



MINUTES
MANHATTAN BOARD OF ZONING APPEALS
City Commission Room, City Hall
1101 Poyntz Avenue
Wednesday, July 11, 2018
7:00 PM

MEMBERS PRESENT: Harry Hardy, Chairperson; Angie Danner; Sara Fisher

MEMBERS ABSENT: Connie Hamilton; La Barbara Wigfall

STAFF PRESENT: Carol Davidson, Senior Planner; John Adam, Senior Planner; Shauna Laauwe, Planner II; Lesley Frohberg, Planning Intern

CONSIDER THE MINUTES OF THE JUNE 13, 2018, BOARD OF ZONING APPEALS MEETING.

Danner moved to approve the June 13, 2018 minutes, which was seconded by Fisher, and passed with a vote of 3 – 0.

A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE UNDER THE TERMS OF THE MANHATTAN ZONING ORDINANCE OF THE CITY OF MANHATTAN, KANSAS, FOR THE RENOVATION AND REMODEL OF AN EXISTING LEGALLY NONCONFORMING SIX-UNIT MULTIFAMILY DWELLING IN A R-M/TNO, FOUR-FAMILY RESIDENTIAL DISTRICT WITH TRADITIONAL NEIGHBORHOOD OVERLAY LOCATED AT 417 FREMONT STREET. (APPLICANT/OWNER: FHP PROPERTIES, LLC)

FILE NO. CUP-18-032

Laauwe welcomed new Board member, Sara Fisher. Laauwe presented the staff report, which recommended approval with three conditions.

Hardy opened the public hearing.

Tyler Holloman, 124 South 4th Street, introduced himself as the applicant and gave an overview of the project with a PowerPoint presentation. When talking with the neighborhood there was a lot of interest in maintaining some of the features of the property. Said that the property would maintain the historical nature of the structure. He showed pictures of the existing structures and noted that some of the landscaping is already being improved and that the one lane driveway off of Fremont has already been removed. He described the site plan and the rear parking area that will have sidewalks for the basement units to have access to the parking area. He envisioned that the other four units would utilize the back door to gain access to and from the parking area. He explained the existing basement floorplan and that a majority of the walls will remain the same. No current egress windows are present and will be installed. He stated that the Building Code inspectors have walked through the property and he has discussed his renovations plans

with them. He explained the first and second floor units are the exact same and that he was proposing to incorporate both porches into the kitchens to make the kitchens a little bit bigger. Currently the kitchens are narrow galley style kitchens. Incorporating the porches would not increase the footprint. Porches would be reframed and become part of units one through four. He corrected Laauwe in that the mechanical in the basement would be shared by the basement units, but that the other four units would have their own washer and dryer. Holloman then listed the current property issues with property and structure and the specification sheet of what he planned to do with the property. He stated that his desire was for the apartments to be high-end and showed pictures of proposed lighting, flooring and fixtures. He is trying to keep in line with the unique style of the structure. Holloman showed pictures of proposed landscaping. Holloman listed and talked about the supporting documents that were found to prove the six-unit structure was legally nonconforming and in place before the R-M downzoning.

Fisher asked how many parking spaces he thought were actually being used.

Holloman stated that property is currently vacant, but the past school semester only two of tenants used the parking spaces.

Fisher asked about the neighborhood meeting and what the neighbors thought about the project.

Holloman stated that the neighbors were initially concerned about it and resisted to anyone coming in and changing anything, but the tone quickly changed when they realized that he was not proposing to demolish the structure or add an addition to the back; that he was only renovating the existing structure. He stated that he had personally spoken to three neighbors directly to the north and two neighbors to the east about the project. Holloman stated that the family to the east is owner-occupied and are very excited about the proposed improvements.

Fisher stated that the people in the older neighborhood have been watching the property for a several years and watched it fall apart and the project is exciting to see.

Holloman agreed that it was a neat and unique property.

Fisher stated that she thought the staff report said that he was enclosing in the porches.

Holloman clarified he was not enclosing the front porches that those would be left open as they have unique work across the top. The back porches are already partially enclosed and those would be incorporated into kitchen.

Fisher asked Holloman if he had considered taking out the basement apartments.

Holloman stated yes, from a cost standpoint they could have saved some money by not renovating those, but that there were two issues with closing the basement apartments. First, what would he do with the space besides lock it up and hope nobody breaks a window. The second and biggest issue is that he could not make a return on his investment with only four units.

Fisher asked for clarification that all the units were one bedroom units, but that the basement

units were smaller.

Holloman said yes they are all one bedroom apartments and the basements are smaller as they do not have the porch additions on them.

Hardy remarked that he appreciated the presentation. He is a longtime Manhattan resident and familiar with the area. He appreciated the time and effort that the applicant has put into the proposal.

Hardy closed the public hearing.

Danner stated that this was a building she had watched for years as well. She thinks it is a great renovation and she appreciates that the applicant is keeping it the same and not changing it, just improving the structure.

Fisher asked City Staff if the use had to have twelve parking spaces, could they have ten.

Laauwe stated that the current Zoning Regulations require one bedroom units to have two parking spaces. She stated that the applicant could have applied for an Exception to the number of off-street parking in conjunction with the Conditional Use Permit, but the cost realization and thought did not come about to the applicant until after the hearing had been advertised.

Fisher mentioned that she knew with the Unified Development Ordinance they are talking about reducing parking and encouraging walking.

Laauwe agreed and said that the applicant could come back and ask for a reduction in the minimum required parking spaces, but granting the Conditional Use can let him begin working on the building and come back for an Exception at a later date. Since it was not part of the application before the Board tonight, the parking cannot be reduced.

Danner made the motion to approve a CONDITIONAL USE to allow for the renovation and remodel of an existing legally nonconforming six unit multifamily dwelling in an R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay located at 417 Fremont Street, with the following conditions of approval:

1. The proposal shall be maintained and constructed as explained in the application documents.
2. All applicable permits shall be obtained.
3. An amendment to the Conditional Use Permit shall be required for any future renovations or additions to the structure.

Danner seconded the motion, which passed 3-0.

The Board made the following findings of fact for the CONDITIONAL USE at 417 Fremont:

PRESENT USE: Multiple-Family dwelling unit consisting of six, one-bedroom apartments.

A. COMPLIANCE WITH ALL APPLICABLE REGULATIONS: The proposed renovations and site improvements of the proposed Conditional Use complies with all applicable regulations of the R-M/TNO, Four-Family Residential District.

As it relates to bulk regulations and lot size requirements for a R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay, the proposed Conditional Use meets all the requirements. No additional footprint is proposed to the existing structure. The existing structure has a front-yard setback of 25 feet and a rear-yard setback of 77 feet. The R-M District requires conditional uses to have a greater side-yard setback requirement of 15 feet. The site plan details a west side-yard setback of 20 feet and an east side-yard setback of 26 feet. The lot size requirements for a conditional use in the R-M District is 10,000 square feet with a minimum lot width of 60 feet and depth of 100 feet. The subject site exceeds these requirements with a lot width of 100 feet and depth of 150 feet for a total lot size of 15,000 square feet. Lot coverage of the proposed Conditional Use (16.5 percent) is less than the maximum of 30 percent.

B. PROBABLE EFFECT ON ADJACENT PROPERTIES: Minimal negative impacts on the adjacent properties are expected that would cause substantial injury to the value of other property in the neighborhood. The proposed use will not increase the number of dwelling units on the site. The applicant does not propose an increase to the building footprint of the existing structure that has been in place since 1910. The applicant has proposed improved landscaping and screening to the property and adequate off-street parking in the rear yard.

The area to the north, across Fremont Street, is zoned R-2/TNO, Two-Family Residential District with Traditional Neighborhood Overlay and the 400 block of the Fremont Street is generally owner-occupied single-family and two-family dwellings. The subject property and the surrounding areas to the east, south and west are located within an R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay. Further east, across 4th Street, is a Planned Unit Development developed as the Manhattan Marketplace Shopping Center (Hyvee/Dick's). Further south, on the south side of Osage Street, is a block of C-4, Central Business District that is developed as the Manhattan Mercury offices.

The properties near the subject site are mostly comprised of one and two story single-family and two-family dwellings. The Riley County Appraiser records indicate that the adjacent properties to the west and east are owner-occupied single-family residences. The overall character of the neighborhood is a mix of low- to medium-density residential neighborhood, which is intended by the R-M, Four-Family Residential District.

As required by Conditional Use applications, the property owners held a neighborhood meeting on April 19, 2018 at the Manhattan Public Library. The applicant notified the property owners within 200 feet of the subject site with a meeting notice sent April 9, 2018. The meeting summary, supplied by the applicant, stated five neighbors attended the meeting. The attendees asked several questions regarding lighting in the back alley, the proposed screening, concerns about the size of the off-street parking area regarding possible drainage issues, future property management, and why the property was required to obtain a conditional use. The applicant

responded that he would place motion sensor lighting and that Westar Energy had agreed to put up a street light in the back alley. He explained the height of the proposed screening fence and stated that the parking area was due to the number of required parking spaces for the six units. He provided the neighbors the name of the management company and explained why the legally nonconforming structure needed to come before the Board of Zoning Appeals. The meeting report states that at the end of the meeting, all attendees were in favor of the renovations and improvements.

Another property owner, who was unable to attend the neighborhood meeting, spoke with City staff and the applicant and seemed satisfied with the proposal.

C. DOMINATION BY USE OVER NEIGHBORING PROPERTIES:

1. Location, nature, and height of physical improvements: Except for enclosing the existing porches, the footprint and exterior of the structure will not change. The applicant proposes a full renovation to each of the six units with new wiring, plumbing, and other features to bring the units up to building and fire codes. The two basement units are in the most need of code improvements. The applicant proposes to install a new paved off-street parking area and to remove the existing single-wide driveway.

2. Landscaping and screening: The parking regulations found in Section 7-102(E)(5): Screening: All open off-street parking areas containing more than six parking spaces which are located within 25 feet of adjacent property situated in a residential district, shall provide sight obscuring screening of not less than six feet in height between the parking area and the adjacent residential property. The site plan provided indicates the required screening of the rear-yard parking area and screening around the trash receptacle. The applicant also proposes adding landscaped plantings along the side yard of the parking lot to help soften the area. Lastly, the applicant proposes to remove the existing gravel single driveway located on the west side of the front yard and replace it with grass.

D. ADEQUATE PROVISION OF PARKING AND LOADING: The applicant has proposed adequate off-street parking and loading for the site. The Manhattan Zoning Regulations require in Section 7-103(A)(3)(a), that multiple-family dwellings with one-bedroom dwelling units provide 2 parking spaces per unit. The six, one-bedroom units therefore would require a total of 12 off-street parking spaces. The applicant has proposed to pave a 54'x 54' portion of the rear yard that will accommodate 12 off-street parking spaces that will have access via the south alley. The applicant has also proposed landscaped plantings that will soften the look of the parking area and the intention to provide the required six-foot screening of the parking area along the west and east side property lines. Currently a single-wide driveway and curb cut is located on the west side of the property along Fremont Street that the applicant proposes to abandon and cover with grass. No parking spaces are to be constructed in the front yard along Fremont Street, which is compliant with 7-102(C)(2) of the Manhattan Zoning Regulations.

E. ADEQUATE PROVISION OF DRAINAGE, AND OTHER PUBLIC UTILITIES: Drainage on the site flows to the alley and to the storm sewer along Fremont Street, which is adequate for the proposed use. The off-street parking will pitch to the alley to aid in storm water

run-off. The footprint will not change, but the applicant does intend to install new gutters on the building with multiple down spouts to discharge water evenly. The applicant states that all trees will be trimmed surrounding the overhead utility lines. Water, sewer, and other utilities currently exist on the site and are adequate for the proposed use.

F. ADEQUATE PROVISION OF ACCESS: The subject property has frontage along Fremont Street and off-street parking access via the alley located to the south of the property. The existing gravel parking area located in this southern portion of the property will be replaced with a paved 12 stall off-street parking area that will meet the current zoning regulations. The existing public sidewalk adjacent to the lot along Fremont Street is in good condition and the applicant plans to provide new walkways on each side of the structure that will give access from the existing front sidewalk to the parking in the rear. Adequate access is provided to this site and for the proposed use.

MODIFYING NONCONFORMING USES UTILIZING A CONDITIONAL USE APPLICATION

THE SIZE OF THE ZONING LOT IS NOT INCREASED FROM THAT WHICH CURRENTLY EXIST: The 100-foot by 150-foot zoning lot will remain the same size and configuration.

2. (A) THE CURRENT EXISTING USE DOES NOT HAVE A SIGNIFICANTLY ADVERSE IMPACT UPON EITHER THE SURROUNDING NEIGHBORHOOD OR THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, AND THE PROPOSED MODIFICATIONS, ADDITIONS AND DELETIONS WILL NOT WORSEN SUCH IMPACT: The existing structure was built in 1910 with records of multifamily use since at least 1960. The site has been in disrepair and neglect for several years and the proposed modifications and additions to the site will bring the structure up to fire and building codes. The existing structure has many unique architectural features that bring a unique character to the neighborhood. The proposed modifications will likely have a positive impact to the surrounding neighborhood as the improvements will enhance the site and bring it out of disrepair.

(B) THE CURRENT EXISTING USE DOES HAVE SUCH A SIGNIFICANTLY ADVERSE IMPACT AND GRANTING OF THE PROPOSED MODIFICATIONS, ADDITIONS AND DELETIONS WILL BE MORE LIKELY TO REDUCE OR ELIMINATE SUCH IMPACT THAN A DENIAL OF SUCH PROPOSAL: The existing structure and site are in poor condition. The proposed modifications will bring the structure into compliance with the current building and fire codes. If the application is denied, the site will likely remain in disrepair and tenants will continue to live in poor living conditions, or the existing structure would need to be removed.

3. THE PROPOSED CONDITIONAL USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THESE REGULATIONS, EXCEPT FOR THOSE EXISTING CONDITIONS THAT ARE LEGALLY NONCONFORMING: The proposed conditional use complies with all applicable provisions of these regulations as detailed in Standard A above.

4. THE EXISTING USE CONTINUES IN SUBSTANTIALLY SIMILAR FORM, OR IN A FORM THAT IS ALTERED ONLY TO MAKE IT MORE MODERN OR EFFICIENT. Except for maintenance and cleaning, the applicant does not plan on altering the unique 1910 exterior of the structure. All alterations to the inside of the building to include electrical wiring, are to make the units a more habitable place to live by bringing the interior to modern and more efficient standards.

A PUBLIC HEARING TO CONSIDER AN CONDITIONAL USE UNDER THE TERMS OF THE MANHATTAN ZONING ORDINANCE OF THE CITY OF MANHATTAN, KANSAS, TO ALLOW A TWO-ROOM HOTEL/LODGE WITH A COMMON RECEPTION SPACE TO BE LOCATED WITHIN A C-2, NEIGHBORHOOD SHOPPING DISTRICT, LOCATED AT 3810 VANESTA DRIVE. (APPLICANT/OWNERS: APRE'S COMMERCIAL PROPERTIES, LLC.)

FILE NO. CUP-18-033

Laauwe presented the staff report, which recommended approval with two conditions of approval.

Danner asked when this original building was permitted, what was the use.

Laauwe stated that the applicant is present, but that she believed that the original intended use was a bar. She stated that a bar would be a more intense use.

Hardy opened the public hearing.

Ben Burton, the applicant and co-owner of Apre's Properties, stated that he is not the original developer of the building. He also stated that he is the co-owner of Allure Salon Studios that occupies a 3,000 sq.ft. portion of the adjacent commercial building. The studios opened in March 2018 with 17 individual studios. Burton stated that the originally envisioned as a bar and grill and that it was rated for an occupancy of 79 persons. Proposed plan would reduce the intensity and traffic.

Hardy closed the public hearing.

Danner said it was unique and hope that it is used.

Fisher seconded Danner's comments and hoped it was successful.

Hardy agreed and compared it to a bed and breakfast use. He applauded the applicant for working with City Staff to come up with a use for the property.

Danner made a motion to approve a CONDITIONAL USE to allow a two-room hotel/lodge with a common reception space to be located within a C-2, Neighborhood Shopping District located at 3810 Vanesta Drive, with the following conditions of approval:

1. The hotel and common space/reception area shall be maintained and used as detailed in the application documents and floor plan.
2. All applicable permits shall be obtained.

Fisher seconded the motion, which passed 3 – 0.

The Board made the following findings of fact for the CONDITIONAL USE at 3810 Vanesta Drive:

PRESENT USE: Vacant building

A. COMPLIANCE WITH ALL APPLICABLE REGULATIONS: The proposed Conditional Use complies with all applicable regulations of the C-2, Neighborhood Shopping District.

As it relates to bulk regulations, use limitations and performance standards for a C-2, Neighborhood Shopping District, the proposed Conditional Use meets all the requirements. The subject property exceeds the lot area, the minimum lot width, and the depth regulations. The C-2 District requires 8-foot rear-yard and side-yard setbacks for properties that have a common boundary with property in a residential district. The site plan indicates that the building meets these setback requirements with a rear-yard setback of approximately 22 feet and a side yard setback greater than 40 feet.

B. PROBABLE EFFECT ON ADJACENT PROPERTIES: No adverse effects on adjacent properties is expected. The C-2 District is to serve neighborhoods and the subject property is surrounded by mostly residential uses. As for the uses of the properties near the subject site, to the south, is a R-S, Single-Family Residential Suburban District that is developed as the Colbert Hills Golf Course, to the west is a R-1, Single-Family Residential District developed as the Grand Mere Subdivision, adjacent to the north is part of the same C-2 District tract that is currently undeveloped and further north is an undeveloped R-3, Multifamily Residential District. Directly to the east, across Vanesta Drive, is the Grand Mere Village PUD that is developed as a Homecare and Hospice center while further east is the R-1, Single-Family Cedar Glen subdivision.

The traffic caused by the proposed use will be minimal to adjacent properties. Each hotel room will accommodate two overnight guests, thus a maximum of four overnight guests would be staying at any one time. The maximum occupancy of the common space area is 39 people. It is unlikely that the common space reception/meeting space will be utilize daily.

The applicant envisions that the clients of the small hotel may be friends visiting the area for a golf weekend at Colbert Hills Golf Course, or perhaps a Kansas State University sports game. The applicant is hoping to partner with Colbert Hills Golf Course to park golf carts for guests use in the area to the south between the subject site and the existing golf cart path.

As required by Conditional Use applications, the property owners held a neighborhood meeting on May 17, 2018 at the Colbert Hills Clubhouse. The applicant notified the property owners within 200 feet of the subject site with a meeting notice sent on May 10, 2018. The meeting summary supplied by the applicant, stated one neighbor, representing the Grand Mere Master Association, attended the meeting. The representative expressed interest in egress windows for the overnight rooms and the applicant explained that the Manhattan Code Department would require the windows as part of the build-out of the stone building.

Another property owner, who was unable to attend the neighborhood meeting, wrote a letter supporting the Conditional Use application.

C. DOMINATION BY USE OVER NEIGHBORING PROPERTIES:

1. **Location, nature, and height of physical improvements:** The subject site is tucked in the southwest portion of the lot. The exterior of the building is stone and backs into an existing stone retaining wall that is 20 feet from the south property line. The height of the existing building is 15 feet.
2. **Landscaping and screening:** The existing landscaping blends in with the neighboring Grand Mere landscape. The landscaping consists of rock beds, plants, native grasses and trees.

D. ADEQUATE PROVISION OF PARKING AND LOADING: The Manhattan Zoning Regulations regarding off-street parking in Section 7-103(A)(1) state for hotels that at least two parking spaces; plus one parking space for each rental unit, plus such spaces as are required for restaurants, assembly rooms and affiliated facilities. Section 7-103(C)(10) states that auditoriums, gymnasiums and other places of assembly without fixed seat to have one parking space for each three persons based upon the designated capacity. Private clubs and lodges also have the same one for each three persons designated capacity requirements. Thus, the hotel portion with two rooms would require a total of four parking spaces and the common room, with a maximum occupancy load of 39 persons would require 13 parking spaces for a total of 17 off-street parking spaces required for the proposed use.

The hotel intends to share the existing 52 space off-street parking area with the adjacent 6,000 square foot commercial building located at 3808 Vanesta Drive. The commercial uses at 3808 Vanesta Drive require 30 off-street parking spaces and the hotel with meeting space requires 17 off-street parking spaces, resulting in five more off-street parking spaces than required for the two commercial uses.

E. ADEQUATE PROVISION OF DRAINAGE, AND OTHER PUBLIC UTILITIES:

The site is already built and has met City storm drainage requirements. A 20-foot utility easement spans the south property line and gives access to City water and sewer.

F. ADEQUATE PROVISION OF ACCESS: The subject property has frontage along Vanesta Drive and has adequate access via a shared driveway and off-street parking area with the adjacent 3808 Vanesta Drive site.

A PUBLIC HEARING TO CONSIDER AN CONDITIONAL USE UNDER THE TERMS OF THE MANHATTAN ZONING ORDINANCE OF THE CITY OF MANHATTAN, KANSAS, TO ALLOW A BUILDING ADDITION AND RENOVATION TO AN EXISTING COMMERCIAL STRUCTURE UTILIZED AS A RECYCLING CENTER FOR A PROPERTY WITHIN A I-3, LIGHT INDUSTRIAL DISTRICT LOCATED AT 625 SOUTH 10TH STREET. (APPLICANT: HOWIE'S ENTERPRISES, LLC, OWNER: 625 S. 10TH ST LLC-HOWARD & JOANN WILSON)

FILE NO. EXC-18-034

Laauwe presented the staff report, which recommended approval with three conditions of approval.

Fisher asked if the building had any setbacks.

Laauwe stated no, not in the I-3 District.

Fisher asked if the addition would impact anyone backing out, where they would not be able to see down the alley.

Laauwe stated that the addition would be coming out 20 feet, approximately the length of a parking space and not into the alley, Fair Lane. She stated that the car wash also had access to Fair Lane. She didn't perceive that it would cause problems backing out.

Fisher also noted that she has some concerns about parking as she has been to the business several times and has had a difficult time finding a parking space.

Laauwe indicated that where the addition was located was not typically used for customer parking. That there is additional parking across the street, but that people probably did want the closer spaces to bring in their recycling.

Danner asked if the recycling center had public restrooms.

Laauwe stated that she did not know, but that the applicant and architect was present.

Hardy opened the public hearing.

Marvin Rupe, applicant representative, stated that there are existing restrooms open to the public in the structure. He stated the company vehicles typically park in the area where the addition will be going and is not typically public access. Only time the public parking may extend past the double doors on the north side of the building is perhaps on a busy Saturday.

Heather Peterson, architect for the project, pointed out on the site plan where the public restrooms will be located. She also explained the proposed floorplan of the addition. She stated

that the addition is setback 5 feet from the property line and that there should be plenty of room for backing out maneuvers.

Hardy closed the public hearing.

Fisher stated that she thought it was interesting that they have to keep coming back each time they make a change.

Danner said that she had no problem with granting the Conditional Use.

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 a building addition and renovation to an existing commercial structure utilized as a Recycling Center within an I-3, Light Industrial District located at 625 South 10th Street, with the following conditions:

1. The Conditional Use Permit shall only apply to the existing recycling center and proposed renovations and addition as outlined in the application documents and site plan.
2. Future expansions shall require a new Conditional Use Permit.
3. All applicable permits shall be obtained.

Fisher seconded the motion, which passed 3 – 0.

The Board made the following findings of fact for the CONDITIONAL USE at 625 South 10th Street:

PRESENT USE: Recycling Center

COMPLIANCE WITH ALL APPLICABLE REGULATIONS: The existing building complies with all applicable regulations and previous Conditional Use and Exception conditions of approval.

PROBABLE EFFECT ON ADJACENT PROPERTIES:

- a. **NORTH:** Fair Lane, an alley, followed by a lot developed as Premier Car Wash. Adjacent to the car wash, to the east, is Thomas Sign Company. Fort Riley Boulevard is further to the north. The lots are all zoned LM-SC, Light Manufacturing Service Commercial.
- b. **SOUTH:** Railroad Right of Way followed by residential properties in an R-2, Two-Family Residential District. To the southeast, generally between South 9th Street and South 8th Street, are the Community Garden lots (also zoned R-2).
- c. **EAST:** South 9th Street, followed by four additional lots that are part of the Howie's Recycling operation, followed by South 8th Street. The lots are zoned LM-SC, Light Manufacturing Service Commercial.
- d. **WEST:** South 10th Street, followed by three lots owned by the same owners as Howie's

Recycling. The lots are zoned LM-SC, Light Manufacturing Service Commercial.

The adjacent properties and surrounding area generally consists of repair and service commercial uses, Community Garden lots and several vacant lots. The car wash and sign company to the north and northeast are of a light manufacturing, service character. Additional surrounding properties are either owned by the applicant and used for recycling light industrial use, or are vacant. The railroad right-of-way to the south provides a buffer to the R-2, Two-Family Residential District. Due to similar uses and vacant lots, the proposed Conditional Use Amendment should not have any negative effects on the adjacent properties.

As required by Conditional Use applications, the property owners held a neighborhood meeting on May 24, 2018 at the Howie's Recycling Center. The applicant notified the property owners within 200 feet of the subject site with a meeting notice sent on May 15, 2018. The meeting summary supplied by the applicant, stated one person attended the meeting. The gentleman did not express any concerns about the proposed building addition and was supportive of the conditional use request.

C. DOMINATION BY USE OVER NEIGHBORING PROPERTIES: The recycling center has existed since 1993. In years past, complaints were received about blowing trash from the recycling center, however the exceptions granted and conditions placed on the property in prior years have greatly reduced the amount of debris blowing from the site.

- 1. Location, nature, and height of physical improvements:** The existing building is a fabricated metal building that is approximately 30-feet in height, 226-feet in length, and 120-feet in width. The total square footage of the building is approximately 27,120 square feet. The applicant proposes 2,830 square feet of total improvements that include both interior renovations and a building addition to the east side of the existing metal building. The interior renovations consist of a 29'x35' two-story portion (1,015 sq.ft. per floor) on the east side of the building that will provide four new offices and a bathroom. The proposed building addition will be adjacent and north of the interior remodel and consists of an 800 square foot one-story extension to the structure that would expand 20 feet north and 40 feet to the east. The addition would provide three more offices and two more bathrooms. In total, the 2,830 square feet of improvements would provide 11 offices and three bathrooms. The increased intensity of use should have a minimal effect on neighboring properties as only 800 square feet of footprint is being added to the existing 27,120 square foot structure, and that the proposed improvements are intended for office space. The approximate remaining 25,000 square feet of the structure is unfinished and will continue to be used for dismantling recycled products and storage.
- 2. Landscaping and screening:** Currently, no landscaping is in place on the subject property and none is required with the proposal. A 10,000 square foot outdoor storage area on site is screened by a 140-foot by 100-foot long, 8-foot tall, steel sided fence.

D. ADEQUATE PROVISION OF PARKING AND LOADING: No changes to the existing parking lot will occur with the building addition, as the area is currently utilized as outdoor

storage. The parking regulations require two off-street parking spaces for each 1,000 square feet of floor area. The 800 square foot addition would increase the parking requirement by two spaces, however the site and adjacent properties owned by the recycling center provide more than adequate off-street parking for employees and patrons.

E. ADEQUATE PROVISION OF DRAINAGE, AND OTHER PUBLIC UTILITIES: The utilities and drainage provisions have been in place for a number of years and the proposed improvements should not change the effect on the existing conditions.

F. ADEQUATE PROVISION OF ACCESS: Access is adequate for this site and use. Access is provided via a main South 10th Street entrance to the west, Fair Lane to the north and South 9th Street to the east. The new addition may add to congestion on site as it will partially block an existing throughway from the east end of the property to the South 10th Street access. The streets and alley (Fair Lane), however are adequate and any effect felt by the congestion will be the effect it has on the property itself and business activity.

Hardy adjourned the meeting at 8:06 p.m.

Respectfully submitted by,
Shauna Laauwe, AICP, Planner II