

**CITY COMMISSION AGENDA MEMO**  
**April 30, 2008**

**FROM:** Steve Zilkie, AICP, Senior Planner

**MEETING:** May 6, 2008

**SUBJECT:** First Reading of an Ordinance Rezoning Lot 4, Bristow Addition, Unit One, from R-2, Two-Family Residential District, to C-1, Restricted Business District

**PRESENTER:** Eric Cattell, AICP, Assistant Director for Planning

**BACKGROUND**

This is the first reading of an ordinance rezoning an approximate 4.5-acre tract of land for the First Assembly of God Church, 2310 Candlewood Drive, which consists of Lot 4, Bristow Addition, Unit One, located southwest of the intersection of Gary Avenue and Seth Child Road from R-2, Two-Family Residential District, to C-1, Restricted Business District. The applicant/owner is the First Assembly of God Church, represented by Bryan Elliott.

**Existing Use:** The site is generally level with the church and its off-street parking lot occupying the approximate southern two-thirds of the property. Access is provided by two curb cuts off Candlewood Drive and a driveway off Gary Avenue. The northern one-third of the site is open lawn, except for the driveway from Gary Avenue, which extends along the east side of the open area to the parking lot.

The application states that: “We are not adding to our property, nor are we changing the nature of business activity occurring thereon. The proposed rezoning will enable our ministries to expand fundraising efforts, namely a retail fireworks tent. It will also expand our marketability to future buyers, should we need to sell and/or relocate.”

**Compatibility:** Churches are a permitted use in the C-1 District and the applicants have indicated that the church will remain after the rezoning. Rezoning to C-1 District could potentially add more traffic, light, and noise to the area, if the use were to change. However, the site is bounded by a state highway (Seth Child Road) on the east, and Gary Avenue and Candlewood Drive, on the north and west respectively. Seth Child Road is a four-lane arterial highway corridor approximately 215 feet in width. Gary Avenue and Candlewood Drive are designated as local streets in the Manhattan Area Transportation

Study, but are platted as collector width streets, both 80 feet in width for those portions of the street adjoining the site, and in the case of Candlewood Drive, is built like a collector street southward to Kimball Avenue.

The site is bounded by a C-1 District to the west, northwest, and on the north, and by R-3 Districts to the west and south. Properties to the south, west, and northwest are developed with multiple-family buildings, with the western buildings consisting of the Cambridge Square apartment complex and the Westchester complex to the south. The building northwest of the round-a-bout is a separate four-family dwelling unit. The C-1 District to the north of Gary Avenue is a bank. To the north along Candlewood Drive is a town-home Planned Unit Development and duplexes are on the west. Single-family homes (R-1 District) in the Candlewood neighborhood are separated and buffered from the site by Candlewood Drive and the land uses described above. The R-1 District to the east is separated from the site by Seth Child Road. Due to these factors, minimal impacts are anticipated from the rezoning.

The C-1 District is intended to be compatible with nearby residential areas. C-1 Districts are located in the vicinity of several residential neighborhoods throughout the City, such as along Poyntz Avenue, with C-1 District separated from low density residential neighborhoods by public alleys; along Anderson Avenue near the Kansas State Foundation building, which is separated from low density residential neighborhoods by public streets; at the intersection of Windsong Lane and Anderson Avenue, which is separated by public streets from nearby low-density residential neighborhoods and also abuts the Windsong neighborhood; and, more recently, along Claflin Road and north of Buena Vista Drive for the Manhattan Medical Center.

**Comprehensive Plan:** The rezoning site is shown on the Future Land Use Map of the Comprehensive Plan as RHD, Residential High Density.

Policies of the RHD designation include:

***RHD 1: Characteristics***

*The Residential High Density designation is designed to create opportunities for higher density neighborhoods in both an urban downtown setting and a suburban setting. Within an urban or downtown setting, the designation accommodates higher-intensity residential housing products, such as mid to high-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 (design review process).*

**RHD 2: Appropriate Density Range**

*Possible densities under this designation are 19 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. High-density neighborhoods should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods. In a more urban or downtown setting, residential high density may be combined with active non-residential uses in a vertically mixed-use building.*

The Comprehensive Plan's policies that address the Office/Research Park (OFF/RP) category are appropriate to implement the C-1 District. Applicable policies include:

**OR 1: Characteristics**

*The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, "campus-like" setting. Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17th Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.*

**OR 2: Location**

*Office/Research Park facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access.*

**OR 3: Site Layout and Design**

*Office/Research Park developments should be organized in a planned, "campus-like" setting that is heavily landscaped. Each development will vary based on site configuration and topographical or other constraints; however, in a "campus-like" setting, buildings should typically be arranged to form outdoor gathering spaces.*

**OR 8: Outdoor Storage**

*The functions of an Office/Research Park facility should generally be completely contained within buildings. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.*

The proposed rezoning to the C-1 District does not conform to the RHD land use category shown on the Future Land Use map in the Comprehensive Plan. However, the site's location with respect to the streets providing access; separation and buffering of the site from low density residential neighborhoods by the intervening streets and surrounding higher density residential uses and the bank; and the presence of the existing C-1 District to the west, northwest, and north, all generally support the rezoning. The proposed C-1 District would be an appropriate fit in the neighborhood and generally conforms to the Comprehensive Plan.

For the complete analysis of the standards for rezoning, see the attached Staff Report.

## **DISCUSSION**

On April 7, 2008, the Manhattan Urban Area Planning Board held the public hearing and considered the proposed rezoning from R-2, Two-Family Residential District, to C-1, Restricted Business District. Bryan Elliott, representing the church, spoke during the hearing. No one else spoke. (*See draft Minutes of the April 7, 2008, meeting.*)

Following discussion, the Planning Board, on a vote of 6-0, recommended approval of the proposed rezoning of Lot 4, Bristow Addition, Unit One, from R-2, Two-Family Residential District, to C-1, Restricted Business District, based on the findings in the Staff Report.

## **FINANCING**

Not applicable.

## **ALTERNATIVES**

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

1. Approve first reading of an ordinance rezoning Lot 4, Bristow Addition, Unit One, from R-2, Two-Family Residential District, to C-1, Restricted Business District, based on the findings in the Staff Report, as recommended by the Manhattan Urban Area Planning Board.
2. Deny first reading of an ordinance rezoning the site, based on specifically stated reasons. (*Note: To override the Planning Board's recommendation a minimum of four (4) votes are necessary.*)
3. Return the recommendation of the Manhattan Urban Area Planning Board for further consideration, together with a statement specifying the basis for the City Commission's failure to approve or disapprove the rezoning, and provide further direction to the Planning Board.
4. Table first reading of an ordinance rezoning the site, for specifically stated reasons and provide further direction to City Administration.

## **RECOMMENDATION**

City Administration recommends that the City Commission approve first reading of an ordinance rezoning Lot 4, Bristow Addition, Unit One, from R-2, Two-Family Residential District, to C-1, Restricted Business District, based on the findings in the Staff Report and the recommendation of the Planning Board.

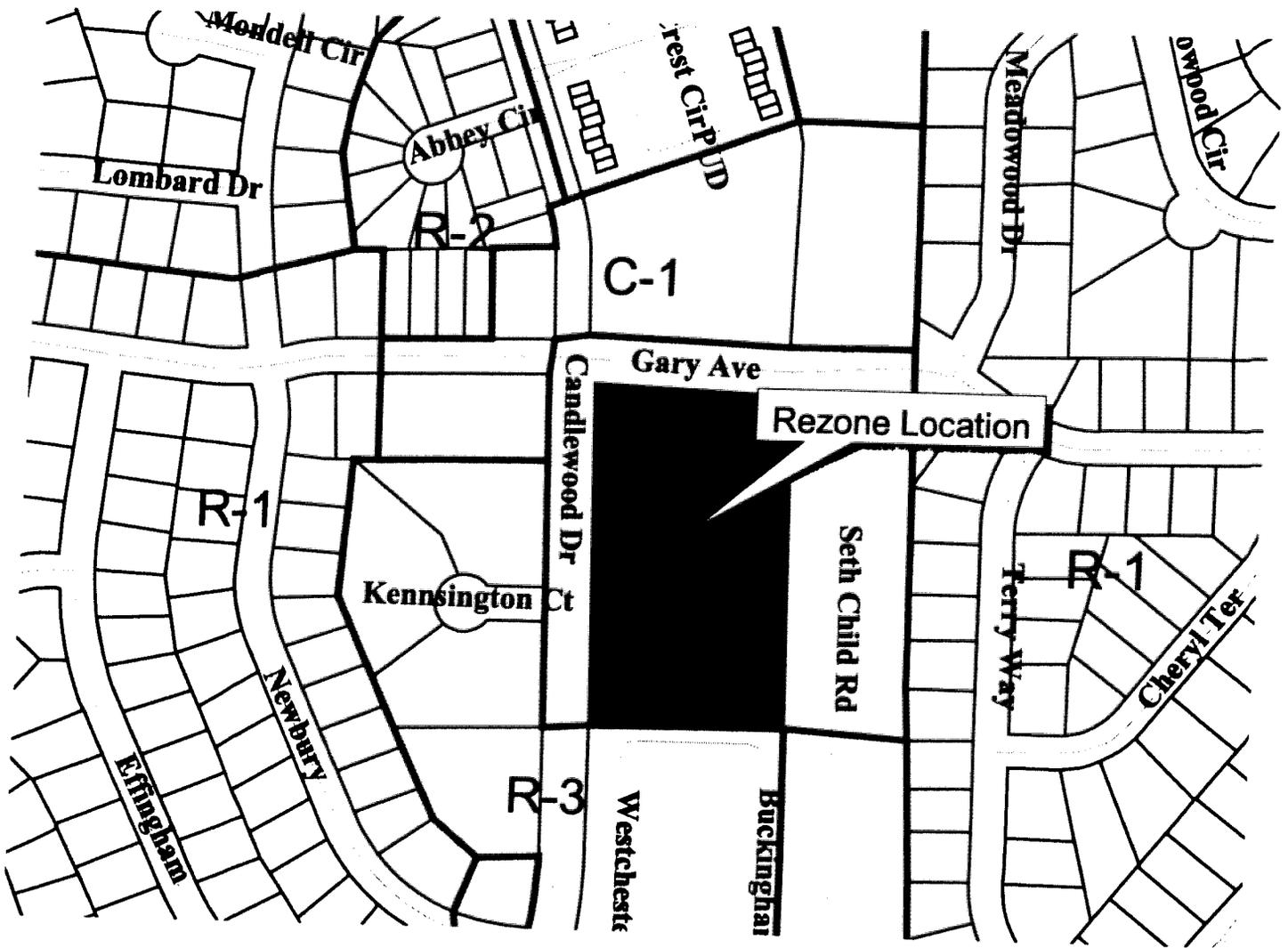
## **POSSIBLE MOTION**

Approve first reading of an ordinance rezoning Lot 4, Bristow Addition, Unit One, generally located at 2310 Candlewood Drive, from R-2, Two-Family Residential District, to C-1, Restricted Business District, based on the findings in the Staff Report.

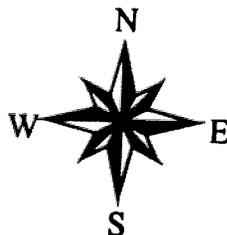
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08041}CC}1stRdg}Rezone}FirstAssemGodChurch}C-1

Enclosures:

1. Location map
2. Staff Report on C-1 District rezoning
3. Aerial photo
4. Future Land Use Map – Manhattan Urban Area Comprehensive Plan
5. Text of the C-1 District
6. Written application documents
7. Draft Minutes: April 7, 2008 Planning Board meeting
8. Project Chronology



**General Location Map  
2310 Candlewood Drive  
First Assembly of God Church  
R-2 to C-1**



## STAFF REPORT

### ON AN APPLICATION TO REZONE PROPERTY

**FROM:** R-2, Two-Family Residential District.

**TO:** C-1, Restricted Business District.

**APPLICANT:** First Assembly of God Church.

**ADDRESS:** 2310 Candlewood Drive.

**OWNER:** First Assembly of God Church.

**ADDRESS:** 2310 Candlewood Drive.

**LOCATION:** 2310 Candlewood Drive, which is south of Gary Avenue, west of Seth Child Road, east of Candlewood Drive, and north of the Westchester Park apartment complex.

**AREA:** 4.5 acres (Lot 4, Bristow Addition, Unit One).

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, March 17, 2008

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, April 7, 2008

**CITY COMMISSION:** Tuesday, May 6, 2008.

**EXISTING USE:** First Assembly of God church, off-street parking lot, accessory storage buildings. There are two access driveways off Candlewood Drive, which lead to the parking lot.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Generally a flat improved site for a church. The church and its off-street parking lot occupy the approximate south two-thirds of the site. The approximate north one-third of the site is an open lawn, except for an existing curb cut near the intersection of Gary Avenue and Seth Child Road, which extends along the west side of the open area as a driveway leading to the parking lot.

### **SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Gary Avenue, platted as an 80 foot right-of-way, financial institution, two-family dwellings, townhomes; C-1 District, Planned Unit Development District, and R-2, Two-Family Residential District
- (2) **SOUTH:** Westchester Park multiple-family apartment complex; R-3, Multiple-Family Residential District.
- (3) **EAST:** Seth Child Road, single-family homes; R-1, Single-Family Residential District.

**(4) WEST:** Candlewood Drive, platted as an 80 foot right-of-way, Cambridge Square multiple-family apartment complex; R-3 District and C-1 District.

**GENERAL NEIGHBORHOOD CHARACTER:** The site is in a highway corridor dominated by multiple-family, neighborhood retail commercial, and office park and restricted business uses. Low density residential neighborhoods are separated from the site by apartment complexes and a major street.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable for the permitted uses of the R-2 District, including a church. The lot is greater in area than the minimum lot size for permitted and conditional uses of the R-2 District.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezoning to C-1 District may add more traffic, light, and noise to the area. The site is bounded by a major street on the east, Seth Child Road, and Gary Avenue and Candlewood Drive, on the north and west respectively. Seth Child Road is a divided four lane highway approximately 215 feet in width. Gary Avenue and Candlewood Drive are designated as local streets in the Manhattan Area Transportation Study, but are platted as collector width streets, both 80 feet in width for those parts of the street adjoining the site. To the immediate south is an apartment complex. In addition, the site is bounded by C-1 District to the north and west/northwest, and R-3 Districts to the west and south. C-1 Districts to the west/northwest are developed as multiple family buildings, with the western buildings a part of the Cambridge Square complex and the northwest building a separate four-family dwelling unit. C-1 District to the north is a bank. R-1 District to the east is separated from the site by Seth Child Road.

The C-1 District is intended to be compatible with residential uses. C-1 Districts are in the vicinity of several residential neighborhoods throughout the City, such as along Poyntz Avenue, with C-1 District separated from low density residential neighborhoods by public alleys; along Anderson Avenue near the Kansas State Foundation building, which is separated from low density residential neighborhoods by public streets; at the intersection of Windsong Lane and Anderson Avenue, which is separated by public streets from nearby low density residential neighborhoods, but also abuts the Windsong low density residential neighborhood; and, more recently, along Claflin Road and north of Buena Vista Drive for the Manhattan Medical Center.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The rezoning site is shown on the Northwest Planning Area Future Land Use Map of the Comprehensive Plan as RHD, Residential High Density. The Plan recommends the policies of the Office/Research park (OFF/RP) as appropriate to implement the C-1 District

Policies of the RHD designation include:

***RHD 1: Characteristics***

The Residential High Density designation is designed to create opportunities for higher density neighborhoods in both an urban downtown setting and a suburban setting. Within an urban or downtown setting, the designation accommodates higher-intensity residential housing products, such as mid to high-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 (design review process).

***RHD 2: Appropriate Density Range***

Possible densities under this designation are 19 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. High-density neighborhoods should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods. In a more urban or downtown setting, residential high density may be combined with active non-residential uses in a vertically mixed-use building.

***RHD 4: Building Massing and Form***

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

***RHD 5: Mix of Uses***

Non-residential uses should generally not exceed 25% of the total floor area in a mixed-use structure.

***RHD 6: Parking Location and Design***

Within an established urban neighborhood, such as the downtown core, adequate off-street parking should be located behind buildings or within mixed-use parking structures.

***RHD 7: Structured Parking***

Structured parking garages, often necessary for this type of development intensity, should be designed with a similar level of architectural detail as the main building. Incorporating active uses, such as retail spaces, into the ground floor is strongly encouraged, particularly in downtown settings.

Applicable policies of the OFF land use include:

***OR 1: Characteristics***

The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, “campus-like” setting. Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17<sup>th</sup> Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.

***OR 2: Location***

Office/Research Park facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access.

***OR 3: Site Layout and Design***

Office/Research Park developments should be organized in a planned, “campus-like” setting that is heavily landscaped. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces

(Note: the Comprehensive Plan is mis-numbered with no policy OR4.)

***OR 5: Unified Architectural Character***

Buildings within an Office/Research Park setting should have a unified architectural character achieved through the use of similar elements, such as rooflines, materials, colors, signage, landscaping and screening and other architectural and site layout details.

***OR 6: Common Areas***

Plazas and other common outdoor gathering spaces should be provided as part of the “campus” environment. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces, such as quads, courtyards, patios, or seating areas for employees and visitors.

***OR 7: Circulation and Access***

Building entrances, outdoor gathering spaces, and parking areas shall be linked with clear, direct pedestrian walkways.

***OR 8: Outdoor Storage***

The functions of an Office/Research Park facility should generally be completely contained within buildings. Accessory outdoor storage facilities typically should be of a limited nature and

completely screened.

The proposed rezoning to C-1 District does not conform to the RHD land use recommended by the Comprehensive Plan; however, the site's location with respect to streets providing access, separation from low density residential neighborhoods, and buffering of those low density neighborhoods by surrounding high density uses and existing C-1 District to the north, generally support the rezoning. The proposed C-1 District would be an appropriate fit in the neighborhood and generally conform to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The church was built around 1986 to 1987.

October 11, 1976	Manhattan Urban Area Planning Board approved Preliminary Plat of the Candlewood Addition.
January 15, 1980	Annexation
January 15, 1980-Present	Rezoning to R-2 District
January 14, 1980	Manhattan Urban Area Planning Board approves Final Plat of the Bristow Addition, Unit One.
February 5, 1980	City Commission accepts rights-of-ways and easements.

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

The C-1, Restricted Business District is designed to provide for non-retail commercial, and business and professional activities adjacent to arterial and collector streets. The district is intended to be compatible with adjacent residential districts.

The rezoning site is bounded by wide public streets and a multiple family apartment complex. The rezoning site mirrors a generally similar condition to the north. The area to the north consists of a C-1 District, which adjoins a residential townhome complex.

**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 relative gain to the public that denial would accomplish compared to the hardship to the applicant.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public facilities and services are available to serve the site. The collector width portions of Candlewood Drive and Gary Avenue streets adjoining the site are intended to serve traffic movements between the arterial, Seth Child Road, and the neighborhood width streets for access to abutting property. Traffic is controlled at Candlewood Drive and Gary Avenue intersection by a roundabout and at Seth Child Road by stop signs.

Seth Child Road is a divided four lane highway approximately 215 feet in width. Gary Avenue

and Candlewood Drive are designated as local streets in the Manhattan Area Transportation Study, but are platted as collector width streets, both 80 feet in width for those parts of the street adjoining the site. Gary Avenue is platted 80 feet in width from the intersection of Candlewood Drive and Gary Avenue to Seth Child Road and narrows to 60 feet west of Candlewood Drive and Gary Avenue as the street extends into low density neighborhoods. Candlewood Drive is platted 80 feet in width from Candlewood Drive and Gary Avenue intersection to Candlewood Drive and Englewood Street intersection and widens from the intersection to Kimball Avenue intersection to approximately 115 feet in width. North of Candlewood Drive and Gary Avenue intersection, Candlewood Drive narrows to 60 feet in width to serve low density residential neighborhoods.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Lot 4, Bristow Addition, Unit One, generally located at the First Assembly of God Church, 2310 Candlewood Drive, from R-2, Two-Family Residential District, to C-1, Restricted Business District

### **ALTERNATIVES:**

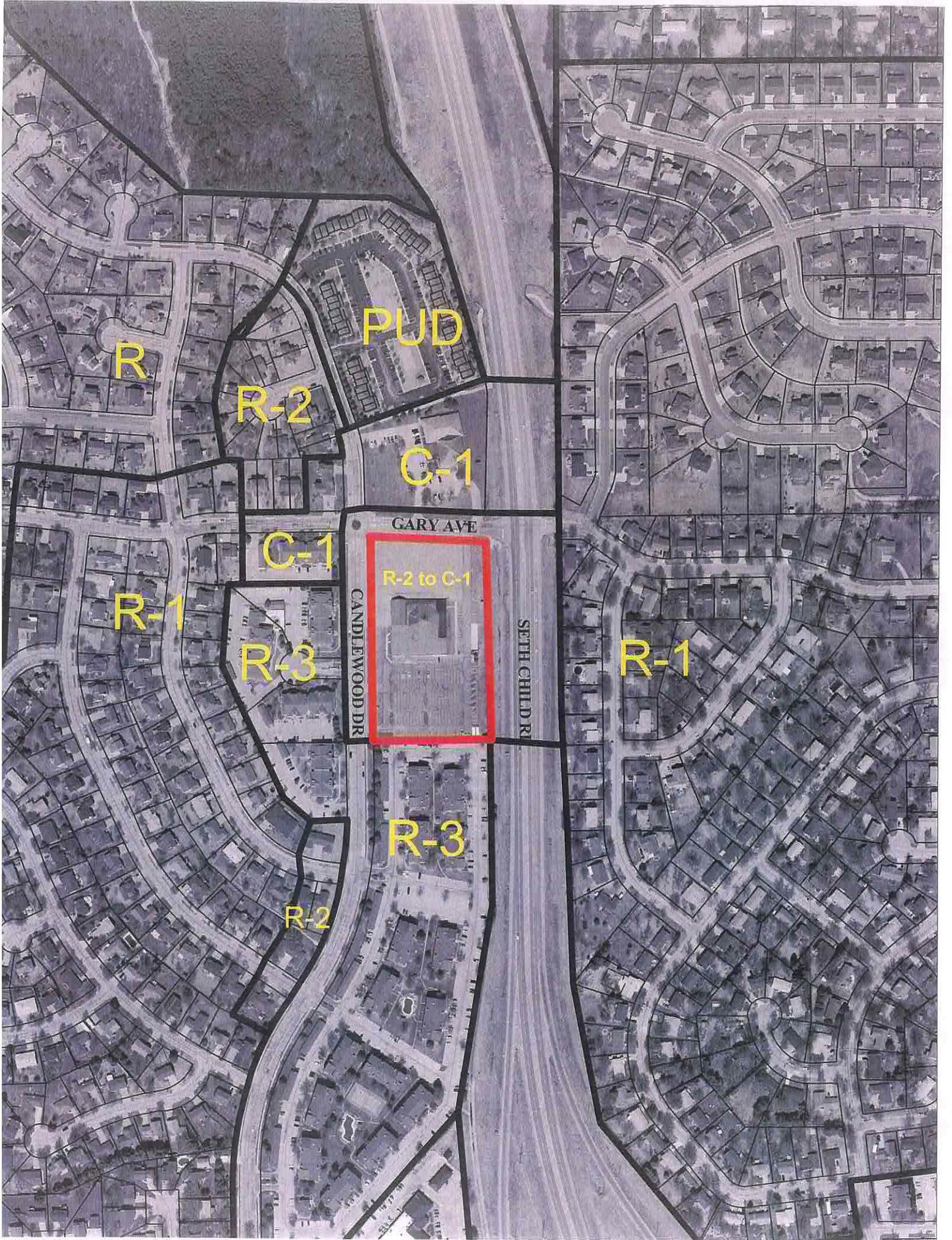
1. Recommend approval of the proposed rezoning of Lot 4, Bristow Addition, Unit One, generally located at the First Assembly of God Church, 2310 Candlewood Drive, from R-2, Two-Family Residential District, to C-1, Restricted Business District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

### **POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning Lot 4, Bristow Addition, Unit One, generally located at the First Assembly of God Church, 2310 Candlewood Drive, from R-2, Two-Family Residential District, to C-1, Restricted Business District, based on the findings in the Staff Report.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** April 1, 2008  
08019



R

PUD

R-2

C-1

GARY AVE

C-1

R-2 to C-1

R-1

R-3

CANDLEWOOD DR

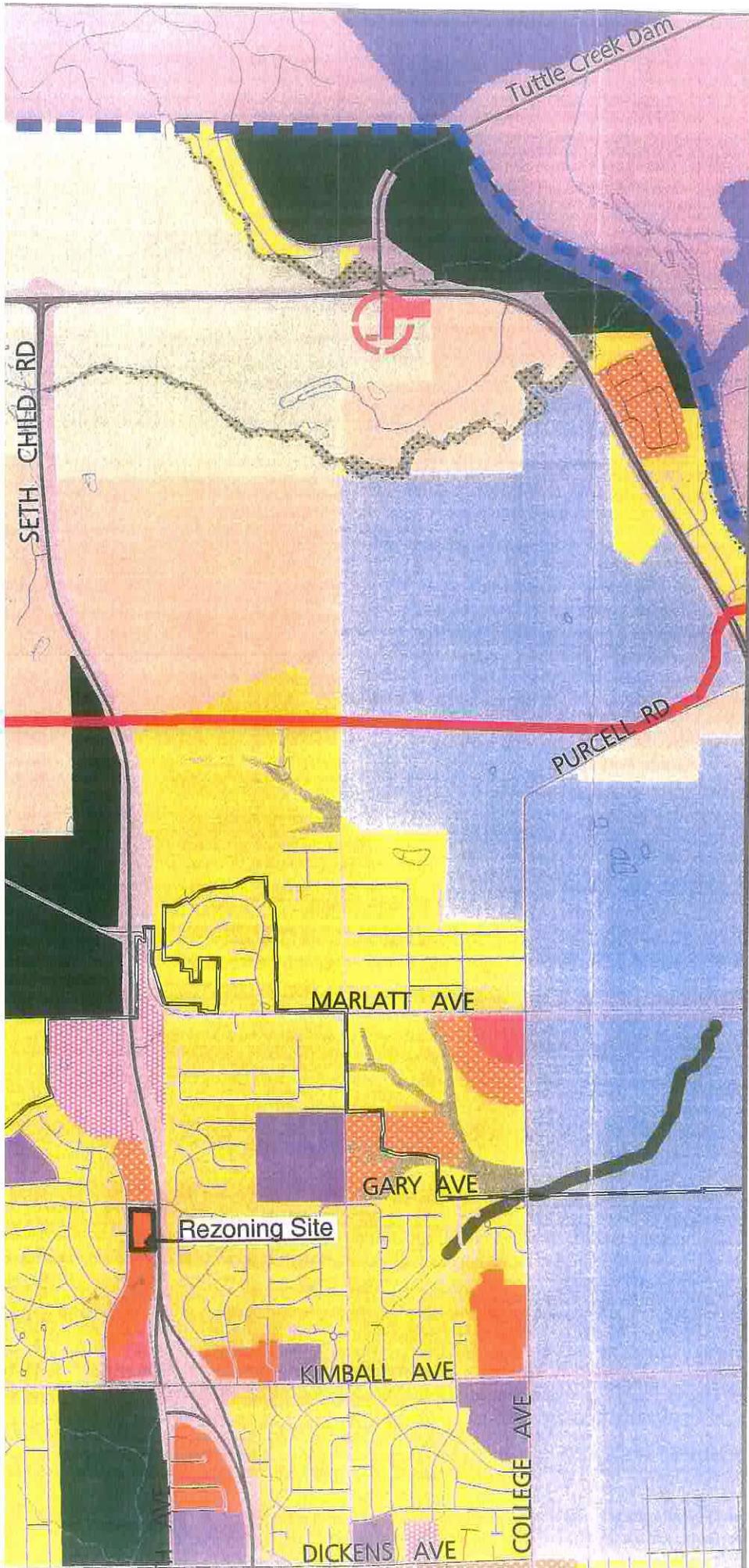
SETH CHILD R

R-1

R-3

R-2

# Northwest Planning Area FUTURE LAND USE



- Residential**
- Rural Residential
  - Rural Residential
  - Low/Medium Density
  - Medium/High Density
  - High Density

\*Note: Hatched areas of rural residential are presumed to remain at rural densities defined in subarea plans if City services are not extended. These areas could be developed to urban densities if City services are extended.

- Commercial**
- Central Core District
  - Community Commercial
  - Neighborhood Commercial
  - Future Community Commercial Center
  - Future Neighborhood Commercial Center

- Industrial/Office**
- Industrial
  - Office-Research Park

- Public/Institutional**
- Parks and Recreation
  - Preserved Open Space
  - Public/Semi-Public
  - Kansas State University

- Agriculture
- Environmentally Sensitive Areas\*
- Flood Hazard Area\*\*
- Streams/Weilands
- Manhattan City Limits
- Study Area Boundary
- Urban Service Area Boundary
- County Line

\*Environmentally Sensitive Areas are those areas that were identified

PART 2. COMMERCIAL DISTRICTS



4-201. C-1. Restricted Business District. This district is designed to provide for non-retail commercial, and business and professional activities adjacent to arterial and collector streets. This district is intended to be compatible with adjacent residential districts.

(A) Permitted Uses.

- (1) Banks and financial institutions, including drive-in type.
- (2) Business and professional offices.
- (3) Churches, chapels, temples and synagogues.
- (4) Cultural facilities.
- (5) Governmental buildings.
- (6) Mortuaries and funeral homes.

(B) Conditional Uses.

- (1) Bed and Breakfast Homes.
- (2) Bed and Breakfast Inns.
- (3) Group Day Care Centers and Nursery School.
- (4) Research facilities.
- (5) All permitted uses in the R-3 District, except home occupations, provided they shall be governed by the R-3 District Regulations.

(C) Lot Size Requirements.

- (1) Minimum lot area: 15,000 square feet in area.
- (2) Minimum lot width: 100 feet.
- (3) Minimum lot depth: 150 feet.

(D) Bulk Regulations.

- (1) Maximum structure height: Thirty (30) feet.

- (2) Yard requirements:
  - (a) Minimum front yard: Twenty-five (25) feet on all sides abutting a street.
  - (b) Minimum side yard: Eight (8) feet on each side.
  - (c) Minimum rear yard: Twenty-five (25) feet.
  - (d) Maximum lot coverage: Thirty (30) percent.

(E) Use Limitations.

- (1) Storage activities associated with a business or professional use shall be limited to storage that supports the daily activities occurring within the business or professional office environment.
- (2) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
- (3) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that share a common boundary with property, except public rights-of-way, in a residential district.
- (4) For each zoning lot, there shall be only one curb cut permitted on an arterial street. Such curb cut shall not be greater than twenty-four (24) feet in width for each 100 feet of street frontage.
- (5) No drive-in establishments are permitted, except those specifically listed.
- (6) Bed and Breakfast Homes.
  - (a) Inspections: Bed and Breakfast Homes shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
  - (b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.

(7) Bed and Breakfast Inns.

- (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than the overnight guests of the Inn, may be considered by the Board of Zoning Appeals as part of the Conditional Use Permit review, provided that adequate off-street parking, and other facilities, are available, and that the functions offered to non-overnight guests terminate no later than 10 P.M.
- (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.
- (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
- (d) Licensing: A city lodging license and a food establishment license shall be required.

# First Assembly of God Rezoning Proposal

## *Planning Board & City Commission Considerations*

Per the City of Manhattan’s guidelines and application for rezoning, we, First Assembly of God, present the following considerations for the proposed rezoning of our property (Lot 4, Bristow Addition Unit 1):

- (a) ***Proposed zoning district and land uses to be established*** – Currently we are zoned R2. We request that our zoning be changed to C1. Our general land use will not change. We are not adding to our property, nor are we changing the nature of business and activity occurring therein. The change will enable our ministries to expand fundraising efforts, namely a retail fireworks tent. It will also expand our marketability to future buyers, should we need to sell and/or relocate.
- (b) ***The existing use of the property*** – The existing use of the property is for our church.
- (c) ***The physical and environmental characteristics of the property*** – The property measures 604.17’X340.30’X589.96’X340.00’. It has two curb cuts on the west side along Candlewood Drive. The northern portion of the lot (191’) is grass, the remainder consumed by our building (153’X156’) and asphalt parking lot.
- (d) ***The zoning and land uses of nearby properties*** – The property to the north is zoned C1 and is used for Farm Credit Services. To the west and south, the properties are zoned R3 and are used for Cambridge Square Apartments and Westchester Apartments.
- (e) ***The suitability of the subject property for the land uses to which it is restricted under current zoning*** – The property is well suited for our church, and is listed as a suggested use for the R2 designation (and also for C1).
- (f) ***The character of the neighborhood*** – It is a medium to high density residential neighborhood with appropriate services located nearby.
- (g) ***The compatibility of the proposed zoning district with nearby properties and the extent to which it may detrimentally affect those properties*** – A change to C1 would maintain current compatibility with nearby properties. Farm Credit, adjacent to the north, is currently C1. As can be reasonably be determined, there will be no detrimental effects on surrounding properties as our land use will not change, with the exception of a retail fireworks tent in July. We are a church in R2, and will still be a church in C1.
- (h) ***The conformance of the requested change to the adopted Comprehensive Plan for the City of Manhattan*** – Currently, the Comprehensive Plan lists the existing land use as “High Density Residential” and “Institutional.” The future land use as described by the Comprehensive Plan is “High Density Residential.” Since R3 uses (multiple residential units, apartment buildings, etc.) are listed as conditional uses in a C1 district, it would be in accordance with the Comprehensive Plan. Furthermore, section HN6 in Chapter 9 of the Comprehensive Plan (Housing and Neighborhoods) states “The City and County shall identify and foster initiatives to maintain or enhance the quality of life in existing neighborhoods throughout

# First Assembly of God Rezoning Proposal

## *Planning Board & City Commission Considerations*

the Manhattan Urban Area.” To assist us, a church, in our endeavors *is* to foster the quality of life in our neighborhood. Additionally and more specific to this application, allowing us to sell fireworks adds to family fun during our already spectacular summer activities (another plus for quality of life in our neighborhood).

- (i) The zoning history of the subject property and the length of time it has remained vacant as zoned – Lot is not vacant. It has been R2 at least as long as we have owned it (20+ years).
- (j) ***Whether the proposed district would be consistent with the intent and purpose of the zoning regulations*** – The intent and purpose of the C1 designation is “to provide for non-retail commercial, and business and professional activities adjacent to arterial and collector streets. This district is intended to be compatible with adjacent residential districts.” Furthermore, “churches, chapels, temples and synagogues” are listed as a permitted use of a C1 district. Again, we are not changing the nature of our property. We will still be a church. Also, our lot complies in size and nature with the requirements set forth in the current zoning regulations for a C1 district.
- (k) ***The relative gain to the public health, safety and welfare that denial of the proposed amendment would accomplish, compared with the hardship imposed upon the individual owner that would result from such a denial*** – To deny our request would not provide much gain to the public health, safety, and welfare of our neighborhood. Our fireworks tent site is compatible with all local and state fire regulations. It is arguably safer for fireworks sales than many locations across the city where such sales are currently allowed. On the contrary, if our request is denied we will be significantly hindered from executing a significant fundraiser for our church ministries (selling fireworks will net \$10,000-\$30,000). Alternate locations on the west side are increasingly unavailable. It is important to have a tent at our church as there is currently only one other stand on the west side (compared with 8 to 10 stands in one particular square mile on the east side). As for other considerations, there will be no difference whatsoever as, again, our land use will not change.
- (l) ***Whether adequate sewer and water facilities, streets and other needed public services exist, or can be provided to serve the uses that would be permitted by the proposed zoning district*** – Gross land use will not change. Current levels of public utilities and services are sufficient.
- (m) ***Any additional matters as may apply in individual circumstances*** – We restate that since the gross nature of our property *will not change*, a rezoning of our property from R2 to C1 is more a question of formality than of functionality.



2. **A PUBLIC HEARING TO CONSIDER THE REZONING OF AN APPROXIMATE ACRE 4.5-TRACT OF LAND GENERALLY LOCATED AT THE FIRST ASSEMBLY OF GOD CHURCH AT 2310 CANDLEWOOD DRIVE, FROM R-2, TWO-FAMILY RESIDENTIAL DISTRICT, TO C-1, RESTRICTED BUSINESS DISTRICT. (OWNER: FIRST ASSEMBLY CHURCH OF GOD/APPLICANT: FIRST ASSEMBLY OF GOD CHURCH-BRYAN ELLIOTT)**

Zilkie presented the Staff Report indicating that City Administration recommended approval, based on the findings in the Staff Report.

Rolley opened the public hearing.

Bryan Elliott, 3221 Park Circle, representing the applicant indicated that the use of the property as a church would not change. He said the rezoning will help with fundraising opportunities and make the church in compliance with city requirements.

The Board had no questions and Rolley closed the public hearing with no one else speaking.

Kohlmeier moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of Lot 4, Bristow Addition, Unit One, generally located at First Assembly of God Church, 2310 Candlewood Drive from R-2, Two-Family Residential District, to C-1, Restricted Business District, based on the findings in the Staff Report.

Ham seconded the motion, which passed on a vote of 6-0.

**Project Chronology**  
**First Assembly of God Church**  
**Lot 4, Bristow Addition Unit One**

October 11, 1976	Manhattan Urban Area Planning Board approved Preliminary Plat of the Candlewood Addition.
January 15, 1980	Annexation
January 15, 1980-Present	Rezoned to R-2 District.
January 14, 1980	Manhattan Urban Area Planning Board approves Final Plat of the Bristow Addition, Unit One.
February 5, 1980	City Commission accepts rights-of-ways and easements as shown on Final Plat of the Bristow Addition, Unit One.
April 7, 2008	Manhattan Urban Area Planning Board recommends rezoning of Lot 4, Bristow Addition, Unit One from R-2, Two-Family Residential District to C-1, Restricted Business District.
May 6, 2008	City Commission considers rezoning Lot 4, Bristow Addition, Unit One to C-1, Restricted Business District.

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