

CERTIFICATION OF CLERK

I, Gary S. Fees, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Minutes were duly adopted at a meeting of the City of Manhattan, Kansas, held on the 16th day of December, 2008, and that said Minutes have been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, this 17th day of December, 2008.





Gary S. Fees, MMC, City Clerk

MINUTES
CITY COMMISSION MEETING
TUESDAY, DECEMBER 2, 2008
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Mark J. Hatesohl and Commissioners Bob Strawn, Bruce Snead, and James E. Sherow were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 45 interested citizens.

PLEDGE OF ALLEGIANCE

Troop #74 led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Hatesohl opened the public comments.

Hearing no comments, Mayor Hatesohl closed the public comments.

COMMISSIONER COMMENTS

Mayor Hatesohl invited the community to attend the annual Mayor's Spirit of the Lighted Holiday Parade on Friday, December 5, 2008, and encouraged everyone to bring a can good for the Flint Hills Breadbasket and enjoy the parade.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held on Wednesday, November 12, 2008, and the Regular City Commission Meeting held Tuesday, November 18, 2008.

CONSENT AGENDA (CONTINUED)

CLAIMS REGISTER NO. 2595

The Commission approved Claims Register No. 2595 authorizing and approving the payment of claims from November 11, 2008, to November 25, 2008, in the amount of \$3,460,200.89.

LICENSES

The Commission approved a Merchant Guard Agency License for calendar year 2009 for *Ree's Contract Service, Inc., 1011 West 105th Street, Overland Park, Kansas*; a Tree Maintenance License for calendar year 2009 for *Brinker Tree Care, Inc., 2907 Jacque Circle; Tree Man-MHK, 2104 Fox Meadows*; a Cereal Malt Beverages License for calendar year 2009 for *Aggieville Pizza Hut, 1121 Moro Street; Tuttle Creek Pizza Hut, 1005 Hostetler Drive; Westloop Pizza Hut, 2931 Claflin Road; K-State Union Corporation, D/B/A K-State Student Union Recreation, 908 K-State Student Union, Kansas State University; and Wal-Mart Supercenter #35, 101 East Bluemont Avenue*; and a Fireworks Display License for December 31, 2008, for *Manhattan Festivals, Inc., 623 North Manhattan Avenue*.

FINAL PLAT – GRAND MERE ADDITION, UNIT THREE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Grand Mere Addition, Unit Three, generally located 1,750 feet north of the intersection of Vanesta Drive and Kimball Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6740 – 2009 SALARY RANGE

The Commission approved Ordinance No. 6740 establishing a new range of salaries for City employees for 2009.

ORDINANCE NO. 6741 – PARKING PERMIT ZONE – 300 AND 400 BLOCKS OF DENISON AVENUE

The Commission approved Ordinance No. 6741 establishing a parking permit zone in the 300 block and 400 block of Denison Avenue.

PURCHASE – PRE-FABRICATED RESTROOM BUILDING – CITY PARK PLAYGROUND AREA

The Commission authorized City Administration to purchase a Pre-Fabricated Restroom Building for the City Park Playground area in the amount of \$40,825.00 from CXT, Inc., of Spokane, Washington, who submitted the lowest bid.

CONSENT AGENDA (CONTINUED)

CHANGE ORDER NO. 2-FINAL – CEDAR GLEN – STREET IMPROVEMENTS (ST0618)

The Commission approved Change Order No. 2 – Final for Cedar Glen Street Improvements (ST0618) resulting in a net increase in the amount of \$12,663.85 (+5.68%) to the contract with Pavers, Inc., of Salina, Kansas.

CHANGE ORDER NO. 1-FINAL – MILL AND OVERLAY-ASHPALT (ST0815)

The Commission approved Change Order No. 1 - Final for the 2008 Mill and Overlay ~ Asphalt (ST0815), resulting in a net increase in the amount of \$13,629.75 (+2.2%) to the contract with Shilling Construction Company Inc., of Manhattan, Kansas.

PROFESSIONAL SERVICES CONTRACT – AIRPORT CONSULTANT

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute the Professional Services Contract with HWS Consulting Group, Inc., of Manhattan, Kansas, for a five-year (2008-2013) airport architectural, engineering, and planning agreement at the Manhattan Regional Airport.

Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA

FIRST READING – REZONE - TECUMSEH LOFTS

Eric Cattell, Assistant Director for Planning, presented the item and answered questions from the Commission.

Kail Katzenmeir, applicant, provided additional background information on the item and informed the Commission of concerns voiced and responses provided to the Manhattan Urban Area Planning Board and several members of the neighborhood regarding the rezoning.

Jeff Hancock, P.E., Sloan, Meier, Hancock, P.A., provided the Commission with additional details regarding the drainage study. He then responded to questions regarding runoff levels, current retaining wall, alternatives identified in the City's Capital Improvements Program, and exposed gas lines.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - TECUMSEH LOFTS (CONTINUED)

Rob Ott, City Engineer, provided background information on the Stormwater Management Master Plan and the Capital Improvements Program that identifies the design of the Tecumseh-Quivera System project.

Jeff Hancock, P.E., Sloan, Meier, Hancock, P.A., elaborated on the map of the project area and informed the Commission of the City's infrastructure investment associated with the Anderson Avenue project.

Lori Molt, 2016 College View, voiced her disapproval of the proposed project based on her concerns that the structure does not fit in with the existing neighborhood; that the structure would change the neighborhood with the proposed PUD and benefit only the developer; lack of parking spaces; and, water drainage issues in the area. She requested that the Commission deny the request and then answered questions from the Commission.

David McNamara, 815 Harris Avenue, voiced concern for properties that he represented along College Heights Road and for the high water experienced in this area during moderate and heavy rains. He asked the Commission to address the issues raised and to deny the request.

Randy Stallbaumer, 2019 Jayfore Road, Seneca, Kansas, informed the Commission that he was a property owner and landlord in the impacted area and showed numerous pictures of areas affected by water and existing drainage issues. He voiced concern with any potential changes to the proposed property and the impact that it may have on his and other properties in the area.

Kail Katzenmeir, applicant, addressed concerns from the neighborhood and informed the Commission that this is an infill project that will not negatively impact other properties based on the studies and improvements that are planned. He then responded to questions from the Commission regarding existing trees on the property and on the existing retaining wall that needs to be improved.

Lori Molt, 2016 College View, provided additional clarification on the proposed parking lot, trees, and trash enclosure being proposed.

Ron Fehr, City Manager, provided additional information on the item and stated that design work could proceed forward on the stormwater project, based on financial forecasts. He then answered questions from the Commission regarding project timeframes and stated that Kansas Gas Service would be made aware of the exposed gas lines.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - TECUMSEH LOFTS (CONTINUED)

Kail Katzenmeir, applicant, informed the Commission that the original Storm Water Master Plan addressed this area and stated that unless his carrying costs were mitigated, he could not delay the project any further.

After discussion, Commissioner Snead moved to override the Manhattan Urban Area Planning Board and approve first reading of an ordinance rezoning Tecumseh Lofts, generally located at 2005 and 2011 Tecumseh Road, from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 1*) and the City Commission Agenda Memo, with the twelve conditions of approval recommended by City Administration and the Manhattan Urban Area Planning Board, and with a new thirteenth condition as follows:

13. The applicant shall work with the adjacent property owners to refurbish the existing drainage channel walls to preserve their integrity, until such time as a public works project is constructed to replace the channel.

Mayor Hatesohl seconded the motion.

Jeff Hancock, P.E., Sloan, Meier, Hancock, P.A., responded to questions from the Commission regarding drainage, water detention, and parking.

Ron Fehr, City Manager, provided clarification on the item and responded to questions from the Commission regarding planning initiatives and tools that could be examined for future development in the area.

After additional discussion of the Commission, on a roll call vote, motion carried 4-0.

FIRST READING – REZONE - LOT 34, COLLEGE VIEW ADDITION, (2012 COLLEGE VIEW ROAD)

Eric Cattell, Assistant Director of Planning, presented the item.

Kail Katzenmeir, applicant, responded to questions from the Commission.

After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning Lot 34, College View Addition, less the northern twelve (12) feet, from R, Single-Family Residential District, to R-1, Single-Family Residential District, generally located at 2012 College View Road, based on the findings in the Staff Report (*See Attachment No. 2*). Commissioner Sherow seconded the motion. On a roll call vote, motion carried 4-0.

At 9:00 p.m., the Commission took a brief recess.

GENERAL AGENDA (CONTINUED)

PRESENTATION - SUSTAINABILITY PLAN - MANHATTAN DAY CARE AND LEARNING CENTERS, INC.; CONTRACT - SOCIAL SERVICES ADVISORY BOARD FUNDING AND ADDITIONAL OPERATING SUPPORT

Lauren Palmer, Assistant City Manager, presented the item. She then answered questions from the Commission regarding the three-year sustainability plan for Manhattan Day Care and Learning Centers (MDCLC), support from local businesses and accompanying letter from the Manhattan Area Chamber of Commerce, request for philanthropic support, and a proposed rate increase structure for patrons of MDCLC.

Commissioner Snead provided additional background information on the item and feedback received from Social Services Advisory Board (SSAB) members.

Commissioner Strawn raised concerns with the level of taxpayer money that is being used to help subsidize MDCLC and did not want to unfairly support those who are capable of paying market rate. He suggested the allocation be provided considered as a no interest loan, payable over time rather than a gift and then three years from now the Commission can decide to collect it or forgive the loan. He then stated that he wanted MDCLC to succeed and to be stable in three years and wanted to ensure that their rates for full pay customers are competitive with market rates for childcare.

Commissioner Snead stated the community cannot afford to see the closing of MDCLC and that businesses, community partners, parents, and others need to step up and help the long-standing, non-profit organization have a chance for success for a sustainable model. He said a no interest loan is not a viable business model for MDCLC.

Commissioner Sherow stated that he wanted to see market rates paid to teachers at MDCLC and for parents to pay market rate, providing they can afford to do so.

Jeff Rosenow, Chair, MDCLC Board President, provided additional information to the Commission regarding the mission of the organization, the pricing structure, families currently served at MDCLC, current teacher pay, and revenue shortfalls experienced by MDCLC. He stated that modeling has been done and that the burden of paying back a loan would hurt their chance to come out even. He said the organization would continue to address the pricing issues and create profitable slots to increase capacity.

After discussion, Commissioner Sherow moved to authorize the Mayor and City Clerk to execute an Agreement with Manhattan Day Care and Learning Centers, Inc. for the original Social Services Advisory Board funding budgeted for 2009 and the additional operational support of \$33,333.00 yielding a total amount of \$98,333.00 for calendar year 2009. Commissioner Snead seconded the motion.

GENERAL AGENDA (CONTINUED)

PRESENTATION - SUSTAINABILITY PLAN - MANHATTAN DAY CARE AND LEARNING CENTERS, INC.; CONTRACT - SOCIAL SERVICES ADVISORY BOARD FUNDING AND ADDITIONAL OPERATING SUPPORT (CONTINUED)

Commissioner Sherow stated that this is an opportunity to help those in need and is a legitimate role of government. He wanted to ensure that families that can pay, do so, and was comfortable with the formation of a steering committee for oversight of financial operations at MDCLC.

Commissioner Snead supported the item and reiterated that our community cannot afford to see the closure of MDCLC at this time and addressed factors considered and funding partners and resources necessary to provide for the viability of MDCLC's future and to address the childcare challenges.

Commissioner Strawn stated that it is critical that the business community step up and be part of the childcare solution. He reiterated his position, that the City Commission cannot push this onto the taxpayers to support and encouraged the oversight board to ensure that rates are competitive with the market for those that can pay market rates, and wanted to see the right pricing model for MDCLC to succeed.

Mayor Hatesohl voiced appreciation for all the work that has been done and the level of commitment shown from our funding partners thus far.

After additional discussion, on a roll call vote, motion carried 4-0.

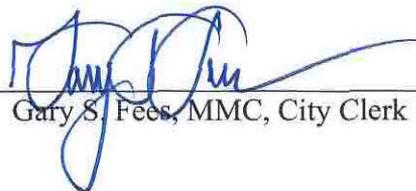
WORK SESSION

POSSIBLE BENEFIT DISTRICT - SHUSS ROAD IMPROVEMENTS

The City Commission held a Work Session on a possible benefit district for Shuss Road Improvements.

ADJOURNMENT

At 10:40 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

**APPLICATION TO REZONE PROPERTY TO PLANNED UNIT
DEVELOPMENT DISTRICT**

BACKGROUND

Note: Modified findings are in bold/black text

FROM: R, Single-Family Residential District.

TO: PUD, Residential Planned Unit Development District.

APPLICANT: Kail Katzenmeir, Capstone Development

ADDRESS: 1083 Wildcat Creek Road Manhattan, KS 66503

OWNERS: Golda Wilson Trust c/o The Trust Company of Manhattan (part of Lot 34,
College View Addition)
Kail Katzenmeir, Capstone Development (Lots 67 & 68, College View
Addition)

ADDRESSES: 800 Poyntz Avenue Manhattan, KS 66502
1083 Wildcat Creek Road Manhattan, KS 66503

DATE OF PUBLIC NOTICE PUBLICATION: October 13, 2008

DATE OF PUBLIC HEARING: PLANNING BOARD: November 3, 2008
Tabled to November 17, 2008
CITY COMMISSION: December 2, 2008

LOCATION: 2005 and 2011 Tecumseh Road (Lots 67 and 68, less the southern 3 feet,
College View Addition); and the northern twelve (12) feet of 2012 College View Road
(Lot 34, College View Addition). The northern twelve (12) feet of 2012 College view
Road is proposed to be added to the PUD site to meet the minimum half-acre size for a
residential PUD.

AREA: 0.50 acres (approximately 21,910 square feet)

PROPOSED USES: Multiple-family dwelling unit and two-family dwelling unit. Proposed Permitted Uses include a twelve (12) unit apartment building with each unit being a one (1) bedroom apartment and an existing two-family residential building.

PROPOSED BUILDINGS AND STRUCTURES:

The proposed development consists of two (2) residential buildings on two (2) lots.

Lot 1

Lot 1 has an existing single-story ranch style structure that contains a two-family dwelling unit with an attached garage. No changes or alterations are currently proposed for this structure. Both units have separate curb cuts off of Tecumseh Road. The main floor unit has three (3) bedrooms, one (1) bathroom, a kitchen and living room and access to the single-car garage. The basement unit has a separate entrance from the main floor by a door way adjacent to the garage that leads directly to the basement. The floor plan for the basement unit includes two (2) bedrooms, one (1) bathroom, kitchen, living and dining room. There is also a mechanical and storage area shared by both units that includes a washer and dryer. The existing structure is located approximately twenty-three (23) feet from the front property line, sixty-two (62) feet from the east, side property line, thirty-two (32) feet from the proposed rear property line created by the preliminary development plan and fourteen (14) feet from the west, side property line.

Lot 2

The proposed structure on Lot 2 is a three (3) story, thirty-eight (38) feet in height, contemporary designed, apartment building. The apartment building will contain twelve (12), one-bedroom apartments. Each floor contains four (4) apartments, ranging from 449 to 522 square feet of living space. Each unit has a living and kitchen/dining area at the front of the unit and the bathroom and bedroom at the rear of the unit. The intended market for these apartments is young professionals and graduate students in the community.

The proposed building is sited to face Tecumseh Road and will gain access to the proposed parking lot by an existing curb cut off of Tecumseh Road. The building is approximately fifty-two (52) feet wide and fifty-four (54) feet deep to the roof overhangs and is approximately thirty-eight (38) feet in height at its tallest point. The roof is flat and slopes from the north to south. Stair towers are provided on the northwest and northeast of the building to provide access to the second and third floors. The west tower is the main entrance to these units, is covered by a flat roof and is approximately thirty-one (31) feet tall. The east stair tower is not covered and is 23.5 feet tall as it meets the third floor. The entrance to each dwelling unit has a covered deck that at its widest point is ten (10) feet deep and runs the width of the building. The proposed building will have a front yard setback from Tecumseh Road of approximately ten (10) feet measured to the roof

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overhang. The front yard setback along Quivera Road is proposed to be six (6) feet to the stair tower from the front property line. The setback of the building to the roof overhang will be approximately nine (9) feet. A small portion of the stairs and hand rail of the east stair tower is located within the thirty (30) foot vision triangle required at intersections of public streets. The applicant's consulting engineer has submitted a memo stating that the portion of the structure located in this restricted area should not impact the traffic of Tecumseh Road and Quivera Road or the adjacent sidewalks (*see attached*). The City Engineer agrees with the findings of the building's impact on the vision triangle and public safety. The building will be approximately nine (9) feet from the south property line and sixty-seven (67) feet from the west property line. The trash enclosure for Lot 2 is proposed along the west side of the parking lot and is proposed to be setback approximately nine (9) feet from the Tecumseh Road property line.

The exterior materials of the building includes cement fiber panel siding on the first floor and horizontal cement fiber lap siding on the second and third floors. Corrugated galvanized metal siding will be used as accent pieces along the east, south and west facades. Vertical siding will be used to accent some windows. The colors for the building are proposed to come from the Sherwin Williams Preservation Pallet. A note on the architectural drawings state that the "tones will be muted in nature but may be chosen from a wide range of colors." The stair towers will be a steel structure and have metal handrails. The roof is proposed to be generally flat and will be made of a single ply membrane roofing material.

PROPOSED LOT COVERAGE

<u>Use</u>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Buildings	4,438	20.24%
Driveways/Parking	6019	27.45%
Landscape/Open Space/Common Area	11467	52.30%

PROPOSED SIGNS

Wall Sign

The applicant has proposed a wall sign to be placed on the north side of the west stair tower of the apartment building to function as an identification sign for the apartment building. The sign will be approximately 12 feet, 4 inches tall by 3 feet, 9 inches wide, for a total of forty-six (46) square feet in area. The sign will be made of metal, installed on a concrete and will be externally lit by a set of overhead lights. Section 6-201(D)(2), sign regulations for residential districts state that an identification sign shall have a maximum gross surface area of forty (40) square feet. The proposed wall sign should conform to the Sign Regulations and should be conditioned to be reduced in size to have a maximum gross surface area of forty (40) square feet.

A second wall sign consisting of pin letters is proposed to be mounted on the retaining wall along the east side of the building. This sign will also function as the building's identification sign. The wall sign will be approximately 2.5 feet tall by 4 feet wide for a total area of ten (10) square feet. This wall sign will not be lit.

Other Signs

The applicant has proposed to allow temporary banner signs for the Planned Unit Development District. The intent of the banner sign is to inform the public that an apartment is available for lease. Banner signs are not permitted in residential districts. According to Section 6-104 (B)(2) of the Manhattan Zoning Regulations, the applicant could have a temporary ground real estate sign to inform the public of an apartment for lease. This sign type has a maximum gross surface area of six (6) square feet per face per lot. Because Lot 2 is a corner lot, the apartment building would be permitted to have two (2) temporary ground real estate signs, one for each street frontage. These real estate signs shall not be placed in the right-of-way of Tecumseh Road or Quivera Road. City Administration recommends that temporary banners not be a permitted sign for the Residential PUD because the temporary real estate sign would be more appropriate for the residential neighborhood and meet the needs of the applicant. Exempt signage described in Article VI, Section 6-104 (A) (1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations shall be permitted.

No signs are proposed for the two-family dwelling on Lot 2.

PROPOSED LIGHTING:

The parking lot is proposed to be illuminated by downcast lighting attached to the west stair tower. The light will be approximately twenty-eight (28) feet in height and will use a 175 mercury vapor bulb. Overhead can lighting will be used to light the stairways and entrances to each unit. Low wattage accent lighting is proposed to wash the exterior walls of the building with light. The proposed lighting should be full cutoff and shielded design to reduce glare on streets and adjacent properties.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The proposed landscaping will utilize existing deciduous trees and grass areas along with new landscape beds that are planned for the boundary of the parking lot and at the foundation of the apartment building. The landscape beds have a variety of tall and short decorative grasses and perennial sedums. According to a note on the landscape plan, once established, these beds are proposed to be low-

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maintenance, zeroscape for the property. Both lots will have underground irrigation for the grass areas. A drip line will provide irrigation to the landscape beds until they are established. Capstone Management, a subsidiary of Capstone Development will be responsible for the maintenance of the proposed landscaping

2. SCREENING: A six (6) foot tall cedar fence is proposed along the south property line of Lot 2 and along the west side of the new parking lot. The trash enclosure on Lot 2 will be surrounded by a six (6) foot tall cedar fence with swinging gates for access. There is no fencing or natural screening proposed for Lot 1.

The south elevation plan of the proposed apartment building shows two air conditioner condenser units elevated approximately eleven (11) feet above the ground (measured to the top of the unit). The height of these units and the proximity of them to the neighboring property to the south may cause an adverse impact on the property to the south by the increase of noise and the unsightliness of the units. The height of the fence along the south side of the building should be increased from six (6) feet to eight (8) feet and the air conditioner units should be lowered to a point below the fence. The higher fence will also increase the level of privacy for the property to the south and the lower floor tenants of the proposed apartment building.

3. DRAINAGE: A stormwater drainage analysis was submitted by Sloan, Meier, Hancock, P.A., dated October 3, 2008. The analysis identified that approximately 50% of the site drains to the north toward Tecumseh Road and the other half drains toward a man-made drainage structure to the south that runs between two (2) residential lots and out to College View road. The analysis also identifies the local drainage issues that occur at Tecumseh Road and Quivera Road. According to the report:

“Drainage from the upper reaches of the Downtown West watershed concentrate and crosses Claflin Road at Hartford Road. This drainage runs southeasterly in a drainage ditch across Riley County property until it gets to Tecumseh Road where it is supposed to go into an underground storm sewer system through a box culvert and street inlets. However, the drainage inundates the underground system and ponds near the intersection of Tecumseh Road and Quivera Road until the water level gets to an elevation of approximately 1058 at which point it overflows the existing ground elevations to the south and flows between two houses along College View Road.”

According to discussions with Jeff Hancock, the ponding of stormwater on Tecumseh Road occurs when a storm produces heavy rains in a short period of time. Hancock estimates that these conditions occur once a year, with some years having more storms than other years that create the ponding in the streets.

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The proposed drainage for the development is similar to existing conditions, where ponding water that reaches a depth of approximately two (2) feet is diverted to the man-made channel between two houses south of the property. In addition to the diversion of water that collects along Tecumseh Road, the twelve (12) unit apartment building is proposed to have a finished first floor elevation of 1061 feet, three (3) feet higher than the point at which the ponding water is diverted south. According to the project engineer, the raised building elevation will divert the ponding water that inundates the existing concrete channel, around the proposed improvement and southerly down Quivera Drive. The proposed apartment building and off-street parking lot do result in a small increase the amount of stormwater run-off compared to the existing conditions for both the 10-year and 100-year storm (1.31 CFS to 1.86 CFS and 1.86 CFS to 2.41 CFS, respectively). A fourteen (14) foot wide drainage easement has been proposed to protect the area of Lot 1 that is used to direct water away from Tecumseh Road south to the man-made drainage channel.

The analysis states that the proposed development and its stormwater drainage plan will not improve the existing flooding situation along Tecumseh Road, which is outside of the scope of the project. To improve the drainage and flooding issues in this area, extensive Public Works projects are required to improve the stormwater drainage system in the area.

A supplemental drainage analysis was requested by the Planning Board to conduct a hydrologic study of the surrounding neighborhood and recommend a short-term mitigation for stormwater run-off. The supplemental analysis was submitted on November 5, 2008 by Jeff Hancock, P.E., of Sloan, Meier, Hancock, P.A. The supplemental information shows that the existing retaining walls that creates the man-made channel between 2006 and 2010 College View Road is approximately 7.5 inches higher in elevation than the curb flow line at the southwest quadrant of the intersection of Tecumseh Road and Quivera Drive. Stormwater at this intersection would need to be at a depth greater than 7.5 inches to overtop the retaining wall south of the site. The supplemental information calculates that the increase in stormwater runoff created by the proposed development is .55 CFS. During a 100-year storm, the supplemental report predicts that the additional stormwater runoff generated by the new development would result in an increase of less than 0.5 inches to the pond's elevation. "This elevation is not presented to show a water surface elevation change because this extra water simply leaves the area through the emergency spillway (corner of Tecumseh Road and Quivera Drive) without resulting in any water surface elevation change.

The supplemental reports offers creating a “detention area” of equivalent volume (approximately 182 cubic feet) to displace the stormwater runoff, if existing and future utilities allow, as mitigation against the additional stormwater runoff. The supplemental report also offers an option that the developer refurbish the existing retaining wall on the adjoining property line of 2006 and 2010 College View Road to preserve the wall’s structural integrity. According to Jeff Hancock, P.E., other options such as porous pavements, rain gardens, or bio-retention cells for this site “would be of little benefit to either quality or quantity of water.”

The City Engineer has reviewed the storm water drainage analysis and supplemental report submitted by Sloan, Meier, Hancock, P.A. and accepts the findings as provided (attachment). Minor impacts to the area by stormwater drainage from the PUD site are expected.

4. CIRCULATION: Access to proposed Lots 1 & 2 is from Tecumseh Road. The existing curb cuts off of Tecumseh Road provide safe and efficient access to the public street. A total of sixteen (16) off-street parking spaces are proposed.

Lot 1

Four (4) existing off-street parking spaces are provided on Lot 1. One (1) parking space is calculated by being in the attached single-car garage, the second on the concrete parking pad in front of the attached garage and the remaining two (2) parking spaces are located in a gravel area adjacent to the concrete driveway. These parking spaces gain access from the street by an existing twenty-three (23) foot wide concrete curb cut. The gravel parking area is to be paved. The ratio proposed for the existing two-family dwelling is two (2) parking spaces per dwelling unit, which meets the parking requirements for the existing two-family residential building.

Lot 2

Thirteen (13) off-street parking spaces are proposed for the apartment building via an existing twenty-one (21) foot wide curb cut for Lot 2 (**the additional parking space was added by decreasing the width of the trash dumpster area, decreasing the width of the parking stalls along the west side of the lot from nine (9) feet to the minimum eight and one-half (8.5) feet and decreasing the size of the landscape area to the south of the parking lot**). The parking for the proposed apartment building is based on a ratio of **1 parking space per bedroom, plus the dedicated ADA stall**. The off-street parking ratio proposed for the apartment building is **similar** to the minimum requirements for parking in the Multi-Family Redevelopment Overlay (M-FRO) District for buildings that contain three (3) or more dwelling units. The required off-street parking for multiple-family dwellings in residential districts that are not included in the M-FRO District would be required to have a minimum of two (2) parking spaces for each one (1) bedroom unit.

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On-street parking is congested in the area because of its proximity to Kansas State University and the presence of three fraternities in the immediate area. Parking is also restricted to the south side of Tecumseh Road, which adds to the parking congestion in the area. The proposed parking plan does not account for the parking needs of couples living in the one (1) bedroom units, or visitors. The proposed parking is sufficient for the development based on the design as one-tenant dwelling units. The development may increase the level of on-street parking congestion on Tecumseh Road and Quivera Road from overflow parking, if the apartment units are rented by more than one (1) person, each with a separate vehicle. However, because of the size of the units (ranging from 449 square feet to 500 square feet in area), the likelihood that the units will be rented by more than one person is lessened, especially when other multi-family developments offer larger one-bedroom apartments. Any overflow parking resulting from the units being rented by more than one person, should not greatly impact the parking situation in the area. Alternatives to the proposed parking situation would be to include additional parking to the west on Lot 1, or to reduce the number of units in the multiple-family dwelling.

Existing sidewalks are present along the west side of Quivera Road and on both sides of Tecumseh Road. An internal sidewalk is proposed along the west side of the proposed apartment building to provide access to and from the parking lot.

The traffic report submitted by Sloan, Meier, Hancock, P.A. states that four (4) additional trips during the peak hour is expected to be generated by the development. The traffic report has been reviewed by the City Engineer and he has accepted its findings (attachment). Because of the small increase in trip generation from the development, minimal impacts on the street network are expected.

5. OPEN SPACE AND COMMON AREA: Approximately 53% of the proposed PUD will be open space, generally consisting of the front, side and rear yard.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is a mix of single-family, two-family, and multiple-family residential uses and fraternities to the east, south and west. The residential uses are a combination of owner-occupied homes further to the west of the site and rental units closer to Kansas State University. Three fraternities are also in the immediate area. To the north is the Riley County Health Department and Mercy Regional Hospital on Sunset and Kansas State University LaFene Health Center. These sites consist of large medical office buildings, parking lots and expansive open, grassy areas with mature trees.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. **EXISTING USE:** Two-family home and a vacant multiple-family apartment building in initial stages of demolition.
2. **PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Both lots are relatively flat, improved residential lots.

Lot 1

2011 Tecumseh Road consists of a single-story, two-family house, with a dwelling unit on the main floor and one in the basement of the house. The main floor unit has three bedrooms and the basement unit has two bedrooms. A concrete driveway leads from Tecumseh Road to the attached garage. A gravel parking pad is located adjacent to the driveway for an additional parking space. Lot 1 will also incorporate the northern twelve (12) feet of 2012 College View Road, which consists of a portion of the landscaped rear yard of that existing property.

Lot 2

2005 Tecumseh Road is a corner lot along Tecumseh Road and Quivera Road and has a two-story, multiple-family structure located on site. This structure is currently vacant and has had the interior gutted because of past attempts to renovate the existing structure. During this renovation project it was discovered that the building was structurally noncompliant. According to Building Code officials, it appears that the original structure was not constructed to any known building codes for the City. To bring the structure into compliance with the current Building Code, the structure's exterior and interior walls would need to be re-framed. The applicant has chosen to demolish the existing structure and construct a new apartment building rather than attempt to repair and remodel the existing building. The two-story structure contained six total apartments (four (4), one (1) bedroom apartments, and two (2), two (2) bedroom apartments). A gravel parking lot large enough to park six (6) vehicles is situated to the west of the building and gains access from Tecumseh Road.

3. SURROUNDING LAND USE AND ZONING:

- a. **NORTH:** Tecumseh Road, platted as a 60 foot right-of-way, open, grassy areas and public health and medical facilities; R, Single-Family Residential District and R-3/UO, Multiple-Family Residential District with University Overlay District.

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- b. **SOUTH:** Single-family homes, four-family apartment buildings and a Fraternity; R, Single-Family Residential District, and R-M/UO, Four-Family Residential District with University Overlay District.
- c. **EAST:** Quivera Road, platted as a 60 foot right-of-way and Fraternities; R, Single-Family Residential District and R-M/UO, Four-Family Residential District with University Overlay District.
- d. **WEST:** Single-family homes; R, Single-Family Residential District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The R District is a low density, single-family residential district. The two-family dwelling and the multiple-family dwelling units on the site do not conform to the existing Zoning District's permitted or conditional uses. The existing multiple-family dwelling is a legal nonconforming use. The two-family dwelling is nonconforming. The two (2) lots are adequate for single-family houses, which is a permitted use in the R District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The current lots have a total of eight (8) dwelling units and a total of thirteen (13) bedrooms. The increases in light, noise and traffic created by the proposed development, which would create a total of fourteen (14) dwelling units with a total of seventeen (17) bedrooms, should generally be consistent with the character of the neighborhood and the relatively recent use of the property. The residential neighborhood consists of single-family homes to west of the site and higher density residential uses, including multiple-family apartments and fraternity, to the east towards Kansas State University. The proposed development would act as a buffer between the higher intensity residential uses to the east that include the fraternity and the single-family dwellings to the west. By maintaining the existing single-story, ranch style home on the west lot, the higher density residential uses are limited to the lots along Quivera Road and kept further away from the established single-family residential area to the west.

The proposed apartment building is located approximately nine (9) feet from the front property line along Quivera Road and ten (10) feet from the front property line along Tecumseh Road. Several lots in the area have similar front yard setbacks which encroach into the typical twenty-five (25) foot front yard setback, including the lot directly to the south of the site. This lot gains access from Quivera Road. From the roof overhang of the building's covered porch, the structure is located approximately fourteen (14) feet to the Quivera Road front property line.

Because of the area's proximity to Kansas State University, on-street parking is limited, which creates congestion along the local residential streets. The proposed development has **thirteen (13)** off-street parking spaces (one stall being dedicated for handicapped accessibility) for the twelve (12), one (1) bedroom apartments and four (4) parking spaces for the two-family dwelling. The parking provided for the two-family house meets the parking requirements for that use. The proposed parking to bedroom ratio used for the apartment building is **similar** to that found for one-bedroom apartments on the east side of the KSU campus in the Multi-Family Redevelopment Overlay (M-FRO) District. The area in which this PUD is proposed is somewhat similar in nature to the east campus neighborhood, in that it has a high number of college students and rental units compared to other neighborhoods in the City. Multiple-family dwellings would otherwise be required to provide two (2) off-street parking spaces per unit, or a total of twenty-four (24) off-street parking spaces.

The PUD will continue to function as a transition area between the lower density neighborhood to the west, and the institutional uses to the north and the higher density neighborhood to the east. Based on the previous multiple-family use of the site and the mixed use character of the neighborhood, it is anticipated that the PUD would have minimal impact on surrounding properties.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown on the Southwest Planning Area Future Land Use Map of the Comprehensive Plan as RLM, Residential Low/Medium Density.

Policies of the RLM designation include:

RESIDENTIAL LOW/MEDIUM DENSITY (RLM)

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

RLM 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.

The proposed Planned Unit Development is not in conformance with the policies of the RLM Land Use designation. However, the policies set out in Chapter 9: Housing and Neighborhood promotes infill and redevelopment should be considered. The specific policy states:

HN 5: Promote Infill and Redevelopment

The City and County should encourage infill development and redevelopment on vacant or underutilized parcels where infrastructure and services are readily available and where it would foster the stabilization or revitalization of an existing area. Infill and redevelopment should be sensitive to the established character of the surrounding neighborhood. *Infill* means the development of new housing or other buildings on scattered vacant sites in a built-up area. *Redevelopment* means the replacement or reconstruction of buildings that are in substandard physical condition, or that do not make effective use of the land on which they are located. If properly designed, infill and redevelopment can serve an important role in achieving quality mixed use neighborhoods.

The proposed PUD is to remove an existing apartment building that contained six (6) apartments with a total of eight (8) bedrooms and construct a twelve (12) unit building with a total of (12) bedrooms. The existing structure has been deemed structurally noncompliant by the Code Services Department and the applicant has decided to rebuild on the site rather than attempt to renovate the building and bring it into compliance with the building code, which would be a substantial undertaking versus building a new structure. The proposed development meets the Housing and Neighborhood Policy for redevelopment by replacing a substandard apartment building with a new, modern apartment building.

Although the proposed development has a net density of 28 units per acre and would be classified as the Residential High Density (RHD), density in this case is relative. The existing density is sixteen (16) dwelling units per acre with thirteen (13) bedrooms. The proposed development has a total of seventeen (17) bedrooms, or an increase of four (4) bedrooms compared to the existing conditions. The marginal increase in bedrooms should not significantly impact nearby properties or the area. The proposed development also has adequate separation from adjacent properties and a sufficient amount of parking for the proposed use, which should minimize any adverse impacts to the neighborhood from the high residential density use.

Based on these factors and considerations, the proposed PUD generally conforms to the Comprehensive Plan

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

2011 Tecumseh Road:

October 11, 1951	City Commission approves Final Plat of College View Addition.
1951 – 1964	“A”, First Dwelling House District
1964 – 1965	“A-A”, Single-Family Dwelling District
1965 – 1969	“A” Single- and Two-Family Dwelling District
1969 – Present	R, Single-Family Residential District.

According to building permits on file, the single-story house was built in 1955.

2005 Tecumseh Road:

October 11, 1951	City Commission approves Final Plat of College View Addition.
1951 – 1952	“A”, First Dwelling House District
1952 – 1964	“B”, Second-Family Dwelling District
1965 – 1969	“B” Multiple-Family Dwelling District
1969 – Present	R, Single-Family Residential District.
2007 – Present	Vacant due to interior renovation attempt

The multiple family structure was built in 1957 according to the Riley County Register of Deeds.

No building permits could be found for the building.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and

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building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed rezoning is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: As stated in the drainage analysis, the area along Tecumseh Road and Quivera Road experience ponding of stormwater after intense rainstorms in a short period of time. This is caused by conditions created above the site within the Downtown West watershed and the undersized stormwater facilities in the area. The drainage analysis and **supplemental information predicts** that stormwater run-off generated by the proposed development should not worsen the existing drainage problem in the area and is outside of the scope of the development to correct the drainage problem. **The supplemental report has offered to create a “detention area” equivalent to the amount of water generated by the site during a 100-year storm. The report also gives the option to refurbish the retaining wall along the man-made drainage channel to the south of the site to maintain its structural integrity. These two recommendations make up mitigation plan for the additional stormwater runoff created by the proposed development.**

The proposed parking for the multiple-family dwelling may cause overflow parking along Tecumseh Road and Quivera Road. The proposed parking is sufficient for the design of the building as one-bedroom units, with one tenant. Overflow parking may be caused if units are rented by couples, each with a separate car. The amount of overflow parking on the streets from the development should not be significantly increase parking congestion to a point where the public health, safety and welfare is negatively impacted. Likewise, the amount of traffic generated by the development is minimal compared to its existing uses, which should not negatively impact the public.

Approximately one (1) foot of the building is located in the thirty (30) foot vision triangle (Section 3-411(B)) created by the Tecumseh Road and Quivera Road intersection. The portion of the building that is in the restricted vision triangle is a stair and support beam of the east stair tower. The consulting engineer, Jeff Hancock, has analyzed the structure and vision triangle and concluded that it would not impose safety concerns for the travelling public.

There appears to be no relative gain to the public that denial would accomplish in comparison to the hardship to the owner.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public utilities and facilities are available to serve the site. Utility releases have been provided by private companies.

12. OTHER APPLICABLE FACTORS: The rezoning of the Lot 34, College View Addition is associated with the proposed rezoning of the Tecumseh Lofts PUD. A replat of Lot 34, College View Addition is to be considered in conjunction with the Final Plan and Final Development Plan of the proposed Tecumseh Lofts residential PUD (Lots 67 and 68, College View Addition), at the Manhattan Urban Area Planning Board on December 15, 2008.

13. STAFF COMMENTS AND RECOMMENDATION:

A Supplemental Drainage Report, dated November 5, 2008, was submitted by Sloan, Meier, Hancock, P.A. as requested by the Planning Board. In the report, two (2) options were given as a mitigation plan of the storm water runoff estimated to be generated by the development. These options are to create an equivalent volume of displaced area for storage of storm water on the PUD site, and to refurbish the retaining wall to maintain its structural integrity.

City Administration recommends that a storm water storage area be created on the PUD site to compensate for the equivalent volume of displaced area. In addition, because the PUD's drainage analysis relies on the functionality of the adjacent private man-made drainage channel, City Administration recommends that a written agreement between the applicant and the property owners of the retaining walls needs to be created, to ensure the long-term viability and maintenance of the private man-made drainage channel, until such time as it is no longer needed. The PUD should be contingent upon this agreement being developed by the applicant working with the adjacent owners and the City and the agreement needs to be enforceable by the City. It is likely that the agreement would need to be in the form of a covenant filed on the applicable properties and the channel may need to be placed in a drainage easement.

A possible condition is as follows:

13. The Preliminary Development Plan and rezoning shall be contingent upon a written agreement insuring the long term viability and maintenance of the private man-made drainage channel by the property owner(s) of the channel and the owner(s) of the PUD, which shall be enforceable by the City and filed on the subject properties, prior to submittal of the Final Development Plan.

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City Administration recommends approval of the rezoning of proposed Tecumseh Lofts PUD, from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, with the following conditions:

1. Permitted uses shall include a multiple-family dwelling consisting of twelve (12), one-bedroom apartment units; and an existing two-family dwelling consisting of a three (3) bedroom unit and a two (2) bedroom unit.
2. **A minimum of seventeen (17) off-street parking spaces shall be provided. Four (4) parking spaces on Lot 1 and thirteen (13) parking spaces on Lot (2).**
3. Lights shall be provided as described on the architectural drawings and shall be full cut-off design. Building lighting shall be provided as proposed and shall not cast direct light onto public or private streets or adjacent property.
4. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
5. All landscaping and irrigation shall be maintained in good condition.
6. A six (6) foot tall cedar screening fence shall be provided along the entire length of the west side of the parking lot and shall connect to the trash enclosure.
7. An eight (8) foot tall cedar screening fence shall be provided along the southern property line of Lot 2 from the western end, to the southeast corner of the apartment building, and the stacked exterior air conditioner condenser units shall be lowered to not extend above the screening fence.
8. The existing gravel parking adjacent to the driveway and attached garage on Lot 1 shall be paved.
9. The wall sign proposed on the stair tower shall have a maximum gross surface area of forty (40) square feet. The wall sign located on the retaining wall shall be permitted as proposed.
10. Temporary banner signs shall not be permitted.
11. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations.
12. **A detention area within the proposed drainage easement shall be constructed as proposed in the Supplemental Drainage Analysis, dated November 5, 2008.**

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Tecumseh Lofts PUD, from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.

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2. Recommend approval of the proposed rezoning of Tecumseh Lofts PUD, from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Tecumseh Lofts PUD, from R, Single-Family Residential District, to PUD, Residential Unit Development District, based on the findings in the staff report, **with the twelve (12) conditions recommended by City Administration.**

PREPARED BY: Chad Bunger, Planner

DATE: October 28, 2008

Updated November 12, 2008

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R, Single-Family Residential District

TO: R-1, Single-Family Residential District

APPLICANT: Schwab-Eaton, P.A. – Chris Cox

ADDRESS: 1125 Garden Way Manhattan, KS 66502

OWNERS: Golda Wilson Trust c/o The Trust Company of Manhattan

ADDRESS: 800 Poyntz Avenue Manhattan, KS 66502

LOCATION: 2012 College View Road, Lot 34 College View Addition

AREA: Current Lot Area – 8,813 square feet (0.20 acres)

Lot area to be rezoned to R-1 – 7,973 square feet (0.18 acres)

Area to split off and rezoned with the proposed Tecumseh Lots PUD – 832 square feet

DATE OF PUBLIC NOTICE PUBLICATION: October 13, 2008

DATE OF PUBLIC HEARING: PLANNING BOARD: November 3, 2008

Table to November 17, 2008

CITY COMMISSION: November 18, 2008

EXISTING USE: Single-family home

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally a flat, improved residential lot with a single-story, single-family home. The house is located near the twenty-five (25) foot front yard setback line along College View Road. The lot has a sixteen foot wide driveway that leads to the attached garage. The remainder of the lot is open lawn areas with mature trees. Twelve (12) feet of the site's rear yard has been proposed to be split off and platted with the proposed Tecumseh Lofts PUD to the immediate north of the subject site.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Two-dwelling unit house, Tecumseh Road, platted as a 60 foot right-of-way, open, grassy areas and public health and medical facilities; R, Single-Family Residential District and R-3/UO, Multiple-Family Residential District with University Overlay District.
- (2) **SOUTH:** College View Road, platted as a 60 foot right-of-way, single-family and two-family and a fraternity; R-M/UO, Four-Family Residential District with University Overlay District.
- (3) **EAST:** Single-family and multiple-family houses, Quivera Road, platted as a 60 foot right-of-way and fraternities; R, Single-Family Residential District and R-M/UO, Four-Family Residential District with University Overlay District.
- (4) **WEST:** Single-family homes; R, Single-Family Residential District

GENERAL NEIGHBORHOOD CHARACTER: To the east, south and west, the neighborhood is a mix of single-family, two-family, multiple-family residential uses and fraternities. The residential uses are a combination of owner-occupied homes further to the west of the site and rental units closer to Kansas State University. Three fraternities are also in the immediate area. To the north is the Riley County Health Department and Mercy Regional Hospital on Sunset and Kansas State University LaFene Health Center. These sites consist of large medical office buildings, parking lots and open, grassy areas with mature trees.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The R District requires 10,000 square feet of lot area, 75 feet of lot width and 100 feet of lot depth. The current configuration of the lot has approximately 8,814 square feet of lot area, approximately 69 feet of lot width and 127 feet of lot depth. The applicant has proposed to split off twelve (12) feet of the north portion of the lot to be rezoned and replatted with the proposed Tecumseh Lofts PUD to the immediate north. The reconfigured lot will have an area of approximately 7,973 square feet and a lot depth of approximately 115 feet. The existing use of the site as a single-family home complies with the permitted uses of the R District, but the site lacks sufficient lot area and width to meet the zoning district's requirements. The proposed reconfigured lot to be created through the platting process will meet the proposed R-1 District requirements.

The existing house has a covered front porch that encroaches approximately three (3) feet into the minimum twenty-five (25) foot front yard setback. The applicant has submitted an application to the Board of Zoning Appeal for the December 10, 2008 meeting for an Exception to correct the existing condition to obtain clear title for the property to ensure a marketable title.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning should not directly impact the nearby properties. No increase in light, noise or traffic to the area is anticipated from the proposed rezoning of the site from R, Single-Family Residential District to R-1, Single-Family Residential District. To the east and west of the site are properties that are zoned R District and primarily contain single-family homes that are owner occupied or rental units. To the immediate south of the site and on the east side of Quivera Road are properties that are zoned R-M/UO, Four-Family Residential District/with University Overlay District. The properties within the R-M/UO Districts consist of fraternities associated with Kansas State University and single-family homes. To the north of the site, across Tecumseh Road, are properties zoned R-3/UO, Multiple-Family Residential District/with University Overlay District, that contain medical office buildings.

The proposed R-1 District's list of permitted and conditional uses is similar to that of the R District, which includes single-family detached dwellings. The main differences between the residential lots are the lot size requirements. The R-1 District requires a minimum lot area of 6,500 square feet and a minimum lot width of 50 feet, compared to the R District's minimum lot area 10,000 square feet and lot width of 75 feet. The proposed rezoning will bring the site into compliance with the current Zoning Regulations and allow for the northern twelve (12) feet to be split off and be platted with the proposed Tecumseh Lofts Planned Unit Development.

CONFORMANCE WITH COMPREHENSIVE PLAN: The rezoning site is shown on the Southwest Planning Area Future Land Use Map of the Comprehensive Plan as RLM, Residential Low/Medium Density.

Policies of the RLM designation include:

RESIDENTIAL LOW/MEDIUM DENSITY (RLM)

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

RLM 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.

The proposed rezoning of the site to R-1 District conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

October 11, 1951	City Commission approves Final Plat of College View Addition.
1951 – 1964	“A”, First Dwelling House District
1964 – 1965	“A-A”, Single-Family Dwelling District
1965 – 1969	“A” Single- and Two-Family Dwelling District
1969 – Present	R, Single-Family Residential District.

According to building permits on file, the house was built in 1954.

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 R-1, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. The proposed rezoning of the site is consistent with the intent of the Zoning Ordinance.

Section 15-103(B) states that “No application for amendment to change the zoning classification of any lot, parcel or tract of land shall be accepted unless such lot, parcel or tract has 100 feet of frontage on a public street, or has 10,000 square feet of area, or abuts a lot, parcel or tract of land that has the same zoning classification as that which is

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proposed for the property which is the subject of the proposed amendment.” The reason for the request to rezone is the result of a surveying error and an attempt to correct the error between the applicant and the developer of the Tecumseh Lofts PUD. The agreement includes splitting off the northern twelve (12) feet of the site and platting it to the proposed PUD on the adjacent property. Although the proposed rezoning request does not meet the requirements of Section 15-103(B), the Planning Board should consider the fact that the site is a nonconforming lot created by the City’s actions in 1969. It should also be taken into consideration that the proposed use of the site will remain as a single-family dwelling, similar to residential lots in the area, which is the intent of both the R District and R-1 District.

The R, Single-Family Residential District requires a minimum lot area of 10,000 square feet and minimum lot width of 75 feet. The site and surrounding sites to the west are all approximately 8,700 square feet in area and have approximately 69 feet of lot width. When the area was rezoned from “A” Single- and Two-Family Dwelling District, to R, Single-Family Residential District, in 1969 with the Zoning Regulation update, these lots were inadvertently rezoned into a nonconforming condition.

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 site gains access from College View Road, a local residential street. This street is adequate to handle the existing traffic generated by the single-family home as well as the traffic from the moderate residential density in the surrounding area.

OTHER APPLICABLE FACTORS: The rezoning of the site is associated with a proposed rezoning of the Tecumseh Lofts PUD. A replat of Lot 34, College View Addition and Lots 67 and 68, College View Addition, associated with the proposed Tecumseh Lofts residential PUD will be considered by the Manhattan Urban Area Planning Board on December 15, 2008 as a concurrent action with the Final Plat and Final Development Plan of the PUD.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Lot 34, College View Addition, less the north twelve (12) feet, from R, Single-Family Residential District, to R-1, Single-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lot 34, College View Addition, less the north twelve (12) feet, from R, Single-Family Residential District, to R-1, Single-Family Residential 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 of Lot 34, College View Addition, less the north twelve (12) feet, from R, Single-Family Residential District to R-1, Single-Family Residential District, based on the findings in the Staff Report .

PREPARED BY: Chad Bunger, Planner

DATE: October 27, 2008

Updated: November 13, 2008