

**CERTIFICATION OF CLERK**

I, Brenda K. Wolf, the duly appointed, qualified, and Assistant City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Minutes were duly adopted at a meeting of the City of Manhattan, Kansas, held on the 2<sup>nd</sup> day of March, 2010, and that said Minutes have been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, this 3<sup>rd</sup> day of March, 2010.



*Brenda K. Wolf*  
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Brenda K. Wolf, CMC, Assistant City Clerk



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, FEBRUARY 16, 2010***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bob Strawn and Commissioners Bruce Snead, James E. Sherow, Loren J. Pepperd, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 12 staff, and approximately 65 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Strawn led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Strawn proclaimed February 21-27, 2010, ***Food Check-Out Week***. Mary Mertz, Chairperson, Riley County Farm Bureau Education Committee, and Melissa Wahl, Coordinator, Riley County Farm Bureau, were present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Pepperd and Mayor Strawn thanked the City's Public Works crews for their ongoing efforts to fix potholes throughout the community.

**CONSENT AGENDA**

(\* denotes those items discussed)

**MINUTES**

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, February 2, 2010.

## CONSENT AGENDA (CONTINUED)

### CLAIMS REGISTER NO. 2632 and 2633

The Commission approved Claims Register Nos. 2632 and 2633 authorizing and approving the payment of claims from January 27, 2010, to February 9, 2010, in the amounts of \$124,590.47 and \$2,520,837.66, respectively.

### LICENSE – TREE MAINTENANCE

The Commission approved a Tree Maintenance license for calendar year 2010 for Paul's Tree Service, 27530 Oregon Trail Road, St. Marys, and Elite Tree and Bobcat Service, 517 Stone Drive #4201.

### FINAL PLAT – EUREKA ADDITION, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Eureka Addition, Unit Two, generally located 1,100 feet south of the intersection of Eureka Terrace and Eureka Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 6811 – AMEND ZONING REGULATIONS – POLITICAL/CAMPAIGN SIGNS

The Commission approved Ordinance No. 6811 amending the Manhattan Zoning Regulations Article VI, Signs, to delete Section 6-104 (A) (7), regarding Political or campaign signs, and replacing it with a new Section 6-104 (B) (5), as proposed, based on the findings in the Staff Memorandum, as recommended by the Manhattan Urban Area Planning Board (*See Attachment No. 1*).

### ORDINANCE NO. 6812 – ADOPT – 2009 STANDARD TRAFFIC ORDINANCE

The Commission approved Ordinance No. 6812 incorporating by reference and modifying the Standard Traffic Ordinance for Kansas Cities, Edition of 2009.

### ORDINANCE NO. 6813 – AMEND – UNLAWFUL ASSEMBLY

The Commission approved Ordinance No. 6813 incorporating changes to the Unlawful Assembly Ordinance.

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### ORDINANCE NO. 6814 – AMEND – DISORDERLY HOUSE

Richard Hill, 3513 Stagecoach Circle, stated that he was hoping this is not the first step to making landlords responsible for breaking up disorderly conduct and disorderly parties at apartments and tying it to the rental inspection program. He voiced concern that this ordinance would punish the landlord for something that he doesn't have control over.

Cynthia Meinhardt, 519 Bertrand Street, stated that landlords cannot control parties and cannot be responsible for dispersing parties without the police.

## CONSENT AGENDA (CONTINUED)

\* **ORDINANCE NO. 6814 – AMEND – DISORDERLY HOUSE (CONTINUED)**

The Commission approved Ordinance No. 6814 incorporating changes to the Disorderly House Nuisance Ordinance.

**ORDINANCE NO. 6815 – AMEND – SUNDAY SALES**

The Commission approved Ordinance No. 6815 amending Section 4-11 of the Code of Ordinances to prohibit the sale at retail of cereal malt beverages and alcoholic liquor, in the original package, on Thanksgiving Day and Christmas Day.

**PUBLIC HEARING – LEVY – SPECIAL ASSESSMENTS**

Mayor Strawn opened the public hearing.

Neil Sindicich, 421 Stone Glenn Drive, voiced concern in receiving a special assessment statement for the Stone Pointe Bridge and questioned why he was not aware of this when he purchased his home. He asked for clarification on the assessment and the amount that is being assessed on his property.

Ron Fehr, City Manager, provided information on the item and explained that the pedestrian bridge feature was part of a petition submitted by the developer, with the City at-large paying 80 percent and the benefit district paying 20 percent of the cost.

Bernie Hayen, Director of Finance, and Ron Fehr, City Manager, provided additional information on the assessment and payment schedule.

Bill Frost, City Attorney, provided additional information regarding the petition and the benefit district process, what is filed with the Register of Deeds Office, and what information homeowners should be provided and aware of to inform them of specials that are assessed to the property.

Neil Sindicich, 421 Stone Glenn Drive, stated that the developer should pay for the improvements since he was the owner of the property at the time the petition was submitted.

Bill Frost, City Attorney, stated that Manhattan historically is developed and financed through benefit districts and provided additional information on the item.

Neil Sindicich, 421 Stone Glenn Drive, asked who maintains the bridge.

Ron Fehr, City Manager, stated that the bridge will be maintained by the City.

## CONSENT AGENDA (CONTINUED)

### PUBLIC HEARING – LEVY – SPECIAL ASSESSMENTS (CONTINUED)

Another gentleman living in the neighborhood stated that he likes the bridge but not the price. He also stated that the trail that leads to the bridge is muddy and the neighborhood should pay a discounted price since the project was not well done.

Curt Loupe, Director of Parks and Recreation, said the trail has lime-stone screenings and that with all the wet weather, the condition of the trail is typical. He stated that additional limestone screenings and improvements will be made.

Hearing no other comments, Mayor Strawn closed the public hearing.

### FIRST READING – LEVY – SPECIAL ASSESSMENTS

The Commission approved first reading of an ordinance levying special assessments against the benefiting properties in the following fourteen (14) projects, which have been completed: *Lee Mill Heights Addition, Unit Four, Phase One* – Storm Drainage (SM0703), Sanitary Sewer (SS0705), Street (ST0710), and Water (WA0706); *Northwing Addition, Unit One* – Storm Drainage (SM0808), Sanitary Sewer (SS0811), Street (ST0818), and Water (WA0807); *Silo Townhomes* – Storm Drainage (SM0805), Sanitary Sewer (SS0803), Street (ST0808), and Water (WA0802); *Stone Pointe Pedestrian Bridge* – Pedestrian Bridge (SP0701); and *Gary Avenue and Treemill Drive (Effingham) Drainage, Phase Two* – Storm Drainage (SM0807).

### SET PUBLIC HEARING DATE – SPECIAL ASSESSMENTS – LEE MILL HEIGHTS ADDITION, UNIT FOUR, PHASE ONE – SANITARY SEWER IMPROVEMENTS (SS0705)

The Commission set March 2, 2010, as the date to hold an additional public hearing levying special assessments for the sanitary sewer improvements serving Lee Mill Heights Addition, Unit Four, Phase One.

### PUBLIC HEARING – VACATE UTILITY EASEMENT – LOT 2, MANHATTAN MARKETPLACE SHOPS, UNIT 1

Mayor Strawn opened the public hearing.

Hearing no other comments, Mayor Strawn closed the public hearing.

### FIRST READING – VACATE UTILITY EASEMENT – LOT 2, MANHATTAN MARKETPLACE SHOPS, UNIT 1

The Commission approved first reading of an ordinance vacating a portion of a utility easement on Lot 2, Manhattan Marketplace Shops, Unit One, City of Manhattan, Riley County, Kansas.

## CONSENT AGENDA (CONTINUED)

### FIRST READING – ISSUE BONDS – KONZA AREA SEWER EXTENSION (SS1002)

The Commission approved first reading of an ordinance authorizing the issuance of bonds to finance the Konza Area Sewer Extension (SS1002).

\* **RESOLUTION NO. 021610-A – ISSUE – TEMPORARY NOTE SERIES NO. 2010-01**

Ron Fehr, City Manager, provided an overview on the item and stated that the City received excellent bids.

The Commission approved accepting the best bid for selling the notes and approved Resolution No. 021610-A issuing temporary notes in the amount of \$7,335,000.00 to finance the following six (6) special assessment and capital projects to be debt financed: *City Park Pool Replacement (CP0901); Downtown Redevelopment (South End) - Storm Water Project No. 15 (SM0806); McCall Road/U.S. Highway 24 Intersection Improvements (ST0907); Scenic Meadows, Unit 2, Street Improvements (ST0820); Downtown Redevelopment (North End) - Fourth Street and Bluemont Avenue Roundabout (ST0703); and Downtown Redevelopment (South End) - Colorado Street Change Order (ST1005).*

### NEGOTIATE CONTRACT – ARCHITECTURAL SERVICES – CICO (CJ0902) AND NORTHVIEW POOLS (CP0903) RENOVATIONS

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with Water's Edge Aquatic Design, of Lenexa, Kansas, for the design of Northview (CP0903) and CiCo (CP0902) swimming pools.

### AGREEMENT – ENGINEERING SERVICES – WESTERN INTERCEPTOR RELIEF SEWER (SS0913)

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$353,611.30 with Olsson Associates, of Manhattan, Kansas, for engineering services related to the Western Interceptor Relief Sewer (SS0913).

### AWARD CONTRACT – SOUTH DOWNTOWN REDEVELOPMENT WATERLINE C PROJECT (WA0803)

The Commission accepted the Engineer's Estimate in the amount of \$150,815.00 and awarded a construction contract in the amount of \$80,196.90 to the low bidder, J and K Contracting, of Junction City, Kansas, for the South Downtown Redevelopment Waterline C Project (WA0803).

## CONSENT AGENDA (CONTINUED)

### PURCHASE – LIGHT EMITTING DIODE SIGNAL LAMPS (SP0910)

The Commission authorized the purchase of Light Emitting Diode (LED) Signal Lamps in the amount of \$79,850.65, from Republic ITS, Inc., of Grand Prairie, Texas.

### PURCHASE – SOLAR POWERED SCHOOL FLASHERS (SP0911)

The Commission authorized the purchase of solar powered school flashers in the amount of \$58,784.00, from the low bidder, Gades Sales Co., Inc., of Wichita, Kansas.

### PURCHASE – HALF-TON PICKUP TRUCK – STREET DEPARTMENT (UNIT #21)

The Commission authorized the purchase of a 2010 ½-ton pickup truck in the amount of \$15,173.00 for the Street Department, utilizing State vehicle bids, all in accordance with the 2010 Capital Improvements Program (ST002E).

### PURCHASE – MID-SIZED 4-DOOR SEDAN – RENTAL INSPECTION PROGRAM (UNIT #190)

The Commission authorized the purchase of a 2010 mid-sized 4-door sedan in the amount of \$14,408.00 for the Rental Inspection Program utilizing State vehicle bids, all in accordance with the 2010 Capital Improvements Program (FR026P).

### PURCHASE – HALF-TON PICKUP TRUCK – UTILITIES DIVISION (UNIT #49)

The Commission authorized the purchase of a 2010 ½-ton pickup truck in the amount of \$15,173.00 utilizing State vehicle bids for the Utilities Division (SW017E).

### PURCHASE – THREE QUARTER-TON PICKUP TRUCK – UTILITIES DIVISION (UNIT #44)

The Commission authorized the purchase of a 2010 ¾-ton pickup with 4-wheel drive in the amount of \$23,552.00 from Dick Edwards, of Manhattan, Kansas, for the Utilities Division (WA001E).

### PURCHASE – HALF-TON, EXTENDED CAB PICKUP TRUCK – UTILITIES DIVISION (UNITS #39, 51)

The Commission authorized the purchase of a two 2010 ½-ton pickup trucks with extended cabs in the amount of \$17,533.00 each, from Dick Edwards, of Manhattan, Kansas, for the Utilities Division (WA003E, WW002E).

## CONSENT AGENDA (CONTINUED)

### **RESOLUTION NO. 021610-B – KDOT AGREEMENT – EUREKA DRIVE**

The Commission approved Resolution No. 021610-B authorizing the Mayor and City Clerk to execute an agreement (144-05) with Kansas Department of Transportation and Riley County for a federal aid project providing for the reconstruction of Eureka Drive from Wildcat Creek Road to 1.7 miles east.

### **BOARD APPOINTMENTS**

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

#### *Housing Authority Board of Commissioners*

Appointment of Lorenza Lockett, 1920 Bluestem Terrace, to a four-year term. Mr. Lockett's term begins March 4, 2010, and will expire March 3, 2014.

#### *Human Rights and Services Board*

Appointment of Lois O'Malley, 1412 Leavenworth Street, to a three-year term. Ms. O'Malley's term begins March 10, 2010, and will expire March 9, 2013.

Appointment of Jennifer Hager, 2045 Plymouth Road, to a three-year term. Ms. Hager's term begins March 10, 2010, and will expire March 9, 2013.

After discussion, Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Items R and S, Purchase of Vehicles, which carried 3-2, with Mayor Strawn and Commissioner Pepperd voting against those items.

## GENERAL AGENDA

### **FIRST READING – REZONE - FLINTHILLS HOSPITALITY PUD**

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission regarding the protest petition and process.

Colin Noble, applicant, owner of Holiday Inn and Houlihan's restaurant, provided additional information about the proposed project and public meetings that have occurred. He informed the Commission that he has spent considerable time and money for engineers to address the traffic concerns expressed by several members of the Planning Board and the neighborhood. He then provided additional information on the proposal and investments planned for this project.



## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - FLINTHILLS HOSPITALITY PUD (CONTINUED)

Gary Schooley, Schwab-Eaton Engineering, representing the applicant, presented an overview of neighborhood land uses, site enhancement and beautification plans, existing landscape photos, proposed landscape plans and enhancements, project plans, drainage and stormwater management considerations, and additional steps that would be taken to improve the project and provide an off-site sidewalk connection. He then responded to questions from the Commission regarding a geotechnical analysis and erosion issues.

Jack Messer, Bucher, Willis and Ratliff (BRW), Kansas City, presented the engineering analysis of traffic volumes and level of service. He then provided data on speed statistics, site distance analysis, crash incidents between 2005 and 2009, photography of Allison Avenue, and informed the Commission that there is sufficient capacity to accommodate increased traffic. He then responded to questions from the Commission regarding traffic counts, volume of traffic, and site distance at varying speeds of traffic.

Gary Schooley, Schwab-Eaton Engineering, responded to questions from the Commission regarding drainage for the proposed project and provided additional information on the proposal.

Colin Noble, applicant, responded to questions from the Commission regarding the dates, time, and location of the public meetings held with the neighborhood.

Dee Baird, 2719 Allison Avenue, spoke against the proposal and voiced concerns regarding increased traffic, safety concerns, noise, service truck activity, neighborhood preservation, and said that the rezoning request is not consistent with the Comprehensive Plan. She stated the real concern is the rezoning directly related to the hotels and putting commercial property in a residential area that will be detrimental to the health, safety, and property values in the neighborhood. She then responded to questions from the Commission.

Eric Cattell, Assistant Director for Planning, provided clarification on the protest petition received and signatures required for the petition to be valid.

Dee Baird, 2719 Allison Avenue, informed the Commission on the process she used to collect the petition signatures and reiterated that she did not want the proposed hotels and rezoning to occur. She requested that the area be left as it is and used for single or two-family homes, a park, or possibly a dog park.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - FLINTHILLS HOSPITALITY PUD (CONTINUED)

Roy Head, 228 Ridgewood Drive, expressed concerns with existing traffic conditions and safety along Allison Avenue and Ridgewood Drive. He provided photos from the recent snow and ice conditions on Allison Avenue and stated that the conditions are dangerous with the present traffic, the visibility is poor, and the maintenance issues that exist on Allison Avenue.

Bob Claar, 2703 Allison Avenue, informed the Commission that Allison Avenue is a treacherous street and did not like the idea of additional traffic and big trucks, especially, with snow and icy conditions. He suggested that the developer be responsible for widening Allison Avenue to three lanes of traffic in order for it to be safer for current and future traffic or use the land for a park.

Mark Clarke, 921 Allison Avenue, voiced concern for inadequate parking being proposed for this development compared to other parking stall percentages for other hotels in Manhattan.

Cole Brokenicky, 2727 Allison Avenue, property owner, informed the Commission that he originally signed the petition due to initial traffic concerns; however, he stated that with the traffic studies conducted since that time, that he would not sign the petition again.

Galan Baird, 2719 Allison Avenue, asked the Commission to visualize a delivery with a large truck traveling up the hill on Allison Avenue and the potential for killing people. He also voiced concern that the hotels would attract criminal activity, drugs, prostitution, and noise. He stated that the proposed hotels do not fit in this area and need to be built somewhere else.

Lyle Butler, President, Manhattan Area Chamber of Commerce, informed the Commission that the Chamber did not have a position on the Planned Unit Development, but stated that Mr. Noble is willing to work with the Commission and neighborhood to find solutions to questions that have been raised and is interested in the safety of the neighborhood, his guests, and his workers that he employs.

Russ Briggs, 240 Drake Drive, Briggs Auto Group, stated that he was wearing two hats, one as a homeowner and another as a business owner near the proposed rezoning. He stated that the property has been non-producing for 40 years and that it needs to be looked at for development. He also stated that improvements need to happen with Allison Avenue.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - FLINTHILLS HOSPITALITY PUD (CONTINUED)

Richard Hill, 3513 Stagecoach Circle, stated that he owns multiple properties on Allison Avenue, Dondee Drive, Stagg Hill Road, and Davis Drive. He spoke in support of the proposal and said that he travels this road on a daily basis and hasn't had any problems with the street or sight issues. He listed other neighborhoods which are adjacent to commercial activities and stated that the proposal will fit in nicely with the neighborhood and is not intrusive.

Dee Baird, 2719 Allison Avenue, provided additional information to the Commission on future plans with the K-18 project and the potential for increased traffic on Allison Avenue.

Jack Messer, Bucher, Willis and Ratliff, and Collin Noble, applicant, provided additional information on the traffic analysis and proposed project.

Dale Houdeshell, Director of Public Works, answered questions from the Commission regarding sewer and water capacity.

Jack Messer, Bucher, Willis and Ratliff, answered questions from the Commission regarding traffic and truck access.

Rob Ott, City Engineer, answered questions from the Commission regarding traffic counts done by the City and by Blackbox Technologies. He stated that the report reflects that no proposed improvements are warranted for Allison Avenue. He then provided additional information on the study.

Dee Baird, 2719 Allison Avenue, answered questions from the Commission as to why she did not attend any of the neighborhood meetings. She stated there was no need to go because she didn't want to see the hotel built in the neighborhood.

Collin Noble, applicant, answered questions from the Commission as to how many people that signed the protest petition met with him and stated that he didn't know.

Eric Cattell, Assistant Director for Planning, provided information regarding zoning issues in the 2001 rezoning request. He stated that the request was to rezone the land R-3. The Planning Board requested that the site be developed as a Planned Unit Development.

Jack Messer, Bucher, Willis and Ratliff, answered questions regarding plans to change the slope of Allison Avenue and the blind spot at Ridgewood Drive. He indicated that there are no changes being planned at this time.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - FLINTHILLS HOSPITALITY PUD (CONTINUED)

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding information provided in the Staff Report and on the Comprehensive Plan.

Collin Noble, applicant, stated that consideration would be given to address the entrance to Ridgewood Drive and would consider helping do something on the east side of the street.

After discussion, Commissioner Snead moved to override the Manhattan Urban Area Planning Board and approve first reading of an ordinance rezoning the Flint Hills Hospitality Commercial PUD, generally located 400 feet west of the intersection of Seth Child Road and Allison Avenue, from R, Single-Family Residential District, and R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report and the BWR traffic analysis, with the 14 conditions of approval recommended by City Administration (*See Attachment No. 2*). Commissioner Pepperd seconded the motion.

After additional discussion by the Commission, on a roll call vote, motion carried 4-1, with Commissioner Sherow voting against the motion.

The Commission took a brief recess.

### FIRST READING – REZONE - WESTPORT COMMONS, UNIT TWO

Mayor Strawn stated that he and his wife, Julia, live in Williamsburg Court next to Westport Commons, Unit Two, and would be recusing himself during the item. He requested that Mayor Pro Tem Snead conduct this portion of the meeting.

Eric Cattell, Assistant Director for Planning, presented the item.

Mark Bachamp, Schultz Construction, informed the Commission that they have removed barbershop and beauty shop as a permitted use from Lot 4 because the neighborhood was not supportive of the proposed use. He summarized the public meetings with Williamsburg Association members and residents and other details associated with the project.

Tim Schultz, Schultz Construction, clarified some details of the project regarding the concrete ditch liner, drainage structure, and the clearing of the site.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - WESTPORT COMMONS, UNIT TWO (CONTINUED)

Julie Darrah, 1435 Browning Avenue, stated that she was concerned with the water drainage situation during heavy rainfall and with possible sewer backups to her property and to her neighbors. She also voiced concerned with the number of accidents at the intersection of Dickens Avenue and Browning Avenue and for the safety of the children in the area.

JJ Tucker, 1444 Beechwood Terrace, appreciated the developers withdrawing the use of barbershop and beauty shop on Lot 4. She also highlighted that the traffic study failed to adequately address placing a large development near a school and residential neighborhood.

Marty Denell, 1601 Beechwood Terrace, commended the developer for their spirit of cooperation in removing the C-2 use from the C-1 Business Professional PUD. She stated that their biggest concern is stabilization of Marlatt School and safety of the children who attend. She stated that she supported now the PUD.

Rob Denell, 1601 Beechwood Terrace, stated the he had concerns with the school zone on Dickens Avenue and that there is no indication of a school zone if you are heading east on Dickens Avenue. He asked that the City look into his concern.

Monty Prescott, BG Consultants, answered questions regarding the water drainage and the drainage system. He stated that he checked into the stormwater management for the development and that the post development flows are projected less than the predevelopment flows.

Rob Ott, City Engineer, responded to questions from the Commission regarding downstream issues and watershed, additional traffic through Beechwood Terrace, sidewalks along Dickens Place, school zones around Marlatt School, the speeds on Browning Avenue, and if a traffic light is warranted at the intersection of Browning Avenue and Claflin Avenue.

Mark Bachamp, Schultz Construction, stated that though the water flow in the area of Julie Darrah's house is totally a separate issue, there might be something that could be done with this project and with the City to possibly address the water flow concern.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - WESTPORT COMMONS, UNIT TWO (CONTINUED)

After discussion, Commissioner Sherow moved to approve the requested Variation of the Subdivision Layout Standards for driveway and street spacing, based on the findings in the Staff Report; and, override the Manhattan Urban Area Planning Board's recommendation and remove Barber Shops and Beauty Shops as permitted uses from Condition No. 1, as requested by the applicant, and approve first reading of an ordinance rezoning the proposed Westport Commons, Unit Two, generally located southeast of the intersection of Dickens and Browning Avenues, from PUD, Residential Planned Unit Development, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report with the twelve conditions recommended by the Planning Board, as modified (See Attachment No. 3). Commissioner Morris-Hardeman seconded the motion.

Commissioner Sherow stated that he would like for the Manhattan Urban Area Planning Board to look at landscaping that does not require irrigation systems and consider using other types of landscaping that is not an additional cost to the City and to the development.

On a roll call vote, motion carried 4-0.

Mayor Strawn returned to the dais.

### FIRST READING – REZONE - NEW BOSTON COMMONS PUD

Eric Cattell, Assistant Director for Planning, presented the item. He then answered questions from Commission.

Sam Malinowski, Cook, Flatt & Stroble Engineers, representing the applicant and developer, addressed concerns voiced regarding storm drainage and placement of the sidewalk. He stated that they would like to come up with something on the sidewalk for connectivity and showed the Commission the proposed sidewalk that would provide access for people living in the apartments to Dillon's and would participate in a special assessment district.

Bob Buel, 2916 Tatarrax Drive, owner of Brookside apartments, stated that he didn't understand why Lot 4 was being included in the PUD with no plans and wanted to see it stay residential. He noted that the restaurant is also a bar and in residential area is a bad idea. He showed pictures of Garden Way flooded from May 6, 2007, and stated that he does not want anything to make the flooding worse. He also showed pictures of flooding and the drainage tubes that drain the area near the Sonic Drive-in restaurant and Walgreens store, as well as cars parked along Garden Way for an extended period. He asked the Commission to not approve the PUD in its current configuration, stating that he likes the plan but is concerned with other than the drainage problems and traffic. He

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - NEW BOSTON COMMONS PUD (CONTINUED)

reiterated that the drainage issues should not be made any worse and there is no need for a restaurant or bar in the PUD. Additionally, he wanted to see sidewalks on either the east side or west side of the road. He suggested that if a sidewalk was constructed on his property, he would want to do it himself.

Sam Malinowski, Cook, Flatt & Stroble Engineers, stated storm drainage would be improved by installing a berm back behind the PUD, which would prevent surface water pooling on Garden Way and bypass stormwater down to Wildcat Creek. He stated that the current configuration of the PUD was designed for maximum access, but if the decision was made to reduce some access, he would be okay with that.

Ron Fehr, City Manager, indicated the Commission could establish a benefit district through the public hearing process and provided additional information on the item.

Robert Ott, City Engineer, informed the Commission that had looked at Garden Way and the feasibility of constructing a sidewalk on the west side. He indicated that there are some mature trees on west side to consider, but could look at creating an easement to save those trees. He stated the City would need cooperation in the petition process and in acquiring adequate right-of-way, or the sidewalk could be constructed to go around the trees.

Bob Buel, 2916 Tatarax Drive, stated if the City wants the sidewalk as drawn, he would run a sidewalk from his driveway up to it, so it would be a sidewalk to nowhere, except from his driveway, to which he would connect, and his tenants could use the sidewalk to get to Anderson Avenue. He then answered questions from the Commission regarding runoff.

Ryan Almes, Fire Marshal, stated that it would be smart to build a sidewalk for connectivity, but would need to have the ability to turn around at the end of the development.

Rich Seidler, McCullough Development, said they intended to install a curb cut for the future development of Lot 4 and intended to put something in to facilitate an exit for future development. In his estimation, clearly most traffic would be coming in from the north, but Lot 4 is to be developed later. He said those curb cuts were not critical to them, but he was under the impression they were important to the Fire Department.

Sam Malinowski, Cook, Flatt & Stroble Engineers, concurred and said the future installation of a sidewalk could follow the same scheme as the one currently in place near Sonic and Walgreens.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - NEW BOSTON COMMONS PUD (CONTINUED)

Ron Fehr, City Manager, and Rob Ott, City Engineer, answered questions from the Commission regarding Condition 9.

Eric Cattell, Assistant Director for Planning, indicated from a planning perspective it doesn't matter if the sidewalks were on the east or west side, but the west side would probably be better. He also informed the Commission that if the curb cuts were eliminated, the Commission would need to approve a motion overriding the Planning Board.

After additional discussion, Commissioner Sherow moved to approve first reading of an ordinance rezoning the proposed New Boston Commons PUD, generally located south of the intersection of Anderson Avenue and Garden Way, from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report; and override the Manhattan Urban Area Planning Board's recommendation with the conditions recommended by the Planning Board, by amending Condition Number 9 to add that a sidewalk design be developed in agreement with the City Engineer's recommendation for a sidewalk to be built on either the west or east side of Garden Way; and, adding Condition No. 13, eliminating the southernmost curb cut onto Garden Way and providing an alternative fire truck turnaround as per the Fire Department's requirements (*See Attachment No. 4*). Commissioner Snead seconded the motion.

On a roll call vote, the motion carried 5-0.

### THIRD STREET PROJECT, CONFERENCE CENTER, AND PARKING GARAGE

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, presented the item. He then responded to questions from the Commission regarding the possibility of providing a fifth floor and potential revenue projections for the parking garage, if the Commission decided to charge for parking space in the garage.

Rick Huffman, HCW, Inc., informed the Commission that they have already done geotechnical analysis on the site and that the costs of building a fifth floor for the parking garage would probably be between \$2.5 and \$3 million, due to the stabilization issues associated with the site. He then responded to questions and assured the Commission that HCW would be thoroughly inspecting the design and would be hiring third-party inspectors to confirm the integrity of the structure. He stated that they plan to install the infrastructure for an automated pay system.

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







## INTER-OFFICE MEMORANDUM

**DATE:** January 13, 2010

**TO:** Manhattan Urban Area Planning Board

**MEETING DATE:** January 21, 2010

**FROM:** Steve Zilkie, AICP, Senior Planner

**RE:** Amend the Manhattan Zoning Regarding Political or Campaign Signs

### BACKGROUND

Political and campaign signs are a type of sign set out in the Manhattan Zoning Regulations in Article VI, Signs, Section 6-104, Exemptions, (A) (7). The signs are exempt from the requirements of Article VI, except for time and location limitations and the requirements of Section 6-106, Maintenance, Removal and Disposition (*attachment*). Political or campaign signs are not defined in the Zoning Regulations, but can generally be described as signage supporting candidates or issues in connection with national, state or local elections.

Section 6-104 (A) (7) currently reads: "Political or campaign signs, provided they are not located within or over a public right-of-way. Any such signs on behalf of candidates for public office or measures on election ballots shall not be erected earlier than sixty (60) days prior to said election and shall be removed within fifteen (15) days following said election."

The proposed text amendment of the Zoning Regulations deletes Section 6-104 (A) (7) and replaces it with proposed Section 6-104 (B) (5), to read:

Section 6-104 (B) (5) Political or campaign signs. Such signs shall also be exempt from the District Regulations in PART 2.

*Attachment No. 1*

By moving “political or campaign signs” from paragraph “A” to paragraph “B”, such signs will continue to be exempt from needing a sign permit, however will otherwise be subject to provisions addressing issues such as traffic safety, illumination, applicable building and electrical codes, and prohibitions on flashing signs. The proposed amendment will allow City Administration to enforce those types of provisions which apply to all signs city wide, if it becomes necessary. Those concerns have generally not been an issue in the past with these types of signs. Most frequently the issue with campaign signs is placement in the public right-of-way and blocking vision of drivers at intersections.

In addition, the proposed amendment will continue to exempt political and campaign signs from the provisions of specific zoning districts, such as structural type, number, surface area, maximum height, and setback requirements. These district standards are generally associated with permanent signs rather than the temporary signs. In addition, political and campaign signs are more temporary in nature, do not require a permit, and have generally not generated community concern to the extent that size, number and other district limitations should be applied.

Federal courts, including the federal courts in Kansas, have held that it is not permissible for a city to regulate political signs differently than other signs. In other words, the City’s regulations stating that the political signs can only be posted during particular time periods must be changed. Therefore, the City has not enforced these time provisions during the last election cycle, and has notified political candidates and organizations that the time limitations no longer applied. The proposed amendment removes the time provisions, while insuring that the signs still meet the general provisions that apply to other signs.

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

When proposed amendments result in a change to the text of the Zoning Regulations, the report from the Planning Staff shall contain a statement as to the nature and effect of the proposed amendments, and determinations as to the following:

**WHETHER SUCH CHANGES ARE CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS**

The intent of the Zoning Regulations is to protect the public health, safety and general welfare, and to protect property values, through the creation of zoning districts in which land uses are controlled in order to be compatible with other nearby uses. The proposed amendment implements the intent and purpose of the regulations by removing time limitations for political or campaign signs and otherwise ensuring the signs comply with the regulations that apply to other signs. The proposed amendment is consistent with the intent and purposes of the Zoning Regulations.

*Attachment No. 1*

As proposed, political or campaign signs must meet the requirements related to broader provisions addressing traffic safety, illumination, applicable building and electrical codes, and other issues; however, as is currently the case, no sign permit will be required and specific district requirements will not apply due to the temporary nature of the sign.

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

All zoning districts are equally affected. Political or campaign signs are allowed as an exempt type of sign in all zoning districts city wide.

**WHETHER THE PROPOSED AMENDMENTS ARE MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN THE AREAS AND ZONING DISTRICTS AFFECTED, OR IN THE CITY PLANNING AREA, GENERALLY, AND IF SO, THE NATURE OF SUCH CHANGED OR CHANGING CONDITIONS**

The proposed amendment is made necessary because of case law prohibiting a city from regulating political signs differently from other signs similar in nature.

**WHETHER SUCH CHANGES ARE CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICIES AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY**

The Zoning Regulations implement the Comprehensive Plan, its goals, objectives, and policies. The Plan is general in nature and does not specify administrative detail such as the proposed amendment. However, the proposed amendment ensures that the general statements in the Comprehensive Plan are implemented consistent with legal requirements.

### **ALTERNATIVES**

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

1. Recommend approval of the proposed amendment to the Zoning Regulations to the City Commission.
2. Recommend denial of the proposed amendment to the Zoning Regulations to the City Commission.
3. Modify the proposed amendment to the Zoning Regulations and forward the modifications, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, and provide further direction to City Administration.

### **RECOMMENDATION**

City Administration recommends approval of the amendment to the Manhattan Zoning Regulations to Article VI, Signs, Section 6-104, Exemptions, to delete Section 6-104 (A) (7), regarding Political or campaign signs, and add Section 6-104 (B) (5), based on the findings in the Staff Memorandum.

### **POSSIBLE MOTION**

The Manhattan Urban Area Planning Board recommends approval of the amendments to the Manhattan Zoning Regulations to Article VI, Signs, Section 6-104, Exemptions, to delete Section 6-104 (A) (7), regarding Political or campaign signs, and add Section 6-104 (B) (5), as described in the Staff Memorandum, based on the findings in the Staff Memorandum.

10004

## **STAFF REPORT**

### **APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT**

**(NOTE: The proposed Revised Preliminary Development Plan site plans are revisions of the PUD plans distributed to the Planning Board for the Public Hearing on Monday, September 21, 2009. The Public Hearing was not conducted on September 21, 2009 and the PUD plans distributed for that meeting were not presented or discussed. The applicant requested the Public Hearing on September 21, 2009 be tabled to modify the PUD to relocate the proposed Candlewood Suites building. The staff report distributed for the September 21, 2009 Planning Board meeting recommended denial of the PUD, based on the location of the Candlewood Suites. This staff report reflects the revised PUD site plans.)**

### **BACKGROUND**

**FROM:** R, Single-Family Residential District, and R-1, Single-Family Residential District.

**TO:** PUD, Commercial Planned Unit Development District.

**OWNER:** K-Air, Inc. – Russ Briggs.

**ADDRESS:** 2312 Stagg Hill Road, Manhattan, KS 66502.

**APPLICANT:** Flinthills Hospitality, LLC – Colin Noble.

**ADDRESS:** 1641 Anderson Avenue, Manhattan, KS 66502.

**DATE OF PUBLIC NOTICE PUBLICATION:** Thursday, August 20, 2009.

**DATE OF PUBLIC HEARING PLANNING BOARD:** November 2, 2009.

The Public Hearing was originally advertised for Thursday, September 10, 2009. The Public Hearing was tabled to Monday, September 21, 2009, re-tabled to October 19, 2009, and finally to November 2, 2009.

**CITY COMMISSION:** Tuesday, November 17, 2009.

**LOCATION:** Generally located 400 feet west of the intersection of Seth Child Road and Allison Avenue, along the north side of Allison Avenue and south of Ft. Riley Boulevard.

**AREA:** 4.792 acres (proposed Lot 1 – 3.274 acres and proposed Lot 2 – 1.517 acres.)

**PROPOSED USES:** Two hotels: Candlewood Suites and Holiday Inn Express.

*(Note: The existing City of Manhattan's East Stagg Hill Booster (Water) Pump Station is not included in the rezoning; however, the site on which it is located is shown on the proposed site plan as Lot 3. If the PUD is approved, Lot 3 will be included as a part of the Final Plat. The Pump Station was approved as a Municipal Facility in 1998. The building was constructed over the north property line by approximately twelve feet. The Final Plat will correct the encroachment.*

*The existing municipal facility is a potable water pumping station, which boosts water pressures for both the western part of the City and the water tower west of Miller Ranch subdivision. A chlorinating facility is part of the facility to ensure adequate disinfection is maintained in the municipal water system. The existing station's building site was approved at 110 feet by 110 feet, 12,100 square feet in area, and abutting Allison Avenue and generally located adjacent to and northeast of the right angle intersection of Allison Avenue, and southeast of Lot 11 in the Wesley Addition.*

*Proposed Lot 3 extends the north dimension by 30-feet to account for the building encroachment. The building coverage is approximately 1,200 square feet in area (30 feet by 40 feet), including overhangs. The building is brick construction with a sloped roof and composite shingles. The building is approximately 16 feet in height. Interior floor area of the building is 864 square feet.*

*An existing easement is provided off Allison Avenue for access to the site. A temporary gravel driveway extends to the station from a curb cut located approximately 400 feet of the station to the east off Allison Avenue. The temporary gravel driveway will remain in place until adjacent property is developed at which time access will be obtained from a street within that new development, or proposed Hospitality Place, a Travel Easement. Two (2) off-street parking spaces are provided on the site, which are accessed from the temporary driveway.*

*City Administration requested an eight (8) foot chain link fence and gate to enclose the station for security, similar to other facilities in the City. The site plan reflects the fence. The condition of approval recommends an eight foot security fence in case a more decorative fence, similar to fence around the water plant, is constructed.*

**PROPOSED BUILDINGS AND STRUCTURES:** A two phase project with proposed Lot 2 to be developed first and proposed Lot 1 after completion of Lot 2. Relocation of the twelve inch water main on Lot 1 will occur prior to construction of the Holiday Inn.

Proposed Lot 1 - Holiday Inn Express hotel

The proposed hotel is a 75 room four story building, generally 55-feet in height to the roof peak and approximately 67-feet, in total height, to a roof feature identifying the front entrance. A roof feature is also on the south, or rear wall is approximately 62-feet in height. (See Sheets A2.1 to A2.3, 2.5 and A3.1 and A 3.2, for details.) The building exterior is manufactured limestone veneer and stucco with asphalt roof shingles. The drive-in canopy has a standing seam metal roof. Building dimensions, excluding the drive-in canopy, are approximately 179-feet in length by 85-feet in depth, with an east – west orientation. The building is set back approximately 155-feet north of Allison Avenue and no closer than approximately 55-feet to Ft. Riley Boulevard. The building is set back approximately 185-feet from the western property line adjoining the Wesley Addition, a low density single-family neighborhood. Off-street parking on the west side of the building is set back, at its closest, 130-feet. The front entrance is towards Ft. Riley Boulevard to the north with side entry exits on the east and west sides of the building. Other than off-street parking, a trash dumpster enclosure and storage shed, and common monument and optional skirted pole sign for both hotels, there are no outdoor activities or improvements, such as pools, playgrounds, patios or similar outside activities. Interior rooms of the Holiday Inn include hotel rooms, lobby, great room, guest lounge, fitness room and pool, and administrative and mechanical space. Eighty off-street parking spaces are proposed. Exterior up lighting and building lights are proposed on all four sides of the hotel.

Proposed Lot 2 - Candlewood Suites hotel

The proposed hotel is an 84 room four story building, generally 45 feet in height to the flat roof and an additional seven feet ten inches, or 52 feet ten inches, in total height, to an architectural parapet roof feature identifying the front entrance (see Sheets A1, A2 and A3 for details.) The building exterior is stucco with a manufactured limestone veneer base. Building dimensions are generally 212 feet in length by 56 feet in depth. The length of the building is oriented east to west, at an approximate 13-foot front yard setback along Ft. Riley Boulevard off-ramp and parallel to the lot line. Setback off Allison Avenue varies from 66-feet at the eastern end to 145-feet at the western end of the building. The front entrance faces Allison Avenue to the south with side entry exits on the east and west sides of the building and two doors on the rear, or Ft. Riley Boulevard side of the building. Other than off-street parking, and an exterior trash dumpster enclosure and storage shed, there are no exterior activities or improvements, such as pools, playgrounds or patios. Interior improvements for the Candlewood Suites include hotel rooms, a fitness room and administrative and mechanical spaces. Eighty six off-street parking spaces are proposed. Exterior up lighting and building lights are proposed on all four sides of the hotel.



### PROPOSED LOT COVERAGE

| <b><i>USE - LOT 1</i></b> | <b><u>Square Feet (sf)</u></b> | <b><u>Percentage</u></b> |
|---------------------------|--------------------------------|--------------------------|
| Holiday Inn Express       | 12,025 sf                      | 9%                       |
| Travel Easement           | 0                              | 0                        |
| Driveways/Parking         | 43,473 sf                      | 34%                      |
| Landscape Space           | 74,125 sf                      | 57%                      |

| <b><i>USE - LOT 2</i></b> | <b><u>Square Feet (sf)</u></b> | <b><u>Percentage</u></b> |
|---------------------------|--------------------------------|--------------------------|
| Candlewood Suites         | 11,232 sf                      | 14%                      |
| Travel Easement           | 18,307 sf                      | 23%                      |
| Driveways/Parking         | 24,712 sf                      | 31%                      |
| Landscape Space           | 24,848 sf                      | 32%                      |

**PROPOSED SIGNS:** The Holiday Inn has proposed four internally lit wall signs, one each façade, generally near the roofline, ranging in size from approximately 156 square feet in area on the north and south facades, approximately 115 square feet in area on the east façade, and 28-square feet on the west façade. An optional skirted pole sign, 30-feet in height and approximately 169-square feet in area, is proposed on the north property line adjacent to Ft. Riley Boulevard with the names of both hotels on the structure.

The Candlewood Suites has proposed three internally illuminated wall signs on the building. One approximate 102-square foot wall sign is proposed on the south elevation, and one approximate 37-square foot in area wall sign is proposed on the east and west facades. A ground monument sign is proposed in the eastern most corner of Lot 2 in a landscaped base. The sign is six feet in height by twelve feet in length and constructed of limestone with aluminum panels identifying the two hotels. No lighting is proposed; however, it is assumed the signs will be lit.

Exempt signage, such as address numerals, political signs and temporary construction signs, described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations would be permitted.

**PROPOSED LIGHTING:** Exterior lighting of the buildings consists of security and accent lights. Full-cutoff parking lot light poles are proposed in the off-street parking areas. Application documents indicate light poles are 35-feet in height, except for light poles on the west side of the Holiday Inn parking lot drive, which will be total 23-feet in height due to overhead power lines. Pedestrian scale light poles are proposed along Allison Avenue south of the Candlewood Suites a total height of 15-feet, 12-foot pole on a three foot base.

## **REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

**1. LANDSCAPING:** Proposed landscaping is functional with respect to the proposed hotel setting of the development. The landscape plan consists of deciduous and evergreen trees and a broad range of shrubs and ornamental grasses, primarily in landscape parking islands and around the base of the proposed ground sign on Lot 2. No landscaped base is proposed in the optional sign on Lot 1. Other landscaped space will be turf type grass, either seeded or sod. Landscaping will be maintained by the owners and maintained by an underground sprinkling system.

**2. SCREENING:** An outdoor storage (trash dumpsters) area is adequately screened. It is located in the southern part of Lot 2 and separated from areas to the south by a ten foot retaining wall and will be enclosed and gated. Six to eight foot evergreen landscape screening is proposed on Lot 2 along the Allison Avenue right-of-way to buffer the views of off-street parking spaces at the proposed 15-foot front yard setback from the front yards of residential dwellings immediately to the south, and which front on Allison Avenue. The Holiday Inn will be separated from residential rear yards of single-family dwellings on lots in the Wesley Addition to the west by a heavily forested drainage ravine as well as by distance. Additionally, the site will be graded and below Allison Avenue with a retaining wall adding buffer.

**3. DRAINAGE:** The drainage system is designed in conformance with the adopted Stormwater Management Master Plan. Adequate provisions for drainage have been provided. A restrictive covenant is required regarding maintenance, construction and repair, as well as the assessment of adjoining properties if the storm water improvements are not maintained, constructed or repaired.

The applicant's proposal is to direct storm water to underground storm water storage cells, which will release to the north onto Kansas Department of Transportation (KDOT) right-of-way and to the drainage ravine on the west side of the PUD. A Preliminary Drainage Study was prepared by Schwab-Eaton, P.A., dated July 27, 2009 (attached). The City Engineer has reviewed the Report (memo attached dated October 28, 2009), and accepts the proposal with two recommendations and two concerns: one regarding the apparent lack of a storm drainage plan for the parking area between the two hotels and the need for the drainage plan to address drainage from Allison Avenue.

An Agreement Creating a Restrictive Covenant on Real Estate for drainage, (draft attached and subject to acceptance by the City) will be filed with the Final Plat to insure maintenance and the ability of the City to assess Lot 1 and Lot 2 if the drainage improvements are not maintained to city standards.

**4. CIRCULATION:** The internal circulation plan provides for safe, convenient and efficient movement of motorists and pedestrians. Internal conflicts between motorists and pedestrians are minimized. The proposed travel easement also provides public street access to the East Stag Hill Booster Pump Station. A restrictive covenant is required for travel easements to ensure construction, maintenance and repairs, and the assessment to adjoining property in the PUD, if the public street is not maintained, constructed or repaired to city standards (draft attached).

A Traffic Impact Study for Flinthills Hospitality was prepared by Schwab-Eaton, P.A., dated July 22, 2009 (attached). The Study concludes that the proposed traffic will generate fewer than 100 trips in the peak hour.

The City Engineer has reviewed the Study, and accepts it with no exceptions (memo attached dated October 28, 2009.)

Currently, there is no public sidewalk along either side of Allison Avenue, a local street. Pedestrian traffic is accommodated for and within the development and will connect to proposed sidewalk on the north side of Allison Avenue. The applicant has requested a variation of the Subdivision Regulations requirement to not provide sidewalk along its Ft. Riley Boulevard frontage south of the off-ramp. While sidewalk along the sites north frontage of Ft. Riley Boulevard appears unnecessary, development of the site should have a sidewalk connection to an existing sidewalk on the west side of the intersection of Seth Child Road and Allison Avenue intersection.

Off-street parking for hotels is based on the requirements of the Manhattan Zoning Regulations, which requires two parking spaces plus one per hotel room. The Holiday Inn would be required to provide 77 (2 + 75 rooms) and 80 are proposed or three more than the minimum. The Candlewood Suites would be required to provide 86 (2 + 84 rooms) and 86 are proposed. The combined total is 166. Adequate off-street parking is provided to serve the hotels.

**5. OPEN SPACE AND COMMON AREA:** Landscaped space reflects open space and there is no common area unless there is provision for shared parking in parking lots

**6. CHARACTER OF THE NEIGHBORHOOD:** The proposed site is located in the southwestern corner of a major street intersection, Ft. Riley Boulevard and Seth Child Road. Development in the intersection consists primarily of service commercial on its southeast and northwest corners and a municipal facility on the northeast corner. The southwest corner near, the proposed PUD site, consists of a group day care and established low to high density residential neighborhoods. The southwest corner of the intersection, prior to and since improvements Ft. Riley Boulevard, is primarily residential

with limited professional office use. The southwest corner of the intersection is accessed from a local street, Allison Avenue, which also connects to Stagg Hill Road. Intersecting streets on Allison Avenue, Canyon Drive and Ridgewood Drive, serve the residential neighborhoods to the south of Allison Avenue, which extends into an established multiple-family and single-family and two-family neighborhood. The proposed PUD site is on a prominent elevated flat plateau above Ft. Riley Boulevard, which is immediately to the north and is very visible from both Ft. Riley Boulevard and Seth Child Road. The site was created as a part of the highway improvements by the Kansas Department of Transportation. The triangular eastern portion of the site was established as a result of the highway improvements.

## **MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS**

**1. EXISTING USE:** A combination of vacant R and R-1 Districts. The triangular shape of proposed Lot 2 was created by KDOT due to acquisition of right-of-way for off-ramps and other Seth Child Road and Ft. Riley Boulevard intersection improvements. Both tracts have been vacant since annexation.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The majority of the site is flat except for those portions adjoining Allison Avenue along the southern boundary. The site is at the same approximate grade as Allison Avenue at the eastern point and approximately 20-feet below grade of Allison Avenue where Allison Avenue turns at a right angle to the south. The northern boundary of the site adjoins Ft. Riley Boulevard right-of-way. The majority of the interior of the site has been graded and there are scattered trees along the southern boundary. There is a large and deep natural and heavily treed ravine on the western edge of the site. The site drains to the north and northeast. Access is from an existing concrete curb cut located approximately 60-feet west of the Ridgewood Drive and curb cut intersection. Internal access to the Booster Pump Station is a gravel driveway leading to the Pump Station and to the balance of the site. The existing curb cut is on a generally flat part of Allison Avenue. The site plan indicates Allison Avenue up to the proposed curb cut is a 15% grade, which flattens to a 4% grade and inclines to 11% before flattening at the western boundary of the site at the top of the hill.

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

*Attachment No. 2*

**(a.) NORTH:** Ft. Riley Boulevard, off ramp to Seth Child Road and Ft. Riley Boulevard signalized intersection, divided four lane expressway; restaurant and single family dwellings, all north of Ft. Riley Boulevard, and Seth Child Road; R District and PUD.

**(b.) SOUTH:** Allison Avenue, a 60 foot wide local residential street, multiple-family, two-family and single-family dwelling units; R-2, Two-Family Residential District and R-3, Multiple-Family Residential District.

**(c.) EAST:** Ft. Riley Boulevard and Seth Child Road signalized intersection; auto dealership, multiple-family dwelling unit, restaurant, and group day care; R-1 District, C-5, Highway Service Commercial District, and C-1, Restricted Business District.

**(d.) WEST:** Single-family residential dwelling units and church; R District.

**4. CHARACTER OF THE NEIGHBORHOOD:** See above under Review Criteria for Planned Unit Development, number 6.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site has remained vacant since annexation and rezoning. Lot 11, Wesley Addition, has remained vacant since preliminary and final platting, likely due to the difficulty associated with steep access off Allison Avenue. Nothing prohibits the site from developing with R District and R-1 District uses; however, its location along Ft. Riley Boulevard may have diminished its attraction for low density single-family development allowed in the R and R-1 Districts. Given the character of the site, its suitability may be more appropriate for apartment sized buildings, similar to the scale of the two proposed hotels.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in traffic, light and noise can be expected to occur with two hotels. Additional impacts may be expected due to the size and location of the hotels with respect to nearby residential neighborhoods.

Traffic, Light and Noise Impacts

An increase in vehicular traffic can be expected. Based on the Traffic Impact Study for Flinthills Hospitality, traffic is anticipated to generate minimal impact on the street system. Pedestrian traffic will be accommodated with new sidewalks along Allison Avenue, which currently do not exist.

*Attachment No. 2*

With respect to light, notes on the PUD documents indicate lights will be full-cutoff and downcast. The Candlewood Suites' front wall, as well as the rear wall will be lit with up-lighting; however, the separation of the wall due to the angle of the building and front yard setbacks should reduce any adverse affects on residential property to the south due to lighting. The Holiday Inn is separated by distance and lighting should not impact residential uses in the nearby neighborhoods. Light poles along Allison Avenue south of the Candlewood Suites will be at a residential scale in terms of height.

With respect to noise, an increase in noise can be expected. The Candlewood Suites and Holiday Inns operate on a 24 hour basis and activity can be expected throughout the daytime hours and to a lesser extent at night. Noise associated with the location of the Candlewood Suites hotel to the neighborhood to the south is mitigated due to the distance of the building from Allison Avenue. The off-street parking along the south front yard of Allison Avenue will be screened with minimum six to eight foot tall evergreen. In addition, parking along Allison Avenue will be located below grade of Allison Avenue in the range of one-half foot at the eastern end of the parking lot to approximately 14-feet at the western end of the parking lot. At the eastern end of the parking lot, the retaining wall will provide little affect to reduce noise, but as the height of the wall increases to the west, the retaining wall should significantly reduce any noise.

Size and Location Impacts

Candlewood Suites hotel

The proposed front yard building setback of the proposed 45-foot tall Candlewood Suites hotel along Allison Avenue is 66-feet at its closest point. The building is 45-feet in height and approximately 212-feet in length, or a front façade area of approximately 9,540-square feet in area. Front yard setbacks in the underlying R-1 District are 25 feet and maximum structure height is 35-feet. The hotel is proposed at a finished grade elevation of 1135 feet. Based on the proposed grade adjacent to the building and street grades, the hotel is approximately seven feet below Allison Avenue street grade at the eastern point of the building and 20-feet below grade at the western point of the building. In combination with landscaping, distance, angle of the building and elevation grade differences, the height and lighting associated with the building, are not expected to adversely affect residential properties to the south of Allison Avenue. While general building height is approximately ten feet greater than the underlying residential district would allow, these same factors mitigate its affect on the character of the established neighborhood to the south. As proposed, the intensity of the operation associated with the Candlewood Suites hotel should not dominate the adjoining neighborhood to the south.

*Attachment No. 2*

Additionally, residential dwellings on the south side of Allison Avenue, opposite Lot 2, are set back approximately 50-feet, or 25-feet greater than the minimum 25-foot front yard setback for residential buildings. This additional front yard setback, combined with the 60-foot of right-of-way width of Allison Avenue, the minimum 66-foot front yard setback at the eastern end of the Candlewood Suites hotel, which increases to 145-feet at the western end of the hotel, and the angle of the hotel, meaning the hotel façade angles away from the neighborhood, all together further reduce the visual impact of the mass of the building as a dominating affect on the residential neighborhood.

Holiday Inn Express hotel

The hotel, as situated on Lot 2, is separated by distance, existing dense tree screening and elevation from nearby neighborhoods. Based on a finished floor elevation of 1145 feet, approximately 30-feet of the building will be visible from the southern turn on Allison Avenue. The building is approximately 155-feet north of the southern turn on Allison Avenue, and approximately 26-feet below street grade. Off-street parking and building setbacks from the western lot line are 130-feet and 185-feet, respectively and buffered by a drainage easement/deep ravine with dense mature trees. The commercial wall sign on the rear, or south façade, of the building is out of character with the area to the south. The Allison Avenue street frontage, towards which the sign is oriented, is not commercial and the sign should not be allowed, or at a minimum should be no greater than 40-square feet in area, the

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:**

Land Use and Policies as shown in the Comprehensive Plan for the Site

The site is shown on the Southwestern Future Land Use Map as a combination of RMH, Medium to High density residential and RLM, Low to medium density residential. The RMH density range is 11 to 19 dwelling units per net acre. Uses include single-family dwellings, primarily on smaller lots, plus all housing types allowed by the Zoning Regulations, which include, two-family, three and four family dwellings, apartment buildings and manufactured homes. Mixed-use projects, including apartment buildings, would also be appropriate as a Planned Unit Development. The RLM density range is less than one up to eleven dwelling units per net acre.

Residential low to medium areas may include complementary scale retail service and office uses, and residential medium to high density neighborhoods may neighborhood scale commercial centers, which should be in harmony with the character of the residential neighborhood in which the use is proposed. The combination of residential and commercial uses would be in planned setting, usually a PUD.

**RLM 1: Characteristics**

*The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.*

**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.*

**Proposed Land use and Applicable Policies**

The proposed rezoning reflects a land use associated with Community Commercial (CC) activity. The policies of Community Commercial are set out below in italics. The proposed rezoning would implement a development plan generally consistent with the policies applicable to all commercial development, as well as policies applicable to Community Commercial. In addition, the proposed PUD is Infill, or the development of new buildings on a vacant site in a built-up area, as envisioned in Growth Management policy GM 9. The proposed rezoning should be considered for consistency with the policy comments of GM 9. (Note: The term Infill is described in Chapter 9: Housing and Neighborhoods, Policy HN: 5, Promote Infill and Redevelopment.)

***COMMERCIAL - Background and Intent***

*The City contains numerous commercial areas that provide the necessary goods and services for residents of the community and region as well as visitors. Commercial developments must be located and designed to balance market opportunities with access and location. In addition, the location and design of commercial areas must be incorporated into surrounding areas, rather than altering the character of surrounding neighborhoods. While the Downtown, or Central Core District, will remain the primary*



*focus of regional commercial activity for the community and region, a variety of other community and neighborhood scale commercial centers will be distributed throughout the community to provide for the day-to-day needs of residents.*

## **COMMERCIAL- ALL CATEGORIES**

### ***C 1: Designate Commercial Areas According to Their Role and Function in the Region***

*To provide a variety of commercial services to the community, three commercial designations are provided, depending on the center's scale, purpose, location, and intensity of use. These include the Central Core District, Community Commercial, and Neighborhood Commercial.*

### ***C 2: Distribution of Commercial Services***

*Commercial centers should be distributed throughout the community to provide ease of access for all residents and minimize the need for cross-town vehicle trips.*

### ***C 3: Locate All Commercial Uses in Activity Centers***

*Commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Development of distinct commercial nodes will help preserve the residential character of many of the major street corridors throughout the community and help prevent the negative impacts caused by multiple access points along a corridor. Commercial activities, when grouped in cohesive centers or nodes, result in more viable areas compared to scattered or isolated single use commercial sites. Activity centers, or nodes, provide a variety of services in a concentrated location to promote "one-stop shopping" and minimize the need for multiple vehicle trips. Each center has a limited number of vehicle access points to minimize impacts on surrounding uses and maintain an efficient traffic flow to and from the site. Uses are typically clustered on larger sites near the intersection of two major streets rather than being developed in linear, "strip" configurations along major street corridors. Linear development patterns, particularly when parcels provide a single use and are developed independently, can require multiple access points and lead to disruption of traffic flow on adjacent streets. Although lot sizes and/or configurations in some areas may warrant the use of a more linear development pattern, it is generally discouraged.*

### ***C4: Include a Mix of Uses in New and Redeveloped Commercial Areas***

*New development and redevelopment should include a mix of uses of different types and sizes, creating a diversity of activity and avoiding large, single-use buildings and dominating parking areas.*

**C5: Promote a High Quality Urban Environment**

*The physical design of commercial development areas shall promote a high quality urban environment, as expressed by site layout, building materials and design, landscaping, parking area design, and pedestrian-oriented facilities, such as through use of design guidelines.*

**COMMUNITY COMMERCIAL (CC)**

**CC 1: Characteristics**

*Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.*

**CC 2: Location**

*Community Commercial Centers should be located at the intersection of one or more major arterial streets. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as “big-box” stores) shall only be permitted in areas of the City where adequate access and services can be provided.*

**CC 3: Size**

*Typically require a site of between 10 and 30 acres.*

**CC 4: Unified Site Design**

*A unified site layout and design character (buildings, landscaping, signage, pedestrian and vehicular circulation) shall be required and established for the center to guide current and future phases of development. Building and site design should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.*

**CC 5: Architectural Character**

*Community Commercial Centers shall be required to meet a basic level of architectural detailing, compatibility of scale with surrounding areas, pedestrian and bicycle access, and mitigation of negative visual impacts such as large building walls, parking areas, and service and loading areas. While these requirements apply to all community commercial development, they are particularly important to consider for larger footprint retail buildings, or “big-box” stores. A basic level of architectural detailing shall include, but not be limited to, the following:*

- *Façade and exterior wall plane projections or recesses;*
  - *Arcades, display windows, entry areas, awnings, or other features along facades facing public streets;*
  - *Building facades with a variety of detail features (materials, colors, and patterns);*
- and*
- *High quality building materials.*

**CC 6: Organization of Uses**

*Community commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Within each activity center or node, complementary uses should be clustered within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses. Isolated single store developments are strongly discouraged.*

**CC 7: Parking Design and Layout**

*Uninterrupted expanses of parking should be avoided. Parking areas should be broken into smaller blocks divided by landscaping and pedestrian walkways. Parking areas should be distributed between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible.*

**CC 8: Circulation and Access**

*Clear, direct pedestrian connections should be provided through parking areas to building entrances and to surrounding neighborhoods or streets. Integrate main entrances or driveways with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles.*

**GM 9: Infill and Redevelopment**

*Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically*

*Attachment No. 2*

*identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area.*

Low to medium density and medium to high density development are suggested for the site in the Comprehensive Plan. As noted in the Comprehensive Plan's policies for residential areas retail services and office activities may be in appropriate, when properly located, scaled and in character with the residential neighborhood. These policy statements should be balanced against the policies for commercial development based on the overall character of the neighborhood.

The proposed PUD is will locate two hotels on an elevated site above a major street corridor, at an intersection oriented to commercial development, which is also immediately adjacent to an established single-family, two-family and multiple-family residential neighborhood. The proposed Candlewood Suites hotel generally conforms to policies CC 5 and GM 9 of the Comprehensive Plan. While its mass and scale are not the same as the low density residential uses in the neighborhood, its scale is not inconsistent with large multiple-family buildings in the same neighborhood. The Candlewood Suites location, its height and mass are separated by distance, elevation, screening and building placement to the greatest extent feasible, given the shape of the land. Its placement reflects a level of sensitivity, which fits within the surrounding residential neighborhood consisting of existing mix of large multiple-family dwellings and single and two-family dwellings and the commercial intersection of the two major streets. The proposed location of the Holiday Inn Express hotel is an appropriate use in the neighborhood. Concerns related to its character and fit are mitigated by distance and natural screening. The overall site's location to a major street intersection lends itself to commercial development oriented towards the motoring public.

The proposed PUD is in general conformance with the Comprehensive Plan.

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

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R-1 District Portion

|                  |   |
|------------------|---|
| 1971             | Annexation and rezoning to R-1 District   |
| December 3, 2001 | Planning Board recommends denial (6-0) of proposed rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District. |

The R-1 District portion of the site was annexed in 1971, (Ordinance No. 2779), and has been zoned R-1 District from 1971 to present. In 2001, a prior owner, Robert L. Hodgson, applied for a rezoning to R-3 District. City Administration and the Manhattan Urban Area Planning Board recommended denial and the applicant withdrew the application before first reading (December 3, 2001 Planning Board Minutes attached). At the time of the application, the existing Ft. Riley Boulevard and Seth Child Road interchange was proposed and there were unknowns about impacts related to the interchange and development of the site.

R- District Portion (Lot 11, Wesley Addition)

|                   |   |
|-------------------|---|
| 1971              | Annexation and rezoning to R-1  |
| July 1977         | Rezoned to PUD for a retirement center.   |
| June 5, 1989      | Manhattan Urban Area Planning Board recommends approval of rezoning from PUD to R.        |
| July 18, 1989     | City Commission approves rezoning from PUD to R (Ordinance No. 4588.)                     |
| June 4, 1990      | Manhattan Urban Area Planning Board approves the Preliminary Plat of the Wesley Addition. |
| August 20, 1990   | Manhattan Urban Area Planning Board approves the Final Plat of the Wesley Addition.       |
| September 4, 1990 | City Commission accepts rights-of-ways and easements of the Wesley Addition.              |

**9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The proposed PUD is located in the R and R-1 Districts.

*Attachment No. 2*

Land use and structures within a Planned Unit Development District which, when approved by the Planning Board and Governing Body, may differ in one or more respects from the regulations that are applicable in any other zoning district. The objectives of a Planned Unit Development District shall be to promote progressive development of land and construction by encouraging Planned Unit Developments (PUD's) to achieve: a maximum choice of living environments by allowing a variety of housing and building types; a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns; a more efficient use of land than is generally achieved through conventional development; a development pattern in harmony with land use density, transportation facilities, and community facilities; an environment which provides safe, clean, convenient and necessary residential, commercial, and industrial facilities which will afford greater opportunities for better housing, recreation, shops and industrial plants for all citizens of the community; a development plan which suits the specific needs of the site and takes into account the unique conditions of the property which may require changes of conventional bulk regulations, lot layout, or density; or results in a project that provides greater public benefit than would be provided under conventional zoning; and, a mixture of compatible uses which might not otherwise be permitted in a single district, or which may restrict the range of land uses more than in a single district.

Underlying Zoning Districts

The underlying R and R-1 Districts are low density single-family residential zones intended to allow single-family development at minimum lot sizes of 10,000 square feet and 6,500 square feet, respectively. Maximum structure height is 35-feet. Minimum front, rear and side yard setbacks are 25-feet, 25-feet and eight feet, respectively.

Proposed PUD

Based on the proposed site plan, the two hotels are an appropriate use of the site and consistent with the intent and purpose of the Zoning Regulations, subject to the conditions of approval.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There appears to be no relative gain to the public that denial would accomplish. Minimal impact on the public is expected as a result of traffic and storm water. Transportation and storm water proposals are consistent with the policies of the City. There may be a hardship on the owner if the rezoning is denied because no public adverse impacts are expected.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Public utilities and services are adequate. Water lines and other public utilities will be relocated to accommodate the proposed hotel locations. Sidewalk is proposed along the north side of Allison Avenue abutting the southern boundary of the proposed PUD. No sidewalk is proposed along the north boundary of the site in the Ft. Riley Boulevard right-of-way off-ramp area. The PUD notes a sidewalk will be provided by others from the eastern point of Lot 2 to the existing sidewalk on the west side of the Allison Avenue Seth Child Road intersection. When the site is developed, sidewalk should be provided from the eastern point of the site to the existing sidewalk at the intersection by the applicant. The memo from the City Engineer outlines corrections to the utility plan, which will be addressed with the Final Development Plan.

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS AND RECOMMENDATION:** City Administration recommends approval of the proposed rezoning of Flinthills Hospitality PUD from R, Single-Family Residential District, and R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the following conditions of approval:

1. The Permitted Uses shall include: Hotels.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Landscape evergreen screening along Allison Avenue shall be planted at a minimum six (6) to eight (8) feet in height at the time of planting.
5. Signage shall be limited to signs proposed in the application, except the wall sign on the south wall of the Holiday Inn Express shall be prohibited.
6. The proposed optional pylon sign on Lot 1 shall be located in a landscaped base.
7. Exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations shall be permitted.
8. A sidewalk shall be constructed along the north side of Allison Avenue extending from the eastern edge of the proposed sidewalk on Lot 1 to the existing sidewalk on the northwest corner of the intersection of Allison Avenue and the Ft. Riley Boulevard and Seth Child road intersection concurrent with the construction of the improvements in the PUD.

*Attachment No. 2*

9. An eight (8) foot security fence and gate to enclose the water pump station shall be constructed by the applicant with the first building permit.
10. An Agreement Creating a Restrictive Covenant on Real Estate related to drainage shall be filed with the Final Plat.
11. A Restrictive Covenant related to the proposed travel easement, Hospitality Place, shall be filed with the Final Plat.
12. A Kansas Department of Transportation permit shall be obtained for improvements proposed in the K-18 right-of-way concurrent with the first building permit.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Flinthills Hospitality PUD from R, Single-Family Residential District, and R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Flinthills Hospitality PUD from R, Single-Family Residential District, and R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. 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 Flinthills Hospitality PUD from R, Single-Family Residential District, and R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the twelve conditions of approval recommended by City Administration.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** October 28, 2009

09049}SR}RezoneFlinthillsHospitalityPUDR&R1toPUDRev



## STAFF REPORT

### APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

#### BACKGROUND

**FROM:** PUD, Residential Planned Unit Development.

**TO:** PUD, Commercial Planned Unit Development District.

**OWNER/APPLICANT:** Westport Commons Development LLC-Mark Bachamp.

**ADDRESS:** 1213 Hylton Heights Road, Ste. 129, Manhattan, KS 66502.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, January 11, 2010.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, February 1, 2010.

**CITY COMMISSION:** Tuesday, February 16, 2010.

**LOCATION:** Generally located southeast of the intersection of Browning Avenue and Dickens Avenue consisting of Lot 2, Williamsburg, Unit One, and part of Lot 24, Williamsburg, Unit Six. *(Note: The site is the last undeveloped portion of the Williamsburg Residential PUD, which was approved in 1989. Ordinance Nos. 4570 and 4937, and site and landscape plans are attached.)*

**AREA:** Approximately seven (7) acres (6.908 acres).

**PROPOSED USES:** The proposed development, Westport Commons, Unit Two, will consist of six (6) commercial buildings. Additional improvements include off-street parking, signs, landscaping, storm water detention basin and related improvements, and other improvements. Permitted Uses are proposed to consist of Business and Professional Offices, Barber Shops, and Beauty Shops.

Business and professional offices is defined in the Manhattan Zoning Regulations as, "The office of an engineer, dentist, doctor, attorney, real-estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration."

Barber Shops and Beauty Shops are not defined in the Manhattan Zoning Regulations, but are generally described as any establishment or place of business within which the practice of barber is engaged for one or more barbers, and a place of business where one or more persons engage in the practice of cosmetology, respectively. Cosmetology consists of those services such as hair care, shin care, and nail care.

Proposed home association documents are attached.

## **PROPOSED BUILDINGS AND STRUCTURES:**

### **Phase 1: Proposed Lots 1-3**

Three separate one-story professional office and business buildings are proposed, and identified as Buildings 1, 2, and 3. Buildings 1-3 will be limited to business and professional office uses based on notes on the proposed PUD plan. General exterior wall to wall area square footage for Building 1 is 6,681 square feet, and Buildings 2 and 3 are 5,561 square feet each. Building 1 is on the southernmost lot and perpendicular to Browning Avenue. Buildings 2 and 3 are on the eastern side of the site and parallel to Browning Avenue. Roof materials are concrete tile. The three buildings are approximately 25-feet in height to the roof peak. Exterior materials are brick and limestone. Floor plans will be to tenant specifications. Access to the site is primarily from Browning Avenue via a travel easement, which provides direct public street access to the proposed lots, and a secondary driveway connection with Westport Commons Place to the south. The proposed building front yard setback along Browning Avenue is 25 feet and 15 feet from the south lot line. Building 1 is generally at the 25 foot setback. Buildings 2 and 3 are set back from Browning Avenue approximately 178 feet and 11 feet from the adjoining lot line of Lot 9 common area. Off-street parking is at the proposed 25 foot front yard setback. Lots 1-3 will be graded to drain to the north to the drainage easement/detention basin. Lot 1 will be cut into the hillside with a finished floor at slightly below Browning Avenue. Finished floor elevations of buildings on Lots 2 and 3 will be at the same approximate grade as the residential dwellings to the east.

### **Phase 2: Proposed Lots 4-6**

Three separate one-story professional office and business buildings are proposed, and identified as Buildings 4, 5, and 6. Building 4 may also be used for a barber shop and beauty shop, as noted on the PUD plan. General exterior wall to wall area square footage for Building 4 is 8,211 square feet, and Buildings 5 and 6 are 6,681 square feet and 5,561 square feet, respectively. Building 4 is on the western side of the site southeast of the Browning and Dickens intersection and perpendicular to Browning Avenue. Buildings 5 and 6 are on the eastern side of the site and at an angle to and facing Dickens Avenue.

*Attachment No. 3*

Roof materials are concrete tile. The three buildings are approximately 25-feet in height to the roof peak. Exterior materials are brick and limestone. Floor plans will be to tenant specifications. Access to the site is from two curb cuts off Dickens Avenue by a travel easement, which provides direct public street access to the proposed lots. The proposed building front yard setback along Browning Avenue and Dickens Avenue is 25 feet. Building 4 is at the 25 foot front yard setback along Browning Avenue and 150 feet south of the Dickens Avenue lot line. The rear of Building 4 is adjacent to Lot 7. Buildings 5 and 6 are setback from Browning approximately 300 and 400 feet respectively, and 124 feet and 45 feet, respectively, from Dickens. The rear of Buildings 5 and 6 are about 25 feet from the adjoining lot line of Lot 8 common area. Off-street parking is at or greater than the proposed 25 foot front yard setback. Lots 4-6 will be graded and elevated to drain to the drainage easement/detention basin and at an elevation generally the same as the Browning Avenue and Dickens Avenue. Finished floor elevation of Building 4 and its parking are at the same general elevation as Browning Avenue and Dickens Avenue. The finished floor elevation of the buildings on Lots 5 and 6 will be at the same approximate grade as the residential dwellings to the east.

**Proposed Lot 7**

Lot 7 is a 214,953 square foot tract of land for common area purposes consisting primarily of drainage channel and detention basin, which separates Lots 1-3 to the south portion of the PUD and Lots 4-6 to the north portion of the PUD. The balance of Lot 7 is open landscaped space, travel easements, and parking spaces to serve the respective buildings.

**Proposed Lots 8 and 9**

Lots 8 and 9 are common area landscaped open space, utility and drainage easements. The two lots will be transferred to the Williamsburg Homeowners Association. Lots 8 and 9 are open space between the rear of the proposed office buildings and the rear of the existing residential buildings in the Williamsburg PUD. The common area provides landscaped open space between the rear lot lines of the commercial buildings and the rear lot lines of homes in Williamsburg PUD.

**PROPOSED LOT COVERAGE**

| <u>Use</u>                            | <u>Square Feet</u> | <u>Percentage</u> |
|---------------------------------------|--------------------|-------------------|
| Buildings                             | 47,905             | 16%               |
| Travel Easement/<br>Driveways/Parking | 90,091             | 29%               |
| Landscape/Open<br>Space/Common Area   | 168,168            | 55%               |

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## PROPOSED SIGNS

| <u>Type</u> | <u>Dimensions</u>                            | <u>Lighting</u> |
|-------------|--|-----------------|
| Ground      | 7 feet 4 inches tall by 8 feet 8 inches wide | External        |

|        |                             |          |
|--------|-----------------------------|----------|
| Ground | 5 feet tall by 10 feet wide | External |
|--------|-----------------------------|----------|

Two masonry ground lit signs are proposed. The 7 foot tall ground sign is proposed at three locations along Dickens Avenue and the third along Browning Avenue identifying business names and “Westport Commons”. A five foot tall ground indicating the name of the development only, “Westport Commons”, is proposed at the intersection of Browning and Dickens Avenues. No other signage is proposed.

Exempt signage for such signs identified in the Manhattan Zoning Regulations as address numerals, for lease and other similar signs will also be allowed (*attachment Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8), as may be amended for political or campaign signs; and Section 6-104 (B)(1) and (2), as may be amended for political or campaign signs.*)

**PROPOSED LIGHTING:** Proposed lighting consists of pedestrian scale accent lighting on the office buildings. Twenty five 25 foot tall full cut off light poles are in the parking lots. A lighting plan sheets shows the distribution of light towards adjacent property and Browning and Dickens.

### REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

**1. LANDSCAPING:** Proposed landscaping is functional with respect to the proposed development. Based on the typical zoning requirement of the number of trees per 5,000 square feet of paved area, 18 trees would be required. The landscape plan consists of 49 deciduous shade and ornamental trees, evergreen trees, and a broad range of shrubs and ornamental grasses, primarily in landscape parking islands and around the base of proposed ground signs. Nineteen of the 49 trees are within Lot 9, which be transferred to the Williamsburg Homeowners Association. The remaining 30 trees are on Lot 7. There are existing deciduous and evergreen trees on both Lot 8 and Lot 9. Other landscaped space will be turf type grass, either seeded or sod. Landscaping will be maintained by the owner and watered by an underground sprinkling system.

**2. SCREENING:** Screening should be adequate. Outdoor storage (trash dumpsters) areas are adequately screened with masonry walls and wrought iron gates. The proposed treescape on Lot 9 provides a buffer between the rear of the proposed commercial and existing residential buildings. Existing trees on Lot 8 provide the same type of buffer between the proposed commercial and existing residential buildings.

**3. DRAINAGE:** The drainage system is designed in conformance with the adopted Stormwater Management Master Plan. Adequate provisions for storm water drainage are provided, subject to approval of a Corps of Engineers permit, as the stream crossing the site from the northeastern corner to the southwestern corner is designated a Waters of the U.S.

A Storm Drainage Report was prepared by BG Consultants, dated December, 2009 (*attached*). The City Engineer has reviewed the Report (*attachment*), and accepts the proposal without exception. The proposal consists of detention, channelizing storm water and other improvements and will result in no adverse impact on upstream and downstream properties and reduce the rate of runoff downstream.

A draft covenant (*attachment*) has been submitted by the applicant, which sets out responsibilities for the owners of PUD regarding the detention area, improvements, and drainage easement on Lot 7. The covenant gives the City the ability to assess the owners for maintenance costs, if necessary. The covenant will need to be reviewed and approved by the City and will be filed with the Final Plat after it is executed by the City.

**4. CIRCULATION:** The internal circulation plan provides for safe, convenient and efficient movement of motorists and pedestrians. Conflicts between motorists and pedestrians are minimized. Internal public streets will be in the form of travel easements, Browning Place and Pembroke Place, which will provide direct access to lots and adjoining public right-of way, Browning Avenue and Dickens Avenue. Maintenance responsibilities of the travel easements will be set out in a covenant (*attached*), which will be reviewed and approved by the City and filed with the Final Plat. A driveway from Westport Commons PUD to the south will provide additional connectivity with the surrounding external and internal street system.

A Transportation Impact Study for Westport Commons Unit #2 was prepared by BG Consultants, dated December 17, 2009 (*attached*). The Study indicates sight distance from proposed access points onto the two streets is excellent assuming existing vegetation is removed; that the street system is adequate for the additional traffic resulting from the proposed PUD and will have a minor impact on the streets; and, the level of service meets the requirements of the Manhattan Area Transportation Strategy. The study notes the level of service in the 2030 analysis for eastbound Dickens traffic at Browning and Dickens intersection may deteriorate and require left turn pavement markings to delineate a separate left turn lane for improved operations.

*Attachment No. 3*

The Manhattan Urban Area Subdivision Regulations indicate that the Planning Board and Governing Body may approve a Variation if a finding is made that the Variation is appropriate under the circumstances and the reasons are set forth. Any reasonable condition of approval as a part of the granting of a Variation may be applied to the PUD, if necessary. The applicant has proposed a Variation of Article X, Subdivision Layout Standards, Section 10-207 (B) (3) *Driveway and spacing requirements. Along a collector street, no side street or driveway shall intersect the collector street within 300 feet of an intersecting arterial street, nor within 150 feet of an intersecting local street or driveway.* The proposed curb cut distance from the intersecting street lines along Browning and Dickens to the proposed western curb cut on the south side of Dickens will be reduced from the minimum distance is 300 feet to 260 feet (*attachment*). The following are considered when a Variation is requested:

- (1) Granting of the variation will not be detrimental to the public health, safety or general welfare or be injurious to adjacent property. *The applicant indicates the queue length, or stacking distance of vehicles, will be three vehicles over the next twenty year period during peak hour operations. The stacking length is approximately 75 feet and 260 feet is provided. The location of an existing sidewalk along the south side of Dickens Avenue will be adjusted away from its current curb line location to provide the public a better crossing. Adjacent property to the north, east and west are not affected by the 40 foot reduction.*
- (2) There are unique physical characteristics of the property for which the variation is sought and not generally applicable to other property. *The applicant indicates the shape of the property is unique with sanitary sewer and storm sewer crossing the site at an angle from northeast corner to the southwest "This angle creates some problems with getting two entrances to Dickens. If the entrance is moved to 300 feet the 2<sup>nd</sup> entrance to the east will be close and the amount of parking will be reduced in front of buildings 5 and 6."*
- (3) Due to the unique physical characteristics of the property, its shape or topography, an unnecessary hardship to the subdivider would result, as distinguished from a mere inconvenience, and such hardship is not based solely on economics. *Moving the entrance to 300 feet may adversely affect the amount of off-street parking provided for Lot 5 and Lot 6. The placement of utilities and storm water drainage improvements factor into the layout of the buildings and the necessity for two driveways. In addition, the applicant indicates, "The west entrance to Dickens becomes the divider between building 4 and buildings 5 and 6 which keeps the parking separated."*

*Attachment No. 3*

- (4) No provision of any zoning regulations, other regulation, ordinance, or the Comprehensive Plan would be varied. *No other regulations, ordinances, or the Comprehensive Plan are varied.*

The City Engineer has reviewed the Study (*attachment*), and accepts the Study with one comment that the Variation needs to be approved.

Pedestrian traffic is accommodated for within the development and connects to the proposed public sidewalk on the east side of Browning Avenue and the existing public sidewalk on the south side of Dickens Avenue. There is existing public sidewalk along the west side of Browning Avenue, a collector street, which extends approximately 440 feet to the south of the Browning and Dickens intersection. Also a sidewalk is proposed to connect to the south with the new sidewalk associated with the Westport Commons PUD. The proposed sidewalk connections provide for a pedestrian friendly and accessible development.

Bike racks are proposed in each portion of the PUD, one serving Lots 1-3 and a second serving Lots 4-6.

Existing streets, Pembroke Circle and Pembroke Court, on Lot 2 will be vacated. There will be no access from Williamsburg Drive into the PUD due to the detention basin. There is an existing short stub of street in Pembroke Circle off Williamsburg Drive, which will remain dedicated as public right-of-way for access to Lots 8 and 9 and will be renamed Williamsburg Terrace.

### **Office Space and Barber and Beauty Shops**

Off-street parking is based on net floor area, with space such as mechanical rooms, storage and hallways deducted. In both cases, the applicant calculated parking based on gross floor area. This means that more parking is proposed than would be required when a final floor plan is submitted, as space described above would be deducted from the gross floor area to determine the minimum number of required parking spaces for each use. Based on the requirements of the Manhattan Zoning Regulations, the proposed off-street parking is adequate to serve the separate uses of the proposed PUD.

More specifically, adequate office street parking for the office buildings is provided. Proposed parking is based on the worst case, or medical use the buildings, which creates a demand for 5.5 parking spaces for each 1,000 square feet of floor area. Professional and business offices are required to provide one parking space for each 300 square feet of floor area. If Barber and Beauty Shops are factored in, which are required to provide one (1) parking space per 200 square feet of net floor area, adequate parking is provided.

Based on gross floor area, and assuming the floor spaces are devoted to medical and dental office uses, as well as accounting for barber and beauty shops, adequate off-street parking is provided. An additional 21 off-street parking space are proposed north of Lot 4 if needed in the future.

**5. OPEN SPACE AND COMMON AREA:** The applicant has made provisions for the continuity, preservation, care, conservation and maintenance of all open space within the development plan. Upon installation of landscaping, it will be maintained by the owner and watered by an underground sprinkling system. Two tracts of land, Lot 8 and Lot 9, will be open space dedicated drainage and utility easements, and will be transferred to the Williamsburg PUD Homeowners Association.

**6. CHARACTER OF THE NEIGHBORHOOD:** The proposed rezoning site is on the southeast corner of Browning Avenue and Dickens Avenue, both of which are designated as collector streets in the Manhattan Area Transportation Strategy. The site adjoins the recently approved Westport Commons Commercial PUD immediately to the south and is in the vicinity of Dickens Place PUD, an equivalent PUD to proposed Westport Commons Unit Two. The mix of uses along Dickens Avenue consists of a public elementary school, single-family residential, multiple-family residential, business and professional offices, church, and federal office building and facilities. The southern end of Browning Avenue is dominated by a large church site. The neighborhood northwest and west of the site is single-family residential. Browning Avenue provides right-of-way separation of primarily single family residential to the west and northwest of the site. Dickens Avenue provides right-of-way separation from the mixed uses to the north of the street. The proposed rezoning site is the undeveloped part of the Williamsburg PUD, a planned residential neighborhood, and adjoins the east boundary of the existing Williamsburg PUD. Georgetown Apartments are further to the east and along the east side of Westport Street. The proposed character of the PUD reflects the range of the mix of uses of the neighborhood in which it will be located. Service commercial uses are further to the south along Claflin Road and are not characteristic of the neighborhood in the vicinity of Browning Avenue and Dickens Avenue intersection but are in the relative vicinity of the site.

### **MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS**

**1. EXISTING USE:** The site is a platted and undeveloped portion of the Williamsburg Residential Planned Unit Development, which was originally intended for two family dwelling units. Fill has been added to the site in previous years and its content is unknown and is generally in the area of the detention basin. The fill will be removed with the construction of the basin.



**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site generally drains and slopes downhill from northeast to southwest and from south to north to an unnamed natural drainage tributary designated as a Waters of the U.S. The site is in large part below grade of the adjoining streets. The south hillside is generally around a ten percent slope. The unnamed tributary traverses the site from the northeast corner to the midpoint of the western boundary and is designated a Waters of the U.S. The tributary will be modified and preserved in a drainage easement, subject to a Corps of Engineers permit. The majority of the western boundary along Browning Avenue, and the entire southern boundary, is tree lined with mature trees. The remainder of the site is covered by field grasses and scattered trees along the existing stream channel. There is a dense tree-line along Browning Avenue, which will be removed in its entirety. Portions of the site along Dickens Avenue are at the same grade as the street with the remainder below street grades. The site is somewhat like a natural bowl.

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

- (1) **NORTH:** Dickens Avenue, Marlatt Elementary School, and single-family attached dwellings; R, Single-Family Residential District, and Westwood Village Planned Unit Development.
- (2) **SOUTH:** Westport Commons Unit One Commercial PUD and existing two-family dwellings; Williamsburg PUD.
- (3) **EAST:** Existing two-family dwellings; Williamsburg PUD.
- (4) **WEST:** Browning Avenue, single-family and multiple-family dwellings, and a church; R District, and R-3, Multiple-Family Residential District.

**4. CHARACTER OF THE NEIGHBORHOOD:** See above under PUD Criteria Number 6, CHARACTER OF THE NEIGHBORHOOD.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable for development of duplexes or single-family detached dwellings; however, fill was added to the site, which would require removal of debris before homes could be built. Access restrictions onto Browning and Dickens and other conditions limit development of the site. The PUD was adopted in 1989 and no development has occurred to date on Lot 2. Given the time and conditions of approval, it is unlikely the site would develop as originally approved. An amendment or new PUD would be required prior to development.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:**

The proposed PUD is compatible with nearby properties and no detrimental affects are expected as a result of the rezoning with respect to use, compatibility with nearby properties, lighting, traffic, noise, and storm drainage. The proposed PUD is similar to a C-1, Restricted Business District, which is intended to be compatible with residential districts; however two service commercial uses are also proposed. The proposed PUD limits the permitted uses of the C-1 District to Business and Professional Office uses and limits the service commercial to Beauty Shops and Barber Shops. The site adjoins a developed single-family residential PUD to the east and is otherwise separated from nearby properties by collector streets. The proposed uses are generally day time activities, although the Beauty Shop may operate into the early evening. Noise associated with the primarily day time activity would be consistent with the neighborhood. In addition, the PUD notes the Beauty Shop and Barber Shop will be limited to Lot (Building) 4 only. The nature of the two proposed service commercial uses are generally consistent with the type of traffic that might be encountered with professional offices like a doctor or dentist, which means appointments are normally required. Proposed lighting in the parking lots is full cut-off and pedestrian scale on buildings. A Proposed Lighting Plan is provided as a part of the PUD, which indicates minimal light impact at the property lines. Signage associated with the PUD is limited to ground signs and no other signs, and no banner or other sales aids signs, which are sometimes associated with service commercial, are proposed. Traffic increases associated with the development are expected to be minor. No access through residential subdivisions is proposed except along the two collector streets. Any increase in light, noise and traffic will be consistent with the mixed use character of the Browning Avenue and Dickens collector street corridors.

In addition, the proposed drainage plan will provide for detention to reduce the impact of storm water runoff on upstream and downstream properties. The detention basin will provide for protection of the 100 year flood for buildings on the site and in adjacent Williamsburg PUD to the east.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is shown on the Northwestern Future Land Use Map as a combination of RMH, Medium to High density residential. The RMH density range is 11 to 19 dwelling units per net acre.

The proposed PUD is generally oriented towards Business and Professional Offices with two additional commercial services also proposed, Barber Shops and Beauty Shops. Set out below are a range of policies (set out in italics) applicable to the proposed PUD.

Applicable general growth and medium to high density policies appropriate to the proposed PUD consist of:

**GM 9: Infill and Redevelopment**

*Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area. For additional policies related to infill and redevelopment, refer to the Land Use Policies below and to Chapter 9, Housing and Neighborhoods.*

**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.*

The proposed PUD is primarily a Business and professional office development. Applicable policies of the Neighborhood Commercial and Office/Research 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.*

### **Office/Research Park (Off/RP)**

#### **OR 1: Characteristics**

*The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, “campus-like” setting. Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17<sup>th</sup> Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.*

#### **OR 2: Location**

*Office/Research Park facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access.*

#### **OR 3: Site Layout and Design**

*Office/Research Park developments should be organized in a planned, “campus-like” setting that is heavily landscaped. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces*

#### **OR 5: Unified Architectural Character**

*Buildings within an Office/Research Park setting should have a unified architectural character achieved through the use of similar elements, such as rooflines, materials, colors, signage, landscaping and screening and other architectural and site layout details.*

#### **OR 6: Common Areas**

*Plazas and other common outdoor gathering spaces should be provided as part of the “campus” environment. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should*

*typically be arranged to form outdoor gathering spaces, such as quads, courtyards, patios, or seating areas for employees and visitors.*

**OR 7: Circulation and Access**

*Building entrances, outdoor gathering spaces, and parking areas shall be linked with clear, direct pedestrian walkways.*

**OR 8: Outdoor Storage**

*The functions of an Office/Research Park facility should generally be completely contained within buildings. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.*

The proposed PUD is an “infill” development on an undeveloped tract of residential land in a mixed use neighborhood. Policy HN5 below, in Chapter 9; Housing and Neighborhoods, is applicable to the proposed PUD.

**HN 5: Promote Infill and Redevelopment**

*The City and County should encourage infill development and redevelopment on vacant or underutilized parcels where infrastructure and services are readily available and where it would foster the stabilization or revitalization of an existing area. Infill and redevelopment should be sensitive to the established character of the surrounding neighborhood. **Infill** means the development of new housing or other buildings on scattered vacant sites in a built-up area. **Redevelopment** means the replacement or reconstruction of buildings that are in substandard physical condition, or that do not make effective use of the land on which they are located. If properly designed, infill and redevelopment can serve an important role in achieving quality mixed-use neighborhoods.*

In addition, the proposed PUD promotes quality design and provides and promotes pedestrian connections within and to the street system consistent with Chapter 11: Community Design.

**CD 1: Promote Development Quality**

*The City and County shall require a high level of development quality for all new residential and non-residential development and redevelopment. Consideration should be given to the establishment of development design standards. Standards should include, but not be limited to materials, architectural details, site layout, scale and mass, height, landscaping and screening, parking location and layout, and other factors. Standards may be developed on a citywide basis or for particular subareas of the community, such as the Downtown.*

***CD 5: Promote Accessible, Pedestrian-Friendly Community Design***

*Future residential and commercial development should be planned and designed to ensure that sites and land uses are linked by all modes of travel – autos, pedestrians, and bicycles. Within each site, development shall be planned and designed to be pedestrian-friendly with full accommodation for safe, comfortable, and convenient walking on a continuous, well-connected system of sidewalks, walkways and street crossings.*

As an infill development, the proposed PUD fits in and is sensitive to the mixed use character of the neighborhood. The overall quality of design, the compatibility and sensitivity to the mixed use neighborhood, as well as access to the proposed PUD, are consistent with the above policy statements. The proposed PUD is in general conformance with the Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The rezoning site, Lot 2, has remained vacant to date. The zoning history of the entire Williamsburg PUD consists of:

|                   |   |
|-------------------|---|
| 1972              | Annexation and Rezoning to R, Single-Family Residential District.                                     |
| 1984              | Rezoning from R District to I-1, Research Park.   |
| March 7, 1989     | Rezoning from I-1 District to Williamsburg Residential Planned Unit Development (Ordinance No. 4570). |
| April 5, 1991     | Final Development Plan of Phase One approved.   |
| November 16, 1992 | Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit One.                    |
| December 15, 1992 | City Commission City Commission accepted easements and rights-of-ways for Williamsburg, Unit One.     |
| July 1, 1993      | Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit Two.                    |
| August 3, 1993    | City Commission accepted easements and right-of-way for Unit Two.                                     |

*Attachment No. 3*

- July 7, 1994 Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit Three.
- July 19, 1994 City Commission accepted easements and rights-of-way for Unit Three
- December 5, 1994 Manhattan Urban Area Planning Board approved Final Plat for Williamsburg, Unit Four.
- December 20, 1994 City Commission accepted easements and rights-of-way for Williamsburg, Unit Four.
- September 7, 1995 Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit Five.
- September 19, 1995 Amendment of the Final Development Plan approved to allow single-family detached dwellings as a permitted use (Ordinance No. 4937).
- September 19, 1995 City Commission accepted easements and rights-of-way for Williamsburg, Unit Five.
- January 4, 1996 Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit Six.
- January 16, 1996 City Commission accepted easements and rights-of-way for Unit 6.
- October 7, 1996 Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit 7.
- November 5, 1996 City Commission accepted easements and rights-of-way for Williamsburg, Unit Seven.
- June 16, 1997 Manhattan Urban Area Planning Board approved Final Plat for Williamsburg, Unit Eight.
- July 1, 1997 Amendment of the Final Development Plan approved to replace the condominium at the north of the PUD, with duplexes, and add a single-family detached dwelling in an open space area (Ordinance No. 5044).



*Attachment No. 3*

- July 1, 1997 City Commission accepted easements and rights-of-way for Williamsburg, Unit Eight.
- October 23, 2003 Boundary Line Adjustment for Lots 39 and 40, Williamsburg, Unit Eight filed.
- October 17, 2005 Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit Nine.
- November 1, 2005 City Commission accepted easements and rights-of-way for Williamsburg, Unit Nine.
- January 19, 2006 Manhattan Urban Area Planning Board recommends denial (4-2) of an amendment of the Preliminary Development Plan regarding open space, landscaping and sidewalks.
- March 27, 2006 Rezoning application withdrawn by owner/applicant.

The zoning history below is for Westport Commons PUD, which abuts the southern boundary of the PUD. The proposed PUD is an extension of the approved Westport Commons.

- July 6, 2009 Manhattan Urban Area Planning Board recommends approval of rezoning Lot 1, Williamsburg Unit One from PUD, Residential Planned Unit Development District, to PUD, Commercial Planned Unit Development District with 8 conditions of approval for the proposed Westport Commons PUD.
- July 21, 2009 City Commission overrides the Manhattan Urban Area Planning Board and removes the eighth condition of approval and approves first reading of an ordinance rezoning the proposed Westport Commons PUD with the original seven conditions of approval recommended by City Administration.
- August 4, 2009 City Commission approves Ordinance No. 6772 rezoning the proposed Westport Commons PUD with the original seven conditions of approval recommended by City Administration.

September 10, 2009                      Manhattan Urban Area Planning Board, on a vote of 6-0, approved the Final Plat of Lots 1-4, Westport Commons Addition, Commercial PUD, based on conformance with the Manhattan Urban Area Subdivision Regulations and approved the Final Development Plan for Lots 1-4, based on conformance with the approved PUD.

October 13, 2009                      City Commission accepts easements and rights-of-way as shown on the Final Plat of Westport Commons Addition, Commercial PUD.

**9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The proposed PUD is located in the Williamsburg PUD, which is described below. The proposed PUD is also consistent with the general character of the C-1, Restricted Business District, but will be limited to business and professional office uses and two service commercial uses, Barber Shops and Beauty Shops.

Land use and structures within a Planned Unit Development District which, when approved by the Planning Board and Governing Body, may differ in one or more respects from the regulations that are applicable in any other zoning district. The objectives of a Planned Unit Development District shall be to promote progressive development of land and construction by encouraging Planned Unit Developments (PUD's) to achieve: a maximum choice of living environments by allowing a variety of housing and building types; a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns; a more efficient use of land than is generally achieved through conventional development; a development pattern in harmony with land use density, transportation facilities, and community facilities; an environment which provides safe, clean, convenient and necessary residential, commercial, and industrial facilities which will afford greater opportunities for better housing, recreation, shops and industrial plants for all citizens of the community; a development plan which suits the specific needs of the site and takes into account the unique conditions of the property which may require changes of conventional bulk regulations, lot layout, or density; or results in a project that provides greater public benefit than would be provided under conventional zoning; and, a mixture of compatible uses which might not otherwise be permitted in a single district, or which may restrict the range of land uses more than in a single district.

### Underlying Zoning District

Lot 2 of the underlying Williamsburg PUD was originally approved for 14, two family dwelling units. No development has occurred on the rezoning site since approval of the PUD on March 7, 1989. A public hearing was conducted in 2006 to amend conditions of approval of Ordinance No. 4570, with the intent to build 19 single-family dwellings, and was withdrawn prior to first reading of the ordinance by the City Commission.

### Overall Intent

The proposed PUD is generally a C-1, Restricted Business District, and limited to professional offices and businesses. Fewer of the permitted uses and none of the conditional uses of the C-1 District are proposed. The C-1 District is designed to provide for non-retail commercial, business and professional office activities adjacent to arterial and collector streets. The C-1 District is also intended to be compatible with adjacent residential districts. C-1 Districts are typically found along major arterial streets, such as Poyntz Avenue, Anderson Avenue, Dickens Avenue and Claflin Road. C-1 Districts, or equivalent PUD's such as the proposed PUD, are found adjacent to various residential districts in the community. The proposed PUD will provide for non-retail business and professional activities adjacent to two collector streets. In addition, two proposed service commercial uses, Barber Shops and Beauty Shops, which are commonly found in commercial centers or the C-4, Central Business District, and C-3, Aggieville Business District. The two proposed uses may also be located close to residential areas such as the Candlewood Shopping area or in residential neighborhoods near the C-3 and C-4 Districts.

The overall intent of the proposed PUD is consistent with the policies of the Comprehensive Plan and intent of the PUD requirements, subject to the conditions of approval. The proposed PUD is an infill project on a site along two collector street corridors in a mixed use neighborhood. Overall, the proposed PUD is sensitive to the Williamsburg PUD to the east and the school and residential neighborhoods to the north and west.

**11. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There appears to be no gain to the public that denial would accomplish as no adverse impacts are expected as a result of the rezoning. Public streets and access are adequate. A drainage plan will reduce the impact of storm water on downstream properties. It may be a hardship on the owner if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public sanitary sewer and water are available to serve the site. Sidewalk exists along the south side of abutting Dickens Avenue. Sidewalk is proposed along the east side of Browning Avenue as well as curb and gutter.

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS AND RECOMMENDATION:** City Administration recommends a Variation of Article X, Subdivision Layout Standards, Section 10-207 (B) (3), Driveway and spacing requirements, be approved based on the findings in the staff report; and approval of the proposed rezoning of Westport Commons, Unit Two PUD from PUD, Residential Planned Unit Development, to PUD, Commercial Planned Unit Development District with the following conditions of approval:

1. Permitted Uses shall include Business and Professional Offices, Barber Shops, and Beauty Shops.
2. Barber Shops and Beauty Shops shall be limited to Lot 4 only.
3. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
4. All landscaping and irrigation shall be maintained in good condition.
5. All drainage improvements shall be constructed as proposed.
6. Prior to issuance of a building permit, a Corps of Engineers permit shall be approved.
7. A covenant between the City and owner concerning maintenance of the drainage easement and detention facilities shall be reviewed and approved by the City and filed with the Final Plat.
8. A covenant addressing the construction and ongoing maintenance of the travel easements shall be reviewed and approved by the City and filed with the Final Plat.
9. Travel Easement names shall be provided with the Final Plat, which have been reviewed and approved subject to the requirements of the Manhattan Urban Area Subdivision Regulations.
10. Signage shall be limited to signs proposed in the application consisting of ground signs only.
11. Banner and other temporary sales aids shall be prohibited.
12. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1)(2), of the Manhattan Zoning Regulations, as may be amended related political or campaign signs.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Westport Commons, Unit Two, PUD from PUD, Residential Planned Unit Development, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report; and approve a Variation of Article X, Subdivision Layout Standards, Section 10-207 (B) (3) Driveway and spacing requirements, based on the findings in the staff report;
2. Recommend approval of the proposed rezoning of Westport Commons, Unit Two, PUD from PUD, Residential Planned Unit Development, to PUD, Commercial Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of a Variation of Article X, Subdivision Layout Standards, Section 10-207 (B) (3) Driveway and spacing requirements, based on the findings in the staff report; and approval of the proposed rezoning of Westport Commons, Unit Two, PUD from PUD, Residential Planned Unit Development, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the twelve conditions recommended by City Administration.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** January 27, 2010

10008

**STAFF REPORT**

**APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT**

**BACKGROUND**

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

**TO:** PUD, Commercial Planned Unit Development District

**OWNER:** West Anderson Partners, LLC – Rich Seidler

**ADDRESS:** 210 N. 4<sup>th</sup> Street, Manhattan, KS 66502

**APPLICANT:** Green Apple Ventures, LLC – David Speaks

**ADDRESS:** 3905 Snowy Reach, Manhattan, KS 66503

**DATE OF PUBLIC NOTICE PUBLICATION:** December 31, 2009

**DATE OF PUBLIC HEARING: PLANNING BOARD:** January 21, 2010

**CITY COMMISSION:** February 16, 2010

**LOCATION:** Generally located 350 feet south of the intersection of Anderson Avenue and Garden Way, along the east side of Garden Way.

**AREA:** approximately 8.28 acres.

**PROPOSED USES:** The proposed Planned Unit Development (PUD) would establish four (4) lots. The proposed uses of Lots 1-3 are business and professional offices, with the potential for Lot 2 to be a restaurant, no drive-in type. Business and professionals office is defined in the Manhattan Zoning Regulations as, “The office of an engineer, dentist, doctor, attorney, real-estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.” Restaurant is defined in the Zoning Regulations as, “A public eating or drinking establishment, including but not limited to the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants and soda fountains, but not including any such establishment which has more than thirty-five (35) percent of its on premises sales, on an annual basis, devoted to alcoholic liquor or cereal malt beverage or a combination thereof.” Lot 4 is reserved for a future amendment, as the lot’s development has not been determined to date.

In order to meet the requirements of the Subdivision Regulations (Section 1-501), Lot 4 was required to be included in the proposed PUD. Rezoning the entire tract as a PUD fulfills the requirements of the Subdivision Regulations and establishes a planning process for the future development of the entire tract.

## **PROPOSED BUILDINGS AND STRUCTURES:**

### Proposed Lot 1

Proposed Lot 1 is approximately 37,116 square feet (.85 acres). The proposed building for Lot 1 is a two-story, business and professional office building. The two floors will have separate entrances oriented to the north and south, with no interior access between the two floors. The exterior building materials will be stucco and masonry with thinset stone above the entry ways for accents. The proposed color of the building will be earth tones that are similar to the color of the accent stones. Roof materials will be architectural shingles. The building will be thirty (30) feet tall when viewed from the south façade. The north façade will be nineteen (19) feet tall. The building will be approximately 9,986 square feet in gross floor area. The building plans shows room for up to twelve (12) tenant spaces. The floor plans will be to tenant specifications.

### Proposed Lot 2

Proposed Lot 2 will be approximately 28,240 square feet (.65 acres). The building proposed for Lot 2 is a single-story structure designed for a restaurant, with no drive-in or for the possibility of business and professional offices. The building will be situated so that the front façade will be towards the east. The total gross floor area will be approximately 4,290 square feet. The initial conversation with City staff was that the proposed restaurant would be a local, upscale restaurant. Specific details of the restaurant, including its operations and floor plan were not provided in the application documents. The application documents do state that the business hours would be from 5:00 pm to 1:00 am. According to the applicant, the use of the structure as a restaurant is dependent on the availability of the restaurant owner to secure financial investors. If the restaurant is to locate in the building, the floor plan will need to accommodate a kitchen, storage, appropriately sized public restrooms and the dining room space. If the building is to be used as a business and professional office building, there is a possibility to provide for up to four (4) business and professional office tenants. The floor plans will be to tenant specifications. The exterior materials proposed for the building are the same as for the building on Lot 1, with stucco and masonry and thinset stone for accents over the entry ways. The roof materials will be architectural shingles. The proposed color of the building will be earth tones that are similar to the color of the accent stones. The height of the building will be approximately twenty (20) feet.

Proposed Lot 3

Proposed Lot 3 will be approximately 21,006 square feet (.48 acres). The proposed building on Lot 3 is a single-story business and professional office building. The building will be situated so that the front façade will face north towards the New Boston Place travel easement. The total gross floor area of the building will be approximately 3,690 square feet. The height of the building will be approximately nineteen (19) feet. Based on the layout of the entrances and interior vestibules, a total of four (4) tenants would be possible in the building. The floor plans would be tenant specific. The proposed exterior materials will be similar to the building materials used on Lots 1 and 2, with stucco, masonry and thinset stone for accents above the entry way. The roof materials will be architectural shingles. The proposed color of the building will be earth tones that are similar to the color of the accent stones.

Proposed Lot 4

Proposed Lot 4 is approximately 274,175 square feet (6.29 acres). No proposed uses or buildings are shown for Lot 4. Lot 4 has been labeled as future amendment.

**PROPOSED LOT COVERAGE**

**Lot 1**

| <u>Use</u>      | <u>Square Feet</u> | <u>Percentage</u> |
|-----------------|--------------------|-------------------|
| Buildings       | 5,470              | 14.7%             |
| Travel Easement | 5,764              | 15.5%             |
| Paved Area      | 18,208             | 49.1%             |
| Landscape Area  | 7,674              | 20.7%             |

**Lot 2**

| <u>Use</u>      | <u>Square Feet</u> | <u>Percentage</u> |
|-----------------|--------------------|-------------------|
| Buildings       | 4,290              | 15.2%             |
| Travel Easement | 4,302              | 15.2%             |
| Paved Area      | 14,380             | 50.9%             |
| Landscape Area  | 5,268              | 18.7%             |

**Lot 3**

| <u>Use</u>      | <u>Square Feet</u> | <u>Percentage</u> |
|-----------------|--------------------|-------------------|
| Buildings       | 3,690              | 17.6%             |
| Travel Easement | 2,696              | 12.8%             |
| Paved Area      | 12,606             | 60%               |
| Landscape Area  | 5,014              | 23.9%             |



## **PROPOSED SIGNS**

The signage plan for the commercial development consists of externally lit, ground signs on the individual lots. The signs will be located in landscape islands in the parking lot near the proposed buildings. Each sign will be approximately four (4) feet tall and six and one-half (6.5) feet wide with a sign area of approximately twenty-six (26) square feet. The signs will be constructed with a stone base and stucco materials similar to the proposed building. Each business will be identified by individual signs on a four (4) inch by fifty (50) inch, brushed aluminum plate. Because the proposed building on Lot 1 is two-stories, with the entrances into each floor on opposite sides of the building, two (2) ground signs are proposed on Lot 1.

Building address numbers will be inset into the masonry near each building entryway.

The applicant has requested that temporary banner signs be permitted and limited to one (1) banner sign per lot.

Exempt signage for such signs identified in the Manhattan Zoning Regulations as address numerals, for lease and other similar signs will also be allowed (*attachment Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2).*)

No other signs are proposed with the development. If approved, the rezoning of the property will limit the permitted signs on the three (3) lots to what has been proposed.

**PROPOSED LIGHTING:** Proposed lighting consists of pedestrian scale lighting at the entrances of the buildings. No light poles are proposed in the parking lots.

## **REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

**1. LANDSCAPING:** The proposed landscaping is functional with respect to the proposed professional office setting of the development. The landscape plan consists of eight (8) deciduous trees along the boundary of the parking lots and a variety of bushes, shrubs and ornamental grasses in landscape beds along the foundations of the building. A row of shrubs and ornamental grasses are proposed on the west edge of the parking lots on Lots 1 & 2 to provide a landscape buffer and screening from vehicle headlights. The shrubs and grasses are listed on the landscape plan to grow to a mature height of three (3) to six (6) feet tall.

**2. SCREENING:** The row of shrubs and ornamental grasses proposed on the west edge of the parking lots on Lots 1 & 2 provide a landscape buffer and screening from the vehicle headlights. The shrubs and grasses are listed on the landscape plan to grow to a mature height of three (3) to six (6) feet tall. The trash enclosures located on the three (3) lots will be enclosed by a six (6) foot tall, sight obscuring cedar fence and gate. The proposed screening should be adequate.

**3. DRAINAGE:** The site slopes downhill from the north to the south and will drain to Wildcat Creek. The applicant's engineering consultant, Cook, Flatt and Strobel Engineers, P.A. submitted a Drainage Report, dated November 18, 2009. The consultants states that the area to be developed (Lots 1-3) currently consists of 88% impervious surfaces (2.19 acres of the 2.49 acre area to be developed), which includes, asphalt pavement, compact gravel, concrete surfaces, existing buildings and existing roadways.

The consultant has proposed to manage the stormwater runoff from the development site by diverting a majority of the area's runoff (1.35 acres) to area inlets throughout the parking lot, which will connect to an underground storm sewer system. This storm sewer system will convey the stormwater runoff to the south to drain into Wildcat Creek. Approximately .49 acres of the development site will flow over the land to the west to Garden Way, where it will be collected by an existing City maintained storm sewer system. A third area containing approximately .65 acres of the development site will flow over the land to the south where it will eventually enter Wildcat Creek. Lot 4 was not included in the Drainage Report because the area will remain largely undisturbed. This area is shown as a future amendment to the PUD. The future amendment will be required to include a storm water analysis of the affects of the storm water runoff created by the development. The Drainage Report shows that the post-development runoff rates will be less than the pre-development rates. Based on the Report, minimal impact is expected on the downstream drainage system from the proposed development. The City Engineer has reviewed and accepted the storm water analysis. The City Engineer has made the following comment in regards to stormwater management for the proposed development:

- Consultant will still need to verify that the 10 year discharge does not exceed a depth of 0.35 ft. in the gutter section on Westport Place. Inlets will be required if the flow in the gutter exceeds 0.35 ft.

Restrictive covenants will be required with the Final Development Plan, as well as noted on the Final Plat under the Owner's Certificate, addressing the construction and maintenance responsibilities of the private stormwater sewer system shown in the Drainage Easements.

**4. CIRCULATION:** Access to the development is from the north via an extension of the Westport Place travel easement. Westport Place leads to a signalized intersection at Anderson Avenue. The extension of Westport Place will end at a dead end approximately twenty (20) feet south of the entrance into proposed Lot 3. The dead end will be blocked and signed similarly to the current conditions of Westport Place, south of Walgreens and Sonic Drive-in. The concept plan for the development of Lot 4 shows the extension of Westport Place to the south and will terminate in a cul-de-sac. This proposed street extension will ultimately depend on how Lot 4 is developed in the future. Access will also be provided from the west off of Garden Way. Connection to Garden Way will be from the Garden Place travel easement and New Boston Place travel easement. The Garden Place travel easement was established with the Westport South PUD and connects Garden Way to Westport Place. The travel easement is located on the northern edge of the PUD site, with approximately 27.5 feet of the travel easement width located on the PUD site. The New Boston Place travel easement is 27 feet wide and connects Garden Way to Westport Place and is located in the parking lot aisle, along the adjoining property lines of Lots 2 and 3. Maintenance responsibilities will be set out in restrictive covenants with the Final Development Plan addressing the Travel Easements, as well as noted on the Final Plat under the Owner's Certificate.

#### Traffic Analysis

Cook, Flatt, Strobel Engineers, P.A. submitted a traffic analysis with the application documents. The City Engineer has reviewed and accepted the transportation analysis and proposed improvements as presented.

#### Sidewalks

Sidewalk connections extend from a sidewalk along the east side of Westport Place, which continues to the existing sidewalk along Anderson Avenue. A sidewalk was shown on the Westport South PUD along the south side of Garden Place. This sidewalk will be installed with the development of Lot 1. Currently, there is no sidewalk along Garden Way. The Manhattan Urban Area Subdivision regulations require a sidewalk to be located on one side of a local street. The PUD site plans shows a sidewalk along Garden Way, which will terminate at the intersection of Garden Way and Garden Place. The east side of the Garden Way right-of-way, adjacent to the Walgreens pharmacy property, has a steep slope, which makes it impractical to build a sidewalk in the area and is the reason why the Westport South PUD did not install a sidewalk. Internal pedestrian sidewalks will provide connectivity between the three (3) lots, Westport South and Garden Way. The City Engineer has provided comments on American with Disabilities Act (ADA) requirements for the sidewalks and pedestrian crossings. The City Engineer has made the following comments about the proposed sidewalks and pedestrian crossings:

*Attachment No. 4*

The proposed mid-block crossing on Westport Place to access Lot 2 will need ADA ramps on the west side of Westport Place to accompany the ADA ramp on the east side at this mid-block crossing.

- ADA ramps should be constructed at each walk in front of each building, corresponding to the ADA parking stalls for wheelchair access.

Lot 1

Lot 1 will gain access from a curb cut onto Westport Place travel easement. This curb cut is shared with Lot 2.

Lot 2

Access to Lot 2 will be from the shared curb cut with Lot 1 onto Westport Place travel easement and from the New Boston Place travel easement. New Boston Place is located in the parking lot aisle and provides vehicle connection between Garden Way and Westport South.

Lot 3

Access to Lot 3 will be from the New Boston Place travel easement to the north, which will provide a connection to Garden Way and Westport Place travel easement.

Lot 4

Lot 4 will gain access from the Westport Place travel easement. A concept plan has been provided that shows the extension of Westport Place to the south that will terminate at a cul-de-sac. Two (2) curb cuts onto Westport Place are also shown on the concept plan. These curb cuts align with the curb cuts to the east leading into Lots 1, 2 and 3. The concept plan is to show the Planning Board how the lot may develop in the future and does not bind the applicant, the property owner, the Planning Board or the City Administration to the layout of the future development.

Off-Street Parking

The applicant's engineering consultant has used the Manhattan Zoning Regulations' minimum off-street parking requirement for Business and Professional Offices to calculate the number of parking spaces required for Lots 1 and 3. Business and Professional Offices are required to provide at least one parking space for each 300 square feet of floor area. Based on the total gross floor area of the building proposed for Lot 1, a minimum of thirty-three (33) parking spaces are needed. Thirty-seven (37) off-street parking spaces

*Attachment No. 4*

have been proposed to the north, east and south of the two-story building. The proposed building on Lot 3 would be required to provide a minimum of eleven (11) off-street parking spaces. Twenty-eight parking spaces are proposed to the north and east of the building.

The applicant's engineering consultant used the Manhattan Zoning Regulations' minimum off-street parking requirement for establishments providing for the sale and consumption of food and/or beverages and refreshments (restaurants) to calculate the minimum parking for Lot 2. Restaurants are required to provide at least one (1) parking space for each three (3) customers based upon the maximum design occupancy. In addition, there shall be one (1) parking space for each employee as related to the work shift when the maximum number of employees are present. The applicant's consultant has calculated that fifty-seven (57) off-street parking spaces are required. Lot 2 provides forty-two (42) parking spaces to the north, east and south of the proposed building, which is fifteen fewer parking spaces than is required on the lot for the proposed use. The applicant has proposed to file a cross-easement for access between Lots 1 -3 with the Riley County Register of Deeds, so that the proposed uses can share the off-street parking spaces. One-hundred and seven (107) total off-street parking spaces are provided on all three (3) lots. One-hundred and one (101) parking spaces are required based on size of the buildings and their proposed uses. Although no specific restaurant has been proposed with this PUD, the application materials state that the business and professional offices and the restaurant would be open for business at different times (offices - 8:00 am to 5:00 pm, restaurant - 5:00 pm to 1:00 am), which means that the parking would be shared collectively without causing an increase demand on the off-street parking spaces. However, there is no guarantee that a restaurant would not be open during the lunch hour (10:00 am to 2:00 pm). If the restaurant was opened during the lunch time, an increase in the off-street parking demand might be high enough to require customers and employees to park on Garden Way, which would be an adverse impact on the adjacent properties and surrounding neighborhood.

If the building proposed for Lot 2 was used for business and professional offices, thirteen (13) off-street parking spaces would be required. The proposed forty-two (42) parking spaces would be more than adequate for the use of the building as office space.

*Note: The minimum parking requirements for the proposed buildings were based on the minimum requirement for business and professional offices (1 parking space for each 300 square feet of floor area). The Manhattan Zoning Regulations define business and professional offices as including dentist and doctor offices. The Zoning Regulations requires a higher number of off-street parking spaces for dental and medical clinics (5.5 parking spaces per 1,000 square feet of floor area). The establishment of dental or medical clinics/offices in the development may be restricted based on the amount of off-street parking provided with the proposed PUD.*

### Bicycle Parking

Bicycle racks are proposed on the west side of each lot for customers and employees of the proposed uses. A total of three (3) racks are proposed.

**5. OPEN SPACE AND COMMON AREA:** The applicant has made provisions for the care and maintenance of the proposed landscaping within the development plan. Upon installation of landscaping, it will be maintained by the owner and watered by an underground sprinkling system.

**6. CHARACTER OF THE NEIGHBORHOOD:** The proposed PUD is located among a mix of commercial services, industrial uses, low density residential neighborhoods and high density residential developments. Immediately to the north of the PUD site is Westport South Commercial PUD which consists of a Walgreens pharmacy and a Sonic Drive-in restaurant. Further to the north is Anderson Avenue, a major commercial corridor where restaurants, commercial services, commercial retailers, a shopping center and drive-in banks are located. Along the east property line of the proposed PUD is the Washington Square neighborhood, which is a low density residential development. The residential neighborhood is adjacent to the proposed Lot 4, which has been labeled as "future amendment." No uses or buildings are proposed at this time for Lot 4. The residential neighborhood is approximately 200 feet from the proposed Lots 1 -3, which is where the proposed development will initially occur. To the south is Wildcat Creek, Manhattan Optimist Ball Park and industrial uses, including storage units, warehouses, light manufacturing and offices. To the west of the proposed PUD are multi-family apartment complexes. The University Garden apartment complex and the Brookside apartment building are adjacent to proposed Lots 1-3.

## MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

**1. EXISTING USE:** Former Riley County shop site. A majority of the area was cleared in 2007. A shop building exists on the east side of the tract along Garden Way. The building is currently being used by a construction company.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site generally slopes downhill from north to south towards Wildcat Creek. A majority of the site is seven (7) to eight (8) feet below the grade of the Westport South PUD that is located immediately to the north. The southern portion of the site is located in the Flood Zone AE (100-year floodplain), with the extreme southern portion of the site located in the Floodway. The area in the Floodway is to be dedicated as a drainage easement. The east edge of the site has a natural drainage channel with steep slope located on it. Mature trees line both sides of the drainage channel and the banks of Wildcat Creek.

The site is the former Riley County Shops. A majority of the site has been cleared of the shops physical improvements, including buildings, asphalt and concrete driveways, parking areas and outdoor storage areas. A metal shop building is present on the west side of the site along Garden Way. This building is currently being rented by a construction company. The building is planned to be removed at the time of construction of the proposed development.

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

**(a.) NORTH:** Walgreens Pharmacy and Sonic drive-in restaurant, Anderson Avenue, a 5-lane arterial, drive-in banks, retail commercial, and restaurants; PUD, Westport South Commercial Planned Unit Development, C-2, Neighborhood Shopping District.

**(b.) SOUTH:** Wildcat Creek, Optimist Sports Park; R, Single-Family Residential District, I-2, Industrial Park District.

**(c.) EAST:** Commercial retail and retail services, government buildings, professional offices and single-family attached homes in the Washington Square neighborhood; C-2, District and R-2, Two-family Residential District.

**(d.) WEST:** Garden Way, a local 2-lane street, and multiple-family apartment buildings: R-3 District.

**4. CHARACTER OF THE NEIGHBORHOOD:** See above.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently zoned R, Single-Family Residential District. The site has adequate area for a residential development; however, with the commercial development immediately to the north and the multiple-family residential development immediately to the west, a low density, single-family development may not be an appropriate or suitable use of the site.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in light, noise and traffic is expected from the development. The proposed PUD is similar to a C-2, Neighborhood Shopping District, which is intended to provide a broad range of retail shopping facilities and services located to serve one or more residential areas. The proposed PUD limits the permitted uses to business and professional office uses and a restaurant, no drive-in type on Lot 2. The list of permitted uses is extremely limited when compared to that of the C-2 District permitted and conditional uses (*C-2 District regulations are attached*).

*Attachment No. 4*

The proposed development would be an extension of the commercial developments along Anderson Avenue, including the Westport South Commercial PUD that is located to the north of the subject site and was approved in 2008. Front yard setbacks are a minimum of twenty-five (25) feet, which is similar to the surrounding neighborhood to the west and is a minimum requirement of the comparable C-2 District. The building improvements on Lot 1 have a front yard building setback of twenty-seven (27) feet from Garden Way, seventy (70) feet from the Garden Place travel easement and fifty-two (52) feet from the Westport Place travel. The building on Lot 2 is set back forty-one (41) feet from Garden Way and seventy-three (73) feet from Westport Place. Lot 3 has a building setback of thirty-nine (39) feet from Garden Way and seventy (70) feet from Westport Place.

Apartment buildings to the west side of Lots 1-3 are separated by the 60 foot Garden Way road right-of-way. The landscape plans submitted with the PUD application shows a row of shrubs and ornamental grasses that are to have a mature height of three (3) to six (6) feet and are proposed on the west edge of the parking lots on Lots 1 & 2. The proposed landscaping should reduce the impacts of vehicle lights from the development onto the nearby R-3, Multiple-Family Residential District to the west. The closest point of the proposed developments (east edge of the parking lot) on Lots 1-3 are approximately 215 feet away from the R-2, Two-Family Residential District, to the east. Lots 1-3 are separated from the low-density neighborhood in the R-2 District by Lot 4, which is shown as an area reserved for future development through an amendment to the proposed PUD.

The lighting plan provided in the PUD application shows only pedestrian scale lighting at the entrances of the buildings. These lights shall be full cutoff lights to reduce the impacts on the adjacent residential properties. No light poles are proposed in the parking lots.

The area to the south of the proposed developments on Lots 1-3 are included in Lot 4 and is reserved for future development through an amendment to the proposed PUD.

Proposed Business and Professional Office Use

Permitting the business and professional office use in the proposed PUD appears to be compatible with the nearby properties. Business and professional offices are less intense of a commercial use compared to other types of commercial businesses. The typical hour of operation for a business office is 8:00 am to 5:00 pm, which would not adversely impact nearby residential neighborhoods. The light, traffic and noise generated by an office is typically minor compared to other commercial uses and would be compatible with the nearby properties. Business and professional offices can be found throughout the City that are located on the edge of or within a residential neighborhood. The proposed business and professional office should be compatible with nearby properties.

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Proposed Restaurant, No Drive-in Type Use

*No specific details of the proposed restaurant have been provided in the application documents. Initial conversations with City staff described the restaurant as being an upscale, local restaurant with limited hours. However, because no specific details of the business have been provided, the review of that proposed use has to be general in nature, including business hours, and the increase in light, noise and traffic for a typical restaurant.* The proposed restaurant, with no drive-in on Lot 2 is a more intense commercial use compared to the business and professional office use. The application documents state that the hours of operation of the proposed restaurant would be from 5:00 pm to 1:00 am. The light and noise from customers, employees and the operation of the restaurant until 1:00 am may adversely affect the multiple-family residential uses to the west. As stated, the off-street parking proposed on Lot 2 is inadequate for the size of the proposed structure. Fifty-seven (57) off-street parking spaces are required by the Zoning Regulations. Forty-two (42) off-street parking spaces are proposed. The applicant has proposed a cross-access easement between Lots 1-3 so that the off-street parking can be shared between the buildings. Although this concept could be acceptable for businesses with different business hours, as stated in the application documents, there is no guarantee that the restaurant would not be open during the lunch hour. If this would occur, an increase demand in off-street parking may be high enough that employees and customers would park on Garden Way, which may adversely impact the nearby properties. Restaurants are not typically found outside of a retail commercial district (e.g. Central Business District, Aggieville Business District, Westloop and Plaza West), along local streets and adjacent to residential developments. The proposed restaurant on Lot 2 may adversely impact nearby properties.

**8. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map designates the site, which is shown on both the Northwest Planning Area and Southwest Planning Area maps, as RHD, Residential High Density. The RHD density allows 19 dwelling units per net acre and greater. Uses include higher-intensity residential housing developments in urban areas, which consist of mid- to high-rise apartment buildings, townhomes and condominiums, combined with complimentary non-residential land uses, such as retail, service commercial and office uses; often within a mixed-use development. In suburban areas of the community, the RHD neighborhoods is envisioned to be accommodated in planned apartment communities with complimentary neighborhood service commercial, office and recreational facilities included in the planned community. The land use policies for the RHD designation include:

***RHD 1: Characteristics***

*The Residential High Density designation is designed to create opportunities for higher density neighborhoods in both an urban downtown setting and a suburban setting. Within an urban or downtown setting, the designation accommodates higher-intensity residential*

*housing products, such as mid to high-rise apartments, townhomes and condominiums, combined with complementary non-residential land uses, such as retail, service commercial, and office uses, often within the same building. In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or urban fashion, such as in planned apartment communities with complimentary neighborhood service commercial, office and recreational facilities. These neighborhoods could be implemented through a Planned Unit Development or by following design and site plan standards (design review process).*

***RHD 2: Appropriate Density Range***

*Possible densities under this designation are 19 dwelling units per net acre and greater.*

***RHD 3: Location***

*Residential High Density uses are typically located near intersections of arterials and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. High density neighborhoods should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods. In a more urban or downtown setting, residential high density may be combined with active non-residential uses in a vertically mixed-use building.*

***RHD 4: Building Massing and Form***

*Plain, monolithic structures shall be avoided. Infill projects should be compatible with the established mass and scale of other buildings along the block. In a planned apartment community context, large buildings shall be designed with a variety of wall planes and roof forms to create visual interest.*

***RHD 5: Mix of Uses***

*Non-residential uses should generally not exceed 25% of the total floor area in a mixed-use structure.*

***RHD 6: Parking Location and Design***

*Within an established urban neighborhood, such as the downtown core, adequate off-street parking should be located behind buildings or within mixed-use parking structures.*

***RHD 7: Structured Parking***

*Structured parking garages, often necessary for this type of development intensity, should be designed with a similar level of architectural detail as the main building. Incorporating active uses, such as retail spaces, into the ground floor is strongly encouraged, particularly in downtown settings.*

The applicant's proposed rezoning is consistent with the CC, Community Commercial land use designation, which would be an extension of the current land use designation along Anderson Avenue to the south. Extending the CC land use beyond Anderson Avenue and into a residential area may not conform with the Comprehensive Plan. The land use policies for the CC designation include:

***CC 1: Characteristics***

*Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a "one-stop shop" setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.*

***CC 2: Location***

*Community Commercial Centers should be located at the intersection of one or more major arterial streets. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as "big-box" stores) shall only be permitted in areas of the City where adequate access and services can be provided.*

***CC 3: Size***

*Typically require a site of between 10 and 30 acres.*

***CC 4: Unified Site Design***

*A unified site layout and design character (buildings, landscaping, signage, pedestrian and vehicular circulation) shall be required and established for the center to guide current and future phases of development. Building and site design should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.*

**CC 5: Architectural Character**

*Community Commercial Centers shall be required to meet a basic level of architectural detailing, compatibility of scale with surrounding areas, pedestrian and bicycle access, and mitigation of negative visual impacts such as large building walls, parking areas, and service and loading areas. While these requirements apply to all community commercial development, they are particularly important to consider for larger footprint retail buildings, or “bigbox” stores. A basic level of architectural detailing shall include, but not be limited to, the following:*

- *Façade and exterior wall plane projections or recesses;*
- *Arcades, display windows, entry areas, awnings, or other features along facades facing public streets;*
- *Building facades with a variety of detail features (materials, colors, and patterns); and*
- *High quality building materials.*

**CC 6: Organization of Uses**

*Community commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Within each activity center or node, complementary uses should be clustered within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses. Isolated single store developments are strongly discouraged.*

**CC 7: Parking Design and Layout**

*Uninterrupted expanses of parking should be avoided. Parking areas should be broken into smaller blocks divided by landscaping and pedestrian walkways. Parking areas should be distributed between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible.*

**CC 8: Circulation and Access**

*Clear, direct pedestrian connections should be provided through parking areas to building entrances and to surrounding neighborhoods or streets. Integrate main entrances or driveways with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles.*

If the restaurant use was removed from the list of permitted uses in the proposed PUD and only allow business and professional office uses, the proposed PUD would be more consistent with the Office/Research Park (OFF/RP) category. The proposed PUD is Infill development, or the development of new buildings on a vacant site in a built-up area. The proposed PUD should also be evaluated for consistency with the Growth Management policy GM 9. The policies (in italics and bold headings), and the OFF/RP category and Growth Management include:

*Office/Research Park (Off/RP)*

**OR 1: Characteristics**

*The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, “campus-like” setting. Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17<sup>th</sup> Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.*

**OR 2: Location**

*Office/Research Park facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access.*

**OR 3: Site Layout and Design**

*Office/Research Park developments should be organized in a planned, “campus-like” setting that is heavily landscaped. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces*

**OR 5: Unified Architectural Character**

*Buildings within an Office/Research Park setting should have a unified architectural character achieved through the use of similar elements, such as rooflines, materials, colors, signage, landscaping and screening and other architectural and site layout details.*

**OR 6: Common Areas**

*Plazas and other common outdoor gathering spaces should be provided as part of the “campus” environment. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces, such as quads, courtyards, patios, or seating areas for employees and visitors.*

**OR 7: Circulation and Access**

*Building entrances, outdoor gathering spaces, and parking areas shall be linked with clear, direct pedestrian walkways.*

**OR 8: Outdoor Storage**

*The functions of an Office/Research Park facility should generally be completely contained within buildings. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.*

**GM 9: Infill and Redevelopment**

*Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area.*

If only the business and professional office uses were permitted, the proposed PUD would be in general conformance with the Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site was annexed in 1962 and zoned "A", First Dwelling House District. From 1965-1969 the site was zoned A-A, Single Family Dwelling District. From 1969 to the present the site has been zoned R, Single-Family Residential District. Two tracts of land made up the Riley Country shops, which was reportedly established in the 1950's and remained in operation until 2007. The northern tract was rezoned from R District to Westport South Commercial PUD in May, 2008, where Walgreens and Sonic Drive-in are currently located. A majority of the site has been vacant since 2007 when most of the shops' building was demolished. One shop building exists on the west side of the side along Garden Way.

**9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:**

The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The proposed PUD is similar to the general character of the C-2, Neighborhood Shopping District, but will limit the permitted uses to business and professional offices and a restaurant, no drive-in type on Lot 2. The list of permitted uses in the PUD is extremely limited when compared to the C-2 District permitted and conditional uses (*C-2 District regulations are attached*).

Land use and structures within a Planned Unit Development District which, when approved by the Planning Board and Governing Body, may differ in one or more respects from the regulations that are applicable in any other zoning district. The objectives of a Planned Unit Development District shall be to promote progressive development of land and construction by encouraging Planned Unit Developments (PUD's) to achieve: a maximum choice of living environments by allowing a variety of housing and building types; a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns; a more efficient use of land than is generally achieved through conventional development; a development pattern in harmony with land use density, transportation facilities, and community facilities; an environment which provides safe, clean, convenient and necessary residential, commercial, and industrial facilities which will afford greater opportunities for better housing, recreation, shops and industrial plants for all citizens of the community; a development plan which suits the specific needs of the site and takes into account the unique conditions of the property which may require changes of conventional bulk regulations, lot layout, or density; or results in a project that provides greater public benefit than would be provided under conventional zoning; and, a mixture of compatible uses which might not otherwise be permitted in a single district, or which may restrict the range of land uses more than in a single district.

Current Zoning District

The underlying R District is a low density single-family residential zone intended to allow single-family development at minimum lot size of 10,000 square feet. Maximum structure height is 35-feet. Minimum front, rear and side yard setbacks are 25-feet, 25-feet and eight feet, respectively.

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### Proposed PUD and Overall Intent

Because of the proposed restaurant on Lot 2, the proposed PUD is generally like a C-2, Neighborhood Shopping district, but limited to business and professional offices and a restaurant, no drive-in type on Lot 2. Only two (2) of the sixty-three (63) permitted and conditional uses listed in the C-2 District would be permitted in the proposed PUD.

The C-2 District is designed to provide a broad range of retail shopping facilities and services located to serve one or more residential areas. The proposed PUD would be an extension of the existing commercial developments found along Anderson Avenue to the north. C-2 Districts are typically found along major arterial streets, such as Anderson Avenue, Kimball Avenue, Seth Child Road, and Tuttle Creek Boulevard. Because of the potential adverse impacts of the proposed restaurant on Lot 2 to the nearby residential properties, the proposed rezoning may not be consistent with the intent and purpose of the Zoning District.

By limiting the proposed uses to business and professional offices, the proposed PUD would be generally like a C-1, Restricted Business District (*C-1 District regulations are attached*). The C-1 District is designed to provide for non-retail commercial, business and professional office activities adjacent to arterial and collector streets. The C-1 District is also intended to be compatible with adjacent residential districts. C-1 Districts are typically found along major arterial and collector streets, such as Poyntz Avenue, Anderson Avenue, Dickens Avenue and Claflin Road. C-1 Districts and equivalent PUD's are found adjacent to various residential districts in the City. If the proposed PUD would limit the permitted uses to business and professional offices, it would provide for non-retail business and professional activities that would be consistent with the intent and purpose of the Zoning Regulations.

**12. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There appears to be no gain to the public that denial would accomplish. The public street network should not be adversely affected and storm water will be directed to public storm water improvements. Adequate public improvements can serve the site. It may a hardship to the owners if the rezoning is denied as no apparent public gain results from denial.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public improvements are available to serve the proposed development.

**12. OTHER APPLICABLE FACTORS:** None.



**13. STAFF COMMENTS AND RECOMMENDATION:** Because of the lack of details provided in the application documents, it is apparent that a specific restaurant has not been secured for the development on Lot 2. Because of this, and because that the proposed use might be inappropriate for that location without knowing its parking demand, hours of operation, nature and intensity; City Administration recommends that a restaurant with no drive-in, not be included as a permitted use in the proposed PUD. An amendment to the PUD could be proposed in the future to allow a restaurant when more specific details of the specific business, including its size and operational characteristics, are known and can be evaluated for impact on the area and compatibility with the rest of the PUD.

Although temporary banner signs are allowed in the C-1 District, City Administration suggests that banner signs are not appropriate in a professional office PUD setting.

City Administration recommends approval of the proposed rezoning of New Boston Commons PUD from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, with the following conditions:

1. Permitted uses shall be limited to Business and Professional Offices.
2. Prior to the development of Lot 4, an amendment of the PUD shall be submitted and approved, prior to issuance of any necessary permits.
3. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
4. The landscape bushes and grasses proposed for the buffer and screening of the parking lots on Lots 1 & 2 shall be planted at a minimum of thirty (30) inches in height and shall have a maximum separation distance of three (3) feet on center to provide adequate screening of the vehicle headlights.
5. All landscaping and irrigation shall be maintained in good condition.
6. Building lighting shall be provided as proposed and shall be full cutoff design and not cast direct light onto public or private streets or adjacent property.
7. Ground signs shall be permitted as proposed.
8. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1)(2), of the Manhattan Zoning Regulations.
9. Sidewalks and pedestrian crossings shall conform to the requirements provided by the City Engineer.
10. The applicant's consultant shall verify that the 10 year storm water discharge does not exceed a depth of 0.35 feet in the gutter section on Westport Place as described by the City Engineer. Verification shall be provided at the time application for the PUD Final Development Plan.

*Attachment No. 4*

11. An Agreement Creating a Restrictive Covenant on Real Estate, shall be filed concurrently with the Final Plat, addressing construction and ongoing maintenance of drainage improvements within the drainage easement by the property owner(s) and giving the City the ability to assess the owners if such construction and maintenance is not performed..
12. An Agreement Creating a Restrictive Covenant on Real Estate, shall be filed concurrently with the Final Plat, addressing the construction and ongoing maintenance of the travel easement by the property owner(s) and giving the City the ability to assess the owners if such construction and maintenance is not performed.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of New Boston Commons PUD from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of New Boston Commons PUD from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends of the proposed rezoning of New Boston Commons PUD from, R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the twelve (12) conditions recommended by City Administration.

**PREPARED BY:** Chad Bunger, AICP, CFM, Planner II

**DATE:** January 13, 2010