



MINUTES
CITY COMMISSION MEETING
TUESDAY, APRIL 3, 2018
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Linda Morse and Commissioners Michael L. Dodson, Usha Reddi, Wynn Butler, and Jerred McKee 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, 8 staff, and approximately 16 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Morse led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Morse proclaimed April 3, 2018, ***National Service Recognition Day***. Lori Bishop, Executive Director; Nathan Bergman, Board President; Joni Hinz, Board Secretary; and Jenn Alley, Sydni Baker, and several other Board Members, Flint Hills Volunteer Center (RSVP), were present to receive the proclamation.

Mayor Morse proclaimed April 2018, ***Fair Housing Month***. Eric Cattell, Director, and Christina L'Ecuyer, Grant Administrator, Community Development, and Robyn Dreher, Human Resource Specialist, City of Manhattan; and Kelly Adams, 2018 President, Manhattan Association of Realtors, were present to receive the proclamation.

Mayor Morse proclaimed April 2018, ***Month of the Military Child***. Colonel John D. Lawrence, Garrison Commander, and Wendy Winston, Child and Youth Services Coordinator, Fort Riley, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Morse opened the public comments.

PUBLIC COMMENTS (CONTINUED)

Hearing no comments, Mayor Morse closed the public comments.

COMMISSIONER COMMENTS

Commissioner McKee stated that Saturday, April 7, 2018, is the Little Apple Pride Celebration from 12:00 Noon-4:00 p.m., in City Park.

Commissioner Butler informed the community that Johnny Kaw's birthday is May 10, 2018, and the Manhattan Area Chamber of Commerce will be sponsoring an event that day with activities and a giant birthday cake. He encouraged everyone to attend and stated that any proceeds received will help with the citizen group working on the Johnny Kaw plaza project.

Commissioner Reddi said K-State is having their Open House on Saturday, April 7, 2018, and encouraged everyone to attend and enjoy the talent, games and activities. She stated that Fort Riley is hosting an Ammunition Amnesty Day on April 5 and 6, 2018, for soldiers, civilians and family members, and provided locations on Post. She said that Spring Clean-up is April 2-6, 2018, in Manhattan and to check out the designated areas and dates on the City's website and social media.

Mayor Morse complimented the many partners and highlighted the activities during the Easter Family Fun Day held on Saturday, March 31, 2018.

Eddie Eastes, Director of Parks and Recreation, provided additional information on the Easter Family Fun Day activities and thanked the many volunteers and the partnership with the Lion's Club for the egg hunt.

Mayor Morse stated there would be a Little Apple Lit Fest on April 7, 2018, at the Manhattan Public Library and additional information on the literature readings event can be found on the Manhattan Public Library's website. She encouraged those interested to attend the Fair Housing Seminar on April 19, 2018, at the Fire Station Headquarters. She provided information on flood awareness and encouraged people to sign up for notifications on the Riley County website. She said the Parks and Recreation summer events are now open and available at City Hall or on the City's website. Finally, she highlighted and informed the community that April is Sexual Assault Awareness Month and Sexually Transmitted Infections Awareness Month.

Commissioner Dodson stated that in conjunction with the City's Spring Clean-up activities, there is also a Polish the Apple campaign that attempts to clean-up the city in Downtown, Aggieville and private residences during the month of April. He said the networking goal is

COMMISSIONER COMMENTS (*CONTINUED*)

to connect all the organizations in the city that already do great work to take care of people, to provide additional outreach and to offer neighbor-to-neighbor help. He congratulated Rod Harms for all his hard work on this effort and hoped efforts continue the throughout the year and build a network in Manhattan.

CONSENT AGENDA (* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, March 20, 2018.

CLAIMS REGISTER NOS. 2878 AND 2879

The Commission approved Claims Register Nos. 2878 and 2879 authorizing and approving the payment of claims from March 14, 2018-March 27, 2018, in the amounts of \$65,536.84 and \$1,738,500.40, respectively.

ORDINANCE NO. 7348 – ANNEX – HERITAGE SQUARE NORTH, UNIT TWO, RIVER TRACT

The Commission approved Ordinance No. 7348 annexing the Heritage Square North, Unit Two, River Tract, an 8.45 acre tract of land, generally located to the north of US 24, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program, and based on the recommendation of the Planning Board.

ORDINANCE NO. 7349 - REZONE - HERITAGE SQUARE NORTH, UNIT TWO, RIVER TRACT

The Commission approved Ordinance No. 7349 rezoning the Heritage Square North, Unit Two, River Tract, an 8.45 acre tract of land, generally located to the north of US 24 from Pottawatomie County CH, Highway Commercial District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report (*See Attachment No. 1*), and the recommendation of the Manhattan Urban Area Planning Board Planning Board.

FINAL PLAT - HERITAGE SQUARE NORTH, UNIT THREE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Heritage Square North, Unit Three, generally located on the north side of US 24 at South Port Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the one variation.

CONSENT AGENDA (CONTINUED)

* **SUPPLEMENTAL AGREEMENT NO. 1 – FEDERAL FUND EXCHANGE PROGRAM**

Ron Fehr, City Manager, responded to questions from the Commission and provided clarification on the item.

The Commission authorized the Mayor and City Clerk to execute Supplemental Agreement No. 1 to Agreement No. 96-16 with the Kansas Department of Transportation (KDOT) for the Federal Fund Exchange Program which removes the ability to bank funds left over at the end of the year and reduces the exchange rate from 90% to 75% for location projects or projects that are not on the state highway system.

CITY-STATE AGREEMENT – US 24/KIMBALL AVENUE IMPROVEMENTS (ST1716)

The Commission authorized the Mayor and City Clerk to execute City-State Agreement No. 55-18 for the US 24/Kimball Avenue Geometrics Improvements project (ST1716).

NEGOTIATE CONTRACT – PROFESSIONAL SERVICES – NORTHEAST COMMUNITY PARK IRRIGATION (CP1801, CIP #CP273P)

The Commission accepted the Selection Committee's recommendation, and authorized City Administration to negotiate a professional services contract with Schwab-Eaton, P.A., of Manhattan, Kansas, for the Northeast Community Park Irrigation (CP1801, CIP #CP273P) to enhance the Northeast Community Park soccer fields and prepare standard irrigation details and specifications for use on future City projects (CP1801, CIP #CP273P).

AWARD CONTRACT – WILSON POND MAINTENANCE PROJECT (SM1710)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$60,431.00, and awarded and authorized the Mayor and City Clerk to execute a contract in the amount of \$40,502.25 with Double J Construction, of St. George, Kansas, for the Wilson Pond Maintenance Project (SM1710), to be paid from the Stormwater Fund.

AWARD CONTRACT – 2018 WELL REHABILITATION PROJECT (WA1802)

The Commission awarded and authorized the Mayor and City Clerk to execute a contract in the amount of \$37,980.00 with Sargent Drilling Company, of Salina, Kansas, for the 2018 Well Rehabilitation (WA1802) project to rehabilitate Well Nos. 22 and 24, to be paid from the Water Fund.

CONSENT AGENDA (CONTINUED)

* **AWARD CONTRACT – 2018 STREET MAINTENANCE - CONCRETE PANEL (ST1803)**

The Commission awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$1,347,265.87 to Pavers, Inc., of Salina, Kansas, for the 2018 Concrete Street Maintenance project (ST1803), to be paid from the Special Sales Tax Street Maintenance Fund.

* **AWARD CONTRACT – 2018 STREET MAINTENANCE – MILL AND OVERLAY (ST1804)**

The Commission awarded and authorized the Mayor and City Clerk to execute a contract in the amount of \$975,152.80 to Schilling Construction Company, Inc., of Manhattan, Kansas, for the 2018 Asphalt Street Maintenance Project (ST1804), to be paid from the Special Street and Highway Fund.

AGREEMENT – DOWNTOWN FARMERS 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 2018 season (April 21, 2018 – October 27, 2018).

* **FISCAL AGREEMENT – FLINT HILLS METROPOLITAN PLANNING ORGANIZATION**

The Commission authorized the Mayor and City Clerk to execute the Flint Hills Metropolitan Planning Organization Fiscal Agreement that includes additional areas in Pottawatomie County and the City of Wamego and allows for the carryover of unspent local match into the following calendar year.

PURCHASE – WATER DIVISION – NEW COMPACT EXCAVATOR (CIP #WA094E)

The Commission authorized the purchase a new 2018 Compact Excavator (CIP#WA094E) for the Water Distribution Division from White Star Machinery, of Manhattan, Kansas, in the amount of \$70,300.00, to be paid from the Water Fund.

BOARD APPOINTMENTS

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

Arts and Humanities Advisory Board

Re-appointment of Rebecca Hackemann-Bahlmann, 3210 Driftwood Drive, to a three-year term. Ms. Hackemann-Bahlmann's term begins immediately and will expire March 31, 2021.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Arts and Humanities Advisory Board (CONTINUED)

Re-appointment of Hilary Wahlen, 3140 Bermuda Lane, to a three-year term. Ms. Wahlen's term begins immediately and will expire March 31, 2021.

Library Board

Re-appointment of Carolyn Elliott, 804 Goodrich Drive, to a four-year term. Ms. Elliott's term will begin May 1, 2018, and will expire April 30, 2022.

Re-appointment of Kerry Spencer, 3529 Churchill Way, to a four-year term. Ms. Spencer's term will begin May 1, 2018, and will expire April 30, 2022.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

After discussion and comments from the Commission, Commissioner Dodson moved to approve the consent agenda. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING – REZONE - 530 AND 532 NORTH 14TH STREET AND 1323 LARAMIE STREET (R-3/UO, MULTIPLE-FAMILY RESIDENTIAL DISTRICT WITH UNIVERSITY OVERLAY DISTRICT, TO C-3, AGGIEVILLE BUSINESS DISTRICT)

Chad Bunger, Assistant Director of Community Development, provided an overview of the item. He highlighted the subject site and surrounding zoning, provided photographs of three subject houses, discussed existing use and physical and environmental characteristics, highlighted a map showing the character of neighborhood and compatibility with nearby properties, and informed the Commission the item is in conformance with the Comprehensive Plan and the Aggieville Community Vision Plan. He then responded to questions from the Commission regarding adjacent property owners, conformity and the proposed rezoning.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - 530 AND 532 NORTH 14TH STREET AND 1323 LARAMIE STREET (R-3/UO, MULTIPLE-FAMILY RESIDENTIAL DISTRICT WITH UNIVERSITY OVERLAY DISTRICT, TO C-3, AGGIEVILLE BUSINESS DISTRICT) (CONTINUED)

After discussion and comments from the Commission, Commissioner Reddi moved to approve first reading of an ordinance rezoning 530 and 532 North 14th Street and 1323 Laramie Street, an approximately 0.40 acre tract, generally located to the southeast of the intersection of North 14th Street and Laramie Street from R-3/UO, Multiple-Family Residential District with University Overlay District, to C-3, Aggieville Business District, based on the findings in the Staff Report (*See Attachment No. 2*), and the recommendation of the Manhattan Urban Area Planning Board Planning Board. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

DISCUSSION ITEM: MEETING PROCEDURES AND PUBLIC INPUT GUIDELINES

Kiel Mangus, Assistant City Manager, presented an overview of the item. He highlighted what is a public meeting policy; what laws apply; what laws do not exist; why adopt a public meeting policy; what risks exist with no public meeting policy and provided examples of practical and legal issues; what do other governing bodies do with typical procedural components for open public comment, agenda item comment, and rules of decorum for speakers; and discussed avenues available for public engagement and responded to questions from the Commission. He provided a summary of the draft policy resolution including meeting procedural components and asked for feedback from the Commission.

Commissioner Reddi stated that the proposed adjournment times were too early and did not support the extension of 30-minute intervals. She stated the adjournment times need to be later and proposed 11:30 p.m. or midnight for legislative meetings and 9:30 p.m. for work sessions.

Commissioner Butler stated that he was okay with the proposed rules as a way to keep the meeting going and suggested the rules will help force people to stay on topic.

Kiel Mangus, Assistant City Manager, and Ron Fehr, City Manager, responded to questions from the Commission regarding the proposed process and timing for public hearings to be held between the consent and general agenda.

Mayor Morse provided her comments on the item. She stated that she preferred adjournment times at midnight for legislative sessions and 10:30 p.m. for work sessions. She voiced support to allow everyone that wants to speak the opportunity to do so.

GENERAL AGENDA (*CONTINUED*)

DISCUSSION ITEM: MEETING PROCEDURES AND PUBLIC INPUT GUIDELINES (*CONTINUED*)

Commissioner McKee said it is beneficial for him to hear from the public and wanted everyone to have the opportunity to speak to the Commission. He said the proposed adjournment meeting times are too early and stated that he would support not going past midnight. He stated that he did not want to rush through items and commented on the agenda process and placement of the items on the agenda.

Commissioner Dodson stated that it is better to have a set ending time before midnight rather than voting for time extensions. He said the goal is to take care of the people coming here and stated the all night sessions really do not accomplish much for us or for the public. He voiced support to look at the agenda items and pay attention to the agenda item lineup.

Mayor Morse stated she did not support the proposed 30-minute increments to extend a meeting and voiced support of adjournment times of legislative meetings to midnight. She also did not want to be pressured to make a decision and wanted there to be a balance with the City Commission meeting agenda items.

Ron Fehr, City Manager, discussed the order of the agenda items and asked for feedback.

Commissioner McKee stated staff and consultants are paid to be here and wanted the open public comment discussion early on the agenda.

Commissioner Reddi stated if a big crowd is expected, opportunities for public comment needs to be at the beginning of the agenda. She stated the consultants could be later on the agenda.

Kiel Mangus, Assistant City Manager, responded to questions from the Commission and stated Administration is trying to balance agenda items and public comment. He stated the City wants to avoid situations where a notice is published for an item on Tuesday and technically, that item may occur on Wednesday, if the meeting goes beyond midnight. He provided a summary of the draft policy resolution for public comment and decorum policies and asked for feedback from the Commission.

Mayor Morse stated the City Commission meeting agenda is not available to the public until Friday before the Tuesday meeting and does not allow a lot of time. She also voiced concern with the timeline outlined in the draft policy to provide electronic files to the city.

Commissioner Reddi stated she did not support limiting the number of speakers to five per item and said that five minutes per speaker is somewhat reasonable.

GENERAL AGENDA (*CONTINUED*)

DISCUSSION ITEM: MEETING PROCEDURES AND PUBLIC INPUT GUIDELINES (*CONTINUED*)

Commissioner McKee stated he did not want to limit the number of speakers and was agreeable to five minutes per speaker. He stated that those individuals wishing to speak can sign when they come in that evening to help move the meeting along procedurally and when the mayor asks for additional public comment and there are more people wishing to speak, they can sign-in at the podium before speaking to the Commission.

Commissioner Reddi stated she does not want to require an advance sign-in to speak during public comment and wanted to encourage people to attend and speak at Commission meetings. She also reiterated that she did not want to limit the number of people speaking during public comment.

Mayor Morse stated individuals should sign in when they speak to ensure their names are spelled correctly and their address is reflected in the minutes.

Kiel Mangus, Assistant City Manager, responded to questions from the Commission and provided clarification on the draft policy resolution.

Mayor Morse stated that she did not want to limit the number of speakers and did not want to go in the direction of the state legislature. She said there have been meetings that have went past midnight when there is a room full of people who want to speak. She said this is a democracy and she wanted to hear what citizens have to say.

Ron Fehr, City Manager, provided additional information on the item. He suggested that a special meeting could be scheduled if there is a significant number of individuals that want to speak during open public comment on a specific item.

Katie Jackson, City Attorney, responded to questions from the Commission and provided additional information on the item. She highlighted information on Kansas cities that were surveyed regarding open public comment for items not on the agenda.

Commissioner Butler stated those interested in speaking could sign-up before the meeting starts. He asked if the skeleton agenda could be published on Thursday and the complete agenda packet published on Friday.

Ron Fehr, City Manager, responded to questions from the Commission regarding publishing the agenda on Thursday and providing the complete agenda and details the following Friday.

GENERAL AGENDA (*CONTINUED*)

DISCUSSION ITEM: MEETING PROCEDURES AND PUBLIC INPUT GUIDELINES (*CONTINUED*)

Commissioner Dodson wanted to have people wishing to speak sign-up and be given an opportunity to speak first, then, for those in the audience that wish to speak, can speak after those that have signed-up. He stated we can start wider with public comment and then narrow, if needed.

After additional comments and discussion of the Commission, Kiel Mangus, Assistant City Manager, responded to questions from the Commission and provided clarification regarding speaker sign-up for open public comment, clarified the desire of the Commission to not limit the number of speakers for open public comment, and provided additional information on the draft policy resolution.

Katie Jackson, City Attorney, provided additional information regarding considerations for public comment and stated the potential with too many comments may cause the Commission to table more items. She provided possible alternatives to consider for public comments and engagement in order to protect the public business.

Kiel Mangus, Assistant City Manager, responded to questions from the Commission regarding enforcement provisions of the policy. He informed the Commission that most cities have their law enforcement present at their meetings.

Ron Fehr, City Manager, provided alternatives for the Commission to consider regarding town hall or special meetings to accommodate a large number of people wishing to comment on a particular item.

Kiel Mangus, Assistant City Manager, responded to further questions from the Commission regarding a less restrictive policy to encourage public comment, a process for the Commission to be able to shorten the amount of time of each speaker if a large number of speakers want to speak, and stated the open public comment period would remain on the first legislative meeting on the month.

Commissioner Reddi reiterated that she did not want to have a limit on the number of people speaking even if they are all saying the same thing or a limit on the amount of time for open public comment. She wanted to keep the open public comment period at the beginning of the meeting as it is currently. She stated this is their government and their time to speak.

Jason Hilgers, Deputy City Manager, provided additional information regarding open public comment. He encouraged the Commission to place a cap on the entire public comment period of time at the beginning of the meeting.

GENERAL AGENDA (*CONTINUED*)

DISCUSSION ITEM: MEETING PROCEDURES AND PUBLIC INPUT GUIDELINES (*CONTINUED*)

Katie Jackson, City Attorney, provided additional information on the item and asked for clarification from the Commission regarding the open public comment period. She then responded to questions from the Commission.

After further discussion and comments from the Commission, Kiel Mangus, Assistant City Manager, summarized the main points expressed from the Commission. He stated a desire of the Commission to include open public comment period during the first legislative meeting of the month, a five minute limit for speakers with no limit on the number of speakers, a five minute limit for speakers on agenda items with no limit on number of speakers, limit legislative meeting times to no later than midnight, and public hearing items would be after the consent agenda and before the general agenda.

Kiel Mangus, Assistant City Manager, continued with his presentation and provided a summary of the draft policy resolution for the public comment decorum and response to public comment.

After comments from the Commission, Kiel Mangus, Assistant City Manager, and Katie Jackson, City Attorney, responded to questions from the Commission regarding public comment decorum and provided additional information on the draft resolution.

Ron Fehr, City Manager, and Kiel Mangus, Assistant City Manager, responded to questions from the Commission regarding distributing the City Commission Meeting agenda to the public one day earlier than the current practice. They also discussed the process for the placement of items on the agenda and distribution of the draft planning chart.

After additional discussion and comments from the Commission, Mayor Morse opened the public comments.

Mel Borst, 1918 Humboldt Street, informed the Commission that he was curious about the topic and was glad what he was hearing. He stated it is important to continue to be open to public dialog and to encourage public comment and engagement.

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

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

ADJOURNMENT

At 9:13 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

Staff Report

Community Development

REZONING AMENDMENT

To: Manhattan Urban Area Planning Board

From: Carol Davidson, CFM, CPM, Senior Planner

Hearing Date: December 18, 2017

Re: Rezoning of 8.54 acres, the River Tract, of the Heritage Square North, Unit Two plat from Pottawatomie County CH, Highway Commercial District to C-5, Highway Service Commercial District

Applicant: Heritage Capital Investors, LLC

Property Owner: Heritage Capital Investors, LLC

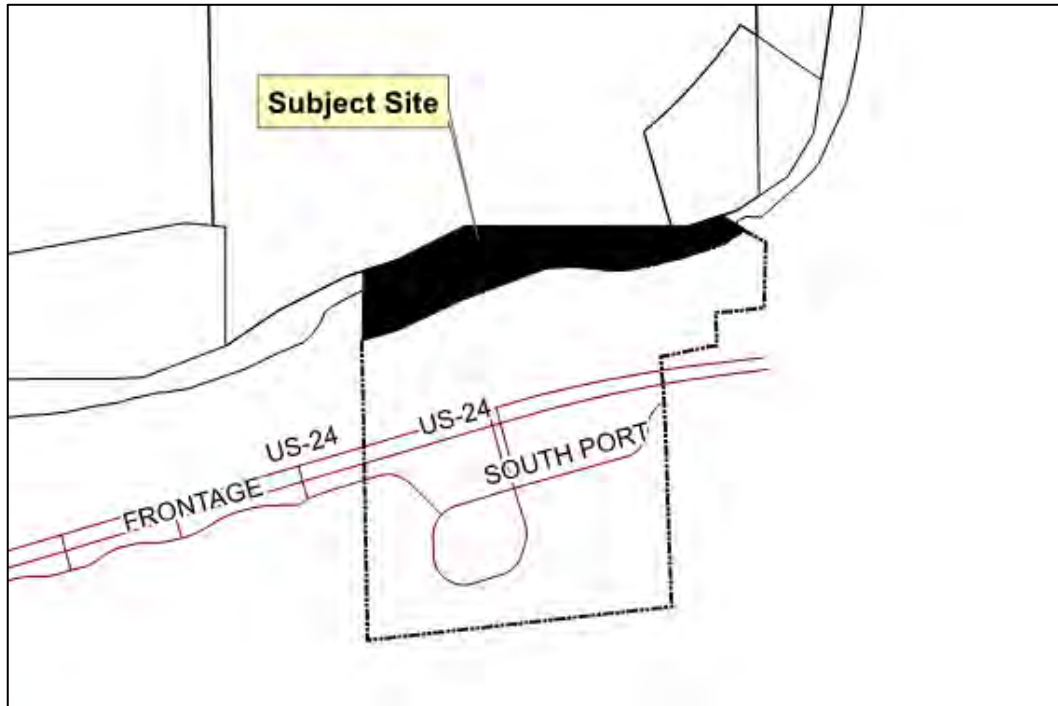
Property Address: River Tract, Heritage Square North, Unit Two; located at US 24 and South Port

Total Area: 8.54 acres

Date of Neighborhood Meeting: Not Applicable

Date of Public Notice Publication: November 27, 2017

Date of City Commission: TBD



BACKGROUND

In February of 2007, Ordinance No. 6606 annexed the land commonly referred to as Heritage Square North (subject site) and Heritage Square South and the adjacent U.S. Highway 24 right-of-way into the City of Manhattan. And in November of 2016, Ordinance No. 7257 rezoned Heritage Square North to C-5, Highway Service Commercial District. However, following the rezoning and subdivision of the land, an error was discovered with the annexation and rezone of Heritage Square North. It was discovered that the River Tract (as shown on the Heritage Square, Unit Two Final Plat) was left out of the legal description; and therefore, was not annexed or rezoned. To correct this error, the applicant is here before the Planning Board to annex (see accompanying annexation report) and rezone the River Tract to C-5, Highway Service Commercial District.

When the original rezoning and subdivision request for this property was presented to the Planning Board in 2016, this tract was meant to be included. The error was discovered after the rezoning was approved. Staff did require a pre-meeting and a neighborhood meeting in 2016; however, for this particular request, staff did not require a pre-meeting or a neighborhood meeting. Staff felt it was not necessary and the neighborhood meeting might confuse the public. Nevertheless, legal notification was required and performed for this project.

REVIEW OF MATTERS TO BE CONSIDERED AND STAFF FINDINGS

The following items will help to determine if the specific property is suitable for the rezoning request. (These are the 13 matters to consider when rezoning as found in Article 15-403 (A)).

1. Existing Use of Property

Vacant ground and riverine portions.

Staff Finding

The property is vacant; therefore, there is no use on these existing properties.

2. Physical and Environmental Characteristics of the Property

The subject site includes a steep bank adjacent to the Big Blue River and includes portions of the Big Blue River. Improvements on the stream bank have been done in the past to reduce erosion and stabilize the bank on the subject site.

The entire River Tract is currently located in the FEMA mapped Floodway and 1% Annual Chance Floodplain (100-year floodplain). If development were to occur on this tract, it would be required to meet all floodplain regulations.

Staff Finding

The property is within a floodway and would require floodplain measures with any type of development.

3. Surrounding Zoning and Land Uses of Nearby Properties

NORTH: Big Blue River on private property, City of Manhattan raw water well field and row-crop agriculture land; Riley County General Agriculture District.

SOUTH: Vacant land within the C-5, Highway Service Commercial District.

EAST: A variety of highway service and retail commercial properties on individual properties in rural Pottawatomie County and single-family and two-family residential neighborhoods off of Excel Road; Pottawatomie County CH District, Pottawatomie County R-1, Single-Family Residential District and Pottawatomie County R-2, Two-Family Residential District.

WEST: A variety of highway service, retail commercial and industrial properties on individual properties in rural Pottawatomie County; Pottawatomie County CH District.

Staff Finding

The surrounding zoning is composed of Commercial (City and County), and Residential (County) and the existing surrounding land uses are commercial, industrial, residential, and vacant land.

4. The Suitability of the Property for Land Uses to which it is Restricted Under Current Zoning

The subject site is in the process of being annexed into the City but carries a Pottawatomie County Zoning District at this time. If the annexation goes through, the site would not be able to be developed with a County Zoning District designation.

A restrictive covenant was submitted by the applicant at the time of the original annexation of Heritage Square North and agreed upon by the City Commission that before the property could be subdivided or built upon, the subject site would need to be rezoned. This rezoning request will fulfill the restrictive covenant that requires the entire property to be rezoned before development can begin.

Staff Findings

The subject site is not suitable for development within the City of Manhattan with the current Pottawatomie County Zoning designation.

5. The Character of the Neighborhood

The surrounding area is the commercial corridor along U.S. Highway 24. The uses range from older highway service commercial uses, such as new and used car dealerships and mechanics, to new highway service and retail uses along the corridor, especially in the Heritage Square South PUD. There is a small portion of the neighborhood, to the east, that includes residential lots and uses.

Staff Findings

The character of the neighborhood is a commercial corridor with a small amount of residential properties located to the north of the commercial properties.

6. The Compatibility of the Proposed Zoning District with Nearby Properties and the Extent to which it may Detrimentally Affect Those Properties

The proposed rezoning of the subject site will be compatible with surrounding properties and should have minimal detrimental effects on those properties. The surrounding property within the City is already zoned C-5, Highway Service Commercial District. The majority of the surrounding property within Pottawatomie

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County are zoned CH, Commercial Highway which is a compatible use with the C-5 City zone. The residential properties within Pottawatomie County are separated from this site by a small creek which creates a natural barrier making any detrimental effects nominal.

Staff Findings

The proposed rezoning is compatible and will not have any detrimental effects on nearby properties.

7. Conformance of the requested change to the adopted Comprehensive Plan

Heritage Square North is shown on the Future Land Use map in the Northeast Planning Area of the 2035 Manhattan Area Comprehensive Plan as Community Commercial (CC). Policies of the CC category are below:

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

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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 Future Land Use Map is consistent with the C-5 zoning district. The Comprehensive Plan Land Use Policies are also consistent with this proposed C-5 zoning district, except for the size; however, this tract of land is part of a larger 32.51 acre site. The proposed rezoning conforms to the Comprehensive Plan.

Staff Findings

The proposed rezoning conforms to both the Future Land Use Map and the Land Use Policies of the Comprehensive Plan.

8. Zoning History and Length of Time Vacant as Zoned

- June 29, 2006: City of Manhattan receives requests for island annexation of the proposed Heritage Square North and Heritage Square South tracts from Roger Schultz and Rob Eichman.
- July 11, 2006: City Commission approves Resolution Nos. 071106-H & I, requesting the Board of Pottawatomie County Commissioners to make positive findings regarding the requested island annexation of Heritage Square North and Heritage Square South.
- July 27, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexations of Heritage Square North and Heritage Square South.
- August 15, 2006: City Commission approves first reading of ordinances annexing Heritage Square North and Heritage Square South; and, approves Resolution No. 081506-A, requesting the Board of Pottawatomie

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County Commissioners to make positive findings regarding the island annexation of that portion of the US 24 Right-of-way that adjoins Heritage Square.

- August 18, 2006: City of Manhattan receives Consent to Annexation from the Kansas Department of Transportation for that portion of the US Highway 24 right-of-way that adjoins Heritage Square South, consisting of 6.791 acres.
- August 21, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexation of that portion of the US Highway 24 right-of-way that adjoins Heritage Square South.
- October 16, 2006; Manhattan Urban Area Planning Board holds public hearing and recommends approval (7-0), of the rezoning the proposed Heritage Square South and the adjoining US Highway 24 right-of-way from County - CH, Highway & Commercial Corridor District, to PUD, Commercial Planned Unit Development District.
- November 7, 2006 City Commission approved first reading of an ordinance annexing the 6.8 acre portion of the US Highway 24 right of way that adjoins the Heritage Square South development; and, approved first reading of an ordinance rezoning the proposed Heritage Square South development and the adjoining portion of US Highway 24 right-of-way, to PUD, Planned Unit Development District.
- February 6, 2007 City Commission approves Ordinance No. 6606 annexing proposed Heritage Square North, proposed Heritage Square South and the 6.8 acre portion of the US Highway 24 right of way that adjoins Heritage Square South; and, approved Ordinance No.6607 rezoning the Heritage Square South and the adjoining portion of US Highway 24 right-of-way, to PUD, Commercial Planned Unit Development District.
- October 3, 2016 Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Heritage Square North from Pottawatomie County CH, Highway Commercial District, to C-5, Highway Service Commercial District; and, approved the Preliminary Plat for Heritage Square North with six (6) conditions of approval.

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- October 18, 2016 City Commission approves first reading of an ordinance rezoning Heritage Square North, a 32.5 acre tract from Pottawatomie County CH, Highway Commercial District, to C-5, Highway Service Commercial District.
- November 1, 2016 City Commission approves Ordinance No. 7257 rezoning Heritage Square North, a 32.5 acre tract from Pottawatomie County CH, Highway Commercial District, to C-5, Highway Service Commercial District.
- January 19, 2017 Manhattan Urban Area Planning Board approves the Final Plat of Heritage Square North, based on conformance with the Manhattan Urban Area Subdivision Regulations.
- February 7, 2017 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square North.
- March 20, 2017 Manhattan Urban Area Planning Board approves to set aside the Heritage Square North, approved by the Manhattan Urban Area Planning Board on approved on January 19, 2017, and recommends that the revised the Final Plat of the Heritage Square North, Unit Two be approved, based on conformance with the Manhattan Urban Area Subdivision Regulations.
- April 4, 2017 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square North, Unit Two.

Staff Findings

The subject property has been a Pottawatomie County CH Zoning Designation but has been and remains vacant as it is now.

9. Whether the Proposed District would be Consistent with the 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-5, Highway Service Commercial District (regulations attached) is designed to provide for businesses offering accommodations, supplies, or services to motorists,

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and for certain specialized activities which may require access to major streets and highways. Since this tract is located entirely within a floodway, any development will be required to meet the Development Standards found in Article 10, Part 2 (Floodplain Regulations) of the Manhattan Zoning Regulations. In effect, any change to this land, including fill will need to go through a permitting process to ensure there will be no adverse effects to the floodway or floodplain.

The proposed rezoning will establish a City Zoning District that is similar in use and development standards to the adjacent properties along the U.S. Highway 24 Corridor. This district will protect the public health, safety, and general welfare; is generally compatible, and staff did not receive any evidence as to the impact of the proposed rezoning on the property values. The proposal is consistent with the intent of the C-5 District regulations.

Staff Findings

The proposed zoning district is consistent with 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 that would result from Denial

There does not appear to be an adverse impact on the public health, safety and general welfare as a result of the rezoning. The proposed rezoning will allow uses and a development pattern that is consistent to the existing uses in the area. However, as mentioned above, any development will be required to adhere to the Floodplain regulations found in Article 10 of the Zoning Regulations. This proposed rezoning will honor the owner's right to use this property, as it would not be allowed to be developed upon with a county zoning designation.

Staff Findings

There would be no relative gain to the public if this request is denied, and the owner would be denied use of their property if the request is denied due to the current zoning designation being part of the City.

11. Whether Adequate Sewer and Water Facilities, Streets and other Needed Public Services Exist, or can be Provided, to Serve the Uses that would be Permitted by the Proposed Zoning District

Adequate public facilities and services are available to serve the site. Intersection improvements and improvements to the public utilities are being completed to provide adequate services to the commercial development. Sewer and water are available to the buildable lots within the subdivision.

Staff Findings

Adequate sewer and water facilities, streets and other needed public services currently exist to serve all permitted uses of the proposed zoning district.

12. Other Applicable Factors

There are no other applicable factors.

13. Staff Recommendation

For this rezoning request, staff finds the property is suited for the proposed C-5 District based on several factors. First of all, the Heritage Square North subdivision has applied and was approved to be rezoned to the C-5 zoning designation. In addition, the surrounding neighborhood along the US 24 corridor is zoned a compatible County zoning designation. This proposed district is compatible with nearby properties and the character of the neighborhood, and should not have any detrimental effects. And furthermore, it is compatible with the Future Land Use map and land use policies of the Comprehensive Plan. And finally, staff finds that this proposed zoning district is consistent with the intent and purpose of the Zoning Ordinance.

Staff's Conclusion

Based on the findings found in this Staff Report, City Administration recommends approval of the proposed rezoning of the River Tract of the Heritage Square North, Unit Two plat from HC, Highway Commercial (Pottawatomie County) to C-5, Highway Service Commercial District.

ALTERNATIVES

1. Recommend approval of the proposed rezoning of the River Tract of the Heritage Square North, Unit Two plat from Pottawatomie County HC, Highway Commercial to C-5, Highway Service Commercial District based upon the findings in the staff report. (If your approval is also based upon evidence presented at the hearing, or other evidence, that should be state as part of your vote.)
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial based upon the factors set forth herein.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board Recommend approval of the proposed rezoning of the River Tract of the Heritage Square North, Unit Two plat from Pottawatomie County CH, Highway Commercial to C-5, Highway Service Commercial District based upon the findings in the staff report.

Prepared by: Carol Davidson, CFM, CPM, Senior Planner of the Community Development Department

Date: December 11, 2017

Enclosures:

Heritage Square North, Unit Two plat
Future Land Use Map of the Comprehensive Plan
C-5, Highway Service Commercial District Zoning Regulations

REZONING AMENDMENT

To: Manhattan Urban Area Planning Board

From: Carol Davidson, CFM, CPM, Senior Planner

Hearing Date: March 19, 2018

Re: To rezone 530 and 532 N. 14th Street and 1323 Laramie Street from R-3/UO, Multiple Family Residential with University Overlay, to C-3, Aggieville Business District

Applicant: Xiaobiao "Michael" Chen

Property Owner: Richard and Sheila Roffler

Property Address: 530 and 532 N. 14th Street and 1323 Laramie Street

Total Area: .40 acres

Date of Neighborhood Meeting: January 31, 2018

Date of Public Notice Publication: February 26, 2018

Date of City Commission: First Reading: April 3, 2018



BACKGROUND

Xiaobiao “Michael” Chen, the applicant, is requesting the rezoning of three parcels located on the southeast corner of Laramie and 14th Streets. The properties are currently zoned R-3/UO, Multiple Family Residential District with University Overlay. And the applicant would like to rezone them to C-3, Aggieville Business District. There is one multi-family house on each lot totally eight units. The applicant, as the proposed future owner of these parcels, would like to rezone these parcels in the hopes of eventually clearing the lots and building a new mixed-use building over the span of the three lots. The new building would have commercial on the main floor with residential on the upper floors.

REVIEW OF MATTERS TO BE CONSIDERED AND STAFF FINDINGS

The following items will help to determine if the specific property is suitable for the rezoning request. (These are the 13 matters to consider when rezoning as found in Article 15-403 (A)).

1. The Existing Use of the Property

There are an existing homes on all three properties. The house at 530 N. 14th Street operates as a fourplex. The house at 532 N. 14th Street operates as a duplex. And finally, the house at 1323 Laramie Street operates as a duplex. All eight units are occupied at this time.



Staff Finding

Each property contains one structure with multiple rental units inside, totaling eight occupied units; therefore, the use is residential on these existing properties.

2. The Physical and Environmental Characteristics of the Property

The lots at 530 and 532 N. 14th Street are about .13 acres and have one residential building on each lot. The lot addressed 1323 Laramie Street is about .14 acres and also

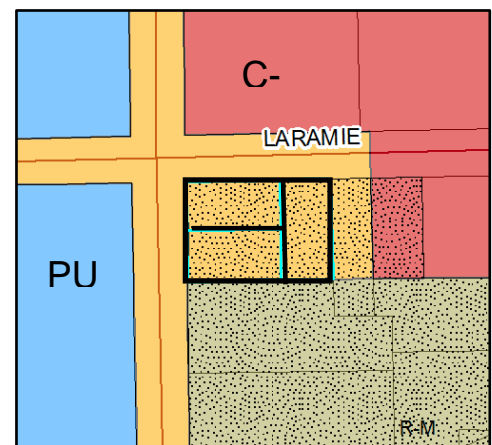
has one residential building on it with an additional detached one-car garage. All three lots are relatively flat and are not within the Special Flood Hazard Area and therefore do not require any extra floodplain measures.

Staff Finding

The properties are developed with one residential building on each lot.

3. The Zoning and Land Uses of Nearby Properties

North	C-3, Aggieville Business District
South	R-M/UO, Four-Family Residential District with University Overlay
East	R-3/UO, Multiple Family Residential District with University Overlay
West	PUD, Manhattan Christian College Planned Unit Development



The surrounding land uses include retail (Burger King) to the north, a residential apartment building to the south, a residential duplex to the east, and Manhattan Christian College to the west.

Staff Finding

The surrounding zoning is comprised of mixed-use and residential zones. The existing land uses of nearby properties are commercial, educational, and residential.

4. The Suitability of the Subject Property for the Land Uses to which it is Restricted Under Current Zoning

The existing uses of these three properties are compliant with their current zoning classification which is R-3, Multiple Family Residential District. These uses, as they are, would also be compliant with the C-3, Aggieville Business District. The C-3 District allows a variety of stand-alone commercial and residential uses, but it also allows mixed-use buildings. However, the current R-3, Multiple Family Residential District does not allow any commercial development. If the rezoning request is granted, these three lots would be able to serve a mixed-use development. Since the applicant is proposing to rezone these properties for the purpose of removing the existing

converted houses and developing a new mixed-use structure, this site would be ideal due to its location on the edge of the Aggieville District. The residential use would be suitable to the properties to the south and the commercial use would be suitable to the properties to the north and east.

Staff Findings

The properties are suitable for land uses within the existing R-3/UO, Multiple Family Residential with University Overlay. The site is also suitable for mixed uses of the C-3 District and therefore, make it suitable for the requested rezone.

5. The Character of the Neighborhood

The neighborhood consists of multi-family residential development to the south, development associated with Manhattan Christian College campus to the west and commercial development associated with Aggieville to the north and east.

Staff Findings

The character of the neighborhood is a mix of commercial, residential, and educational uses.

6. The Compatibility of the Proposed Zoning District with Nearby Properties and the Extent to which it may Detrimentially Affect Those Properties

The C-3 District allows a range of retail, restaurant, office and commercial services as well as residential uses, in stand-alone or mixed use configurations. The proposed C-3 District is the same zoning classification found on nearby properties to the east and north of the site and is therefore compatible. The District's residential and mixed-uses uses are compatible with the apartment building to the south. While the C-3 District is less compatible with the Manhattan Christian College campus to the west, the site does not abut the MCC campus and is physically separated from the campus by N. 14th Street.

Staff Findings

The proposed C-3 District is compatible with the nearby properties, and there should be no detrimental effects.

14. Conformance of the requested change to the adopted Comprehensive Plan for the City of Manhattan (If the Proposed Amendment is in Accordance with said Comprehensive Plan, it shall be Presumed to be Reasonable.)

The Future Land Use map of the Manhattan Area Comprehensive Plan shows this area as Central Core District. The Aggieville Community Vision Plan shows this area located

within the Laramie Corridor of the Aggieville planning area. The applicable land use policies for both the Comprehensive Plan and the Aggieville Community Vision Plan are found below.

a. The Manhattan Area 2035 Comprehensive Plan

CCD-1: Characteristics

The Central Core District is a special purpose designation for the Downtown core and Aggieville, both of which have a unique historical character and importance to the broader community. Although the two areas are not physically connected, they both consist of a variety of civic, cultural, retail, commercial, business, professional offices, and financial institutions, and residential uses in a compact, vibrant setting. This setting is enhanced by a large inventory of older and/or historic structures and a pedestrian-friendly scale. Identified redevelopment areas in the Downtown core provide opportunities for a range of uses—including high density residential—provided they are designed as part of a master planned development that is compatible with and complimentary to the design and pedestrian-oriented character of the traditional urban fabric in Downtown. (Note: “Master planned” refers to the process of developing an overall concept or neighborhood level plan for an area, prior to development, that takes into consideration the relationships between land uses, buildings, access and site characteristics, in order to establish a more unified and compatible development. It can apply to a large single site, a whole neighborhood, or series of neighborhoods.)

CCD-2: In fill and Redevelopment

Encourage targeted infill development and/or redevelopment to take advantage of underutilized areas such as large surface parking lots, help enhance the overall mix of uses, and enhance the continued revitalization of the Central Core District. Encourage infill and redevelopment that is in keeping with the historic character and scale of the Downtown Historic District.

CCD-3: Rehabilitation and Adaptive Reuse

Encourage the rehabilitation and adaptive reuse of existing underutilized structures, particularly along Poyntz Avenue in the Downtown core. Support the continued adaptation and reconfiguration of existing spaces in the Manhattan Town Center and on surrounding pad sites to meet changing market preferences and the needs of the community.

CCD-4: Housing

Promote an expanded range of housing options in the Central Core to reinforce the

variety and vitality of the environment. Encourage the conversion of upper floors above existing retail storefronts to office or residential uses, the integration of Residential High Density or Urban Core Residential type uses at the fringe of the Central Core District, and the conversion of obsolete uses or surface parking lots to housing over time.

CCD-5: Outdoor Seating

Support the provision of outdoor dining and seating areas along the sidewalk edge, particularly in the Downtown core, to create activity along the street.

CCD-6: Mix of Uses

Support a vibrant mix of residential and non-residential uses within the Central Core. Concentrate active, visible uses that encourage pedestrian activity, such as restaurants or retail storefronts, on the first floor of buildings along Poyntz Avenue and the other retail-oriented streets, and in Aggieville. In these locations, encourage offices, residential or other uses that typically are “closed off” from the street as upper floor uses; however, single use buildings (e.g. office or residential) are appropriate on secondary streets in Downtown where retail may not be viable and contribute to the overall vitality of the Central Core District. 52

b. The Aggieville Community Vision Plan

Land Use Issues

Commercial development has historically been mixed with residential development on the south side of Laramie, with the north side being strictly commercial, though it is mostly comprised of parking lots.

The commercial development along the north side of the Laramie Corridor has taken on a strip commercial character with retail buildings located at the rear of the site and unattractive parking dominating the area between the building and the street. Valuable retail and residential space in close proximity to the Historic Core of Aggieville is being taken up by surface parking, a large portion of which is land owned by the city. Raising the allowed height of buildings in this area would incentivize redevelopment. However, the difference in building heights between this area and the Historic Core along Moro Street would need to transition sensitively.



Recommendations

- **Character:** Strengthen the pedestrian retail character of the Laramie Corridor as a southern edge and gateway to the Aggieville District, while prohibiting future highway/strip commercial development. Create commercial and residential uses designed to be a high-density extension of the Historic Core.
- **Building Design:** Incorporate pedestrian-scale architectural detailing and interest in new building design, such as visually dividing the façade, entrances that open to the sidewalk, and providing more human scale to its design.
- **Parking Garages:** Design parking garages to incorporate a veneer of residential and/or commercial uses as appropriate to the site along with landscaping, to help buffer and visually mask the garage from public view from the street. Public garages must be located on the edge of the district with ingress and egress from non-local streets such as N. 11th and N. 14th Streets. They must also have direct pedestrian connection to the interior of the district.
- **Building Height:** Permit structures up to 5 stories along Laramie and West Laramie with consideration to develop stepped-back buildings on the north side of Laramie where the buildings are lowered to 3 or 4 stories at the back of the lot abutting the alley to transition to the lower heights in the Historic Core on Moro Street.
- **Separation:** Incorporate pocket parks to visually and spatially separate new, multi-story construction from older, historic construction and to create unique and attractive gathering spaces.
- **Corner Lots:** Incorporate special corner treatment of buildings to create a safer pedestrian environment and wider sidewalks.
- **Redevelopment:** Redevelop city-owned lots with mixed-use developments and/or parking garages that enhance the pedestrian-retail character of the district.
- **Parking:** Address parking requirements through public-private garages, shared parking, unbundled parking for residential developments, reverse-angle parking, active parking management, metering, and revised parking

enforcement and fee policies. Integration of pedestrian, bicycle and transit infrastructure to encourage transportation other than personal vehicle should also be part of this strategy.

Street Space & Public Realm Issues

The Laramie Corridor has the advantage of a low level of vehicular traffic, contributing to the comfort of pedestrians walking in this area. However, this area lacks the visual definition and enclosure of space by buildings specifically designed to contribute to the comfort and interest of the experience of walking, biking, and driving down this street.

Recommendations

- **Walkability:** *Increase the width of the sidewalk surface and create safe, well-lit pedestrian connections to and from this area to accommodate pedestrian movement and commercial uses throughout the area. In addition, incorporate traffic-calming features, mid-block crossings, raised crossings, colored crosswalks, and accessibility features on interior streets to improve safety and comfort. Redesign intersections across N. 14th Street and Fremont Street to make crossing on foot and bike safer and more comfortable.*
- **Streetscape:** *The streetscape, landscape and design elements should help define the character of the public realm. Future development and design should include gateway features, sidewalks, paving, landscaping, street trees, bike racks, lighting, public art, and street furniture consistent throughout the district.*
- **Access:** *Minimize and consolidate curb cuts and provide access to parking from alleys.*
- **Gateways:** *Design the streetscape and landscaping to define the character of the public realm and gateway entrances along Laramie Street at North 14th Street, North Manhattan Avenue, North 12th Street, and North 11th Street. Future development and design should include streetscape elements mentioned previously.*
- **Bicycles:** *Integrate on-street facilities to best suit routing needs in and around Aggieville, including bike boulevards and lanes. Improve crossings at intersections to make them safer and more comfortable for cyclists along North 11th, North 14th, and remont Streets. Provide well-designed and well-distributed racks throughout the area.*

Staff Findings

The proposed amendment to rezone the three properties conforms to the Future Land Use Map and the Land Use Policies of the Comprehensive Plan and conforms to the Aggieville Community Vision Plan.

15. The Zoning History of the Subject Property and Length of Time it has Remained Vacant as Zoned

1926:	Properties zoned B, Residence District – Allowed single and multiple family dwellings.
1965:	Properties zoned B-1, Multiple-Family Dwelling District – Allowed single and multiple family dwellings.
1970	Properties zoned R-3, Multiple-Family Residential District – Allows single and multiple family dwellings.

Staff Findings

The three lots comprising the rezone site have been developed for many years. The history of this property bears no hindrance to this rezone proposal.

16. Whether the Proposed District would be Consistent with the Intent and Purpose of these Regulations

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.

Rezoning these parcels to the C-3, Aggieville Business District, will not harm the public health, safety, and general welfare. And, rezoning these three parcels to C-3 will be compatible and should protect the values of the surrounding properties.

Staff Findings

The proposed C-3 district is consistent with the intent and purpose of the zoning ordinance.

17. The Relative Gain to the Public Health, Safety and Welfare that a Denial of the Proposed Amendment Would Accomplish, Compared with the Hardship Imposed upon the Individual Owner that would result from such Denial

There would be no gain to public health, safety and welfare if this request is denied,

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the public health, safety and welfare would remain the same as it is now. However, if this request is denied, these properties will not be able to be redeveloped to their full potential, as identified in the adopted Comprehensive Plan and Aggieville Community Vision Plan, and therefore would not contribute as fully to the economic vitality of Aggieville.

Staff Findings

There would be no relative gain to the public if this request is denied.

18. Whether Adequate Sewer and Water Facilities, Streets and other Needed Public Services Exist, or can be Provided to Serve the Uses that would be Permitted by the Proposed Zoning District

Public utilities currently are available and used on this site. The streets, sidewalks and other public services are sufficient to serve this location. The City is considering future pedestrian enhancements to facilitate easier crossing of N. 14th Street to the west of the rezone site.

Staff Findings

Adequate sewer and water facilities, streets and other necessary public services currently exist to serve all permitted uses within the proposed district that could be developed on the site.

13. Such Additional Matters as may Apply in Individual Circumstances

There are no other applicable factors.

12. The Recommendation of Permanent or Professional Staff

For this rezoning request, staff finds the properties are suited for the proposed C-3 District. This location is at the western gateway into Aggieville, and the Comprehensive Plan along with the Aggieville Community Vision Plan identify these properties as part of the Aggieville District. The purpose of this rezone request is to allow the applicant to redevelop these lots into a “proposed” mixed-use building which is suitable for this neighborhood.

Staff’s Conclusion

Based on the findings found in this Staff Report, City Administration recommends approval of the proposed rezoning of 530 N. 14th Street, 532 N. 14th Street, and 1323 Laramie Street from R-3/UO, Multiple Family Residential with University Overlay, to C-3, Aggieville Business District.

ALTERNATIVES

1. Recommend approval of the proposed rezoning of 530 N. 14th Street, 532 N. 14th Street, and 1323 Laramie Street from R-3/UO, Multiple Family Residential District with University Overlay, to C-3, Aggieville Business District stating the findings for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific findings 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 530 N. 14th Street, 532 N. 14th Street, and 1323 Laramie Street from R-3/UO, Multiple Family Residential District with University Overlay, to C-3, Aggieville Business District based on the findings in the Staff Report.

Prepared by: Carol Davidson, CFM, CPM, Senior Planner of the Community Development Department

Date: March 7, 2018

Enclosures: map, responses, Neighborhood Meeting Report, zoning map, Future Land Use Map, R-3, UO, and C-3 Zoning Regulations