

**MINUTES**  
**MANHATTAN BOARD OF ZONING APPEALS**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**Wednesday, March 12, 2014**  
**7:00 PM**

MEMBERS PRESENT: Harry Hardy, Chairperson; Connie Hamilton, Vice-Chairperson; Catherine Lavis; and Angie Danner

MEMBERS ABSENT: Ray Thompson

STAFF PRESENT: Chad Bunger, AICP, CFM, Planner II; Chase Johnson, Planner

**CONSIDER THE MINUTES OF THE JANUARY 8, 2014, BOARD OF ZONING APPEALS MEETING.**

Lavis moved to approve the January 8, 2014 minutes, which passed on a vote of 4-0.

**CONSIDER A REQUEST FOR A 180 DAY EXTENSION FOR APPROVED EXCEPTION TO ALLOW FOR A REDUCTION IN THE MINIMUM REQUIRED NUMBER OF OFF-STREET PARKING SPACES FROM 63 PARKING SPACES TO 3 PARKING SPACES FOR A PROPOSED SELF-STORAGE UNIT BUSINESS ON PROPERTY LOCATED AT 4850 EUREKA DRIVE IN THE I-3/AO, LIGHT INDUSTRIAL DISTRICT AND AIRPORT OVERLAY DISTRICT. (APPLICANT/OWNER: K & M HOLDING)**

Hamilton moved to approve the extension request. Danner seconded the motion which passed on a vote of 4-0.

**A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE TO ALLOW FOR A NEW FACILITY ASSOCIATED WITH A RELIGIOUS ORGANIZATION TO INCLUDE, OFFICES, MEETING ROOMS, AND KITCHEN FOR THE ORGANIZATION MEMBERS; TWO (2) ONE-BEDROOM APARTMENTS FOR STUDENTS ASSOCIATED WITH THE RELIGIOUS ORGANIZATION AND OFF-STREET PARKING LOTS, ALL OF WHICH ARE LOCATED AT 904 SUNSET AVENUE IN THE R-2/UO, TWO-FAMILY RESIDENTIAL DISTRICT WITH UNIVERSITY OVERLAY DISTRICT. (APPLICANT/OWNER: ECUMENICAL CAMPUS MINISTRY – WAIDE PURVIS, CHAIRMAN.)**

**A PUBLIC HEARING TO CONSIDER AN EXCEPTION , TO ALLOW FOR THE REDUCTION OF THE MINIMUM REQUIRED FRONT YARD SETBACK FOR A PROPOSED OFF-STREET PARKING LOT AND SIGHT-OBSCURING SCREENING**

**FROM TWENTY-FIVE (25) FEET TO TEN (10) FEET; AND TO ALLOW FOR THE REDUCTION OF THE MINIMUM REQUIRED SIDE YARD SETBACK FOR THE EXISTING BUILDING AND PROPOSED ADDITIONS TO THE BUILDING FROM FIFTEEN (15) FEET TO TWELVE (12) FEET FOR A NEW FACILITY FOR A STUDENT RELIGIOUS ORGANIZATION LOCATED AT 904 SUNSET AVENUE IN THE R-2/UO, TWO-FAMILY RESIDENTIAL DISTRICT WITH UNIVERSITY OVERLAY DISTRICT. (APPLICANT/OWNER: ECUMENICAL CAMPUS MINISTRY – WAIDE PURVIS, CHAIRMAN.)**

Bunger presented the Exception and Conditional Use staff reports together with recommendation of approval of the items with three (3) conditions.

Hardy opened the public hearing.

David Jones, applicant, expressed his appreciation to the staff and said that he was present to answer any questions.

Hardy expressed his appreciation for the efforts of Ecumenical Campus Ministry.

Hamilton asked what the deck will be used for.

Jones said that the deck will be used for outdoor grilling and to hold small gatherings.

Hamilton expressed her appreciation for the proposal.

Hardy closed the public hearing.

Hamilton said that the staff report needs to be corrected to read the exception request appears to be reasonable instead of unreasonable.

The Board made the following findings of fact for the Conditional Use at 904 Sunset Avenue.

**PRESENT USE:** Eight (8) unit apartment building

**STANDARDS FOR A CONDITIONAL USE**

**A. Compliance with all applicable regulations:** The existing eight (8) dwelling apartment building is nonconforming to the R-2/UO, Two-Family Residential District and University Overlay District. This use is proposed to be removed. The application site plan shows a sixteen (16) stall, off-street parking lot that is to be located approximately ten (10) feet from the front property line along Hunting Avenue. The applicant has submitted an Exception to reduce the front yard setback from twenty-five (25) feet to ten (10) feet for the proposed off-street parking lot. The location of the existing structure is approximately thirteen (13) feet from the north property line. A Conditional Use in the R-2 District is required to provide a minimum fifteen (15) foot side yard setback. This Exception has been requested. *(Please see*

*Exception staff report for more information*). Other than this condition, the subject site and the proposed use complies with all applicable regulations.

**B. Probable effect on adjacent properties:** The subject site and properties to the immediate north, south and west are zoned R-2/VO, Two-Family Residential District and University Overlay District. To the east and southeast are properties zoned R-M/VO, Four-Family Residential District and University Overlay District. To the north and northeast area properties zoned R-3/VO, Multiple-Family Residential District and University Overlay District. To the southwest are properties that are zoned R, Single-Family Residential District. To the northwest are properties with the R-M/VO District designations.

The general neighborhood is comprised of a mix of residential uses, including single-family, two-family, multiple-family, Greek housing, campus ministry and a dormitory. The majority of housing in the area is devoted to rental units for Kansas State University students. An established single-family neighborhood is located to the southwest from the subject site.

The proposed meeting space, business office and apartments for ECM, a religious organization, should have a minimal adverse impact on the surrounding neighborhood. The application documents states the use will “accommodate two private offices for Pastor David Jones and an ECM administrative assistant, a conference room, a gathering space which will accommodate both small group discussions as well as social activities.” The document says “Pastor David Jones and ECM’s sixteen-member student Leadership Team conduct educational and small group discussion meetings on a continual and regular basis and welcome larger groups a few times a month for social activities.” Currently on the subject site is an eight (8) unit, multiple-family dwelling, with a total of ten (10) bedrooms. In regards to the residential component of the proposed use, there will be a reduction in intensity. The building plans shows two (2), one-bedroom apartments. The intensity of the residential element will be less than the existing residential use.

The daily office work and small group meetings should not be an adverse impact on the surrounding neighborhood. The most likely impact to the surrounding neighborhood would be if on-street parking is generated. Hunting Avenue has heavy on-street parking due to its proximity to Kansas State University. The site plans shows an off-street parking lot that will provide sixteen (16) parking spaces. This parking lot should be adequate enough for the day-to-day operations on the site.

The large group meetings held once or twice a month may adversely impact the adjacent properties. These impacts may be in the form of light, noise and traffic to and from the subject site. Assuming that the two (2) residents and the two (2) staff members have vehicles and attend the large meetings; that will leave twelve (12) spaces in the proposed parking lot. Depending on the size of the large meetings, which the applicant has stated could be up to 80 people, the twelve (12) parking spaces will not be adequate to serve the attendees. However, there is the large Kansas State University parking lot to the south of the subject site. Parking is free in this lot in the evenings and on the weekends. The organization is for Kansas State University students, and thus the students will be attending these large group meetings. Most likely, a majority of the meeting attendees will live in the area. In the general neighborhood

are several fraternities and the United Methodist Campus Ministry Center to the northwest. These uses frequently have large group meetings. This type activity is not unusual for the surrounding neighborhood and should generally be tolerated by surrounding properties.

The applicant held an informal neighborhood meeting as part of the Conditional Use application process. The meeting report shows that two (2) neighbors attended the meeting and asked questions the project. The attendees concluded that “it is inevitable that this area will be going through some redevelopment but felt this particular facility was in keeping with the area and neighborhood. They were furthered pleased to learn that the structure will retain the character and appearance of a house. The kind and size of development is the type the neighborhood would support.”

**C. Domination by use over neighboring properties:** The proposed use of meeting space, business office and apartments for the Ecumenical Campus Ministry, a religious organization, should not dominate over the uses of the neighboring properties.

- 1. Location, nature, and height of physical improvements:** The proposed structure will be two-stories tall or approximately twenty (20) foot in height, with traditional home design. The building footprint will be 2,352 square feet, with over 990 square feet of covered and uncovered porches. The main floor will be accessed from the east via a new sidewalk leading to Sunset Avenue and to the east from the off-street parking lot. The second floor will be accessed by an exterior stairway and landing on the east side of the structure.
- 2. Landscaping and screening:** The site plan submitted with the application documents show a typical residential lawn area with existing mature trees.

The proposed off-street parking lot requires sight obscuring screening from the adjacent properties to the north and east. The site plans shows that a six (6) foot screening fence will be installed, as required.

**D. Adequate provision of parking and loading:** A minimum of sixteen (16) off-street parking spaces are required for the proposed use of a mix of residential uses and office space. This was derived by using the parking requirement for the apartment as two (2) spaces for the one (1) bedroom unit (2, 1 bedrooms units = 4 spaces) and the parking requirements for businesses as one (1) space per 200 square feet of floor area (2,352 square feet of floor area on the main floor/ 200 = 12 spaces).

Sixteen (16) parking spaces are provided on the site plan. An Exception request has been made to reduce the minimum required twenty-five (25) foot front yard setback to ten (10) feet along Hunting Avenue to accommodate the proposed parking lot (*see Exception staff report for details*). As previously stated, ECM has large group meetings once or twice a month, which can have attendance of up to 80 students. The amount of off-street parking on the subject site will not be adequate if all of the large group meeting attendees drive to the subject site. The application documents states that many of these students live in the area or have on-campus parking space, implying that they will generally walk to the subject site for these

meetings. In addition, there is a large University parking lot to the south of the subject site that would have available free parking after 5:00 pm and on the weekends. Considering these factors, adequate provisions for off-street parking is provided.

**E. Adequate provision of drainage, and other public utilities:** The site plans shows that that site will be graded so that stormwater runoff will sheet flow to Hunting Avenue to the south, where it will be managed by the City's stormwater sewer system.

Public water, sanitary sewer and other public utilities are present and adequate for the proposed use.

**F. Adequate provision of access:** Access to the off-street parking lot will be off of Hunting Avenue, a local residential street. The one (1) way driving aisle will exit onto Sunset Avenue, generally where an existing curb cut is located. Both access points are set back appropriate from the intersection of Sunset Avenue and Hunting Avenue. Sidewalks are present on both sides of Hunting Avenue and a new sidewalk is to be installed along Sunset Avenue. Access to the subject site is adequate.

Hamilton made a motion to approve a Conditional Use to allow for a new facility associated with a religious organization consisting of two, one-bedroom apartments, a dining facility for the occupants and organization members, offices and meeting rooms, and off-street parking lots, all of which are located 904 Sunset Avenue in the R-2/UO, Two-Family Residential District with University Overlay District, with the following conditions of approval:

1. The Conditional Use shall apply to the facility associated with the religious organization as outlined in the application documents and site plans.
2. The subject site shall be constructed as proposed.
3. The Exception to reduce the front yard setback along Hunting Avenue and side yard setback for the existing building shall be approved.

Lavis seconded the motion, which passed by a vote of 4-0.

The Board made the following findings of fact for the Exception at 904 Sunset Avenue.

**PRESENT USE:** Eight (8) unit apartment building

**COMPLIANCE WITH ALL APPLICABLE REGULATIONS:** The existing eight (8) dwelling apartment building is nonconforming to the R-2/UO, Two-Family Residential District and University Overlay District. This use is proposed to be removed. The application site plan shows a sixteen (16) stall, off-street parking lot that is to be located approximately ten (10) feet from the front property line along Hunting Avenue. The applicant has submitted an Exception to reduce the front yard setback from twenty-five (25) feet to ten (10) feet for the proposed off-street parking lot. The location of the existing structure is approximately thirteen (13) feet from the north property line. A Conditional Use in the R-2 District is required to provide a minimum fifteen (15) foot side yard setback. This Exception has been requested. *(Please see Exception staff report for more information).* Other than this condition, the subject site and the proposed use complies with all applicable regulations.

**PROBABLE EFFECT ON ADJACENT PROPERTIES:** The subject site and properties to the immediate north, south and west are zoned R-2/VO, Two-Family Residential District and University Overlay District. To the east and southeast are properties zoned R-M/VO, Four-Family Residential District and University Overlay District. To the north and northeast area properties zoned R-3/VO, Multiple-Family Residential District and University Overlay District. To the southwest are properties that are zoned R, Single-Family Residential District. To the northwest are properties with the R-M/VO District designations.

The general neighborhood is comprised of a mix of residential uses, including single-family, two-family, multiple-family, Greek housing, campus ministry and a dormitory. The majority of housing in the area is devoted to rental units for Kansas State University students. An established single-family neighborhood is located to the southwest from the subject site. The location of the proposed off-street parking lot should not adversely impact adjacent properties. Currently on the subject site is a gravel parking lot accessed off of Hunting Avenue. The existing parking lot is approximately fifteen (15) feet from the front property line, which encroaches into the minimum setback. Other properties along Hunting Avenue encroach into the front yard setback with either the house or an off-street parking lot. These are all nonconforming conditions.

In addition, the subject site is located on the outside of the curve on Hunting Avenue, giving the appearance that it will be set further back than it actually is.

The minimum number of required off-street parking is sixteen (16) spaces for the mix of residential, business and meeting space. The applicant has provided the minimum number of off-street parking spaces.

The Exception request for the side yard setback is to address the location of the existing structure and the change of use. In the R-2 District, a structure with a residential use is required to have at least an eight (8) foot side yard setback. The building is located approximately thirteen (13) feet from the north property line. As a Conditional Use, the minimum side yard setback is fifteen (15) feet. This wider setback is to provide an added buffer between the conditional use and adjacent properties. The proposed Conditional Use appears to have minimal impacts on adjacent properties. The Conditional Use staff report outlines why it appears that the use will not impact the adjacent properties (*see staff report*). A six (6) foot screening fence is proposed on the north property line, which should minimize the impacts of the use and the driving aisle to the adjacent properties.

Considering these factors, the Exception request should not adversely impact the adjacent properties.

**EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE:** The applicant has created a parking lot design that will provide for one-way traffic. Without the driving aisle existing onto Sunset Avenue, the drivers would need to back out of the parking lot onto Hunting Avenue. This creates a safer condition internal to the parking lot and also in Hunting Avenue.

The location of the off-street parking in the front yard setback and existing structure in the side yard setback will not impact platted easements or any vision triangles created by the driveway and the street.

**THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED:**

The strict application of the front yard setback for the off-street parking lot would prohibit any parking within twenty-five (25) feet of the front property line along Hunting Avenue.

Based on the proposed use, a minimum of sixteen (16) off-street parking spaces are required. The applicant has proposed a parking lot plan with a one-way driving aisle from Hunting Avenue to Sunset Avenue. This design will improve traffic safety within the parking lot and on the adjacent roads. The site plan and the design of the off-street parking lot has two (2) of the required spaces located approximately fifteen (15) feet into the front yard setback, in addition two (2) other spaces are approximately five (5) feet into the front yard setback. To bring the parking lot into compliance the parking lot would need to be re-designed so all spaces are located behind the setback line; the building would need to be re-designed to require less parking; an Exception to reduce the required off-street parking would need to be approved; or the Exception request to reduce the front yard setback would need to be approved.

Considering that the applicant is proposing to provide a parking lot that will be safer when compared to a parking lot requiring the drivers to back out onto Hunting Avenue; it appears that the strict application of the front yard setback regulation is unreasonable. The proposed parking lot design meets the minimum off-street parking requirements for the mix of uses and provides a safer driving condition.

The Exception request to reduce the side yard setback of the existing structure for the proposed use appears to be reasonable. Other than not to grant the Conditional Use for the proposed use; there does not appear to be a solution that avoids the Exception request. The existing house cannot easily be moved or altered to comply with the minimum fifteen (15) foot side yard setback.

Hamilton made a motion to approve an Exception to allow for the reduction of the minimum required front yard setback for a proposed off-street parking lot and sight-obscuring screening from twenty-five (25) feet to ten (10), and for the reduction of the minimum fifteen (15) foot side yard setback for a new facility for a student religious organization at 904 Sunset Avenue in the R-2/UO, Two-Family Residential District with University Overlay District, with the following conditions of approval:

1. The Exception shall apply to the facility associated with the religious organization as outlined in the application documents and site plans.
2. The subject site shall be constructed as proposed.
3. The Conditional Use to allow the student religious organization shall be approved.

Lavis seconded the motion, which passed by a vote of 4-0.

**A PUBLIC HEARING TO CONSIDER AN EXCEPTION TO ALLOW FOR THE REDUCTION OF THE MINIMUM REQUIRED SIXTY (60) FOOT FRONT YARD SETBACK FOR AN ACCESSORY STRUCTURE ALONG FIRETHORN LANE TO FORTY (40) FEET FOR A PROPOSED DETACHED GARAGE LOCATED AT 200 FIRETHORN DRIVE IN THE R, SINGLE-RESIDENTIAL DISTRICT. (APPLICANT: DJ CARPENTER BUILDING SYSTEMS OWNER: MARK SHIELDS)**

Johnson presented the staff report with recommendation of approval of the items with three (3) conditions.

Hamilton asked for clarification on the required setback for the proposed detached garage. Johnson said that the detached garage is an accessory structure and that is the reason for the required setback.

Hamilton asked if there were any conditions or covenants in the subdivision that would restrict the proposal. Johnson said that he would let the applicant answer the question regarding conditions.

Hardy opened the public hearing.

Mark Shields, applicant, said that there are no conditions that would restrict the detached garage as proposed. He then said that the open yard on the subject property will be landscaped and maintained in good condition.

Hardy closed the public hearing.

The Board made the following findings of fact for an Exception at 200 Firethorn.

**PRESENT USE:** Vacant Lot

**COMPLIANCE WITH ALL APPLICABLE REGULATIONS:** The subject site complies with all applicable regulations, other than for what the Exception requests are for.

**PROBABLE EFFECT ON ADJACENT PROPERTIES:** The proposed detached garage should not adversely impact adjacent properties. The subject site and surrounding properties are zoned R, Single-Family Residential District. The area is a relatively new residential development with several lots either vacant, under construction or developed with new single-family homes. Combined the two lots total approximately 30,901 square feet, allowing for sufficient open space for the proposed addition. The residential properties that would be impacted the most by the proposed garage are located to the direct south and to the southeast across Firethorn Drive.



Currently, the property to the south is a vacant lot that is likely to develop in the near term. Once the lot is developed the proposed detached garage should not encroach into the line of site of the adjacent property. The property to the southeast is approximately one-hundred twenty-two (122) feet from the proposed location of the detached garage and is oriented to the north, facing Moosewood Circle.

**EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE:** Minimal adverse affects on the general health, safety or welfare of the public is anticipated. The proposed garage will not encroach in any utility easements or vision clearance triangles on the property.

**THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED:** The strict application of the front yard setback would prohibit the construction of the detached garage as proposed. The garage could be built to fit outside of the required front yard setback but the reduction would allow for improved access from the existing driveway as stated in the application.

Considering these factors and that the proposed detached garage will not impact adjacent properties or the general public, the strict application of the regulations appear to be unreasonable.

Lavis made a motion to approve an EXCEPTION under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow for the reduction of the minimum required sixty (60) foot front yard setback for an accessory structure along Firethorn Lane to forty (40) feet for a proposed detached garage in the R, Single-Residential District with the following conditions of approval:

1. The Exception request shall be limited to the proposed detached garage as explained in the application and shown on the site plan.
2. The subject site shall be developed as proposed.
3. All applicable permits shall be obtained.

Danner seconded the motion, which passed by a vote of 4-0.

**A PUBLIC HEARING TO CONSIDER AN CONDITIONAL USE TO ALLOW FOR A TELECOMMUNICATION FACILITY TO BE CONCEALED WITHIN A CHURCH BELL TOWER AND ACCESSORY GROUND EQUIPMENT AT 2900 KIMBALL AVENUE IN THE R, SINGLE-FAMILY RESIDENTIAL DISTRICT. THE BELL TOWER IS PROPOSED TO BE INCREASE TO A HEIGHT OF APPROXIMATELY SIXTY-SEVEN (67) FEET. (APPLICANT: AT & T MOBILITY REPRESENTED BY SSC OWNER: ST. THOMAS MOORE CATHOLIC CHURCH - GEORGE FITZSIMONS)**

Hardy recused himself from the agenda item.

Johnson presented the staff report with recommendation of approval of the item with two (2) conditions.

Hamilton asked if the staff was certain that the criteria regarding the telecom structure was satisfied. Johnson said that the applicant has shown the need for the proposal and has satisfied the criteria.

Bunger clarified the reasons why the criteria was satisfied by the proposal.

Hamilton opened the public hearing.

Jerrod Foutes, applicant, discussed the proposal and said that the project is needed based on the coverage maps. He then talked about the stealth qualities of the proposal and said the structure should not have a visual impact on adjacent properties.

Ryan Norton, 2019 North Pointe, said he was concerned with the height of the bell tower extension blocking the views from his residence.

Larry O'Donnell, 2823 Kelly Drive, asked about noise the facility would make and discussed his thoughts on the church making money on the project.

Foutes said that the facility will not make any noise and that they went as low as they could for the needed coverage.

Hamilton asked if the associated equipment will make noise. Foutes said the equipment does make a little noise but would not be heard from off the subject property.

Hamilton closed the public hearing.

Danner expressed her support for the project

Lavis said that the proposal was creative and that she supports the project.

The Board made the following findings of fact for the Conditional Use at 2900 Kimball Avenue.

**PRESENT USE:** St. Thomas More Church

**COMPLIANCE WITH ALL APPLICABLE REGULATIONS:** The subject site complies with all other applicable regulations, other than for what the Conditional Use requests are for.

**PROBABLE EFFECT ON ADJACENT PROPERTIES:** The subject property is located in an established residential neighborhood in the northwest area of the City. The subject property and properties to the south across Kimball Avenue are located in the R, Single-Family Residential District. The properties to the direct east and north of the subject property are located in the North Point Residential PUD. Properties to the west along Shirley Lane Drive are zoned either R-2, Two-Family Residential District or R-3, Multi-Family Residential.

No adverse effects on adjacent properties are expected as the telecommunications structure will be concealed within the proposed bell tower extension and will not be visible. The associated equipment will be visually screened by a proposed eight (8) foot high wall that will be constructed to match the existing structure. Four (4) evergreen junipers are proposed to be planted along the southeast face of the ground equipment structure that will also help visually screen the equipment area from adjacent properties. The proposed twenty-three (23) foot extension to the bell tower will not visually impact adjacent properties. The nearest residences to the bell tower are approximately 270 feet to the east, 225 feet to the south, 400 feet to the west, and 450 feet to the north; thus providing sufficient visual separation from adjacent properties.

The Telecommunication Act of 1996 sets five (5) limitations on state or local authority in regards to regulating wireless telecommunications facilities. The Act of 1996 amended Title 47 of the United States Code (U.S.C.) Section 332(c)(7)(B)(iv) as follows:

“No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions”.

**DOMINATION BY USE OVER NEIGHBORING PROPERTIES:**

**1. LOCATION, NATURE, AND HEIGHT OF PHYSICAL IMPROVEMENTS:** The proposed telecommunication facility will be concealed within a bell tower that will be approximately sixty-seven (67) feet in height. The bell tower structure will contain three (3) UMTS antennas and three (3) LTE antennas that will not be visible from outside the bell tower. Currently, the bell tower is set back approximately one-hundred (100) feet from the south property line along Kimball Avenue, three-hundred and fifty-eight (358) feet from the west property line along Shirley Lane, and two-hundred seventy-two (272) feet from the east property line. These distances will not increase with the proposed improvements. The applicant is also proposing to place associated equipment within a 12-foot by 20.41-foot lease area on the southeast side of the existing bell tower. The lease area set to contain the associated equipment is setback one-hundred (100) feet from the south property line along Kimball Avenue. Considering these facts the proposed telecommunication facility should not dominate the surrounding properties.

2. **LANDSCAPING AND SCREENING:** No landscaping or screening is required in the R, Single-Family Residential District. The applicant has proposed to install an eight (8) foot high wall with a six (6) foot access gate at the southeast corner of the bell tower to screen the associated equipment. Evergreen junipers are proposed to be planted along the southeast face of the ground equipment structure that will also help visually screen the equipment area from adjacent properties.

**ADEQUATE PROVISION OF PARKING AND LOADING:** The subject site has existing adequate parking to accommodate the occasional maintenance vehicles.

**ADEQUATE PROVISION OF DRAINAGE, AND OTHER PUBLIC UTILITIES:** Adequate drainage exists on the site and no additional sewer or water service is required for the proposed facility.

**ADEQUATE PROVISION OF ACCESS:** The site plan shows a proposed twenty (20) foot non-exclusive access easement leading to the ground equipment structure from the southeast parking lot as well as a five (5) foot utility easement leading from the south property line. The easements will provide adequate access to the proposed facility.

**Whether substantial evidence exists to demonstrate that existing or approved telecom structures or antenna support structures are unsuitable for co-location or to serve the proposed service area:** A search Area Request Form (SARF) was developed and issued by AT&T's radio frequency engineering team. Included in the application documents were the propagation maps showing the current network coverage compared to the predicted coverage after the proposed telecommunication facility was installed. According to the propagation maps, the area that the subject site lies within is currently rated fair to good in term of coverage. After implementation of the telecom facility the area is predicted to increase coverage to the excellent range.

**Whether the proposed telecom structure(s) has incorporated a reasonable level of stealth design to minimize the visual impact of the telecom structure(s), given the type of telecom structure and the character of the area in which the structure(s) is proposed to be located:** Stealth design is, "A method of designing, constructing, and/or locating any telecom structure to blend in with the character and environment of the area in which it is located, and to enhance compatibility with nearby land uses and the area by minimizing visual impacts, incorporating the design principles of Article XII, Section 12-114." The proposed telecom structure has incorporated a sufficient amount of stealth design in the proposal. The proposed antennas will not be visible inside of the bell tower and the extension will be duplicated in terms of texture and architectural style. In addition, the associated equipment will be visually screened from the public by a proposed wall and planted evergreens.

Danner made a motion to approve a CONDITIONAL USE under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow for a telecommunication facility to be concealed within a church bell tower and accessory ground equipment at 2900 Kimball Avenue. The bell tower is proposed to be increase to a height of approximately sixty-seven

(67) feet, with the following conditions:

1. The site shall be developed as proposed in the site plan and application documents and shall be maintained in good condition.
2. All applicable permits shall be obtained.

Lavis seconded the motion, which passed by a vote of 3-0-1.

Respectfully submitted by

Chase Johnson, Planner