

MINUTES
CITY COMMISSION MEETING
TUESDAY, DECEMBER 18, 2012
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Loren J. Pepperd and Commissioners John Matta, Wynn Butler, Richard B. Jankovich, 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 Raymond, City Clerk Gary S. Fees, 6 staff, and approximately 50 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Pepperd led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Pepperd proclaimed December 31, 2012, *Little Apple New Year's Eve Celebration Day*. Evan Tuttle, Event Coordinator, was present to receive the proclamation.

COMMISSIONER COMMENTS

Ron Fehr, City Manager, introduced Bill Raymond, the new City Attorney for the City of Manhattan.

Commissioner Sherow expressed his deepest sympathy to the community of Newtown, Connecticut; especially to the families that lost their children in this senseless murder of innocents. He provided information on gun violence and statistics of people being killed in the United States due to gun violence. He encouraged the Commission to consider joining or supporting a coalition called Mayors Against Illegal Guns and asked his fellow Commissioners to become versed with this coalition and to see if it is a coalition the Commission could support.

Mayor Pepperd stated that he has received other requests from mayors to join other coalitions besides this one too.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, December 4, 2012.

CLAIMS REGISTER NO. 2716

The Commission approved Claims Register No. 2716 authorizing and approving the payment of claims from November 28, 2012, to December 11, 2012, in the amount of \$2,984,803.34.

LICENSE – FIREWORKS DISPLAY

The Commission approved a Fireworks Display License for December 31, 2012, for Manhattan Festivals, Inc., LLC, 623 North Manhattan Avenue.

LICENSE – MERCHANT GUARD AGENCY

The Commission approved Merchant Guard Agency Licenses for calendar year 2013 for AlliedBarton Security Services LLC, 161 Washington Street, Suite 600, Conshohocken, Pennsylvania; Securitas Security Services USA, Inc., 2942 B South West Wanamaker Drive, Suite 2A, Topeka, Kansas; and VendTech-SGI LLC, 7501 North West Tiffany Springs Parkway, Suite 400, Kansas City, Missouri.

LICENSE – TREE MAINTENANCE

The Commission approved Tree Maintenance Licenses for calendar year 2013 for Asplundh Tree Expert Company, 2901 Princeton Place; Capital City Tree Care Inc., 7920 North West 35th, Silver Lake, Kansas; Gudenkauf Tree Service, Inc., 102 North Street, Seneca, Kansas; Three Men Tree Service, 255 Ridge Drive; and 2 Big Feet Tree Pruning and Removal, 405 North 5th Street.

LICENSE – CEREAL MALT BEVERAGES OFF-PREMISES

The Commission approved annual Cereal Malt Beverages Off-Premises Licenses for Ampride, 215 East Poyntz Avenue; Daras #1, 1816 Claflin Road; Daras #2, 3210 Kimball Avenue; Daras #3, 472 East Poyntz Avenue; Daras #5, 1102 Laramie Street; Daras #6, 2707 Anderson Avenue; Daras #7, 1709 Fort Riley Boulevard; Daras #10, 2323 Tuttle Creek Boulevard; Daras #12, 1701 Anderson Avenue; Oppy's Service Inc., 605 South 3rd Street; Shop Quik #11, 3108 Anderson Avenue; Shop Quik #12, 430 Fort Riley Boulevard; Shop Quik #14, 529 Richards Drive; Shop Quik #16, 1127 Bluemont Avenue; Walgreens #7060, 325 Bluemont Avenue; and Walgreens #12814, 2719 Anderson Avenue.

LICENSE – CEREAL MALT BEVERAGES ON-PREMISES

The Commission approved annual Cereal Malt Beverages On-Premises Licenses for Hunan Express Restaurant, 1116 Moro Street; Tuttle Creek Pizza Hut, 1005 Hostetler Road; and Westloop Pizza Hut, 2931 Claflin Road.

CONSENT AGENDA (CONTINUED)

FINAL PLAT – THE RESERVE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of The Reserve Addition generally located west of an extension of Players Terrace and Grand Mere Parkway, based on conformance with the Manhattan Urban Area Subdivision Regulations.

RESOLUTION NO. 121812-B - THE RESERVE - SANITARY SEWER IMPROVEMENTS (SS1210)

The Commission found the petition sufficient and approved Resolution No. 121812-B finding the project advisable and authorizing construction for The Reserve Sanitary Sewer Improvements (SS1210).

RESOLUTION NO. 121812-C - THE RESERVE - WATER IMPROVEMENTS (WA1216)

The Commission found the petition sufficient and approved Resolution No. 121812-C finding the project advisable and authorizing construction for The Reserve Water Improvements (WA1216).

AGREEMENT - ENGINEERING SERVICES - THE RESERVE - SANITARY SEWER (SS1210) AND WATER (WA1216) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with SMH Consultants, PA, to perform professional services for The Reserve Sanitary Sewer (SS1210) and Water (WA1216) Improvements.

FINAL PLAT – MILLER RANCH, UNIT FIVE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Miller Ranch Addition, Unit Five, generally located southwest of the intersection of Firethorn Drive and Amherst Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

RESOLUTION NO. 121812-D – MILLER RANCH, UNIT FIVE – SANITARY SEWER IMPROVEMENTS (SS1209)

The Commission found the petition sufficient and approved Resolution No. 121812-D finding the project advisable and authorizing construction for Miller Ranch, Unit Five, Sanitary Sewer Improvements (SS1209).

RESOLUTION NO. 121812-E – MILLER RANCH, UNIT FIVE – WATER IMPROVEMENTS (WA1214)

The Commission found the petition sufficient and approved Resolution No. 121812-E finding the project advisable and authorizing construction for Miller Ranch, Unit Five, Water Improvements (WA1214).

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 121812-F – MILLER RANCH, UNIT FIVE – STREET IMPROVEMENTS (ST1211)

The Commission found the petition sufficient and approved Resolution No. 121812-F finding the project advisable and authorizing construction for Miller Ranch, Unit Five, Street Improvements (ST1211).

AGREEMENT – ENGINEERING SERVICES – MILLER RANCH, UNIT FIVE, IMPROVEMENTS (SS1209, WA1214, ST1211)

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, PA, of Manhattan, Kansas, to perform professional services for Miller Ranch, Unit Five, and Barton Place Addition, Unit Two, Sanitary Sewer (SS1209), Water (WA1214), and Street (ST1211) Improvements.

ORDINANCE NO. 6980 – INSTALL – STOP AND YIELD SIGNS

The Commission approved Ordinance No. 6980 authorizing the installation of stop and yield signs at multiple intersections (*See Attachment No. 1*).

* FIRST READING – HOSPITAL REFUNDING REVENUE BONDS – MERCY REGIONAL HEALTH CENTER

Commissioner Jankovich stated that he does not have a conflict of interest on the item because the City is acting as a conduit on the refunding of bonds issued prior to his appointment as a Commissioner. He also declared that he is on one of the Mercy boards and has a banking relationship with them as well.

Commissioner Butler announced that he had a conflict of interest on the item because his spouse is employed by Mercy Regional Health Center as a Registered Nurse and would be abstaining on the item.

The Commission approved first reading of an ordinance authorizing the issuance of Hospital Refunding Revenue Bonds for Mercy Regional Health Center, of Manhattan, Kansas.

RESOLUTION NO. 121812-A – CITY BOUNDARY

The Commission approved Resolution No. 121812-A establishing and defining the boundaries of the City of Manhattan, Kansas, as of December 18, 2012.

REQUEST FOR QUALIFICATIONS – WILDCAT CREEK LIFT STATION, PHASE II (SS1211)

The Commission authorized City Administration to advertise a Request for Qualifications (RFQ) for Engineering and Design Services for Wildcat Creek Lift Station, Phase II (SS1211) and appointed Commissioner Jankovich to serve on the selection committee.

CONSENT AGENDA (CONTINUED)

- * **2013 CONTRACT – FLINT HILLS AREA TRANSPORTATION AGENCY**
The Commission approved a contract as budgeted in the 2013 City Budget and authorized the Mayor and City Clerk to execute said contract with the Flint Hills Area Transportation Agency.

2013 CONTRACT – MANHATTAN CENTER FOR THE ARTS
The Commission approved a contract as budgeted in the 2013 City Budget and authorized the Mayor and City Clerk to execute said contract with the Manhattan Center for the Arts.

2013 CONTRACT – WOLF HOUSE MUSEUM
The Commission approved a contract as budgeted in the 2013 City Budget and authorized the Mayor and City Clerk to execute said contract with the Wolf House Museum.

2013 CONTRACT – DOWNTOWN MANHATTAN, INC.
The Commission approved a contract as budgeted in the 2013 City Budget and authorized the Mayor and City Clerk to execute said contract with the Downtown Manhattan, Inc.

2013 CONTRACT – SSAB AGENCIES
The Commission approved a contract as budgeted in the 2013 City Budget and authorized the Mayor and City Clerk to execute said contract with the Social Services Advisory Board agencies (*See Attachment No. 3*).

2013 CONTRACT – SPECIAL ALCOHOL FUNDS AGENCIES
The Commission approved a contract as budgeted in the 2013 City Budget and authorized the Mayor and City Clerk to execute said contract with the Special Alcohol Funds agencies (*See Attachment No. 4*).

2013 CONTRACT – AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT
The Commission authorized the Mayor and City Clerk to execute the 2013 Aggieville Business Improvement District contract.

2013 CONTRACT – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT
The Commission authorized the Mayor and City Clerk to execute the 2013 Downtown Business Improvement District contract.

CONSENT AGENDA (CONTINUED)

* **LEASE – COMMUNITY GARDENS**

Linda Teener, Director, University for Mankind (UFM) Learning Center, thanked the Commission for the agreement with the Community Gardens. She voiced her appreciation to the City's Parks Department for assisting with irrigation piping, equipment to till soil, and trimming trees.

The Commission authorized the Mayor and City Clerk to execute the lease with University for Mankind (UFM) Community Learning Center for operation of the Community Gardens.

OUTSIDE CITY WATER CONNECTION AGREEMENT – 2520 CASEMENT ROAD

The Commission authorized the Mayor and City Clerk to execute an outside city limits water service connection agreement with Clifford and Opal Carlson for a single-family residence at 2520 Casement Road, Riley County, Kansas.

* **AGREEMENTS – AIR SERVICE REVENUE GUARANTEE**

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on the item and availability of economic development funds.

The Commission authorized the Mayor and City Clerk to execute the escrow agreement with the State of Kansas Department of Commerce and the Manhattan Area Chamber of Commerce; authorized the Mayor and City Clerk to execute the support agreement with the Manhattan Area Chamber of Commerce; and authorized City Administration to allocate economic development funds in the amount of \$265,000.00 in order to satisfy the terms of the escrow agreement.

2013 AGREEMENT – TECHNICAL SUPPORT SERVICES

The Commission authorized City Administration to finalize and the Mayor to execute the technical support services agreement for a term of January 1, 2013, to December 31, 2013, in the amount of \$21,600.00 with Networks Plus, of Manhattan, Kansas.

AMEND – 2012 CDBG ANNUAL ACTION PLAN

The Commission approved the substantial amendment to the Community Development Block Grant (CDBG) 2012 Annual Action Plan and authorized the City Manager to execute agreements with the Manhattan Emergency Shelter, Inc. and The Crisis Center, Inc.

CONSENT AGENDA (CONTINUED)

AMENDMENT – PRATHISTA INTERNATIONAL

The Commission authorized the Mayor and City Clerk to execute an Amendment to the Economic Development Incentives Agreement and Airport Armory Lease Agreement with Prathista International.

* TASK ORDER NO. 7 – FIXED BASE OPERATOR SERVICES AND FACILITY ANALYSIS

Ron Fehr, City Manager, responded to questions from the Commission and provided additional background information and clarification of the item.

The Commission authorized the Mayor and City Clerk to execute Task Order No. 7 in the amount not to exceed \$17,000.00 with Mead & Hunt, Inc., of Madison, Wisconsin, for a Fixed Base Operator (FBO) Services and Facility Analysis at the Manhattan Regional Airport.

PURCHASE – BREATHING AIR COMPRESSOR AND FILL STATION

The Commission authorized City Administration to enter into a purchase agreement in the amount of \$34,285.00 with Conrad Fire Equipment, of Olathe, Kansas, for the purchase and installation of a Bauer Legacy 18 breathing air compressor and fill station to be located at the Headquarters Fire Station.

* BOARD APPOINTMENTS

Ron Fehr, City Manager, responded to questions from the Commission regarding the Commissioners term and duration for the appointment to the Flint Hills Regional Council. He provided clarification that this is a Commission position and the duration of the term would be for the remaining term of Commissioner Sherow through mid April.

Mayor Pepperd clarified that his intent was to replace the current term of Commissioner Sherow with Commissioner Jankovich.

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

Cemetery Board

Re-appointment of Larry Fry, 1104 Village Drive, to a three-year term. Mr. Fry's term will begin January 1, 2013, and will expire December 31, 2015.

City/University Special Projects Fund Committee

Appointment of Michael Silva, 229 Harvey Drive, to a two-year Citizen term. Mr. Silva's term begins immediately, and will expire June 30, 2014.

CONSENT AGENDA (CONTINUED)

* **BOARD APPOINTMENTS (CONTINUED)**

Downtown Business Improvement District Advisory Board

Appointment of Kate Danenberg, 2961 Keats Avenue, to a two-year term. Ms. Danenberg's term will begin January 1, 2013, and will expire December 31, 2014.

Appointment of Daniel Crouch, 3304 Pinewood Lane, to a two-year term. Mr. Crouch's term will begin January 1, 2013, and will expire December 31, 2014.

Flint Hills Regional Council

Appointment of Commissioner Jankovich, 2021 Somerset Square, to replace Commissioner Sherow's term. Commissioner Jankovich's term will begin January 1, 2013.

After additional discussion and comments from the Commission, Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item I, FIRST READING – HOSPITAL REFUNDING REVENUE BONDS – MERCY REGIONAL HEALTH CENTER, which carried 4-0-1, with Commissioner Butler abstaining on the item; and, with the exception of Item L, 2013 CONTRACT – FLINT HILLS AREA TRANSPORTATION AGENCY; MANHATTAN CENTER FOR THE ARTS; WOLF HOUSE MUSEUM; SSAB AGENCIES; AND SPECIAL ALCOHOL FUNDS AGENCIES, which carried 3-2, with Commissioners Matta and Butler voting against the item; and, with the exception of Item T, TASK ORDER NO. 7 – FIXED BASE OPERATOR SERVICES AND FACILITY ANALYSIS, which carried 4-1, with Commissioner Butler voting against the item.

GENERAL AGENDA

FIRST READING - REZONE - PROPOSED 1845 COLLEGE HEIGHTS ROAD PUD

Commissioner Jankovich stated that he had a conflict of interest with the applicant and recused himself from the item.

GENERAL AGENDA (CONTINUED)

FIRST READING - REZONE - PROPOSED 1845 COLLEGE HEIGHTS ROAD PUD (CONTINUED)

Eric Cattell, Assistant Director for Planning, presented background information regarding the item; the proposed use, building, phasing, and bulk regulations; the adequacy of public facilities and services; the neighborhood character; the compatibility of the proposed district with nearby properties and extent to which it may have detrimental effects; and provided an overview of the Land Use and Comprehensive Plans. He stated that the overall proposed rezoning at this location does not conform to the Comprehensive Plan. He then responded to questions from the Commission and reiterated the denial by the Manhattan Urban Area Planning Board and the recommendation of City Staff.

Chris Elsey, 2052 Hunting Avenue, Applicant, presented the proposal and informed the Commission that the proposed project is a better way of doing things to address the shortage of student housing around Kansas State University. He stated the goal is smart urbanism to create a high density, walkable community. He asked for consideration for high density and informed the Commission that the proposed property is the right location for high density and is near the University. He presented a sketch model of the property and different perspectives, building layout, garage layout, dwelling unit data, and parking information. He then provided additional information on the proposed development, highlighted aspects of the current neighborhood, and presented other university examples with high density zoning areas for housing.

Molly McGaughey, 1915 Montgomery Drive, voiced concern with the additional traffic that would occur in the neighborhood and pedestrian traffic across Denison Avenue and Hunting Avenue. She asked that the area be kept safe for those living in the area and to be viewed as a community zone.

Belinda Hunter, 721 Harris Avenue, stated that additional residents will also have cars and will impact area for both walking and driving their vehicles. She stated the K-State Master Plan proposes to eliminate all vehicle traffic in the core of campus and will push traffic into this area.

Kathy Dzewaltowski, President, Manhattan/Riley County Preservation Alliance, informed the Commission that the Preservation Alliance supports the position of the Manhattan Urban Area Planning Board's recommendation for denial of the rezoning. She provided additional information of the proposed project and voiced concerns with the urban scale of the proposed structure, compatibility conflicts with the neighborhood character, and stated that the proposed structure is not compatible with the current zoning and far exceeds the permitted density and lot coverage. She also stated that the proposed structures mass scale and density do not conform with the Comprehensive Plan and would negatively impact the livability of the existing neighborhood. She stated the Preservation Alliance agrees with

GENERAL AGENDA (CONTINUED)

FIRST READING - REZONE - PROPOSED 1845 COLLEGE HEIGHTS ROAD PUD (CONTINUED)

City staff's recommendation that a neighborhood study along with opportunities for public input should take place before any projects on a proposed scale is even considered.

Caprice Becker, 810 Sunset Avenue, informed the Commission that they have owned and lived in their home for 25 years. She stated that they care about their neighborhood and wanted to keep the neighborhood as it currently is. She asked the Commission to keep the density down and voiced concerns with traffic and vehicle concerns.

Doug Denning, 815 Sunset Avenue, stated that just because a neighborhood is next to the University it should still be nice and compatible with the design and neighborhood. He voiced concern with the proposed rezoning and with property rights of the current residents. He informed the Commission that he liked the character of his neighborhood to remain residential and stated that the proposed development should be in an urban area and not a residential area.

Bruce McMillan, Vice President, Grand View Hills Neighborhood Association, addressed concerns with vehicular traffic to the high school backing up to Sunset Avenue past Anderson Avenue. He asked the Commission to consider the additional concerns associated with traffic.

Gwyn Riffel, 1117 Hilton Heights Road, informed the Commission that his family owns several properties in the neighborhood and provided information about his project that was recently built in the area. He stated the density of this proposed project does not fit with the existing zoning or with the Comprehensive Plan. He urged the Commission to deny the rezoning application and that a study be done to look at higher density opportunities and where those would be best located.

Josh Adrian, lived at 1830 College Heights, Farmhouse Fraternity, stated that he moved back to Manhattan and wanted to buy a home in an older neighborhood. He expressed to the Commission the difficulty in doing so. He said this type of project allows neighborhoods to be saved as Kansas State University continues to grow and the student population expands into the neighborhoods.

Todd Gabbard stated that he did not live in the project area. He informed the Commission that he agreed with the idea that higher density development should be constructed closer to the University to alleviate the housing problems in the city.

GENERAL AGENDA (CONTINUED)

FIRST READING - REZONE - PROPOSED 1845 COLLEGE HEIGHTS ROAD PUD (CONTINUED)

Brad Buser, Project Architect, stated that this is an exciting contemporary project and understood the different opinions regarding the way the building should look and the growth of the city. He said the proposal is a change; however, he said the proposal is a positive thing for Manhattan and is a good step against preventing sprawl.

David MacFarland, 2030 Hunting Avenue, voiced concerns with the proposal and stated the idea of housing proposed for multi-family tenants is wrong. He said if this project is approved over the unanimous rejection by the Manhattan Urban Area Planning Board it would set a terrible precedent for future developments. He stated that approval of projects like this would vandalize a neighborhood and bring a new dark age to Manhattan City Planning. He urged the Commission to not let this happen.

David McNamara, 815 Harris Avenue, voiced strong opposition to the proposed rezoning and the construction of the massive apartment complex. He said this project would destroy the character and dynamics of the current neighborhood. He stated the majority of the houses in the neighborhood are well cared for and are owner occupied.

Nell Forester, 2132 Meadowlark Road, representing the League of Women Voters, urged the Commission to support the Manhattan Area Planning Board's recommendation of denial and to not overturn the Board's recommendation. She said this proposal should be denied and highlighted areas of concern with the proposed rezoning. She asked the Commission to support the unanimous decision of the Planning Board and City staff's recommendations. She asked that the City conduct a comprehensive neighborhood analysis and look at land use and density.

Mark Knackendoffel, 726 Sunset Avenue, informed the Commission that he has lived at this address for 26 years and next to a number of rental properties and that it has worked out pretty well. He said that the kind of project envisioned is totally different from what has been built adjacent to his property. He asked the Commission to follow their rules.

Brian Elsey, 2530 Heartland Drive, encouraged the Commission to look at housing needs of the University students and to determine how to best deal with the conflicts of owner occupied and rental areas. He stated this kind of project can enhance a community and asked that the Planning staff be charged with taking a look at high density and where it can be done near the campus.

Roger Luthi, property owner where rezoning is proposed, asked the Commission to strongly consider this proposal. He stated that it would be a significant improvement to the neighborhood and may not have this opportunity again.

GENERAL AGENDA (CONTINUED)

FIRST READING - REZONE - PROPOSED 1845 COLLEGE HEIGHTS ROAD PUD (CONTINUED)

Penny Alonso, property owner of 1846 Hunting Avenue, stated that this area is a college neighborhood and that the properties this close to campus are continually in demand and will eventually become rental properties. She asked the Commission where else would high density be and that this is an ideal location.

Walt Pesaresi, 3039 Conrow Drive, property owner in proposed affected area, informed the Commission that this area is college student rentals on Hunting Avenue and many have gravel for driveways and dandelions for yards and are not kept up or cleaned very well during snow storms. He stated that he lives on Conrow Drive and the house next to him is now a college rental because there is nothing close to campus for students. He said this proposed development area is high density and makes sense and was surprised the Planning Board turned the proposal down. He asked the Commission to look into the proposal.

Mark Knackendoffel, 726 Sunset Avenue, stated that this is not a rental issue, but that this proposed project of this magnitude is the issue and is out of character for this area.

Commissioner Sherow voiced his comments and concerns with the proposed project and reiterated comments expressed by members of the Manhattan Urban Area Planning Board. He stated that Kansas State University has experienced significant growth, but it has not built dormitories or increased housing since the late 1960s. He said that rental units are approaching over 60 percent in Manhattan and discussed how the City is going to deal with this issue and to consider something similar to the Traditional Neighborhood Overlay (TNO) and Multi-Family Residential Overlay (MFRO) districts that were created. He stated that he could not support the proposal, but wanted to see the University take an active role in providing adequate housing for students and for the community to address the issue.

Commissioner Butler reiterated the unanimous decision of the Planning Board and City staff's analysis to deny the proposal. He stated that he appreciates those that talked about their properties and property rights and was convinced that the expectation is to honor zoning unless extraordinary situations merit a change.

Commissioner Matta agreed with comments made from fellow Commissioners and stated that he liked the proposed project, but not the proposed location and expectation of property rights. He stated that the Comprehensive Plan needs to be updated and encouraged citizens to look at the Comprehensive Plan and how it may affect you if changes are made.

GENERAL AGENDA (CONTINUED)

FIRST READING - REZONE - PROPOSED 1845 COLLEGE HEIGHTS ROAD PUD (CONTINUED)

After further discussion and comments from the Commission, Ron Fehr, City Manager, responded to questions from the Commission and provided information regarding the process to adopt a new Comprehensive Plan.

Mayor Pepperd stated there is a need for high density housing in Manhattan because of the increasing student population. He informed the community that Kansas State University will be celebrating its 150th anniversary and has seen significant growth, but the student population has outgrown the college dorms. He said the community needs to find a place to house students and the closer high density housing to campus the better. He stated that he would not support the proposal. He suggested that when the Comprehensive Plan is updated that City staff and community members need to join in on the discussions to find a suitable location for high density and commercial.

Commissioner Sherow demanded that there be closer coordination and good planning between the City and Kansas State University with the University Master Plan and the Comprehensive Plan to address housing issues and traffic implications.

After additional discussion and comments from the Commission, Commissioner Sherow moved to deny first reading of an ordinance rezoning the proposed PUD, generally located east of Sunset Avenue, south of College Heights Road, and north of Hunting Avenue, from R-2, Two-Family Residential District; R-M, Four-Family Residential District; and R-3, Multiple-Family Residential District, with UO, University Overlay District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 2*), as recommended by the Planning Board. Commissioner Butler seconded the motion. On a roll call vote, motion carried 4-0.

Pepperd thanked those that attended and discussed their concerns and ideas.

Commissioner Jankovich returned to the dais.

2012 CHAMBER OF COMMERCE YEAR-END REPORTS AND 2013 CONTRACTS

Lauren Palmer, Assistant City Manager, introduced the item.

Frank Beer, Chair-Elect, Manhattan Area Chamber of Commerce, informed the Commission that the Chamber takes seriously the services provided for the City of Manhattan and thanked the Commission for their service to the community.

GENERAL AGENDA (CONTINUED)

2012 CHAMBER OF COMMERCE YEAR-END REPORTS AND 2013 CONTRACTS (CONTINUED)

Karen Hibbard, Director, Convention and Visitors Bureau (CVB), presented an overview of the annual activities of the CVB and provided several commercial videos promoting Manhattan. She also highlighted the CVB's website growth, various meetings and special events, groups hosted in 2012 and conference attendees, Manhattan's hotel room growth, and expressed appreciation to the volunteers.

John Pagen, Vice President, Economic Development, Manhattan Area Chamber of Commerce, presented an overview of economic development activities and funding sources for economic development initiatives. He highlighted strategies for growth from 2012 through 2016; Manhattan retail sales numbers; labor force statistics; activities with the Military Relations Committee and the potential workforce pool from Fort Riley; additional accolades received for Manhattan; pull factors and rankings for Manhattan; and an provided an update on the Manhattan 24/7 campaign. He then responded to questions from the Commission regarding sales tax figures and rankings with other comparable populations.

Ron Fehr, City Manager, responded to questions from the Commission regarding the Industrial Promotion Fund and the transient guest tax.

After discussion and comments from the Commission, Commissioner Jankovich moved to authorize the Mayor and City Clerk to execute the Economic Development, Fort Riley Promotion, and Tourism and Convention contracts for 2013 with the Manhattan Area Chamber of Commerce. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

At 9:17 p.m., Commissioner Jankovich moved to recess into Executive Session until 9:40 p.m., for the purpose of discussions with the Attorney for the City regarding pending litigation that need to be confidential and that are deemed privileged in the attorney-client relationship. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

At 9:40 p.m., the Commission reconvened with Mayor Pepperd and Commissioners Matta, Butler, Jankovich, and Sherow in attendance.

ADJOURNMENT

At 9:40 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

Attachment No. 1

<i>Intersection</i>	<i>Controlled Direction</i>	<i>Type of Control</i>
Moro Street and North 6th Street	North and Southbound	Yield
Moro Street and North 10th Street	North and Southbound	Yield
Moro Street and North 3rd Place	Northbound	Stop
Firethorn Drive and Hemlock Avenue	Eastbound	Stop
Warner Park Road and Arbor Drive	North and Southbound	Stop
N. Manhattan Avenue and Central Park	Westbound	Yield

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: R-2, Two-Family Residential District, and UO, University Overlay District; R-M, Four-Family Residential District, and UO, University Overlay District; and, R-3, Multiple-Family Residential District, and UO, University Overlay District, consisting of the following seven unplatted tracts of land:

908 Sunset Avenue (R-2/UO);
1865 College Heights Road (R-2/UO);
1857 College Heights Road (R-3/UO);
1845 College Heights Road (R-3/UO);
904 Sunset Avenue (R-2/UO);
1852 Hunting Avenue (R-M/UO); and,
1846 Hunting Avenue (R-M/UO).

TO: PUD, Residential Planned Unit Development District.

OWNERS and REZONE PROPERTY ADDRESSES: Ruby A. Weik Trust, 908 Sunset Avenue; Bruce L. and Nancy C. Arnold Trust, 1865 College Heights Road; Joseph G. Sexton, 1857 College Heights Road; John L. and Virginia L. Colbert, 1845 College Heights Road; LB Rentals, 904 Sunset Avenue; Walter J. and Dorothy L. Pesaresi Trust, 1852 Hunting Avenue; and Arthur E. and Doris Schumann, 1846 Hunting Avenue.

APPLICANT: Elsey Partners LLC – Chris Elsey.

ADDRESS: 1532 College Avenue, F19, Manhattan, KS 66502.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, October 15, 2012.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, November 5, 2012.

CITY COMMISSION: Tuesday, November 20, 2012.

LOCATION: Generally located east of Sunset Avenue, south of College Heights Road, and north of Hunting Avenue.

TOTAL REZONE AREA: 1.54 acres (67,082.4 square feet). Lot area per tract below was obtained from the Riley County GIS, PID (Parcel Identification)

908 Sunset Avenue: 9,394 square feet, two dwelling units (R-2/UO);
1865 College Heights Road: 7,503 square feet, three dwelling units (R-2/UO);
1857 College Heights Road: 8,932 square feet, three dwelling units (R-3/UO);
1845 College Heights Road: 7,784 square feet, two dwelling units (R-3/UO);
904 Sunset Avenue: 17,038 square feet, four dwelling units (R-2/UO);
1852 Hunting Avenue: 8,178 square feet, one dwelling unit (R-M/UO); and,
1846 Hunting Avenue: 9,996 square feet, two dwelling units (R-M/UO).

PROPOSED USES: The proposed use is a two-phase multiple family residential structure (apartment building), four to five stories in height, with structured (two-level parking garage) under the residential structure. See Sheets A201-A204 for parking garage and floor plans. Additional improvements include landscaping, signs, open court yards, and a swimming pool within the interior courtyard, lighting, and other improvements.

Phase 1: 215 dwelling units, 284 bedrooms, and 315 off-street parking spaces (161 lower level parking spaces and 154 upper level parking spaces). Phase 1 density is 159 dwelling units/acre

Phase 2: 36 dwelling units, 48 bedrooms, and 365 total off-street parking spaces (186 lower level parking spaces and 179 upper level parking spaces). Phase 2 density is 164 dwelling units/acre.

PROPOSED BUILDINGS AND STRUCTURES:

Phasing

Phase 1 (Lot 1) of the development is the majority of the site with a building footprint of 38,667 square feet. Phase 1 excludes the tract at 908 Sunset Avenue.

Phase 2 (Lot 2) includes the tract at 908 Sunset Avenue to be constructed at a future date (the applicant has suggested immediately after Phase 1 or possibly up to 20 years later) and will add a 7,175 square foot building footprint, which will connect to the Phase 1 building.

Proposed Building

Attachment No. 2

The apartment building is a flat roofed residential structure with exterior building materials consisting of cedar siding, painted fiber cement panels, brick, and cedar lattice screening of parking areas. Dwelling units have balconies. Architectural elevations indicate building colors are shades of gray, tan and brown, (see Sheets A301-A30).

There are four floors of residential dwelling units with two floors of parking garage under the building, one below grade of Hunting Avenue and one generally at street grade. Both garage access points are off Hunting Avenue, with the eastern curb cut to the below grade parking and the western curb cut to the general street grade level parking. Parking is not allowed along the north side of Hunting Avenue but is allowed on the south side of the street.

Bulk Regulations

Article IX, Planned Unit Development Districts, Section 9-103 (C), of the Manhattan Zoning Regulations states, "Bulk Regulations including front, rear and side yard setbacks, and structure height: Generally consistent with the existing zoning district on the proposed site and adjacent property, but may be altered for a specific site as proposed by the applicant."

The total site is a corner lot with three front yards. Front yards are along College Heights Road (north yard), Sunset Avenue (west yard) and Hunting Avenue (south yard). The eastern yard is a side yard. Minimum front yard setback in the existing underlying R-2, R-M and R-3 Districts is 25 feet. Minimum side yard setbacks are generally six to eight feet with the R-3 District side yard, eight feet, with an additional one foot of setback for every two feet of building height over 40 feet.

Lot Width and Depth

Lot 1 is an irregular shaped lot and is 276 feet in depth, measured from north to south on the east lot line and 121.95 feet in depth along Sunset Avenue. At its maximum, Lot 1 is 267 feet in width, measured east to west along the midline of the lot. Lot 2 is 121.96 feet from north to south and 67 feet east to west.

Proposed Lot Area

Lot 1 is 58,842 square feet in area. Lot 2 is 8,170 square feet in area.

Proposed Building Height

Attachment No. 2

Phase one of the building is 52 feet 7 inches in height along College Heights Road and 57 feet 3 inches in height along Hunting Avenue. The second phase of the building is 47 feet 8 inches in height at College Heights Road and Sunset Avenue intersection and 55 feet 3 inches in height at the Hunting Avenue and Sunset Avenue intersection. Variations in height are due existing elevation differences between College Heights Road and Hunting Avenue and the parking garage on the south, which elevates the height of the building on Hunting Avenue street frontage.

Proposed Building Setbacks

Lot 1 front yard building setbacks are generally zero feet along College Heights Road with Phase 1, and 4 feet with Phase 2. Front yard setback along Sunset Avenue is 10 feet with Phases 1 and 2. Front yard setbacks along Hunting Avenue vary from zero feet to 30 feet at the eastern edge of the building due to the curvature of the property line along the street.

The eastern side yard setback is 10 feet 9 inches measured from the east property line to the projecting edge of the balconies.

Proposed Lot Coverage

The residential floors are on top of the “parking podium,” or the roof, of the underlying two-story parking garage.

Lot 1: Phase 1 building coverage is 84.9% and 85.8% after construction on Lot 2, Phase 2.

Maximum Allowable Lot Coverage

Article IX, Planned Unit Development Districts, Section 9-103 (D), of the Manhattan Zoning Regulations states, “Maximum Lot Coverage: If a Planned Unit Development is strictly for any one use, the total ground area occupied by structures for principal uses and accessory uses should not exceed the following specified percentages of the total ground area:

Residential	40 percent
Commercial	50 percent
Industrial	60 percent

A combination of any or all of these uses shall not exceed 50 percent of the total ground area, except in the case of a Planned Unit Development located within or adjacent to another zoning district which allows a greater coverage, then the greater coverage allowances may apply.”

Attachment No. 2

The applicant suggests that the building could not be built, as proposed, if the 40% lot coverage requirement has to be met. Additionally, the applicant suggests the proposed green roof and landscaping should balance a portion of the lot coverage requirement.

PROPOSED SIGNS:

One building identification wall sign, up to 40 square feet in area, painted wall mounted letters of brushed aluminum (see Sheet A301 for details). Although not mentioned in the application, standard signs such as address numerals, holiday lights, political signs and similar exempt signage would be part of the project. The applicant has also requested 32 square foot temporary leasing signs.

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Wall (North facade)	15 feet length by 2 ½ height	Backlit

PROPOSED LIGHTING: Exterior full cutoff residential scaled lights are proposed on the building (see Sheet E1 for details).

SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Landscaping consists of lawns along Sunset Avenue and the eastern side yard, with three new trees on Sunset Avenue and Hunting Avenue in addition to existing trees. Minimal landscaping is proposed in the front yards along College Heights Road and Hunting Avenue consisting of junipers and ground cover. The landscape plan provides internal landscaping in court yards (See Sheet L1). With Phase 1, existing trees are shown along the south side of 908 Sunset Avenue to remain but are removed with Phase 2. Sheet C-1 under the Lot Coverage Data refers to the podium level landscaping as “green roof & active recreational area (courtyard, patio, planters, pool etc.” Landscape areas will be maintained by underground automatic irrigation system.

2. SCREENING: A six foot screening fence is proposed along the length of the eastern lot line from north to south to screen the parking level garage and lower level of the building. The trash dumpster enclosure along Hunting Avenue is approximately 9 feet in height and constructed of wood cedar with wood gates. Proposed setback is 10 feet off the front lot line.

3. DRAINAGE: SMH Consultants, submitted a Stormwater Drainage Analysis, dated August, 2012 (*attached*). The analysis indicates underground detention would be provided on the west side of the site along Sunset Avenue. During the review period the underground detention was moved to the east side yard. Storm water will be directed to an

underground concrete box along Hunting Avenue. The analysis states, "The underground storage system will be sized to detain a volume 15% greater than the amount generated between pre and post developed conditions at a maximum discharge rate of 6.71 cubic feet per second. This equates to a minimum required storage volume of 2968 cubic feet." The required storage is 2,581 cubic feet. Also, Sheet C3 of the PUD notes that, "To the extent possible, all runoff will be directed to the underground detention facility via building downspouts or internal piped roof drains."

Staff Analysis

A memo (*attached*) dated October 30, 2012, from Robert K. Ott, P.E., City Engineer; Shane Swope, P.E., Stormwater Engineer; and, Peter Clark, P.E., PTOE, Civil Design Engineer, regarding the applicant's storm water analysis accepts the analysis with the following comments,

"Staff would like to have more details on exactly how the roof drains and the courtyard areas tie into the underground system in the construction drawings. It is our understanding that SMH is not designing the conveyance system (i.e. roof drains, pipes) to the underground detention system. These areas will be critical in the overall ability of the system to function as designed by SMH. Runoff from the courtyard areas and roof drains will need to tie into the underground drainage system.

In future construction plans, there must be more detail provided for the underground structures that provide for cleanout areas for the underground pipes. A future covenant will be required for the property owners to be responsible for the maintenance and cleaning of the underground detention pipes.

The future Tecumseh/Quivera Phase II drainage project has been designed to have increase capacity RCB along Hunting. Coordination with the future location and flowlines of these boxes will need to be taken into consideration."

4. CIRCULATION: The proposed circulation plan generally provides for safe, convenient and efficient movement of goods, motorists, and pedestrians, subject to several concerns expressed in the City Engineer's attached memorandum.

Sidewalks and Bike Racks

New five foot wide concrete sidewalks will be built to replace existing five foot wide sidewalks on College Heights Road and Hunting Avenue. With Phase 1, a new five foot wide concrete sidewalk will be built where none currently exists along the east side of Sunset Avenue, and will be extended with Phase 2 to connect with the sidewalk at

the intersection of Sunset Avenue and College Heights Road. Bike racks are shown on the podium level in the Phase 1 western courtyard.

Off-Street Parking and Parking Garage

Using parking ratios of the Manhattan Zoning Regulations: Efficiency and one bedroom units are required to provide two off-street parking spaces per dwelling unit, or 292 parking spaces (146 x 2) with Phase 1, and 48 parking spaces (24 x 2) for Phase 2, or a total of 340 off-street parking spaces. Two bedroom units are required to provide three off-street parking spaces per unit or 207 parking spaces (69 x 3) with Phase 1, and 36 (12 x 3) with Phase 2, or 243 off-street parking spaces. Using standard parking ratios, the total number of off-street parking spaces required for the PUD is 583.

The application proposes 315 off-street parking spaces with Phase 1 and a total of 365 off-street parking spaces after Phase 2 expansion. The applicant submitted a parking count rationale for existing apartment complexes it owns and suggests the off-street parking ratio should be 1.1 off-street parking spaces per bedroom. With a total of 332 bedrooms, the off-street parking would be 365.2, and 365 are proposed.

Traffic Report

SMH Consultants, submitted a Traffic Impact Analysis, dated October 14, 2012 (*attached*). The consultant's conclusions are set out on page 10 and 11, with the conclusion that the proposed use is acceptable. In addition, a sight distance analysis was submitted (*attached*) of building encroachment into the 30 foot vision triangles at the intersections of Sunset Avenue and Hunting Avenue with Phase 1, and Sunset Avenue and College Heights Road with Phase 2. The analysis indicates the improvement encroachments will not interfere with existing sight lines.

Staff Analysis

The Manhattan Zoning Regulations would require 218 more off-street parking spaces than proposed (583-365). While the difference appears significant, the proposed number of off-street parking spaces should be adequate to serve the proposed bedroom count. Consideration of 1.1 off-street parking spaces per bedroom is not inconsistent with actions by the Manhattan Board of Zoning Appeals to reduce off-street parking near KSU and in other areas of the City to one space per bedroom. However, the one bedroom parking ratio was increased to 1.5 parking spaces for one bedroom dwelling units in the M-FRO, Multi-Family Redevelopment Overlay District. Using the 1.5 parking spaces for one bedroom dwelling (170 x 1.5), which would include efficiency units, and one parking space for two bedroom units (162 x 1), the total required would be 417 off-street parking spaces, or a difference of 52 off-street parking spaces (417-365).

Attachment No. 2

Regardless of the M-FRO change, the proposed 365 off-street parking spaces should be adequate to serve the development.

A memo (*attached*) dated October 30, 2012, from Robert K. Ott, P.E., City Engineer; Shane Swope, P.E., Stormwater Engineer; Peter Clark, P.E., PTOE, Civil Design Engineer, regarding the applicant's traffic report states,

“The traffic study concludes that the levels of service (LOS) for each of the traffic movements at the proposed project driveways will be acceptable. It also concludes that the intersection sight distance will be adequate at each project intersection.

Another conclusion that was stated in the study was that no auxiliary turn lanes would be required due to the development. The existing plus project traffic volumes indicate that no turn lanes would be needed, but under the future plus project condition, the southbound left-turn volume at Sunset Avenue & Hunting Avenue meets the KDOT Corridor Management Policy recommendation for an auxiliary left-turn lane. This auxiliary turn lane would not be the sole responsibility of the proposed project, but would be needed due to the project and the general increase in traffic as volumes grow over time. It is recommended that the project not build the southbound auxiliary left-turn lane as part of this project, but that the necessary right of way on the east side of Sunset be dedicated to the City to allow for its future construction once warrants are met.

The intersection of Denison & Hunting Avenue is shown to experience poor LOS during the existing plus project traffic condition for the eastbound approach. This can be attributed partly to the large volume of pedestrians that cross east-west on the south side of the intersection. It should be noted that the eastbound approach currently operates with a LOS “C” or better in the AM or PM peak hour condition, and that the simple addition of this project will push the LOS to “E” in the AM & PM peak hour condition. Without the project, the condition is anticipated to be better (LOS “D” in the AM and “E” in the PM) in the future scenario than the existing plus project scenario. The study concludes that no improvement should be made, as any lane additions would cause larger pedestrian crossing times and not improve the LOS. The City agrees that lane addition improvements are not the correct solution. It should be investigated whether it is warranted or the location is ideal for a more drastic improvement such as full signalization, since the intersection is close in proximity to the signalized intersection of College Heights Road and Denison Avenue. This issue will be critical to the discussion on if this type of project can be adequately served through the transportation network in the area. If this location is not ideal for full signalization, though it be warranted or not, and poor LOS are anticipated due to the project that may not have a feasible mitigation, the viability of the project in this location should be brought into question.

Lastly, the traffic study concludes that poor LOS will be experienced in the future condition plus project at the intersections of Sunset Avenue & Hunting Avenue, and Denison Avenue & Hunting Avenue. This is accurately shown to be primarily caused by the increase in background traffic, except in the case of the eastbound approach to the Denison Avenue & Hunting Avenue intersection.”

Additionally, the memorandum states, “This development greatly exceeds the current comprehensive land use plan for density for this area of the community. Public Works Administration is very concerned about the negative impacts this development generate to the transportation network in this area. If an exception is made going to be made by the planning board to allow this project to move forward. Public Works Administration wants to express that any future development that does not conform to the current comprehensive plan should be tabled until a detail neighborhood study similar to the Multi-Family Overlay District can be completed for this area (Sunset Ave to Denison Avenue, and from Hunting Avenue to Claflin Road).”

5. OPEN SPACE AND COMMON AREA: Proposed net green space with Phase 1 is 32.7% and 30.2% with Phase 2 (see Sheet C1 Lot Coverage Data). The applicant’s proposal is to provide open space for the intended purpose of the PUD and the residents of the development.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is characterized by a mixture of older residential structures ranging from single-family to multiple-family apartment buildings and converted houses, with fraternities, and institutional uses such as KSU dorms on the periphery. Building heights range from one to two and one half story for single family through apartment buildings, with several three story buildings, both newer and older, within the neighborhood. Open landscaped front yards and tree lined streets, and varying setbacks from front property lines along streets, are common and typical for all residential uses in the neighborhood. Multiple-family structures and congregate living structures are the dominate use along College Heights Road between College Heights Road and Denison Avenue, and along an extension College Heights Avenue to the west of the intersection of College Heights Road and Sunset Avenue. North and south of College Heights Road, land uses transition to largely single-family and two-family dwelling units, with the exceptions being KSU dormitories to the north at Denison Avenue and Claflin Road, Mercy Health Center at Sunset Avenue and Claflin Road, and to the south at a KSU off-street parking lot serving the campus. The neighborhoods northeast, northwest, southeast, and partially southwest of the College Heights Road and Sunset Avenue intersection are rental properties, most likely serving KSU students that walk to campus. The neighborhood one block southwest of the College Heights Road and Sunset Avenue intersection is predominately single-family and appear to be more owner occupied than not. Sidewalks along College Heights Road and Hunting Avenue connect to

sidewalks on Denison Avenue and KSU. Sidewalks along Sunset Avenue exist on the west side of Sunset Avenue opposite the rezoning site and on the east side of Sunset Avenue north of the intersection of Sunset Avenue and College Heights Road. None of the residential uses in the neighborhood, including the institutional uses, have zero foot front yard setback development or lot coverage approaching 85%. There are no structured parking garages in the neighborhood with residential uses above the structured parking. Surface parking is common throughout the neighborhood.

THIRTEEN MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USES:

908 Sunset Avenue: two dwelling units (R-2/UO);
1865 College Heights Road: three dwelling units (R-2/UO);
1857 College Heights Road: three dwelling units (R-3/UO);
1845 College Heights Road: two dwelling units (R-3/UO);
904 Sunset Avenue: four dwelling units (R-2/UO);
1852 Hunting Avenue: one dwelling unit (R-M/UO); and,
1846 Hunting Avenue: two dwelling units (R-M/UO).

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Overall, the residential area to be rezoned is built-out with a single-family dwelling; three, two-family dwellings; two, three-family dwellings; and, a single four-family dwelling. There are three detached garages serving individual tracts. Each tract has a driveway accessed from a public street. There are open yards, grass and trees throughout the total 1.5 acre site.

There is a nine to ten foot elevation difference between the intersections of Sunset Avenue and College Heights Road at approximately 1063 feet, and Sunset Avenue and Hunting Avenue at approximately 1053 to 1054 feet. College Heights Road slopes downhill to the east from the Sunset intersection from approximately 1063 feet to 1056 feet. The east side of the overall site slopes downhill from approximately 1057 feet along College Heights Road to 1052 feet to 1051 feet along Hunting Avenue. There is slight downhill on Hunting Avenue from the intersection of Sunset Avenue east. Overall, the site drains from the north to the south and southeast.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Northeast of the intersection of College Heights Road and Sunset Avenue are multiple-family, single-family, two-family and fraternity houses; R-3/UO Districts. Northwest of the intersection of College Heights Road and Sunset Avenue are fraternity, congregate living (fraternity) and religious student service/residence buildings; R-M/UO Districts.

SOUTH: Hunting Avenue, single-family and two-family dwelling units and KSU parking lot; R-2/UO and R-M/UO. To the

EAST: Multiple-family apartment buildings along College Heights Road and Denison Avenue, and single-family and two-family dwellings along Hunting Avenue.

WEST: Sunset Avenue. Southwest and west of Sunset Avenue is a single-family neighborhood with several two-family dwellings and a fraternity; R-M/UO and R, Single-Family Residential District.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:

908 Sunset Avenue: two dwelling units and a permitted use in the R-2/UO;
1865 College Heights Road: three dwelling units and a nonconforming use in R-2/UO;
1857 College Heights Road: three dwelling units and a permitted use in R-3/UO;
1845 College Heights Road: two dwelling units and a permitted use in R-3/UO;
904 Sunset Avenue: four dwelling units and a nonconforming use in R-2/UO;
1852 Hunting Avenue: one dwelling unit and a permitted use in R-M/UO; and,
1846 Hunting Avenue: two dwelling units and a permitted use in R-M/UO.

New construction, modifications, expansions, remodeling or alterations of each separate tract of land is subject to the Manhattan Zoning Regulations.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed PUD is inconsistent with the character of the neighborhood. The PUD lacks open landscaped front yards along two of the abutting three streets and will create a significant change of character to the neighborhood. The 50 plus foot tall building at the front lot lines on two frontages will dominate the predominately two and two half story buildings abutting the same street frontages. The proposed ten foot front yard setback along Sunset Avenue will need to be reduced due to the need for additional right-of-way for future turning lanes at Sunset and Hunting Avenues resulting in a building front yard setback of zero feet. The exact additional dedication may be ten feet but could be more until a conceptual plan is developed. Building height along the eastern property line will be inconsistent with the adjoining two story apartment structures. If standard side yard setbacks of the R-3 District were used, the building would need to be an additional approximate seven to nine feet to the west of the eastern property line.

Attachment No. 2

The existing R-2 District was implemented in 1987 and 1988 after a neighborhood study with the intent of buffering the lower density R District neighborhood to the southwest and providing a transition between the R District and the higher density R-3 District north of the rezoning site. The proposed rezoning eliminates the transition and introduces a high density use in contrast to the intent established in 1988.

The proposed four to five story apartment building has a density of 159 dwelling units per acre with its first phase and an overall density of 164 dwelling unit per acre after its second phase. There are no other properties in the neighborhood with a density approaching or equal to or greater than the proposed 164 dwelling units per acre.

Under the R-3 District requirements, which assumes the entire site is for high density residential development, the proposed density would require a minimum of 1,000 feet of lot area per dwelling unit, or 251,000 square feet of lot area (251 dwelling units x 1,000 square feet of lot area). The rezoning site is 67,082.4 square feet in area, which may allow up to 67 dwelling units, assuming R-3 District requirements applied. Under the Comprehensive Plan, the rezoning site is intended to allow up to 11 dwelling units per acre based on minimum lot area for a single-family attached dwelling unit. Using the low density calculation, the rezone site may allow up to approximately 18 dwelling units per acre.

Light impacts should be minimal as the lighting plan uses full cutoff residential scale lighting.

Increases in noise may result from the parking garage and would likely be directed to the south or east. Internal courtyard common space, around the pool with Phases 1 and 2, will be buffered by the building and should have no impact on adjacent property. With Phase 1, the courtyard on the west side will be open to the future Phase 2 area and may have a noise impact on the property.

The PUD provides a convenient location for the largely KSU student market and is close to campus and within walking distance. The applicant correctly points out that the neighborhood is a rental area. However, the neighborhood to the southwest is largely single-family and owner occupied.

The applicant conducted a neighborhood meeting. Meeting documents are attached.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

MANHATTAN URBAN AREA COMPREHENSIVE PLAN

The rezoning site is shown on the Downtown Core Neighborhoods Future Land Use map as Residential Low/Medium density (RLM). Residential High Density (RHD) adjoins the property to the east and north of College Heights Road. In addition, to the Land Use And Growth Management Policies in Chapter 4, there are applicable goals, guiding principles, and policies set out Chapter 8, Mobility And Transportation Options; Chapter 9, Housing And Neighborhoods; and, Chapter 11, Community Design, which are applicable to the proposed rezoning.

APPLICABLE RLM AND RHD, AND OTHER, POLICIES (*IN ITALICS*) OF THE COMPREHENSIVE PLAN INCLUDE THE FOLLOWING, BUT ARE NOT LIMITED TO THOSE RELATED TO THE RLM AND RHD CATEGORIES:

CHAPTER 4: LAND USE AND GROWTH MANAGEMENT

POLICIES

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.

Residential High Density (RHD)

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 7: Structured Parking

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

CHAPTER 8: MOBILITY AND TRANSPORTATION OPTIONS

MTO 3: Establish Interconnected Neighborhood Street and Sidewalk Patterns

Neighborhood streets and sidewalks in both new and existing areas shall form an interconnected network, including vehicular, bicycle, and pedestrian routes within and between neighborhoods, in order to connect neighborhoods together and with other parts of the community and region. In particular, direct walkway and bicycle routes to schools, parks, employment and service centers, and other community facilities should be provided.

MTO 4: Accessible, Pedestrian-Friendly Development

Future commercial and residential projects in the Urban Service Area Boundary shall be planned to ensure that sites and land uses are readily accessible to all modes—pedestrians, bicycles, autos, and future public transit.

CHAPTER 9: HOUSING AND NEIGHBORHOODS

Goals and Guiding Principles

Goal # 1

Foster the stabilization of Manhattan's established and older core neighborhoods.

Guiding Principles

- *Maintain, conserve, rehabilitate and/or redevelop the housing and neighborhoods in the older areas of Manhattan, including the downtown.*
 - *Identify and foster initiatives to maintain or enhance the quality of life in existing neighborhoods throughout the community.*
-

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.*

HN 6: Maintain The Quality of Life In Existing Neighborhoods

The City and County shall identify and foster initiatives to maintain or enhance the quality of life in existing neighborhoods throughout the Manhattan Urban Area.

HN 7: Facilitate Neighborhood-Level Planning Efforts. The City and County should continue to work with neighborhood organizations and residents on an as needed basis to facilitate neighborhood-level planning efforts that respond to specific neighborhood issues and concerns.

CHAPTER 11: COMMUNITY DESIGN

Goals and Guiding Principles

Goal # 1

Guide the appearance, scale, and location of urban development to enhance community character and protect the scenic natural landscape.

Guiding Principles

- *Promote pedestrian friendly, human scale design within residential neighborhoods and commercial/office districts.*
- *Provide for adequate open space and recreational parks in all future development.*

Goal # 2

Guide the quality of development with building and site design guidelines as appropriate.

Guiding Principles

- *Balance the community's desire for quality, compatible design, with private property rights and individual creative expression.*
- *Encourage creative, attractive commercial and multi-family design, compatible in scale and character with surrounding neighborhoods.*
- *Encourage infill redevelopment that is compatible with and enhances the surrounding neighborhood character.*

POLICIES

D 5: Promote Accessible, Pedestrian-Friendly Community Design

Future residential and commercial development should be planned and designed to ensure that sites and land uses are linked by all modes of travel – autos, pedestrians, and bicycles. Within each site, development shall be planned and designed to be pedestrian-friendly with full accommodation for safe, comfortable, and convenient walking on a continuous, well-connected system of sidewalks, walkways and street crossings.

Staff Analysis

The proposed PUD is not consistent with the requirements for density, scale or character within the neighborhood. High density housing, as proposed, are separated into urban downtown settings and suburban settings. Under the high density characteristics, the policy is clear, “*Within an urban or downtown setting, the designation accommodates higher-intensity residential housing products, such as mid to high-rise apartments, townhomes and condominiums...*” and, “*In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or urban fashion...*” The high density category also recommends that, “*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.”

There are, however, several policies of the Comprehensive Plan with which the proposed rezoning conforms, including the promotion of location in close proximity and convenient walking distance to KSU. The PUD would promote redevelopment a mix of housing types and make more effective use of the land, but the proposed redevelopment is not consistent with the scale and character of the block in which the rezoning is proposed.

Overall, the proposed rezoning does not conform to the Comprehensive Plan.

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

1940-1962: A First Dwelling House
1962-1965: B Second Dwelling House
1965-1969: B Multiple Family Dwelling

1845 and 1857 College Heights Road

1969-Present R-3/UO (Note UO was originally designated U)

1865 College Heights Road, 908 Sunset Avenue and 904 Sunset Avenue

1969-May 1988 R-3/UO
1988-Present R-2/UO

1846 Hunting Avenue and 1945 Hunting Avenue

1969-May 1988 R-3/UO
1988-Present R-M/UO

The 1987 Housing Element emphasized the goals of preservation and upgrading the character of the older established neighborhood resulting in 1865 College Heights Road, 908 Sunset Avenue and 904 Sunset Avenue being rezoned to R-2/UO. 1846 Hunting Avenue and 1945 Hunting Avenue were rezoned to R-M/UO to blend the housing types together as well as provide a transition between low and high density areas.

The records from the Riley County GIS webpage indicate dwelling units on the seven tracts of land were constructed in:

908 Sunset Avenue: 1940;
1865 College Heights Road: 1961;
1857 College Heights Road: 1955;
1845 College Heights Road: 1943;
904 Sunset Avenue: 1940;
1852 Hunting Avenue: 1945; and,
1846 Hunting Avenue: 1951.

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 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 PUD does not conform to the development pattern in the surrounding neighborhood and cannot be considered in harmony with land use densities and the character of the surrounding residential structures. In addition, there may be an adverse affect on the public health, safety and welfare if the proposed rezoning is approved contrary to the goals, guiding principles and policies of the Comprehensive Plan until a neighborhood study and amendment of the Comprehensive Plan determine the appropriateness of large vertical urban scaled buildings in older neighborhoods, proposed to be located at lot lines. The effects on the compatibility, scale, character, and aesthetics of surrounding existing land uses and public facilities could be considered with proper planning.

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: The relative gain to the public that denial accomplishes is related to the premature introduction of the rezoning before a complete analysis of the neighborhood west of KSU campus and the setting of goals, principles and policies consistent with urban/downtown scale residential development in an older established mixed residential neighborhood. Analysis of the street system and the sanitary sewer, water and storm water capacities should not be made on a case by case basis, but on the basis of a comprehensive review to insure public facilities are adequate to meet the needs resulting from the introduction of projects proposing densities of this magnitude (159 to 164 dwelling units per acre). A

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neighborhood study followed by an amendment of the Comprehensive Plan, if it is determined to be appropriate, are the necessary steps to evaluate the impact on the public health, safety and welfare. There does not appear to be a hardship on the individual property owners if the request is denied, as they may continue to utilize their properties under the current zoning, until the Comprehensive Plan and neighborhood study are completed and a decision is made as to the appropriateness of large very high density vertical buildings in the area proposed to be rezoned.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Public facilities and services were evaluated for adequacy (attachments) for the proposed development. Adequate sanitary sewer and water, including fire hydrants, can be provided, subject to sanitary sewer improvements being designed in 2012 and constructed in 2013 as a part of the Central Basin Sewer Improvements Project. While the sanitary sewer project would correct an existing wet conditions deficiency, Robert Pugh, Assistant Director of Public Works – Utilities, does not recommend approval of the PUD because “... this development will set a precedent for other types of high density development to be constructed in this area, which most likely will result in downstream sewer capacities being exceeded. Accordingly, I do not feel this development should be approved, or any others like it, until a study has been done in this area to determine the impacts that additional development of this type would have on water and sewer capacities,” (*attached memo dated October 26, 2012*). Several concerns have been raised regarding the adequacy of the Sunset Avenue right-of-way width and improvements at Hunting and Denison Avenues (*City Engineer memo*). Storm sewer is available and can serve the development, subject to comments noted in the City Engineer’s memorandum.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION:

Some areas of the neighborhood west of Kansas State University campus may be appropriate for residential redevelopment. Some redevelopment is occurring north of the rezoning site at a scale consistent with the neighborhood. There appears to be a trend in some university communities such as Stillwater Oklahoma; Austin, Texas; and, Baton Rouge, Louisiana, where large high density high rise apartment buildings are built, or being built. Norman, Oklahoma recently decided to continue to study of this type of apartment construction before making a final decision on urban density high rise development.

The proposed PUD at this site is not in conformance with the adopted Comprehensive Plan policies for this type of residential construction, which is more appropriate in the downtown urban core of the community, where vertical construction with parking garages and no setbacks is acceptable. Before this type of proposal should be consider outside of

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the downtown core, City Administration recommends that a comprehensive neighborhood analysis needs to be conducted looking at land use, density, residential building types and character, and including a public facility capacities analysis, combined with a public participation process, to determine if this or other areas west of the KSU campus would be appropriate for this type of redevelopment and what the long term impacts would be beyond this first proposal. The Manhattan Urban Area Comprehensive Plan is scheduled to be updated starting in 2013, and this neighborhood analysis could be a part of that overall process to determine if the Plan should be amended in this area or not.

Previously, the 1987 Housing Element emphasized the goals of preservation and upgrading the character of the older established neighborhood resulting in 1865 College Heights Road, 908 Sunset Avenue and 904 Sunset Avenue being rezoned to R-2/UO. While 1846 Hunting Avenue and 1945 Hunting Avenue were rezoned to R-M/UO, to blend the housing types together as well as provide a transition between low and high density areas. These previous decisions may need to be re-evaluated as a part of a larger neighborhood analysis, to determine if the factors under which they were made are still valid.

City Administration recommends denial of the proposed rezoning. If the Manhattan Urban Area Planning Board chooses to recommend approval of the rezoning, the Board will need to make findings and express in clear and definite terms the facts in support of the rezoning standards and PUD criteria in order to recommend approval of rezoning. The Board will have to recommend conditions of approval, that it deems appropriate.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the 1845 College Heights Residential Planned Unit Development District from R-2, Two-Family Residential District, and UO, University Overlay District; R-M, Four-Family Residential District, and UO, University Overlay District; and, R-3, Multiple-Family Residential District, and UO, University Overlay District, to PUD, Residential Planned Unit Development District, stating the basis for such recommendation, and list the conditions of approval.
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 denial of the proposed rezoning of the 1845 College Heights Residential Planned Unit Development District from R-2, Two-Family Residential District, and UO, University Overlay District; R-M, Four-Family Residential District, and UO, University Overlay District; and, R-3, Multiple-Family Residential District, and UO, University Overlay District, to PUD, Residential Planned Unit Development District, based on the findings in the staff report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: October 31, 2012

12037

SSAB Allocations

	2013 Committee Recommendation	Revised Allocation
Big Brothers / Big Sisters	\$37,000	\$35,150
Boys & Girls Club	\$28,800	\$27,360
Crisis Center	\$48,800	\$46,360
Homecare & Hospice	\$47,000	\$44,650
Kansas Legal Services	\$25,000	\$23,750
KSU Child Development Center	\$40,800	\$38,760
Manhattan Emergency Shelter	\$72,000	\$68,400
Shepherd's Crossing	\$44,000	\$41,800
Sunflower CASA	\$27,200	\$25,840
UFM	\$ 3,000	\$ 2,850
TOTALS	\$373,600	\$354,920

AGENCY	----- 2013 -----	
	REQUESTED	RECOMMENDED
Big Brothers/Big Sisters	\$19,000	\$18,500
Boys and Girls Club	\$29,480	\$27,740
KSU - Alcohol & Other Drug Education Service	\$37,000	\$34,333
Manhattan Emergency Shelter	\$13,362	\$13,362
Pawnee Mental Health/Reg. Prevention Ctr. of NE KS	\$59,335	\$50,000
Riley Cty Attorney's Ofc.-21st Judicial Dist. Teen Court	\$5,200	\$4,000
Riley County Community Corrections-Juvenile	\$5,000	\$4,000
Riley County Community Corrections-Adult	\$10,000	\$8,000
Sunflower CASA	\$39,943	\$37,631
The Restoration Center	\$80,000	\$45,000
UFM Learning Center	\$20,000	\$19,000
Unified School District #383	\$179,788	\$168,000
TOTALS	\$498,108	\$429,566