



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, MAY 16, 2017***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Usha Reddi and Commissioners Linda Morse, Michael L. Dodson, Wynn Butler, and Karen McCulloh were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, Legal Counsel Bill Frost, City Clerk Gary S. Fees, 12 staff, and approximately 25 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Reddi led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Reddi proclaimed May 21-27, 2017, ***National Public Works Week***. Rob Ott, Director of Public Works; Brian Johnson, City Engineer; Randy DeWitt, Assistant Director of Public Works for Water and Wastewater; and Jeff Davis, Street and Fleet Superintendent, City of Manhattan Public Works; Matthew Kohls, BG Consultants; Mark Bachamp, Olsson Associates; and Brad Waller, Alfred Benesch & Company, were present to receive the proclamation.

Mayor Reddi proclaimed May 2017, ***Building Safety Month***. Brad Hartenstein, Executive Officer, Flinthills Area Builders Association, and Ryan Courtright, Senior Plans Examiner, and Darren Emery, Senior Code Services Officer, City of Manhattan, were present to receive the proclamation.

Mayor Reddi proclaimed May 2017, ***National Preservation Month***. Dr. Suzanne Orr, Former Chair/Member; Betty Mattingly-Ebert and Kevin West, Members, Historic Resources Board; Sara Fisher, President; Barbara Poresky, Treasurer; Catherine Roy, Vice President; and Kathy Dzewaltowski, Former President, Manhattan/Riley County Preservation Alliance; and John Adam, Senior Long-Range Planner, City of Manhattan, were present to receive the proclamation.

## PROCLAMATIONS (CONTINUED)

Mayor Reddi proclaimed May 2017, *Mental Health Month*. Robbin Cole, Executive Director, and Stan Wilson, Board Member, Pawnee Mental Health Services, were present to receive the proclamation.

## COMMISSIONER COMMENTS

Mayor Reddi informed the community that the pools will be open soon and that pool tags can be purchased on the City's website. She stated that lifeguard positions are still available and if interested, contact the Parks and Recreation Department. She also encouraged everyone to sign-up for the reading program at the Manhattan Public Library.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 2, 2017.

### CLAIMS REGISTER NO. 2852

The Commission approved Claims Register No. 2852 authorizing and approving the payment of claims from April 26, 2017, to May 9, 2017, in the amount of \$2,877,951.66.

### ORDINANCE NO. 7286 - VACATE - SOUTH 8<sup>TH</sup> STREET (EL PASO LANE TO FORT RILEY BOULEVARD)

The Commission approved Ordinance No. 7286 vacating portions of South 8<sup>th</sup> Street from El Paso Lane to Fort Riley Boulevard, and that the utility easement within the boundaries of said vacated South 8<sup>th</sup> Street is hereby dedicated to the public.

### ORDINANCE NO. 7287 - ISSUE - GENERAL OBLIGATION BOND SERIES 2017-A

The Commission approved accepting the best bid from Robert W. Baird & Co., of Red Bank, New Jersey, for selling the bonds and Ordinance No. 7287 issuing \$1,235,000.00 in General Obligation Bonds (Series 2017-A) to finance the following 11 special assessment projects: *Grande Bluffs at Mill Pointe Addition, Unit Three* – Sanitary Sewer (SS1316), Street (ST1321), and Water (WA1320); *Ledge Stone Addition* – Sanitary Sewer (SS1317) and Street (ST1323); *Northlake Addition, Unit 2* – Sanitary Sewer (SS1321), Street (ST1326), and Water (WA1322); and *Western Hills Addition, Unit Fourteen, Phase 2* – Sanitary Sewer (SS1314), Street (ST1320), and Water (WA1316).

## CONSENT AGENDA (CONTINUED)

### **RESOLUTION NO. 051617-A - DELIVERY OF GENERAL OBLIGATION BOND SERIES 2017-A**

The Commission approved Resolution No. 051617-A authorizing delivery of the Series 2017-A bonds to the low bidder Robert W. Baird & Co., of Red Bank, New Jersey.

### **ORDINANCE NO. 7288 - ISSUE - GENERAL OBLIGATION BOND SERIES 2017-B**

The Commission approved accepting the best bid from Robert W. Baird & Co., of Red Bank, New Jersey, for selling the bonds and Ordinance No. 7288 issuing \$3,120,000.00 in General Obligation Bonds (Subject to AMT) (Series 2017-B) to finance the City's Share of the of the Airport Terminal Expansion Project, Phase I (CIP AP040P, AIP-3-20-0052-44).

### **RESOLUTION NO. 051617-B - DELIVERY OF GENERAL OBLIGATION BOND SERIES 2017-B**

The Commission approved Resolution No. 051617-B authorizing delivery of the Series 2017-B bonds to the low bidder Robert W. Baird & Co., of Red Bank, New Jersey, in General Obligation Bonds (Subject to AMT) (Series 2017-B) to finance the City's Share of the of the Airport Terminal Expansion Project, Phase I (CIP AP040P, AIP-3-20-0052-44).

### **ORDINANCE NO. 7289 - ISSUE - GENERAL OBLIGATION BOND SERIES 2017-C**

The Commission approved accepting the best bid from Bernardi Securities, Inc., of Chicago, Illinois, for selling the bonds and Ordinance No. 7289 issuing \$1,075,000.00 in Taxable General Obligation Bonds (Series 2017-C) to finance the Fixed Based Operator Facility (FBO) (AP1501).

### **RESOLUTION NO. 051617-C - DELIVERY OF GENERAL OBLIGATION BOND SERIES 2017-C**

The Commission approved Resolution No. 051617-C authorizing delivery of the Series 2017C bonds to the low bidder Bernardi Securities, Inc., of Chicago, Illinois, to finance the Fixed Based Operator Facility (FBO) (AP1501).

## CONSENT AGENDA (CONTINUED)

### **RESOLUTION NO. 051617-D - ISSUE - TEMPORARY NOTE SERIES NO. 2017-02**

The Commission approved accepting the best bid from Hutchinson, Shockey, Erley & Co., of Chicago, Illinois, for selling the notes; and Resolution No. 051617-D issuing Temporary Note Series No. 2017-02 in the amount of \$1,135,000.00 to finance the *Denison Avenue Waterline Project (WA1612)* and the *2016 Waterline Improvement Projects (Grand Mere Parkway Waterline (WA1610); Sunset Lane Waterline (WA1611); and Berkshire Watermain (WA1631)*.

\* **FIRST READING - TERMINATE - 2009 QUALITY OF LIFE SALES TAX**

The Commission approved first reading of an ordinance terminating the special 2009 quarter-cent sales tax effective March 31, 2018, by repealing Ordinance Nos. 6761, 6762, and 6763.

\* **REQUEST FOR QUALIFICATIONS - PROFESSIONAL SERVICES - AGGIEVILLE INFRASTRUCTURE ANALYSIS (SP1703)**

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

The Commission authorized City Administration to seek qualifications for professional services for the Aggieville Infrastructure Analysis (SP1703), and appointed Commissioners Morse and Butler to serve on the Selection Committee.

\* **REQUEST FOR QUALIFICATIONS - PROFESSIONAL SERVICES - CAMPUS PERIMETER TRAFFIC FLOW AND PEDESTRIAN CROSSWALK IMPROVEMENTS (CIP #CU038P)**

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information regarding the use of City/University Funds.

The Commission authorized City Administration to seek qualifications for professional services to conduct a Campus Perimeter Traffic Flow and Pedestrian Crosswalk Improvements Study (CIP # CU038P).

### **CHANGE ORDER NO. 3-FINAL - 2016 STREET MAINTENANCE CONCRETE PANEL (ST1607)**

The Commission approved and authorized the Mayor to execute the final as-built Change Order No. 3 for the 2016 Street Maintenance Concrete Panel project (ST1607), resulting in a net increase in the amount of \$53,293.51 (+30%) to the contract with T&M Concrete Construction, of Junction City, Kansas.

## CONSENT AGENDA (CONTINUED)

### **CHANGE ORDER NO. 1 - 2017 WELL REHABILITATION (WA1704)**

The Commission approved and authorized the Mayor to execute Change Order No. 1, resulting in a net increase in the amount of \$42,306.00 (+94.5%) to the contract with Layne Christensen Company, of Wichita, Kansas, for the 2017 Well Rehabilitation project (WA1704) for additional treatments and repairs required to return City of Manhattan Public Water Supply Wells 20, 23 and 25 to service.

\* **AWARD CONTRACT - COLLEGE HEIGHTS ROAD AND QUIVERA DRIVE STORM SEWER IMPROVEMENTS (SM1616)**

Rob Ott, Director of Public Works, responded to questions from the Commission and provided additional information on the item.

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$324,510.00, and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$229,784.58 to Josh Connett, LLC, of Manhattan Kansas, for the College Heights Road and Quivera Drive Storm Sewer Improvements (SM1616).

### **FIRST READING - ISSUE TEMPORARY NOTES - COLLEGE HEIGHTS ROAD AND QUIVERA DRIVE STORM SEWER IMPROVEMENTS (SM1616)**

The Commission approved first reading of an ordinance authorizing the issuance of temporary notes to finance the College Heights Road and Quivera Drive Storm Sewer Improvements (SM1616).

\* **AWARD CONTRACT - ALLEN ROAD SANITARY SEWER (SS1613, CIP #WW003P), WATER (WA1613, CIP #WA132P), AND STORMWATER (SM1612, CIP #SW071P) IMPROVEMENTS**

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$693,676.90; accepted the explanation of Director Ott as to why the bids exceed the Engineer's Opinion of Probable Cost; accepted the bid of Middlecreek Corporation; awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$802,816.75 with Middlecreek Corporation, of Peabody, Kansas, for the Allen Road Sanitary Sewer (SS1613, CIP #WW003P), Water (WA1613, CIP #WA132P), and Stormwater (SM1612, CIP #SW071P) Improvements.

### **FIRST READING - ISSUE TEMPORARY NOTES - ALLEN ROAD SANITARY SEWER IMPROVEMENTS (SS1613, CIP #WW003P)**

The Commission approved first reading of an ordinance authorizing the issuance of temporary notes to finance the Allen Road Sanitary Sewer Improvements (SS1613, CIP #WW003P).

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT - THE HIGHLANDS AT GRAND MERE/PRAIRIE VILLAGE AT THE HIGHLANDS - STREET (ST1705), WATER (WA1710), AND SANITARY SEWER (SS1714, SS1715) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,690,700.00; awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$1,546,846.47 to J&K Contracting, LC, of Junction City, Kansas, for The Highlands at Grand Mere and Prairie Village at the Highlands Addition Street (ST1705), Water (WA1710), and Sanitary Sewer (SS1714, SS1715) Improvements.

### OUTSIDE CITY SEWER AGREEMENT - 5005 MURRAY ROAD

The Commission authorized the Mayor and City Clerk to execute an agreement with O. Leroy Penner and Lucinda C. Penner, Trustees of the O. Leroy Penner and Lucinda C. Penner Trust, dated June 23, 2015, for an outside city limits sanitary sewer service connection for the property located at 5005 Murray Road, Riley County, Kansas.

### PURCHASE - STREET DIVISION - TANDEM-AXLE TEN YARD DUMP TRUCK (CIP #ST019E)

The Commission authorized City Administration to purchase, in the amount of \$151,402.00, a tandem-axle, ten yard dump truck to replace Unit #33 (CIP #ST019E) for the Street Division through the state contract; authorized the disposal of the current Unit #33 by auction; and authorized the Mayor and/or City Clerk to execute the lease purchase agreement for the tandem axle, ten yard dump truck.

### BOARD APPOINTMENTS

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

#### *Airport Advisory Board*

Re-appointment of David Rogers, 3521 Churchill Way, to a three-year At-Large term. Mr. Rogers' term will begin June 27, 2017, and will expire June 26, 2020.

Re-appointment of Roger Sink, 1600 Sunny Slope Lane, to a three-year At-Large term. Mr. Sink's term will begin June 27, 2017, and will expire June 26, 2020.

#### *City-University Special Projects Fund Committee*

Re-appointment of Rod Harms, 101 Water Bridge Road, to a two-year Citizen term. Mr. Harms' term will begin July 1, 2017, and will expire June 30, 2019.

## CONSENT AGENDA (*CONTINUED*)

### BOARD APPOINTMENTS (*CONTINUED*)

#### *Code Appeals Board*

Re-appointment of David Stevenson, 324 North Main, Riley Kansas, to a three-year Journeyman Mechanic term. Mr. Stevenson's term will begin June 1, 2017, and will expire May 31, 2020.

#### *Historic Resources Board*

Re-appointment of Christopher Banner, 618 Osage Street, to a three-year History term. Mr. Banner's term begins immediately, and will expire April 30, 2020.

#### *Housing Appeals Board*

Re-appointment of Mark Bachamp, 4292 S. Dam Road, to a three-year term. Mr. Bachamp's term will begin July 1, 2017, and will expire June 30, 2020.

Re-appointment of William Muir, 2040 Shirley Lane, to a three-year term. Mr. Muir's term will begin July 1, 2017, and will expire June 30, 2020.

Re-appointment of Regina Schroeder, Post Office Box 212, to a three-year term. Ms. Schroeder's term will begin July 1, 2017, and will expire June 30, 2020.

#### *Parks and Recreation Board*

Re-appointment of David Schafer, 2104 Fox Meadows, to a four-year term. Mr. Schafer's term will begin July 1, 2017, and will expire June 30, 2021.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

After comments from the Commission, Commissioner Morse moved to approve the consent agenda. After further discussion and comments from the Commission, Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item H, REQUEST FOR QUALIFICATIONS - PROFESSIONAL SERVICES - CAMPUS PERIMETER TRAFFIC FLOW AND PEDESTRIAN CROSSWALK IMPROVEMENTS (CIP #CU038P), which carried 4-1 with Commissioner McCulloh voting against the item.

## GENERAL AGENDA

### **FIRST READING - AMEND MANHATTAN ZONING REGULATIONS - C-3, AGGIEVILLE BUSINESS DISTRICT**

John Adam, Senior Long-Range Planner, presented an overview of the item. He then responded to questions from the Commission regarding the proposed amendments, vehicular access and permitted uses.

Eric Cattell, Director of Community Development, responded to questions from the Commission and provided additional information regarding the proposed amendments. He stated the amendments would be part of the ongoing Unified Development Ordinance (UDO) process to be more long term and wholesale provisions of the language.

John Adam, Senior Long-Range Planner, discussed the timeline and integration into the UDO. He responded to questions from the Commission regarding existing businesses and the proposed amendment to prohibit automobile-oriented commercial uses, including drive-through establishments.

Mayor Reddi opened the public comments.

Tim Ryan, 1547 Williamsburg Court, voiced concern with the Aggieville District overlay map and the Aggieville Community Vision Plan. He stated that he owns the property on the east side of 11<sup>th</sup> Street and north of Moro Street, and asked why this particular property was singled out, when nothing else on the east side of 11<sup>th</sup> Street has been included. He said the reason is that apparently there is no contextual relationship between that building and the Aggieville District and stated he did not believe that was an accurate statement. He requested this particular property on the east side of 11<sup>th</sup> Street should not be a part of the overall plan nor should it include any of the properties on the east side of 11<sup>th</sup> Street. He then provided a map of the subject property and informed the Commission that his is the only property included on the east of 11<sup>th</sup> Street. He stated that he did not understand the purpose in singling out his property or future plans to make into residential units.

Ron Fehr, City Manager, provided clarification that the Commission has already adopted the Aggieville Community Vision Plan. He stated that he appreciated Mr. Ryan's position and request to reconsider the Plan regarding his commercial property.

Eric Cattell, Director of Community Development, provided information on the Aggieville Community Vision Plan and stated that Mr. Ryan's property is zoned C-3 and that there are no plans to rezone this property. He said the UDO process will be more wholesale longer-term revisions and highlighted the item.



## GENERAL AGENDA (*CONTINUED*)

### FIRST READING - AMEND MANHATTAN ZONING REGULATIONS - C-3, AGGIEVILLE BUSINESS DISTRICT (*CONTINUED*)

Tim Ryan, 1547 Williamsburg Court, asked the Commission to rescind that section of the Aggieville Community Vision Plan. He stated the basis for doing that is not in contextual relationship with the rest of the Aggieville District and found that to be a false statement. He then responded to questions from the Commission and voiced concern with potential impacts and restrictions on his property.

Eric Cattell, Director of Community Development, provided clarification on the item and stated that his property is zoned C-3, which is the Aggieville Business District. He stated that as long as the property is zoned C-3, it can be used for any C-3 land uses. He provided additional information on drive-through properties and associated restrictions.

Tim Ryan, 1547 Williamsburg Court, informed the Commission that he would be back and request to rescind that part of the Plan and take it out. He stated that this would affect his building and there needs to be a rational basis for including his property in the C-3, Aggieville Business District.

Ron Fehr, City Manager, provided additional clarification and said the only thing that would trigger any of the three provisions being discussed would be if they would raise that property and redevelop it. He stated if Mr. Ryan wanted to sell the property for its continued use as it is, that is fine; but, if redeveloped as a new building, the new building would have to be built to the new standard.

John Adam, Senior Long-Range Planner, provided clarification on the item. He stated that this property is in the Aggieville Business District and has always been in the District. He stated this has not changed and was in the previous Aggieville-Campus Edge District Plan.

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

After discussion and additional comments from the Commission, Commissioner Morse moved to approve first reading of an ordinance amending Article IV, Section 4-203, C-3, Aggieville Business District, of the Manhattan Zoning Regulations, as proposed, based on the findings in the Staff Memorandum (*See Attachment No. 1*) and the recommendation of the Planning Board. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### **FIRST READING - AMEND MANHATTAN ZONING REGULATIONS - UCR, URBAN CORE RESIDENTIAL DISTRICT, AND UCR SIGN REGULATIONS**

John Adam, Senior Long-Range Planner, presented an overview of the item. He highlighted the Urban Core Residential (UCR) District as well as the associated proposed UCR District Sign Regulations. He informed the Commission that the Manhattan Urban Area Planning Board recommended approval of the proposed amendments. He then responded to questions from the Commission regarding the potential timing of development and infrastructure.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

After discussion and comments from the Commission, Commissioner Morse moved to approve first reading of an ordinance amending Articles IV and VI of the Manhattan Zoning Regulations to add Section 4-113, UCR, Urban Core Residential District, and Section 6-215, UCR Sign Regulations, as proposed, based on the findings in the Staff Memorandum (*See Attachment No. 2*) and the recommendation of the Planning Board. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

### **FIRST READING - REZONE - 1125 WATERS STREET (R TO C-2)**

Chad Bunger, Assistant Director of Community Development, presented an overview of the item and highlighted a map of the subject site and a map of the Future Land Use (Northwest). He informed the Commission that the Manhattan Urban Area Planning Board recommended approval of the rezoning. He then responded to questions regarding traffic and turning movements in this area.

Rob Ott, Director of Public Works, responded to questions from the Commission and provided additional information on the item.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

After comments from the Commission, Commissioner McCulloh moved to approve first reading of an ordinance rezoning 1125 Waters Street from R, Single-Family Residential District, to C-2, Neighborhood Shopping District, based on the findings in the Staff Report (*See Attachment No. 3*) and the recommendation of the Planning Board. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### DISCUSSION - K-STATE PROPOSAL - KSU-IC BUILDING

Jason Hilgers, Deputy City Manager, presented background information and an overview of the item. He then responded to questions from the Commission regarding future actions that would be required to address the Operation Agreement and considerations required for the potential purchase agreement.

Bill Frost, Legal Counsel, provided additional information on the agreements. He informed the Commission that the facility is on land owned by Kansas State and outlined the agreements that would be needed depending on the desire of the Commission.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission regarding return on the facility and generation of jobs. He highlighted the City's annual Economic Development Fund Report and Update and stated that Kent Glasscock, President, KSU-IC, was in attendance and could elaborate on the return on investment and job creation.

After comments from the Commission, Jason Hilgers, Deputy City Manager, responded to questions from the Commission regarding the options available and anticipated that the item would come back to the Commission for a vote in June or July, 2017. He stated that future revenues received from this proposed sale would be targeted to the 2002-2012 Economic Development Fund, from which they came from, and would be available for disbursement at the discretion of the Commission.

Ron Fehr, City Manager, provided additional history between Kansas State University and the City of Manhattan to provide space for innovation and incubation. He responded to questions from the Commission regarding the proposal and stated that the City has completed the bond payments for this facility from the Economic Development Fund.

Kent Glasscock, President, KSU-IC, provided additional background information on the item and highlighted the letter dated April 14, 2017, to the City Commission from President Myers, Kansas State University, and himself outlining their proposal for the Manhattan/K-State Innovation Center at 2005 Research Park Circle. He said the Center represents a strong City/University partnership and is the envy of university communities across the country. He provided additional information regarding return on investment and stated the Center has created 200 full-time equivalent net jobs as of 2016, with an average annual salary of \$67,200.00. He said those employees generate \$80,000.00 to the city in sales tax revenue annually.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

## GENERAL AGENDA (CONTINUED)

### DISCUSSION - K-STATE PROPOSAL - KSU-IC BUILDING (CONTINUED)

After comments and general support expressed from the Commission on the proposal, Ron Fehr, City Manager, informed the Commission that he appreciated the feedback received and direction provided.

As this was a discussion item, no formal action was taken by the Commission.

## EXECUTIVE SESSION

At 8:20 p.m., Commissioner Morse moved to recess into Executive Session until 8:40 p.m. for the purpose of discussing matters, that presently need to remain confidential, and are related to employer-employee negotiations between City Administration and Local 2275, International Association of Fire Fighters, the union representing certain members of the Manhattan Fire Department. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

At 8:40 p.m., the Commission reconvened with Mayor Reddi and Commissioners Morse, Dodson, Butler, and McCulloh in attendance.

At 8:40 pm., Commissioner Morse moved to recess into Executive Session until 9:10 p.m. for the purpose of preliminary discussions related to the acquisition of real estate. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

At 9:10 p.m., the Commission reconvened with Mayor Reddi and Commissioners Morse, Dodson, Butler, and McCulloh in attendance. Commissioner Butler moved to come out of executive session and adjourn the meeting. Commissioner Morse seconded the motion. Motion carried 5-0.

### ADJOURNMENT

At 9:11 p.m., the Commission adjourned.

  
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Gary S. Fees, MMC, City Clerk

Attachment No. 1



INTER-OFFICE MEMORANDUM

**DATE:** April 17, 2017

**TO:** Manhattan Urban Area Planning Board

**MEETING DATE:** May 1, 2017

**FROM:** Ben Chmiel, Planner

**RE:** Amend Article IV, Section 4-203 – C-3, Aggieville Business District, of the Manhattan Zoning Regulations.

**BACKGROUND**

Through the Aggieville Community Vision (ACV) planning and adoption process, several Strategic Actions were developed to implement the community's vision for the Aggieville Area. As outlined in *Section VII: Strategic Action Plan* of the ACV document, one major initiative of the plan is *Regulation Amendments and Rezoning Actions*. Specifically stated are short-term (immediate) changes to the C-3 zoning district, which is the predominant zoning district making up the Aggieville Area (see attached map). These changes include the implementation of regulations that would effectively prohibit any more highway and strip-style commercial development in Aggieville. These changes reflect the desired vision for the district described in the ACV Plan, which emphasizes a more urban-style, pedestrian-oriented development. Additional mid/long-term amendments to further advance the community vision for Aggieville are expected in the future. However, very simple but meaningful revisions to the C-3 District's regulations were identified and drafted by the Community Development Department to make a quick and positive impact.

The amendments (attached) firstly prohibit automobile-oriented commercial uses, including automobile accessory stores, automobile service stations, car washes, and drive-in (drive-through) establishments. Currently, automobile accessory stores and automobile service stations are permitted uses, while car washes and drive-ins (drive-throughs) are conditional uses in the C-3 District. Secondly, the amendments prohibit the placement of off-street parking spaces between a street-facing building façade and a public street. Currently, the location of off-street parking is not regulated. Thirdly, the amendments prohibit vehicular access (curb-cuts) from Moro Street to properties along Moro Street. Currently, there is no restriction of the kind.

In combination, these amendments will effectively prohibit additional strip and highway style commercial development currently evocative of the majority of uses along the south side of Anderson and Bluemont Avenues in the Aggieville district. At the same time, these amendments will encourage development more evocative of the Aggieville core, with buildings fronting the sidewalk and parking, if any, located behind.

**AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS**

*The criteria that apply to code amendments are found in §15-302 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 of the Manhattan Zoning Regulations is to protect the public health, safety and general welfare and to protect property values. More specifically, the C-3, Aggieville Business District is designed to provide for “a relatively broad range of retail shopping facilities and services which primarily consist of specialty shops and stores.”

The proposed amendments are consistent with the intent and purpose of the Manhattan Zoning Regulations and are drafted to continue accommodating a broad range of retail shopping and services. The proposed amendment’s primary goal is to better direct the essential shape and form of development by designating acceptable parking location and prohibiting drive-through elements *accessory* to a business. The proposed amendments do place a greater limit on the range of commercial uses permitted by eliminating automobile accessory stores, automobile service stations, and car washes. However, the ACV Plan directly identifies the future existence and development of these uses as contrary to the vision and desires of the broader community for Aggieville.

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

The proposed amendments would apply to all property in Manhattan that is located within the C-3, Aggieville Business District. The current boundary is shown on the City of Manhattan Zoning Districts and Overlays Map, (*see enclosed*). City Administration carefully considered the effects that the proposed amendments may have on residential and commercial areas both within and adjacent to the C-3 District. The amendments will promote a more uniform urban fabric throughout the district, over time, with an environment identified as more desirable in the ACV plan.

*Attachment No. 1*

The amendments firstly prohibit automobile-oriented commercial uses, including automobile accessory stores, automobile service stations, car washes, and drive-in (drive-through) establishments. At the time of this writing, the C-3 District contains no automobile accessory stores, two automobile service (gas) stations, one car wash (scheduled for demolition), and four drive-in (drive-through) establishments.

Secondly, the amendments prohibit the placement of off-street parking spaces between a street-facing building façade and a public street. As proposed, and at the time of this writing, about eleven properties in the C-3 District would not be in conformance with this requirement.

Thirdly, the amendments prohibit vehicular access (curb-cuts) from Moro Street to properties along Moro Street. At the time of this writing, one property in the C-3 District would not be in conformance with this requirement.

Since some properties have more than one factor making them non-conforming to the proposed amendments, the estimation for the total number of properties becoming non-conforming as a result of the proposed amendments totals about thirteen. There are seventy-six properties in the C-3 District. Buildings and uses legally established prior to the proposed amendments would be granted the ability to continue operation as legally non-conforming (grandfathered) uses, as per Article VII of the City of Manhattan Zoning Regulations.

**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 proposed amendments are made necessary generally due to changing conditions in Aggieville. Improvements to the pedestrian environment and walkability is a common priority throughout the ACV Plan. Through the ACV Plan process, which included an extensive community survey completed by 4,227 residents, students, and non-residents of Manhattan, it was discovered that 8% of the respondents walk to Aggieville daily, while 22% reported walking to Aggieville on a weekly basis. When only analyzing the data of those who reported living in areas closer to Aggieville, these numbers jumped to 16% and 39% respectively. Naturally, improved walkability was the second-highest priority for respondents. Additionally, there was a general preference for the pedestrian-friendly environment presented by the historic core of Aggieville, while areas with a high number of strip and highway style commercial development were unfavorable. The survey results in their entirety can be found in the ACV's companion document the *State of the Ville* report. The proposed C-3 District amendments will appropriately promote the fulfillment of the

*Attachment No. 1*

community's vision for Aggieville as it relates to the pedestrian environment and urban form.

**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**

The proposed amendments to the C-3 District are consistent with the Manhattan Urban Area Comprehensive Plan. The Future Land Use designation for the Aggieville Area is Central Core District (CCD). The proposed amendments do not contradict the broader Land Use designation of the CCD. Additionally, the Aggieville Community Vision Plan, which was just approved and adopted as a part of the Manhattan Urban Area Comprehensive Plan, more specifically addresses the details of the long-range vision for the redevelopment of the Aggieville Area, and identifies the proposed short-term amendments to the C-3 District.

The proposed amendments to the C-3 Aggieville Business District meet the general 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 4-203, C-3, Aggieville Business District, of the Manhattan Zoning Regulations to the City Commission, based on the findings in this Staff Memorandum.
2. Recommend denial of the proposed amendments to the City Commission, based on specifically stated reasons.
3. Modify the proposed amendment 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 amendment to the Manhattan Zoning Regulations to revise Article IV, Section 4-203, C-3, Aggieville Business District, as proposed, based on the findings in the Staff Memorandum.



*Attachment No. 1*

**POSSIBLE MOTION**

The Manhattan Urban Area Planning Board recommends approval of the amendments to the Manhattan Zoning Regulations to revise Article IV, Section 4-203, C-3, Aggieville Business District, as proposed, based on the findings in the Staff Memorandum.

BC/ec  
# 17040\_MUAPB\_C-3\_Text\_Amendment

Enclosures:

1. Proposed Text Amendment to the C-3 District
2. Map of the current C-3 District area



## INTER-OFFICE MEMORANDUM

**DATE:** April 25, 2017

**TO:** Manhattan Urban Area Planning Board

**MEETING DATE:** May 1, 2017

**FROM:** John Adam, AICP, Senior Long Range Planner  
Ben Chmiel, Planner I

**RE:** Amend Manhattan Zoning Regulations to adopt the Urban Core Residential (UCR) District and associated Sign Regulations

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### **BACKGROUND**

The concept of the Urban Core Residential (UCR) District is to promote high-density multiple-family development with accessory neighborhood-scale retail and services designed to serve the surrounding area, with a residential density of no less than one dwelling unit per 750 square feet of lot area (58 dwelling units per acre) in close proximity to Kansas State University and Aggieville. This new district was identified and promoted in the Manhattan Urban Area Comprehensive Plan, as a high priority for implementation. Over the course of two years, planning staff went through several successive drafts of the UCR District regulations, based on comparative research of similar districts in other university towns, observational study, map analysis, extensive stakeholder input, expert consultation, and Planning Board and City Commission work sessions (see Project Chronology attached).

This public hearing is to consider amending the Manhattan Zoning Regulations to add the proposed UCR District, as well as the associated proposed UCR District Sign Regulations. The Comprehensive Plan identified a 4½-block area, generally located along the east edge of the Kansas State University Campus and North Manhattan Avenue, to which the proposed UCR District would be applied through a future public hearing rezoning process (not yet scheduled) (see map of proposed UCR District).

The draft regulations are attached (Article IV, Section 4-113, UCR, Urban Core Residential District, and Article VI, Section 6.215, UCR Sign Regulations).

## **AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS**

*The criteria that apply to code amendments are found in §15-302 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.**

Findings. The purpose of the Manhattan Zoning Regulations (§2-101) includes: dividing the City into zones and districts; regulating and restricting the location and use of buildings and the uses of land within each district; protecting the public health, safety, and general welfare; protecting property values; and regulating and restricting the height, number of stories and size of buildings, the density of population, and the appearance of buildings.

The proposed UCR District is designed to create a higher-density area in an optimal location from a transportation and land use proximity perspective. The District regulates land use, height, placement, appearance, and density, as well as specifically tailored provisions for off-street structured parking and bicycle parking. The aesthetic controls address personal safety through lighting and transparency requirements, and they are intended to protect and enhance the livability and value of the immediate area and the community as a whole.

The proposed sign regulations are designed to be conscious of the primarily residential nature of the district, of the residential areas to the east, and of the Kansas State campus to the west, while at the same time allowing ground-floor service, retail, and restaurant uses to advertise themselves. Accordingly, signs are scaled to the pedestrian and are limited to low-level illumination methods.

Conclusions. The nature and provisions of the proposed district are consistent with the intent and purpose of the Zoning Regulations.

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

Findings. The proposed UCR District regulations and associated UCR Sign regulations are intended to be applied to a particular area: the first tier of blocks east of the Kansas State campus along North Manhattan Avenue from Ratone Street southward to the alley between Vattier Street and Bluemont Avenue, plus a half block east of the southern extent (see map of proposed UCR District). The permitted density of the UCR District, no less than one dwelling unit per 750 square feet of lot area (i.e. 58 dwelling units per acre) provides an

*Attachment No. 2*

incentive to significantly redevelop the properties in the proposed district. The clear expectation is that those blocks, wholly or in large part, will be razed and redeveloped over time by parties who assemble the individual lots into larger parcels for redevelopment. The intent of the City in creating the district is to effect such a change in order to create greater housing opportunities in close walking and biking proximity to campus and services, thereby reducing reliance on the automobile and promoting greater health.

The converted single-family structures and smaller multi-family buildings in the area will eventually be replaced by large mid-rise housing with structured parking and optional ground-floor accessory neighborhood services. To avoid a hodge-podge of uses, quality, and massing, the new district requires a minimum density and design controls to create visual and spatial interest, especially at the pedestrian level.

Conclusions. The creation of the district purposefully provides incentive for land owners to redevelop at higher densities close to the KSU campus and Aggieville. The redevelopment of the blocks is the desired outcome of the creation of this zoning district.

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

Findings. No physical conditions have changed in the City that require the creation of a new zoning district. However, with adoption of the 2015 update of the Manhattan Urban Area Comprehensive Plan, creation of the UCR District was specifically identified as a high priority in the Acton Plan, to implement a higher-density mixed-use residential district in close proximity to the KSU campus and Aggieville and promote a more walkable and bikeable neighborhood. During the public engagement process of developing the Comprehensive Plan update, it was determined that there was a strong market for this type of neighborhood in the identified location, including a need for more rental housing, a desire to reduce automobile dependence and traffic congestion while accommodating greater population, and diversification of housing choice for the community.

Conclusions. No physical change necessitates the creation of the UCR District, however policy changes identified in the updated Comprehensive Plan and market demand for a such a product spurred its creation.

**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.**

Findings. The 2015 update of the Comprehensive Plan expressly calls for the creation of the UCR District and subsequent rezoning of the area described above. Goals GM-1.1D, Infill and Redevelopment, and GM-1.1E, Mixed-Use Centers and Corridors, establish the policy directive undergirding creation of the district and its regulations. The Future Land Use map identifies the targeted area as “Urban Core Residential.” The proposed UCR District Sign Regulations are necessary to fully implement the UCR District.

Conclusions. The Comprehensive Plan is explicit in its promotion of the UCR District. The proposal is consistent with Comprehensive Plan policies and goals.

### **ALTERNATIVES**

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

1. Recommend approval to the City Commission of the proposed amendments to Articles IV and VI of the Manhattan Zoning Regulations, creating the UCR District and UCR Sign Regulations, 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 amendment 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 amendments to the Manhattan Zoning Regulations, to adopt proposed Article IV, Section 4-113, UCR, Urban Core Residential District; and Article VI, Section 6.215, UCR Sign Regulations, based on the findings in this Staff Memorandum.

### **POSSIBLE MOTION**

The Manhattan Urban Area Planning Board recommends approval of the amendments to the Manhattan Zoning Regulations to adopt proposed Article IV, Section 4-113, UCR, Urban Core Residential District; and Article VI, Section 6.215, UCR Sign Regulations, based on the findings in the Staff Memorandum.

*Attachment No. 2*

Attachments:

1. Draft UCR, Urban Core Residential District
2. Draft UCR Sign Regulations
3. Map of proposed UCR District
4. Project Chronology

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** R, Single-Family Residential District

**TO:** C-2, Neighborhood Shopping District

**APPLICANT:** William E. and Sharron Washington, Washington Rentals LLC

**ADDRESS:** 8020 State Rd. 13, Manhattan, KS

**OWNERS:** KSU Charitable Real Estate Foundation

**ADDRESS:** 1800 Kimball Avenue, Suite 200, Manhattan, KS

**LEGAL DESCRIPTION:** Unplatted tract of land in Section 11, Township 10 South, Range 7 East

**LOCATION:** 1125 Waters Street. Generally located 500 feet north of the intersection of Anderson Avenue and Waters Street

**AREA:** 16,275 square feet (0.37 acres)

**DATE OF NEIGHBORHOOD MEETING:** March 26, 2017

**DATE OF PUBLIC NOTICE PUBLICATION:** April 11, 2017

**DATE OF PUBLIC HEARING: PLANNING BOARD:** May 1, 2017

**CITY COMMISSION:** May 16, 2017

**THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** 1,250 square foot single-family residents

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:**

The approximate .37 acre unplatted tract of land is accessed from Waters Street. The current single-family dwelling was formally a commercial structure. The site was rezoned from C-5, Highway Service Commercial District to the R, Single-Family Residential District in 2007 to establish the dwelling. Accessory buildings are to the immediate southwest of the existing structure. A large part of the area south of the structure is concrete with an access drive to the rear of the structure.

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

**NORTH:** Single-family dwellings; R District.

**SOUTH:** Auto dealership, convenience store, retail and service commercial; C-5, Highway Service Commercial District and C-2 District.

**EAST:** Waters Street, dance studio, off-street parking for auto service, commercial professional office use; C-2 District, and PUD.

**WEST:** Auto dealership and single-family dwellings; C-5 and R Districts.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The area is a mix of single-family residential within an established neighborhood to the north and west of the site and a variety of commercial uses to the south along Anderson Avenue.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site was rezoned to R District in 2007. The site is suitable for the uses within the current zoning district.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** As previously described, the adjacent properties to the north are single-family homes in the R District. Compared to the proposed zoning, the existing residential zoning district for the property would be more compatible with the nearby single-family neighborhood. However, the site is within a transition area between an intense commercial area to the south and the residential district to the north.

The applicant would like to purchase the property and remodel the building to establish a second dance studio. The applicant currently operates a dance studio across the street at 1124 Waters Street. With guidance from City Administration, the C-2 Neighborhood Shopping District was selected as the appropriate rezoning district to request for the property. The proposed dance studio most closely matches the Health and Fitness Clubs use description, which is a permitted use in the C-2 District. The proposed rezoning and proposed use are similar in character to other commercial uses in the immediate area.

The proposed rezoning should be compatible with nearby properties and should have minimal adverse impacted on these properties. The property was rezoned in 2007 from C-5, Highway Service Commercial District to the current R District. The former commercial use in the C-5 District did not appear to adversely impact the surrounding properties. Rezoning the site to the C-2 District, will eliminate several permitted uses that could be considered detrimental to the adjacent properties, such as drive-in type



restaurants. Use limitations, including sight obscuring screening of the site from adjacent residential properties, prohibition of outdoor sound systems and outdoor storage, are presents in the C-2 District to reduce any detrimental impacts on the nearby residential uses.

## **7. CONFORMANCE WITH COMPREHENSIVE PLAN:**

1125 Waters Street is shown on the Northwest Future Land Use of the Manhattan Area 2035 Comprehensive Plan as Community Commercial (CC). Applicable CC policies (*in italics*) of the Comprehensive Plan include:

### ***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 proposed rezoning of the site conforms to the Comprehensive Plan.

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

1962:	Annexed and rezoned to C Local Business District
1969:	Rezoned to C-5, Highway Service Commercial District
May 21, 2007	Manhattan Urban Area Planning Board holds hearing and recommends rezoning to R, Single-Family Residential District.
June 19, 2007	City Commission approves rezoning 1125 Waters to R, Single-Family Residential District.
July 3, 2007	City Commission approves Ordinance No. 6632 rezoning 1125 Waters to R, Single-Family Residential District.

- 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 C-2, Neighborhood Shopping District is designed to provide a broad range of retail shopping facilities and services located to serve one or more residential areas. The proposed dance studio use is considered to be a Health and Fitness Club use, which is a permitted use in the C-2 District. The proposed rezoning meets the intent 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 would accomplish. The proposed rezoning conforms to the Comprehensive Plan. Prior to 2007, the site was zoned C-5 District. The proposed use is similar in character to existing uses in the immediate area, and does not appear to be adversely impacting the adjacent properties. It may be a hardship to the applicant if the rezoning is denied.

*Attachment No. 3*

- 11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public services, sanitary sewer, water, and public streets exist in the area to serve the development.
- 12. OTHER APPLICABLE FACTORS:** None
- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of 1125 Waters Street from R, Single-Family Residential District, to C-2, Neighborhood Shopping District, based on the findings in the Staff Report.

### **ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of 1125 Waters Street from R, Single-Family Residential District, to C-2, Neighborhood Shopping District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

### **POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of 1125 Waters Street from R, Single-Family Residential District, to C-2, Neighborhood Shopping District, based on the findings in the Staff Report.

**PREPARED BY:** Chad Bunger, AICP, CFM, Assistant Director of Community Development

**DATE:** April 17, 2017

CB/vr  
MUAPB\_1125 Waters Dr\_R to C2