The Commission approved first reading of an ordinance authorizing the installation of a stop sign at the eastbound intersection of Keen Street and Bluehills Road.

RESOLUTION NO. 080415-A – AMEND – BICYCLE ADVISORY COMMITTEE; ESTABLISH – BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

The Commission approved Resolution No. 080415-A establishing a Bicycle and Pedestrian Advisory Committee and repealing Resolution No. 110408-A which established the Bicycle Advisory Committee.

BYLAWS – BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

The Commission approved and authorized the Mayor and City Clerk to execute the Bicycle and Pedestrian Advisory Committee Bylaws (amending the former Bicycle Advisory Committee bylaws).

CONSENT AGENDA (CONTINUED)

* **RESOLUTION NO. 080415-B – DISPOSE - CITY SURPLUS EQUIPMENT**

Ron Fehr, City Manager, mentioned that the Chapman Volunteer Fire Department, who had shown an interest in purchasing a few pieces of the fire equipment, notified the Fire Department earlier in the day that they were withdrawing their offer. Therefore, PK Safety, who originally had made an offer to purchase all of the equipment but was willing to let the Chapman Volunteer Fire Department to purchase a few items, will now be purchasing all of the equipment being disposed of and that the resolution has been modified to reflect the change.

The Commission approved Resolution No. 080415-B authorizing the disposition of City surplus equipment, and authorized City Administration to negotiate and the Mayor and City Clerk to execute an agreement with PK Safety, of El Dorado, Kansas, in the amount of \$20,000.00, for the purchase, function, and performance of the equipment, with the money from the sale of the equipment to be deposited in the Fire Equipment Reserve Fund.

AWARD CONTRACT – 11TH AND FREMONT STREETS INTERSECTION IMPROVEMENTS (ST1416/CD1413)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$417,335.00 for the base bid and \$17,005.00 for Bid Alternate No. 1, for a total amount of \$434,340.00; awarded a construction contract in the amount of \$432,077.50 for the base bid and \$15,165.71 for Bid Alternate No. 1, for a total contract amount of \$447,243.21 to T & M Concrete Construction Company, of Junction City, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the 11th and Fremont Streets Intersection Improvement Project (ST1416/CD1413).

PRE-DEVELOPMENT AGREEMENT – SCENIC CROSSING DEVELOPMENT

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute a pre-development agreement with the Scenic Crossing developers for the Kimball Avenue/Scenic Drive and Anderson Avenue and West Anderson Improvements (ST0810).

AIRPORT LEASE AGREEMENT – FEDERAL AVIATION ADMINISTRATION (FAA)

The Commission authorized the Mayor and City Clerk to execute a lease agreement with the Federal Aviation Administration for equipment space at Manhattan Regional Airport.

CONSENT AGENDA (CONTINUED)

CDBG GRANT AGREEMENT/PUBLIC SERVICES AGREEMENT – 2015 PROGRAM YEAR

The Commission authorized the Mayor and City Clerk to execute the Community Development Block Grant (CDBG) 2015 Program Year Grant Agreements with Housing Consumer Credit Counseling; Manhattan Emergency Shelter, Inc.; Manhattan Area Housing Partnership, Inc.; Sunflower Casa Project, Inc., Stepping Stones Child Advocacy Center; and Sunflower Casa Project, Inc.

KDOT AGREEMENT – 2014 AND 2015 FEDERAL FUND EXCHANGE

The Commission authorized the Mayor and City Clerk to execute Agreement No. 186-15 with the Kansas Department of Transportation to complete the Federal Fund exchange for 2014 and 2015 in an amount of \$1,101,354.95 for future transportation projects.

ACCEPT EASEMENTS – BLUE TOWNSHIP WATERLINE EXTENSION/ELEVATED WATER STORAGE TANK (WA1307)

The Commission accepted the easements for the Blue Township Waterline Extension - Elevated Water Storage Tank Project (WA1307) (*See Attachment No. 2*).

PURCHASE – PARKS DIVISION – SLOPE MOWER (CIP #CP035E)

The Commission authorized the purchase of a slope mower (CIP #CP035E) for the Parks Division from Miller Lawns, Inc., of Hoisington, Kansas, in the amount of \$39,990.00, to be paid from the General Fund.

PURCHASE – FURNITURE, FIXTURES, AND EQUIPMENT – PARKS AND RECREATION OFFICE EXPANSION (SP1206, CIP #RC020P)

The Commission authorized City Administration to purchase furniture, fixtures, and equipment (FF&E) for the Parks and Recreation Office expansion (SP1206, CIP #RC0209), in the amount of \$132,637.83, with Interior Landscapes, of Kansas City, Missouri, as the Dealer of Record.

BOARD APPOINTMENTS

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

Flint Hills Regional Transit Administration

Appointment of Usha Reddi, 1801 Westbank Way, to fill the Manhattan City Commissioner permanent position of Mayor McCulloh. Commissioner Reddi will serve for a term as long as she is a Commissioner and with the consent and approval of the City Commission.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Historic Resources Board

Appointment of Eileen Meyer, 2429 Buena Vista Drive, to a three-year Real-Estate term. Ms. Meyer's term begins immediately, and will expire April 30, 2018.

Metropolitan Planning Organization Policy Board

Appointment of Usha Reddi, 1801 Westbank Way, to fill the Manhattan City Commissioner permanent position of Mayor McCulloh. Commissioner Reddi will serve for a term as long as she is a Commissioner and with the consent and approval of the City Commission.

Partner City Advisory Committee

Re-appointment of Liz Beikmann, 1021 East 26th Avenue, to a three-year term. Ms. Beikmann's term will begin September 1, 2015, and will expire August 31, 2018.

Parks and Recreation Advisory Board

Re-appointment of Mark Bachamp, 4292 South Dam Road, to a four-year term. Mr. Bachamp's term begins immediately, and will expire June 30, 2019.

Social Services Advisory Board

Appointment of Sarah Webb, 1300 East Marlatt Avenue, to a three-year term. Ms. Webb's term begins immediately, and will expire June 30, 2018.

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

GENERAL AGENDA

AWARD CONSTRUCTION CONTRACTS - FRANK ANNEBERG PARK IMPROVEMENTS (CP1405, CIP #RC031P, CIP #RC033P, CIP #CP157P); AMENDMENT NO. 1 - CONSTRUCTION ADMINISTRATION SERVICES

Eddie Eastes, Director of Parks and Recreation, thanked the Commissioners for their questions from the July 7, 2015, City Commission meeting stating the questions were very helpful and provided City staff with the opportunity to look at the project closer. He then introduced Wyatt Thompson, Senior Park Planner.

GENERAL AGENDA (CONTINUED)

AWARD CONSTRUCTION CONTRACTS - FRANK ANNEBERG PARK IMPROVEMENTS (CP1405, CIP #RC031P, CIP #RC033P, CIP #CP157P); AMENDMENT NO. 1 - CONSTRUCTION ADMINISTRATION SERVICES (CONTINUED)

Wyatt Thompson, Senior Park Planner, presented the item, providing information on Manhattan's Parks and Recreation facilities and programs; the impact of rain on fields at Twin Oaks; the recommendation from the Strategic Recreational Facility Improvements Plan; components of synthetic turf; the trends of the industry; and examples of stadiums, schools, colleges, cities, etc., that have synthetic turf fields. He also highlighted the benefits of artificial turf fields to the community like assurance of playability, access to the fields, extension of the playing season for all activities, sustainability, and reduction of daily preparation and routine maintenance.

Eddie Eastes, Director of Parks and Recreation, recommended award of the project and mentioned the impact of the turf field to the programs and to the community. He then answered questions from the Commission regarding savings that will be seen from the maintenance of the artificial turf fields over the natural turf fields, details on the drainage system that will be built under the turf fields, use of an irrigation system to cool the artificial turf, efficiencies gained with the new lighting, and the possible use of artificial turf on more of the City's fields offering assurance of a quality surface and playability. He also assured the Commission that the Parks and Recreation Advisory Board was aware of the project.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

Eddie Eastes, Director of Parks and Recreation, and Wyatt Thompson, Senior Park Planner, answered a question from the Commission regarding the elimination of fly ash, which is used as a soil conditioner, from use on the softball field but has been left in the specifications for the soccer fields, pending results of the soil sample.

After discussion, Commissioner Reddi moved to award and authorize the Mayor and City Clerk to execute an athletic field base construction contract in the amount of \$2,096,116.10 to Bayer Construction Company, Inc., of Manhattan, Kansas; award and authorize the Mayor and City Clerk to execute a synthetic turf construction contract in the amount of \$549,747.00 to Shaw Sports Turf, of Calhoun, Georgia; authorize the Mayor

GENERAL AGENDA (*CONTINUED*)

AWARD CONSTRUCTION CONTRACTS - FRANK ANNEBERG PARK IMPROVEMENTS (CP1405, CIP #RC031P, CIP #RC033P, CIP #CP157P); AMENDMENT NO. 1 - CONSTRUCTION ADMINISTRATION SERVICES (*CONTINUED*)

and City Clerk to execute Amendment No. 1 which adds construction administration services in the amount of \$46,445.00 to the engineering services agreement with Olsson Associates, of Manhattan, Kansas; and approve Resolution No. 080415-C issuing up to \$3.08 million in temporary notes for the Anneberg Park Improvements (CP1405, CIP #RC031P, CIP #RC033P, CIP #CP157P). Commissioner Morse seconded the motion.

Commissioner Morse stated that she supports the motion and that this project will be a positive economic impact to the community. She asked that the existing baseball/softball diamonds and fields be made to drain better and be more durable.

On a roll call vote, motion carried 5-0.

AGREEMENTS - FIXED-BASE OPERATOR

Jesse Romo, Airport Director, presented information on the Fixed Base Operator Service Agreement and the Design-Build Phase II Agreement for the new location at the Manhattan Regional Airport and explained what a Fixed Base Operator is and what services they provide. He then answered questions from the Commission regarding the amount of apron space that will be available.

Ron Fehr, City Manager, mentioned future entitlement funds as a funding source for possible ramp space.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

FIXED-BASE OPERATOR AGREEMENT - KANSAS AIR CENTER

After discussion, Commissioner Dodson moved to authorize City Administration to finalize negotiations with Kansas Air Center for a long-term agreement and the Mayor and City Clerk to execute the agreement. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

AGREEMENT - DESIGN-BUILD, PHASE 2, SERVICES - AIRPORT FIXED BASE OPERATIONS (FBO) FACILITY (AP1501)

After discussion, Commissioner Dodson moved to authorize the Mayor and City Clerk to execute an Agreement for Phase 2 Services in the amount of \$955,974.72 with Schultz Construction, of Manhattan, Kansas, for the Manhattan Regional Airport Fixed Base Operator (FBO) Facility (AP1501). Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

At 8:07 p.m., the Commission took a 10 minute break.

PUBLIC HEARING – ADOPT - 2016 CITY BUDGET; AMEND – 2015 CITY-UNIVERSITY FUND BUDGET

Hillary Badger, Assistant Director of Finance, thanked all involved in the budget process with special thanks going to Gulden Celebi, Operations and Budget Officer. She then presented an overview of the 2016 assessed valuation and tax base for 2015 and 2016; the new improvements for 2016; the proposed 2016 City Budget; the Bond and Interest Fund and revenues; the current outstanding City debt and revenue stream; the General Fund Capital Improvement Program (CIP) history; the General Fund and Fire Equipment Reserve Capital Improvement Program Budget impact; the 2016 personnel requests; the current mill levy summary; the changes made since the fourth Work Session; and the recommended actions for the Commission to consider.

Ron Fehr, City Manager, answered questions from the Commission regarding a teacher assistant position at the Sunset Zoo and the amount of funds needed for street maintenance.

Hillary Badger, Assistant Director of Finance, answered a question from the Commission regarding the reduction of Parks and Recreation staff as part of the cost savings for paying for the expansion project.

Eddie Easters, Director of Parks and Recreation, answered a question from the Commission regarding the increase of \$50,000.00 in personnel costs stating that three full time Customer Service positions have been cut but that temporary office positions were hired and are still funded for 2016 in case the expansion project is slowed.

Hillary Badger, Assistant Director of Finance, answered questions from the Commission regarding the fluctuation of software maintenance and property insurance.

Hillary Badger, Assistant Director of Finance, and Ron Fehr, City Manager, answered a question from the Commission regarding the Capital Reserve Fund.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING – ADOPT - 2016 CITY BUDGET; AMEND – 2015 CITY-UNIVERSITY FUND BUDGET (CONTINUED)

Ron Fehr, City Manager, provided an update to the Commission regarding the use of transient guest tax to fund the Flint Hills Discovery Center operations. He answered a question from the Commission regarding if the purpose of the Flint Hills Discovery Center should change-

Ron Fehr, City Manager, and Eddie Eastes, Director of Parks and Recreation, answered a question from the Commission about the possible use of the current Parks and Recreation Administration building once staff moves to City Hall. Mr. Eastes stated that potential uses are being identified in the City Park Master Plan update which is currently in progress.

Mayor McCulloh opened the public hearing.

Gina Scroggs, Executive Director, Downtown Manhattan, Inc. (DMI), provided information as to the services provided by DMI to businesses in the District and answered questions the Commission had regarding any complaints and use of money generated by membership fees and the recent increase in parking fines. She urged the Commission to fund Downtown Manhattan, Inc.

Jay Nelson, 406 Poyntz Avenue, owner of Strecker-Nelson Gallery; Mary Fischer, Co-President, Downtown Manhattan, Inc., and owner of Gaia Salon, 421 Poyntz Avenue; Ralph Diaz, owner of Winged Lion, 300 Poyntz Avenue; Matthew Goss, owner of Syndicate Tattoo, 423 Poyntz Avenue; and Kevin Harris, owner of The Chef, 111 S. 4th Street, were all very appreciative of what Downtown Manhattan, Inc., has done for their business and for downtown, and urged the Commission to fund Downtown Manhattan, Inc.

Lyle Butler, Executive Director, Manhattan Area Chamber of Commerce, commented about the concerns everyone had before and the positive effects happening now after the completion of the downtown redevelopment projects. He provided dollar amounts of previous Convention and Visitors Bureau contracts with the City reflecting that the funding has not always increased every year but fluctuated. He also apologized for not providing a detailed budget in the past until December, and for not fully showing where the transient guest tax money for this year was going. He stated that they have several significant projects coming up that needs to be vetted first through the Chamber committees and then will be provided to the Commission at a later date. He also informed the Commission of a current survey that is being done to improve marketing and to show exactly where/what visitors are spending their money on in Manhattan; results of the survey will be presented in April 2016. He also mentioned that they have heard very positive comments about Manhattan and about the name recognition Aggieville has.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING – ADOPT - 2016 CITY BUDGET; AMEND – 2015 CITY-UNIVERSITY FUND BUDGET (CONTINUED)

John Pence, 2631 Grandview Terrace, asked questions regarding the parking garage in the South Redevelopment area on South 4th Street, the Utilities Facility Bay Garage being built on Anderson Avenue, the use of the old utilities shop on South Juliette, and how the Anneberg Park project earlier on the agenda was being paid for; complemented Norm Francis, Utilities Superintendent; and stated his concerns with the budget as to the increase in the mill levy and the increase in City employees pay.

Mayor McCulloh, Commissioner Reddi, City Manager Ron Fehr, Deputy City Manager Jason Hilgers, and Director of Public Works Rob Ott answered Mr. Pence's questions.

Hearing no other comments, Mayor McCulloh closed the public hearing.

FIRST READINGS - ADOPT - 2016 CITY BUDGET; AMEND – 2015 CITY-UNIVERSITY FUND BUDGET

After discussion of the Commission, Commissioner Dodson moved to fund an additional \$100,000.00 to the Convention and Visitors Bureau, \$60,000.00 to Downtown Manhattan, Inc., \$5,000.00 to the Wolf House, \$43,700.00 to Manhattan Arts Center, and to the Flint Hills Discovery Center from the Transient Guest Tax Fund, and fund \$45,000.00 to Aggieville from the Economic Development Fund. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

After discussion, Commissioner Morse moved to approve first reading of an ordinance adopting the 2016 City Budget and first reading of an ordinance amending the 2015 City-University Fund Budget. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0 for the amended 2015 City-University Fund Budget and 4-1 on the 2016 Budget with Commissioner Butler voting against.

ADJOURNMENT

At 10:33 p.m. the Commission adjourned.



Brenda K. Wolf, CMC, City Clerk

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. 1

- 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

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