



***MINUTES
CITY COMMISSION MEETING
TUESDAY, FEBRUARY 2, 2016
7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Karen McCulloh and Commissioners Usha Reddi, Linda Morse, Michael L. Dodson, and Wynn Butler were present. Also present were the Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 6 staff, and approximately 28 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor McCulloh proclaimed February 7, 2016, ***Souper Bowl Sunday***, with proceeds benefitting the Flint Hills Breadbasket. Kevin Roberts, and Dave Eckart, Co-Chairs, Souper Bowl Sunday Committee, were present to receive the proclamation.

Mayor McCulloh proclaimed February 2016, ***Folio February***, and 2016, ***Shakespeare in the Little Apple Year***. James Hamilton, Professor of Philosophy, Kansas State University, was present to receive the proclamation.

PUBLIC COMMENTS

Mayor McCulloh opened the public comments.

Susan Gerth, 2213 Alta Drive, informed the Commission that she is a proud mother of a transgender woman and provided background information on her daughter and family. She stated that her three other children do not accept her daughter and will not even eat a meal with her. She said that her daughter is not welcome in their homes and their children

PUBLIC COMMENTS (CONTINUED)

do not know that she exists. She said it is clear to her that if her own siblings refuse to acknowledge her humanity, then it is quite possible, even probable, that there are others that will feel and act likewise. She provided additional LGBT (lesbian, gay, bisexual, and transgender) information and informed the Commission that she knows that you cannot legislate acceptance, but you can send a clear message that discrimination in the workplace or housing or public accommodations is unacceptable. She asked the Commission to send a message that all persons are valued and welcomed to live, work and shop in Manhattan without fear of discrimination and to add protections for sexual orientation and gender identity in the City's anti-discrimination ordinance.

Hearing no other comments, Mayor McCulloh closed the public comments.

COMMISSIONER COMMENTS

Commissioner Linda Morse stated that various community organizations will be at the Manhattan Town Center Mall on Saturday, February 6, 2016, from 10:00 a.m. to 3:00 p.m., to talk about their programs and provide information on their respective organizations. She invited everyone interested to attend and learn more about the various organizations in the community. She stated that she would be at the MLK (Martin Luther King, Jr.) Planning Committee table as a volunteer.

Commissioner Reddi thanked Susan Gerth for speaking during public comments. She stated that this is an important issue and does need to be discussed and, at some point make some changes and follow suit with Fort Riley, the Unified School District 383 and Kansas State University. She said there is discrimination whether we sense it or not and we need to be aware of that. She congratulated Ella Rosenkranz on winning the Riley County Spelling Bee and wished her luck in Topeka and hopefully, at the National Spelling Bee. She encouraged the public to attend the Legislative Coffee on Saturday, February 6, 2016, at the Sunset Zoo from 7:30 a.m. to 9:00 a.m. She stated that Commissioner Morse, Assistant City Manager Kiel Mangus and herself went to Topeka on Wednesday, January 27, 2016, and met with state legislatures and other city and county commissioners to talk about key challenges that municipalities are facing and to share perspectives on upcoming issues. She encouraged those interested in the Manhattan caucus to get signed-up and stated the event will be held Saturday, March 5, 2016, from 10:00 a.m. to 2:00 p.m. at the Manhattan High School for Republicans and at the Susan B Anthony Middle School for Democrats and to check out the website for additional information.

COMMISSIONER COMMENTS (*CONTINUED*)

Mayor McCulloh thanked Susan Gerth for her comments and stated that this issue will be on an upcoming legislative agenda and hopefully will be able to extend this protection to all citizens in Manhattan. She said that "How People Make Things" opened at the Flint Hills Discovery Center on Friday, January 29, 2016, and that she made a spoon. She encouraged everyone to attend the exhibit. She informed the community that she spent Monday, February 1, 2016, preparing for a TED X MHK, TED Talks event, with students and faculty from Kansas State University and encouraged citizens to go online and view it. She also thanked the Commissioners and staff that attended the recent Chamber Retreat in Overland Park and that traveled to Topeka to meet with our state legislators.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, January 19, 2016.

CLAIMS REGISTER NOS. 2810 and 2811

The Commission approved Claims Register Nos. 2810 and 2811 authorizing and approving the payment of claims from January 13, 2016, to January 26, 2016, in the amount of \$1,922,456.23 and \$1,500,595.63, respectively.

LICENSES

The Commission approved a Tree Maintenance License for calendar year 2016 for Wildcat Tree Service, 3761 Cumberland Road, and an annual Cereal Malt Beverages Off-Premises License for Ampride, 215 East Poyntz Avenue.

ORDINANCE NO. 7193 - REZONE - 801 MORO STREET

The Commission approved Ordinance No. 7193 rezoning 801 Moro Street, from R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report (*See Attachment No. 1*) and the recommendation of the Planning Board.

ORDINANCE NO. 7194 - REZONE - 917, 919, and 923 THURSTON STREET

The Commission approved Ordinance No. 7194 rezoning 917, 919 and 923 Thurston Street, from R-1/TNO, Single-Family Residential District with Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report (*See Attachment No. 2*) and the recommendation of the Planning Board.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 7195 - AMEND - CITY COMMISSION ELECTIONS AND TERMS**

Mayor McCulloh provided additional information on the item and highlighted the extended length of the mayors and commissioners terms.

The Commission approved Ordinance No. 7195 amending Section 2-12 of the Code of Ordinances relating to the election of members of the governing body and establishing terms therefore.

ORDINANCE NO. 7196 - KANSAS FIBER NETWORK, LLC - FRANCHISE AGREEMENT

The Commission approved Ordinance No. 7196 authorizing a competitive infrastructure provider franchise with Kansas Fiber Network, LLC.

PUBLIC HEARING - LEVY SPECIAL ASSESSMENTS (GOB 2016-A)

Mayor McCulloh opened the public hearing.

Hearing no comments, Mayor McCulloh closed the public hearing.

FIRST READING - LEVY SPECIAL ASSESSMENTS (GOB 2016-A)

The Commission amended the cost of K-State Research Park, Phase II, Street Improvements to the lesser amount of \$203,751.61, and approved first reading of an ordinance levying special assessments against the benefiting properties in the following 17 projects, which have been completed: ***Congressional Addition – Sanitary Sewer (SS1309), Street (ST1311), and Water (WA1310); Grand Vista Addition, Unit Three – Sanitary Sewer (SS1304), Street (ST1304), and Water (WA1304); Highland Meadows Addition, Unit Seven – Sanitary Sewer (SS1303), Street (ST1303), and Water (WA1303); K-State Research Park, Phase II – Sanitary Sewer (SS1310), Street (ST1312), and Water (WA1311); Lee Mill Heights Addition, Unit Four and Unit Five – Sanitary Sewer (SS1313), Street (ST1317), and Water (WA1315); and Scenic Meadows Addition, Unit Three, Phase Two – Stormwater (SM1303) and Street (ST1006).***

* **RESOLUTION NO. 020216-A - SUPPORT - HOUSING TAX CREDIT (CANYON CREEK APARTMENTS - LEDGESTONE RIDGE)**

Commissioner Butler asked about the request from the Manhattan Area Housing Partnership and who benefits from waiving the building permit and utility connection fees.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission and provided clarification on the item.

CONSENT AGENDA (CONTINUED)

* **RESOLUTION NO. 020216-A - SUPPORT - HOUSING TAX CREDIT
(CANYON CREEK APARTMENTS - LEDGESTONE RIDGE)
(CONTINUED)**

Jill Jacoby, Executive Director, Manhattan Area Housing Partnership, Inc., provided additional information on the request and stated that the tenants will be the beneficiaries with affordable housing. She stated that the City's support provides needed funds that can be used as a match for the HOME funds available through the state of Kansas. She then responded to additional questions from the Commission regarding the proposed development, the amount of projected rent ranges for both two and three bedroom units, and explained the competitive application process for these funds.

Jason Hilgers, Deputy City Manager, provided additional information on the item and the competitive tax credit application process. He highlighted the successful history of receiving tax credits to enhance affordable housing stock and the assistance the City has provided in the past with the Manhattan Area Housing Partnership. He then responded to questions from the Commission regarding property taxes from the development that would come back to the City.

Mayor McCulloh stated that she would not be voting on this item since she currently serves on the Manhattan Area Housing Partnership committee and has for many years.

The Commission approved Resolution No. 020216-A indicating the City of Manhattan's support for the Manhattan Area Housing Partnership tax credit application, waived the building permit (estimated to be \$11,033.00), and absorbed utility connection fees (estimated to be \$13,000.00) for a 32 unit affordable housing development in the Ledgestone Ridge Addition.

* **REQUEST FOR QUALIFICATIONS - PROFESSIONAL SERVICES -
ENGINEER ON-CALL**

Mayor McCulloh announced that Commissioners Reddi and Butler would be serving on the Selection Committee.

The Commission authorized City Administration to seek qualifications for professional services for an Engineer On-Call and appointed Commissioners Reddi and Butler to serve on the Selection Committee.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 020216-B - PETITION - SCENIC CROSSING - STREET IMPROVEMENTS (ST1601)

The Commission found the petition sufficient and approved Resolution No. 020216-B finding the project advisable and authorizing construction for the Scenic Crossing Street (ST1601) Improvements.

RESOLUTION NO. 020216-C - PETITION - SCENIC CROSSING - SANITARY SEWER IMPROVEMENTS (SS1603)

The Commission found the petition sufficient and approved Resolution No. 020216-C finding the project advisable and authorizing construction for the Scenic Crossing Sanitary Sewer (SS1603) Improvements.

RESOLUTION NO. 020216-D - PETITION - SCENIC CROSSING - WATER IMPROVEMENTS (WA1602)

The Commission found the petition sufficient and approved Resolution No. 020216-D finding the project advisable and authorizing construction for the Scenic Crossing Water (WA1602) Improvements.

AGREEMENT - ENGINEERING SERVICES - SCENIC CROSSING STREET (ST1601), SANITARY SEWER (SS1603) AND WATER (WA1602) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$67,396.50 with Alfred Benesch & Co., of Manhattan, Kansas, to perform professional services for the Scenic Crossing Street (ST1601), Sanitary Sewer (SS1603), and Water (WA1602) Improvements.

AWARD CONTRACT - WILDCAT CREEK LIFT STATION, PHASE 3, IMPROVEMENTS-BANK STABILIZATION (SS1424, CIP #WW016P)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$376,519.00; awarded a construction contract in the amount of \$243,243.00 to ERS, Inc., of Jackson, Mississippi; and authorized the Mayor and City Clerk to execute the construction contract for the Wildcat Creek Lift Station, PH 3, Improvements-Bank Stabilization project (SS1424, CIP #WW016P), to be paid from the Wastewater Fund.

FIRST READING - ISSUE GENERAL OBLIGATION BONDS - WILDCAT CREEK LIFT STATION, PHASE 3, IMPROVEMENTS-BANK STABILIZATION (SS1424, CIP #WW016P)

The Commission approved first reading of an ordinance authorizing the issuance of general obligation bonds to finance for the Wildcat Creek Lift Station, PH 3, Improvements-Bank Stabilization project (SS1424, CIP #WW016P), to be paid from the Wastewater Fund.

CONSENT AGENDA (CONTINUED)

PURCHASE - UNIT #26 - SEWER MAINTENANCE DIVISION - ONE-TON FOUR-WHEEL DRIVE TRUCK WITH BED (CIP #WW055E)

The Commission authorized City Administration to purchase a one-ton four-wheel drive truck w/bed, Unit #26, for the Sewer Maintenance Division (CIP #WW055E) in the amount of \$55,172.00 (base bid in the amount of \$59,672.00 less a trade-in amount of \$4,500.00) to be paid from the Wastewater Fund, from Shawnee Mission Ford, Shawnee, Kansas.

PURCHASE – UNIT #294 – STORMWATER DIVISION – ONE-TON FOUR-WHEEL DRIVE TRUCK WITH BED (CIP #ST061E)

The Commission authorized City Administration to purchase a one-ton four-wheel drive truck w/bed, Unit #294, for the Stormwater Division (CIP #ST061E) in the amount of \$59,672.00 to be paid from the Stormwater Fund, from Shawnee Mission Ford, Shawnee, Kansas.

BOARD APPOINTMENTS

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

Board of Zoning Appeals

Appointment of Brandi Nelson, 3310 Kennington Court #4, to a three-year term. Ms. Nelson's term begins immediately, and will expire December 31, 2018.

Flint Hills Discovery Center Advisory Board

Appointment of Emily Dringenberg, 300 Twykingham Place, to a three-year Resident term. Ms. Dringenberg's term begins immediately, and will expire January 31, 2019.

Municipal Audit Committee

Re-appointment of Commissioner Dodson, 4109 Wellington Drive, to a one-year Commissioner term. Commissioner Dodson's term will begin April 1, 2016, and will expire March 31, 2017.

After discussion and comments from the Commission, Commissioner Reddi moved to approve the consent agenda. Commissioner Morse seconded the motion.

After additional comments from the Commission, on a roll call vote, motion carried 5-0, with the exception of Item I: **RESOLUTION NO. 020216-A – SUPPORT – HOUSING TAX CREDIT (CANYON CREEK APARTMENTS – LEDGESTONE RIDGE)** which carried 4-0, with Mayor McCulloh recusing herself on the item.

GENERAL AGENDA

FIRST READING - REZONE - 2600 EUREKA TERRACE

Eric Cattell, Assistant Director for Planning, presented an overview of the item and informed the Commission that the Manhattan Urban Area Planning Board recommended approval of the item based on the findings in the Staff Report. He highlighted the map of the subject area, current zoning in the area, existing businesses in the area, and referenced the Comprehensive Plan. He then responded to questions from the Commission regarding the rezoning request, clarified the flood plain area, and discussed the businesses nearby.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion and comments from the Commission, Commissioner Reddi moved to approve first reading of an ordinance rezoning 2600 Eureka Terrace (Lots 19 and 20, Eureka Addition) from I-3/AO, Light Industrial District with Airport Overlay District, to C-6/AO, Heavy Commercial District with Airport Overlay District, based on the findings in the Staff Report (*See Attachment No. 3*) and the recommendation of the Planning Board. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 7:38 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District.

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

APPLICANT: SMH Consultants, Jeff Hancock on behalf of the Property Owner

ADDRESS: 2017 Vanesta Place, Suite 110, Manhattan, KS 66503

OWNERS: Fieldhouse Development, Zac Burton

ADDRESS: 2917 Tobacco Road, Manhattan, KS 66503

LEGAL DESCRIPTION: Lot 129 and the East Half of Lot 130, Ward 4

LOCATION: The rezoning site 801 Moro Street. Which is generally located to the southeast of the intersection of N. 8th Street and Moro Street.

AREA: 11,210 square feet (.26 acres)

DATE OF NEIGHBORHOOD MEETING: November 4, 2015

DATE OF PUBLIC NOTICE PUBLICATION: December 14, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: January 4, 2016
CITY COMMISSION: February 2, 2016

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

- 1. EXISTING USE:** The site is currently vacant. The structure was demolished in November, 2015. The structure was 2-stories tall and contained 6 dwelling units.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The rezoning site is generally flat. The site drains to the alley and/or street.

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The site did have a residential structure and open yard area along Moro Street and N. 8th Street. Off-street parking for the house was accessed from the alley.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Moro Street, a mix of single-family, two-family, and multiple-family dwellings; The Moro Residential PUD and R-M/TNO District.

SOUTH: Paved public alley, a mix of single-family, two-family, and multiple-family dwelling units, Laramie Street; R-M/TNO District.

EAST: N. 8th Street, a mix of single-family and two-family and multiple-family dwelling units, R-M/TNO District.

WEST: A mix of single-family, two-family, multiple-family dwelling units, including newer apartment buildings to the west of N. 9th Street, R-M/TNO and R-3, Multiple-Family Residential District and M-FRO, Multi-Family Redevelopment Overlay District.

- 4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of single-family, two-family and multiple-family dwellings, the majority of which are renter occupied units. To the north of the site is The Moro Residential PUD, a 16-unit apartment complex. To the west of N. 9th Street and north of the mid-block alley between Laramie Street and Moro Street are properties zoned R-3/M-FRO District and consists of mostly large-scale apartment buildings
- 5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is an approximately 11,200 square foot vacant tract. The previously structure was razed in November, 2015. According to the Riley County appraiser, the previous structure had 6 dwelling units within it. The 6 dwelling units were nonconforming to the current zoning district, which would allow as many as 4 dwelling units on the site. Because the property owner razed the structure, the current zoning regulations apply. Any previous legal nonconforming status is lost.

The site is suitable for development under the current zoning regulations.

- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in noise, light and traffic can be expected if the proposed rezoning is approved, however this should not be inconsistent with the surrounding area. As previously mentioned above in the “General Neighborhood Character” standard, the area is a mixture of single-family, two-family, and multiple-family

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dwelling units. The majority of the residential properties in the area are rental properties. To the north of the site is a 16-unit apartment building constructed in 2005. To the west of N. 9th Street and north of the mid-block alley between Moro Street and Laramie Street are properties zoned R-3/M-FRO containing a number of multiple-family apartment buildings.

The applicants have proposed to construct a new apartment building on the site. The proposed rezoning will permit construction of an apartment building with as many as 11 dwelling units, but will be required to follow the current M-FRO site and design standards.

The applicant held a neighborhood meeting on November 4, 2015. According to the applicant's meeting summary, no one attended the meeting.

The proposed rezoning should be compatible with the surrounding properties.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Core Area Neighborhoods Future Land Use Map of the recently updated and adopted 2015 Comprehensive Plan Update shows the site designated as RHD, Residential High Density. The 2003 Comprehensive Plan showed this area as RLM, Residential Medium to High Density. Policies of the RHD categories are below:

RHD-1: Characteristics

The Residential High Density designation is designed to create opportunities for higher density neighborhoods adjacent to the KSU campus and in other more urban parts of the core area of the community, and in a suburban setting. Within the core area or in Downtown, the designation accommodates higher-intensity residential housing, such as mid-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 during the design review process.

RHD-2: Appropriate Density Range

Possible densities under this designation are 19-50 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. Concentrations of Residential High Density are designated west and east of the KSU campus and in the Aggieville vicinity to promote expanded student housing options within walking distance of campus. In a more urban setting or in Downtown, Residential High Density may be combined with active non-residential uses in a vertically mixed-use building. Outside of the core area, Residential High Density uses should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods.

RHD-4: Building Massing and Form

Avoid plain, monolithic structures or blank walls on the backs or sides of buildings. In a planned apartment community context, large buildings should incorporate a variety of design elements to create visual interest. Infill projects should be consistent with area-specific design standards or guidelines, as adopted.

RHD-5: Mix of Uses

Encourage the integration of neighborhood serving retail uses (e.g., drycleaners, coffee shop) on the ground level of high density residential buildings where viable, typically in areas with high visibility and/or pedestrian activity. Nonresidential uses should generally not exceed twenty-five percent of the total floor area in a mixed-use structure; however, actual percentages will be driven by market demand and the surrounding site context.

RHD-6: Parking Location and Design

Locate off-street surface parking behind buildings, tucked under buildings (e.g., podium parking), or within parking structures in established core area neighborhoods and the Downtown to maintain a pedestrian-oriented street frontage. Integrate structured parking garages and tuck-under parking with the overall design of the building they are intended to serve. The incorporation of active uses, such as retail, into the ground floor of freestanding parking structures included as part of multi-block developments.

The R-3/M-FRO Districts allow for 1 dwelling unit per 1,000 square feet of lot area. Based on the maximum number of dwelling units allowed for the site (11 dwelling units), the maximum residential density could be as high as 42 dwelling units per net acre, provided they could meet all the other requirements, including parking.

The proposed rezoning of the site to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District conforms to the policies of the 2015 Manhattan Urban Area Comprehensive Plan and the M-FRO expansion area identified on the Future Land Use map.

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

1925:	A, First Dwelling House: One and Two Family Dwellings
1937 - 1969:	B, Second Dwelling House: One and Two Family Dwellings, Apartment Houses
1969 - 1987:	R-3, Multiple-Family Residential District
1987 - 2004:	R-M, Four-Family Residential District
February 19, 2004	Manhattan Urban Area Planning Board holds public hearings to consider Phase 3 rezonings of Sub Area D, and recommends approval, on vote of 6-0, based on the Traditional Neighborhood Study. (NOTE: The site is located in Sub Area D.)
March 16, 2004	City Commission, on a vote of 5-0, approves, first reading of an ordinance rezoning the Phase 3 Sub Area D, as recommended by City Administration and the Planning Board.
April 6, 2004	City Commission approves Ordinance Nos. 6395 rezoning the Phase 3 Sub Area D, as recommended by City Administration and the Planning Board.

The house on the site was constructed in 1920s, according.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Manhattan Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The R-3 District is designed to provide for multiple-family dwellings at a density no greater than 1 dwelling unit per 1,000 square feet. The M-FRO District 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.

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The site is 11,210 square feet in area and conforms to the minimum R-3 District requirements. The M-FRO District has specific site and building design standards that ensure that redevelopment meets the intent of the overlay district. These standards will be required to be met during the building permit review and construction inspection processes on the site. The proposed rezoning conforms to the intent of the Zoning Regulations.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial of the rezoning would accomplish. No expected adverse impacts on the public health, safety and welfare are anticipated as a result of the rezoning. The M-FRO District requirements will be handled with the building permit and construction processes.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the site. An existing sidewalk is located to the north of the site along Moro Street. The existing mid-block alley south of the site is paved.

12. OTHER APPLICABLE FACTORS: The gravel public alleyways throughout the M-FRO District are a known issue due to the deteriorated condition of these alleys from which most apartment buildings access their off-street parking lots. The City is researching a variety of alternatives to address this issue throughout the redevelopment overlay district. City Administration will be scheduling a work session with the City Commission to discuss this issue in the near future.

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of 801 Moro Street from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of 801 Moro Street from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.

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3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of 801 Moro Street from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Senior Planner

DATE: December 14, 2015

CB/VR

16001}SR}801Moro_RMTNO_R3MFRO

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R-1, Single-Family Residential District with TNO, Traditional Neighborhood Overlay District.

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

APPLICANT: SMH Consultants, Jeff Hancock on behalf of the Property Owner

ADDRESS: 2017 Vanesta Place, Suite 110, Manhattan, KS 66503

OWNERS: Fieldhouse Development, Zac Burton

ADDRESS: 2917 Tobacco Road, Manhattan, KS 66503

LEGAL DESCRIPTION: The legal descriptions of the rezoning site are:

917 Thurston Street: Lot 504, Ward 3, City of Manhattan, Riley County, Kansas.

919 Thurston Street: Lot 505, Ward 3, City of Manhattan, Riley County, Kansas.

923 Thurston Street: Lot 506, Ward 3, City of Manhattan, Riley County, Kansas.

LOCATION: The rezoning site is located approximately 100 feet east of the intersection of N. 10th Street and Thurston Street along the south side of Thurston Street.

AREA: The total area of the rezoning site is approximately 22,500 square feet in area, having a total dimensioned area of 150 feet in width by 150 feet in depth consisting of:

- Lot 504 is 50 feet in width and 150 feet in depth, or 7,500 square feet in area.
- Lot 505 is 50 feet in width and 150 feet in depth, or 7,500 square feet in area.
- Lot 505 is 50 feet in width and 150 feet in depth, or 7,500 square feet in area.

DATE OF NEIGHBORHOOD MEETING: November 4, 2015

DATE OF PUBLIC NOTICE PUBLICATION: December 14, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: January 4, 2016
CITY COMMISSION: February 2, 2016

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: (Note: Existing use information was obtained from the Riley County GIS web page):

The existing use of 917 Thurston Street is a 1½ story full basement, 4 bedroom, 1 bathroom, single-family bungalow style dwelling unit structure constructed in 1948.

The existing use of 919 Thurston Street is a 2 story full basement, 5 bedroom, 2 bathroom, bungalow style, single-family dwelling unit structure constructed in 1930.

The existing use of 923 Thurston Street is a 1½ story full basement, 4 bedroom, 2 bathrooms, bungalow style, single-family dwelling unit structure constructed in 1927.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The rezoning site is generally flat with existing residential structures, open yards, and mature trees. The site drains to the alley and/or street.

919 Thurston Street has off-street parking accessed off the alley. 917 Thurston Street and 923 Thurston Street have existing driveways on the side of the structures leading off-street parking at the side and rear of the lots. These parking areas are also accessible from the alley.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Thurston Street, single-family and two-family dwelling units, Bertrand Street; R-1/TNO District.

SOUTH: Public alley, recently constructed twelve-unit apartment building, mix of single-family, two-family, a three-family, and four-family dwellings, and Kearney Street; R-3/M-FRO District.

WEST: Two-family dwelling units, R-2/TNO District; N. 10th Street; two-family dwellings and recently constructed 18-unit and 12- unit apartment buildings, R-2, Two-Family Residential District with TNO, Traditional Neighborhood Overlay District and R-3/M-FRO District.

EAST: mix of single-family and two-family dwelling units, N. 9th Street; R-1/TNO District.

4. **GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of single-family, two-family and multiple-family dwellings, the majority of which are renter occupied units. The immediate area is at the convergence of three different zoning districts as noted above. To the west and south of the rezoning site are predominately multiple-family dwellings in the R-3/M-FRO District. To the northwest, north, and east and southeast of the site, the land use is predominately single-family and two-family dwellings (R-2/TNO and R-1/TNO).
5. **SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The rezoning site consists of three 7,500 square foot lots, which individually, conform to the minimum lot size requirements for a single-family detached dwelling. The 3 lots are suitable for the uses under the current R-1/TNO Districts.
6. **COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in noise, light and traffic can be expected if the proposed rezoning is approved, however this should not be inconsistent with the surrounding area. As previously mentioned above in the “General Neighborhood Character” standard, the area is a mixture of single-family, two-family, and multiple-family dwelling units. The majority of the residential properties in the area are rental properties. To the west of N. 11th Street and south of site along Kearney Street are properties zoned R-3/M-FRO containing a number of multiple-family apartment buildings. In 2013 and July, 2015, five (5) Ward lots in the 1000 block of Thurston were rezoned from R-2/TNO District to R-3/M-FRO District.

The proposed rezoning will permit construction of an apartment building up to 22 dwelling units. However, the new apartment building will be required to follow the current M-FRO site and design standards, as well as minimum off-street parking requirements.

The applicant held a neighborhood meeting on November 4, 2015. According to the applicant’s meeting summary, 2 neighbors attended the meeting. The 2 attendees voiced concerns about impacted their property values and their property taxes.

The proposed rezoning should be compatible with the surrounding properties.

7. **CONFORMANCE WITH COMPREHENSIVE PLAN:** The Core Area Neighborhoods Future Land Use Map of the recently updated and adopted 2015 Comprehensive Plan Update shows the site designated as RHD, Residential High Density. The 2003 Comprehensive Plan showed this area as RLM, Residential Low to Medium Density. Policies of the RHD categories are below:

RHD-1: Characteristics

The Residential High Density designation is designed to create opportunities for higher density neighborhoods adjacent to the KSU campus and in other more urban parts of the core area of the community, and in a suburban setting. Within the core area or in Downtown, the designation accommodates higher-intensity residential housing, such as mid-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 during the design review process.

RHD-2: Appropriate Density Range

Possible densities under this designation are 19-50 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. Concentrations of Residential High Density are designated west and east of the KSU campus and in the Aggieville vicinity to promote expanded student housing options within walking distance of campus. In a more urban setting or in Downtown, Residential High Density may be combined with active non-residential uses in a vertically mixed-use building. Outside of the core area, Residential High Density uses should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods.

RHD-4: Building Massing and Form

Avoid plain, monolithic structures or blank walls on the backs or sides of buildings. In a planned apartment community context, large buildings should incorporate a variety of design elements to create visual interest. Infill projects should be consistent with area-specific design standards or guidelines, as adopted.

RHD-5: Mix of Uses

Encourage the integration of neighborhood serving retail uses (e.g., drycleaners, coffee shop) on the ground level of high density residential buildings where viable, typically in areas with high visibility and/or pedestrian activity. Nonresidential uses should generally not exceed twenty-five percent of the total floor area in a mixed-use structure; however, actual percentages will be driven by market demand and the surrounding site context.

RHD-6: Parking Location and Design

Locate off-street surface parking behind buildings, tucked under buildings (e.g., podium parking), or within parking structures in established core area neighborhoods and the Downtown to maintain a pedestrian-oriented street frontage. Integrate structured parking garages and tuck-under parking with the overall design of the building they are intended to serve. The incorporation of active uses, such as retail, into the ground floor of freestanding parking structures included as part of multi-block developments.

The R-3/M-FRO Districts allow for 1 dwelling unit per 1,000 square feet of lot area. An apartment building with as many as 22 dwelling units could be constructed on the approximate 22,500 square foot site. Based on the maximum number of dwelling units allowed for the site the maximum residential density could be as high as 44 dwelling units per net acre, provided they could meet all the other requirements including parking.

The proposed rezoning of the site to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District conforms to the policies of the 2015 Manhattan Urban Area Comprehensive Plan and the M-FRO expansion area identified on the Future Land Use map.

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

1925:	A, First Dwelling House: One and Two Family Dwellings
1937 - 1965:	B, Second Dwelling House: One and Two Family Dwellings, Apartment Houses
1969 - 1987:	R-3, Multiple-Family Residential District
1987 - 2004:	R-2, Two-Family Residential District
February 19, 2004	Manhattan Urban Area Planning Board holds public hearings to consider Phase 3 rezonings of Sub Area C, and recommends approval, on vote of 6-0, based on the Traditional Neighborhood Study. (NOTE: The three lots are located in Sub Area C.)
March 16, 2004	City Commission, on a vote of 5-0, approves, first reading of an ordinance rezoning the Phase 3 Sub Area C, as recommended by City Administration and the Planning Board.

April 6, 2004 City Commission approves Ordinance Nos. 6394 rezoning the Phase 3 Sub Area C, as recommended by City Administration and the Planning Board.

The house at 917 Thurston Street was built in 1948, the house at 919 Thurston Street was built in 1930 and the house at 923 Thurston Street was built in 1927.

9. **CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Manhattan Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The R-3 District is designed to provide for multiple-family dwellings at a density no greater than 1 dwelling unit per 1,000 square feet. The M-FRO District 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 site is 22,500 square feet in area and conforms to the minimum R-3 District requirements. The M-FRO District has specific site and building design standards that ensure that redevelopment meets the intent of the overlay district. These standards will be required to be met during the building permit review and construction inspection processes on the site. The proposed rezoning conforms to the intent of the Zoning Regulations.

10. **RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial of the rezoning would accomplish. No expected adverse impacts on the public health, safety and welfare are anticipated as a result of the rezoning. The M-FRO District requirements will be handled with the building permit and construction processes.
11. **ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the site. An existing sidewalk is located to the north of the site along Thurston Street. The existing mid-block alley south of the site is not currently paved.

12. OTHER APPLICABLE FACTORS: The gravel public alleyways throughout the M-FRO District are a known issue due to the deteriorated condition of these alleys from which most apartment buildings access their off-street parking lots. The City is researching a variety of alternatives to address this issue throughout the redevelopment overlay district. City Administration will be scheduling a work session with the City Commission to discuss this issue in the near future.

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of 917, 919 and 923 Thurston Street from R-1, Single-Family Residential District with TNO, Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of 917, 919 and 923 Thurston Street from R-1, Single-Family Residential District with TNO, Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of 917, 919 and 923 Thurston Street from R-1, Single-Family Residential District with TNO, Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with Multi-Family Redevelopment Overlay District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Senior Planner

DATE: December 15, 2015

CB/VR

16003}SR}Rezone917919923ThurstonR2TNO_R3MFRO

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: I-3, Light Industrial District with Airport Overlay District.

TO: C-6, Heavy Commercial District with Airport Overlay District.

APPLICANT/OWNER: William Butler

ADDRESS: 2600 Eureka Terrace, Manhattan, KS 66503.

LOCATION: Lot 19 & 20, Eureka Addition

AREA: 43,000 square feet (0.98 acres).

DATE OF PUBLIC NOTICE PUBLICATION: Monday, December 14, 2015.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, January 4, 2016.

CITY COMMISSION: Tuesday, January 19, 2016.

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The lot is developed with an approximately 8,100 square foot building and accessory off-street parking lot built in 2011. The lot is accessed by two (2) curb cuts located off of Eureka Terrace. The current use on the site is an auto detailing shop and associated services.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is a rectangular shaped lot at the corner of Eureka Terrace and Eureka Drive. The site is generally flat and is shown on the effective Flood Insurance Rate Map (FIRMs) panel number 0344G as being located in the AE, 1% Annual Chance Floodplain. When the site was developed in 2011, the area was mapped in the 0.2% Annual Chance Floodplain. All floodplain regulations were complied with at the time of build. The site is entirely within the Horizontal and Conical Zones of Manhattan's Regional Airport.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Flint Hills Job Corps, and agricultural fields; U/AO, University District with Airport Overlay, and Riley County G-1, General Agricultural District.

SOUTH: Undeveloped Light Industrial Lots, Penny's Concrete PUD, K-18 Highway; I-3/AO, Light Industrial District with Airport Overlay, PUD/AO.

EAST: Star Lumber, Skyway Drive and K-18 Highway; C-6/AO, Heavy Commercial District with Airport Overlay, County AG, Agricultural District

WEST: Self-Storage units, undeveloped light industrial lots, single-family residential; I-3/AO, Light Industrial District, I-2/AO, Industrial Park District with Airport Overlay, Riley County SF-1 District.

4. GENERAL NEIGHBORHOOD CHARACTER: The character of the neighborhood in the Eureka and Penny's subdivisions is characterized by the batch plant and a developing light industrial/industrial park consisting of Star Lumber & Supply, a contractor's business, a self-storage site and auto related service. The property further north of Eureka Drive is the Flint Hills Job Corps Center and agricultural fields. The neighborhood to the immediate south and west of the site is undeveloped heavy commercial and industrial park lots and agricultural fields. To the southwest is the Manhattan Regional Airport. Residential neighborhoods are to the west of the Eureka Addition. The neighborhood to the east is the realigned K-18 Highway Corridor and Skyway Drive.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site meets the minimum lot size and area requirements for the I-3, Light Industrial District with Airport Overlay District. The applicant has proposed Automobile Sales as a part of the current use on the site. The Automobile Sales use is not permitted in the I-3, Light Industrial District, thus the need for the proposed rezoning to C-6, Heavy Commercial District with Airport Overlay District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning from I-3, Light Industrial District with Airport Overlay District to C-6, Heavy Commercial District with Airport Overlay District is compatible with the surrounding properties. The C-6 District is designed to provide for commercial uses which allow for the sale and/or service of heavy equipment or products. The lot immediately to the east of the site is zoned C-6 District. The current uses found in the C-6 District in the area are wholesale warehouse for construction materials associated with Star Lumber's builder & contractor lumberyard. The current and proposed uses are of auto-oriented services and are compatible with both the surrounding C-6 and I-3 Districts, since similar auto related uses are allowed in each district.

The proposed rezoning should not result in any detrimental effects related to traffic, light or noise when compared to the permitted uses allowed in the I-3 District, which the site is currently zoned. The intent of the applicant is to utilize a small area of the lot for the sale of automobiles; however, any of the permitted or conditional uses of the C-6 District would be allowed. Since the C-6 District is predominantly designed to provide for the sale of automobiles and other heavy equipment or products, the proposed district is compatible with the surrounding properties.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is shown on the future land use map in the southwest planning area as Industrial (IND). In addition, the Future Land Use Map identifies the area to the northeast of the subject site as a future Community Commercial Center node. It is reasonable to assume that a high concentration of commercial activities will be greater near the intersection of Fort Riley Boulevard Off-Ramp and Scenic Drive and transition to less concentrated commercial environments farther away from the commercial node.

The IND policies are set out below in *italics* and ***bold italics***.

INDUSTRIAL (IND)

I 1: Characteristics

The Industrial designation is intended to provide locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations. Typically, heavy industrial uses involve more intensive work processes, and may involve manufacturing or basic resource handling and/or extraction. Design controls within an Industrial area are not as extensive as in the Office/Research Park category and a broader range of uses is permitted.

I 2: Location

Because of their potential environmental impacts, Industrial uses should generally be located away from population centers or must be adequately buffered. Traffic generated by industrial uses should not pass through residential areas. Sites should have access to one or more major arterials or highways capable of handling heavy truck traffic. Railroad access is also beneficial to certain types of heavy industrial uses. Light industrial uses can typically be located in areas that also contain some highway-oriented commercial uses, and might benefit from close proximity and better access to their local customer base.

I 3: Screening

Storage, loading and work operations should be screened from view along all industrial area boundaries (when adjacent to non-industrial uses) and along all public streets.

The IND policies provide for secondary service commercial land uses to serve employees and residents of the immediate area. The area to the east of the subject site along Skyway Drive and K18 Highway is identified for future Community Commercial Land Uses associated with the Community Commercial Center node. It is reasonable to allow for small areas of secondary service commercial within the Eureka Addition, due to its proximity to a high concentration of future commercial activity.

The proposed C-6 District is in general conformance to the Comprehensive Plan.

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

- February 6, 2006: Manhattan Urban Area Planning Board considers annexation of the 53-acre site and conducts the public hearings on the proposed rezoning of three tracts of land from County G-1, General Agricultural District, and N-1, Airport Noise Hazard District, to I-2, Industrial Park District; C-6, Heavy Commercial District; and I-3, Light Industrial District, all with AO, Airport Overlay District. The Planning Board recommends approval of the annexation on a vote of 5-1; and recommended approval of the rezoning of three tracts of land on a vote of 5-1. The Board tabled the Preliminary Plat to the February 23, 2006, Planning Board meeting, on a vote of 6-0.
- February 21, 2006 City Commission, on a vote of 5-0, approves Resolution No 022106-A, requesting that the Board of Riley County Commissioners make positive findings regarding the island annexation of the proposed Eureka Addition.
- February 23, 2006 Manhattan Urban Area Planning Board approves Preliminary Plat 6-0, with three conditions.
- March 16, 2006 Board of Riley County Commissioners considers island annexation request, as per K.S.A. 12-520c and tables for additional information.
- March 30, 2006 Board of Riley County Commissioners continues consideration of island annexation request, as per K.S.A. 12-520c, and approves Resolution No. 03006-13, finding that the annexation will not hinder development or prevent proper growth.

Attachment No. 3

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|-------------------|---|
| April 18, 2006 | City Commission approves first reading of ordinances annexing and rezoning the proposed Eureka Addition. |
| May 2, 2006 | City Commission approves Ordinance Nos. 6537 and 6538 annexing and rezoning the proposed Eureka Addition. |
| August 7, 2006 | Manhattan Urban Area Planning Board approves Final Plat Eureka Addition. |
| September 5, 2006 | City Commission accepts easements and rights-of-way as shown on the Final Plat Eureka Addition. |
| February 1, 2010, | Manhattan Urban Area Planning Board approves Final Plat of the Eureka Addition, Unit Two. |
| February 16, 2010 | City Commission accepts easements and rights-of-way as shown on the Final Plat Eureka Addition, Unit Two. |
| April 19, 2010 | Manhattan Urban Area Planning Board approves Final Plat of the Eureka Addition, Unit Three. |
| May 4, 2010 | City Commission accepts easements and rights-of-way as shown on the Final Plat Eureka Addition, Unit Three. |

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

The intent and purpose of the Manhattan 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 Airport Overlay District is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by the facility to the region.

The C-6, Heavy Commercial District is designed to provide for commercial uses which allow for the sale and/or service of heavy equipment or products. The C-6 District's minimum lot size is 10,000 square feet; minimum lot width is seventy-five (75) feet; and a minimum lot depth is one-hundred (100) feet. The subject lot meets and exceeds the minimum requirements of the C-6 District.

The proposed rezoning is consistent with the Manhattan Zoning Regulations.

- 10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public that denial would accomplish compared to the hardship of denial upon the applicant. The applicant's client is proposing to expand their business associated with an automobile detailing shop to allow for the sale of automobiles. It would be a hardship upon the applicant to deny the proposed rezoning in an area which has developed with a mix of commercial and industrial uses.
- 11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** There are adequate public facilities and services to serve the site.
- 12. OTHER APPLICABLE FACTORS:** Fort Riley was notified of this rezoning, due to it being located in the Critical Area and has no objections to the request.
- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Lots 19 & 20, Eureka Addition, from I-3, Light Industrial District with Airport Overlay District to C-6, Heavy Commercial District with Airport Overlay District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lots 19 & 20, Eureka Addition, from I-3, Light Industrial District with Airport Overlay District to C-6, Heavy Commercial District with Airport Overlay District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lot 19 & 20, Eureka Addition, from I-3, Light Industrial District with Airport Overlay District to C-6, Heavy Commercial District with Airport Overlay District, based on the findings in the Staff Report.

PREPARED BY: Chase Johnson, CFM, Planner

DATE: February 10, 2016

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