

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, MAY 19, 2009***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bob Strawn and Commissioners Bruce Snead, James E. Sherow, Loren J. Pepperd, and Jayme Morris-Hardeman 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, Assistant City Clerk Brenda K. Wolf, 7 staff, and approximately 14 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Strawn led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Strawn proclaimed May 2009, ***Mental Health Month***. Robbin Cole, Executive Director, Pawnee Mental Health, and Stan Wilson and Carroll Hess, Pawnee Mental Health Board Members, were present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Morris-Hardeman thanked Pawnee Mental Health for what they do in the community. She also called attention to hunger in the community and stated that Project Manhattan is underway this month. She stated that while school is in session, children have access to two meals a day. During the summer, access is not as easy to come by for some children. The focus of the Flint Hills Breadbasket is to stock the shelves. She highlighted the Aggieville merchants who are collecting Italian food this month. She encouraged people to buy extra food and drop it off at any business in Aggieville or other drop off locations in the community.

Commissioner Sherow complimented Director of Parks and Recreation Curt Loupe, the Parks and Recreation Advisory Board, and the Parks and Recreation Department for the work recently done in City Park. He stated the fountain is beautifully done, stone work is really nice, it was nice to see the roses coming on, and that the rose garden is going to be a nice addition to City Park and to the community.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 5, 2009.

### CLAIMS REGISTER NO. 2612

The Commission approved Claims Register No. 2612 authorizing and approving the payment of claims from April 29, 2009, to May 12, 2009, in the amount of \$1,622,052.62.

### LICENSES – CEREAL MALT BEVERAGE

The Commission approved an annual Cereal Malt Beverage License for LTRT, Inc. d/b/a Doe's Eat Place, 2605 Stagghill Rd., Manhattan; Happy Valley, LLC, 1120 Laramie St., Manhattan; Hy-Vee, Inc., 5820 Westown Parkway, West Des Moines, Iowa; and Leiszler Oil Co., d/b/a Short Stop #12, 635 W. Crawford, Clay Center, Kansas.

\* **ORDINANCE NO. 6759 – 2009A GENERAL OBLIGATION BONDS**

Bernie Hayen, Director of Finance, provided information on the General Obligation Bond and Refunding Bond sale and the interest rate the City received.

The Commission approved accepting the best bid from George K. Baum and Company, of Kansas City, Missouri, for Series 2009-A and Refunding Series 2009-B and approved Ordinance No. 6759 issuing \$3,830,000.00 in general obligation bonds (Series 2009-A) to finance eleven (11) special assessment projects (*Cedar Glen Addition – Street (ST0618); Grand Mere Vanesta, Unit Two – Street and Storm Drainage (ST0629/SM0605); Hawthorne Woods Addition – Sanitary Sewer (SS0711), Street (ST0715), Water (WA0709), and Trail (SP0707); Scenic Meadows Addition, Unit Two, Phase I – Sanitary Sewer (SS0702), Sanitary Sewer – Lift Station (SS0703), Street (ST0701), and Water (WA0702), and; 1600 Block Alley between Houston and Pierre Streets– Street (ST0801)*) and \$3,755,000.00 in general obligation refunding bonds (Series 2009-B) to refund Bond Series 202, 203, 205, and 206; and approve Resolution Nos. 051909-A and 051909-B authorizing delivery of the bonds to the low bidder.

\* **RESOLUTION NO. 051909-C – TEMPORARY NOTE SERIES NO. 2009-02**

Bernie Hayen, Director of Finance, provided information on the Temporary Note sale and the interest rate the City received.

## CONSENT AGENDA (CONTINUED)

\* **RESOLUTION NO. 051909-C – TEMPORARY NOTE SERIES NO. 2009-02 (CONTINUED)**

The Commission approved accepting the best bid from UMB Bank, n.a., of Kansas City, Missouri, for selling the notes and approved Resolution No. 051909-C issuing Temporary Note Series No. 2009-02 in the amount of \$2,665,000.00 to finance the following five (5) special assessment and capital projects to be debt financed: *Prairie Lakes, Unit 3, Street Improvements (ST0619)*; *Stone Pointe, Unit 1, Phase 2, Pedestrian Bridge (SP0701)*; *Marlatt Waterway Restoration Project (SM0701)*; *Inverted Siphon Rehabilitation and Odor Control Project (SP0702)*; and *2008 New and Parallel Water Lines project (WA0806)*.

**ORDINANCE NO. 6760 – REZONE – WILLIE’S VILLAS**

The Commission approved Ordinance No. 6760 rezoning the proposed Willie’s Villas, generally located at 1021 and 1029 Vattier Street, from R-3, Multiple-Family Residential District with M-FRO, Multi-family Redevelopment Overlay, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report with the six (6) conditions recommended by the Planning Board (*See Attachment No. 1*).

**FIRST READING – REMOVE PARKING – FAIR LANE (SOUTH DELAWARE AVENUE TO SOUTH MANHATTAN AVENUE)**

The Commission approved first reading of an ordinance removing parking along Fair Lane from South Delaware Avenue to South Manhattan Avenue.

**RESOLUTION NO. 051909-D – PETITION - GRAND MERE VANESTA, UNIT 3 – STREET (ST0904) IMPROVEMENTS**

The Commission found the petition sufficient and approved Resolution No. 051909-D finding the project advisable and authorizing construction for Grand Mere Vanesta, Unit 3, Street (ST0904) Improvements.

**RESOLUTION NO. 051909-E – PETITION – GRAND MERE VANESTA, UNIT 3 – SANITARY SEWER (SS0905) IMPROVEMENTS**

The Commission found the petition sufficient and approved Resolution No. 051909-E finding the project advisable and authorizing construction for Grand Mere Vanesta, Unit 3, Sanitary Sewer (SS0905) Improvements.

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 051909-F – PETITION – GRAND MERE VANESTA, UNIT 3 – WATER (WA0902) IMPROVEMENTS

The Commission found the petition sufficient and approved Resolution No. 051909-F finding the project advisable and authorizing construction for Grand Mere Vanesta, Unit 3, Water (WA0902) Improvements.

### AGREEMENT – ENGINEERING SERVICES – GRAND MERE VANESTA, UNIT 3, IMPROVEMENTS (ST0904, SS0905, WA0902)

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, Engineers-Surveyors, PA, of Manhattan, Kansas, to perform the engineering services for Grand Mere Vanesta, Unit 3, Improvements (ST0904, SS0905, WA0902).

### RESOLUTION NO. 051909-G – PETITION – SCENIC MEADOWS UNIT 2, PHASE 2 – SANITARY SEWER IMPROVEMENTS (SS0813)

The Commission found the petition sufficient and approved Resolution No. 051909-G finding the project advisable and authorizing construction for Scenic Meadows Unit 2, Phase 2, Sanitary Sewer (SS0813) Improvements.

### RESOLUTION NO. 051909-H – PETITION – SCENIC MEADOWS UNIT 2, PHASE 2 – WATER IMPROVEMENTS (WA0810)

The Commission found the petition sufficient and approved Resolution No. 051909-H finding the project advisable and authorizing construction for Scenic Meadows Unit 2, Phase 2, Water (WA0810) Improvements.

### AGREEMENT – ENGINEERING SERVICES – SCENIC MEADOWS, UNIT 2, PHASE 2 – SANITARY SEWER (SS0813) AND WATER (WA0810) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with Sloan, Meier, Hancock, Engineers-Surveyors, PA, of Manhattan, Kansas, to perform the engineering services for Scenic Meadows Unit 2, Phase 2, Sanitary Sewer (SS0813) and Water (WA0810) Improvements.

### RESOLUTION NO. 051909-I – PETITION – KSU FOUNDATION – SANITARY SEWER (SS0812) IMPROVEMENTS

The Commission found the petition sufficient and approved Resolution No. 051909-I finding the project advisable and authorizing construction for KSU Foundation Sanitary Sewer (SS0812) Improvements.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – ENGINEERING SERVICES – KSU FOUNDATION – SANITARY SEWER (SS0812) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with Sloan, Meier, Hancock, Engineers-Surveyors, PA, of Manhattan, Kansas, to perform the engineering services.

### \* NEGOTIATE CONTRACT – ARCHITECTURAL SERVICES – ZOO EDUCATION CENTER (SZ0901)

Commissioner Morris-Hardeman thanked the community for supporting the project through the sales tax ballot question in November 2008 and asked about the timeline.

Scott Shoemaker, Zoo Director, went through the Selection Process used in 2005 for selecting the Architect. He also provided a timeline for the project which is estimated to take 18 months to design and construct.

The Commission authorized City Administration to negotiate a contract with WDM Design, of Wichita, Kansas, for the final design, bid document preparation, and construction supervision of the Zoo Education Center (SZ0901).

### CONTRACT – ENGINEERING SERVICES – SMITH/MANFAX SANITARY SEWER RELIEF SYSTEM (SS0901)

The Commission authorized the Mayor and City Clerk to execute a contract in the amount of \$42,660.00 with Sloan, Meier, Hancock Engineers, of Manhattan, Kansas, for engineering services related to the Smith/Manfax Sanitary Sewer Relief System (SS0901).

### SUPPLEMENTAL AGREEMENT NO. 4 TO TASK ORDER NO. 16 – RUNWAY 3/21 SAFETY AREA IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute Supplemental Agreement No. 4 to Task Order No. 16 with HNTB Corp in the amount of \$19,162.00 for pavement design modifications and construction services associated with the Runway 3/21 Safety Area Improvements.

### BOARD APPOINTMENTS

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

## CONSENT AGENDA (*CONTINUED*)

### BOARD APPOINTMENTS (*CONTINUED*)

#### *Cemetery Board*

Appointment of Lawrence Pollack, 1841 Fairchild Avenue, to a three-year term. Mr. Pollack's term begins immediately, and will expire December 31, 2011.

#### *Historic Resources Board*

Appointment of Michael Krysko, 1517 Leavenworth Street, to a three-year History term. Mr. Krysko's term begins immediately, and will expire April 30, 2012.

Appointment of George Lauppe, 2837 Nevada Street, to a three-year Business term. Mr. Lauppe's term begins immediately, and will expire April 30, 2012.

#### *Neighborhood Grant Review Committee*

Re-appointment of Karen McCulloh, 1516 Leavenworth Street, to a one-year term. Ms. McCulloh's term begins immediately, and will expire December 31, 2009.

Re-appointment of Carl Wilson, 2855 Kelly Drive, to a one-year term. Mr. Wilson's term begins immediately, and will expire December 31, 2009.

Re-appointment of Dale Anderson, 3000 Tamarak Drive, to a one-year term. Mr. Anderson's term begins immediately, and will expire December 31, 2009.

Re-appointment of Dana Reinert, 207 Colgate Terrace, to a one-year term. Ms. Reinert's term begins immediately, and will expire December 31, 2009.

Appointment of Bruce McMillan, 525 Wickham Road, to a one-year term. Mr. McMillan's term begins immediately, and will expire December 31, 2009.

#### *Social Services Advisory Board*

Re-appointment of Christopher Renner, 508 Valley Drive, to a three-year term. Mr. Renner's term will begin July 1, 2009, and will expire June 30, 2012.

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

## GENERAL AGENDA

### AWARD CONSTRUCTION CONTRACT - SOUTH REDEVELOPMENT DISTRICT STREET (ST0813), WATER LINE A (WA0803), WATER LINE B (WA0804), SANITARY SEWER LINE A (SS0806), SANITARY SEWER LINE B (SS0807) IMPROVEMENTS

Dale Houdeshell, Director of Public Works, presented the bids for the water and sewer lines and the alternates of the streetscape on the west side of South 4<sup>th</sup> Street. He then answered questions from the Commission on how the north and south ends will be tied together.

Jason Hilgers, Assistant City Manager, provided additional information on the streetscape for Poyntz Avenue and 4<sup>th</sup> Street and the South End. He also provided information on the bid results of the demolition of property in the South End Redevelopment District and that the STAR Bonds will be used to finance the demolition and infrastructure projects.

After discussion, Commissioner Sherow moved to accept the Engineer's Estimates in the amount of \$3,061,843.25 for the base bid, \$3,148,353.25 for the base bid plus Alternate 1, and \$3,185,753.25 for the base bid plus Alternate 2 for the construction of 4<sup>th</sup> Street Water Line A (WA0803), Water Line B (WA0804), Sanitary Sewer Line A (SS0806), Sanitary Sewer Line B (SS0807), and Street (ST0813); award a construction contract in the amount of \$2,056,392.84 for base bid and Alternate 2 to Pavers, Inc., of Salina, Kansas; and approve Resolution Nos. 051909-K (water), 051909-L (sanitary sewer), and 051909-M (street) authorizing the issuance of general obligation bonds to finance the construction of the aforementioned improvements. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

### PUBLIC HEARING - APPLICATION TO THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM

Rob Ott, City Engineer, presented the program overview, program requirements, the five (5) options for consideration, and the recommendations of City Administration.

Mayor Strawn opened the public hearing.

Diane Novak, 11330 Military Trail Road, Saint George, thanked the City for the recent installation of bike racks and the upcoming installation of the "Share the Road" signs. She also discussed the Bicycle Advisory Committee's recommendation and its rationale. She appreciated the Commission's consideration of the Bicycle Advisory Committee's recommendation and to help jump start Manhattan to becoming a bicycle friendly community. She then answered questions from the Commission and clarified the Bicycle Advisory Committee's first preference was for the Linear Trail, Casement to US 24 along Marlatt Avenue and the second was US 24/K-177 Connection from the Union Pacific Depot to Downtown Manhattan.

## GENERAL AGENDA (*CONTINUED*)

### PUBLIC HEARING - APPLICATION TO THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM (*CONTINUED*)

Todd Simon, 1728 Little Kitten Avenue, President, Board of Directors, Manhattan Public Library, and Fred Atchison, Director, Manhattan Public Library, provided information on the energy efficiency project they are currently in the middle of and hoped the City would be interested in partnering with the Library, whether it be part of this grant, future grants, or other solutions for the City and the Library to work together on. They then answered questions from the Commission.

Jason Hilgers, Assistant City Manager, commented that there are alternative scenarios the City could work through with the Library and money at the State level that may be used for the Library project.

Rob Ott, City Engineer, read sections of the grant stating that the lighting project might be another option for the City Commission to consider under this grant.

Hearing no other comments, Mayor Strawn closed the public hearing.

### RESOLUTION NO. 051909-J - APPLICATION TO THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM

Rob Ott, City Engineer, and Dale Houdeshell, Director of Public Works, answered questions from the Commission regarding possible cost savings and efficiencies of the options presented.

Bernie Hayen, Director of Finance, answered questions from the Commission as to savings and setting aside the savings in the budget.

Jason Hilgers, Assistant City Manager, stated that of the projects recommended by City Administration, the savings are attainable.

Rob Ott, City Engineer, answered questions from the Commission indicating that with the projects recommended, there will be significant savings over multiple years.

Jason Hilgers, Assistant City Manager, stated that the savings the City receives from the projects selected will be reported to the State and that the Commission will have an opportunity in the budget process to direct the cost savings toward Linear Trail or other projects.



## GENERAL AGENDA (CONTINUED)

### RESOLUTION NO. 051909-J - APPLICATION TO THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM (CONTINUED)

After discussion, Commissioner Morris-Hardeman moved to approve Resolution No. 051909-J authorizing City Administration to finalize and the Mayor to execute an application and an Energy Efficiency and Conservation Strategy for the Energy Efficiency and Conservation Block Grant program based on the following projects: Replace existing school zone flashing assemblies with solar power LED systems; replace approximately 80% of incandescent bulbs in traffic signal heads with LED lights; and, replace lamps in existing pedestrian fixtures from Juliette Avenue to 3<sup>rd</sup> Street along Poyntz Avenue with new LED lights. Commissioner Snead seconded the motion. On a roll call vote, motion carried 4-1 with Mayor Strawn voting against.

### AWARD CONTRACT - ENGINEERING SERVICES - K-18 SANITARY SEWER IMPROVEMENT RELOCATION PROJECT (SS0907)

Dale Houdeshell, Director of Public Works, presented the item, selection of a consultant, and funding for the project. He then answered questions from the Commission.

After discussion, Commissioner Snead moved to award a contract for engineering services in the amount of \$236,258.00 for the K-18 Sanitary Sewer Improvements, Phase I (SS0907), to Schwab-Eaton, P.A., of Manhattan, Kansas. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING - LEVY A SALES TAX INCREASE - RECONSTRUCTION/CONSTRUCTION OF CITY PARK SWIMMING POOL, RENOVATIONS/IMPROVEMENTS AT CICO AND NORTHVIEW SWIMMING POOLS AND THE NEW ZOO EDUCATION

Bernie Hayen, Director of Finance, presented the item, reasoning for three separate ordinances, and when the sales taxes would begin.

Bill Frost, City Attorney, answered questions from the Commission and stated that the sales tax received from one project cannot be applied to another project or projects.

After discussion, Commissioner Sherow moved to approve first reading of an ordinance levying a .10% sales tax for the reconstruction of City Park swimming pool, first reading of an ordinance levying a .10% sales tax for the reconstruction and renovation of Northview swimming pool and CICO swimming pool, and first reading of an ordinance levying a .05% sales tax to construct an education center at Sunset Zoo. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

OTHER COMMENTS

Mayor Strawn stated that on the City's website is a list of questions and answers regarding the entire Downtown Redevelopment project.

ADJOURNMENT

At 8:57 p.m. the Commission adjourned.



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Brenda K. Wolf, CMC, Assistant City Clerk

**STAFF REPORT**

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

**BACKGROUND**

**FROM:** R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District.

**TO:** PUD, Residential Planned Unit Development District.

**OWNERS:** John G. and Holly B. Irvine; and, Willie's Villas LLC.

**ADDRESSES:** 745 College Heights Circle, Manhattan, KS; and, 1031 Poyntz Ave., Manhattan, KS.

**APPLICANT:** John and Holly Irvine.

**ADDRESS:** 745 College Heights Circle, Manhattan, KS.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, March 30, 2009.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, April 20, 2009.

**CITY COMMISSION:** Tuesday, May 5, 2009.

**LOCATION:** Southeast corner of N. 11<sup>th</sup> Street and Vattier Street consisting of the following properties: 1021 Vattier Street and 1029 Vattier Street.

**AREA:** 22,597 square feet (.52 acres).

**PROPOSED USES:** The proposed "Willie's Villas" Residential Planned Unit Development will consist of the existing two story, fourteen dwelling unit, apartment building at 1029 Vattier Street and a proposed three story, twelve unit, apartment building to the immediate east of the existing building, generally at 1021 Vattier Street. Additional improvements include landscaping, signage and screening.

The primary market is KSU students and staff/faculty, and others wanting to live near KSU and Aggieville.

**EXISTING AND PROPOSED BUILDINGS AND STRUCTURES:**

**Existing Building**

The existing L shaped, approximate 26-foot tall, two-story brick and limestone detailed multiple-family dwelling unit is located on the southeast corner of N. 11<sup>th</sup> Street and Vattier Street. The apartment building has twelve, one-bedroom units, and two, two-bedroom units. The building was constructed in 2004 under the R-3 District and first M-FRO District requirements (amended in 2005.) Sixteen off-street parking spaces are required and provided, and accessed off the improved concrete public alley or from a curb cut off Vattier Street. The building buffers the majority of off-street parking from the two public streets except for five parking spaces on the south side of the building adjacent to the alley and visible from N. 11<sup>th</sup> Street. A six foot tall wood fence screens the east side of the site from the adjoining property.

**Proposed Building**

The proposed L shaped building, an approximate 39-foot tall, three story multiple-family dwelling, will be constructed of brick and limestone details and similar to the existing building in architectural style and form. The apartment building will have twelve, one-bedroom, dwelling units. Twelve off-street parking spaces are required and proposed adjacent to the east side of the building and off the alley, which will be screened by a wood fence. The fence tapers from six-feet in height to 2.5-feet in height for vision for vehicles backing onto to the alley or vehicles traveling on the alley.

**PROPOSED LOT COVERAGE**

<u>Use</u>	<u>Square Feet</u>	<u>Percentage</u>
Buildings	7,414.89 sf	32.81 %
Driveways	8,734.63 sf	38.65 %
Landscape/Open Space	6,447.48 sf	28.54 %

**PROPOSED SIGNS**

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Existing Identification/Nameplate	2.5 sf	External
Proposed Nameplate	Identification/ 16.5 sf	External

*Attachment No. 1*

Exempt signs such as address numerals, real estate signs and similar exempt signage will be allowed.

**PROPOSED LIGHTING:** Existing and proposed fixtures shown on the plans are not full-cut off. Lighting on the existing apartment building consists of accent lighting, wall pack and large spot lights. Large spot lights should be replaced with full cut-off lights to reduce glare on property to the south including the public alley. Proposed lighting consists of accent light over the proposed sign and by doors/entrances. Parking lights are shown on the parking lot sides of the building. These lights should be downcast and shaded to reduce glare on adjacent property and the alley.

**REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

**1. LANDSCAPING:** Landscaping accounts for 28% of the site in front yards along the two street frontages and partly in the parking lot. The proposed landscape plan is a mix of landscaping, which consists of lawns, shrubs, and new trees are generally consistent with the requirements of the M-FRO District.

Landscaping will be maintained with hose and sprinkler irrigation. The applicant/owner is responsible for maintenance.

**2. SCREENING:** A six foot tall wood and masonry fence will screen trash enclosures from public view along Vattier Street and the alley.

Landscape screening 30 inches in height is proposed for existing off-street parking off N. 11<sup>th</sup> Street to buffer parking spaces from the public street consistent with the requirements of the M-FRO District.

**3. DRAINAGE:** The applicant's proposal is to direct storm water to the existing storm water system at the intersection of N. 11<sup>th</sup> Street and Vattier Street. A Stormwater Drainage Report was prepared by Sloan, Meier and Hancock – Engineers Surveyors, P.A., dated March 6, 2008 (attached). The City's Principal Civil Engineer has reviewed the Report (memo attached), and accepts the proposal noting the proposed improvement portion of the total site is less than one-half acre and exempt from the post and predevelopment criteria set out in the Standard Specifications, current edition.

**4. CIRCULATION:** The internal circulation plan for vehicles relies entirely on the improved alley for access to the 28 off-street parking spaces. One exit-only is proposed to Vattier Street and other exiting movements to the alley. Internal pedestrian access is through the parking lot to dwelling units and internal sidewalks to dwelling units. A

*Attachment No. 1*

proposed internal sidewalk with the new building provides pedestrian access to existing sidewalk on Vattier Street. The existing apartment building's pedestrian access has a sidewalk connection off the southern parking area to existing sidewalk on N. 11<sup>th</sup> Street.

A Traffic Impact Analysis was prepared by Sloan, Meier and Hancock – Engineers Surveyors, P.A., dated March 6, 2009 (attached). The Study concludes

The City's Principal Civil Engineer has reviewed the Study (memo attached) and accepts the Study's conclusion.

There are existing sidewalks along both streets, with the brick portion of sidewalk along 1021 Vattier Street's frontage proposed to be removed and improved as concrete sidewalk.

The development documents suggest the market is students, but no provisions for bike racks are proposed. Bike racks should be provided where feasible.

Twenty eight parking spaces are required, one per bedroom, and 28 are proposed, which is based on the M-FRO requirement of one parking space per bedroom.

**5. OPEN SPACE AND COMMON AREA:** Twenty eight percent of the site is landscaped open space, the majority in the front yard along street frontages and partly in the parking lot. Landscaping will be maintained by the applicant/owner.

**6. CHARACTER OF THE NEIGHBORHOOD:** The proposed PUD takes into account the character of the neighborhood in terms of density, architectural building design, or proposed signage. The proposed 26 dwelling units, equivalent to 50 dwelling units per acre, is generally consistent with the density in the neighborhood. The R-3 District requires a minimum of 1,000 square feet of lot area per dwelling unit and the proposed PUD's lot area per unit is 22,597 square feet, or .52 acres, (.52/26= 50 dwelling units per acre). The site is 3,403 square feet in area less than the minimum lot area required by the R-3 District.

Developed lots in the neighborhood consist of a range of older single-family dwelling units to modern and relatively new multiple-family dwelling units, generally consisting of twelve unit apartment buildings up to 18 unit buildings. The Campus Bridge Lofts PUD, at 820 N. Manhattan Avenue, has 27 dwelling units and 27 off-street parking spaces, on an approximate 30,376 square feet tract of land, or a density of 37 units per acre, and was developed prior to adoption of M-FRO requirements. An 18 unit apartment building on a 22,500 square foot tract at 1111 Vattier Street has an approximate density of 35 units per acre.

*Attachment No. 1*

The proposed architecture is consistent with the existing building and generally meets the M-FRO District requirements as listed under CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE below. The M-FRO District was created in two phases, with the latest amendment approved October 11, 2005.

Proposed identification/nameplate signage is residential in character and fits in the neighborhood.

**MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS**

**1. EXISTING USE:** The existing 14-unit apartment building (twelve, one bedroom and two, two bedroom units) at 1029 Vattier Street was built in 2004. There are 16 screened off-street parking spaces serving the apartment building with access off the public alley or from a driveway off Vattier Street. The existing single-family dwelling was built in 1915 with alley access to a gravel parking area.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Built environment with landscaped front yards along the public street. The site is flat and drains to the north, south and west to the alley and public streets. There are existing storm sewer inlets on N. 11<sup>th</sup> Street.

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

**(a.) NORTH:** Vattier Street, single-family, two family dwellings and multiple-family dwellings in older homes, newer multiple-family (apartment buildings), proposed Lofts Residential PUD; R-3/M-FRO District and proposed PUD.

**(b.) SOUTH:** Public alley; newer apartment buildings, and Bluemont Avenue; R-3/M-FRO District.

**(c.) EAST:** single-family, two family dwellings and multiple-family dwellings in older homes, newer multiple-family (apartment buildings); R-3/M-FRO District.

**(d.) WEST:** N. 11<sup>th</sup> Street, single-family, two family dwellings and multiple-family dwellings in older homes and newer multiple-family (apartment buildings); R-3/M-FRO District.

**4. CHARACTER OF THE NEIGHBORHOOD:** See above under Review Criteria for Planned Unit Development, number 6.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** Uses on both existing sites are suitable for uses under the R-3/M-FRO Districts. The existing apartment building at 1029 Vattier Street was built under the first M-FRO district guidelines.

**5. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed density of 50 dwelling units per acre, is slightly more than would be allowed under current zoning requirements. The increase should not dominate the use of adjoining property or public rights-of-way to include the public alley. The proposed use will be accessed from the public alley, which intersects with N. 11<sup>th</sup> Street and N. 10<sup>th</sup> Street. Traffic impacts on the public street, as well as on-street parking, which are already congested, are likely to increase, but would not be inconsistent with current conditions. Proposed building setbacks are consistent with the neighborhood. The site and building compatibility are generally consistent with the M-FRO District character of the neighborhood.

**6. CONFORMANCE WITH COMPREHENSIVE PLAN:** The proposed site is shown on the Future Land Use map in the Downtown Core Neighborhoods, Future Land Use Map, as Residential High Density (RHD).

***Chapter 4, Land Use and Growth Management in the Comprehensive Plan.***

The following Growth Management and Land Use Policies are set out in, and are applicable to the proposed PUD:

***RHD 1: Characteristics***

The Residential High Density designation is designed to create opportunities for higher density neighborhoods in both an urban downtown setting and a suburban setting. Within an urban or downtown setting, the designation accommodates higher-intensity residential housing products, such as mid to high-rise apartments, townhomes and condominiums, combined with complementary non-residential land uses, such as retail, service commercial, and office uses, often within the same building. In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or urban fashion, such as in planned apartment communities with complimentary neighborhood service commercial, office and recreational facilities. These neighborhoods could be implemented through a Planned Unit Development or by following design and site plan standards (design review process).

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

Possible densities under this designation are 19 dwelling units per net acre and greater.



***RHD 3: Location***

Residential High Density uses are typically located near intersections of arterials and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. High-density neighborhoods should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods. In a more urban or downtown setting, residential high density may be combined with active non-residential uses in a vertically mixed-use building.

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

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

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

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

***GM 9: Infill and Redevelopment***

Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area. For additional policies related to infill and redevelopment, refer to the Land Use Policies below and to Chapter 9, Housing and Neighborhoods.

***Chapter 9, Housing and Neighborhoods.***

***Guiding Principles:***

Provide opportunities for a greater mix of housing types, which are appropriately located, scaled and designed in relation to surrounding neighborhoods.

***Policies***

***HN 1: Mixture of Housing Types***

The City and County shall encourage, through their land use regulations and incentive programs, the private sector to provide a mixture of housing types with varied price ranges and densities, that attempt to meet the needs of all elements of the Urban Area population.

***HN 4: Stabilize Older Neighborhoods***

The City shall undertake programs targeted towards stabilization of neighborhoods in the core area. The City shall seek to promote a balance of land uses, preserve key characteristics and historic features, and to help preserve existing housing stock. Consideration shall be given to adoption of development standards for infill and redevelopment projects, remodeling, and additions to existing structures so they achieve compatibility with existing neighborhood scale and character.

***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 a multiple-family development and located in an area identified for redevelopment. It is generally consistent with the policies of the Comprehensive Plan. The policy regarding density suggests that possible densities of greater than 19 units per acre are appropriate. The proposed density, 50 units per acre, is appropriate for the 22,597 square foot tract. Assuming the number of units was equivalent to the area of the site, a density of 44 dwelling units per acre ( $22.5$ , or  $23/.52 = 44$ ) would be allowed.

The proposed PUD would be considered Redevelopment, as defined in Policy HN 5: Promote Infill and Redevelopment. The proposed PUD takes into account the character of the neighborhood in terms of Policy RHD4: Building Massing and Form, and, in general, the architectural requirements of the M-FRO District, which were adopted to guide redevelopment in this part of the community.

The proposed PUD generally conforms to the Comprehensive Plan.

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

1926-1965 - B, Second Dwelling House District  
1965-1969 - B-1, Multiple family Dwelling District  
1969-1987 - R-3, Multiple-Family Residential District  
1987- 2003 - R-M, Four-Family Residential District  
October 21, 2003- Present – R-3/M-FRO District

Note: The M-FRO District was amended effective October 11, 2005, Ordinance No. 6499.

The existing apartment building at 1029 Vattier Street was built in 2004. The existing single-family dwelling was built in 1915.

**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 proposed PUD is located in the R-3/M-FRO District. Specific provisions of the Zoning Regulations with which the proposed PUD does not comply are noted in bold text.

Land use and structures within a Planned Unit Development District which, when approved by the Planning Board and Governing Body, may differ in one or more respects from the regulations that are applicable in any other zoning district. The objectives of a Planned Unit Development District shall be to promote progressive development of land and construction by encouraging Planned Unit Developments (PUD's) to achieve: a maximum choice of living environments by allowing a variety of housing and building types; a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns; a more efficient use of land than is generally achieved through conventional development; a development pattern in harmony with land use density, transportation facilities, and community facilities; an environment which provides safe, clean, convenient and necessary residential, commercial, and industrial facilities which will afford greater opportunities for better housing, recreation, shops and industrial plants for all citizens of the community; a development plan which suits the specific needs of the site and takes into account the unique conditions of the property which may require changes of conventional bulk regulations, lot layout, or density; or results in a project that provides greater public benefit than would be provided under conventional zoning; and, a mixture of compatible uses which might not otherwise be permitted in a single district, or which may restrict the range of land uses more than in a single district.

*Attachment No. 1*

The current R-3 District is designed to provide for multiple-family development at a density no greater than one (1) dwelling unit per 1,000 square feet. The M-FRO, Multi-Family Redevelopment Overlay is designed to ensure that multiple-family infill development is functionally integrated into surrounding areas and compatible with the traditional character of the older neighborhoods of Manhattan. The intent is to provide a framework within which higher density housing can be built, while being sensitive to surrounding neighborhoods and the public streetscape with regard to design and site layout. The M-FRO is used in conjunction with the underlying R-3, Multiple-Family Residential District. (Note: The definitions pursuant to Section 4-112 (G) shall apply to the M-FRO District.)

Applicable provisions of the R-3, Multiple-Family Residential District, with which the proposed PUD is inconsistent:

**Section 4-106 (C) Lot Size Requirements (1) Minimum lot area (d) Multiple-family dwellings: 1,000 square feet per family, but not less than 6,000 square feet.** The proposed PUD has 26 dwelling units, which means a minimum lot area of 26,000 square feet (.60 acres) is required. The proposed PUD is on a 22,597 square foot (.52 acre) tract of land. The proposed PUD is 3,403 square feet less in area than required by the R-3 District. The proposed PUD exceeds the minimum lot area requirement and does not meet the requirements of the R-3 District. However, the PUD process provides for both flexibility and balance, a 3,403 square foot difference is not an unreasonable difference in lot area when certain factors are considered: The proposed PUD can accommodate the proposed density, off-street parking and is generally compatible with the neighborhood and meets front yard requirements; and, while the side yard is less than the minimum six foot setback requirement, the additional foot of encroachment is roof overhang, which has minimal impact on adjacent property to the east.

Applicable provisions of the M-FRO District, with which the proposed PUD is inconsistent:

**Section 4-112 (D) Bulk Regulations (2) (b) Minimum side yard (1): 6 feet.** The site is a corner lot with side yards along the south and east portions of the site. The existing and proposed south side yard setbacks are approximately 25 feet and 19 feet, respectively. The proposed east side yard is five feet. While the side yard is less than the minimum six foot setback requirement, the additional one foot of encroachment is roof overhang, which has minimal impact on adjacent property to the east. Additionally, the roof eave encroachment is approximately 28 feet above grade. The building wall meets the six foot setback.

**Section 4-112 (F) Compatibility Standards (1) Site Design Standards (a) Driveways and Curb Cuts (5):** A driveway leading from a street towards a residential building shall be offset entirely to one side of the residential building, so as not to terminate in front of the façade that faces towards the street, unless it terminates into an attached garage. The existing driveway is to the side of the existing building at 1029 Vattier Street and will remain in its current location. Not being offset is a function of the existing improvements to the west, the existing driveway and apartment building.

**Section 4-112 (F) Compatibility Standards (2) Building Design Standards (a) Building Exterior:** Design elements, such as variation in massing, use of architectural features, and changes in color, texture, and material, shall be utilized to break up wall surfaces, establish visual interest and accentuate individual dwelling units. The proposed building provides visual interest by incorporating varying building materials, a porch and material details and a gable roof along the Vattier Street building façade. While not meeting the literal requirement for an additional architectural element, such as a second gable, the materials and window highlights add architectural interest, consistent with the existing building fronting on N. 11<sup>th</sup> Street, which was constructed prior to the current M-FRO District requirements.

**Section 4-112 (F) Compatibility Standards (2) Building Design Standards (f) Building Entrances:** There shall be at least one common entrance that provides access to at least half of all first story dwelling units, or direct entrances to at least half of all first story dwelling units, or, a combination of common entrances and direct entrances to at least half of all first story dwelling units, such entrance(s) being located on a street facing façade. Such entrance(s) shall provide direct pedestrian sidewalk connection(s) to the public sidewalk or, if no public sidewalk exists, to the public street. A common entrance to half the units on the street facing façade is not provided. A porch adds a design feature to one unit and a sidewalk extends from the public sidewalk on Vattier Street to the front of the building leading to the rear units. Certain features of the new development portion of the site appear to restrict the design intent. The proposed site is 50 feet in width, which restricts the access, as well as existing improvements to the west. Existing improvements include the access driveway and the existing apartment building. In order that all of the requirements of the current M-FRO District are met, the building would need to be redesigned or existing improvements would have to be altered. Either option is an impractical solution. Additionally, the building generally meets the current M-FRO requirements. It also matches the existing building. The site landscaping will be upgraded as well. While this specific standard is not met, overall the building's character is consistent with the M-FRO District.

Overall Intent

The proposed PUD offers modern one-bedroom living units not normally found in the surrounding neighborhood, with a development pattern and density generally consistent with the ongoing redevelopment in the neighborhood. The proposed density is greater than other newer and recent construction constructed as permitted uses under R-3/M-FRO requirements because minimum lot area is not met. In this instance, the increase in dwelling units is minimal. The objectives of the PUD regulations are intended to provide flexibility and promote progressive development. The proposed PUD is generally in harmony with the neighborhood in which it is proposed. The building is generally compatible with M-FRO District requirements as outlined above.

**10. 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:** Denial of the request would not be a gain to the public because minimal impact on the public is expected as a result of traffic or storm water. It appears there may be a hardship on the owner if the rezoning is denied due to no relative gain to the public that denial would accomplish

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Public utilities are adequate. The increase in density is consistent with the sanitary sewer parameters that were considered when the M-FRO District was originally considered. Adequacy of fire flows for firefighting capacity should be determined (see City's Principal Civil Engineer's memo.)

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS AND RECOMMENDATION:** City Administration recommends approval of the proposed rezoning of Willie's Villas from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the following conditions of approval:

1. The Permitted Use shall include an existing residential multiple-family dwelling unit consisting of twelve (12) one-bedroom dwelling units and two (2), two-bedroom dwelling units, and a proposed multiple-family dwelling unit consisting of twelve (12) one-bedroom units.
2. 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.

*Attachment No. 1*

3. Existing and proposed nameplate signs shall be permitted as well as Exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2), of the Manhattan Zoning Regulations shall be permitted.
4. All landscaping and irrigation shall be maintained in good condition.
5. Minimum needed fire flows from the existing water main in Vattier Street shall be determined, prior to issuance of a building permit.
6. Parking lot lighting on the proposed building shall be downcast and full cutoff design. Parking lot spot lights on the existing building shall be replaced with downcast full cut-off lights.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Willie's Villas from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, to PUD, Residential Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Willie's Villas from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay 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 Willie's Villas from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, to PUD, Residential Planned Unit Development District, based on the findings in the staff report, with the six conditions recommended by City Administration.

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

**DATE:** April 16, 2009

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