



MINUTES
CITY COMMISSION MEETING
TUESDAY, APRIL 17, 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, Deputy City Clerk Brenda K. Wolf, 12 staff, and approximately 16 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Morse led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Morse proclaimed April 16-20, 2018, ***The Week of the Young Child***. Kasey Kile, Director of Professional Development, Kodo Kids, and President, Kansas Association for the Education of Young Children; Berni Howe, Trainer, Kansas Child Care Training Opportunities, and Board of Directors, Kansas Association for the Education of Young Children; and Chelsie Yokum, Graduate Student, Kansas State University, and Board of Directors, Kansas Association for the Education of Young Children, were present to receive the proclamation.

Mayor Morse proclaimed April 22-28, 2018, ***Pest and Bed Bug Awareness Week***. Ravi Sachdeva, Chief Executive Officer/Owner, American Pest Management, Inc., was present to receive the proclamation.

Mayor Morse proclaimed April 26, 2018, ***Arbor Day***. J. David Mattox, Forestry Supervisor, City of Manhattan, was present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner McKee commented that on Thursday, April 12, 2018, he attended a public forum called Community Solutions to Affordable Housing with over 100 participants. He said the group will continue to meet and that if someone has concerns or any insight or any knowledge about affordable housing or housing issues in Manhattan that could add value to the conversation, he stated that there is information on Facebook and the group will be hosting additional events.

Commissioner Butler highlighted that on Friday, April 20, 2018, is opening day at the Greater Manhattan Community Foundation and encouraged everyone to participate and can do so online. He stated that the agencies get matched and there are a lot of worthwhile agencies, especially social service agencies. He encouraged everyone to help out and it would benefit a lot of agencies in the city.

Commissioner Reddi congratulated Jim Armendariz, principal at Ogden Elementary School, who will be the 15th Inductee into the Teachers Hall of Fame. There will be an open reception on April 26, 2018, at 3:15 p.m. at the school. She said what an incredible honor for Ogden but also for USD 383. She mentioned that the Rotary has been doing One Tree One Rotarian event.

Commissioner Dodson stated that the Rotary Clubs planted 77 mature trees last fall and will be planting more trees this spring. By the time they're done, they will have planted more than 500 trees. He also mentioned the Polish the Apple that is going on and explained that it is neighbors helping neighbors.

Mayor Morse announced that on Wednesday, April 18, 2018, at 8 a.m., at Headquarters Fire Station, there will be a Fair Housing seminar and highlighted some sessions that will be available. She also mentioned that on Wednesday, April 18, 2018, at 6:30 p.m., at the Flint Hills Discovery Center, there will be a Monarch Butterfly Watch Program. On Saturday, April 21, 2018, there will be a Party for the Planet for Earth Day at the Sunset Zoo from noon – 4:30 p.m. Also on Saturday, April 21, 2018, there will be Expedition Asia Media Day at the Sunset Zoo for a progress update and announcement on Expedition Asia. She also mentioned the Flint Hills Regional Conference that will be held on May 16, 2018, at the Hilton Conference Center, to promote and develop the region.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, April 3, 2018.

CLAIMS REGISTER NOS. 2880 AND 2881

The Commission approved Claims Register Nos. 2880 and 2881 authorizing and approving the payment of claims from March 28, 2018 – April 10, 2018, in the amounts of \$5,181.50 and \$3,182,180.32, respectively.

LICENSE

The Commission approved an annual Cereal Malt Beverages Off-Premises License for Hy-Vee #1398, 601 3rd Place.

FINAL PLAT – MATC ADDITION, UNIT 2

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the MATC Addition, Unit 2, generally located west of Seth Child Road, north of Dickens Avenue, east of Wreath Avenue, and south of Lundin Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 7350 – REZONE – 530 AND 532 NORTH 14TH STREET AND 1323 LARAMIE STREET (R-3/UO TO C-3)

The Commission approved Ordinance No. 7350 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. 1*), and the recommendation of the Manhattan Urban Area Planning Board Planning Board.

RESOLUTION NO. 041718-A – SET BOND SALE DATE – GOB SERIES 2018-A

The Commission approved Resolution No. 041718-A setting May 15, 2018, as the date to sell \$19,355,000.00 in General Obligation Bonds (Series 2018-A).

FIRST READING – ISSUE – GENERAL OBLIGATION BOND SERIES 2018-A

The Commission approved first reading of an ordinance issuing \$19,355,000.00 in general obligation bonds (Series 2018-A) for the following 29 public improvement districts: *Enclave Addition, Unit 1 – Sanitary Sewer (SS1411), Street (ST1410), and Water (WA1409); Grand Estates Addition – Sanitary Sewer (SS1508), Street (ST1508), and Water (WA1508); Grand Luxe Addition – Sanitary Sewer (SS1408),*

CONSENT AGENDA (CONTINUED)

FIRST READING – ISSUE – GENERAL OBLIGATION BOND SERIES 2018-A (CONTINUED)

Street (ST1407), and Water (WA1407); Grand Mere Parkway, Phase 1 – Street (ST1411); The Highlands at Grand Mere, Unit One, and Prairie Village at the Highlands, Unit One – Sanitary Sewer (SS1714); Interlachen Addition – Sanitary Sewer (SS1318), Street (ST1325), and Water (WA1321); Interlachen Villas Addition, Unit 1 – Sanitary Sewer (SS1318), Street (ST1325), and Water (WA1321); Lee Mill Heights Addition, Unit Nine – Sanitary Sewer (SS1412), Street (ST1412), and Water (WA1410); Lot 2, Downtown Entertainment District, Unit Three – Street (ST1318); Merion Addition – Sanitary Sewer (SS1414), Street (ST1417), and Water (WA1412); Muirfield Addition, Phase 1 – Sanitary Sewer (SS1417); Scenic Meadows Addition, Unit 3, Phase 3 – Street (ST1421); Stone Valley Addition, Unit 2 – Sanitary Sewer (SS1413), Street (ST1413), and Water (WA1411); and Turnberry Addition – Sanitary Sewer (SS1416), Street (ST1419), and Water (WA1414); and seven (7) capital projects: Parks and Recreation Expansion Project (SP1206); North Manhattan Avenue/Kimball Avenue to Research Park Drive Intersection Improvements, Phases 1 and 2 – Street (ST1422); CiCo Tributary Detention Basin – Storm Drainage (SM1305); Bluemont Hill Waterline – Water (WA1211); Central Basin Sewer Improvements related to Denison Avenue and Anderson Avenue – Sanitary Sewer (SS1509); Central Basin Sewer Improvements related to 14th Street – Sanitary Sewer (SS1510); and Anneberg Park Sports Field and Lighting Improvements Project (CP1405).

AWARD CONTRACT – 2018 CURED-IN-PLACE PIPE SEWER LINING (SS1801)

The Commission awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$486,428.00 with SAK Construction, LLC, of O’Fallon, Missouri, for the 2018 Cured-in-Place-Pipe Sewer Lining Project (SS1801).

AWARD CONTRACT – 2018 SANITARY SEWER MANHOLE REHABILITATION (SS1802)

The Commission awarded and authorized the Mayor and City Clerk to execute a contract in the amount of \$55,512.50 with Mayer Specialty Services, of Goddard, Kansas, for the 2018 Sanitary Sewer Manhole Rehabilitation Project (SS1802).

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – SOUTH DELAWARE AVENUE STORMWATER (SM1706, CIP #SW081P), WATER (WA1715, CIP #WA166P), AND SANITARY SEWER (SS1722) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,257,833.00, and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$1,091,137.30 to Bayer Construction Company, Inc., of Manhattan, Kansas, for the South Delaware Avenue Stormwater (SM1706, CIP #SW081P), Water (WA1715, CIP #WA166P), and Sanitary Sewer (SS1722) Improvements.

CONTRACT AMENDMENT NO. 2 - SOUTH DELAWARE AVENUE IMPROVEMENTS (SM1706, CIP # SW081P)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 2 for construction administrative services in an amount not to exceed \$13,860.00 with Alfred Benesch & Company, of Manhattan, Kansas, for the South Delaware Avenue Stormwater Improvements (SM1706, CIP # SW081P).

FIRST READING – ISSUE GENERAL OBLIGATION BONDS (2018-A) - SOUTH DELAWARE AVENUE STORMWATER (SM1706, CIP #SW081P), IMPROVEMENTS

The Commission approved first reading of an ordinance authorizing the issuance of General Obligation Bonds to finance the costs of the South Delaware Avenue Stormwater (SM1706, CIP #SW081P) Improvements.

OUTSIDE CITY SEWER AGREEMENT – 1608 HILL VALLEY DRIVE (VALLEYWOOD)

The Commission authorized the Mayor and City Clerk to execute an outside city limits water service connection agreement with Casey Maransani, President of Italian Estates, Inc., a Kansas Corporation, for the property located at 1608 Hill Valley Drive, Riley County, Kansas.

AMEND – ADMINISTRATIVE PLAN - CDBG HOUSING REHABILITATION PROGRAM

The Commission approved the proposed amendments to the Administrative Plan for the Manhattan Community Development Block Grant Housing Rehabilitation Program.

CONSENT AGENDA (CONTINUED)

PURCHASE – FIRE DEPARTMENT (UNIT #119) – FIRE BRUSH TRUCK (CIP #FR052P)

The Commission authorized the purchase of a F-550 4WD Four Door Cab and Chassis Brush Truck (CIP #FR052P), to replace Unit #119 for the Fire Department, from Weis Fire and Safety Equipment, of Salina, Kansas, in the amount of \$113,260.00 (Base Bid plus all options), to be paid from the Fire Equipment Reserve, and authorized the disposal of the tank and pump skid unit.

LEASE PURCHASE - FIRE DEPARTMENT (UNIT #119) – FIRE BRUSH TRUCK (CIP #FR052P)

The Commission authorized the Mayor and/or City Clerk to execute the lease purchase agreement for purchase of a F-550 4WD Four Door Cab and Chassis Brush Truck (CIP #FR052P), to replace Unit #119 for the Fire Department (CIP #FR052P).

PAYMENT – 2018 VETERINARIAN SERVICES – SUNSET ZOO

The Commission approved and authorized the payment of \$21,069.81 to the College of Veterinary Medicine for veterinary services during 2018 at the Sunset Zoological Park.

APPOINT – STEERING COMMITTEE - ANTHONY AND EISENHOWER MIDDLE SCHOOL IMPROVEMENTS

The Commission approved the appointment of members to the Parks and Recreation Anthony and Eisenhower Middle School Improvements (SP1802) Design Steering Committee (*See Attachment No. 2*).

BOARD APPOINTMENTS

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

Bicycle and Pedestrian Advisory Committee

Appointment of Carol Sevin, 1030 Pierre Street, to fill the unexpired Kansas State University term of Brent Chamberlain. Ms. Sevin's term begins immediately and will expire on October 31, 2020.

Manhattan Urban Area Planning Board

Re-appointment of Debbie Nuss, 2404 Sumac Drive, to a three-year term. Ms. Nuss' term will begin May 1, 2018, and will expire April 30, 2021.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

CONSENT AGENDA (*CONTINUED*)

Commissioner Dodson moved to approve the consent agenda. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

DISCUSSION - UNIFIED DEVELOPMENT ORDINANCE (UDO), INCLUDING THE NEW ZONING DISTRICTS, PROPOSED ESTABLISHED NEIGHBORHOOD OVERLAY DISTRICT, ACCESSORY DWELLING UNITS, AND TINY HOME VILLAGES

Chad Bunger, Assistant Director of Community Development, presented the item. He explained what the Unified Development Ordinance (UDO) is, when the Zoning and Subdivision Regulations were last updated, highlighted the goals of the UDO, identified the consultants, provided where they are in the process to date, and provided where on the City website information can be found. He then provided details of the proposed new Zoning Districts and a number of different development options for residential districts (Standard Development, Clustered Development, and Master Planned Development); provided details of the proposed Established Neighborhood Overlay (ENO) District that will replace the Traditional Neighborhood Overlay (TNO) District and highlighted proposed changes to setbacks, lot coverage, and building design; provided details of the proposed Accessory Dwelling Units (ADU); provided details of the proposed Tiny Home Villages; and explained what the next steps are in the UDO process.

Chad Bunger, Assistant Director of Community Development, and Eric Cattell, Director of Community Development, answered questions from the Commission and provided clarification and additional information to the Commission.

Commissioner Dodson stated that he is skeptical of the ADU requirements and enforcement and wanted to see what's going to be in those houses.

Commissioner McKee stated that if the enforcement part of ADU is not right, then a lot could go wrong. He also has a fundamental philosophical problem with the inspection issue as a whole. If inspections are forced on UDOs, treating one segment of the market very different than the rest of the segment of the market, on a broader level he has a problem with that. He agrees with the enforcement side of it but if there were anything other than an inspection that could be explored, that would help that issue, and he would be open to it.

Mayor Morse had concerns about enforcement. She stated that there are older homes where every bedroom is rented out and the City does absolutely nothing about it. The tenants use one common bathroom and a common kitchen, which is more like a boarding house. But there is zero enforcement in that scenario. It's happening in the newer homes but there are

GENERAL AGENDA (CONTINUED)

DISCUSSION - UNIFIED DEVELOPMENT ORDINANCE (UDO), INCLUDING THE NEW ZONING DISTRICTS, PROPOSED ESTABLISHED NEIGHBORHOOD OVERLAY DISTRICT, ACCESSORY DWELLING UNITS, AND TINY HOME VILLAGES (CONTINUED)

more bathrooms. The City has been disadvantaged with their ability to enforce. She doesn't buy into where the neighbors report their neighbors, but also see the Board of Zoning Appeals (BZA) approve things to make a residence legitimized as a duplex. There are enough inconsistencies that the City can't enforce what there is.

Commissioner Reddi stated that she is on the fence with the ADU. Not only because of enforcement but the City won't know if it's being used as an Air BnB. As it is we are having a hard enough time, regardless of how much staff we have with registration inspection, we're adding an extra burden onto ourselves without really having to do that. So this can become that even if it is owner occupied and can evolve into so much more.

Commissioner Butler commented that the only thing that disturbs him is that we have an R-1 District and expect one family living next door. The ADU destroys that. For that reason, he probably would not support it. He also agreed that it will be abused, seeing strange things happening and all kinds of problems.

Commissioner Reddi stated that as far as tiny homes, she wants to be cautious how the City will do this and wants to look at how the trend is looking at places that already have tiny homes or villages. She wants a little bit more information and glad staff is looking at options.

Mayor Morse stated her interest is to allow tiny homes villages, to reach a point where we're comfortable so that if someone wants to develop or finance a village they are able to.

Mayor Morse opened the public comments.

Mary Ann Fleming, 215 S. 8th Street, officer of South Manhattan Neighborhood Association, stated she agrees with Commissioner Butler. You buy a house and think you have a quiet neighborhood and suddenly you have multiple duplexes on your block. She sees the big hassle would be enforcement and would lead to having to write a myriad of new regulations. She stated she wasn't sure where any simplification would be occurring. She also commented that she sees a problem with ADUs - concerned that there would not be adequate parking and doesn't see any meaningful way of enforcing occupancy either for the owners or the renters in the ADU. Unless she could see enforcement, she believes this is rather damaging proposal to the older neighborhoods.

GENERAL AGENDA (CONTINUED)

DISCUSSION - UNIFIED DEVELOPMENT ORDINANCE (UDO), INCLUDING THE NEW ZONING DISTRICTS, PROPOSED ESTABLISHED NEIGHBORHOOD OVERLAY DISTRICT, ACCESSORY DWELLING UNITS, AND TINY HOME VILLAGES (CONTINUED)

Kathy Dzewaltowski, 100 South Delaware Avenue, stated that the older neighborhoods were downzoned to R-1 and made more desirable for families. She believed that the ADU proposal would be taking the neighborhoods in the other direction, changing them back to R-2. She stated she sees the potential for abuse and doesn't support unless there's a way to strongly enforce and ensure they are used as intended.

Mel Borst, 1918 Humboldt Street, agreed with the concerns expressed by the Commission and by the prior speakers about the ADUs; however, he also sees where there could be a useful place for ADUs if neighborhoods are willing to accept them that are already zoned R-2. He thought it might boost the desirability of the neighborhoods that are threatened by being overtaken by rentals. He commented that in reviewing the UDO draft so far, it is difficult for him to compare the current Zoning Districts and regulations to what is proposed. He believed the current Zoning Regulations are clear and straightforward and would be more comfortable with the UDO if there was a way to compare the current to the proposed and do the same with the zoning classifications. He wondered why there was a need to change the classification of the Districts. As for the proposal to increase the lot coverage from 30% to 35%, he stated the 30% had been working well and it's not that hard to go to the BZA to request permission to increase lot coverage. Also with the current zoning regulations, he commented that pavement is not counted as lot coverage. He suggested that if going to 35% lot coverage that pavement be included. As for ADUs, he believed it would be upzoning the neighborhoods again and he didn't think his neighbors were aware. He suggested that if ADU's will be seriously considered, he suggested that the neighborhood organizations or associations be in the loop about what is being proposed.

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

Commissioner McKee stated that he is a little torn with the ADUs. He was concerned about quality issues faced with a lot of rentals currently. He doesn't have an interest in exploring ADUs unless an inspection program is explored on a broader scale. He stated that he has less concerns for tiny homes and wants more information and how it's working in other communities.

Mayor Morse stated that she would have to have assurance long-term that there would be enforcement where there isn't now.

GENERAL AGENDA (CONTINUED)

DISCUSSION - UNIFIED DEVELOPMENT ORDINANCE (UDO), INCLUDING THE NEW ZONING DISTRICTS, PROPOSED ESTABLISHED NEIGHBORHOOD OVERLAY DISTRICT, ACCESSORY DWELLING UNITS, AND TINY HOME VILLAGES (CONTINUED)

Commissioner Reddi stated that she is not for ADUs yet and may not ever be. She said that the reason for the UDO is to make it easier for developers and all of those involved, and to streamline it. She stated she was comfortable introducing something new and believed tiny homes were enough. She also hoped that this would reduce the number of issues going before the BZA and is what she wanted to see happen.

Commissioner Butler stated that he liked the changes proposed that would reduce the number of nonconformities and doesn't care for the ADU because it includes the R-1 District. He also stated that he liked the tiny home villages and is okay with moving forward with those and that it could help with the affordable housing issue.

Commissioner Dodson stated he does not support the ADU due to enforcement and included the R-1 District. He is concerned that the Commission will not have an opportunity to discuss what is in each one of the zones. He commented he likes PUDs so that you have some say over streetscape and other aspects.

Mayor Morse suggested to keep staffing in mind. She believed that there would be a trade off in staff time from the planning side to the enforcement side.

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

At 9:11 p.m., the Commission took a short break.

DISCUSSION - TAX INCREMENT FINANCE (TIF) OVERVIEW AND NEXT STEPS

Jason Hilgers, Deputy City Manager, highlighted the two TIF Districts that have been created, both dealing with revitalization and redevelopment of the Downtown area; areas that are eligible where a TIF District could be created; showed the enterprise zone where TIFs are eligible and a map of the Aggieville C-3 area that could be part of a TIF District; explained the process of establishing a TIF District; provided a tentative timeline for Phase 2 of the Aggieville Design, rezoning of the hotel, establishing the TIF boundary, and developing a TIF Redevelopment Plan for Aggieville; explained how the financing of TIF is figured and how a TIF works; and provided a breakdown of the mill levy and property taxes for Aggieville and the TIF base valuation.

Jason Hilgers, Deputy City Manager; and Ron Fehr, City Manager, answered questions and provided additional information to the Commission.

GENERAL AGENDA (CONTINUED)

DISCUSSION - TAX INCREMENT FINANCE (TIF) OVERVIEW AND NEXT STEPS (CONTINUED)

Commissioner Reddi commented that there are a lot of stakeholders that goes into the TIF process.

Commissioner McKee commented that it was important for the public to understand that it's not a tax increase but rather a redistribution of funds to be reinvested into the District.

Commissioner Dodson commented that TIF, Industrial Revenue Bonds (IRBs), tax relief, and economic development all fit under a similar umbrella. There is some advantage over the long term of writing encompassing economic policy that has all these pieces in it.

Commissioner Butler commented that he's all for proceeding with the process and handle the planning details later once it's approved.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

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

DISCUSSION - INDUSTRIAL REVENUE BOND (IRB) POLICY

Jason Hilgers, Deputy City Manager, highlighted the current Industrial Revenue Bond policy, the current Tax Abatement Policy, and the current Economic Development Policy; other cities IRB/Abatement policies; and sales tax exemption. He then answered questions from the Commission.

Commissioner McKee stated that language is incredible important and did not want to see the Commission overturning its own policies. He thought the competition clause should be eliminated stating it's about a sense of fairness, and about being transparent and straight forward about how the Commission will issue and making the tax incentives offered straightforward.

Commissioner Butler stated the current policy allows flexibility and should be kept. He commented the policy is an economic tool and to leave the flexibility in so the Commission can look at each request and tweak it so it makes sense.

Commissioner Reddi stated she is confident the way the policy is now and doesn't think any changes need to be made. She thought IRB financing and/or tax abatement should coincide with sales tax exemption as long as they are all in one spot and it does need to be easily referenced by whichever business wants to use it whether it's local or a corporation.

GENERAL AGENDA (*CONTINUED*)

DISCUSSION - INDUSTRIAL REVENUE BOND (IRB) POLICY (*CONTINUED*)

Commissioner Reddi commented that she does not want to exclude local businesses from the same opportunities corporations have because the City believes it would be better for the community; she was not sure what the minimum threshold is but thought it's something the Commission should look; she was not for payment in lieu of taxes (PILOT) unless someone could convince her why it should be done; and commented the competition clause didn't matter to her as competition is what it's about. She stated that for the most part, the Commission has done right by issuing IRBs.

Commissioner Dodson stated that all of these are tools that should be in an umbrella economic development policy; believes flexibility is important; thought the minimum threshold had to do with the return on investment (ROI) or even wanting to give some incentive to a local business that might want to expand; and wanted to do away with competition clause because it's confusing.

Mayor Morse agreed that this is an umbrella, the tools are there for the Commission to apply as they are appropriate. She thought it was difficult to speak to the minimum threshold of investment.

Mayor Morse wanted to remove the competition clause. She was also concerned about an entity paying their property taxes and did not want them to go to the Board of Tax Appeals to get out of it.

Bill Frost, Legal Counsel, provided information regarding whether it was possible to restrict a company from challenging the valuation of a property if the incentives were still active. He stated that in the original TIF District with the mall, the City put in provisions that the mall could not appeal their valuation because those tax revenues were germane to the bonds that were issued for the TIF. He stated that in the IRB context, the City might not be able to prevent them from appealing their valuation and put in a provision in that the abatement would go away if they appealed their valuation.

Commissioner Reddi stated that it's taxpayers money that is picking up the tab for some of the incentives a company is not paying for and the companies shouldn't have a second round at it.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

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

GENERAL AGENDA (CONTINUED)

DISCUSSION - COMMUNITY IMPROVEMENT DISTRICTS (CID)

Jared Wasinger, Assistant to the City Manager, provided an overview of the item, methods of financing, revenue sources, the two avenues to form a CID, eligible project costs, provided a comparison of a CID to a TDD and of other cities CID policies in Kansas.

Jared Wasinger, Assistant to the City Manager; Ron Fehr, City Manager; and Jason Hilgers, Deputy City Manager, answered questions from the Commission and provided additional information.

Commissioner McKee stated he would not place a minimum on the project cost.

Commissioner Butler stated he would not place a minimum on the project cost and is in favor of using CID as an economic tool.

Mayor Morse stated that she supported the CID and that it should move forward with the other economic development policies.

Commissioner Dodson stated that when this item comes back before the Commission, he asked that City staff run down the menu of the other cities and put something in all those blocks that's good for Manhattan. He wanted some targets, exclusions, thresholds, and minimum adjustments.

Commissioner Reddi stated this would provide more options to the community along with TDD and benefit districts. She wanted to see the property owner support percentage increased, somewhere between 55%-100%.

Mayor Morse opened the public comments.

Lyle Butler, President, Manhattan Area Chamber of Commerce, stated that the State of Kansas has taken away a lot of Economic Development incentives, so it's more important to have as many tools to use responsibly in the community. He also commented there is one legislator that would like to do away with CIDs.

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

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

ADJOURNMENT

At 11:00 p.m. the Commission adjourned.


Brenda K. Wolf, CMC, Deputy City Clerk

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

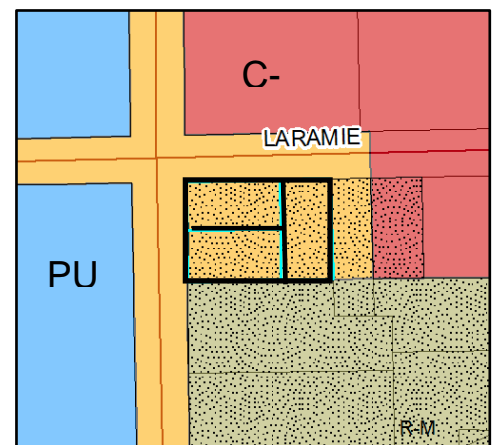
has one residential building on it with an additional detached one-car garage. All three lots are relatively flat and are not within the Special Flood Hazard Area and therefore do not require any extra floodplain measures.

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

Attachment No. 1

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.

7. 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

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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

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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.

8. 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.

9. 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.

10. 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.

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

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

Anthony and Eisenhower Middle School Improvements Design Steering Committee

FIRST NAME	LAST NAME	ADDRESS		FIRST NAME	LAST NAME	ADDRESS
Adam	Braxmeyer	3613 Eastridge Circle		Josh	Salmans	1324 Sharingbrook Dr
Aimee	Hawkes	6232 Canary Lane		Julie	Gibbs	2216 Butternut Ln
Andy	Cassel	1617 Denholm		Karl	Kunz	2809 Tatarax Drive
Ann	Cook	2834 Oregon Ln		Kenny	Cecil	2105 Timber Creek Dr
Anthony	Carpenter	1848 Virginia Drive		Kilee	Debita	321 Dix Dr
Barbara	Clark	1815 Virginia Dr		Kiley	Moody	2212 Casement Rd
Barbie	Anderson	116 EJ Frick Dr		Kitra	Schartz	3301 Ashwood Cir
Ben	Burton	3618 Vanesta Drive		Kyle	Green	1944 Strong Ave
Bernie	Haney	3612 Eastridge Cir.		M.L.	Latimore	722 Fairman Dr
Brian	Hough	2300 Chris Dr		Mike	Dillon	2823 Illinois Ln
Candice	McIntosh	1125 Westport Drive		Nick	Lander	2401 Timerlane Dr
Chad	Tepe	2201 Seaton Ave		Odell	Thomas	805 Goodrich Dr
Daniel	Crouch	3304 Pinewood Ln		Sara	Hammon	3408 Churchill St
Debbie	Nuss	2404 Sumac Dr		Sarah	Siders	2220 Griffith Terrace
Denise	Simonds	146 Bethany Drive		Scott	Velasquez	204 Northfield Rd
Diane	Born	1318 Lafayette Dr		Shannon	Greenwood	2923 Nevada Str
Douglas	Neal	717 Highland Ridge Dr		Steve	Martini	3606 Silver Creek Rd
Ed	Klimek	2928 Gary Ave		Thesiaus	Robinson	9078 Tonya Terrace
Emily	Mailey	708 Gillespie Dr		Thomas	Kerrigan	2125 Sloan Str
Gail	Urban	1627 Wyndham Hts Dr		Tina	Greim	2204 Londondery Dr
Gerit	Garman	1000 Highland Ridge		Travis	Hecht	2630 Claflin Rd
Jenny	Yuen	1301 Leone Ridge Dr		Travis	Say	3929 Snowy Reach
John	Conley	3409 Vanesta Circle				