



MINUTES
CITY COMMISSION MEETING
TUESDAY, APRIL 5, 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 City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 7 staff, and approximately 110 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

- A. Mayor McCulloh proclaimed April 4 – 10, 2016, ***K-State Public Health Week***. Annamarie Taylor, Cassie Jones, Daniel Perez, Kaitlyn Banks, Kinley Reed, and Marisol Aguirre Rojas, Kansas State University Master of Public Health Graduate Students, were present to receive the proclamation.
- B. Mayor McCulloh proclaimed April 10 - 16, 2016, ***National Volunteer Week***. Kristin Brighton, Chair, Manhattan Area Chamber Board of Directors, and Principal, New Boston Creative Group, was present to receive the proclamation.
- C. Mayor McCulloh proclaimed April 10 - 16, 2016, ***Week of the Young Child***. Kasey Kile, President, Heartland Association for the Education of Young Children, was present to receive the proclamation.
- D. Mayor McCulloh proclaimed April 2016, ***Fair Housing Month***. Karen Davis, Director of Community Development, City of Manhattan, and JoAnn Sutton, Executive Director, Manhattan Housing Authority, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor McCulloh opened the public comments.

Stan Hoerman, Chair, Douglass Center Advisory Board, provided background information regarding parking requirements and the number of parking spaces available at the Douglass Community Center and at the Mount Zion Family Worship Center Church of God. He voiced concerns regarding the ongoing parking issues and parking competition between the Douglass Community Center and the Mount Zion Family Worship Center Church of God. He asked that the parking requirements that were initially established and codes be enforced and followed.

Richard Hill, 3513 Stagecoach Circle, provided information on the publishing schedule of the City Commission agenda packet meeting items. He stated that the information is available on Friday for the upcoming meeting on Tuesday. He expressed the difficulty in reaching City staff on Monday and Tuesday mornings due to meetings with questions related to items on the agenda. He asked the Commission to consider extending the time for agenda items to the public by one week before the Tuesday Commission meetings.

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

COMMISSIONER COMMENTS

Commissioner Dodson congratulated the Manhattan Community Foundation on their awards night event and thanked the many wonderful volunteers and organizations in the community. He also congratulated the Public Works and the Parks and Recreation Departments for their efforts during Spring Clean-Up. He reminded citizens of the Parks and Recreation program to plant trees in the rights-of-way areas and to contact the Parks and Recreation Department if interested in participating in the program. He informed citizens about the recent consolidation and cross-training of the City's zoning enforcement personnel with code enforcement. He encouraged citizens and property owners to go to the City's website for information on nuisances, weeds, parking, etc. Finally, he asked that everyone do their part to keep the city looking in top shape as the grass growing season is upon us, and to pay special attention in areas that people visit often.

Commissioner Reddi stated the Parks and Recreation Department needs lifeguards; if anyone is interested, sign-up and receive training. She said there are many activities with Parks and Recreation and with the University for Mankind (UFM). She informed the community that April is Sexual Assault Awareness Month and to become better educated. She also stated that April is the Month of the Military Child.

COMMISSIONER COMMENTS (*CONTINUED*)

Mayor McCulloh informed the community that the agreement with the Downtown Farmer's Market is on the consent agenda and will be open beginning April 16, 2016. She voiced appreciation to the volunteers and the importance of paid staff to tell the volunteers where to be and what to do. She stated that Commissioner Reddi was on a panel sponsored by Manhattan magazine and discussed issues in Manhattan and asked that the panel be replicated in some form maybe with the Manhattan Area Chamber of Commerce. She discussed the ribbon cutting held on Saturday, April 2, 2016, at Twin Oaks for the new artificial turf fields. She thanked Matt Giller for throwing the first pitch.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, March 22, 2016.

CLAIMS REGISTER NOS. 2818 and 2819

The Commission approved Claims Register Nos. 2818 and 2819 authorizing and approving the payment of claims from March 16, 2016, to March 29, 2016, in the amounts of \$38,989.25 and \$2,415,079.35, respectively.

FINAL PLAT – THE HARTFORD

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of The Hartford, generally located 1,300 feet north of the intersection of Colbert Hills Drive and Grand Mere Parkway, on the west side of the future extension of Grand Mere Parkway, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 7203 – AMEND – GREENBRIAR RESIDENTIAL PLANNED UNIT DEVELOPMENT

The Commission overrode the Planning Board's recommendation and modified the conditions of approval to correctly reflect the number of proposed bedrooms; and approved Ordinance No. 7203 amending Ordinance No. 4581 and the Final Development Plan of the Greenbriar Residential Planned Unit Development, as proposed, located at 2420 Greenbriar Drive, based on the findings in the Staff Report (*See Attachment No. 1*), subject to the three (3) conditions of approval as modified by City Administration.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7204 – REZONE – TNO TO M-FRO

The Commission approved Ordinance No. 7204 rezoning Areas 1, 2 and 3 (*See Attachment No. 2*), as proposed, consisting of 57 parcels generally located along the south side of the 900 block and both sides of the 1000 block of Thurston Street; the south side of the 800 block of Vattier Street; both sides of the 800 blocks of Bluemont Avenue and Moro Street; and the north side of the 900 block of Laramie Street, as follows:

Area 1: from R-2/TNO Two-Family Residential District with the Traditional Neighborhood Overlay;

Area 2: from R-1/TNO, Single-Family Residential with the Traditional Neighborhood Overlay; and,

Area 3: from R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay District;

to R-3/M-FRO, Multiple-Family Residential District with Multiple-Family Redevelopment Overlay District, based on the findings in the Staff Report (*See Attachment No. 3*) and the recommendation of the Planning Board.

ORDINANCE NO. 7205 – AMEND ZONING REGULATIONS – MULTI-FAMILY REDEVELOPMENT OVERLAY DISTRICT

The Commission approved Ordinance No. 7205 amending the Manhattan Zoning Regulations Article VI, Section 4-112 M-FRO, Multi-Family Redevelopment Overlay District, as proposed, based on the findings in the Staff Memorandum (*See Attachment No. 4*) and the recommendation of the Planning Board.

FIRST READING – REZONE – MANKO IV ADDITION

The Commission approved first reading of an ordinance rezoning three tracts of land in the proposed Manko IV Addition, generally located east of Hayes Drive and at the east end of Service Circle, as follows:

Tract 1: rezone from I-2, Industrial Park District, to C-5, Highway Service Commercial District; and

Tracts 2 and 3: rezone from C-5, Highway Service Commercial District, to I-2, Industrial Park District;

based on the findings in the Staff Report (*See Attachment No. 5*) and the recommendation of the Planning Board.

RESOLUTION NO. 040516-A – PETITION – PINEHURST ADDITION SANITARY SEWER IMPROVEMENTS (SS1619)

The Commission found the petition sufficient, and approved Resolution No. 040516-A, finding the project advisable and authorizing construction for the Pinehurst Addition Sanitary Sewer (SS1619) Improvements.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 040516-B – PETITION – PINEHURST ADDITION WATER IMPROVEMENTS (WA1617)

The Commission found the petition sufficient, and approved Resolution No. 040516-B, finding the project advisable and authorizing construction for the Pinehurst Addition Water (WA1617) Improvements.

RESOLUTION NO. 040516-C – PETITION – PINEHURST ADDITION STREET IMPROVEMENTS (ST1604)

The Commission found the petition sufficient, and approved Resolution No. 040516-C, finding the project advisable and authorizing construction for the Pinehurst Addition Sanitary Sewer (SS1619), Water (WA1617), and Street (ST1604) Improvements.

AGREEMENT – ENGINEERING SERVICES – PINEHURST ADDITION SANITARY SEWER (SS1619), WATER (WA1617), AND STREET (ST1604) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$42,150.00 with SMH Consultants, of Manhattan, Kansas, to perform professional services for the Pinehurst Addition Sanitary Sewer (SS1619), Water (WA1617), and Street (ST1604) Improvements.

REQUEST FOR QUALIFICATIONS – WATER AND WASTEWATER FACILITIES PLAN UPDATE (SP1603, CIP #WW143P)

The Commission authorized City Administration to seek qualifications for professional services to develop a Water and Wastewater Facilities Plan Update (SP1603, CIP #WW143P), and appointed Commissioner Dodson to serve on the Selection Committee.

AWARD CONTRACT – WELL REHABILITATION PROJECT (WA1606)

The Commission awarded a contract in the amount of \$29,780.00 with Alliance Pump & Mechanical Service, Inc., of Independence, Missouri, and authorized the Mayor and City Clerk to execute the contract for the 2016 Well Rehabilitation project (WA1606) to rehabilitate wells #8 and #17, to be paid from the Water Fund.

AWARD CONTRACT – WATER TREATMENT PLANT CLARIFIER NO. 2 PAINTING (WA1607, CIP #WA124P)

The Commission awarded a construction contract in the amount of \$150,000.00 to Utility Services Company, of Perry, Georgia, and authorized the Mayor and City Clerk to execute the contract for the Water Treatment Plant Clarifier No. 2 Painting (WA1607, CIP #WA124P) project.

CONSENT AGENDA (CONTINUED)

AGREEMENT – DOWNTOWN FARMER’S MARKET

The Commission authorized the Mayor and City Clerk to execute an agreement with the Downtown Farmer’s Market, Inc., for use of the City’s public parking lot at the southeast quadrant of North Fourth Street and Leavenworth Street, in Lot 3, Manhattan Town Center 5 for the 2016 season (April 16, 2016 – October 29, 2016).

PURCHASE – BULK POOL CHEMICALS

The Commission authorized City Administration to purchase muriatic acid for the amount of \$0.12 per pound, sodium bicarbonate for the amount of \$0.27 per pound, calcium chloride for the amount of \$0.24 per pound, sodium thiosulfate for the amount of \$0.60 per pound, soda ash for the amount of \$0.30 per pound, and sodium hypochlorite for the amount of \$1.20 per gallon for treatment of the City pools for the 2016 season from Brenntag, of Wichita, Kansas, to be paid from the Parks and Recreation Swimming Pool Division Operation Budget General Fund.

BOARD APPOINTMENT – HOUSING AUTHORITY BOARD OF COMMISSIONERS

The Commission approved the appointment of Kennedy Clark, 3308 Effingham Road, to fill the unexpired term of Lorenza Lockett. Ms. Clark’s term begins immediately, and will expire March 3, 2018.

After comments from the Commission, Commissioner Reddi moved to approve the consent agenda. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item D, ORDINANCE NO. 7203 – AMEND – GREENBRIAR RESIDENTIAL PLANNED UNIT DEVELOPMENT, which carried 4-1, with Commissioner Morse voting against the motion; and, with the exception of Item E, ORDINANCE NO. 7204 – REZONE – TNO TO M-FRO, which carried 3-2, with Commissioners Reddi and Morse voting against the motion.

GENERAL AGENDA

DISCUSS - AMENDMENTS TO THE CITY OF MANHATTAN'S CIVIL RIGHTS – DISCRIMINATION ORDINANCE

Jason Hilgers, Deputy City Manager, presented an overview of the current ordinance; discussed options to consider if the Commission desires to add sexual orientation and/or gender identity to Chapter 10 of the Code of Ordinances; provided the recommendation from the Human Rights and Services Board meeting on March 10, 2016; highlighted definitions for sexual orientation and gender identity; provided an overview of the discrimination laws in Kansas; presented an overview of the existing City of Manhattan ordinance; discussed discretion and exemptions for employment, public accommodations, and housing; and provided background information on the Human Rights Commission membership, process, and enforcement provisions established in 2011. He then responded to questions from the Commission on the item, discussed options and considerations, and provided clarification on the creation of the local Human Rights Commission.

Katie Jackson, City Attorney, and Jason Hilgers, Deputy City Manager, responded to questions from the Commission and provided additional information on the initiative and referendum petition process.

Jason Hilgers, Deputy City Manager, responded to additional questions from the Commission regarding the function of the Human Rights and Services Board. He also highlighted the role of Larry Hackney, Human Resources Specialist, to deal with local complaints and issues.

Katie Jackson, City Attorney, responded to questions from the Commission about enforcement provisions, considerations, and options for the Commission. She provided information on the ordinances adopted and the processes followed by the City of Roeland Park and the City of Lawrence. She also highlighted the chart in the PowerPoint presentation on discrimination laws in Kansas, provided clarification on the definition of familial status, and explained the role of the City regarding enforcement and potential claims.

Jason Hilgers, Deputy City Manager, responded to additional questions from the Commission regarding the hearing process used by the City of Lawrence. He informed the Commission there is discretion in crafting and establishing the Human Rights and Services Commission, if that is the desire of the Commission.

Commissioner Reddi stated that we are already assuming that we are adding sexual orientation and gender identity to our ordinance and we have a lot of steps to consider before adding sexual orientation and gender identity. She said that Kansas State University, Riley County Police Department, and Fort Riley already have sexual orientation and gender identity included in their units and the City could use our partnerships to tap into that information.

GENERAL AGENDA (CONTINUED)

DISCUSS - AMENDMENTS TO THE CITY OF MANHATTAN'S CIVIL RIGHTS – DISCRIMINATION ORDINANCE (CONTINUED)

Commissioner Butler stated that there appears to be unanimous support of the Commission to amend the current ordinance, but the real issue is to determine what option to use. He stated that he could live with options two or three and that both options are workable, but could not support options four or five since there is no data to support either option.

Commissioner Reddi stated that she was actually for option four or five, but did not know which one yet and wanted to work through the process. She voiced support to have teeth behind the ordinance and wanted some type of enforcement for discrimination. She said just because the data does not show it, does not mean that the problem does not exist.

Ron Fehr, City Manager, provided clarification and information on a city ordinance requiring compliance in employment, public accommodations, and housing. He said the most common compliance is with employment and those policies may vary. He informed the Commission that this proposed ordinance would apply to employment, public accommodations, and housing if the Commission chose to do so. However, in the case of Kansas State University, the annexation ordinance would apply to employment, but not to facilities.

Mayor McCulloh opened the public comments.

Katie Jordon, Chair, Flint Hills Human Rights Project, 2415 Timberlane Drive, thanked the Commission for putting the non-discrimination ordinance on the agenda. She commended the Human Rights and Services Board for recommending that the Commission amend the non-discrimination ordinance with language that includes both sexual orientation and gender identity in public service, employment, and housing. She stated that the Flint Hills Human Rights Project also support the recommendation from the Human Rights and Services Board to include an enforcement policy that treats all classes equally. She provided additional information on the item and asked the Commission to add sexual orientation and gender identity as protected classes for non-discrimination in housing, employment, and public service, and to include an enforcement mechanism that will discourage people from treating others different.

Tim Gotchey, 1936 Beck Street, spoke against adding gender identity and sexual orientation. He encouraged the Commission to think long term and provided examples of sexual experiences that he has experienced as a pastor. He stated that if we are going to be open minded and tolerant, why don't we legalize polygamy. He voiced concerns and issues with sexual orientation and being transgender and asked that we do not revert back to how a person thinks in terms of what the law should be.

GENERAL AGENDA (CONTINUED)

DISCUSS - AMENDMENTS TO THE CITY OF MANHATTAN'S CIVIL RIGHTS – DISCRIMINATION ORDINANCE (CONTINUED)

Cathy Hedge, 328 Twykingham Place, representing the League of Women Voters of Manhattan and Riley County, stated the League works for equal rights and supports the proposed amendment to include sexual orientation and gender identity as protected classes. She stated that the League of Women Voters supports having a human rights commission or a hearing officer to investigate and judicate complaints. She stated that this proposal would provide an enforcement mechanism where state and federal laws fall short. She asked the Commission to adopt the proposed amendment for a positive impact on the business environment and on the community.

Jim Nechols, 1513 Highland Drive, spoke in support of adding sexual orientation and gender identity to the anti-discrimination ordinance to help deter discrimination. He asked that the ordinance included some level of enforcement and stated that his transgender daughter has been discriminated against when applying for jobs in Manhattan. He informed the Commission that they have the ability to do something now by joining the communities of Lawrence and Roeland Park in defending basic human rights for all citizens.

Nathan Wilson, 2488 Woodside Lane, submitted some of the ethics and quoted several biblical verses regarding the proposed amendments. He requested that the Commission not add these and let individuals and churches promote their own ideas without making this proposal a law. He voiced concerns with the proposed amendments and asked the Commission to take a neutral position on the proposal.

John Exdell, 316 Denison Avenue, representing the Manhattan Alliance for Peace and Justice, stated real justice requires equal access and provided additional information on the proposed amendment. He encouraged the Commission to include equal access to all members of the community and society. He voiced support of the proposed amendment and urged the Commission to consider options four or five very carefully and to take the next step.

Janet Dean, 1832 Concord Lane, Member, Human Rights and Services Board, provided background information on the March 10, 2016, Human Rights and Services Board meeting. She also provided her experience as the former human resource officer for Riley County and stated that Riley County approved and included sexual orientation in their policy at one time and then later, removed sexual orientation from the policy. She voiced support for option five.

GENERAL AGENDA (CONTINUED)

DISCUSS - AMENDMENTS TO THE CITY OF MANHATTAN'S CIVIL RIGHTS – DISCRIMINATION ORDINANCE (CONTINUED)

Johanna Lynn Johnston, 300 North 4th Street, stated that she was one of 14 pastors that signed the letter encouraging the Commission to take the necessary action to protect LGBT (lesbians, gay, bisexual, transgender) people in the community. She stated that she has been a minister for more than 20 years and has been in a lesbian relationship for more than 30 years. She stated that she has been working on these issues since she was in the ministry and provided background information on the ordinance that was approved in 2011. She asked the Commission to reduce discrimination, to include sexual orientation and gender identity, and to look at options four and five.

Amos Wilson, 2488 Woodside Lane, urged the Commission to consider option one for this proposed ordinance. He stated this ordinance would require the Commission to take a stance that is diametrically opposed to the biblical stance. He cited several biblical verses and stated that this ordinance would be disruptive to the economy of Manhattan and to the social structure.

Mike Oldfather, 2820 Stone Valley Drive, informed the Commission that for 60 years he has been a student and teacher of economics. He provided examples of free markets and stated that discrimination is an impediment to the free working of markets. He informed the Commission that the price paid by people who are discriminated against is too high for people to have to pay.

Judy Nechols, 1513 Highland Drive, thanked the Commission for their willingness to place the issue of protections for LGBT individuals on the agenda. She provided demographic information on LGBT individuals and discussed the protections in place in the cities of Bloomington, Indiana; Lexington, Kentucky; Bozeman, Montana; and Roeland Park and Lawrence, Kansas. She implored the Commission to protect LGBT family members and friends and to allow them full and equal participation in the community.

Breanna Nechols, 1513 Highland Drive, spoke about the discrimination that she has experienced as a transgender woman when applying for work at a local health club and a water filtration company. She provided information that transgender people experience when applying for jobs and issues with background checks and references. She asked the Commission to demonstrate the community's forward thought and compassion through passing a non-discrimination ordinance which will protect all residents from discrimination and discourage repeated discrimination through enforcement actions.

At 9:15 p.m., the Commission took a brief recess.

GENERAL AGENDA (CONTINUED)

DISCUSS - AMENDMENTS TO THE CITY OF MANHATTAN'S CIVIL RIGHTS – DISCRIMINATION ORDINANCE (CONTINUED)

Pat Bosco, 2100 Hillview Drive, stated that he appreciated the courage of those speaking on both sides of the issue. He highlighted findings from the Riley County Community Needs Assessment and discussed the importance in ensuring that the Kansas State University (KSU) campus is inclusive and welcoming as part of the KSU family. He stated that all citizens need to be protected and that he was in favor of option five or beyond.

Dr. Be Stoney, 805 Gillespie Drive, Associate Professor, Kansas State University, informed the Commission that she works closely with the KSU athletics department and the Big 12 Conference on issues related to academic integrity, rules compliance and student-athlete welfare, including policy issues regarding sexual orientation and gender identity. She provided additional information on the item and discussed the policies regarding fair play, inclusion, and respect for the student-athlete.

Ben Wilson, 2448 Woodside Lane, stated that when he was about five or six years old he thought he wanted to be a girl. He said he is still attracted to men, but never intends to act on those urges because of his faith. He provided his personal experiences and explained why the City should not adopt an ordinance protecting sexual orientation and gender identity and that it should be careful about making a statement that could speak to children in the community. He stated there is a common misconception in society that having certain feelings determine who you are and who you are meant to be. He said in his personal experience, that is a myth.

David Jones, 1223 Windsong Lane, informed the Commission that he was one of the signers of the letter with other pastors in Manhattan. He challenged the notion that only certain kinds of positions are defensible and certain people are biblical and others are not. He informed the Commission that he did not want any second class citizens in this community. He voiced support for the item and to consider options four and five.

Christopher Renner, 508 Valley Drive, provided background information on the item. He stated that we are talking about civic legislation to address this issue. He voiced support of the item and encouraged the Commission to take option five to address this issue.

Seth Dills, 250 Westwood Road, stated that by advocating for this item, he could be fired from his position. He provided background information on his experiences and stated that discrimination is unacceptable. He urged the Commission to focus on caring for citizens and students in the community.

GENERAL AGENDA (CONTINUED)

DISCUSS - AMENDMENTS TO THE CITY OF MANHATTAN'S CIVIL RIGHTS – DISCRIMINATION ORDINANCE (CONTINUED)

Sue Gerth, 2213 Alta Drive, thanked the Commission for putting the item on agenda. She stated that she is a proud parent of four adult children and provided her personal experiences with a transgender child. She urged the Commission to take the necessary steps and to look at option five to ensure the ordinance has consequences for those that discriminate.

Laverne B. Baldwin, 346 Twykingham Place, stated that a large role of city government is to hold citizens accountable. She asked that the Commission include sexual orientation and gender identity and to consider option five for the safety and inclusion of all citizens.

Richard Hill, 3513 Stagecoach Circle, stated that we are all entitled to our opinions, but we need to treat others with respect. He provided information about his son, who is gay, and stated that he is doing very well. As a landlord, he voiced concerns with the potential discrimination accusations and legal fees associated to defend yourself against a claim. He wanted to ensure that both the individuals living in rentals and the landlords are not discriminated against and that the process is fair to both parties. He provided information regarding leases and protections that the renter and landlord need to be aware of. He urged the Commission to be fair to the landlords and to remember that we are all innocent first until found guilty.

Ted Morgan, 1801 Humboldt Street, Vice Chair, Flint Hills Human Rights Project, thanked the Commission for having this item on the agenda and voiced his appreciation to those that have spoken. He stated the 2011 ordinance provides a good framework to consider and should not put human rights on the ballot for an election. He urged the Commission to adopt a simple ordinance to protect LGBT individuals. He voiced the need for an enforcement mechanism as suggested in option five.

Laura Constance, 2415 Timberlane Drive, thanked the Commission for putting this item on the agenda. She thanked those that came to the meeting and stated the number of people present indicates this is an important issue to the community. She provided background information on herself, her family, and on her educational experience at Kansas State University and her future plans. She said this ordinance is vital to protect LGBT individuals and stated this is a civil rights issue. She encouraged the Commission to amend the ordinance and to look at the cities of Lawrence and Roeland Park's ordinances.

Shawn Crowder, 1020 Houston Street, informed the Commission that he dropped out of high school due to discrimination and wanted to be a politician. He stated that he is gay and an atheist. He also voiced concern with 15 of his friends that have committed suicide and asked for everyone to have their rights. He then responded to questions from the Commission.

GENERAL AGENDA (CONTINUED)

DISCUSS - AMENDMENTS TO THE CITY OF MANHATTAN'S CIVIL RIGHTS – DISCRIMINATION ORDINANCE (CONTINUED)

Parker Heinze, 220 Goodnow Hall, stated that he is a bisexual man and a student at Kansas State University and a resident assistant at Goodnow Hall. He voiced concern about going to work for a new remodeling restoration company in Manhattan and did not know their policy on LGBT and that he may be fired from his position.

Jeff Levin, 3704 Everett Drive, stated that he has three children that he is very proud of. He informed the Commission that this is the first time he and his son Jonas Levin, 412 N. 8th Street, have done this publically to talk about the fact that his son is transgender. He thanked the Commission for agreeing that there is a need for change. He stated that Jonas experienced a discrimination issue as a student at USD 383 that was resolved and stressed the importance that everyone is treated equally. He discussed the operational aspects of the ordinance and to have fines that make sense, to have a balanced board, and to ensure that everyone is treated fairly in the process. He asked the Commission to make a statement to respect everyone and to give everyone equal rights.

Patrick McLaughlin, 1610 Woodoak Court, informed the Commission that as a citizen of Manhattan he supports option five and that laws would hold people accountable in the public arena. He stated that as a pastor at the First United Methodist Church, there is a diversity of opinions held within the congregation. He was thankful that we can work on our struggles on the issue of sexual orientation and gender identity.

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

Commissioner Reddi stated that she was inspired and encouraged by the discussion and appreciated those that spoke. She stated that the Commission has a lot of work to do and that no decisions have been made on how to enforce this. She informed the community that she isn't sure she would be in the position she is in today if it wasn't for the protections that she has received under the law. She stated as a City Commissioner, the reason she was elected was to advocate for change regardless of how uncomfortable it might be.

Commissioner Morse stated she came to the meeting thinking an amendment of the ordinance without an enforcement process could probably set the tone. However, she said after listening to the comments made, some type of enforcement may be needed to become the type of community Manhattan wants to be. She stated that she was convinced that we need something more, but was not ready to say what this is. She voiced her appreciation to the diverse environment at Kansas State University and the need for the City to look after all of its citizens.

GENERAL AGENDA (CONTINUED)

DISCUSS - AMENDMENTS TO THE CITY OF MANHATTAN'S CIVIL RIGHTS – DISCRIMINATION ORDINANCE (CONTINUED)

Commissioner Butler stated that citizens have a civil right to challenge ordinances by petition if they want. He said that exemptions highlighted are important and that he would not support a quasi-judicial board being responsible for enforcement under the ordinance because it does not align with state and federal law. He stated that appointed citizens do not have legal training and that there is room for abuse and that is the fear. He said that he would support finding a way that would tie the process to the municipal court as well as the civil system so that everyone is treated fairly.

Commission Dodson voiced his appreciation for those coming and staying so late. He stated the framework for this item is difficult due to the state and federal differences. He commented that he did not favor a quasi-judicial board and said the closer the City can get to using what is recognized as a court or someone with a certain standing or qualifications, the better the process will be. He stated he favored the Roeland Park ordinance and that details will need to be sorted out and enforcement elements properly reflected. Again, he thanked everyone for coming and said that the City Commission and City staff have tough work ahead of us.

Mayor McCulloh stated that there appears to be a consensus in support of option three and maybe a three (a), with a look at the ordinance from Roeland Park. She stated the Commission is not involved in advocating different lifestyles or setting up moral standards. However, it is simply saying in a civil society, we have to be fair and equal to everyone who lives in Manhattan and will work to see just how we will make that happen.

Commissioner Reddi stated that she could support either option four or five. She wanted to look at other options regarding enforcement and to utilize our partners at Kansas State University, Fort Riley, and Riley County Police Department that have existing policies in place. She stated that she was willing to look at the Roeland Park ordinance too.

After additional discussion and comments from the Commission, Ron Fehr, City Manager, informed the Commission that he appreciated the comments received and City staff will look at the Roeland Park ordinance as a framework and will continue to work on the item.

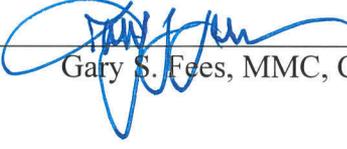
Mayor McCulloh thanked everyone for their comments and for staying late.

As this is a discussion item, no action or motion was taken.

GENERAL AGENDA (CONTINUED)

ADJOURNMENT

At 10:58 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

AN AMENDMENT OF ORDINANCE NO. 4581 OF THE GREENBRIAR RESIDENTIAL PLANNED UNIT DEVELOPMENT TO ALLOW FOR MORE BEDROOMS THAN ORIGINALLY PERMITTED IN THE APPROVED PUD. THE PUD AMENDMENT IS IN THE FORM OF A FINAL DEVELOPMENT PLAN.

BACKGROUND

APPLICANT: Weary Davis

OWNER: Woodway M, LLC

ADDRESS: 2420 Greenbriar Drive

LOCATION: Generally located to the northwest of the intersection of Kimball Avenue and College Avenue.

AREA: 5.45 acres

DATE OF NEIGHBORHOOD MEETING: Tuesday, December 22, 2015

DATE OF PUBLIC NOTICE PUBLICATION: Tuesday, January 26, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: Thursday, February 18, 2016

CITY COMMISSION: Tuesday, March 22, 2016

EXISTING PUD

Ordinance

Ordinance No. 4581 was approved on June 20, 1989 to rezone the site from R to PUD to allow for a multi-family development, known as the Woodway Apartments.

Conditions of Approval

1. Provisions shall be made for all necessary sanitary sewer improvements including the lift station and force main to the point of connection at Hobbs and College Avenue with costs to be born by the applicant or any subsequent owner and that the lift station shall be located adjacent to the east entry off of College Avenue.

Attachment No. 1

2. The applicant or any subsequent owner shall participate in the benefit district to be established at some time in the future when a northern interceptor sewer line is constructed.
3. Provision of a deceleration lane on the north side of Kimball Avenue for the south entrance shall be constructed according to the standards of the City Engineering Division with all costs born by the applicant or any subsequent owner.
4. The provision of a minimum 5 foot wide sidewalks along Kimball and College Avenues shall be provided by the applicant or any subsequent owner. The sidewalk along College Avenue shall be in a pedestrian easement or on the street right-of-way.
5. The building as shown on the site plan in the northwest corner of the site shall be removed and four additional dwelling units may be added to Building A in the eastern most part of the site for a total of 84 dwelling units and the maximum number of bedrooms shall be limited to 210.
6. The permitted use shall be limited to multi-family housing. The total occupancy shall be limited to 250 tenants for the PUD.
7. The total number of off-street parking places shall be no less than 300 as proposed to provide adequate tenant and guest parking.
8. The PUD owner and management shall utilize a parking sticker system whereby each licensed tenant having a vehicle on the site receives one (1) parking sticker to attach to their vehicle. To further help monitoring of unauthorized vehicles by the management, the stickers shall be numbered 1 through 250 and new stickers issued each semester.
9. An additional fire hydrant shall be provided at the east entry drive.
10. Security for the performance of the landscaping requirements, as described herein and as shown on the preliminary development plan shall be provided pursuant to an agreement between the developer and the City.
11. If the carports are not provided along the south row of parking, landscaped berms shall be utilized in addition to the trees shown on the plan.
12. All landscaping, signage and lighting shall be provided as proposed and maintained in good condition.
13. A grove of trees of any variety shall be planted in the area where the building was removed at the northwest corner to discourage that area being used as an open recreational area. Additional screening shall be provided along the north and west property lines by planting an additional row of 7 to 8 foot tall Scotch Pines with 8 feet between the two rows of pines and each tree planted approximately 10 to 12 feet apart within a row to give a staggered effect. In addition, Winter Honeysuckle shall be planted between the trees to provide immediate screening until the trees mature.
14. The general residential character of the buildings shall be maintained.
15. The owners shall provide an on-site management team consisting of one (1) full time manager, an assistant manager and a maintenance person.

PROPOSED AMENDMENT

The Greenbriar Residential Planned Unit Development was approved with Condition No. 5, which stated:

5. The building as shown on the site plan in the northwest corner of the site shall be removed and four additional dwelling units may be added to Building A in the eastern most part of the site for a total of 84 dwelling units and the maximum number of bedrooms shall be limited to 210.

The Final Development Plan of the PUD was approved February 5, 1990. A total of eight (8) buildings, eighty-four (84) dwelling units and a maximum number of 210 bedrooms were approved with the Final Development Plan. The dwelling units vary in size from one (1) to four (4) bedrooms per unit.

The proposed amendment will allow for more bedrooms than originally permitted and allowed by the original PUD. The original development plan showed living units that would have bedrooms and an additional room that was considered a “study.” According to the application documents, the room considered a study “has been used as a bedroom consistently since the original development of the PUD.”

The proposed amendment is to bring the current use into conformance with the PUD. There are currently 76 apartment units with the additional room that had originally been counted as a study. The proposed amendment would consider these rooms as bedrooms, adding an additional 76 bedrooms to the PUD. The final number of bedrooms for the PUD will be 286.

PROPOSED SIGN:

The on-site signage will not change and is consistent with the Final Development Agreement. There is an internally illuminated monument sign measuring 6 feet by 6 feet located at the entrance on Kimball

PROPOSED LIGHTING: The lighting will not change with the proposed amendment.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

Attachment No. 1

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The amendment is consistent with the intent and purpose of the original PUD to provide multi-family living. The proposed amendment preserves the multi-family character in a desirable residential area of Manhattan.

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The amendment is necessary because Condition No. 5 of Ordinance No. 4581, stating there should be no more than 210 bedrooms has not been adhered to. According to the application documents, the rooms originally intended as studies have always been used for bedrooms.

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The proposed amendment will be a gain to the health, safety and general welfare as it brings the units into conformance with zoning regulations and allows for building inspections to be conducted properly and accurately. The proposed PUD Amendment benefits residents of Manhattan by recognizing how the studies have actually been used, and provides increased capacity housing in an area that is near the university and the hospital, providing nearby housing for students and residents who work in the area.

**ADDITIONAL MATTERS TO BE CONSIDERED WHEN
AMENDING A PLANNED UNIT DEVELOPMENT**

1. LANDSCAPING: There will be no changes to the landscaping agreement. The site is already landscaped according to the original Final Development Plan. Landscaping on site currently includes trees along the periphery of the site, somewhat screening the apartments along Kimball Avenue and College Avenue. There is also sufficient green space and landscaping within the site.

2. SCREENING: No additional screening is required.

3. DRAINAGE: There will be no changes to the drainage requirements as there is not an increase in impermeable surface or a reduction in open space.

4. CIRCULATION: Access to the site's off-street parking lot is off of both Kimball Avenue and College Avenue. Internal streets connect the apartment buildings

Attachment No. 1

Pedestrian Access. There are sidewalks along the north side of Kimball and along the west side of College Avenue, which runs alongside the east side of the development. Both of these sidewalks provide access to the site.

Traffic. There is likely to be little to no traffic increase as a result of the proposed amendment. If the rooms have been consistently used as bedrooms, there are likely to be the same number of tenants and visitors as there has been in the past.

Off-Street Parking. The number of parking spaces is consistent with Condition No. 7 of Ordinance No. 4581, stating there should be no fewer than 300 off street parking spaces on the site. There are currently 92 carports, 8 handicapped spaces and 200 open spaces, a total of 300 spaces.

From a series of memos prior to the approval of the ordinance and the Final Development Plan, and a memo dated May 23, 1989 from the City's Planning Department it can be concluded that as the development was primarily intended to serve students, providing additional guest parking would offset neighborhood impacts from the increase in density. The memo states that with a limited number of 250 tenants, 300 parking spaces would allow for a sufficient amount of guest parking.

With the increased number of bedrooms and in conformance with Article 7-103, Off-street Parking Requirements of the Zoning Regulations, the proposed amendment requires a total number of 305 parking spaces. Following today's off-street parking regulations, an additional five (5) spaces would be required. However, since there have been no complaints regarding the parking on this site, or spill-over parking experienced as a result, the existing off-street parking is sufficient to address demand and requiring five (5) stalls be added to the site at this point in time would not produce a significant benefit.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: There is landscaped space within the site and a pool located on the east side of the site.

6. CHARACTER OF THE NEIGHBORHOOD: The proposed PUD Amendment is consistent with the character of the neighborhood. Its proximity to the university and hospital make it a desirable area to live. This amendment maintains the multi-family nature of the property and brings the property into compliance.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The site consists of eight (8) multi-family residential structures. The units vary from one to four bedrooms and were constructed in the early 1990s.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is located at a busy intersection near the hospital, the campus and many residential properties. It is generally flat with existing multi-family residential structures and mature trees.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** The area to the north is primarily multi-family residential consisting of the University Crossing Apartments PUD. There is single family housing further to the north, zoned R-1, Single Family Residential.

(b.) **SOUTH:** Located on the south side of Kimball Avenue is the Manhattan Surgical hospital and the Via Christi Hospital, also zoned PUD.

(c.) **EAST:** To the east of the site across College Avenue and Kimball Ave the area is zoned U, University, consisting of agriculture land at the northeast corner of the intersection and the K-State football stadium at the southeast corner of the intersection.

(d.) **WEST:** The area to the west is zoned R, Single Family Residential. The Peace Lutheran Church is located directly west to the subject site. Further west is College Hill School and single family neighborhoods.

4. GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood is a mix of residential, hospital/medical, religious and University uses. The residential units are both single-family and multi-family dwellings, varying from owner occupied to renter occupied. The neighborhood also has several commercial uses (hospital and surgical center), the football stadium, and a childcare center. The site's location serves as a higher density residential buffer between lower density residential uses and university related uses.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The current zoning of the site as a PUD is suitable for this multiple-building apartment development. The area is primarily composed of either residential development or PUDs.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: No detrimental effects are anticipated as a result of the proposed amendment, as the site is compatible with surrounding zoning and land uses. The site has also been in existence for over two decades without any negative effects.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE NORTHWEST PLANNING AREA. THE AREA IS DESIGNATED AS RESIDENTIAL HIGH DENSITY IN THE COMPREHENSIVE PLAN AND THE PUD'S USE AND THE PROPOSED AMENDMENT CONFORMS TO THE PLAN.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The area was zone R, Single-Family Residential prior to being zoned as a PUD with the passing of Ordinance No. 4581 on June 20, 1989

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 amendment is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

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 would accomplish. Denial would prohibit the use of the 76 "study" rooms as bedrooms within the living units and limit the availability of housing in the area. It is apparent that these studies have been used as bedrooms for a number of years without any adverse impacts, due to the ample parking.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The site has adequate public services, sanitary sewer, water, sidewalks, and public streets.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: City Administration recommends approval of the proposed amendment to allow the studies identified in the original PUD to be used as bedrooms, with the following conditions of approval:

Attachment No. 1

1. Modify Condition No. 5 to increase the number of bedrooms to 286, as requested by the applicant.
2. Modify Condition No. 6 to increase the total occupancy from 250 to 286 occupants.
3. Eliminate Condition No. 8, as the parking sticker system is unneeded.

ALTERNATIVES:

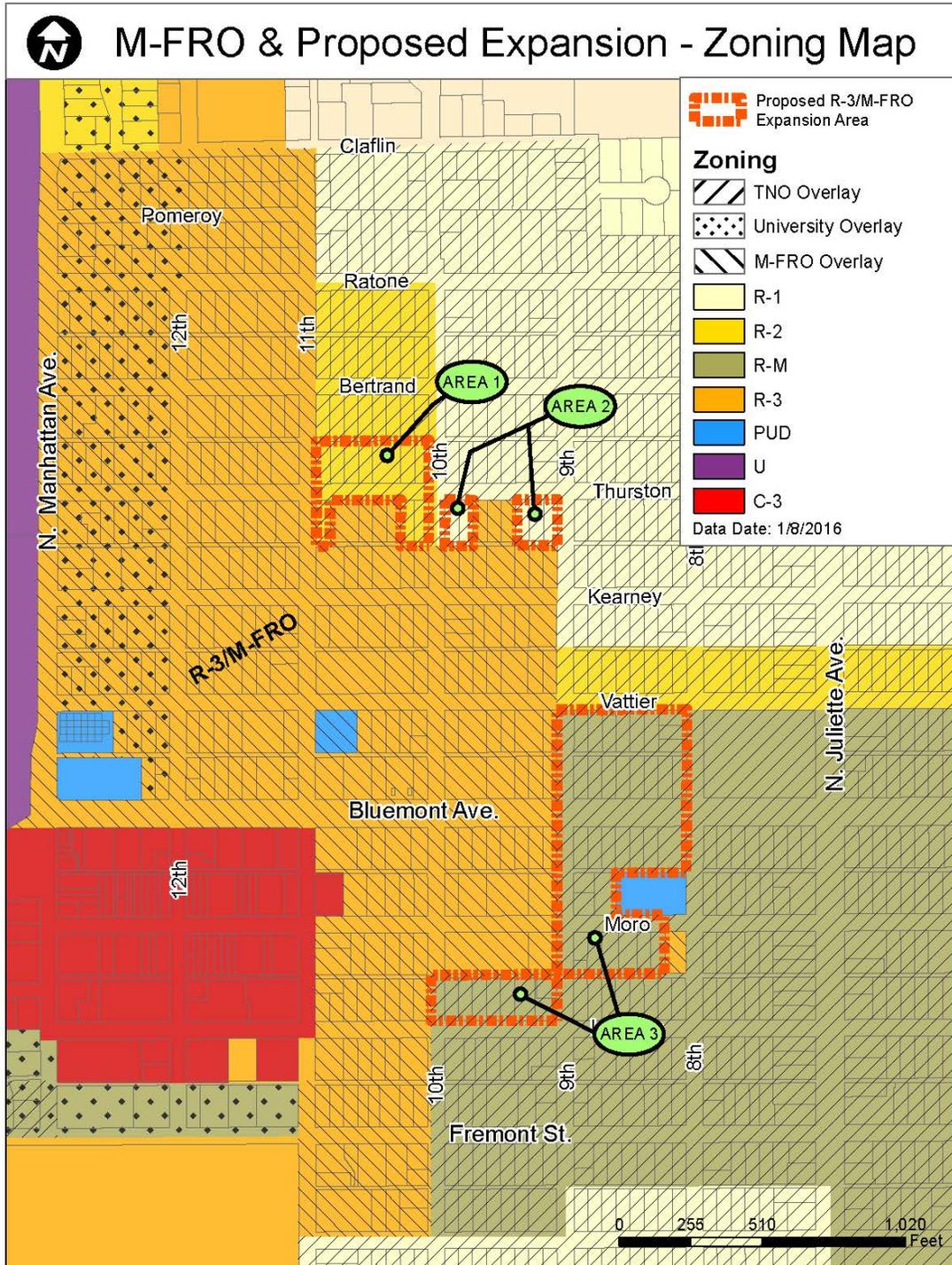
1. Recommend approval of the proposed amendment of Ordinance No. 4581 and the approved Final Development Plan stating the basis for such recommendation.
2. Recommend approval of the proposed amendment of Ordinance No. 4581 and the approved Final Development Plan and modify the conditions and any other portions of the proposed PUD amendment to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed amendment of Ordinance No. 4581 and the approved Final Development Plan, stating the basis for such recommendation.
4. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 4581 and the approved Final Development Plan of the Greenbriar Residential Planned Unit Development, based on the findings in the Staff Report, with three (3) conditions of approval.

PREPARED BY: Amelia Lewis, Planning Intern

DATE: February 9, 2016
16009}SR}WoodwayApts}GreenbriarPUDAmendment



**STAFF REPORT
R-3/M-FRO Expansion Area Rezoning**

ON AN APPLICATION TO REZONE PROPERTY

FROM:

Area 1: R-2/TNO, Two-Family Residential District with Traditional Neighborhood Overlay District,

Area 2: R-1/TNO, Single-Family Residential District with Traditional Neighborhood Overlay District, and

Area 3: R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay District.

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

APPLICANT/OWNERS: Manhattan Urban Area Planning Board on behalf of City of Manhattan

ADDRESS: 1101 Poyntz Avenue, Manhattan, KS 66502

LEGAL DESCRIPTION:

Tracts of land located in Section 18, Township 10, Range 8 East of the Sixth Principal Meridian, in the City of Manhattan, Riley County, Kansas, described as follows.

Area 1: Thurston Street An area generally located to the east of the intersection of Thurston Street and N. 11th Street and generally known by the following addresses: 1000, 1001, 1004, 1005, 1010, 1016, 1020, 1024, 1030 Thurston Street; 1020 N. 11th Street; consisting of the following lots located along both sides of Thurston between N. 11th Street and N. 10th Street and the lots fronting N. 11th Street: Lots 571-580, 586, in Ward 3, in the City of Manhattan, Riley County, Kansas.

Area 2: Thurston Street An area generally located to the east of the intersection of Thurston Street and N. 10th Street and generally known by the following addresses: 901, 905, 909, 925 Thurston Street; 1020 N. 10th Street; consisting of the following lots located on the south side of Thurston between N. 10th Street and N. 9th Street and the lot fronting N. 10th Street: Lots 501-503, 507-508, in Ward 3, in the City of Manhattan, Riley County, Kansas

Area 3: Vattier An area generally located to the southeast of the intersection of Vattier Street and N. 9th Street and generally known by the following addresses: 809, 813, 817, 821, 827, 831 Vattier Street; 815, 819, 823 N. 8th Street; consisting of the lots located on the south side of Vattier Street between N. 9th and N. 8th Streets, and the lots fronting the west side of N. 8th Street: Lots 445- 452 in Ward 3, in the City of Manhattan, Riley County, Kansas.

Bluemont Avenue An area generally located to the northeast and southeast of the intersection of Bluemont Avenue and N. 9th Street and generally known by the following addresses: 800, 801, 806, 809, 810, 814, 815, 818, 819, 820, 823, 825, 826, 830, 831 Bluemont Avenue; consisting of the following lots located on both sides of Bluemont Avenue between N. 9th Street and N. 8th Street: Lots 113-120, Ward 4 and Lots 453-460, Ward 3, in the City of Manhattan, Riley County, Kansas.

Moro Street An area generally located to the east of the intersection of Moro Street and N. 9th Street and generally known by the following addresses: 809, 813, 815, 820, 821, 827, 830, 831 Moro Street; 614, 710 N. 9th Street; consisting of the following lots located along both sides of Moro between N. 9th Street and N. 8th Street and the lots fronting N. 9th Street: Lots 126-128, West half of Lot 130, Lots 131-136, Ward 4, in the City of Manhattan, Riley County, Kansas.

Laramie Street An area generally located to the northwest of the intersection of Laramie and N. 9th Street and generally known by the following addresses: 904, 908, 912, 918, 920, 926, 930 Laramie Street; 613 N. 9th Street; consisting of the following lots located along the north side of Laramie from N. 10th Street to N. 9th Street and the lot fronting N. 9th Street: Lots 305-312 Ward 4, in the City of Manhattan, Riley County, Kansas.

LOCATION: The rezoning area is generally along the south side of the 900 block and both sides of the 1000 block of Thurston Street; the south side of the 800 block of Vattier; both sides of the 800 blocks of Bluemont Avenue and Moro Street; and the north side of the 900 block of Laramie Street.

AREA: The total area of the rezoning site is approximately 9.96 acres.

DATE OF NEIGHBORHOOD MEETING: June 25, 2015

DATE OF PUBLIC NOTICE PUBLICATION: January 28, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: February 18, 2016
CITY COMMISSION: March 22, 2016

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE:

Area 1: The existing use is 27 residential dwelling units, consisting of 3 single-family, 6 two-family and one 12-plex.

Area 2: The existing use is of 9 residential dwelling units, consisting of 1 single-family and 4 two-family.

Area 3: The existing use is 78 residential dwelling units, consisting of 16 single-family, 18 two-family, two 3-plexes and 5 four-plexes.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The rezoning areas are generally flat with existing residential structures, open yards, sidewalks on both sides of the streets and mature trees. The area drains to the street. Off-street parking for the properties is accessed mostly from alleyways at the rear of each lot.

3. SURROUNDING LAND USE AND ZONING:

AREA 1:

NORTH: Single and two-family dwellings; R-1/TNO.

SOUTH: Single and multi-family dwellings; R-3/M-FRO.

EAST: Single and two-family dwellings; R-1/TNO.

WEST: Single and multi-family dwellings; R-2/TNO.

AREA 2:

NORTH: Single and two-family dwellings; R-1/TNO.

SOUTH: Single and multi-family dwellings; R-3/M-FRO.

EAST: Single and two-family dwellings; R-1/TNO.

WEST: Single and multi-family dwellings; R-2/TNO.

AREA 3:

NORTH: Single and two-family dwellings; R-2/TNO.

SOUTH: Single and multi-family dwellings; R-M/TNO.

EAST: Single and two-family dwellings, Bluemont Elementary; R-M/TNO.

WEST: Single and multi-family dwellings; R-3/M-FRO.

4. GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood is a mix of single-family and multiple-family dwellings, the majority of which are renter occupied units presumably for KSU students. The Kansas State University main campus ranges from two to four blocks to the west and Aggieville is to the west, southwest. Bluemont Avenue, a minor arterial street, runs east and west through the proposed rezone area. The area is heavily influenced and impacted by the proximity to Kansas State University.

- 5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The rezoning site consists of 57 parcels ranging from 15,221 square feet to 2,390 square feet in size. All but eight parcels conform to the minimum lot size requirements for single-family dwellings as allowed in the respective R-1, R-2 and R-M zones.

The TNO (Traditional Neighborhood Overlay District) is designed to conserve the traditional character of the older neighborhoods through compatibility standards. The Overlay District regulations are applied in combination with an underlying residential district and add design requirements to maintain neighborhood compatibility. The site is suitable for land uses under the existing zoning.

- 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 it would be consistent with the development in the immediate area.

The rezoning could potentially increase density from the current 114 dwelling units on 9.96 acres up to approximately 400 dwelling units. However, it is important to note that design and layout requirements, parking and building setbacks would reduce this density potential given the relatively small lot sizes and lot depths. It is likely that development of apartment buildings will require consolidation of parcels over a period of time and may be challenging with the 50% lot coverage limitation and requirement to place parking to the side or rear of the building.

At the Neighborhood Meeting conducted by the City on June 25, 2015, 21 people attended to discuss the M-FRO expansion areas. Some attendees generally had concerns about traffic impacts, specifically to the block immediately west of Bluemont Elementary, storm drainage, lack of paved alleyways, on-street parking congestion, building height and affordable housing. The meeting notes are attached.

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 Manhattan Urban Area Comprehensive Plan shows the three rezone areas designated as RHD, Residential High Density. Applicable policies of the RHD category are as follows:

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 PROPOSED REZONING OF AREAS 1, 2 & 3 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 high density expansion area identified on the Future Land Use map through the Comprehensive Plan update process, which involved extensive community input and discussion over a 15 month period.

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

Each of the three areas has been developed since the 1920 or earlier, there is only one vacant lot currently in the proposed rezone area. The zoning history for the area is:

- | | |
|--------------|---|
| 1925 - 1965: | A, First Dwelling House: One and Two Family Dwellings and
B, Second Dwelling House: One and Two Family Dwellings,
Apartment Houses |
| 1965 - 1970: | A, First Dwelling House: One and Two Family Dwellings and
B, Second Dwelling House: Multi Family Dwellings, Apartment
Houses |
| 1970 - 1987: | R-2, Two-Family Residential and
R-3, Multiple-Family Residential District |
| 1987 - 2004: | R-2, Two-Family Residential District and
R-M, Four-Family Residential District |
| 2004 | R-1/TNO, R-2/TNO, R-M/TNO Single-Family, Two-Family and
Four-Family Residential Districts with Traditional Neighborhood
Overlay District |

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. Most lots will have to be consolidated in order to accommodate construction of apartment buildings, along with placement of the necessary off-street parking to the side or rear of buildings, and providing the required 14 foot front and 25 foot rear yard setbacks. It is anticipated that this transition would occur through market forces over time.

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 rezone area is approximately 10 acres and in the current lot configuration only eight parcels would be non-conforming all other lots conform to the minimum R-3 District requirements. However, for higher density development some lots will have to be consolidated. 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 process in the rezoning areas. 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:

Through the Manhattan Urban Area Comprehensive Plan update process a great deal of analysis and public discussion concluded that while there may be some additional impacts to the immediate area, the benefits of additional high density housing opportunities in close proximity to the KSU Campus would outweigh impacts. The high density expansion areas identified in the Comprehensive Plan update were balanced with lowering densities in other areas. Provision of additional housing units for students, located closer to their principle destination could help minimize traffic and other impacts further to the west, while helping preserve existing lower density and single-family housing stock in other surrounding older neighborhoods.

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.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

This is a developed area with a gridded street network, alleys and sidewalks along each street. The increased densification would allow for a maximization of existing city infrastructure and services and is one of the main drivers of the proposed up-zoning. It is recognized that the water lines serving the rezoning area will need to be up-sized at some point as development occurs, depending upon the nature and density of the redevelopment. Storm water detention will be required for developments of half an acre or more in size. Ongoing redevelopment of water, storm drainage and paving of alleys will continue to be required.

The issue of gravel alleys in portions of the M-FRO District has been discussed by the City Commission at two work sessions in September and November 2015, after which the Commission instructed Public Works to prioritize alley improvements based on density, number of non-owner occupied units and a pavement condition index. In addition the City Commission decided to utilize the public hearing method of creating benefit districts for paving alleys located within and adjacent to the M-FRO District and the identified expansion areas. There are four alleys that are currently gravel: 1) the 900 block between Thurston and Kearney; 2) the 1000 block between Thurston and Kearney; 3) the 800 block between Vattier and Bluemont; and 4) the 800 block between Bluemont and Moro.

12. OTHER APPLICABLE FACTORS: None

STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Areas 1, 2, & 3, generally consisting of 57 parcels along the south side of the 900 block and both sides of the 1000 block of Thurston Street; the south side of the 800 block of Vattier; both sides of the 800 blocks of Bluemont Avenue and Moro Street; and the north side of the 900 block of Laramie Street, as follows:

Area 1: from R-2/TNO Two-Family Residential District with the Traditional Neighborhood Overlay, to R-3/M-FRO, Multiple-Family Residential District with the Multiple-Family Redevelopment Overlay District;

Area 2: from R-1/TNO, Single-Family Residential with the Traditional Neighborhood Overlay, to R-3/M-FRO, Multiple-Family Residential District with the Multiple-Family Redevelopment Overlay District; and,

Attachment No. 3

Area 3: from R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay District, to R-3/M-FRO, Multiple-Family Residential District with the Multiple-Family Redevelopment Overlay District;

All based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Areas 1, 2, & 3, as proposed, generally consisting of 57 parcels, generally located along the south side of the 900 block and both sides of the 1000 block of Thurston Street; the south side of the 800 block of Vattier; both sides of the 800 blocks of Bluemont Avenue and Moro Street; and the north side of the 900 block of Laramie Street, 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 Areas 1, 2 & 3, consisting of 57 parcels, generally located along the south side of the 900 block and both sides of the 1000 block of Thurston Street; the south side of the 800 block of Vattier; both sides of the 800 blocks of Bluemont Avenue and Moro Street; and the north side of the 900 block of Laramie Street, as follows:

Area 1: from R-2/TNO Two-Family Residential District with the Traditional Neighborhood Overlay to R-3/M-FRO, Multiple-Family Residential District with the Multiple-Family Redevelopment Overlay District;

Area 2: from R-1/TNO, Single-Family Residential with the Traditional Neighborhood Overlay to R-3/M-FRO, Multiple-Family Residential District with the Multiple-Family Redevelopment Overlay District; and,

Area 3: from R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay District to R-3/M-FRO, Multiple-Family Residential District with the Multiple-Family Redevelopment Overlay District; all based on the findings in the Staff Report.

Attachment No. 3

PREPARED BY: Lance Evans, AICP, Senior Planner

DATE: February 9, 2016

LE/EC
16007}SR}RezoneM-FROExpansion



INTER-OFFICE MEMORANDUM

DATE: February 4, 2016

TO: Manhattan Urban Area Planning Board

MEETING DATE: February 18, 2016

FROM: Lance Evans, AICP, Senior Planner

RE: Amend Article IV, Section 4-112 – M-FRO, Multi-Family Redevelopment Overlay District, of the Manhattan Zoning Regulations.

BACKGROUND

Through the Manhattan Area 2035 Comprehensive Plan update process five priority initiatives were developed to help advance the community's vision in the immediate future. As outlined in Chapter 12: Action Plan the first initiative is to, "Update zoning and development regulations to implement key plan concepts and promote increased predictability in the development Review process." More specifically the Action Plan identifies updating the M-FRO District, (Multi-Family Redevelopment Overlay District) standards to, "Ensure compatibility with the Future Land Use Map and to provide additional flexibility for infill and redevelopment".

The Community Development Department analyzed the current M-FRO standards and drafted revisions to the M-FRO District Regulations, which were presented to the Planning Board for discussion in a work session on January 21, 2016. The revisions address parking requirements and architectural details.

Attachment No. 4

First, the amendment proposes to reduce the required number of parking spaces required from a graduated scale depending on the number of bedrooms per dwelling unit, to one (1) parking space per bedroom regardless of the bedroom configuration of the dwelling unit.

Second, the amendment eliminates the provision that requiring buildings containing eighteen or more dwelling units to provide an additional one (1) stall for every four dwelling units.

Third, the amendment proposes adding a requirement for bicycle parking to accommodate and thereby encourage additional bicycle use.

For residential buildings containing three (3) or more dwelling units, one (1) bicycle parking space shall be provided for every two (2) bedrooms.

Fourth, the amendment proposes adding a minimum dimensional requirement to the definitions of balcony, bay window, porch and portico, to clarify building exterior design elements already required in the existing building design standards.

The recommended off-street parking changes are based on a parking study that was completed by the Community Development Department between January 28th and February 14th 2015. Counts were taken Monday through Saturday between 6:30 and 7:15 am in order to attempt to identify the highest use time for parking lots in the M-FRO District. The results showed that that the utilization of parking spaces equated to approximately 0.66 spaces per bedroom. In effect, the current M-FRO parking ratios likely required more than 30% surplus parking that is generally not being used.

The proposed parking ratio of one (1) stall per bedroom still exceeds the need demonstrated by the parking study data, but it is a substantial reduction from current requirements while still allowing for a margin of error. Arguments could be made that the parking demand will likely be reduced by local and national transportation trends, policy changes on the Kansas State University campus to reduce on-campus parking, and that the increase in ATA transit service will further reduce the automotive and parking needs for many residents of the M-FRO district.

The bicycle parking provision and definition are proposed due to the general proximity of the M-FRO District to Kansas State University and Aggieville, which tend to be the primary destinations of most residents living in the district. The bicycle provisions will help somewhat off-set the reduction in required vehicular parking, while promoting less traffic congestion and a more efficient transportation option than utilizing vehicles for short trips.

AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS

When a proposed amendment results in a change to the text of the Zoning Regulations, the report from the Planning staff shall contain a statement as to the nature and effect of the proposed amendment, and determinations as to the following:

WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS

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.

More specifically, the M-FRO District provisions are 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 proposed amendments are consistent with the intent and purpose of the Manhattan Zoning Regulations and are drafted to accommodate development that is functionally integrated into surrounding areas and compatible with the traditional character of the older neighborhoods in Manhattan. The reduced vehicle parking addresses inefficiencies of unused parking spaces and works in conjunction with the bicycle parking requirement to reduce vehicular congestion and promote a more convenient, short trip transportation alternative in neighborhoods in close proximity to campus. The proposed revisions to several of the definitions help clarify architectural standards to increase compatibility of redevelopment projects with the surrounding neighborhood.

AREAS WHICH ARE MOST LIKELY TO BE DIRECTLY AFFECTED BY SUCH CHANGE AND IN WHAT WAY THEY WILL BE AFFECTED

The proposed amendments to Article IV, Section 4-112 would apply to all property in Manhattan that is located within the Multi-Family Redevelopment Overlay District. The current boundary is shown on the City of Manhattan Zoning Districts and Overlays Map, dated November 9, 2015, and the proposed M-FRO expansion areas are shown on the M-FRO Expansion area map.

City Administration carefully considered the effects that the proposed amendments may have on residential areas both within and adjacent to the Multi-Family Redevelopment Overlay District. The proposed amendments should help promote more efficient use of a limited land supply and efficient short trip transportation alternatives, and balance the need for increased housing in Manhattan's core neighborhoods with providing clearer definitions to help transition to surrounding neighborhood areas.

WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN THE AREAS AND ZONING DISTRICTS AFFECTED, OR IN THE CITY PLANNING AREA, GENERALLY, AND IF SO, THE NATURE OF SUCH CHANGED OR CHANGING CONDITIONS

The growth of Manhattan and Kansas State University helped to inform the policy development and recommendations in the recent update of the Comprehensive Plan. These policies and recommendations were the basis for further analysis and the proposed amendments to the M-FRO District's provisions. Amendments to the M-FRO District were identified to promote more efficient use of the limited land capacity by reducing vehicular parking requirements, based on the findings of the recent parking study, while adding bicycle parking provisions and further mitigating redevelopment impacts to the surrounding neighborhood with clarified design standards.

WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICY AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY

As noted above, the need to review the M-FRO District's provisions was identified through the Manhattan Urban Area Comprehensive Plan update process and is identified as one of the implementation steps in Chapter 12 –Action Plan. The Zoning Regulations help implement the Comprehensive Plan and its goals, objectives, and policies. While the Comprehensive Plan is more general in nature and does not specify building design or parking details such as those addressed by the proposed amendments, the plan's policies encourage the efficient use of land, increased density in specifically identified core neighborhood areas that incorporates design standards for increased compatibility, and multi-modal transportation alternatives.

The proposed amendments to the M-FRO, Multi-Family Redevelopment Overlay District help meet the policies in the Comprehensive Plan and are implemented consistent with legal requirements.

ALTERNATIVES

It appears the MUAPB has the following alternatives concerning the issue at hand. The Board may:

1. Recommend approval of the proposed amendments of Article IV, Section 4-112, M-FRO, Multi-Family Redevelopment Overlay District of the Zoning Regulations, to the City Commission, based on the findings in the staff memorandum.
2. Recommend denial of the proposed amendments to the City Commission, based on specifically stated reasons.
3. Modify the proposed amendments and forward the modifications, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends approval of the proposed amendments to the Manhattan Zoning Regulations to revise Article IV, Section 4-112, Multi-Family Redevelopment Overlay District, as proposed, based on the findings in the staff memorandum.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board recommends approval of the proposed amendments to the Manhattan Zoning Regulations to revise Article IV, Section 4-112, Multi-Family Redevelopment Overlay District, as proposed, based on the findings in the Staff Memorandum.

LE/EC

16029}MUAPB}AMENDM-FRO_ART IV

Enclosures:

1. Proposed Text Amendment to the M-FRO District.
2. Current M-FRO District Map
3. Proposed M-FRO District Expansion areas

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

APPLICATION: To rezone 3 separate tracts of land in the proposed Manko IV Addition (see attached zoning exhibit).

FROM: Tract 1: I-2, Industrial Park District
Tract 2: C-5, Highway Service Commercial District
Tract 3: C-5, Highway Service Commercial District

TO: Tract 1: C-5, Highway Service Commercial District
Tract 2: I-2, Industrial Park District
Tract 3: I-2, Industrial Park District

APPLICANT: Manko Windows, Steve Jones and Gary Jones

ADDRESS: 800 Hayes Drive, Manhattan, KS 66502

OWNERS: Manko Windows, Steve Jones and Gary Jones
Abbott Aluminum, Carl Reed

ADDRESS: 800 Hayes Drive, Manhattan, KS 66502
430 McCall Road, Manhattan, KS 66502

LEGAL DESCRIPTION: Parts of Lot B, Manko II Addition, Lot 1 Manko III Addition and Lots 3 & 5, Manhattan Service Park Addition.

LOCATION: Tract 1 is generally located along the south property line of 800 Hayes Drive. Tract 2 and 3 are vacant land at the end of Service Circle. Tract 2 is on the north side of the cul-de-sac and Tract 3 is on the south side of the cul-de-sac.

AREA: Tract 1: approximately 5,000 square foot tract of land
Tract 2: approximately 3,500 square foot tract of land
Tract 3: approximately 20,000 square foot tract of land

DATE OF NEIGHBORHOOD MEETING: Tuesday, December 22, 2016

DATE OF PUBLIC NOTICE PUBLICATION: Thursday, January 28, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: Thursday, February 18, 2016
CITY COMMISSION: Tuesday, March 22, 2016

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

- 1. EXISTING USE:** The rezoning request is to correspond with the proposed Final Plat of Manko IV Addition. This Final Plat moves existing property lines to account for minor encroachments of site improvements and to combine lots into more usable space for future developments.

The areas to be rezoned are associated with Manko Window Company, the commercial strip center at 900 Hayes Drive or vacant land at the end of Service Circle.

- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The area to be rezoned is relatively flat land associated with existing industrial buildings and the commercial center. The land at the end of Service Circle is currently vacant.

All of the rezoning tracts are in the FEMA Zone X, Protected by Levee floodplain. This area would be within the 1% Annual Chance Floodplain were it not protected by the Manhattan Levee System. This flood designation is for informational purposes only and is not regulated by the City of Manhattan's Floodplain Regulations.

- 3. SURROUNDING LAND USE AND ZONING:**

NORTH: Commercial strip center, self-storage units, industrial uses; C-5, Highway Service Commercial District and I-2, Industrial Park District.

SOUTH: Automotive repair businesses, commercial strip center, C-5 District, I-2 District and PUD, Commercial Planned Unit Development District.

EAST: Off-street parking lot, industrial use, I-2 District

WEST: Hayes Drive right-of-way, Wal-Mart retail store, commercial strip center; PUD, Commercial Planned Unit Development

- 4. GENERAL NEIGHBORHOOD CHARACTER:** The character of the general neighborhood can be described as a mix of industrial, service commercial (i.e. automotive repair) and retail commercial uses. Uses to the north and west are more focused towards retail uses. Uses to the immediate south and east are more focused towards industrial uses and automotive repair business, the commercial strip center where the K-Mart store once was located is further to the south.

- 5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** Generally speaking, the rezoning areas are suitable under the current zoning district. The proposed rezoning is to correspond with the proposed Final Plat of Manko IV Addition. The proposed Final Plat adjusts property lines between 5 platted lots to address known encroachments of site improvements onto the adjacent lots or to create new lot sizes that are better suited for current and future developments. The Tract 1 rezoning site corresponds with moving the adjoining property line to the south to accommodate an encroachment of the existing parking lot onto the proposed Lot 3, Manko IV. The rezoning of Tract 2 and 3 are to accommodate moving the adjoining lot lines to create 2 new lots.

The rezoning of Tract 1 and 2 would not necessarily need to occur, as Section 3-203 regulates these situations where the Zoning Map does not follow platted lot lines. However, this approach eliminates confusion as to what the Zoning District applies to each lot.

- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezoning sites are compatible with adjacent properties and should have no affects on the surrounding area. As previously mentioned, the Tract 1 rezoning site is proposed to address encroachments of site improvements, specifically the off-street parking lot paving onto Manko Window property. This will have no effect of the surrounding properties.

Tract 2 and 3 accommodate the proposed lots of the Final Plat. Proposed Lot 1 is currently vacant and is proposed to become a larger I-2 District lot with the Final Plat. The rezoning site will be similar to the surrounding area in terms of permitted uses.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The rezoning sites are shown on the Southeast Future Land Use Map of Manhattan Area 2035 Comprehensive Plan as CC, Community Commercial. The CC policies are:

CC-1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the broader community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health

services. The concentrated, unified design of a Community Commercial Center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC-2: Location

Community Commercial Centers should be located at the intersection of one or more major arterial streets in commercial nodes; rather than being developed in linear, “strip” configurations along major street corridors. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as “big-box” stores) are permitted only in areas of the City where adequate access and services can be provided.

CC-3: Size

Typically require a site of between 10 and 30 acres.

CC-4: Unified Site Design

Establish a unified site layout—landscaping, signage, pedestrian, and vehicular circulation—for the center to guide current and future phases of development. Site design features should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.

CC-5: Building Design and Character

Require Community Commercial Centers to meet a basic level of architectural detailing, compatibility of scale with surrounding areas, pedestrian and bicycle access, and mitigation of negative visual impacts such as large building walls, parking areas, and service and loading areas. While these requirements apply to all community commercial development, they are particularly important to consider for larger footprint retail buildings, or “big-box” stores. A basic level of architectural detailing shall include, but not be limited to, the following:

- *Façade and exterior wall plane projections or recesses;*
- *Arcades, display windows, entry areas, awnings, or other features along facades facing public streets;*
- *Building facades with a variety of detail (materials, colors, and patterns); and*
- *High quality building materials.*

CC-6: Organization of Uses

Concentrate Community Commercial services within planned activity centers, or commercial nodes, throughout the community. Cluster complementary uses within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses, such as high density residential, where feasible. Linear development patterns, particularly when parcels provide a single use and are developed independently, can require multiple access points and lead to disruption of traffic flow on adjacent streets. Although lot sizes and/or configurations in some areas may warrant the use of a more linear development pattern, it is generally discouraged.

CC-7: Circulation and Access

Provide clear, direct pedestrian connections through parking areas to building entrances, to surrounding neighborhoods and streets, and transit stops. Integrate main entrances or driveways with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles. Provide a limited number of vehicle access points to minimize impacts on surrounding uses and maintain an efficient traffic flow to and from the site.

CC-8: In fill and Redevelopment / Adaptive Reuse

Encourage the revitalization and/or redevelopment of underutilized Community Commercial areas over time to take advantage of existing infrastructure and promote the efficient use of available land. Support opportunities to repurpose large surface parking lots typical of Community Commercial areas by incorporating additional pad sites for office or commercial uses or high density residential along the street edge. Support the adaptive reuse of existing buildings in older strip commercial centers on smaller lots where infill and redevelopment is less viable.

The Tract 1 rezoning site conforms to the Comprehensive Plan.

The rezoning sites for Tracts 2 and 3 are to be combined with an approximate 38,450 square foot piece of land that is proposed to be subdivided from the Manko Window’s property. This land is currently zoned I-2, Industrial Park District and was rezoned to this district in May, 2013. The proposed Lot 1, Manko IV Addition will be 61,297 square feet in area and combine the 2 platted lots at the end of the cul-de-sac and a small tract from an adjacent property.

The Manhattan Area 2035 Comprehensive Plan shows this area to be designated as CC, Community Commercial, but does not consider the current I-2 District zoning at the end of the cul-de-sac, the surrounding area to the northeast or the existing uses

along the cul-de-sac, which include uses that could be considered more industrial in nature, such as automotive repair and machine shop businesses. Considering the circumstances, the proposed rezoning of Tract 2 and 3 generally conforms to the policies of the Comprehensive Plan.

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

General Area History

- | | |
|-------------------|--|
| July 1, 1969 | City Commission approved Ordinance No. 2652 annex area that includes the site into the City and rezone the area to E, Light Industrial District |
| July 15, 1969 | City Commission approves Ordinance No. 2658 which established a new Zoning Ordinance for the City. The new Zoning Ordinance rezoned the site from E, Light Industrial District to I-3, Light Industrial District |
| December 16, 1969 | Manhattan City Commission approves Ordinance No. 2692 to rezone an area, including the site from I-3 District to I-2, Industrial Park District. |

Manhattan Service Park History (tracts 2 & 3)

- | | |
|-----------------|---|
| October 7, 1985 | Manhattan Urban Area Planning Board approves the Preliminary Plat of Manhattan Industrial Park Addition, Unit 4 and recommends approval to rezone the area of the Preliminary Plat from I-2 District to C-5 District. |
| 1985-2013 | City Commission approves the ordinance to rezone the area of the Preliminary Plat from I-2 District to C-5 District. |
| April 6, 1987 | Manhattan Urban Area Planning Board approves the Final Plat of Manhattan Service Park Addition. |
| April 7, 1987 | City Commission accepts easements and rights-of-way for the Final Plat of the Manhattan Service Park Addition. |

Manko Addition, Unit III History (Parent tract and Proposed Lot 1).

- | | |
|------------------|---|
| November 1, 1999 | Manhattan Urban Area Planning Board approves the Final Plat of Manko II Addition. |
|------------------|---|

Attachment No. 5

- November 16, 1999 City Commission accepts the easements and rights-of-way as shown on the Final Plat of the Manko Addition, Unit II.
- April 15, 2013 Manhattan Urban Area Planning Board recommends approval of the rezoning of Lot 4, Manhattan Service Park Addition, from C-5 District to I-2, Industrial Park District and the Final Plat of Manko Addition, Unit III.
- May 7, 2013 City Commission approves first reading of an ordinance rezoning Lot 4, Manhattan Service Park Addition, from C-5 District to I-2, Industrial Park District.
- May 21, 2013 City Commission approves Ordinance No. 7004, rezoning Lot 4, Manhattan Service Park Addition, from C-5 District to I-2, Industrial Park District.
- June 4, 2013 City Commission accepts the easements and rights-of-way as shown on the Final Plat of the Manko Addition, Unit III.

Manhattan Industrial Park History, Unit 6

- 1968-1969 Annexation of part of Lot C in 1968 and annexation of remainder of Lot C and Lot B in 1969. Lot B and Lot C were zoned E, Light Industrial District.
- 1969-1970 I-3, Light industrial District.
- 1970-2003 I-2, Industrial Park District.
- July 7, 2003 Manhattan Urban Area Planning Board recommends approval of rezoning of Lot B and Lot C from I-2 to C-5 District.
- August 5, 2003 City Commission approves first reading of rezoning.
- August 19, 2003 City Commission approves Ordinance No. 6354 rezoning of Lot B and Lot C from I-2 to C-5 District

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 C-5, Highway Service Commercial District is designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which require access to major streets and highways. Minimum lot area is 10,000 square feet in area.

The I-2, Industrial Park District is designed to allow a broad range of manufacturing and research activities in a large lot industrial park setting. These uses include uses such as light manufacturing and warehouse and distribution. The minimum lot area for the I-2 District is 1 acre.

The proposed rezoning meets the intent and purpose of the Zoning Ordinance.

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.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the site. A sidewalk exists on the west side of Hayes Drive. No sidewalk exists along the Service Circle cul-de-sac.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS: City Administration recommends approval of the rezoning of the Manko IV Addition, as proposed, based on the findings in the Staff Report, as follows:

- Tract 1: from I-2, Industrial Park District, to C-5, Highway Service Commercial District
- Tracts 2 & 3: from C-5, Highway Service Commercial District, to I-2, Industrial Park District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Manko IV Addition from C-5, Highway Service Commercial District and I-2, Industrial Park District, to I-2, Industrial Park District and C-5, Highway Service Commercial 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 rezoning of the Manko IV Addition, as proposed, based on the findings in the Staff Report, as follows:

- Tract 1: from I-2, Industrial Park District, to C-5, Highway Service Commercial District
- Tracts 2 & 3: from C-5, Highway Service Commercial District, to I-2, Industrial Park District.

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

DATE: February 9, 2016