

CITY COMMISSION AGENDA MEMO
June 26, 2013

FROM: Steve Zilkie, AICP, Senior Planner

MEETING: July 2, 2013

SUBJECT: Ordinance No. 7011 Amending the Final Development Plan of Lot 2, Treasures of the Heart, Mixed-Use Planned Unit Development (PUD) and Ordinance No. 6568 to Convert Retail Space to Dwelling Units

PRESENTER: Eric Cattell, AICP, Assistant Director for Planning

BACKGROUND

This is the second reading of an ordinance to amend the Final Development Plan of Lot 2, Treasures of the Heart, Mixed-Use PUD, and Ordinance No. 6568, to convert and remodel the vacant first floor commercial retail space at 518 Yuma Street to two, one bedroom dwelling units. The space was formerly occupied by Treasures of the Heart antique store. The applicant and owner is Jon Henry.

EXISTING TREASURES OF THE HEART PUD.

Current Permitted Uses.

Permitted Uses in the PUD include single-family residential, two-family residential, multiple-family residential and a broad range of commercial retail uses and several service commercial uses such as barber shops, beauty shops, and tailors.

Lot 2 – Approved Mixed Use Building.

Lot 2, 518 Yuma Street: The two-story mixed-use commercial/residential structure was constructed in 2009 as a mixed-use building with first floor commercial space (vacant and formerly occupied as an antique store) accessed from a front and rear door, and a second floor three bedroom single-family dwelling unit accessed from a foyer and stairs at the rear of the building leading to the second floor. There are 11 open concrete paved off-street parking spaces located at the rear of the lot, which are accessed from the concrete paved public alley.

Approved Residential Buildings on Lots 1 and 3.

Lot 1, 514 Yuma Street: The residential building is a two-story, four-family dwelling unit, which was originally constructed in 1945 as a residential structure and converted to four, one-bedroom dwelling units at a later date. The existing building has two dwelling units per floor, with basement for storage, bathroom, and mechanical equipment. There is a detached garage at the rear of the lot, which is accessed off the public alley. There are four off-street parking spaces on Lot 1, two on a concrete paved parking pad and two in the garage.

Lot 3, 522 Yuma Street: The residential building is a one-story, two-family dwelling unit originally built in 1960 as a residential structure and converted at a later date to two-dwelling units. There is a three bedroom dwelling unit on the first floor, and a one bedroom dwelling unit in the basement. A detached garage and parking area are at the rear of the property, which is accessed off the alley. There are four off-street parking spaces on Lot 3, two in the garage and two on a paved parking pad.

PROPOSED AMENDMENT:

Request and Amendment.

The applicant/owner has requested an amendment of Ordinance No. 6568 to convert and remodel the vacant first floor commercial retail space at 518 Yuma Street to two, one bedroom dwelling units. The space was formerly occupied by Treasures of the Heart antique store. The amendment is in the form of a Final Development Plan, which includes the revised floor plan for 518 Yuma Street, and a site plan for the existing 19 off-street parking spaces serving the entire PUD, which was reduced with the building permit for 518 Yuma Street from 20 to 19 parking spaces. No other changes to the PUD are proposed.

Substantial Modifications of the Approved Residential Density and Floor Area.

The amendment is required because the Manhattan Zoning Regulations, Article IX, Section 9-108 (C) (2) indicates that an increase in net residential density greater than 5% is a substantial modification; and, Section 9-108 (C) (3), which indicates that an increase in floor area of a residential building of more than 10% is a substantial modification. The proposed changes are substantial modifications to net density for the entire PUD, and residential floor area of 518 Yuma Street and the entire PUD.

Density Change.

The conversion of the floor space from retail to residential results in an increase of total dwelling unit count within the entire PUD from seven dwelling units to nine dwelling units, which is an increase in density within the approved PUD from 13.5 dwelling units per gross acre to 17.4 dwelling units per gross acre ($17.4-13.5/13.5=.288 \times 100$), or a 29% increase in residential density.

Net Floor Area Change.

Residential floor area within the mixed-use building at 518 Yuma Street increases from 1,282 square feet on the second floor to 2,472 square feet total as a result of the additional 1,190 square feet of residential floor area for the two units on the first floor (2472-1282/1282=.928x100), or a 93% increase in floor area of the residential building at 518 Yuma Street.

The increase of total existing residential floor area for the entire PUD is 20%, based on all residential building floor areas compared to proposed total residential floor space floor space (2,400 square feet at 514 Yuma Street, and 2,234 square feet at 522 Yuma Street combined with 2,472 square feet at 518 Yuma Street) (7106-5916/5916=.201x100).

(Note: The common foyer entrance on the first floor and stairwell to the second floor were not counted as floor area because neither is living area. The storage, mechanical room, and bathroom basement space was not included in the floor area for 514 Yuma Street. If the basement space is expanded for residential living purposes, separate calculations will be made have to be made prior to expansion to determine compliance with Article IX PUD standards for residential floor area and/or density.)

Signs. No Changes.

Landscaping. No Changes.

Lighting. No Changes.

Drainage. No Changes.

Circulation. Access to 518 Yuma Street is from Yuma Street and sidewalk connections from public sidewalk on the north side of Yuma Street and a private sidewalk to the front door of the building. Off-street parking is accessed from the public alley.

Off-Street Parking.

There are 11 off-street parking spaces proposed at 518 Yuma Street. The approved PUD required one parking space for each bedroom. There are three existing bedrooms and two proposed, or five total bedrooms at 518 Yuma Street and 11 parking spaces are provided. There are eight off-street parking spaces on the adjoining two lots. Future conversions of any use on any or all lots in the entire PUD may necessitate the need for shared parking. A private covenant was submitted with the Final Development Plan to ensure a cross easement between properties to share parking. As a private agreement, the shared provision could be changed among owners. The PUD amendment is conditioned on a requirement to share off-street parking.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. Whether the proposed amendment is consistent with the intent and purpose of the approved PUD, and will promote the efficient development and preservation of the entire PUD: The proposed amendment is consistent with the approved PUD, which allows residential buildings, and because in the applicant's words, "Within the current PUD surrounding 518 Yuma, there are numerous commercial, single family housing and multi-family housing. By requesting a change of use, from commercial to multiple single family dwelling units we are staying within the current neighborhood usage."

2. Whether the proposed amendment is made necessary because of changed or changing conditions in or around the PUD, and the nature of such conditions: The amendments are necessary because the standards to evaluate the proposed changes are greater than the percent increases allowed for net density and residential floor area. In the applicant's words, the amendments are necessary because, "We have seen the addition of downtown residential rental property as the building of new shopping areas surrounding the Manhattan Town Center. The proposed change in use will provide for additional housing in this area as well."

3. Whether the proposed amendment will result in a relative gain to the public health, safety, convenience, or general welfare, and is not granted solely to confer a special benefit upon any person: The resulting relative gain to the public is expressed in the applicant's words, "Currently the ground floor of 518 Yuma is vacant, the antique store that was located here for a short time could just not compete with the newer shopping areas as we believe that it was just too far off the beaten path. By building two single family dwelling units, we will be bringing potential shoppers/workers to within walking distance of an area of commerce." No adverse affect on the public is expected as the changes are interior remodeling to convert the commercial ground floor to residential space. The applicant's consultant has contacted the Code Services Department to ensure applicable building code requirements will be met with the conversion/remodel.

NEIGHBORHOOD CHARACTER AND COMPATIBILITY.

The overall character of the surrounding neighborhood is generally medium density residential, with a combination of owner occupied and rental homes throughout the established neighborhood. Further to the east, on both the north and south sides of Yuma Street, are two sites zoned C-5, Highway Service Commercial District. Document Resources and associated parking area occupies the C-5 lot on the north side of Yuma Street, while the C-5 lot to the south is currently vacant and used as vehicle storage.

The approved PUD allows a mix of residential and commercial uses. Two existing residential structures exist on Lots 1 and 3, which remain as residential uses. Commercial uses approved on the first floor of the amendment site, and a residential three-bedroom apartment on the second floor, are not consistent with the residential neighborhood to the north and west. The remodel of the first floor at 518 Yuma Street establishes a use in keeping with the R-M/TNO neighborhood to the north and west. Exterior changes to the

building are limited to the rear for a relocated door. The building was designed in character with the residential area and maintains that character.

CONFORMANCE WITH COMPREHENSIVE PLAN.

The site is shown on the Downtown Core Neighborhoods Future Land Use Map of the Comprehensive Plan as Residential Medium High density (RMH). Applicable policies (Italics) include:

RESIDENTIAL MEDIUM/HIGH DENSITY (RMH)

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

RMH 2: Appropriate Density Range

Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.

RMH 3: Location

Residential Medium/High Density neighborhoods should be located close to arterial streets and be bounded by collector streets where possible, with a direct connection to work, shopping, and leisure activities.

RMH 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged.

Policies for Neighborhood Commercial Centers in policy RMH1 above include:

NEIGHBORHOOD COMMERCIAL CENTER (NCC)

NCC 1: Characteristics

Neighborhood Commercial Centers are intended to provide a range of services, including supermarkets, restaurants, movie rentals, drycleaners, drugstores, filling stations, smaller specialty shops, retail and health services and business and professional offices, for residential areas. Neighborhood centers will vary in scale and character. Smaller, limited use centers may be fully integrated into the surrounding neighborhood and be accessed primarily by pedestrian or bicycle; while larger centers will function more independently, providing ample parking and numerous stores. Mixed-Use Neighborhood Centers that also incorporate residential uses are appropriate in a master

planned setting. Neighborhood Centers often serve more than one nearby neighborhood in order to maintain sufficient economy of scale.

NCC 2: Location

Neighborhood centers should generally be located at the intersection of arterial and collector streets. However, smaller centers with limited uses may be appropriate within a residential area at the intersection of two collector streets, or at the intersection of a collector and a local street, provided they are designed to be compatible with the surrounding neighborhood and meet a minimum level of design criteria.

NCC 3: Size

Neighborhood centers typically require a site of approximately 10 acres, but may vary, ranging from as small as 1-3 acres to as large as 15-20 acres depending on the size of its service area and the extent of its mixed-use characteristics.

NCC 4: Architectural Character

Neighborhood Centers shall be designed to be compatible with and sensitive to surrounding residences. Building materials and architectural detailing should be compatible with and reflect the character of the surrounding neighborhood. Building heights and scale should be similar to surrounding residences.

NCC 5: Circulation and Access

Main entrances and driveways should be integrated with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles. Clear, direct pedestrian connections shall be provided between uses within the center and to the surrounding neighborhood.

NCC 6: Parking Location and Design

Large, uninterrupted expanses of parking should be avoided. Parking areas shall be divided into smaller “blocks” by landscaping and walkways. To the extent possible, parking blocks shall be distributed between the front and sides of buildings, or the front and rear, rather than placed solely in front of building.

NCC 7: Transitions between Uses

Attractive transitions should be provided between the center and surrounding residences, while not limiting access between the center and the neighborhood for all modes of travel. Transitions can be accomplished by stepping down the height of taller structures to meet residences, providing landscape buffers or screening, or similar means. Use creative design to avoid simply “walling” off residential areas from neighborhood centers.

In addition, the Downtown Tomorrow Redevelopment Plan shows the area west of S. 5th Street along Yuma Street as RMH, with commercial uses to the east of S. 5th Street. The rezoning of the site to RM/TNO District was intended to encourage the preservation of the residential character of the neighborhood west of S. 5th Street.

No specific finding(s) were made regarding conformance of the approved PUD to the Comprehensive Plan. The preponderance of the facts supported the request to rezone to PUD in 2006.

DISCUSSION

On June 3, 2013, the Manhattan Urban Area Planning Board held the public hearing and considered the proposed amendment of Ordinance No. 6568 and the Revised Final Development Plan of Lot 2, Treasures of the Heart, Mixed Use Planned Unit Development. The applicant's consultant, Wynn Cragg, spoke in support of the request. No one else spoke during the hearing.

Following discussion, the Planning Board, on a vote of 6-0, recommended approval of the proposed amendment of Ordinance No. 6568 and the Revised Final Development Plan of Lot 2, Treasures of the Heart, Mixed-Use Planned Unit Development, based on the findings in the Staff Report, subject to the three conditions, as recommended by City Administration:

1. There shall be shared off-street parking between Lots 1, 2, and 3, Treasures of the Heart, Mixed Use PUD.
2. There shall be shared use of trash receptacles between Lots 1, 2, and 3 in Treasures of the Heart, Mixed Use PUD.
3. The trash receptacle on Lot 3 shall be enclosed with six foot tall sight obscuring screening.

On June 18, 2013, the City Commission, on a vote of 5-0, approved first reading of an ordinance amending Lot 2, Treasures of the Heart, Mixed-Use Planned Unit Development (PUD) and Ordinance No. 6568, as proposed, generally located at 518 Yuma Street, based on the findings in the Staff Report, with the three conditions of approval recommend by Manhattan Urban Area Planning Board.

FINANCING

None.

ALTERNATIVES

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

1. Approve Ordinance No. 7011 amending Lot 2, Treasures of the Heart, Mixed-Use Planned Unit Development (PUD) and Ordinance No. 6568, based on the findings in the Staff Report, with the three conditions of

- approval, as recommended by City Administration and the Manhattan Urban Area Planning Board.
2. Override the Manhattan Urban Area Planning Board's recommendation by a two-thirds majority vote of the membership of the City Commission and deny Ordinance No. 7011 mending the PUD, based on specifically stated reasons. *(Note: To override the Planning Board's recommendation a minimum of four (4) votes are necessary.)*
 3. Override the Manhattan Urban Area Planning Board's recommendation by a two-thirds majority vote of the membership of the City Commission and modify the PUD amendment and/or conditions of approval, to meet the needs as perceived by the Commission, and approve a modified Ordinance No. 7011 amending the PUD accordingly, based on specifically stated reasons.
 4. Table Ordinance No. 7011 amending the PUD, for specifically stated reasons, and provide further direction to City Administration and the applicant.

RECOMMENDATION

City Administration recommends that the City Commission approve Ordinance No. 7011 amending Lot 2, Treasures of the Heart, Mixed-Use Planned Unit Development (PUD) and Ordinance No. 6568, as proposed, based on the findings in the Staff Report, subject to the three conditions, as recommended by Manhattan Urban Area Planning Board. This recommendation is also based on approval of first reading of an ordinance amending the PUD by the City Commission.

POSSIBLE MOTION

Approve Ordinance No. 7011 amending Lot 2, Treasures of the Heart, Mixed-Use Planned Unit Development (PUD) and Ordinance No. 6568, as proposed, generally located at 518 Yuma Street, based on the findings in the Staff Report, with the three conditions of approval recommend by Manhattan Urban Area Planning Board.

SZ

13073\CC\2ndRdg\AmendTreasuresoftheHeartPUD\518YumaStreet

Enclosures:

1. Ordinance No. 7011
2. Project Chronology

ORDINANCE NO. 7011

AN ORDINANCE AMENDING THE FINAL DEVELOPMENT PLAN OF LOT 2, TREASURES OF THE HEART MIXED-USE PLANNED UNIT DEVELOPMENT AND ORDINANCE NO. 6568.

WHEREAS, Ordinance No. 6568 was adopted by the Governing Body of the City of Manhattan, Kansas on September 19, 2006 and established the current Treasures of the Heart Mixed-Use Planned Unit Development; and

WHEREAS, The Manhattan Urban Area Planning Board of the City of Manhattan, Kansas at a Public Hearing held on Monday, June 3, 2013 recommended amending Ordinance No. 6568 and the Final Development Plan of Lot 2, Treasures of the Heart Mixed-Use Planned Unit Development in the City of Manhattan, Kansas; and

WHEREAS, The Manhattan Urban Area Planning Board of the City of Manhattan, Kansas and the Governing Body of the City of Manhattan, Kansas, have considered all matters set forth in Section 9-108 and Section 15-403 of the Manhattan Zoning Regulations and have found that the approval of the proposed amendment, subject to the restrictions, conditions, or limitations set forth hereinafter, is consistent with such matters; and

WHEREAS, The Governing Body of the City of Manhattan, Kansas, has considered this ordinance at two meetings;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS, THAT:

SECTION 1. The Final Development Plan of Lot 2, Treasures of the Heart Mixed-Use Planned Unit Development and Ordinance No. 6568 are hereby amended to allow conversion of the first floor commercial retail space located at 518 Yuma Street into two, one bedroom dwelling units.

SECTION 2. The tract of land ("Property") subject to this amendment is described as follows: Generally located at 518 Yuma Street. More specifically, Lot 2, Treasures of the Heart PUD, City of Manhattan, Riley County, Kansas.

SECTION 3. There is hereby incorporated by reference and adopted, and enforceable, as a part hereof, all drawings and documents submitted as a part of the application, as well as the revisions of such drawings and documents, including those revisions which have been required, or approved, by the Manhattan Urban Area Planning Board or the Governing Body of the City of Manhattan, Kansas, except as provided in Section 4 of this Ordinance. All such documents shall be maintained, along with the application for amendment, on file in the Zoning Administrator's Office.

SECTION 4. The amendment is subject to the following restrictions, conditions, or limitations, and such restrictions, conditions, or limitations shall supersede any portion of the application in conflict therewith:

1. There shall be shared off-street parking between Lots 1, 2 and 3, Treasures of the Heart Mixed Use PUD.
2. There shall be shared use of trash receptacles between Lots 1, 2 and 3 in Treasures of the Heart Mixed Use PUD.
3. The trash receptacle on Lot 3 shall be enclosed with six foot tall sight obscuring screening.

SECTION 5. All provisions of the application and the Final Development Plan, as submitted to and approved by the Planning Board, and all restrictions, conditions or limitations imposed hereby, however recorded, shall be considered to be covenants upon the Property and shall run in favor of the City and shall be enforceable in law or in equity by the City, without limitation on any power or regulation otherwise granted to the City by law.

SECTION 6. All owners, occupants and persons in charge of the property shall comply with all applicable provisions of the Manhattan Zoning Regulations as well as all provisions of the application, the Final Development Plan and all restrictions, conditions or limitations imposed by this Ordinance. Any violation of the Ordinance shall be deemed a violation of the Manhattan Zoning Regulations.

SECTION 7. All provisions of Ordinance No. 6568 that are not in conflict with this amendment shall remain in force.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and publication in The Manhattan Mercury.

PASSED BY THE GOVERNING BODY THIS 2ND DAY OF JULY, 2013.

(SEAL)

ATTEST: _____
GARY S. FEES, MMC, CITY CLERK

JOHN E. MATTA, MAYOR

PROJECT CHRONOLOGY
TREASURES OF THE HEART PUD
514, 518 AND 522 YUMA STREET

- August 21, 2006 Manhattan Urban Area Planning Board recommended approval of the proposed rezoning of the Treasures of the Heart PUD from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to PUD, Planned Unit Development District, with 5 conditions.
- September 5, 2006 City Commission approves first reading of an ordinance rezoning of the Treasures of the Heart PUD from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to PUD, Mixed-Use Planned Unit Development District with six (6) conditions of approval.
- September 19, 2006 City Commission approves Ordinance No. 6568 rezoning 514 and 522 Yuma Street, to PUD, Mixed-Use Planned Unit Development District with six (6) conditions of approval.
- Nov. 6, 2006 Manhattan Urban Area Planning Board approves the Final Plat of Treasures of the Heart PUD Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations.
- Nov. 21, 2006 City Commission accepts the easements and rights-of-way, as shown on the Final Plat of Treasures of the Heart PUD Addition.
- June 3, 2013 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6568 and the Revised Final Development Plan of Lot 2, Treasures of the Heart Mixed Use Planned Unit Development for a proposed conversion and remodel of the of the first floor commercial retail space at 518 Yuma Street to two, one bedroom dwelling units, and the revised off-street parking configuration for the PUD.
- June 18, 2013 City Commission approves first reading of an ordinance an amending Ordinance No. 6568 and the Revised Final Development Plan of Lot 2, Treasures of the Heart Mixed Use Planned Unit Development for a proposed conversion and remodel of the of the first floor commercial retail space at 518 Yuma Street to two, one bedroom dwelling units, and the revised off-street parking configuration for the PUD.
- July 2, 2013 City Commission approves Ordinance No. 7011 amending Lot 2, Treasures of the Heart Mixed-Use PUD and Ordinance No. 6568, as proposed, based on the findings in the Staff Report, with the three conditions of approval.