



MINUTES
SPECIAL CITY COMMISSION MEETING
TUESDAY, JANUARY 8, 2019
7:00 P.M.

The Special Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Michael L. Dodson and Commissioners Usha Reddi, Wynn Butler, Jerred McKee, and Linda Morse were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 8 staff, and approximately 25 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Dodson led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Dodson proclaimed January 19-21, 2019, ***Dr. Martin Luther King, Jr. Community Celebration and Days of Service***. Kevin Bryant, Co-Chair; Deb Nuss, Treasurer; and Kait Long, Hands on Kansas State University, Manhattan Martin Luther King, Jr. Committee, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Dodson opened public comments and highlighted the public comment process.

Charles Henry, 714 Fairman Drive, asked for further information on Consent Agenda Item H, regarding the Riley County Detention Pond Improvements.

Mayor Dodson asked that he provide his comments during the Consent Agenda public comment period.

PUBLIC COMMENTS (CONTINUED)

Mark Hatesohl, representing St. Luke's Lutheran Church, provided an update to the Commission regarding their continued difficulties with Pavers, Inc. He stated that there was a verbal agreement between Pavers, Inc., and the Church for them to use their site for the West Anderson Avenue project and then provide the Church with crushed concrete; however, this has not happened. He provided additional information and concerns since he spoke with the Commission in November 2018. He asked the Commission for their help and requested they approve the City Manager or Director of Finance to write a letter to Pavers, Inc., on their behalf addressing their concerns as well as suspend payments from the City of Manhattan to Pavers, Inc., until they finish what they promised with the Church.

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

COMMISSIONER COMMENTS

Commissioner Butler stated that the annual Chamber Leaders Retreat is coming up and voiced concern with the amount of taxpayer dollars being spent to attend the Retreat.

Commissioner Reddi wished everyone a Happy New Year and to be careful driving as Kansas State University students will soon be back in the community.

Ron Fehr, City Manager, commented on the limited impact of the Federal government shutdown on City operations. He stated that most of the impact in the community are Federal employees that are directly impacted.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, December 18, 2018.

CLAIMS REGISTER NO. 2898

The Commission approved Claims Register No. 2898 authorizing and approving the payment of claims from December 12, 2018 – December 31, 2018, in the amount of \$1,889,056.98.

CONSENT AGENDA (CONTINUED)

LICENSES

The Commission approved a Merchant Guard Agency License for calendar year 2019 for Prudential Security Inc., 20600 Eureka Road #900, Taylor, Michigan; an annual Cereal Malt Beverages Off-Premises License for Wildcat Creek Fun and Fitness, 800 Anneberg Circle; and an annual Cereal Malt Beverages On-Premises License for Wingstop #954, 1126 Moro Street.

ORDINANCE NO. 7394 – REZONE – 1810-1812 TODD ROAD

The Commission approved Ordinance No. 7394 rezoning 1810-1812 Todd Road from R-3, Multiple-Family Residential District, to R-3/UO, Multiple-Family Residential with University Overlay 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.

ORDINANCE NO. 7395 – REPEAL – PUBLIC USE OF MEMORIAL AUDITORIUM AND COMMUNITY BUILDING

The Commission approved Ordinance No. 7395 amending Chapter 23 of the Code of Ordinances by repealing Article III regarding Public Use of the Memorial Auditorium and Community Building.

ORDINANCE NO. 7396 – AMEND – CEMETERY FEES

The Commission approved Ordinance No. 7396 amending Chapter 9 of the Code of Ordinances relating to the fees for the City-owned and operated cemeteries.

DEVELOPMENT AGREEMENT – WALTERS-MORGAN CONSTRUCTION, INC. – WATER IMPROVEMENTS (WA1816)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Construction of Public Infrastructure by the Developer, Walters-Morgan Construction, Inc., of Manhattan, Kansas, for public water (WA1816) improvements.

*

AWARD CONTRACT – RILEY COUNTY DETENTION POND IMPROVEMENTS (SM1801, CIP #SW085P)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$320,295.00 for the Base Bid and \$29,075.50 for the Alternate; awarded and authorized the Mayor and City Clerk to execute a construction contract to Ebert Construction Co., Inc., of Wamego, Kansas, in the amount of \$338,855.38 (Base Bid in the amount of \$303,791.48 and Alternate in the amount of \$35,063.90) for the Riley County Detention Pond Improvements (SM1801, CIP #SW085P).

CONSENT AGENDA (CONTINUED)

FIRST READING - ISSUE TEMPORARY NOTES - RILEY COUNTY DETENTION POND IMPROVEMENTS (SM1801, CIP #SW085P)

The Commission approved first reading of an ordinance authorizing the issuance of temporary notes to finance the Riley County Detention Pond Improvements (SM1801, CIP #SW085P) project.

SECOND AMENDMENT – KDHE LOAN – WATER TREATMENT PLANT IMPROVEMENTS (WA1403)

The Commission authorized the Mayor and City Clerk to execute the Second Amendment to the Loan Agreement between the City of Manhattan, Kansas and the State of Kansas, acting by and through the Kansas Department of Health and Environment, which funds the Water Treatment Plant Improvements Project (WA1403, KDHE KPWSLF Project No. 2895), revising the amortization amount to reflect a new semi-annual repayment amount of \$143,338.05.

*** LEASE PURCHASE – PIERCE ULTIMATE CONFIGURATION VELOCITY QUINT (CIP #FR031E)**

Scott French, Fire Chief, responded to questions from the Commission and provided additional information on the need to purchase the Velocity Quint fire truck.

The Commission accepted the recommendation of the Apparatus Committee and Fire Department Staff; authorized City Administration to sell outright the 2001 E-ONE quint truck; and authorized the Mayor to execute a contract with Pierce Manufacturing Inc., of Appleton, Wisconsin, through Conrad Fire Equipment, of Olathe, Kansas, for the direct purchase of a Pierce Ultimate Configuration Velocity Quint (CIP #FR031E), in the amount of \$1,094,876.05, utilizing the H-GAC buying program.

*** FIRST READING - LEASE PURCHASE AGREEMENT - PIERCE ULTIMATE CONFIGURATION VELOCITY QUINT (CIP #FR031E)**

Scott French, Fire Chief, responded to questions from the Commission and provided additional information on the need to purchase the Velocity Quint fire truck.

The Commission approved first reading of an ordinance authorizing the Mayor and/or the City Clerk to enter into a lease purchase agreement with Clayton Holdings, LLC, for the purpose of acquiring a Pierce Ultimate Configuration Velocity Quint (CIP #FR031E).

CONSENT AGENDA (CONTINUED)

CONSENT - TEMPORARY CONSTRUCTION EASEMENT - KANSAS DEPARTMENT OF AGRICULTURE LAB

The Commission authorized the Mayor and City Clerk to execute the Consent to the Temporary Construction Easement for New Kansas Department of Agriculture Lab as the lessee of the KSU-IC building located on Lot 3, K-State Research Park, Unit 1.

- * **EASEMENTS - KANSAS DEPARTMENT OF AGRICULTURE LAB**
Commissioner Morse stated that she supported easements necessary for the Kansas Department of Agriculture Lab site.

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute the necessary stormwater and utility easements necessary for the Kansas Department of Agriculture Lab site located on Lot 3, K-State Research Park, Unit 1.

- * **PAYMENT – 2019 LEAGUE OF KANSAS MUNICIPALITIES MEMBERSHIP**
Commissioner Butler asked for justification for using the Water, Wastewater and Stormwater Funds to help pay for the League of Kansas Municipalities membership.

Ron Fehr, City Manager, responded to questions from the Commission and provided an overview on the membership benefits as it relates to utilities.

The Commission authorized the 2019 Membership payment in the amount of \$24,341.14 to the League of Kansas Municipalities for the City's annual membership contribution from General Services in the General Fund, the Water Fund, the Wastewater Fund, the Stormwater Fund, and the Industrial Promotion Fund.

- * **PAYMENT – 2019 FLINT HILLS METROPOLITAN PLANNING ORGANIZATION**
Commissioner Butler stated the Flint Hills Metropolitan Planning Organization is doing a fantastic job with transportation efforts.

The Commission authorized payment of the 2019 Flint Hills Metropolitan Planning Organization annual assessment up to a maximum of \$73,825.81, and authorized the first installment in the amount of \$36,912.91 to the Flint Hills Metropolitan Planning Organization, to be paid from Outside Services in the General Fund.

CONSENT AGENDA (CONTINUED)

- * **PAYMENT – 2019 FLINT HILLS REGIONAL COUNCIL MEMBERSHIP**
Commissioner Butler voiced concern with the long-term membership benefits of the Flint Hills Regional Council.

The Commission authorized City Administration to finalize the 2019 membership payment in the amount of \$31,368.60 to the Flint Hills Regional Council for the City's annual membership contribution from the Industrial Promotion Fund.

- * **BOARD APPOINTMENTS**
Commissioner Butler stated that he wanted appointments to the Cemetery Board to be open-minded to the concept of green burials and said that he has not spoken with the individual being recommended to the Cemetery Board.

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

Aggieville Business Improvement District Advisory Board

Appointment of George Matthews, 1002 Houston Street, to a three-year term. Mr. Matthews' term begins immediately and will expire December 31, 2021.

Cemetery Board

Appointment of Darren Baker, 1509 Little Kitten Avenue, to a three-year term. Mr. Baker's term begins immediately and will expire December 31, 2021.

Downtown Business Improvement District Advisory Board

Appointment of Scott Augustine, 1400 Waterford Place Apartment 7, to a two-year term. Mr. Augustine's term begins immediately and will expire December 31, 2020.

Mayor Dodson opened the public comments.

Charles Henry, 714 Fairman Drive, asked for further information on Consent Agenda Item H, regarding the Riley County Detention Pond Improvements.

Brian Johnson, City Engineer, presented an overview on the item as well as an aerial of the site and benefits of the project. He then responded to questions from the Commission.

Ron Fehr, City Manager, provided additional information on the item.

Rob Ott, Director of Public Works, responded to questions from the Commission and provided additional information on the status of the detention pond improvements.

CONSENT AGENDA (*CONTINUED*)

Hearing no further comments, Mayor Dodson closed the public comments.

After comments from the Commission, Commissioner Reddi moved to approve the consent agenda. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item N, PAYMENT – 2019 FLINT HILLS REGIONAL COUNCIL MEMBERSHIP, which carried 4-1, with Commissioner Butler voting against the item; and, Item O, BOARD APPOINTMENTS-*Cemetery Board*, which carried 4-1, with Commissioner Butler voting against the Cemetery Board appointment.

PUBLIC HEARING

PUBLIC HEARINGS - KIMBALL TOWNHOMES AND FOUR WINDS VILLAGE TRANSPORTATION DEVELOPMENT DISTRICTS (TDDs)

Brian Johnson, City Engineer, presented an overview of the item. He highlighted maps of the proposed Transportation Development Districts, a map of the area to be vacated by the Plat, and background information on the TDDs. He then responded to questions from the Commission regarding the Districts.

Ron Fehr, City Manager, provided additional information on the item.

Mayor Dodson opened the public hearing for the Kimball Townhomes TDD.

Hearing no comments, Mayor Dodson closed the public hearing.

Mayor Dodson opened the public hearing for the Four Winds Village TDD.

Hearing no comments, Mayor Dodson closed the public hearing.

FIRST READINGS - KIMBALL TOWNHOMES AND FOUR WINDS VILLAGE TRANSPORTATION DEVELOPMENT DISTRICTS (TDDs)

Commissioner McKee moved to find the creation of the Kimball Townhomes Transportation Development District (TDD) and the Four Winds Village TDD advisable, and approve first readings of Ordinances establishing the Kimball Townhomes TDD and the Four Winds Village TDD. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING - ANNEX AND REZONE - LOT 1, ST. LUKE'S ADDITION (RILEY COUNTY AG, AGRICULTURAL DISTRICT, TO R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT)

Chad Bunger, Assistant Director of Community Development, provided an overview of the item. He highlighted a map of the proposed annexation and rezoning as well as responded to questions from the Commission regarding the site and flooding considerations. He reiterated that the Manhattan Area Urban Planning Board and City Administration recommends approval.

Rob Ott, Director of Public Works, responded to questions from the Commission and provided additional information on the benefits of the water main and sanitary sewer.

Brian Johnson, City Engineer, provided a map of the water lines in the District and highlighted the advantages of looping the system as well as the opportunity to abandon unnecessary lift stations in the future.

Rob Ott, Director of Public Works, informed the Commission that creating additional loops in the system and redundancy are important aspects of the plan.

Mark Hatesohl, representing St. Luke's Church, responded to questions from the Commission. He provided a proposed timeline on the project and start of construction.

Mayor Dodson opened the public comments.

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

After discussion and comments from the Commission, Commissioner Morse moved to approve first reading of an ordinance annexing Lot 1, St. Luke's Addition, a 28.2 acre platted lot generally 3,500 feet west of the intersection of Kimball Avenue/North Scenic Drive/Anderson Avenue, 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; and approve first reading of an ordinance rezoning Lot 1, St. Luke's Addition, a 28.2 acre platted lot generally 3,500 feet west of the intersection of Kimball Avenue/North Scenic Drive/Anderson Avenue from Riley County AG, Agricultural District, to R-1, Single-Family Residential 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 McKee seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

FIRST READING - INCREASE - TRANSIENT GUEST TAX

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted the recent history of the Transient Guest Tax (TGT), discussed the Manhattan Conference Center expansion proposal, and presented information on the proposed improvements and annual revenue sources identified. He responded to questions from the Commission regarding the amount projected from the TGT and increase with additional rooms, clarified the CVB funds budgeted, and provided information on outstanding STAR bonds.

Bernie Hayen, Director of Finance, and Ron Fehr, City Manager, responded to questions from the Commission on the projected bond rate and type of bonds.

Jason Hilgers, Deputy City Manager, presented an overview of the Manhattan Conference Center and agreement with HCW and the City of Manhattan. He then responded to questions from the Commission regarding the original loan, disbursement of TGT funds, the age of the Manhattan Conference Center, and plans to reinvest in the property.

After comments from the Commission, Jason Hilgers, Deputy City Manager, responded to additional questions from the Commission and clarified the proposed action for the Commission to consider first reading of a Charter Ordinance increasing the Transient Guest Tax rate by .5% to a total of 7.5%. He highlighted TGT rates of other first class cities in Kansas and discussed considerations increasing the TGT rate.

Karen Hibbard, Director, Manhattan Convention and Visitors Bureau, informed the Commission that the Convention and Visitors Bureau (CVB) Steering Committee Advisory Board discussed this topic at length and was in agreement that the Conference Center expansion is needed and provides an opportunity for other hoteliers too. She responded to questions from the Commission on the use of TGT funds and return on investment.

Katie Jackson, City Attorney, responded to questions from the Commission regarding the Charter Ordinance.

Jason Hilgers, Deputy City Manager, provided additional information on the use of TGT and debt on the Manhattan Conference Center. He stated that the Commission will need to work through the financing of the annual debt with the City budget process.

Commissioner Butler stated that he would support the item presented and the expansion of the Conference Center. However, he did not want to use property taxes to pay for the debt of the expansion. He also voiced concern using the Bond and Interest Fund rather than the Economic Development Fund to help pay down debt related to the Conference Center.

GENERAL AGENDA (CONTINUED)

FIRST READING - INCREASE - TRANSIENT GUEST TAX (CONTINUED)

Ron Fehr, City Manager, responded to questions from the Commission on financing the annual debt and opportunity to revisit the item during the Budget process. He discussed the development agreement with HCW and the intent to use the TGT increase for the Conference Center expansion.

Jason Hilgers, Deputy City Manager, provided additional information on the use of TGT funds and discussed the prior use of TGT funds for the Flint Hills Discovery Center and current use for Anneberg Park improvements. He reiterated that the TGT funds are at the discretion of the City Commission.

Commissioner Reddi stated that she can support the item without having a financial impact required directly from the City. She stated the expansion will allow the City to bring in more conferences, draw more revenue and be a benefit to the community.

Mayor Dodson opened the public comments.

Lyle Butler, President and Chief Executive Officer (CEO), Manhattan Area Chamber of Commerce, informed the Commission that there are conference centers in Kansas that are owned by cities, such as Wichita, Hutchinson, and Overland Park. He voiced support of the concept. He stated that this facility is paying significant property taxes and will be paying more taxes with the expansion of the Conference Center.

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

Ron Fehr, City Manager, stated the property is in the TIF District and is not eligible to issue an abatement on the project.

Commissioner Reddi talked about dark stores and the need to look at future agreements that provide public incentives to commercial properties.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission and highlighted economic development policies and approaches available to the Commission.

After discussion of the Commission, Commissioner Butler moved to approve first reading of a charter ordinance increasing the transient guest tax rate to 7.5%. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

REQUEST FOR PROPOSALS - REDEVELOPMENT OF THE COMMUNITY HOUSE/BUILDING

Commissioner Butler moved to remove item from the table. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted the history and background information on the Community House. He presented an overview on the draft criteria for the Request for Proposals (RFP) and proposed timeline. He asked for feedback from the Commission and if acceptable, stated that City staff would proceed forward with the RFP process.

Commissioner McKee stated that his main concern is what happens years from now if the developer decides to sell the property or changes direction on the use of the Community Building.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission in the event there would be a transfer of ownership. He stated that language could be provided in the agreement, using the Manhattan Town Center lease as an example, that the property could not be sold without approval from the Commission.

Commissioner Butler stated that legal language could be used in the agreement to be sure the building doesn't disappear. He said the RFP proposal request allows for a collection of viable ideas to be reviewed. He stated the City needs to repurpose the property and talked about the Community House being an asset for the City and not a liability. He provided background information on the work conducted by Bruce McMillan and examination for use by social services, but did not go forward. He stated that he was open to different proposal spectrums and voiced support to move forward with the RFP process.

Ron Fehr, City Manager, responded to questions from the Commission and provided improvements that have been made to the Community House.

Commissioner Reddi stated that she wanted to keep the historic nature of the Community House and discussed the history and partnerships with the Rotary Club and military. She voiced support to have experts on the Committee to look at all levels of this and to maintain the historic designations.

Mayor Dodson opened the public comments.

GENERAL AGENDA (*CONTINUED*)

REQUEST FOR PROPOSALS - REDEVELOPMENT OF THE COMMUNITY HOUSE/BUILDING (*CONTINUED*)

Linda Glasgow, 2236 Snowbird Drive, asked for clarification on the process and stated that one of the key aspects associated with a historic building is tax credits. She informed the Commission that she contacted the State Historic Preservation Office (SHPO) and discussed the need to send this to the National Park Service for consideration of eligibility for tax credits. She voiced concern with the proposed timeline, given the National Park Service is shut down currently and stated the timeline will be an important consideration if this is a viable project. She also informed the Commission that her preference would be for the City to retain ownership of the building and asked that residents are kept informed, and that the process be a very transparent process.

Bill Richter, 2383 Grandview Terrace, member Manhattan Rotary Club, stated that he appreciated comments made in support of maintaining the historical significance of the building and background information. He provided background information on the Community House and its relationship with the military and the financial contributions by the Rotarians to support the military troops. He informed the Commission that the building is part of the heritage of the community's relationship with the military and hoped that this was written into the RFP and recognized as an important part of the past.

Kevin West, 321 North 16th Street, Historic Resources Board member, stated that he appreciated the Commission slowing the process down a bit and that it is important to remember that this building is a long-term investment. He said it is important to retain the spirit of the building with some sort of community function. He also stated that maintenance has been deferred for many years on the Community House and when money is not put back into the building, it is essentially demolition by neglect. He encouraged the Commission to ensure this is an open process and that members of the Selection Committee are open to ideas and that there is no financial interest for those serving on the Committee.

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

Jason Hilgers, Deputy City Manager, responded to questions from the Commission regarding the selection and proposal process.

Commissioner McKee stated that he played dodge ball in the Community House and said there are issues with deferred maintenance. He said that he would be shocked if there would be a viable proposal without tax credits. He wanted to ensure that if a developer were to sell the property, the sale would be pending based on City Commission approval. He also wanted to see the RFP's from proposers to also be reviewed by the Historic Resources Board as well as the Parks and Recreation Advisory Board, and he was generally supportive of the item.

GENERAL AGENDA (*CONTINUED*)

REQUEST FOR PROPOSALS - REDEVELOPMENT OF THE COMMUNITY HOUSE/BUILDING (*CONTINUED*)

Commissioner Butler stated that the chairs of the Parks and Recreation Advisory Board and Historic Resources Board could be part of the Selection Committee. He said that he was not concerned with tax credits slowing down the RFP process and said there would be an agreement as another step in the process.

Commissioner Reddi stated that there is not a rush and that the process could wait a couple of months to start. She wanted to keep the historic designations and highlighted the significance of the Community House's presence in Manhattan and the history.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission regarding tax credits, proposed timeline, and considerations on the process.

Mayor Dodson stated that additional requirements on the RFP will drive up costs and the use of tax credits should be up to those submitting the proposal. He highlighted his experience at Fort Riley and working with SHPO on historic structures. He stated the eight items listed in the draft RFP criteria would help make a rational choice. He said the City has to do something else with the Community House as would take \$2.5 million to put into operation and that is money the City does not have.

Commissioner Morse wanted to ensure that the state and national historic designations of the Community House are maintained as well as the integrity of the building. She voiced support to proceed with the RFP process and also wanted to be on the Selection Committee.

Commissioner McKee asked about the mechanisms that the City has to preserve the building after potentially reaching an agreement with a developer. He reiterated his concerns that if after 10 years from now, a developer decides to sell the building or change direction, what recourse does the City have.

Commissioner Butler highlighted the eight items listed in the draft RFP criteria. He reiterated that he also wanted to serve of the Selection Committee.

Jason Hilgers, Deputy City Manager, responded to questions on the draft RFP criteria and stated the attempt was to put the onus on the proposer. He informed the Commission that there is a lot of latitude to negotiate and work through a number of scenarios. He stated the agreement will be another item for the Commission to consider and will spend a lot of time working through an agreement.

GENERAL AGENDA (CONTINUED)

REQUEST FOR PROPOSALS - REDEVELOPMENT OF THE COMMUNITY HOUSE/BUILDING (CONTINUED)

After additional comments from the Commission, Jason Hilgers Deputy City Manager, responded to questions from the Commission regarding review of the proposals received and stated that the Selection Committee is identified in the Request for Proposals document.

After further comments from the Commission, Commissioner Reddi moved to authorize City Administration to solicit Request for Proposals for the redevelopment of the Community House building at 120 N. 4th Street and appoint Commissioners Butler and Morse to serve on the Selection Committee. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:22 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

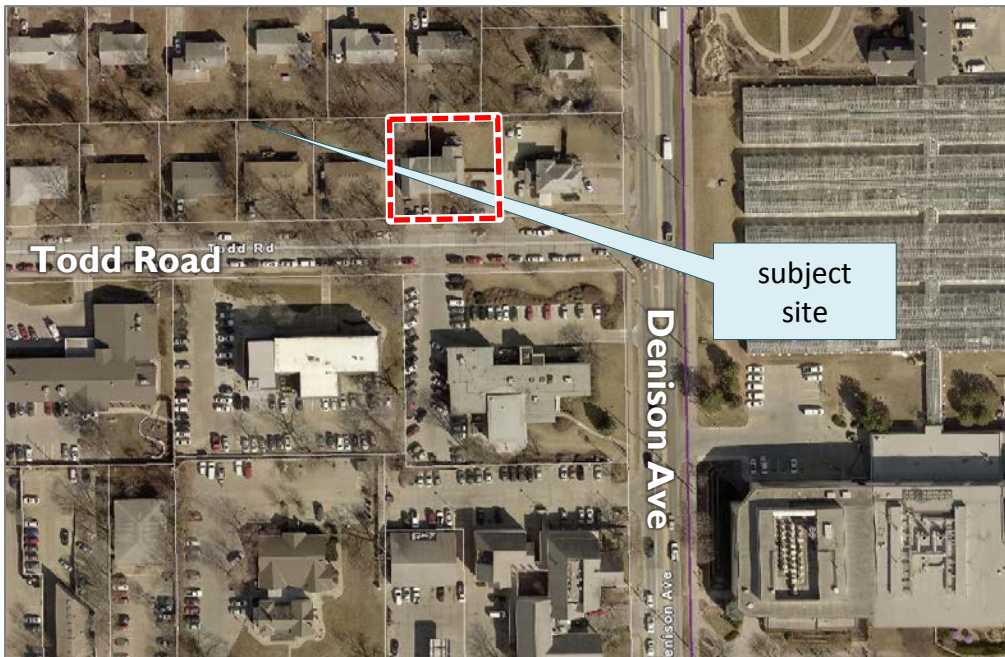


Staff Report

Community Development Department

Rezoning **1810–1812 Todd Road** REZ-18-072

To: Manhattan Urban Area Planning Board
From: John Adam, AICP, Senior Planner
Meeting Date: December 3, 2018
Applicant/Owner: ELCA Lutheran Campus Ministry at KSU
Property Location: 1810–1812 Todd Road, 160 feet west of the intersection of Dennison Avenue and Todd Road
Total Area: 11,763 square feet
Current Zoning: R-3, Multiple-Family Residential
Requested Zoning: R-3/UO, Multiple-Family Residential with University Overlay
Neighborhood zoning: north: R-3 south: R-3/UO
east: R-3/UO & U west: R-3



REQUEST

Applicant requests rezoning to apply the University Overlay (UO) to two lots currently zoned R-3, Multiple-Family Residential. The request area comprises Lots 1 and 2 of Tex Winter Addition, Unit 3, a two-lot subdivision platted in May 2000. The current underlying zoning would remain as is. The applicant intends to move Luther House, a campus ministry, to this location.

ANALYSIS

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 found in Section 15-403 of the Zoning Regulations. The criteria are in bold print, followed by findings of fact and staff evaluations, when applicable.

A. Whenever the Planning Board or the Governing Body acts upon a proposed amendment to the Zoning Ordinance that is not a general revision of existing regulations and affects specific property, they shall address the following matters:

1. **The existing use of property.** The use is two-family residential.

Evaluation: The property is being used according to current zoning allowances.

2. **The physical and environmental characteristics of the property.** The two lots are flat and surrounded by urban development. They contain a residential structure and scattered paved parking areas.

Evaluation: This is a developed lot that has no physical or environmental factors that argue against rezoning.

3. **The zoning and land uses of nearby properties**

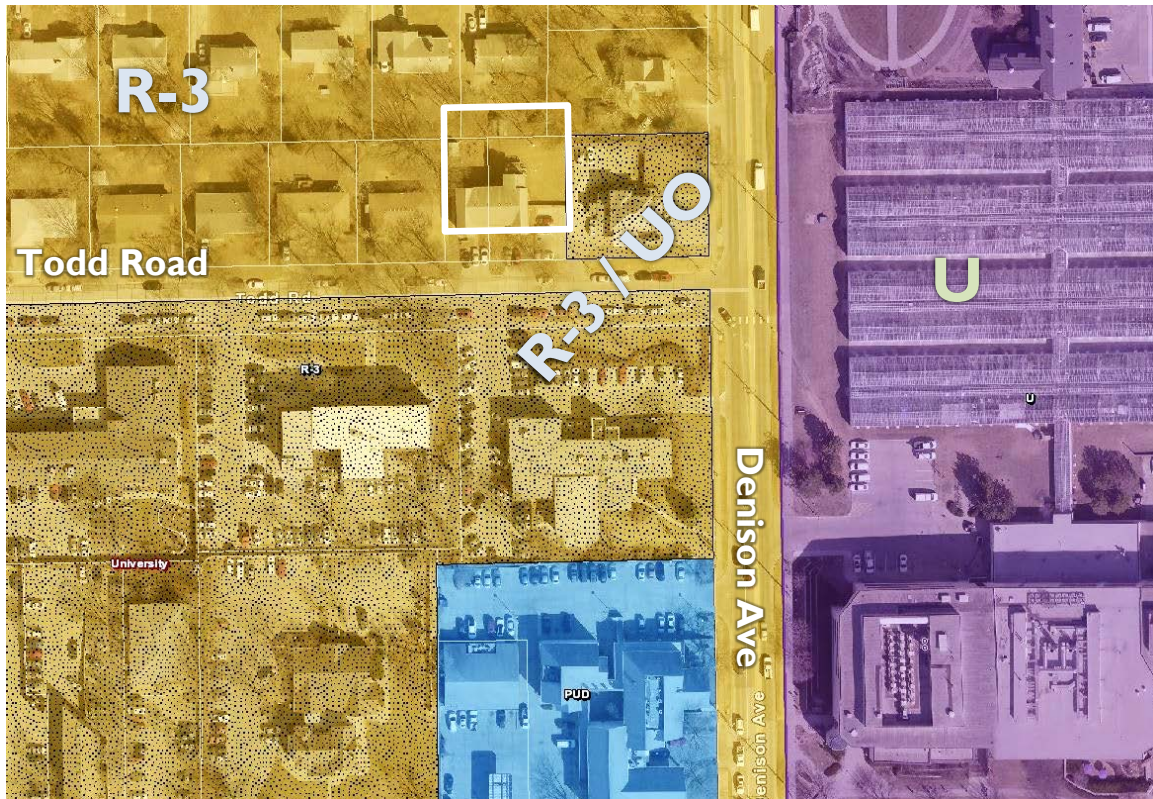
North R-3, Multiple-Family Residential. Single-family houses.

South R-3/UO, Multiple-Family Residential with University Overlay. Sororities and fraternities.

East R-3/UO, Multiple-Family Residential with University Overlay; U, University. Campus ministry building; KSU campus.

West R-3, Multiple-Family Residential. Single-family houses.

See map below for zoning context.



4. **The suitability of the property for land uses to which it is restricted under current zoning.** The lots contain a permitted medium-density residential use in a high-density residential zoning district. There are adequate public facilities to serve the use.

Evaluation: The lots are suitable for their current zoning. This consideration is not relevant to the question of applying an overlay zone.

5. **The character of the neighborhood.** The entire area across Todd Road from the subject site has the University Overlay on it, and there are Greek houses along much of the block face. There is a piece of University Overlay on the lot east of the subject site. Everything else to the north and west is single- or two-family housing.

Evaluation: Application of the UO designation would not be out of character for the neighborhood.

6. **The compatibility of the proposed zoning district with nearby properties and the extent to which it may detrimentally affect those properties.** See findings above for the character of the neighborhood.

Attachment No. 1

Evaluation: The UO district is intended to allow the “establishment of the types of uses which ordinarily locate close to a University, but which might not be located on University property. The University Overlay District regulations are to be applied in combination with any residential district.” The proposed rezoning would allow a number of uses that are allowed conditionally (excerpted from Sec. 4-109 (B) of the Zoning Regulations).

- Art galleries, libraries and museums
- Bed and breakfast homes
- Bed and breakfast inns
- Colleges, universities, vocational-technical institutions, theological schools, and other educational institutions and their associated activities
- Fraternal and service clubs
- Fraternities and sororities
- Lodging/boarding houses
- Offices, meeting rooms, laboratories and other facilities for educational, fraternal, professional, religious, and research organizations and institutions
- Private or public parking lots or garages
- Schools

The entire area across Todd Road from the subject site has the University Overlay on it, and there are Greek houses along much of the block face. There is a piece of University Overlay on the lot east of the subject site. Everything else to the north and west is single- or two-family housing. That area was upzoned to R-3 in 2015 based on the future land use map and Policy GM-1.1D, Infill and Redevelopment, in the 2015 Comprehensive Plan:

Encourage infill and redevelopment...in areas that have been specifically identified for redevelopment, such as...areas designated for Residential High Density or Urban Core Residential adjacent to the KSU campus. Infill and redevelopment opportunities may range in size from a single residential lot to multiple contiguous blocks within a neighborhood or commercial area (p. 19).

Attachment No. 1

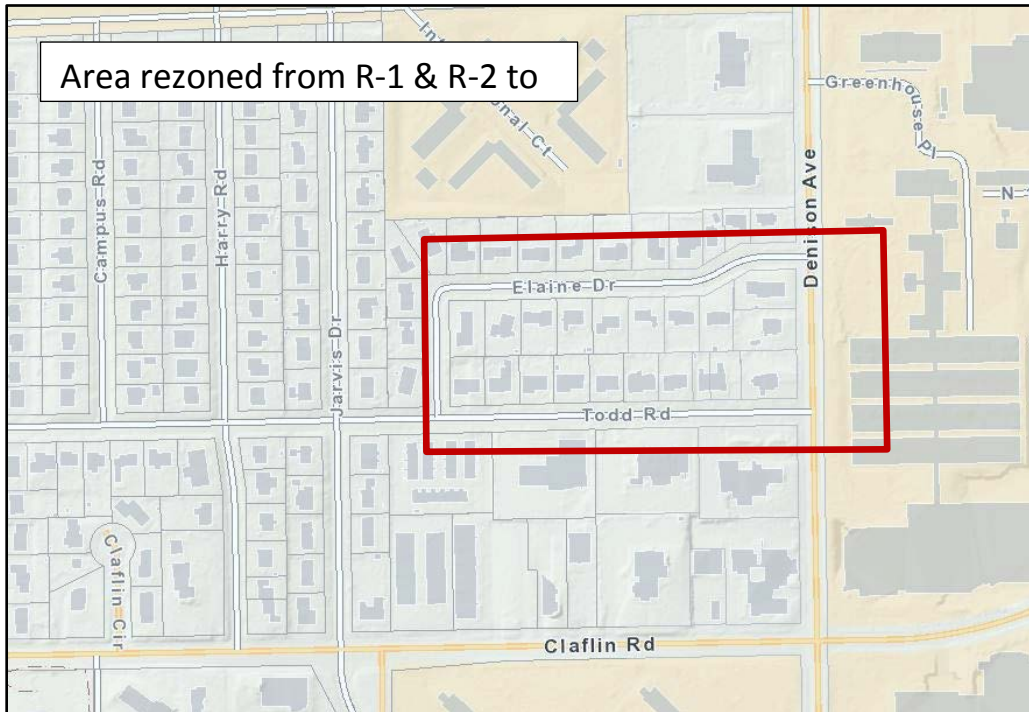
The aim of the upzoning was to intensify the residential density to increase the housing options close to campus. The addition of an overlay that permits a variety of university-associated activities would not be detrimental to the neighborhood.

7. **The 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 subject site and vicinity was upzoned to R-3 in 2015 to accord with the future land use map. The Comprehensive Plan is silent on the University Overlay zone.

Evaluation: Guidance for the appropriateness of applying the University Overlay in this location is found in the intent of the overlay stated under criterion 6, above. The subject site is both close to the university and has underlying residential zoning. The rezoning is appropriate.

8. **The zoning history of the subject property and the length of time it has remained vacant as zoned.** The site is not vacant. A duplex has stood there for many years. The lot had been zoned R-1, Single-Family Residential, until 1990 when it was rezoned R-2, Two-Family Residential (Ord. no. 4644). In 2015 it was part of a block of upzoning undertaken by the City to R-3, Multiple-Family Residential. The lot to the east received the University Overlay in 2001 specifically for the purpose of establishing a ministry for students.

Evaluation: The zoning history shows a pattern of change toward greater intensity because of its proximity to the university. Applying a UO designation would be in character with that history. Vacancy is not relevant in this case.



9. **Whether the proposed district would be consistent with the intent and purpose of these regulations.** The purpose of the Manhattan Zoning Regulations includes: dividing the City into zones and districts; regulating and restricting the location and use of buildings and the uses of land within each district; protecting the public health, safety, and general welfare; protecting property values; and regulating and restricting the height, number of stories and size of buildings, the density of population, and the appearance of buildings (§2-101).
Evaluation: The proposed zoning district is consistent with the intent and purpose of the zoning ordinance.

10. **The 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.** If not rezoned the site may continue with the current levels and types of development. The applicant's intended use of the site requires the overlay.

Attachment No. 1

Evaluation: The requested overlay is not a drastic change to the area. Preceding evaluations demonstrate that the location is appropriate for UO designation, so there is no feasible gain to the public to deny the request and prevent the applicant from developing the land as desired.

11. **Whether adequate sewer and water facilities, streets, and other needed public services exist, or can be provided, or serve the uses that would be permitted by the proposed zoning district.** The lot has been served adequately by municipal facilities for decades.

Evaluation: None of the uses allowed under the University Overlay would tax public utilities. Public services are adequate.

12. **Such additional matters as may apply in individual circumstances**

There are no other identifiable factors.

13. **The recommendations of permanent or professional staff**

The proposed zoning overlay is appropriate for this location, for the character of the vicinity, and it meshes well with the City's 2015 upzoning of the area because it increases the potential mix of uses.

Staff Conclusion: Based on the findings in this report, City Administration recommends approval of the proposed rezoning.

ALTERNATIVES

The MUAPB has the following alternatives concerning the **rezoning**. The Board may:

1. Recommend **approval** of the rezoning based on finding that it is suitable when measured against Section 15-403 of the Zoning Regulations.
2. Recommend **denial** of the rezoning based on finding that it is not suitable when measured against Section 15-403 of the Zoning Regulations.
3. **Table** a recommendation on the rezoning to a specific date, indicating the reasons for tabling.

RECOMMENDATION

City Administration recommends a recommendation of **approval** of the request to rezone from R-3, Multiple-Family Residential District, to R-3/UO, Multiple-Family Residential District with University Overlay District, based on the findings in this staff report.

Attachment No. 1

POSSIBLE MOTIONS

Recommend **approval** of the request to rezone from R-3, Multiple-Family Residential District, to R-3/UO, Multiple-Family Residential District with University Overlay District, based on the findings in the staff report.

Dated: November 28, 2018



REQUEST

Applicant requests an island annexation of 28.2 acres to the City of Manhattan and rezoning to R-1, Low-Density Residential. The property is Lot 1 of St. Luke's Addition, a single-lot subdivision platted in 2002. The current zoning is (County) AG, Agriculture.

ANALYSIS: ANNEXATION

FUTURE LAND USE MAP

The property is shown on the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan as Residential Low to Medium Density. The requested R-1 zoning is consistent with this designation.

COMPREHENSIVE PLAN

Chapter 3 of the Comprehensive Plan contains Policy GM-1.2B: Annexation Process, which states:

Petitions for annexation shall be heard by the Manhattan Urban Area Planning Board, which shall make a recommendation on the proposed annexation, based on the Comprehensive Plan, Growth Vision, and the Capital Improvements Program. Application for concurrent consideration of annexation, rezoning, and

Attachment No. 2

preliminary platting is preferred, to provide a more comprehensive review and assessment of development proposals and their costs and benefits to the City.

The lot is located within the Urban Service Area Boundary (USAB) and is identified for low-to medium-density residential development.

The site is also located in the "Critical Area" defined in the Flint Hills/Fort Riley Joint Land Use Study (2017 update), which contains "the Land Use Planning Zone (LUPZ)...a noise impact area...associated with explosives and large arms operations/training" (JLUS, p. 60). The chief of the Environmental Division for the installation noted the same information but had no other comment on the proposal (see Attachment 4). The JLUS acknowledges the adopted Comprehensive Plan, and only requires notification of new development and of amendments to the City's planning documents that are within the Critical Area.

Capital Improvements Program: a new sanitary sewer interceptor is carrying sewer through the site. There are no other CIP projects affecting this site.

The Growth Vision includes several key objectives. The one pertinent to questions of annexation is the first: A Coordinated and Efficient Pattern of Growth, which says in part, "The Manhattan Urban Area will have a compact development pattern that encourages growth to locate within the Urban Service Area Boundary,...fosters the efficient provision of infrastructure and services, and balances development and conservation of the natural environment to the extent feasible." As noted, the site is within the USAB, is already being connected to municipal services, and will be subject to existing conservational floodplain regulations when it develops.

ANALYSIS: REZONING

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 Section 15-403 of the Zoning Regulations. The criteria are in bold print, followed by findings of fact and staff evaluations, when applicable.

A. Whenever the Planning Board or the Governing Body acts upon a proposed amendment to the Zoning Ordinance that is not a general revision of existing regulations and affects specific property, they shall address the following matters:

1. **The existing use of property.** The use is agriculture.

Evaluation: The property is being used according to current zoning allowances.

2. **The physical and environmental characteristics of the property.** The rezoning area slopes at a three-percent grade from north to south over a distance of more than 2,100 feet. The southern 800 feet (approximately) of the lot are in the 100-year floodplain of Wildcat Creek. The Union Pacific right-of-way used to traverse the

northern third of the lot, but little topographic evidence of it remains.

Evaluation: Much of this lot is developable; there are no physical or environmental factors that argue against rezoning.

3. The zoning and land uses of nearby properties

North [County] PUD, Planned Unit Development. Single-family houses.

South [County] AG, Agriculture. Farmland.

East [County] AG, Agriculture. Farmland.

West [County] AG, Agriculture, and SF-5, Single-Family Residential. Farmland and vacant.

4. The suitability of the property for land uses to which it is restricted under current zoning. The area has been farmed for several decades.

Evaluation: The area appears to be suitable for its current zoning, but if it is annexed that zoning stops being appropriate.

5. The character of the neighborhood. The area is largely farmland. There are a few house lots north of the site across Anderson Avenue.

Evaluation: There is no neighborhood as such, so urban zoning and use will be unusual. However, since this lot and its surroundings are within the Urban Service Area Boundary, it is anticipated that urban development will someday *be* the character of the area.

6. The compatibility of the proposed zoning district with nearby properties and the extent to which it may detrimentally affect those properties. The area is largely farmland. There are a few house lots north of the site across Anderson Avenue.

Evaluation: The proposed rezoning is not compatible with existing uses. Common conflicts between agriculture and encroaching urban development stem from noise, spray drift, and other farming activities that disturb the peace of a low-density residential neighborhood; an example of “coming to the nuisance”. Until farming is displaced by urbanization, the potential for conflict will exist.

7. The 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 proposed rezoning area is indicated on the Future Land Use map of the 2035 Manhattan Area

Attachment No. 2

Comprehensive Plan as “Residential Low to Medium Density” (RLM) (see FLU map excerpt). The policy of the RLM category pertinent to the rezoning is location.

RLM 3: Location

Residential Low to Medium Density neighborhoods typically should be located where they have convenient access to and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities. The Residential Low to Medium Density designation includes most established neighborhoods outside of the core area as well as future residential growth areas to the west and east.

Evaluation: The proposed rezoning conforms to the Future Land Use Map of the Comprehensive Plan. The location is not quite a mile away from an intersection ringed by commercial zoning, but no transportation infrastructure exists for convenient access by any mode other than bicycle or automobile. The site is in the Riley County USD 378, so bussing will be necessary for access to the elementary and high schools in Riley.

8. **The zoning history of the subject property and the length of time it has remained vacant as zoned.** The site has presumably been zoned for agriculture since zoning was established.

Evaluation: The site has been vacant because it has been used for agriculture.

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

Evaluation: The proposed zoning district is consistent with the intent and purpose of the zoning ordinance.

Attachment No. 2

10. **The 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.** A failure to rezone will mean a continuation of the current levels and types of development. It would also mean the City takes on the role of administering a County zoning district.

Evaluation: Provided the site is annexed, denying rezoning would be detrimental to the public health, safety, and welfare because that would leave the City in a position to administer County zoning within its boundaries. And the applicant would suffer the hardship of not being able to develop the land as desired.

11. **Whether adequate sewer and water facilities, streets, and other needed public services exist, or can be provided, or serve the uses that would be permitted by the proposed zoning district.**

Stormwater: As development occurs it will be required to mitigate stormwater increases due to new impervious surfaces. No stormwater lines currently extend to the site.

Water: There are no water lines to the site. It will have to be extended before development can occur. Discussion is taking place currently to create a water benefit district and extend a line.

Sanitary sewer: There is a 12-inch interceptor traversing the site in the former railroad right-of-way that development can connect to.

Streets have capacity to handle the low levels of trip generation possible from this site.

Evaluation: Not all required public services are in place to enable development under the proposed zoning, but all utilities should be available soon. Until then, no development will occur.

12. **Such additional matters as may apply in individual circumstances**

There are no other identifiable factors.

13. **The recommendations of permanent or professional staff**

The proposed zoning designation corresponds to the Future Land Use Plan map. The site is suitable for R-1-type development with accommodation for the portions in the floodplain. Although the site lacks some utilities, those can be provided relatively soon to enable development.

Attachment No. 2

Staff Conclusion: Based on the findings in this report, City Administration recommends approval of the proposed rezoning.

ALTERNATIVES

The MUAPB has the following alternatives concerning the **annexation**. The Board may:

1. Recommend **approval** of the annexation based on finding that it is consistent with the Comprehensive Plan.
2. Recommend **denial** of the annexation based on finding that it is not consistent with the Comprehensive Plan.
3. **Table** a recommendation on the annexation to a specific date, indicating the reasons for tabling.

The MUAPB has the following alternatives concerning the **rezoning**. The Board may:

4. Recommend **approval** of the rezoning based on finding that it is suitable when measured against Section 15-403 of the Zoning Regulations.
5. Recommend **denial** of the rezoning based on finding that it is not suitable when measured against Section 15-403 of the Zoning Regulations.
6. **Table** a recommendation on the rezoning to a specific date, indicating the reasons for tabling.

RECOMMENDATION

City Administration recommends a recommendation of **approval** of both the request to annex and rezone to R-1, Single-Family Residential District, based on the findings in this staff report.

POSSIBLE MOTIONS

Recommend **approval** of the request to annex based on the findings in the staff report.

Recommend **approval** of the request to rezone to R-1, Single-Family Residential District, based on the findings in the staff report.

Dated: October 26, 2018

Attachments

1. General Location map
2. Future Land Use map excerpt
3. Application Packet
4. Letter from Herb Abel, Ft. Riley

