MINUTES
SPECIAL CITY COMMISSION MEETING
TUESDAY, MARCH 22, 2016
7:00 P.M.

The Special 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, Legal Counsel Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 45 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor McCulloh proclaimed April 2016, ***Parkinson's Awareness Month.*** Michelle Haub, Parkinson's Program Director, Meadowlark Hills; Matthew Schindler, Individual with Young Onset of Parkinson's disease; and John McCulloh were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Dodson informed the community that spring is upon us and the Spring Cleanup program will be starting on Monday, March 28 through Friday, April 1, 2016. He encouraged citizens to participate and provide their tree clippings and yard waste at the street curbs for City crews to pick up on the appropriate scheduled day for your neighborhood. He said it is also a good time to plant trees in the rights-of-way areas and that this program is offered on a first-come first-serve basis; so if you are interested, please contact the Parks and Recreation Department. He also encouraged citizens to do what they can to make Manhattan even more beautiful than it is already and to pay special

COMMISSIONER COMMENTS *(CONTINUED)*

attention to property maintenance ordinances (nuisances, grass, trash, etc.) located on the City's website. Finally, he asked citizens to also help cut and trim the grass in the rights-of-way areas along curbs and thoroughfares to help make the city look good.

Commissioner Morse stated that she recently read an article on transparency in the Topeka newspaper and that Manhattan had a really good rating and that there is a wealth of information available on the City's website. She discussed the Comprehensive Plan that was reviewed by the Manhattan Urban Area Planning Board meeting on Monday, March 21, 2016, and appreciated the annual review of the Comprehensive Plan. She also informed the community that the Manhattan Housing Authority and the City of Manhattan would be sponsoring a Fair Housing Seminar on Thursday, April 21, 2016, at the Manhattan Fire Station Headquarters and encouraged those interested to attend.

Commissioner Reddi welcomed her fellow educators in attendance. She said that March 22, 2016, is World Water Day and asked that drinking water not be taken for granted. She stated that Manhattan Water Matters Day will be on August 6, 2016, sponsored by Manhattan Konza Rotary and encouraged children and adults to attend. She encouraged citizens to go to Current Happenings online and find out what the Kansas legislature is talking about, such as the property tax lid, school finance, mental health issues, and items of interest to you. She highlighted the Riley County Police Department Community Advisory Board meetings held at Bluestem Bistro at 11:30 a.m., on the first Tuesday of every month and encouraged the public to attend and to bring their concerns to the meeting.

Mayor McCulloh provided an update from the Riley County Law Board meeting held on Monday, March 21, 2016, about Fake Patty's Day and voiced her concerns with the increase in the number of arrests and especially, the number of drug-related arrests. She provided clarification that the Spring Cleanup is for yard waste in brown paper sacks only and for tree limbs. She commented that on Sunday, March 20, 2016, she attended a genealogical society meeting and heard an excellent presentation from Jared Tremblay, Infrastructure Analyst, with the City of Manhattan, regarding Sunset and Sunrise Cemeteries information available online. She also informed the community that the Flint Hills Region was selected as one of the Top Ten Great American Defense Communities.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held February 23, 2016, and the Regular City Commission Meeting held Tuesday, March 1, 2016.

CLAIMS REGISTER NOS. 2816 and 2817

The Commission approved Claims Register Nos. 2816 and 2817 authorizing and approving the payment of claims from February 24, 2016, to March 15, 2016, in the amounts of $33,553.24 and $5,310,236.55, respectively.

LICENSE

The Commission approved a Tree Maintenance License for the calendar year 2016 for Bucket Guys, LLC, 8046 Stockdale Park Road, and Out on a Limb Tree & Home Care, 101 East Valley Street, Wamego.

FINAL PLAT – RAINBOLT ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Rainbolt Addition, generally located southwest of the intersection of Sunset Avenue and Thackrey Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – MP ADDITION, UNIT 1

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the MP Addition, Unit 1, generally located to the east of the intersection of McCullough Place and McCall Road, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – LINKS AT MANHATTAN, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Links at Manhattan, Unit Two, Planned Unit Development, generally located 1,000 feet west of the intersection of Casement Road and Marlatt Avenue on the north side of Marlatt Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

DEVELOPMENT AGREEMENT – LINKS AT MANHATTAN, UNIT TWO, WATER (WA1601), SANITARY SEWER (SS1601), STORMWATER (SM1602), AND STREET (ST1603)

The Commission authorized the Mayor and City Clerk to execute a Development Agreement for the construction of the public infrastructure by the Developer, The Links at Manhattan, LP, for the public water (WA1601), sanitary sewer (SS1601), stormwater (SM1602) and street (ST1603) improvements for The Links at Manhattan Planned Unit Development.

CONSENT AGENDA *(CONTINUED)*

* **RESOLUTION NO. 032216-A – INCREASE SWIMMING POOL SEASON PASS FEE**

The Commission approved Resolution No. 032216-A setting the swimming pool season pass fee of $50.00 effective April 1, 2016.

RESOLUTION NO. 032216-B – PETITION – LANSDOWNE ADDITION, UNIT THREE – SANITARY SEWER IMPROVEMENTS (SS1604)

The Commission found the petition sufficient, and approved Resolution No. 032216-B finding the project advisable and authorizing construction for the Lansdowne Addition, Unit Three, Sanitary Sewer (SS1604) Improvements.

RESOLUTION NO. 032216-C – PETITION – LANSDOWNE ADDITION, UNIT THREE – WATER IMPROVEMENTS (WA1603)

The Commission found the petition sufficient, and approved Resolution No. 032216-C finding the project advisable and authorizing construction for the Lansdowne Addition, Unit Three, Water (WA1603) Improvements.

RESOLUTION NO. 032216-D – PETITION – LANSDOWNE ADDITION, UNIT THREE – STREET IMPROVEMENTS (ST1602)

The Commission found the petition sufficient, and approved Resolution No. 032216-D finding the project advisable and authorizing construction for the Lansdowne Addition, Unit Three, Street (ST1602) Improvements;

AGREEMENT – ENGINEERING SERVICES – LANSDOWNE ADDITION, UNIT THREE – SANITARY SEWER (SS1604), WATER (WA1603), AND STREET (ST1602) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed $28,899.20 with Alfred Benesch & Co., of Manhattan, Kansas, to perform professional services for the Lansdowne Addition, Unit Three, Sanitary Sewer (SS1604), Water (WA1603), and Street (ST1602) Improvements.

REQUEST FOR PROPOSALS AND INDICATIONS OF INTEREST – AIRPORT AND BUSINESS PARK FARM SERVICES

The Commission authorized City Administration to issue a Request for Proposals and Indications of Interest for a farm lease agreement on land at the Manhattan Regional Airport and adjacent Business Park.

CONSENT AGENDA *(CONTINUED)*

NEGOTIATE CONTRACT – CONSULTANT SERVICES – WATER, WASTEWATER, STREET, FLEET, FORESTRY, AND PARK MAINTENANCE JOINT MAINTENANCE FACILITY (SP1601, CIP #ST063P)

The Commission accepted the recommendation of the Selection Committee, and authorized City Administration to negotiate a contract for professional services with BBN Architects, Inc., of Manhattan, Kansas, to conduct a Feasibility Study for a Water, Wastewater, Street, Fleet, Forestry, and Park Maintenance Joint Maintenance Facility (SP1601, CIP #ST063P).

SELECTION COMMITTEE RECOMMENDATION – ENGINEER ON-CALL

The Commission accepted the recommendation of the Selection Committee, and authorized Public Works Administration to solicit scope and fees for various projects for Engineer On-Call Services with the firms selected as projects arise in the order listed ***(See Attachment No. 1)***.

CONTRACT AMENDMENT NO. 2 – MOWING SERVICES

The Commission authorized the Mayor and City Clerk to execute contract extension Amendment No. 2 in the amount of $36,840.00 with Little Apple Lawn and Landscape, of Manhattan, Kansas, for a term to terminate on October 31, 2016.

CONTRACT AMENDMENT NO. 2 – ENGINEERING SERVICES – WEST ANDERSON AVENUE TRANSPORTATION EXPANSION PROJECT (ST0810)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 2 with BG Consultants, Inc., of Manhattan, Kansas, in an amount not to exceed $23,198.00 to design a 10 foot concrete trail along Scenic Drive utilizing the Scenic Drive Bridge over Wildcat Creek to Highland Ridge Drive as part of the West Anderson Avenue Transportation Expansion project (ST0810).

CHANGE ORDER NO. 14 – AIRPORT TERMINAL, PHASE II (AIP 46, CIP #AP035P)

The Commission approved and authorized the Mayor and City Clerk to execute Change Order No. 14 for the Airport Terminal, Phase II project (AIP 46, CIP #AP035P), resulting in a net increase in the amount of $166,255.00, of which approximately 72% will be Federal Aviation Administration's (FAA) participation to the contract with The Weitz Company, LLC, of Lenexa, Kansas.

CONSENT AGENDA *(CONTINUED)*

AWARD CONTRACT – MILLER PARKWAY EXTENSION, LEE MILL HEIGHTS, UNIT 10, TO SCENIC DRIVE (ST1512)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of $1,850,000.00; awarded a construction contract in the amount of $1,813,068.42 to Kolde Construction, Inc., of St. Marys, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Miller Parkway Extension from Lee Mill Heights Addition, Unit 10, to Scenic Drive (ST1512) project.

AGREEMENT – FHRTA – CLAFLIN ROAD (NORTH MANHATTAN AVENUE TO MCCAIN LANE) SIDEWALK (SP1605)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Federal Transit Administration 5307 Funds between the Flint Hills Regional Transit Administration and City of Manhattan for the Claflin Road (North Manhattan Avenue to McCain Lane) – Sidewalk (SP1605) project.

AGREEMENT – FHRTA – BLUEMONT AVENUE AND TUTTLE CREEK BOULEVARD PEDESTRIAN CROSSINGS AND BULB-OUTS (SP1606)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Federal Transit Administration 5307 Funds between the Flint Hills Regional Transit Administration and City of Manhattan for the Bluemont Avenue and Tuttle Creek Boulevard – Pedestrian Crossing Improvements (SP1606) project.

AGREEMENT – FHRTA – FREMONT STREET (NORTH 12TH STREET TO NORTH 14TH STREET) PEDESTRIAN CROSSINGS AND BULB-OUTS (SP1604)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Federal Transit Administration 5307 Funds between the Flint Hills Regional Transit Administration and City of Manhattan for the Fremont Street (North 12th Street to North 14th Street) – Pedestrian Crossings and Bulb-Outs(SP1604) project.

PURCHASE – TOWER VOICE COMMUNICATION AND CONTROL SYSTEM – AIRPORT AIR TRAFFIC CONTROL TOWER

The Commission authorized a sole source purchase of a tower voice communication and control system for the Manhattan Regional Airport Air Traffic Control Tower from Harris Assured Communication, of Gatineau, Canada, in the amount of $64,012.40, and contract with Vaisala, Inc., of Louisville, Colorado, to assist with installation in the amount of $24,500.00, for a total amount of $88,512.40.

CONSENT AGENDA *(CONTINUED)*

PURCHASE – STREET DIVISION – UNIT #235 – MECHANICAL STREET SWEEPER (CIP #SW042E)

The Commission authorized the purchase of a mechanical street sweeper (Unit #235, CIP #SW042E) to Sellers Tractor Company, of Salina, Kansas, in the amount of $135,153.00 (base bid of $200,435.00 with trade-in allowance of $65,282.00).

AGREEMENT – LEASE PURCHASE - STREET DIVISION – UNIT #235 – MECHANICAL STREET SWEEPER (CIP #SW042E)

The Commission authorized the Mayor and/or City Clerk to execute the lease purchase agreement for a mechanical street sweeper (Unit #235, CIP #SW042E) once it is delivered.

BOARD APPOINTMENTS

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

Arts and Humanities Advisory Board

Appointment of Aaron Oleen, 1524 Humboldt Street, Apt. 1, to a three-year term. Mr. Oleen's term begins immediately, and will expire March 31, 2019.

Douglass Center Advisory Board

Appointment of Ola Guy, 1003 Yuma Street, to fill the unexpired Geographic term of Donald Slater. Ms. Guy's term begins immediately, and will expire October 2, 2017.

Appointment of Debbie Nuss, 2404 Sumac Drive, to fill the unexpired At-Large term of Justin Reilly. Ms. Nuss' term begins immediately, and will expire October 2, 2018.

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

GENERAL AGENDA

FIRST READING - AMEND FINAL DEVELOPMENT PLAN - GREENBRIAR RESIDENTIAL PLANNED UNIT DEVELOPMENT

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He provided an update on the revised number of bedrooms, required number of parking stalls, presented an aerial view of the subject site, and clarified the proposed revised motion being recommended to override the Planning Board's recommendation of approval. He then responded to questions from the Commission.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion and comments from the Commission, Commissioner Butler moved to override the Planning Board's recommendation of approval and modify the conditions of approval to correctly reflect the number of proposed bedrooms, and approve first reading of an ordinance amending Ordinance No. 4581 and the Final Development Plan of the Greenbiar Residential Planned Unit Development, as proposed, located at 2420 Greenbriar Drive, based on the findings in the Staff Report ***(See Attachment No. 2)***, subject to the three (3) conditions of approval as modified by City Administration. Commissioner Dodson seconded the motion.

Commissioner Morse voiced concern that the rules of the ordinance were not followed and stated that she intended to vote against the item.

After further comments from the Commission, on a roll call vote, motion carried 4-1, with Commissioner Morse voting against the motion.

FIRST READING - REZONE - APPROXIMATELY THREE AND ONE-HALF BLOCKS EAST OF THE CURRENT M-FRO DISTRICT (R-1, R-2, AND R-M WITH TRADITIONAL NEIGHBORHOOD OVERLAY, TO R-3/M-FRO, MULTIPLE-FAMILY RESIDENTIAL DISTRICT WITH MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT)

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He provided information from the recent Manhattan Urban Area Planning Board meeting and stated that the Planning Board recommended approval of the proposed rezoning of Area 1, 2, and 3, as described in the Staff Report, based on the findings in the Staff Report. He also highlighted a map of the proposed rezoning area and informed the Commission that this rezoning is part of the implementation of the adopted Manhattan Urban Area Comprehensive Plan update. He then responded to questions from the Commission regarding parking, public facilities and services, and the bus loading zone and no parking areas near Bluemont Elementary School.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - REZONE - APPROXIMATELY THREE AND ONE-HALF BLOCKS EAST OF THE CURRENT M-FRO DISTRICT (R-1, R-2, AND R-M WITH TRADITIONAL NEIGHBORHOOD OVERLAY, TO R-3/M-FRO, MULTIPLE-FAMILY RESIDENTIAL DISTRICT WITH MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT) *(CONTINUED)*

Commissioner Reddi voiced concerns with the potential increase in vehicle traffic and noise near Bluemont Elementary School. She stated that she supported the Comprehensive Plan, but wanted to slow the process down and to not be in a rush. She stated the City has the flexibility of seeing how things develop with Fort Riley, Kansas State University, the amount of building activity in the community and the potential for school redistricting in the next few years. She reiterated that she did not want to rush into a rezoning change that we may end up regretting in the future.

Rob Ott, Director of Public Works, responded to questions from the Commission. He stated that Public Works staff communicates with USD 383 transportation personnel every year about school busing and transportation issues.

Jason Hilgers, Deputy City Manager, informed the Commission that City staff met with USD 383 administration regarding the potential opportunity to expand gym space at the middle schools and provided additional information on the item.

Eric Cattell, Assistant Director for Planning, responded to additional questions from the Commission. He provided an overview of public comments and issues that were expressed during past meetings regarding the rezoning.

Rob Ott, Director of Public Works, and Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding current utilities and potential costs for upgrading utility infrastructure in the area.

Commissioner Dodson stated that a change in zoning does not mean that large buildings will instantly pop up. He stated that it will take time and that this is not just a light switch.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding the timing of the Bluemont Avenue Corridor Study and discussed the Action Plan items identified in Chapter 12.

Mayor McCulloh opened the public comments.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - REZONE - APPROXIMATELY THREE AND ONE-HALF BLOCKS EAST OF THE CURRENT M-FRO DISTRICT (R-1, R-2, AND R-M WITH TRADITIONAL NEIGHBORHOOD OVERLAY, TO R-3/M-FRO, MULTIPLE-FAMILY RESIDENTIAL DISTRICT WITH MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT) *(CONTINUED)*

Phil Anderson, 1719 Fairchild Avenue, informed the Commission that he serves on the Manhattan Urban Area Planning Board and was absent when this item was on the Planning Board agenda. He provided a summary of survey rating information he conducted on individual properties that included the general condition of each property along Fremont Street, Laramie Street, Moro Street, Bluemont Avenue, Vattier Street, Kearney Street, Thurston Street, and North Manhattan Avenue. He stated that he was opposed to the rezoning item and asked that the Commission focus on redevelopment and encourage strategies that allow for infill back into these neighborhoods. He asked the Commission to table the item and allow additional time to study the item further.

Kathy Dzewaltowski, 100 South Delaware, representing the Manhattan/Riley County Preservation Alliance, voiced concerns with moving forward on the proposed rezoning without the benefit of the Bluemont Avenue Corridor Study. She encouraged the Commission to consider homes with historic significance in the area. She responded to questions from the Commission and reiterated that it is premature to approve a zoning change without the benefit of the corridor study to know the long-term vision for the whole corridor.

Mel Borst, 1918 Humboldt Street, informed the Commission that the Bluemont Avenue Corridor Study needs to be developed and should be a priority before approving the rezoning. He stated Bluemont Avenue is an important corridor for the community. He encouraged the Commission to return the item to the Planning Board for further study, along with a Bluemont Avenue Corridor Study. He then responded to questions from the Commission regarding the extent of the Bluemont Avenue corridor area and possible incentives to encourage single family ownership.

Jeff Koenig, 718 Whitetail Pass, informed the Commission that he just bought a property in the proposed rezoning area that could be a single-family home or if the rezoning is passed, he stated that he would pursue options with an adjacent property and redevelop. He stated that a redevelopment would look a lot nicer and provide a more attractive property and better return on investment.

Chris Banner, 618 Osage Street, provided background information on his properties and stated that the proposed rezoning is more spot zoning and is not a good planning practice. He asked the Commission to deny the proposed changes until it is known for sure if this rezoning is a good thing.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - REZONE - APPROXIMATELY THREE AND ONE-HALF BLOCKS EAST OF THE CURRENT M-FRO DISTRICT (R-1, R-2, AND R-M WITH TRADITIONAL NEIGHBORHOOD OVERLAY, TO R-3/M-FRO, MULTIPLE-FAMILY RESIDENTIAL DISTRICT WITH MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT) *(CONTINUED)*

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

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding the recent downzoning east of the City Park area and the Comprehensive Plan process and adoption.

Commissioner Morse stated that she was interested in the stability around Bluemont School and that additional study of the area and the Bluemont Avenue Corridor Study was warranted before the Commission made any decisions on rezoning this area. She said that she supports the Comprehensive Plan; however, she did not want to race to upzone a huge area that will change the complexity of the community so quickly and so rapidly.

Commissioner Butler stated that his vote for adopting the Comprehensive Plan meant that he approved going forward with its recommendations, including the M-FRO expansion. He said that the City has had a lot of plans, but often do not implement them. He stated with the adoption of the Comprehensive Plan, this item needs to be implemented and will also provide the necessary consistency that is needed.

Commissioner Reddi said that she would not support the proposed rezoning item. She stated that she believed in the Comprehensive Plan, but wanted flexibility with the implementation portion of the Plan. She reiterated that she did not want to rush into this rezoning.

Commissioner Dodson provided additional information on the item and voiced support to move this item forward. He highlighted the many public meetings and the adoption process of the Comprehensive Plan.

Mayor McCulloh agreed with Commission Dodson. She stated that people have made investments based on the Comprehensive Plan that officials told the public the City would be following. She also stated that we should not be terrified by development and would be surprised if many more apartment buildings will be built in Manhattan.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - REZONE - APPROXIMATELY THREE AND ONE-HALF BLOCKS EAST OF THE CURRENT M-FRO DISTRICT (R-1, R-2, AND R-M WITH TRADITIONAL NEIGHBORHOOD OVERLAY, TO R-3/M-FRO, MULTIPLE-FAMILY RESIDENTIAL DISTRICT WITH MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT) *(CONTINUED)*

After additional discussion and comments from the Commission, Commissioner Butler moved to approve first reading of an ordinance rezoning Areas 1, 2 and 3 ***(See Attachment No. 3)***, as proposed, consisting of 57 parcels generally located along the south side of the 900 block and both sides of the 1000 block of Thurston Street; the south side of the 800 block of Vattier Street; both sides of the 800 blocks of Bluemont Avenue and Moro Street; and the north side of the 900 block of Laramie Street, as follows:

> Area 1: from R-2/TNO Two-Family Residential District with the Traditional Neighborhood Overlay;
> Area 2: from R-1/TNO, Single-Family Residential with the Traditional Neighborhood Overlay; and,
> Area 3: from R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay District;

to R-3/M-FRO, Multiple-Family Residential District with Multiple-Family Redevelopment Overlay District, based on the findings in the Staff Report ***(See Attachment No. 4)*** and the recommendation of the Planning Board. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 3-2, with Commissioners Reddi and Morse voting against the motion.

FIRST READING - AMEND MANHATTAN ZONING REGULATIONS - ARTICLE IV, SECTION 4-112, M-FRO, MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted the proposed parking ratios and requirements; the proposed bicycle parking ratios and provisions; and the proposed text amendments. He then responded to questions from the Commission regarding parking and provided additional information on the item.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion and comments from the Commission, Commissioner Dodson moved to approve first reading of an ordinance amending the Manhattan Zoning Regulations Article VI, Section 4-112 M-FRO, Multi-Family Redevelopment Overlay District, as proposed, based on the findings in the Staff Memorandum ***(See Attachment No. 5)*** and the recommendation of the Planning Board. Commissioner Butler seconded the motion.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - AMEND MANHATTAN ZONING REGULATIONS - ARTICLE IV, SECTION 4-112, M-FRO, MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT *(CONTINUED)*

After further comments from the Commission, on a roll call vote, motion carried 5-0.

AGREEMENT - TRANSFER 15 ACRES OF LAND IN THE LEDGESTONE RIDGE ADDITION - USE AS PARK LAND

Jason Hilgers, Deputy City Manager, presented background information on the item. He also provided an overview of the proposed park land transfer; discussed the project financing; and presented images of the subject property, proposed park land and trail, and connectivity to the neighborhoods and parks.

Tim Schultz, Schultz Construction, provided additional information on the item and stated that this creates a unique opportunity to connect development areas in the community. He also provided an update and clarification on the proposed trail, park land and future development plans in the area.

Mayor McCulloh and the Commissioners thanked Mr. Schultz for his generous offer and for enabling this project to move forward.

Eddie Eastes, Director of Parks and Recreation, responded to questions from the Commission regarding the park land and the future need for off-street parking.

Jason Hilgers, Deputy City Manager, provided additional history on this concept and the benefits for additional connectivity with this project.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion and comments from the Commission, Commissioner Butler moved to approve a 15 acre park land transfer (Ledgestone Ridge Addition, Tract II and a portion of Lot 23) ***(See Attachment No. 6)*** from Tim Schultz and authorize the Mayor and City Clerk to execute a Real Estate Transfer Agreement. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:20 p.m., the Commission adjourned.

Gary S. Rees, MMC, City Clerk

Attachment No. 1

The selection committee met, ranked, and categorized the firms. The following table is ranked in Tiers recommended from the selection committee.

Tier	Water	Wastewater	Stormwater	Transportation
1	BG	SMH	Olsson	Benesch
2	Schwab-Eaton	Olsson	Bartlett & West	Schwab-Eaton
3	SMH	Bartlett & West	Benesch	BG

Due to the large number of responses from qualified consultants, the option of adding a fourth on-call consultant as a general on-call was proposed. This on-call consultant would ONLY be used if a performance issue with one of the top three consultants was encountered, or a natural disaster or other unforeseen circumstance would occur that would generate such a workload that outside expertise or additional help would be needed.

The selection committee selected HDR and Wilson and Company as the fourth consultants.

Attachment No. 2

STAFF REPORT

AN AMENDMENT OF ORDINANCE NO. 4581 OF THE GREENBRIAR RESIDENTIAL PLANNED UNIT DEVELOPMENT TO ALLOW FOR MORE BEDROOMS THAN ORIGINALLY PERMITTED IN THE APPROVED PUD. THE PUD AMENDMENT IS IN THE FORM OF A FINAL DEVELOPMENT PLAN.

BACKGROUND

APPLICANT: Weary Davis

OWNER: Woodway M, LLC

ADDRESS: 2420 Greenbriar Drive

LOCATION: Generally located to the northwest of the intersection of Kimball Avenue and College Avenue.

AREA: 5.45 acres

DATE OF NEIGHBORHOOD MEETING: Tuesday, December 22, 2015

DATE OF PUBLIC NOTICE PUBLICATION: Tuesday, January 26, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: Thursday, February 18, 2016
CITY COMMISSION: Tuesday, March 22, 2016

EXISTING PUD

Ordinance
Ordinance No. 4581 was approved on June 20, 1989 to rezone the site from R to PUD to allow for a multi-family development, known as the Woodway Apartments.

Conditions of Approval

1. Provisions shall be made for all necessary sanitary sewer improvements including the lift station and force main to the point of connection at Hobbs and College Avenue with costs to be born by the applicant or any subsequent owner and that the lift station shall be located adjacent to the east entry off of College Avenue.

Attachment No. 2

2. The applicant or any subsequent owner shall participate in the benefit district to be established at some time in the future when a northern interceptor sewer line is constructed.
3. Provision of a deceleration lane on the north side of Kimball Avenue for the south entrance shall be constructed according to the standards of the City Engineering Division with all costs born by the applicant or any subsequent owner.
4. The provision of a minimum 5 foot wide sidewalks along Kimball and College Avenues shall be provided by the applicant or any subsequent owner. The sidewalk along College Avenue shall be in a pedestrian easement or on the street right-of-way.
5. The building as shown on the site plan in the northwest corner of the site shall be removed and four additional dwelling units may be added to Building A in the eastern most part of the site for a total of 84 dwelling units and the maximum number of bedrooms shall be limited to 210.
6. The permitted use shall be limited to multi-family housing. The total occupancy shall be limited to 250 tenants for the PUD.
7. The total number of off-street parking places shall be no less than 300 as proposed to provide adequate tenant and guest parking.
8. The PUD owner and management shall utilize a parking sticker system whereby each licensed tenant having a vehicle on the site receives one (1) parking sticker to attach to their vehicle. To further help monitoring of unauthorized vehicles by the management, the stickers shall be numbered 1 through 250 and new stickers issued each semester.
9. An additional fire hydrant shall be provided at the east entry drive.
10. Security for the performance of the landscaping requirements, as described herein and as shown on the preliminary development plan shall be provided pursuant to an agreement between the developer and the City.
11. If the carports are not provided along the south row of parking, landscaped berms shall be utilized in addition to the trees shown on the plan.
12. All landscaping, signage and lighting shall be provided as proposed and maintained in good condition.
13. A grove of trees of any variety shall be planted in the area where the building was removed at the northwest corner to discourage that area being used as an open recreational area. Additional screening shall be provided along the north and west property lines by planting an additional row of 7 to 8 foot tall Scotch Pines with 8 feet between the two rows of pines and each tree planted approximately 10 to 12 feet apart within a row to give a staggered effect. In addition, Winter Honeysuckle shall be planted between the trees to provide immediate screening until the trees mature.
14. The general residential character of the buildings shall be maintained.
15. The owners shall provide an on-site management team consisting of one (1) full time manager, an assistant manager and a maintenance person.

Attachment No. 2

PROPOSED AMENDMENT

The Greenbriar Residential Planned Unit Development was approved with Condition No. 5, which stated:

5. The building as shown on the site plan in the northwest corner of the site shall be removed and four additional dwelling units may be added to Building A in the eastern most part of the site for a total of 84 dwelling units and the maximum number of bedrooms shall be limited to 210.

The Final Development Plan of the PUD was approved February 5, 1990. A total of eight (8) buildings, eighty-four (84) dwelling units and a maximum number of 210 bedrooms were approved with the Final Development Plan. The dwelling units vary in size from one (1) to four (4) bedrooms per unit.

The proposed amendment will allow for more bedrooms than originally permitted and allowed by the original PUD. The original development plan showed living units that would have bedrooms and an additional room that was considered a "study." According to the application documents, the room considered a study "has been used as a bedroom consistently since the original development of the PUD."

The proposed amendment is to bring the current use into conformance with the PUD. There are currently 76 apartment units with the additional room that had originally been counted as a study. The proposed amendment would consider these rooms as bedrooms, adding an additional 76 bedrooms to the PUD. The final number of bedrooms for the PUD will be 286.

PROPOSED SIGN:
The on-site signage will not change and is consistent with the Final Development Agreement. There is an internally illuminated monument sign measuring 6 feet by 6 feet located at the entrance on Kimball

PROPOSED LIGHTING: The lighting will not change with the proposed amendment.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

Attachment No. 2

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 amendment is consistent with the intent and purpose of the original PUD to provide multi-family living. The proposed amendment preserves the multi-family character in a desirable residential area of Manhattan.

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 amendment is necessary because Condition No. 5 of Ordinance No. 4581, stating there should be no more than 210 bedrooms has not been adhered to. According to the application documents, the rooms originally intended as studies have always been used for bedrooms.

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 be a gain to the health, safety and general welfare as it brings the units into conformance with zoning regulations and allows for building inspections to be conducted properly and accurately. The proposed PUD Amendment benefits residents of Manhattan by recognizing how the studies have actually been used, and provides increased capacity housing in an area that is near the university and the hospital, providing nearby housing for students and residents who work in the area.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: There will be no changes to the landscaping agreement. The site is already landscaped according to the original Final Development Plan. Landscaping on site currently includes trees along the periphery of the site, somewhat screening the apartments along Kimball Avenue and College Avenue. There is also sufficient green space and landscaping within the site.

2. SCREENING: No additional screening is required.

3. DRAINAGE: There will be no changes to the drainage requirements as there is not an increase in impermeable surface or a reduction in open space.

4. CIRCULATION: Access to the site's off-street parking lot is off of both Kimball Avenue and College Avenue. Internal streets connect the apartment buildings

Attachment No. 2

Pedestrian Access.. There are sidewalks along the north side of Kimball and along the west side of College Avenue, which runs alongside the east side of the development. Both of these sidewalks provide access to the site.

Traffic. There is likely to be little to no traffic increase as a result of the proposed amendment. If the rooms have been consistently used as bedrooms, there are likely to be the same number of tenants and visitors as there has been in the past.

Off-Street Parking. The number of parking spaces is consistent with Condition No. 7 of Ordinance No. 4581, stating there should be no fewer than 300 off street parking spaces on the site. There are currently 92 carports, 8 handicapped spaces and 200 open spaces, a total of 300 spaces.

From a series of memos prior to the approval of the ordinance and the Final Development Plan, and a memo dated May 23, 1989 from the City's Planning Department it can be concluded that as the development was primarily intended to serve students, providing additional guest parking would offset neighborhood impacts from the increase in density. The memo states that with a limited number of 250 tenants, 300 parking spaces would allow for a sufficient amount of guest parking.

With the increased number of bedrooms and in conformance with Article 7-103, Off-street Parking Requirements of the Zoning Regulations, the proposed amendment requires a total number of 305 parking spaces. Following today's off-street parking regulations, an additional five (5) spaces would be required. However, since there have been no complaints regarding the parking on this site, or spill-over parking experienced as a result, the existing off-street parking is sufficient to address demand and requiring five (5) stalls be added to the site at this point in time would not produce a significant benefit.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: There is landscaped space within the site and a pool located on the east side of the site.

6. CHARACTER OF THE NEIGHBORHOOD: The proposed PUD Amendment is consistent with the character of the neighborhood. Its proximity to the university and hospital make it a desirable area to live. This amendment maintains the multi-family nature of the property and brings the property into compliance.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The site consists of eight (8) multi-family residential structures. The units vary from one to four bedrooms and were constructed in the early 1990s.

Attachment No. 2

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is located at a busy intersection near the hospital, the campus and many residential properties. It is generally flat with existing multi-family residential structures and mature trees.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: The area to the north is primarily multi-family residential consisting of the University Crossing Apartments PUD. There is single family housing further to the north, zoned R-1, Single Family Residential.

(b.) SOUTH: Located on the south side of Kimball Avenue is the Manhattan Surgical hospital and the Via Christi Hospital, also zoned PUD.

(c.) EAST: To the east of the site across College Avenue and Kimball Ave the area is zoned U, University, consisting of agriculture land at the northeast corner of the intersection and the K-State football stadium at the southeast corner of the intersection.

(d.) WEST: The area to the west is zoned R, Single Family Residential. The Peace Lutheran Church is located directly west to the subject site. Further west is College Hill School and single family neighborhoods.

4. GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood is a mix of residential, hospital/medical, religious and University uses. The residential units are both single-family and multi-family dwellings, varying from owner occupied to renter occupied. The neighborhood also has several commercial uses (hospital and surgical center), the football stadium, and a childcare center. The site's location serves as a higher density residential buffer between lower density residential uses and university related uses.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The current zoning of the site as a PUD is suitable for this multiple-building apartment development. The area is primarily composed of either residential development or PUDs.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: No detrimental effects are anticipated as a result of the proposed amendment, as the site is compatible with surrounding zoning and land uses. The site has also been in existence for over two decades without any negative effects.

Attachment No. 2

7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE NORTHWEST PLANNING AREA. THE AREA IS DESIGNATED AS RESIDENTIAL HIGH DENSITY IN THE COMPREHENSIVE PLAN AND THE PUD'S USE AND THE PROPOSED AMENDMENT CONFORMS TO THE PLAN.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The area was zone R, Single-Family Residential prior to being zoned as a PUD with the passing of Ordinance No. 4581 on June 20, 1989

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 PUD amendment is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

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 would accomplish. Denial would prohibit the use of the 76 "study" rooms as bedrooms within the living units and limit the availability of housing in the area. It is apparent that these studies have been used as bedrooms for a number of years without any adverse impacts, due to the ample parking.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The site has adequate public services, sanitary sewer, water, sidewalks, and public streets.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: City Administration recommends approval of the proposed amendment to allow the studies identified in the original PUD to be used as bedrooms, with the following conditions of approval:

Attachment No. 2

1. Modify Condition No. 5 to increase the number of bedrooms to 286, as requested by the applicant.
2. Modify Condition No. 6 to increase the total occupancy from 250 to 286 occupants.
3. Eliminate Condition No. 8, as the parking sticker system is unneeded.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 4581 and the approved Final Development Plan stating the basis for such recommendation.

2. Recommend approval of the proposed amendment of Ordinance No. 4581 and the approved Final Development Plan and modify the conditions and any other portions of the proposed PUD amendment to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.

3. Recommend denial of the proposed amendment of Ordinance No. 4581 and the approved Final Development Plan, stating the basis for such recommendation.

4. Table the proposed Amendment to a specific date, for specifically stated reasons.

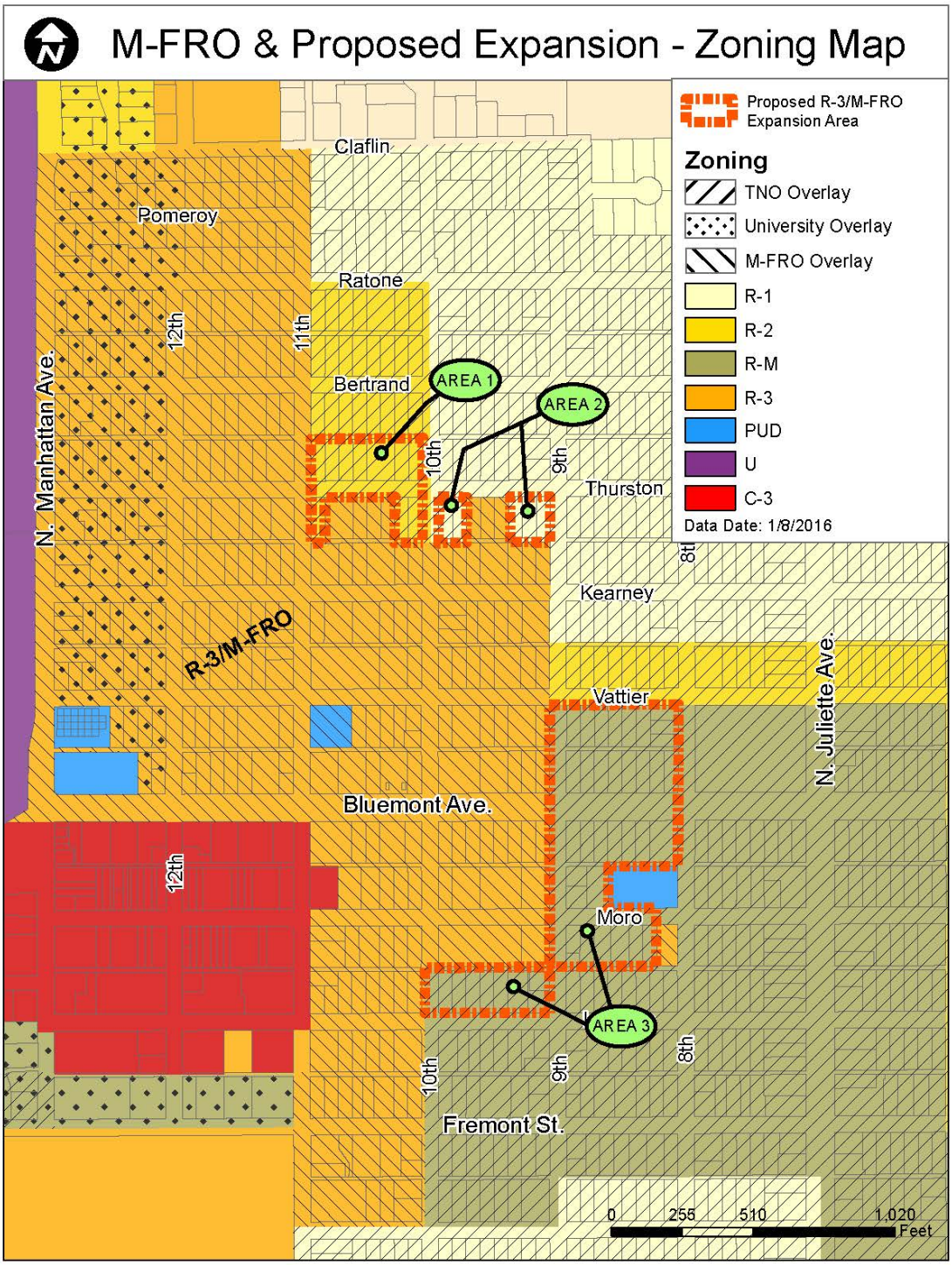
POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 4581 and the approved Final Development Plan of the Greenbiar Residential Planned Unit Development, based on the findings in the Staff Report, with three (3) conditions of approval.

PREPARED BY: Amelia Lewis, Planning Intern

DATE: February 9, 2016
16009}SR}WoodwayApts}GreenbriarPUDAmendment

Attachment No. 3



Attachment No. 4

STAFF REPORT
R-3/M-FRO Expansion Area Rezoning

ON AN APPLICATION TO REZONE PROPERTY

FROM:

Area 1: R-2/TNO, Two-Family Residential District with Traditional Neighborhood Overlay District,

Area 2: R-1/TNO, Single-Family Residential District with Traditional Neighborhood Overlay District, and

Area 3: R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay District.

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

APPLICANT/OWNERS: Manhattan Urban Area Planning Board on behalf of City of Manhattan

ADDRESS: 1101 Poyntz Avenue, Manhattan, KS 66502

LEGAL DESCRIPTION:
Tracts of land located in Section 18, Township 10, Range 8 East of the Sixth Principal Meridian, in the City of Manhattan, Riley County, Kansas, described as follows.

Area 1: Thurston Street An area generally located to the east of the intersection of Thurston Street and N. 11th Street and generally known by the following addresses: 1000, 1001, 1004, 1005, 1010, 1016, 1020, 1024, 1030 Thurston Street; 1020 N. 11th Street; consisting of the following lots located along both sides of Thurston between N. 11th Street and N. 10th Street and the lots fronting N. 11th Street: Lots 571-580, 586, in Ward 3, in the City of Manhattan, Riley County, Kansas.

Area 2: Thurston Street An area generally located to the east of the intersection of Thurston Street and N. 10th Street and generally known by the following addresses: 901, 905, 909, 925 Thurston Street; 1020 N. 10th Street; consisting of the following lots located on the south side of Thurston between N. 10th Street and N. 9th Street and the lot fronting N. 10th Street: Lots 501-503, 507-508, in Ward 3, in the City of Manhattan, Riley County, Kansas

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Area 3: Vattier An area generally located to the southeast of the intersection of Vattier Street and N. 9th Street and generally known by the following addresses: 809, 813, 817, 821, 827, 831 Vattier Street; 815, 819, 823 N. 8th Street; consisting of the lots located on the south side of Vattier Street between N. 9th and N. 8th Streets, and the lots fronting the west side of N. 8th Street: Lots 445- 452 in Ward 3, in the City of Manhattan, Riley County, Kansas.

Bluemont Avenue An area generally located to the northeast and southeast of the intersection of Bluemont Avenue and N. 9th Street and generally known by the following addresses: 800, 801, 806, 809, 810, 814, 815, 818, 819, 820, 823, 825, 826, 830, 831 Bluemont Avenue; consisting of the following lots located on both sides of Bluemont Avenue between N. 9th Street and N. 8th Street: Lots 113-120, Ward 4 and Lots 453-460, Ward 3, in the City of Manhattan, Riley County, Kansas.

Moro Street An area generally located to the east of the intersection of Moro Street and N. 9th Street and generally known by the following addresses: 809, 813, 815, 820, 821, 827, 830, 831 Moro Street; 614, 710 N. 9th Street; consisting of the following lots located along both sides of Moro between N. 9th Street and N. 8th Street and the lots fronting N. 9th Street: Lots 126-128, West half of Lot 130, Lots 131-136, Ward 4, in the City of Manhattan, Riley County, Kansas.

Laramie Street An area generally located to the northwest of the intersection of Laramie and N. 9th Street and generally known by the following addresses: 904, 908, 912, 918, 920, 926, 930 Laramie Street; 613 N. 9th Street; consisting of the following lots located along the north side of Laramie from N. 10th Street to N. 9th Street and the lot fronting N. 9th Street: Lots 305-312 Ward 4, in the City of Manhattan, Riley County, Kansas.

LOCATION: The rezoning area is generally along the south side of the 900 block and both sides of the 1000 block of Thurston Street; the south side of the 800 block of Vattier; both sides of the 800 blocks of Bluemont Avenue and Moro Street; and the north side of the 900 block of Laramie Street.

AREA: The total area of the rezoning site is approximately 9.96 acres.

DATE OF NEIGHBORHOOD MEETING: June 25, 2015

DATE OF PUBLIC NOTICE PUBLICATION: January 28, 2016

DATE OF PUBLIC HEARING: **PLANNING BOARD:** February 18, 2016
CITY COMMISSION: March 22, 2016

Attachment No. 4

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. **EXISTING USE:**
   Area 1: The existing use is 27 residential dwelling units, consisting of 3 single-family, 6 two-family and one 12-plex.
   Area 2: The existing use is of 9 residential dwelling units, consisting of 1 single-family and 4 two-family.
   Area 3: The existing use is 78 residential dwelling units, consisting of 16 single-family, 18 two-family, two 3-plexes and 5 four-plexes.

2. **PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The rezoning areas are generally flat with existing residential structures, open yards, sidewalks on both sides of the streets and mature trees. The area drains to the street. Off-street parking for the properties is accessed mostly from alleyways at the rear of each lot.

3. **SURROUNDING LAND USE AND ZONING:**

   AREA 1:
   NORTH: Single and two-family dwellings; R-1/TNO.
   SOUTH: Single and multi-family dwellings; R-3/M-FRO.
   EAST: Single and two-family dwellings; R-1/TNO.
   WEST: Single and multi-family dwellings; R-2/TNO.

   AREA 2:
   NORTH: Single and two-family dwellings; R-1/TNO.
   SOUTH: Single and multi-family dwellings; R-3/M-FRO.
   EAST: Single and two-family dwellings; R-1/TNO.
   WEST: Single and multi-family dwellings; R-2/TNO.

   AREA 3:
   NORTH: Single and two-family dwellings; R-2/TNO.
   SOUTH: Single and multi-family dwellings; R-M/TNO.
   EAST: Single and two-family dwellings, Bluemont Elementary; R-M/TNO.
   WEST: Single and multi-family dwellings; R-3/M-FRO.

4. **GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of single-family and multiple-family dwellings, the majority of which are renter occupied units presumably for KSU students. The Kansas State University main campus ranges from two to four blocks to the west and Aggieville is to the west, southwest. Bluemont Avenue, a minor arterial street, runs east and west through the proposed rezone area. The area is heavily influenced and impacted by the proximity to Kansas State University.

Attachment No. 4

5. **SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The rezoning site consists of 57 parcels ranging from 15,221 square feet to 2,390 square feet in size. All but eight parcels conform to the minimum lot size requirements for single-family dwellings as allowed in the respective R-1, R-2 and R-M zones.

   The TNO (Traditional Neighborhood Overlay District) is designed to conserve the traditional character of the older neighborhoods through compatibility standards. The Overlay District regulations are applied in combination with an underlying residential district and add design requirements to maintain neighborhood compatibility. The site is suitable for land uses under the existing zoning.

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 it would be consistent with the development in the immediate area.

   The rezoning could potentially increase density from the current 114 dwelling units on 9.96 acres up to approximately 400 dwelling units. However, it is important to note that design and layout requirements, parking and building setbacks would reduce this density potential given the relatively small lot sizes and lot depths. It is likely that development of apartment buildings will require consolidation of parcels over a period of time and may be challenging with the 50% lot coverage limitation and requirement to place parking to the side or rear of the building.

   At the Neighborhood Meeting conducted by the City on June 25, 2015, 21 people attended to discuss the M-FRO expansion areas. Some attendees generally had concerns about traffic impacts, specifically to the block immediately west of Bluemont Elementary, storm drainage, lack of paved alleyways, on-street parking congestion, building height and affordable housing. The meeting notes are attached.

   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 Manhattan Urban Area Comprehensive Plan shows the three rezone areas designated as RHD, Residential High Density. Applicable policies of the RHD category are as follows:

Attachment No. 4

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.

Attachment No. 4

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 PROPOSED REZONING OF AREAS 1, 2 & 3 TO R-3/M-FRO, Multiple-Family Residential District with Multi-family Redevelopment Overlay District **CONFORMS TO THE POLICIES OF THE 2015 M**anhattan Urban Area Comprehensive Plan and the high density expansion area identified on the Future Land Use map through the Comprehensive Plan update process, which involved extensive community input and discussion over a 15 month period.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:
Each of the three areas has been developed since the 1920 or earlier, there is only one vacant lot currently in the proposed rezone area. The zoning history for the area is:

1925 - 1965:	A, First Dwelling House: One and Two Family Dwellings and B, Second Dwelling House: One and Two Family Dwellings, Apartment Houses
1965 - 1970:	A, First Dwelling House: One and Two Family Dwellings and B, Second Dwelling House: Multi Family Dwellings, Apartment Houses
1970 - 1987:	R-2, Two-Family Residential and R-3, Multiple-Family Residential District
1987 - 2004:	R-2, Two-Family Residential District and R-M, Four-Family Residential District
2004	**R-1/TNO,** R-2/TNO, R-M/TNO Single-Family, Two-Family and Four-Family Residential Districts with Traditional Neighborhood Overlay District

Attachment No. 4

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. Most lots will have to be consolidated in order to accommodate construction of apartment buildings, along with placement of the necessary off-street parking to the side or rear of buildings, and providing the required 14 foot front and 25 foot rear yard setbacks. It is anticipated that this transition would occur through market forces over time.

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 rezone area is approximately 10 acres and in the current lot configuration only eight parcels would be non-conforming all other lots conform to the minimum R-3 District requirements. However, for higher density development some lots will have to be consolidated. 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 process in the rezoning areas. 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:

Through the Manhattan Urban Area Comprehensive Plan update process a great deal of analysis and public discussion concluded that while there may be some additional impacts to the immediate area, the benefits of additional high density housing opportunities in close proximity to the KSU Campus would outweigh impacts. The high density expansion areas identified in the Comprehensive Plan update were balanced with lowering densities in other areas. Provision of additional housing units for students, located closer to their principle destination could help minimize traffic and other impacts further to the west, while helping preserve existing lower density and single-family housing stock in other surrounding older neighborhoods.

Attachment No. 4

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.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:
This is a developed area with a gridded street network, alleys and sidewalks along each street. The increased densification would allow for a maximization of existing city infrastructure and services and is one of the main drivers of the proposed up-zoning. It is recognized that the water lines serving the rezoning area will need to be up-sized at some point as development occurs, depending upon the nature and density of the redevelopment. Storm water detention will be required for developments of half an acre or more in size. Ongoing redevelopment of water, storm drainage and paving of alleys will continue to be required.

The issue of gravel alleys in portions of the M-FRO District has been discussed by the City Commission at two work sessions in September and November 2015, after which the Commission instructed Public Works to prioritize alley improvements based on density, number of non-owner occupied units and a pavement condition index. In addition the City Commission decided to utilize the public hearing method of creating benefit districts for paving alleys located within and adjacent to the M-FRO District and the identified expansion areas. There are four alleys that are currently gravel: 1) the 900 block between Thurston and Kearney; 2) the 1000 block between Thurston and Kearney; 3) the 800 block between Vattier and Bluemont; and 4) the 800 block between Bluemont and Moro.

12. OTHER APPLICABLE FACTORS: None

STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Areas 1, 2, & 3, generally consisting of 57 parcels along the south side of the 900 block and both sides of the 1000 block of Thurston Street; the south side of the 800 block of Vattier; both sides of the 800 blocks of Bluemont Avenue and Moro Street; and the north side of the 900 block of Laramie Street, as follows:

<u>Area 1:</u> from R-2/TNO Two-Family Residential District with the Traditional Neighborhood Overlay, to R-3/M-FRO, Multiple-Family Residential District with the Multiple-Family Redevelopment Overlay District;

<u>Area 2:</u> from R-1/TNO, Single-Family Residential with the Traditional Neighborhood Overlay, to R-3/M-FRO, Multiple-Family Residential District with the Multiple-Family Redevelopment Overlay District; and,

Attachment No. 4

Area 3: from R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with the Multiple-Family Redevelopment Overlay District;

All based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Areas 1, 2, & 3, as proposed, generally consisting of 57 parcels, generally located along the south side of the 900 block and both sides of the 1000 block of Thurston Street; the south side of the 800 block of Vattier; both sides of the 800 blocks of Bluemont Avenue and Moro Street; and the north side of the 900 block of Laramie Street, 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 Areas 1, 2 & 3, consisting of 57 parcels, generally located along the south side of the 900 block and both sides of the 1000 block of Thurston Street; the south side of the 800 block of Vattier; both sides of the 800 blocks of Bluemont Avenue and Moro Street; and the north side of the 900 block of Laramie Street, as follows:

Area 1: from R-2/TNO Two-Family Residential District with the Traditional Neighborhood Overlay to R-3/M-FRO, Multiple-Family Residential District with the Multiple-Family Redevelopment Overlay District;

Area 2: from R-1/TNO, Single-Family Residential with the Traditional Neighborhood Overlay to R-3/M-FRO, Multiple-Family Residential District with the Multiple-Family Redevelopment Overlay District; and,

Area 3: from R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay District to R-3/M-FRO, Multiple-Family Residential District with the Multiple-Family Redevelopment Overlay District; all based on the findings in the Staff Report.

Attachment No. 4

PREPARED BY: Lance Evans, AICP, Senior Planner

DATE: February 9, 2016

LE/EC
16007}SR}RezoneM-FROExpansion

Attachment No. 5

INTER-OFFICE MEMORANDUM

DATE:	**February 4, 2016**
TO:	**Manhattan Urban Area Planning Board**
MEETING DATE:	**February 18, 2016**
FROM:	**Lance Evans, AICP, Senior Planner**
RE:	**Amend Article IV, Section 4-112 – M-FRO, Multi-Family Redevelopment Overlay District, of the Manhattan Zoning Regulations.**

BACKGROUND

Through the Manhattan Area 2035 Comprehensive Plan update process five priority initiatives were developed to help advance the community's vision in the immediate future. As outlined in Chapter 12: Action Plan the first initiative is to, "Update zoning and development regulations to implement key plan concepts and promote increased predictability in the development Review process." More specifically the Action Plan identifies updating the M-FRO District, (Multi-Family Redevelopment Overlay District) standards to, "Ensure compatibility with the Future Land Use Map and to provide additional flexibility for infill and redevelopment".

The Community Development Department analyzed the current M-FRO standards and drafted revisions to the M-FRO District Regulations, which were presented to the Planning Board for discussion in a work session on January 21, 2016. The revisions address parking requirements and architectural details.

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First, the amendment proposes to reduce the required number of parking spaces required from a graduated scale depending on the number of bedrooms per dwelling unit, to one (1) parking space per bedroom regardless of the bedroom configuration of the dwelling unit.

Second, the amendment eliminates the provision that requiring buildings containing eighteen or more dwelling units to provide an additional one (1) stall for every four dwelling units.

Third, the amendment proposes adding a requirement for bicycle parking to accommodate and thereby encourage additional bicycle use.

> For residential buildings containing three (3) or more dwelling units, one (1) bicycle parking space shall be provided for every two (2) bedrooms.

Fourth, the amendment proposes adding a minimum dimensional requirement to the definitions of balcony, bay window, porch and portico, to clarify building exterior design elements already required in the existing building design standards.

The recommended off-street parking changes are based on a parking study that was completed by the Community Development Department between January 28th and February 14th 2015. Counts were taken Monday through Saturday between 6:30 and 7:15 am in order to attempt to identify the highest use time for parking lots in the M-FRO District. The results showed that that the utilization of parking spaces equated to approximately 0.66 spaces per bedroom. In effect, the current M-FRO parking ratios likely required more than 30% surplus parking that is generally not being used.

The proposed parking ratio of one (1) stall per bedroom still exceeds the need demonstrated by the parking study data, but it is a substantial reduction from current requirements while still allowing for a margin of error. Arguments could be made that the parking demand will likely be reduced by local and national transportation trends, policy changes on the Kansas State University campus to reduce on-campus parking, and that the increase in ATA transit service will further reduce the automotive and parking needs for many residents of the M-FRO district.

The bicycle parking provision and definition are proposed due to the general proximity of the M-FRO District to Kansas State University and Aggieville, which tend to be the primary destinations of most residents living in the district. The bicycle provisions will help somewhat off-set the reduction in required vehicular parking, while promoting less traffic congestion and a more efficient transportation option than utilizing vehicles for short trips.

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AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS

When a proposed amendment results in a change to the text of the Zoning Regulations, the report from the Planning staff shall contain a statement as to the nature and effect of the proposed amendment, and determinations as to the following:

WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS

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.

More specifically, the M-FRO District provisions are 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 proposed amendments are consistent with the intent and purpose of the Manhattan Zoning Regulations and are drafted to accommodate development that is functionally integrated into surrounding areas and compatible with the traditional character of the older neighborhoods in Manhattan. The reduced vehicle parking addresses inefficiencies of unused parking spaces and works in conjunction with the bicycle parking requirement to reduce vehicular congestion and promote a more convenient, short trip transportation alternative in neighborhoods in close proximity to campus. The proposed revisions to several of the definitions help clarify architectural standards to increase compatibility of redevelopment projects with the surrounding neighborhood.

AREAS WHICH ARE MOST LIKELY TO BE DIRECTLY AFFECTED BY SUCH CHANGE AND IN WHAT WAY THEY WILL BE AFFECTED

The proposed amendments to Article IV, Section 4-112 would apply to all property in Manhattan that is located within the Multi-Family Redevelopment Overlay District. The current boundary is shown on the City of Manhattan Zoning Districts and Overlays Map, dated November 9, 2015, and the proposed M-FRO expansion areas are shown on the M-FRO Expansion area map.

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City Administration carefully considered the effects that the proposed amendments may have on residential areas both within and adjacent to the Multi-Family Redevelopment Overlay District. The proposed amendments should help promote more efficient use of a limited land supply and efficient short trip transportation alternatives, and balance the need for increased housing in Manhattan's core neighborhoods with providing clearer definitions to help transition to surrounding neighborhood areas.

WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN THE AREAS AND ZONING DISTRICTS AFFECTED, OR IN THE CITY PLANNING AREA, GENERALLY, AND IF SO, THE NATURE OF SUCH CHANGED OR CHANGING CONDITIONS

The growth of Manhattan and Kansas State University helped to inform the policy development and recommendations in the recent update of the Comprehensive Plan. These policies and recommendations were the basis for further analysis and the proposed amendments to the M-FRO District's provisions. Amendments to the M-FRO District were identified to promote more efficient use of the limited land capacity by reducing vehicular parking requirements, based on the findings of the recent parking study, while adding bicycle parking provisions and further mitigating redevelopment impacts to the surrounding neighborhood with clarified design standards.

WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICY AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY

As noted above, the need to review the M-FRO District's provisions was identified through the Manhattan Urban Area Comprehensive Plan update process and is identified as one of the implementation steps in Chapter 12 –Action Plan. The Zoning Regulations help implement the Comprehensive Plan and its goals, objectives, and policies. While the Comprehensive Plan is more general in nature and does not specify building design or parking details such as those addressed by the proposed amendments, the plan's policies encourage the efficient use of land, increased density in specifically identified core neighborhood areas that incorporates design standards for increased compatibility, and multi-modal transportation alternatives.

The proposed amendments to the M-FRO, Multi-Family Redevelopment Overlay District help meet the policies in the Comprehensive Plan and are implemented consistent with legal requirements.

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ALTERNATIVES

It appears the MUAPB has the following alternatives concerning the issue at hand. The Board may:

1. Recommend approval of the proposed amendments of Article IV, Section 4-112, M-FRO, Multi-Family Redevelopment Overlay District of the Zoning Regulations, to the City Commission, based on the findings in the staff memorandum.
2. Recommend denial of the proposed amendments to the City Commission, based on specifically stated reasons.
3. Modify the proposed amendments and forward the modifications, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends approval of the proposed amendments to the Manhattan Zoning Regulations to revise Article IV, Section 4-112, Multi-Family Redevelopment Overlay District**,** as proposed, based on the findings in the staff memorandum.

POSSIBLE MOTION

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

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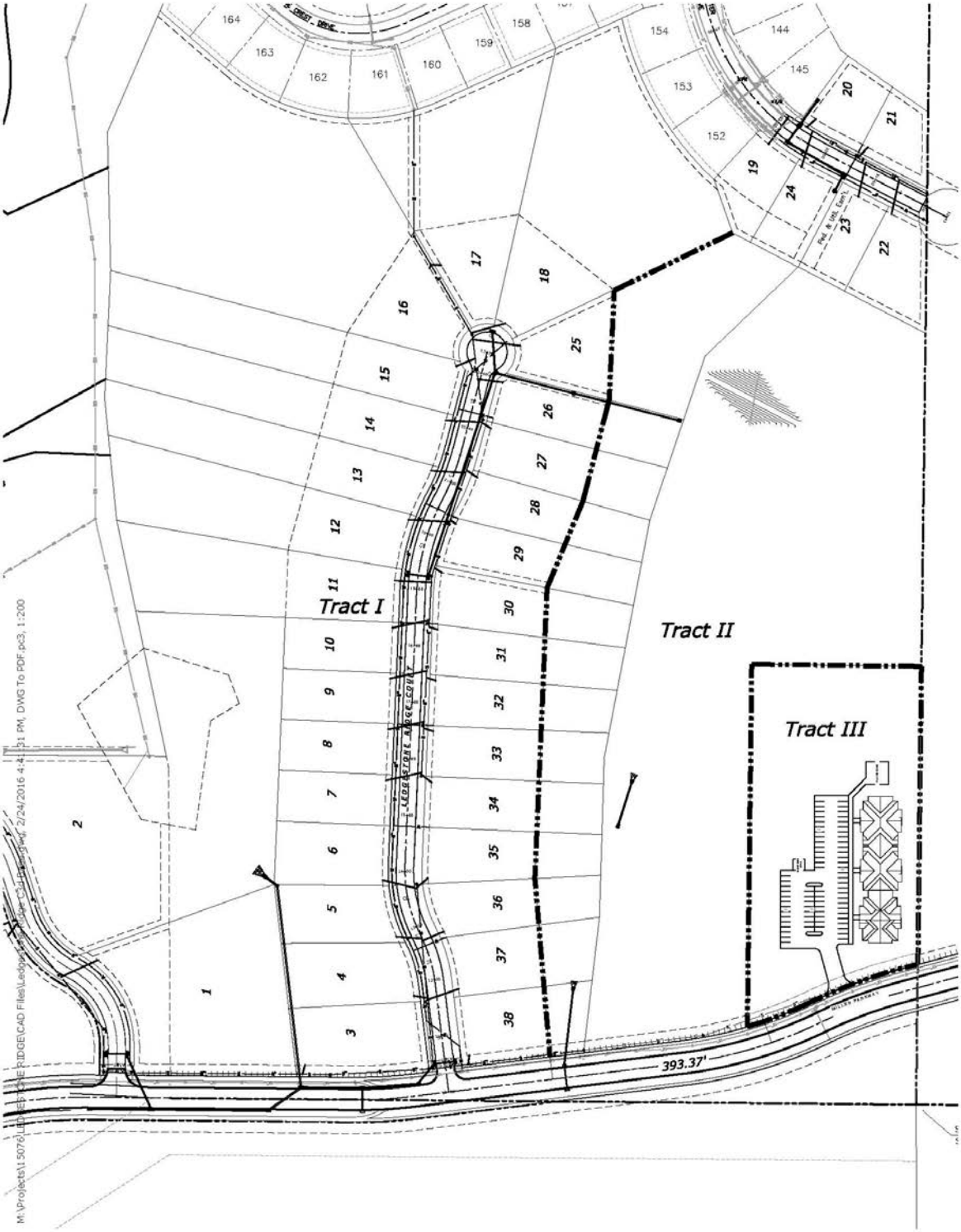
Enclosures:
1. Proposed Text Amendment to the M-FRO District.
2. Current M-FRO District Map
3. Proposed M-FRO District Expansion areas

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