



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, SEPTEMBER 1, 2015***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Karen McCulloh and Commissioners Usha Reddi, Linda Morse, Michael L. Dodson, and Wynn Butler were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, Interim City Attorney Katharine Jackson, City Clerk Gary S. Fees, 8 staff, and approximately 20 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor McCulloh led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor McCulloh proclaimed September 17-23, 2015, ***Constitution Week***. Nancy Knopp, Regent, Polly Ogden Chapter; Sydney Carlin, Constitution Committee; and Ila Morrill, Constitution Chair, National Society Daughters of the American Revolution, were present to receive the proclamation.

Mayor McCulloh proclaimed September 2015, ***National Recovery Month***. Robbin Cole, Executive Director, Pawnee Mental Health Services, was present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor McCulloh opened the public comments.

Trent Armbrust, Director, Business Development and Strategic Initiatives, Manhattan Area Chamber of Commerce, announced that MediVet Biologics, an animal health company that specializes in veterinary regenerative medicine and biological solutions for equine and small animals, was opening its Manhattan-based laboratory in the Kansas

## PUBLIC COMMENTS (CONTINUED)

Entrepreneur Center. He provided additional information on MediVet Biologics and highlighted the economic development partnership between the City of Manhattan, Kansas State University and the Manhattan Area Chamber of Commerce.

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

## COMMISSIONER COMMENTS

Commissioner Morse reiterated an invitation to attend the Sunflower Fair in Salina on September 22, 2015, at the Bicentennial Center. She stated that the Sunflower Fair is sponsored by the North Central Flint Hills Area Agency on Aging and includes workshops, exhibitors and speakers. She encouraged anyone interested to attend the event.

Commissioner Reddi announced that the Manhattan Public Library had high attendance over the summer and was pleased to see the success of the expanded Children's Library. She stated that there are a lot of activities going on this week in Manhattan and highlighted the Charlie Daniels Band performing at McCain Auditorium on Thursday, September 3; Purple Power Play in the Park events on Thursday, September 3 and Friday, September 4; and the season opener Kansas State University football game on Saturday, September 5. Go Cats!

Mayor McCulloh informed the community that there will be fireworks at City Park as part of the Purple Power Play in the Park on Friday, September 4. She encouraged everyone to enjoy the great swimming weather at the pool and enjoy free admission to the 4<sup>th</sup> Annual Family Day at the Flint Hills Discovery Center on Sunday, September 13, from Noon to 5:00 p.m.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, August 18, 2015.

### CLAIMS REGISTER NO. 2799

The Commission approved Claims Register No. 2799 authorizing and approving the payment of claims from August 12, 2015, to August 25, 2015, in the amount of \$2,808,631.90.

## CONSENT AGENDA (CONTINUED)

### LICENSE – FIREWORKS DISPLAY

The Commission approved a Fireworks Display License for Friday, September 4, 2015, at City Park, for Purple Power Play, Inc., PO Box 1166.

### ORDINANCE NO. 7159 – ESTABLISH – 2016 SALARIES

The Commission approved Ordinance No. 7159 establishing salaries for 2016 with a 1.5% cost-of-living adjustment for established pay grades and salary ranges and a 2% step increase for non union employees based on the City's performance evaluation system.

### ORDINANCE NO. 7160 – AMEND – STONE POINTE TOWNHOMES PUD

The Commission approved Ordinance No. 7160 amending Ordinance Nos. 6693 and 7049 and a portion of the Final Development Plan of Stone Pointe Townhomes Residential PUD, to be known as the Final Development Plan of Willow Ridge Apartment PUD, generally located at the east end of Stone Crest Court, based on the findings in the Staff Report (*See Attachment No. 1*), subject to the two (2) conditions of approval as recommended by the Planning Board.

### FINAL PLAT – WILLOW RIDGE APARTMENTS RESIDENTIAL PLANNED UNIT DEVELOPMENT

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Willow Ridge Apartments Residential Planned Unit Development, generally located east of North Scenic Drive, and south and east of the intersection of Stone Crest Drive and Stone Crest Court, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 7161 – AMEND – MERCY REGIONAL HEALTH CENTER PUD

The Commission approved Ordinance No. 7161 amending Ordinance Nos. 7097 and 7124 and the Preliminary Development Plan of Lot 2, Mercy Regional Health Center PUD, to be known as the Final Development Plan of Lot 2, Via Christi Health Center, generally located southwest of Kimball Avenue and College Avenue, based on the findings in the Staff Report (*See Attachment No. 2*), subject to the three (3) conditions of approval recommended by the Planning Board.

### ORDINANCE NO. 7162 – VACATE DRAINAGE AND CONSERVATION EASEMENT – LOTS 57-58, STONE POINTE ADDITION

The Commission approved Ordinance No. 7162 vacating portions of the drainage and conservation easement on Lots 57 and 58 in Stone Pointe Addition in light of the findings made from first reading.

## CONSENT AGENDA (CONTINUED)

### FIRST READING – REASSESS SPECIALS – ABBOTT'S LANDING PUD

The Commission approved first reading of an ordinance authorizing the reassessment and/or re-levy of certain special assessments applicable to the Abbott's Landing Planned Unit Development Final Plat and the Abbott's Landing, Unit Two, Addition and amending and supplementing Ordinance No. 7013.

### AWARD CONTRACT – BLUE TOWNSHIP WATERLINE AND PUMP STATION (WA1307)

The Commission accepted the Engineer's Opinion of Probable Cost including Alternates in the amount of \$2,916,709.00; awarded a construction contract in the amount of \$2,217,264.60 to the low bidder, J&K Contracting, LC, of Junction City, Kansas; and authorized the Mayor and City Clerk to execute the construction contract with J&K Contracting, LC, for the Blue Township Waterline Extension – Waterline and Pump Station (WA1307).

### RESOLUTION NO. 090115-A – ISSUE GENERAL OBLIGATION BONDS - BLUE TOWNSHIP WATERLINE AND PUMP STATION (WA1307)

The Commission approved Resolution No. 090115-A issuing General Obligation Bonds to finance the City's portion of the Blue Township Waterline Extension – Waterline and Pump Station (WA1307) project.

### DEVELOPMENT AGREEMENT – KSU FOUNDATION – WATER (WA1515) AND SANITARY SEWER (SS1513) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute a development agreement with Kansas State University Foundation and KSU Real Estate Fund, LLC, for public water (WA1515) and sanitary sewer (SS1513) improvements for the KSU Foundation Building project.

### AGREEMENT – CONSULTING SERVICES – WATER, WASTEWATER, AND STORMWATER COST OF SERVICES STUDY, PH 2 (SS1405, WA1405, CIP #WW021P)

The Commission authorized the Mayor and City Clerk to execute an agreement for consulting services in an amount not to exceed \$31,261.00, with Carl Brown Consulting, LLC, of Jefferson City, Missouri, for the Water, Wastewater and Stormwater Cost of Services Study, Phase 2 (SS1405, WA1405, CIP #WW021P) project.

### BOARD APPOINTMENTS

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

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### Douglass Center Advisory Board

Re-appointment of Constance Birdsong, 811 Yuma Street, Apartment B, to a three-year Geographical term. Ms. Birdsong's term will begin October 3, 2015, and will expire October 2, 2018.

Re-appointment of Justin Reilly, 2120 Westchester Drive, to a three-year At-Large term. Mr. Reilly's term will begin October 3, 2015, and will expire October 2, 2018.

#### Joint Corrections Advisory Board

Re-appointment of Jayme Morris-Hardeman, 1822 Laramie Street, to a two-year adult term. Ms. Morris-Hardeman's term begins immediately, and will expire June 30, 2017.

#### Partner City Advisory Committee

Appointment of Sara Vytlacil, 1013 Osage Street, to a three year term. Ms. Vytlacil's term will begin immediately and will expire August 31, 2018.

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

## GENERAL AGENDA

### FIRST READING - UPZONE 35 LOTS - NORTH SIDE OF TODD ROAD; BOTH SIDES OF ELAINE DRIVE

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted an aerial map of the proposed area to be upzoned, provided additional information on the current utilities, sidewalk and parking requirements, and informed the Commission that the Manhattan Urban Area Planning Board held a public hearing on the item and recommended approval on the proposed rezoning based on the findings in the Staff Report. He then responded to questions from the Commission regarding the possibility to combine lots and utility easements that would need to be addressed.

Rob Ott, Director of Public Works, responded to questions from the Commission regarding area traffic issues and utility considerations to upgrade existing water lines, primarily for increased fire flow.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - UPZONE 35 LOTS - NORTH SIDE OF TODD ROAD; BOTH SIDES OF ELAINE DRIVE (CONTINUED)

Eric Cattell, Assistant Director for Planning, responded to additional questions from the Commission regarding the assumption that property values would increase in this area.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion, Commissioner Morse moved to approve first reading of an ordinance rezoning 35 lots, generally located along the north side of Todd Road and along both sides of Elaine Drive, from R-1, Single-Family Residential District; R-2, Two-Family Residential District; and R-2/UO, Two-Family Residential District with University Overlay District; to R-3, Multiple-Family Residential District and R-3/UO, Multiple-Family Residential District with University Overlay District, based on the findings in the Staff Report (*See Attachment No. 3*) and the recommendation of the Planning Board. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING - UPZONE 22 LOTS - 1800 BLOCK OF HUNTING AVENUE

Eric Cattell, Assistant Director for Planning, presented the item and provided an aerial map of the proposed area to be upzoned. He highlighted the existing use, neighborhood compatibility, the inclusion of two properties to be included in the rezoning area, and provided an overview of the Comprehensive Plan. He informed the Commission that the Manhattan Urban Area Planning Board held a public hearing on the item and recommended approval of the proposed rezoning based on the findings in the Staff Report. He then responded to questions from the Commission regarding the item and the request from property owners to include two lots that were added by the Planning Board, located at 826 Sunset Avenue and 1855 Hunting Avenue.

Rob Ott, Director of Public Works, responded to questions from the Commission regarding plans for the Westar substation.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding the large complex proposal that was presented to the Commission earlier and the challenges associated with vacating streets and utilities.

Mayor McCulloh opened the public comments.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - UPZONE 22 LOTS - 1800 BLOCK OF HUNTING AVENUE (CONTINUED)

Karen Franz, 2000 Thackery Street, stated that the two lots at 826 Sunset Avenue and 1855 Hunting Avenue were not included in original plan. She asked the Commission to stick with the original rezoning area in the Comprehensive Plan to protect the low-density neighborhood to the southwest. She informed the Commission that she lives in a well established single-family owner-occupied neighborhood and voiced concern about having a reasonable buffer zone to protect their neighborhood properties.

Teresa Hinrichs, 826 Sunset Avenue, informed the Commission that she spoke at the August 17, 2015, Manhattan Urban Area Planning Board meeting and expressed support for the rezoning and for her property to be included. She provided several reasons why her property should be included in the upzoned area and thanked the Commission for consideration of her request.

Kevin Bryant, 1855 Hunting Avenue, co-owner of the property, informed the Commission that his property was the second property to be added to the rezoning. He provided additional information on the neighborhood and adjacent properties in the area. He then thanked the Commission for their consideration of the item.

Darrel Bryant, 1855 Hunting Avenue, co-owner of the property, stated that to not include these two lots being requested in the rezoning would isolate them even further and result in spot zoning. He requested that their property be included in the rezoning.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding zoning and conditional uses that have occurred in the area.

Karen Franz, 2000 Thackery Street, responded to questions from the Commission on the location of her home and the importance to keep a buffer zone for the residential area.

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

After comments from the Commission, Commissioner Reddi expressed concerns with moving forward on the item and wanted additional time to consider the concerns expressed from the neighborhood.

After further discussion and comments from the Commission, Commissioner Dodson moved to approve first reading of an ordinance rezoning 22 lots, generally located along both sides of the 1800 block of Hunting Avenue including 826 Sunset Avenue and 1855 Hunting Avenue and the Western Resources Substation, based on the findings in the Staff Report (*See Attachment No. 4*) and the recommendation of the Planning Board.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - UPZONE 22 LOTS - 1800 BLOCK OF HUNTING AVENUE (CONTINUED)

After discussion, Commissioner Morse seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Reddi voting against the motion.

### FIRST READING – AMEND - LOT 4, HERITAGE SQUARE SOUTH, UNIT FOUR (MIDLAND EXTERIORS)

Eric Cattell, Assistant Director for Planning, presented an overview of the item and provided an aerial map of the subject property. He informed the Commission that the Manhattan Urban Area Planning Board held a public hearing on the item and recommended approval of the proposed amendment, based on the findings in the Staff Report. He then responded to questions from the Commission regarding the location of the Leiszler Oil Company and use of the facility.

Ron Fehr, City Manager, provided clarification on vehicular access to the area.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion, Commissioner Dodson moved to approve first reading of an ordinance amending Ordinance Nos. 6607, 7062, and 7139 and the Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, generally located southeast of the intersection of South Port Drive and US-24 Highway, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 5*). Commissioner Reddi seconded the motion.

Commissioner Morse stated that within the last few months she had a recent business dealing with Midland Exteriors by installing new guttering.

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

### AMENDMENT NO. 1 – DESIGN SERVICES - WEST ANDERSON AVENUE TRANSPORTATION EXPANSION (ST0810)

Rob Ott, Director of Public Works, highlighted past actions of the Commission regarding the item. He presented background information, provided information on the scope of the improvements, and the need for additional design services for West Anderson Avenue. He then responded to questions from the Commission and provided additional information on the excess right-of-way, the proposed roundabout, turn lanes, level of service for West Anderson Avenue, and considerations regarding connectivity with sidewalks and trails for pedestrians and bicyclists.



## GENERAL AGENDA (CONTINUED)

### AMENDMENT NO. 1 – DESIGN SERVICES - WEST ANDERSON AVENUE TRANSPORTATION EXPANSION (ST0810) (CONTINUED)

After discussion and comments from the Commission, Rob Ott, Director of Public Works, presented a concept drawing of the proposed roundabout, proposed improvements on West Anderson Avenue, cost estimates for the project, highlighted proposed funding sources that would pay for the project, and presented the next steps for the project to proceed forward. He then responded to additional questions from the Commission.

Jason Hilgers, Deputy City Manager, provided information on the Final Development Agreement and the real estate contract that would be coming forward to the City Commission for consideration.

Commissioner Reddi stated that the research shows roundabouts are the way to go for safety and that she uses this intersection every day. She provided examples of roundabouts and stated that drivers know how to use a roundabout and are getting to the point where drivers are getting better at maneuvering through them. She asked that a good sidewalk and trail system be provided for walking and biking. She voiced her support for the proposed development and was pleased that a portion of the excess right-of-way to the developer would be going back on the tax rolls.

Commissioner Dodson stated that he was very supportive of the rezoning and sidewalk connectivity, but voiced concerns with the proposed roundabout and platooning effects that would create difficulties in turning with and against a continuous flow of a traffic system with a roundabout versus a signalized intersection. He said the Riley County Police Department (RCPD) data showed 13 accidents at the Fourth Street and Bluemont Avenue roundabout this year, compared to just one at the existing intersection at Scenic and Kimball. He stated that the more salient evaluation is what is happening, not what somebody says or points of contact that can be made at an intersection. He also voiced concerns with how pedestrians and bicyclists interact with traffic in a roundabout at this location. He stated that he was not in support of the roundabout and did not want to be in a position of having an accident at this location and having to explain it later on.

Mayor McCulloh provided additional information on roundabouts and voiced support for the roundabout. She stated that accidents and fatalities have occurred at North Manhattan Avenue and Kimball Avenue intersection. She stated that roundabouts are the way to go in the future and provided examples of current roundabouts and traffic circles in Manhattan. She also encouraged good connectivity with sidewalks and trails to extend to new and future housing developments along Scenic Drive.

## GENERAL AGENDA (CONTINUED)

### AMENDMENT NO. 1 – DESIGN SERVICES - WEST ANDERSON AVENUE TRANSPORTATION EXPANSION (ST0810) (CONTINUED)

Commissioner Butler stated that he understood Commissioner Dodson's reservations and platooning concerns with a roundabout, but stated that he supported the roundabout design. He stated that a well-designed roundabout that takes into consideration for safety is what is desired. He said this roundabout needs to be built much larger than the Colbert Hills roundabout. He stated that there is the space to build a well-designed roundabout at this location. He was also supportive of the pedestrian sidewalk to be designed and asked to consider options for pedestrians away from the roundabout, if that can be accomplished.

Commissioner Morse stated that the Colbert Hills roundabout has not been a good thing for the community. She wanted to make sure that a roundabout at this location will be large enough to meet future needs for the next 25 years. She also voiced support for sidewalks and bike trails. She stated her support of the development and was pleased that this would be a good addition to the community.

Rob Ott, Director of Public Works, responded to questions from the Commission and provided additional information on the Kimball Avenue and Grand Mere multi-use trail and clarification on the proposed costs. He also provided additional information on the accident data at Fourth Street and Bluemont Avenue. Finally, he informed the Commission that roundabouts and traffic signals are tools for engineers and is not a one size fits all; however, allows engineers to evaluate and provide a professional recommendation.

Mayor McCulloh opened the public comments.

Rich Seidler, Commercial Real Estate Services, LLC, representing the developer for Scenic Crossings, provided additional information on the proposed development and the need for the road improvements for the development and community. He asked the Commission to follow the advice of the professional City staff and to support moving forward with the development.

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

After further discussion and comments from the Commission, Commissioner Dodson moved to authorize the Mayor and City Clerk to execute Contract Amendment No. 1 with BG Consultants, Inc., of Manhattan, Kansas, in the amount of \$179,380.50 for the West Anderson Avenue Transportation Expansion (ST0810) project. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### ORDINANCE NO. 7163 – REZONE - SCENIC CROSSING

Rob Ott, Director of Public Works, provided an overview of the item.

Eric Cattell, Assistant Director for Planning, also presented additional information on the rezoning.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

Commissioner Butler moved to approve Ordinance No. 7163 rezoning the proposed Scenic Crossing, generally located northeast of the intersection of Kimball Avenue/Scenic Drive and Anderson Avenue, from I-5, Business Park District, to: (Tract 1) R-1, Single-Family Residential District (*See Attachment No. 6*); (Tract 2) R-2, Two-Family Residential District (*See Attachment No. 7*); and (Tract 3) C-2, Neighborhood Shopping District (*See Attachment No. 8*), based on the findings in the Staff Report, as recommended by the Manhattan Urban Area Planning Board. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

### ADJOURNMENT

At 9:18 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

## **STAFF REPORT**

**AN AMENDMENT OF ORDINANCE NO. 6693 AND 7049 AND A PORTION OF THE APPROVED FINAL DEVELOPMENT PLAN OF STONE POINTE TOWNHOMES, RESIDENTIAL PUD. A CONCURRENT FINAL PLAT IS ALSO PROPOSED (SEE SEPARATE STAFF MEMORANDUM REGARDING THE FINAL PLAT).**

**The amendment is necessary because the approved 24-townhome dwelling units on Lot 2, Birchwood Villas Addition will be replaced with three (3) multiple-family residential buildings consisting of 42-dwelling units. The amendment is a substantial modification of the approved PUD.**

## **BACKGROUND**

**APPLICANTS:** The applicants are:

- Stone Crest Land Co. LLC – Tim Schultz

**OWNER:** The owner is Stone Crest Land Co. LLC – Tim Schultz.

**ADDRESSES:**

- Stone Crest land Co. LLC, 1213 Hylton Heights Rd., Manhattan, KS 66502
- Excel Development Group, 8551 Lexington Avenue, Lincoln, NE 68505

**LEGAL DESCRIPTION:** Lot 2, Birchwood Villas Addition and all of Tract E, Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development Additions in the City of Manhattan, Riley County, Kansas.

**LOCATION:** The amendment site is generally east of N. Scenic Drive, and southeast of the intersection of Stone Crest Drive and Stone Crest Court.

**AREA:** The area of proposed Lot 1, Willow Ridge Apartments is to be 4.47 acres (194,713.2 square feet).

**DATE OF NEIGHBORHOOD MEETING:** Tuesday, June 16, 2015.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, July 13, 2015.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, August 3, 2015.  
**CITY COMMISSION:** Tuesday, August 11, 2015.

### **EXISTING PUD**

#### **Stone Pointe Townhomes PUD Original Ordinance**

Ordinance No. 6693 was approved by the City Commission on April 15, 2008, which created Stone Pointe Townhomes Residential Planned Unit Development. The project history is described below.

#### **Conditions of Approval**

The conditions of approval set out in Ordinance No. 6693 include:

1. Permitted uses shall include ninety six (96) residential townhome units.
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. Two ground entry signs and exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2), of the Manhattan Zoning Regulations shall be permitted. *See Article VI, Section 6 -102 (A)(2) under the amended sign regulations for exempt signage.*
4. All landscaping and irrigation shall be maintained in good condition.
5. No parking shall be allowed along the entire length of the east side of the Stone Crest Way right-of-way driving lane and shall be appropriately signed as No Parking.

#### **Current Zoning**

The current zoning of Stone Pointe Townhomes is PUD, Residential Planned Unit Development District with AO, Airport Overlay District.

The Final Development Plan of the entire Stone Pointe Townhomes PUD was approved June 2, 2008. A total of 96-townhome units were approved with the Final Development Plan.

None of the 24 townhomes on existing Lot 2, Birchwood Villas Addition have been built.

## **PROPOSED AMENDMENT**

The proposed amendment will be known as Willow Ridge Apartments, Residential Planned Unit Development. The proposed amendment will delete 24 future approved townhomes on Lots 12A-16D from the approved PUD and replace the townhomes with three (3) multiple-family residential apartment buildings. Other changes include off-street parking, signage, lighting, landscaping, and other improvements. All of Lot 2, Birchwood Villas Addition and Tract E, Stone Pointe Townhomes, Unit Three are included in the amendment site. The proposed changes are in the form of a Final Development Plan. A Final Plat of the amended PUD is also proposed (*See separate staff memorandum*).

The proposed apartments are affordable rental housing. Application documents indicate, “Tenants will be required to meet either the Low Income Housing Tax Credit or HOME program income levels. Area Median Income at 60 percent or below will be required to qualify for housing.” The Manhattan Area Housing Partnership Inc., the state certified non-profit CHDO (Community Housing Development Organization) will manage the apartment complex. (*For more details see the written application documents.*)

### **Proposed Buildings, Structures, and Phasing**

Proposed Lot 1: The proposed structures include three, 3-story apartment buildings:

The first 16-dwelling unit apartment building has four 1-bedroom dwelling units, six 2-bedroom dwelling units and six 3-bedroom dwelling units. The second building is a 12-dwelling unit apartment building with six 2-bedroom and six 3-bedroom units. The third building is a 14-unit apartment building with six 2-bedroom, six 3-bedroom and two 4-bedroom dwelling units, and 1 maintenance shop area affiliated with the apartment grounds.

All three (3) buildings are sited towards an interior parking lot located at the end of the cul-de-sac along Stone Crest Court. Exterior materials include brick veneer, stone accents, textured fiber-cement siding, decorative cedar wall features, and asphalt roof shingles. (*See sheets A5.1 and A5.2 for elevations*)

Other structures include a six (6) foot tall trash enclosure constructed with brick veneer walls and metal gates to match the apartment buildings, proposed to be located on the north side of the parking lot. Playground space is noted as mulch ground cover with wood playground equipment. A bike rack is adjacent to the 16-unit apartment building.

**Phasing**

Overall construction is scheduled to begin in September 2015. The 16-unit apartment building will be constructed first with anticipated lease-up in May of 2016. The 12-unit building will be constructed next and is scheduled to be completed in May of 2016. The 14-unit building with maintenance shop will be constructed last, scheduled for completion in June of 2016. Drives, sidewalks and parking will be complete by April, 2016, prior to the start of leasing. The playground area and equipment is scheduled to be completed with the first 16-unit apartment building in May of 2016.

**PROPOSED SIGN:** One ground sign is proposed at the off-street parking lot's entrance at the end of Stone Crest Court. The sign is constructed of cast stone supported by stone and brick piers four feet and four inches (4' - 4") tall. The sign face consists of cast stone on which the name of the apartments "Willow Ridge Apartments" will be routed and painted.

**PROPOSED LIGHTING:** Full cut-off parking lot light poles are 20-feet in height. Building lights are also full-cut off to shield light from spilling onto adjacent properties and the public street.

**MATTERS TO BE CONSIDERED WHEN AMENDING A  
PLANNED UNIT DEVELOPMENT**

**1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:** The amendment is consistent with the intent and purpose of the original PUD. The intent of the approved PUD is a multiple-family townhome development. The amendment preserves its multi-family character. The application documents indicate the amendment is consistent with the intent and purpose of the approved PUD, which "is a mix of owner occupied and rental units in four-plex townhomes. The amendment continues to provide a choice of housing for those not wishing to purchase or rent a single family home. The three story buildings are similar in heights to the existing Scenic Point Apartments."

**2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** The amendment is necessary due to changing housing market conditions. The application documents indicate, "Existing sales have been very slow for the townhomes. The steep terrain on the proposed site will drive the cost of townhomes even higher, hurting sales even more. The amendment will allow us to keep the density needed on the site and stay clear of the steep slopes on the east side of the site."

**3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The application documents indicate, “The City of Manhattan would benefit from increased affordable housing. The proposed project would integrate nicely into the housing that is already established in the area.” No special benefit is conferred upon an individual. The amendment creates an opportunity for affordable housing to serve a market demand which benefits the public.

### **ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT**

**1. LANDSCAPING:** Landscaping consists of shade, ornamental and evergreen trees, and irrigated turf around the building to be maintained by underground irrigation. Areas outside the lawn will remain native grass, generally the slopes on the northern and eastern side of Lot 1.

**2. SCREENING:** Trash enclosures will be constructed of brick veneer walls and metal gates to match the proposed apartment buildings.

**3. DRAINAGE:** The site will drain to the east into an existing detention basin constructed as a part of Stone Pointe Townhomes. The applicant’s consultant, Schwab Eaton, submitted a drainage summary (attached), dated June 18, 2015, based on a previous drainage study for the original Stone Point Townhomes concept. The amendment site will drain to an existing detention basin constructed as a part of Independence Place PUD. The consultant’s analysis indicates an improvement to the impervious area resulting in lower expected runoff rates. No additional drainage analysis is required by the City.

#### **4. CIRCULATION:**

Public Access. Access to the site’s off-street parking lot is off Stone Crest Court. Internal sidewalks connect the apartment entrances and parking lot to the public sidewalk on the east side of Stone Crest Court.

Traffic. The applicant’s consultant, Schwab Eaton, submitted a letter dated June 17, 2015, which compares the original traffic report for the 24-townhome units to the proposed three (3) multi-family apartment buildings. The findings conclude the apartment buildings in the amendment site will generate four (4) additional trips over the number calculated with the original PUD. The City Engineer has reviewed and accepts the study, and concurs that the proposed change in traffic has an insignificant affect on the surrounding streets.



*Attachment No. 1*

Off-Street Parking. Using the Manhattan Zoning Regulations parking ratios for 1-bedroom units (2 parking spaces per unit), 2-bedroom units (3 parking spaces per unit), 3-bedroom units (3.5 parking spaces per unit) and 4-bedroom units (4 parking spaces per unit), the 42-unit apartment building would be required to provide a minimum of 133-parking spaces. Eighty-six (86) off-street parking spaces are proposed.

The ratios for apartment units are generally oriented for occupancy of unrelated tenants. Residential PUDs and other apartment buildings approved by the Board of Zoning Appeals have used parking ratios based on bedroom count and dwelling-unit count rather than the Zoning Regulation's ratios. The proposed Willow Ridge Apartments has a combined bedroom count of 102-bedrooms. The proposed complex is family oriented, and requires occupancy approval as described above, and would be managed by the local CHDO. The demand for individual parking spaces may be less for occupancy than family oriented or market rate occupancy.

Based on 86-parking spaces, approximately 2-parking spaces will be provided per dwelling-unit with three (3) parking spaces allocated for full-time employees. According to the applicant, "Manhattan Area Housing Partnership (MAHP) will conduct day-to-day operations on site to include property management of all properties and social service programs the agency currently provides. Proposed employees will include 3 FTE. Potential hours of operation will be Tuesday-Friday 10-3pm and by appointment to meet the needs of residents." The proposed 86-parking spaces are reasonable to serve the proposed affordable housing market. The proposed number of parking spaces should also accommodate management personnel and tenants.

A bike rack is proposed off the parking lot and near the 16-unit apartment building.

**5. OPEN SPACE/LANDSCAPED AND COMMON AREA:** Proposed Lot 1 has 100,084 square feet of open/native seeded space and 39,450 square feet of landscaped space. Landscaping will be maintained by the owner.

**6. CHARACTER OF THE NEIGHBORHOOD:** The general neighborhood is characterized as a developing growth corridor of the City with single-family, two-family and multiple-family residential development to the north. Highland Meadows Additions are to the far northwest and include single-family, two-family, and multiple-family residential development. Birchwood Villa's affordable seniors' residential apartment is located to the west. Development occurring in the Lee Mill Heights and Miller Ranch areas to the southeast will continue to grow towards the PUD. The Miller Parkway street connection to N. Scenic Drive from Lee Mill Heights and Miller Ranch will accommodate future access to other parts of the City for development occurring in the Scenic Drive corridor.

## **MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** The use of the amendment site is a vacant tract of land approved for 24 townhome dwelling units, a public street, and common area.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The graded site slopes and drains to the northeast.

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

(a.) **NORTH:** Stone Pointe townhomes and apartments; Residential PUD.

(b.) **SOUTH:** Future neighborhood shopping; C-2, Neighborhood Shopping District.

(c.) **EAST:** Future Independence Place apartments; PUD.

(d.) **WEST:** Birchwood Villas, N. Scenic Drive, and open range land; Residential PUD and G-1 General Agriculture District.

**4. GENERAL NEIGHBORHOOD CHARACTER:** See above under 6, **CHARACTER OF THE NEIGHBORHOOD.**

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The amendment site is suitable for the approved 24 townhomes and common area.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed amendment is within a multiple-family townhome setting and south of an approved multiple-family apartment development within the Stone Point Townhomes PUD. To the north of Stone Pointe townhomes are Scenic Woods apartments, Stone Pointe apartments are further to the north. Highland Ridge apartments, which have an affordable housing component, are to the northwest of the subject site and west of Scenic Drive. A future commercial neighborhood shopping area is located to south. The proposed development is close to and easily accessed from N. Scenic Drive, a minor north/south arterial. Any expected changes in light, noise, and traffic are not unlike what would exist with the approved 24 townhomes.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE PROPOSED SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE SOUTHWEST PLANNING AREA AS A COMBINATION OF RESIDENTIAL MEDIUM HIGH DENSITY (RMH), AND PRESERVED OPEN SPACE. THE SITE IS ALSO LOCATED IN THE Miller Parkway Corridor Special Planning Area AND IS IN THE**

**CONICAL ZONE OF THE MANHATTAN REGIONAL AIRPORT. THE AO, AIRPORT OVERLAY DISTRICT IS ADDED AS AN OVERLAY DISTRICT TO THE SPECIFIC PORTIONS OF STONE POINTE ADDITION THAT ARE AFFECTED BY THE CONICAL ZONE.**

Residential designations: Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or four-plexes 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.

Other applicable policies to The Miller Parkway Corridor Special Planning Area include:

**MPC-2: Preservation of Drainage Areas**

Incorporate drainage ways, wetlands, and other sensitive natural features into the overall design of neighborhoods as buffers and open space amenities.

**MPC-5: Airport Airspace Regulations**

Ensure development is consistent with established airspace regulations for the Manhattan Regional Airport and the Airport Master Plan.

**THE APPLICANT FILED A RESTRICTIVE COVENANT WITH STONE POINTE ADDITION, UNIT TWO, IN 2006, WHICH LIMITS NET DENSITY TO NO MORE THAN 19 DWELLING UNITS PER NET ACRE, WHICH IS THE UPPER LIMIT OF THE RMH CATEGORY. THE NET DENSITY OF THE APPROVED STONE POINTE TOWNHOMES IS 7.66 DWELLING UNITS PER NET ACRE, WHICH IS BELOW THE RMH DENSITY AND MORE CONSISTENT WITH A LOW DENSITY DEVELOPMENT. THE PROPOSED OVERALL NET DENSITY, AS A RESULT OF THE 42 DWELLING UNITS IS SLIGHTLY MORE THAN APPROVED IN 2008, OR APPROXIMATELY 9.21 DWELLING UNITS PER NET ACRE. THE PROPOSED AMENDMENT CONFORMS TO THE COMPREHENSIVE PLAN.**

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

July 17, 2006                      Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Stone Pointe Addition, Unit Two, from G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay

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- District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- August 15, 2006 City Commission approves first reading of annexation and rezoning to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- September 5, 2006 City Commission approves Ordinance Nos. 6564 and 6564 annexing and rezoning Stone Pointe Unit Two, to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- November 6, 2006 Manhattan Urban Area Planning Board approves Preliminary Plat of Stone Pointe Addition, Unit Two.
- December 19, 2006 Manhattan Urban Area Planning Board approves Final Plat of Stone Pointe Addition, Unit Two.
- January 9, 2007 City Commission accepts easements and right-of-way as shown on the Final Plat of Stone Pointe Addition, Unit Two.
- March 17, 2008 Manhattan Urban Area Planning Board recommends approval of the rezoning of the Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- April 1, 2008 City Commission approves first reading of the rezoning of the Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- April 15, 2008 City Commission approves Ordinance No. 6693 rezoning Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- June 2, 2008 Manhattan Urban Area Planning Board approves the Final Plat and the Final Development Plan of the Stone Pointe Townhomes Residential Planned Unit Development.
- June 17, 2008 City Commission accepts easements and right-of-way as shown on the Final Plat of Stone Pointe Residential Townhomes Planned Unit Development.

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- September 6, 2012 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6693 and the Final Development Plan of Lot 1 and Tract E, Stone Pointe Townhomes, Unit Three, Residential PUD, and approves the Final Plat of Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development.
- October 2, 2012 City Commission approves first reading of an ordinance amending Ordinance No. 6693 and the Final Development Plan of Stone Pointe Townhomes Residential PUD.
- October 16, 2012 City Commission approves Ordinance No. 6971 amending Ordinance No. 6693 and the Final Development Plan of Stone Pointe Townhomes Residential PUD as proposed; and, accepts the easements and rights-of-way as shown on the Final Plat of Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development.
- October 6, 2013 Manhattan urban Area Planning Board tables the Public Hearing to amend Tract Z, Stone Pointe Townhomes PUD for proposed Birchwood Villas.
- October 21, 2013 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6693 and the Final Development Plan of Birchwood Villas Residential PUD, and the Final Plat of the Birchwood Villas Addition.
- November 5, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6693 and the Final Development Plan of Birchwood Villas Residential PUD.
- November 19, 2013 City Commission approves Ordinance No. 7049 amending a portion of the Final Development Plan of Tract Z, Stone Pointe Townhomes, Unit One, Residential PUD, and Ordinance No. 6693, as proposed, to be known as Birchwood Villas, Residential PUD, based on the findings in the Staff Report, with the five conditions recommended by the Manhattan Urban Area Planning Board.
- November 19, 2013 City Commission Accept the easements and rights-of-way, as shown on the Final Plat of Birchwood Villas Addition, Residential Planned Unit Development, based on conformance with the Manhattan Urban Area Subdivision Regulations.
- April 20, 2015 Manhattan Urban Area Planning Board approves the Final Plat of Birchwood Villas Addition, Unit No. 2, Residential Planned Unit Development.
- May 5, 2015 City Commission accepts easements and right-of-way as shown on the Final Plat of Birchwood Villas Addition, Unit No. 2, Residential Planned Unit Development.

**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 PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed PUD is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

Subject to the conditions of approval, the proposed amendment is consistent with the Zoning Regulations.

The existing AO District “is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by the facility to the region. The district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport's operation or the public welfare.”

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public, which denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. No adverse impacts to the public are expected. There may be a hardship to the applicant if the amendment is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: THE PROPOSED AMENDMENT CAN BE SERVED BY EXISTING PUBLIC IMPROVEMENTS, INCLUDING STREET, WATER, FIRE SERVICE AND SANITARY SEWER.**

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

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed amendment of Ordinance No. 6693 and 7049 and a portion of the approved Final Development Plan of Stone Pointe Townhomes Residential Townhomes PUD, to be known as the Final Development Plan of Willow Ridge Apartments Residential Planned Unit Development, subject to the following conditions:

1. Permitted uses shall include 42 multiple-family residential dwelling units.
2. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-102 (A)(2)(a),(b),(c),(e),(g),(h),(i),(j),(k),(l),(m), of the Manhattan Zoning Regulations of the Manhattan Zoning Regulations.

**ALTERNATIVES:**

1. Recommend approval of the proposed amendment of Ordinance No. 6693 and 7049 and a portion of the approved Final Development Plan of Stone Pointe Townhomes Residential Townhomes PUD, to be known as the Final Development Plan of Willow Ridge Apartments Residential Planned Unit Development, stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of Ordinance No. 6693 and 7049 and a portion of the approved Final Development Plan of Stone Pointe Townhomes Residential Townhomes PUD, to be known as the Final Development Plan of Willow Ridge Apartments Residential Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6693 and 7049 and a portion of the approved Final Development Plan of Stone Pointe Townhomes, Residential PUD, to be known as the Final Development Plan of Willow Ridge Apartments Residential Planned Unit Development, based on the findings in the Staff Report, subject to the two (2) conditions of approval recommended by City Administration.

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**PREPARED BY:** Chase Johnson, Planner

**DATE:** July 21, 2015

151018}SR}WillowRidge}StonePointeTownhomesPUDAmendment



## **STAFF REPORT**

**AN AMENDMENT OF ORDINANCE NO. 7097 AND 7124 AND THE APPROVED PRELIMINARY DEVELOPMENT PLAN OF MERCY REGIONAL HEALTH CENTER. THE PUD AMENDMENT IS IN THE FORM OF A FINAL DEVELOPMENT PLAN.**

## **BACKGROUND**

**APPLICANT/OWNER:** Via Christi Hospital Manhattan, Inc. – John Broberg, Senior Administrator

**ADDRESS:** 1823 College Avenue

**LOCATION:** Generally located 450 feet west of the intersection of Kimball Avenue and College Avenue.

**AREA:** PUD Amendment Site – approximately 174,382 square feet (4.0 acres)  
Overall PUD Site – approximately 922,165 square feet (21.1 acres)

**DATE OF NEIGHBORHOOD MEETING:** June 18, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** July 13, 2015

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 3, 2015  
**CITY COMMISSION:** August 18, 2015

## **EXISTING PUD**

### **Existing Ordinances Affecting the Site**

Ordinance No. 7097 was approved on October 21, 2014 to rezone the Mercy Regional Health Center property (currently renamed to Via Christi Hospital) to the PUD, Planned Unit Development. Twelve (12) conditions of approval were established by the PUD Ordinance. These are:

1. The Permitted Uses shall be Hospitals, Outpatient Surgical Center, and Medical Offices.
2. A minimum six (6)-foot-tall sight-obscuring fence shall be constructed along the western property line of the new office building and its associated parking lot.
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.

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4. All landscaping and irrigation shall be maintained in good condition.
5. Light poles shall be provided as described in the application documents. Exterior building lighting shall be provided as proposed and be of a cut-off design, so as to not cast direct light or glare onto public streets or adjacent property.
6. Ground Signs shall be permitted and constructed as proposed.
7. Wall signs shall be permitted as proposed.
8. Two (2) pylon signs shall be permitted on the site as shown on the Preliminary Development Plan. The digital portion of the pylon sign proposed on College Avenue shall be limited to a Digital Graphic Sign, as follows:
  - a. Digital Graphic Sign. A sign utilizing LED (light emitting diode), LCD (liquid crystal display), plasma, projected images, or any functionally equivalent technology, and which is capable of automated, remote, or computer control to change a static image only as a “slide show” (series of images).
  - b. Duration of Message and Transitions. The sign message shall remain static for a period of not less than 60 seconds. The transition from one (1) message to the next shall be direct and immediate, without any special effects including but not limited to, dissolving, fading, scrolling, starbursts, and wiping, which shall be prohibited.
  - c. Image Characteristics. Digital Graphic Signs shall have a pitch of not greater than 20 millimeters between each pixel.
  - d. Luminance. Between sunrise and sunset the maximum luminance shall be 5,000 nits and between sunset and sunrise the maximum luminance shall be 500 nits. All signs with a digital display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement.
9. An agreement outlining the owner's on-going maintenance responsibility and enforcement rights of the City for the detention areas and stormwater infrastructure shall be created and approved by the City prior to completion the Final Development Plan and Final Plat.
10. An eastbound right turn lane on Kimball Avenue into the PUD site shall be installed at the time of construction for the new medical office building.
11. The need for left turn lanes on Kimball Avenue and College Avenue into the site shall be evaluated by the applicant's engineer at the time of the Final Development Plan to determine if the road improvements are warranted to improve safety and efficiency of traffic.
12. Exempt signage shall be permitted as described in Article VI, Section 6-104 (A)(1),(2),(3),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids, banners, and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.

Ordinance No. 7124 was approved on February 3, 2015 to rezone a tract of land to the south of the hospital property along College Avenue to the Mercy Regional Health Center PUD and amend the approved the Preliminary Development Plan to construct an off-street parking lot. Five (5) conditions were approved the Ordinance, these are:

1. The Permitted Uses shall be Hospitals, Outpatient Surgical Center, and Medical Offices.
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. Light poles shall be provided as described in the application documents. Exterior building lighting shall be provided as proposed and be of a cut-off design, so as to not cast direct light or glare onto public streets or adjacent property.
5. Exempt signage shall be permitted as described in Article VI, Section 6-102(A)(2) (a),(b),(c),(e),(g),(h),(i),(j),(l) and (m). Temporary sales aids, banners and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.

### **PROPOSED AMENDMENT**

The approved PUD proposed a new 3-story, 70,000 square foot medical office building to be built on the northwest corner of the campus. The building footprint was approximately 23,500 square feet in area and located approximately seventy-nine (79) feet from the west property line.

Two-Hundred Ninety-Eight (298) parking stalls were approved with the proposed medical office building. The proposed off-street parking lot was to be approximately 12 feet from the west property line.

Because of the size and location of the proposed building and the location of the off-street parking lot to the adjacent residential properties, Condition #2, *A minimum six (6)-foot-tall sight-obscuring fence shall be constructed along the western property line of the new office building and its associated parking lot*, was approved.

Schwab – Eaton, P.A. submitted a Traffic Analysis as part of the application for the PUD Rezoning. The analysis found that existing traffic generated by the site, the anticipated traffic generated by the new Medical Office Building and the current traffic on Kimball Avenue and College Avenue would require a center left turn lane on the 2 arterial streets. Because of the concerns for the degrading level of service on the 2 streets, Condition #11

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was approved. Condition #11 states: *The need for left turn lanes on Kimball Avenue and College Avenue into the site shall be evaluated by the applicant's engineer at the time of the Final Development Plan to determine if the road improvements are warranted to improve safety and efficiency of traffic.*

The applicant has proposed to significantly reduce the size of the proposed Medical Office Building and associated off-street parking lot (*see details below*). Because of the size and location of the building and off-street parking, the applicant's has requested that Condition #2 be removed from the PUD requirements. Likewise, because of the changes in the size of the building, the applicant would like to remove Condition #11 from the PUD requirements (*see Circulation analysis below*)

**Proposed Buildings**

The applicant has proposed to reduce the size of the Medical Office Building to be located on the northwest corner of the site (former St. Joseph Retirement and Nursing Home location) from 3-stories, to 2-stories. The approved building was 70,000 square feet in total floor area. The proposed building will be approximately 39,500 square feet in floor area. As originally approved, the constructed of new building will be precast concrete and metal accent panels. The building will be office space to be finished by the various medical practice tenants. The entrance to the building will face south towards the new and existing off-street parking lot.

One-Hundred and eighty-four (184) parking stalls are to be created with the proposed medical office building. The original PUD had 298 stalls associated with the approved building.

**PROPOSED LOT COVERAGE**

Use	Originally Approved		Proposed Revisions	
	Square Feet	Percentage	Square Feet	Percentage
Building	181,387	20.6%	180,537	19.6%
Paved Area (Parking, Driveways & Sidewalks)	431,917	49.0%	438,859	47.6%
Landscape & Manicured Lawn Area	268,740.8	30.4%	302,800	32.8%
Total Open Space		30.4%		32.8%
Total Impervious		69.6%		67.2%

**PROPOSED SIGN:**

A comprehensive signage plan for the site was approved with the originally PUD. The signage plan included new pylon signs at the intersections of College Avenue and Kimball Avenue and new and existing signage for the hospital building and the Manhattan Surgical

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Center building. The pylon sign at the College Avenue entrance was approved with a digital graphic sign.

The Final Development Plans shows internally illuminated wall signs to be located on the north, east and south sides of the medical office building.

*North side*

Sign	Dimensions	Total Area (sq. ft.)
Via Christi Health & Logo	30'-6" x 5'-9"	176
Medical Office Building	41'-3" x 2'-6"	103

*East side*

Sign	Dimensions	Total Area
Via Christi Health	17'-1" x 1'-6"	25.5
Via Christi Logo	6' x 9'-5"	50

*South side*

Sign	Dimensions	Total Area
Via Christi Health & Logo	15'-6" x 4'-10"	76
Medical Office Building	27'-9" x 2'-1"	58
2423	4'-6" x 1'-4"	6

Other signs proposed on the site are considered exempt because there are directional signs for parking, building identification or other public information requirements. Exempt sign requirements set out in Condition 12 above changed since approval of the PUD in 2014. Updated with this amendment are those exempt signs described in Article VI, Section 6-102 (A)(2)(a),(b),(c),(e),(g),(h),(i),(j),(k),(l),(m), of the Manhattan Zoning Regulations (*attached*).

**PROPOSED LIGHTING:** Off-street parking lot lighting and accent lighting of hospital and surgical center are present.

The Final Development Plan shows new LED light fixtures are to be mounted on twenty-five (25) foot tall poles to illuminate the off-street parking lot for the medical office building. The application materials state the proposed light fixtures can be directed to limit light spillage onto adjacent properties. The Zoning Regulations requires that all lighting be shielded and fully cut off.

The new medical office building will include lighting at the entries, general security lighting and building façade lighting.

## **MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT**

**1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:** The PUD was approved for the existing hospital, in/out patient surgical center and a new 3-story, 70,000 square foot Medical Office Building. The proposed PUD Amendment reduces the total size of the proposed Medical Office Building to a 2-story, 39,400 square foot building. The proposed PUD Amendment is consistent with the intent and purpose of the approved PUD.

**2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** The reduction in the building size and off-street parking lot would generally not require a PUD Amendment. However, due to the revision of the site plan and intensity of the use, the applicant has requested that 2 conditions of approval be removed because they believe that the conditions are no longer required. The conditions are:

Condition #2: A minimum six (6)-foot-tall sight-obscuring fence shall be constructed along the western property line of the new office building and its associated parking lot

Condition #11: The need for left turn lanes on Kimball Avenue and College Avenue into the site shall be evaluated by the applicant's engineer at the time of the Final Development Plan to determine if the road improvements are warranted to improve safety and efficiency of traffic.

Analysis of the 2 conditions is below in the description of Screening and Standard #6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS for the screening discussion and description of the Circulation and Traffic Analysis for the turning lane discussion.

**3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The proposed PUD Amendment will be a gain to the health safety and general welfare. The revised building and site plans appear to reduce the impact on adjacent property owners and the general public. The proposed PUD Amendment is not special benefit to the applicant.

## **ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT**

**1. LANDSCAPING:** The landscaping proposed for the new medical office building will be similar in character to the existing landscaping with the hospital campus. Deciduous trees are proposed along the Kimball Avenue and the main driveway leading into the PUD site. Deciduous trees will also be installed in landscape islands in the off-street parking lot. Around the foundation of the building are to be ornamental bushes, grasses and perennial plants. Existing bushes and upright vegetation are shown on the landscaping plan along a portion of the west property line between the PUD site and adjacent properties. It appears that these plantings are sufficient to provide a visual buffer of the parking lot for the adjacent neighbors.

**2. SCREENING:** Trash dumpsters located to the east of the new building is to be screened precast concrete walls that will match the building and medal gates.

The originally approved PUD showed the new off-street parking associated with the Medical Office Building to be approximately 12 feet from the west property line, which abuts a several residential properties. Because of the anticipated adverse impacts on the adjacent residents from vehicles in the proposed off-street parking lot, Condition #2 was approved.

The proposed Final Development Plan reduced the number of off-street parking spaces associated with the Medical Office Building and moves the spaces to the east, away from the adjacent homes. The western edge of the new parking lot will be approximately 103 feet from the nearest property line. Dense bushes and vertical vegetation is located on the west property between the PUD and the residential property. Section 7-102(E)(5) requires sight-obscuring screening for off-street parking spaces that are within 25 feet from an adjacent resident district.

Considering the distance between the proposed off-street parking lot and the neighbors and the dense vegetation on the adjoining property line, it appears that the original concern necessitating the sight obscuring screening has been mitigated. City Administration is recommending that Condition #2 be removed.

**3. DRAINAGE:** The original PUD application included a drainage study that basically re-evaluated a previous study for the hospital expansion and Manhattan Surgical Center. At the northeast corner of the site is a wet detention and dry retention basin that handles the majority of the stormwater runoff for the site. The following chart shows the comparison of stormwater runoff rates for the area from the original PUD application.

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	2-Year	% Change	10-Year	% Change	100-Year	% Change
Pre-1999 (SWMMP)	47 cfs	-	79 cfs		128 cfs	
Existing Conditions	23.4 cfs	-50%	37.3 cfs	-53%	55.2 cfs	-57%
Proposed Conditions	24.3 cfs	4%	38.9 cfs	4%	56.1 cfs	2%

The drainage study concludes that “due to the effectiveness of the existing retention/detention pond, the impact of the proposed development will essentially be unfelt downstream. The pond has a significant buffering factor on incoming flows. Under proposed conditions, the peak discharges have a minor increase, but based on SWMMP flows, the discharges remain significantly below the discharges that existed before the pond was developed in 1999.

The drainage study also notes the pond’s benefits of water quality management due to a wetland area that has occurred naturally in location of the pond. The reports concludes that “modifications to the pond geometrics in an effort to make a minor reduction to the release rates will potentially create other unintended problems due to the system disruption and disturbance of the ground surface.”

The PUD Amendment application states “The proposed amendment will reduce impervious surface area resulting in increased available storage in the existing detention pond. The proposed Final Development Plan decreases the sites impervious surface by approximately 2%. The City Stormwater Engineer agrees with the analysis and accepts its findings.

**4. CIRCULATION:** Vehicle access to the site will be from the surrounding street system and an existing curb cut onto Kimball Avenue for the existing internal driveway network through the PUD site. Access to the proposed off-street parking lot will be from a new intersection of the internal driveway that is proposed immediately across the driveway at the Manhattan Surgical Center and the existing off-street parking lot driving aisles to the south of the site. An existing curb cut on Kimball Avenue that is to the west of the main Kimball Avenue entrance to the site will be removed with this development.

Traffic Analysis

The Traffic Impact Study was conducted by Schwab-Eaton, P.A. for the original rezoning of the site to the Mercy Regional Health Center PUD. That traffic study estimated that the new 70,000 square foot Medical Office Building would generate 161 new trips in the A.M. Peak Hour and 206 trips in the P.M. Peak Hour. The increase in trips to the existing roadway network caused several intersection and turning movements associated with the PUD site to function at a less than desired Level of Service. Because of this, 2 conditions of approval were recommended for the PUD. They are:



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1. An eastbound right-turn lane on Kimball Avenue into the PUD site shall be installed at the time of construction for the new medical office building
2. The need for left-turn lanes on Kimball Avenue and College Avenue into the site shall be evaluated by the applicant's engineer at the time of the Final Development Plan to determine if the road improvements are warranted to improve safety and efficiency of traffic.

As part of the PUD Amendment for the smaller Medical Office Building, Schwab-Eaton, P.A. revised the Traffic Impact Study. This study, dated June 8, 2015, the 40,000 square foot Medical Office Building would generate 92 trips in the A.M. Peak Hour and 125 trips in the P.M. Peak Hour. Following analysis of the turning movements into and out of the site and the Level of Service at the area intersections, the Traffic Study concluded the following:

- Under existing conditions for the area, all intersections function adequately, with noticeable delays for left turning movements out of the site onto Kimball Avenue and into the site from Kimball Avenue.
- The additional trips generated by the new Medical Office Building “does not significantly affect the operation of the intersection of Kimball and College Avenue. None of the Levels of Service change, though there are slight increases to total delay on some movements.”
- The new Medical Office Building does not significantly affect the turning movements for the intersections into and out of the site. The left turning movement at the north entrance does not improve.
- Analyzing the future traffic impacts, with a growth rate of 2%, will not adversely impact traffic on Kimball Avenue and College Avenue
- The street network and intersections on Kimball Avenue and College Avenue will require improvements in the area to improve the Level of Service for the intersections in the area.

Following the analysis, the Traffic Study made the following recommendations:

- Near-future improvements to the intersection of Kimball Avenue and College Avenue should include the addition of right-turn lanes to the eastbound and northbound approaches in order to meet current MATS recommendations. Turning movement counts should be evaluated annually to determine when the westbound approach also meets criteria for a dedicated right-turn lane.
- The City of Manhattan should review the effects of adding double left-turn lanes to the westbound and southbound approaches to Kimball/College Avenue intersection, which already operate at a LOS D during the AM peak hour, and will operate at a LOS F with very little additional background traffic increases.
- Left-turns out of the north entrance to the MOD will be difficult due to the volume of through traffic on Kimball Avenue during peak hours. Typically, traffic in parking lots will choose the least restrictive path, and it is likely in this case that

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drivers will choose to use the east entrance and turn left onto northbound College Avenue and then left at the Kimball/College intersection rather than wait excessively to turn left at the north entrance. An additional traffic study following completion and occupancy of the MOB should be performed to determine the validity of the directional distribution assumed in this study.

The City Engineer and City's Traffic Engineer have reviewed the revised Traffic Study and accept the findings for the new site plan (*see Staff Memo*). The Traffic Engineer notes "Though both the entrances of the development onto Kimball and College Avenue perform adequately into the future, the exiting left turn movement, especially at the north entrance onto Kimball Avenue, will perform with a poor level of service with the addition of this development and also in the future. The bottom line is that there will not be sufficient gaps in the thru traffic to allow this movement to operate well. This poor level of service impacts the development site primarily, with queues backing up into the development site, and not on a public roadway. At this time, there is no mechanism in place to force mitigation of this issue within the criteria being used to evaluate this study, though it is acknowledged that it is undesirable."

Furthermore City Administration acknowledges the existing and future need for roadway and intersections in the area and that they should be planned with future Capital Improvement Projects.

City Administration agrees that the proposed entering left-turn volume of vehicles will not trigger the need at this time for an auxiliary left-turn lane on Kimball Avenue at the north entrance. However, the addition of an auxiliary left-turn lane on Kimball Avenue will be required for any further development that should occur on the Mercy Regional development site, and any further revisions to the PUD will fall under the new 2015 MATS criteria for traffic impact studies. A condition of approval related to the future growth has been recommended.

Pedestrian and Bicycle Access

Sidewalks are found along Kimball Avenue and College Avenue and internal to the PUD site to provide pedestrian access to the existing and medical office buildings.

Bike racks are shown on the Preliminary Development Plans on the west side of the proposed medical office building.

Off-Street Parking

The PUD was approved with 845 off-street parking spaces. In February, 2015, the PUD was amended to add 80 new parking stalls in an off-street parking lot south of the hospital building along College Avenue. The total number of approved parking spaces is 925. A

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note on the PUD site plan states that the PUD site has an existing agreement with Kansas State University to share 250 parking stalls in the football stadium parking lot to the east of the PUD site during non-game days. These parking spaces are not included in the site parking calculation.

Specifically for the Medical Office Building, 298 parking stalls were to be created with the proposed medical office building. The applicant used an off-street parking ratio of 4.5 spaces per 1,000 square feet of office building. According to the application documents, remaining spaces would be shared in the existing off-street parking lot.

Using the same parking ratio for the revised building, a total of 177 spaces would be required. The Final Development Plan shows that 184 spaces will be provided on the site. The total number of parking spaces the hospital campus will be 810 spaces, not counting the 250 spaces in the KSU football stadium parking lot. Adequate parking should be available to the entire hospital campus.

**5. OPEN SPACE AND COMMON AREA:** Open space on the site is limited to manicured grass lawn areas around the buildings, along the roadways and in the parking lot islands. There are outdoor open areas adjacent to the existing and proposed buildings for patients, visitors and staff, but the space is generally limited.

**6. CHARACTER OF THE NEIGHBORHOOD:** The proposed PUD Amendment will be a gain to the health safety and general welfare. The revised building and site plans appear to reduce the impact on adjacent property owners and the general public. The proposed PUD Amendment is not special benefit to the applicant.

## **MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** Existing Mercy Regional Hospital with air ambulance helicopter landing pad and off-street parking lots, existing Manhattan Surgical Center and off-street parking lots and a vacant lot that was the former location of the St. Joseph Retirement Center and Nursing Home.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The PUD site gradually slopes from the west to the east. The majority of stormwater runoff is directed to the northeast corner of the site to an existing retention/detention pond. The site is bounded by Kimball Avenue to the north and College Avenue to the east and single-family homes to the west and south. Both streets are four-lane minor arterial roadways.

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

**NORTH:** Kimball Avenue, a four-lane, minor arterial street, multiple-family apartment complexes, Peace Lutheran Church and single-family homes; Manhattan Apartments (Woodway Apartments) Residential PUD, University Commons Residential PUD and R, Single-Family Residential District.

**SOUTH:** Single-Family Homes and vacant lot owned by Mercy Regional Health Center; R, Single-Family Residential District and Commercial PUD.

**EAST:** College Avenue, a four-lane minor arterial roadway and the Kansas State Sports Complex; R-1, Single-Family Residential District, R District and U, University District.

**WEST:** Single-Family Homes; R District

### **4. GENERAL NEIGHBORHOOD CHARACTER:** See above under **6, CHARACTER OF THE NEIGHBORHOOD.**

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The PUD was approved in October, 2014 to include the existing hospital and in/out-patient surgical center and a new Medical Office Building. The proposed PUD Amendment maintains the building design of the Medical Office Building, but decreases the building floor area by approximately over 40%. The site is suitable under its current PUD.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The area to the south and west is zoned R, Single-Family Residential District and consists of single-family homes, most of which are rental units. The hospital was originally built as the Saint Mary's Hospital in 1958. In 1996, the Mercy Regional Health Center was established. A Conditional Use was approved in 2000 to allow for an expansion that generally created today's building footprint. The Manhattan Surgical Center was approved through a Conditional Use by the Board of Zoning Appeals in 1999 to construct the building. Until recently, the generally area where the new medical office building will be located was the former St. Joseph Retirement Center and Nursing Home. The building had been vacant for a number of years. It is apparent that the existing medical uses of the PUD site have not adversely impacted adjacent properties, particularly the residential properties to the south and west.

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The proposed rezoning to PUD and the Preliminary Development Plan to construct a medical office building will increase the amount of noise, light and traffic to the area, compared to the existing vacant land. The proposed building has been reduced to a two-story tall building (34 feet tall at the roof line). The building is setback approximately 25 feet from the Kimball Avenue property line and 107 feet from the west property line. The distance between the building and the adjacent residential properties to the west should be adequate to mitigate any issue with the building height.

The original Preliminary Development Plans for the site showed the off-street parking lot approximately 12 feet from the west property abutting homes. Because of the proximity of the parking lot to the homes, The PUD was approved with a condition of approval that required a sight obscuring screening fence to reduce the adverse impacts from the new Medical Office Building onto the neighboring homes. The Final Development Plan shows the parking lot associated with the Medical Office Building to be reduced in size and subsequently moved to the east. The new location is roughly 103 feet from the west property line. The revised site shown on the Final Development Plan adequately mitigates any adverse impacts created by the approved Preliminary Development Plan.

The new site lighting plans shows light poles to illuminate the off-street parking lot. These lights are required to be fully shielded to cutoff the light at least the property line.

As part of the process to request a rezoning, the applicant held a neighborhood meeting on July 18, 2015. According to the meeting minutes, 2 adjacent property owners were present, along with the applicant and support staff. The meeting summary stated that all comments made at the meeting were supportive of the proposed Medical Office Building (*see attached meeting summary*).

As previously stated, the existing and proposed uses should not adversely impact the surrounding neighbors. It appears that the applicant have taken appropriate measures to address any negatively impacts the neighborhood. The site is generally compatible with nearby properties.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The rezoning site is shown on the Northwest Future Land Use Map as a Public/Semi-Public designation. The list of primary uses for this designation is: schools, government offices, community centers, fire stations, airport, libraries, hospitals, cemeteries, churches and other places of workshop. The proposed rezoning to PUD, Commercial Planned Unit Development meets the intent of the Comprehensive Plan. The existing and proposed uses are hospitals or uses that are customarily found at a hospital or on a campus-like hospital setting.

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

July 18, 1961	Annexed into the City (Ordinance No. 2216) and zoned "A-A," Single-Family Residential District.
1970 - 1986	Rezoned to R, Single-Family Residential District
1987 - Present	Rezoned to R-1, Single-Family Residential District
1999	Board of Zoning Appeals approves the Conditional Use to allow for the construction of the Manhattan Surgical Center.
May, 2000	Board of Zoning Appeals approves the Conditional Use to allow for the expansion of Mercy Regional Hospital buildings.
2007	Board of Zoning Appeals approves the Conditional Use to allow for the expansion of the Manhattan Surgical Center.
July, 2009	Board of Zoning Appeals approves the Conditional Use to allow for the expansion of Manhattan Surgical Center.
2012	Former St. Joseph Retirement Center and Nursing Home was demolished.
September 15, 2014	Manhattan Urban Area Planning Board conducts public hearing and recommends approval (7-0) of the rezoning of Mercy Regional Health Center from R-1, Single-Family Residential District, to PUD, Commercial Planned Unit District, based on the findings in the Staff Report with the twelve (12) conditions of approval recommended by City Administration.
October 7, 2014	City Commission approves first reading of an ordinance rezoning Mercy Regional Health Center from R-1, Single-Family Residential District, to PUD, Commercial Planned Unit District.
October 21, 2014	City Commission approves Ordinance No. 7097 rezoning Mercy Regional Health Center from R-1, Single-Family Residential District, to PUD, Commercial Planned Unit District.
January 5, 2015	Manhattan Urban Area Planning Board conducts public hearing and recommends approval (6-0) of the proposed rezoning of the vacant tract northwest of Vaughn Drive and College Avenue from College Avenue Medical Center PUD, to Mercy Regional

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Health Center PUD; and, to amend Ordinance No. 7097 and the Preliminary Development Plan of Mercy Regional Health Center PUD.

January 20, 2015 City Commission approves first reading of an rezoning the vacant tract, generally located northwest of the intersection of College Avenue and Vaughn Drive from College Avenue Medical Center PUD, to Mercy Regional Health Center PUD; and, amending Ordinance No. 7097 and the Preliminary Development Plan of the Mercy Regional Health Center PUD.

February 3, 2015 City Commission approves Ordinance No. 7124 rezoning the vacant 0.95 acre tract of land, generally located northwest of the intersection of College Avenue and Vaughn Drive, from College Avenue Medical Center PUD to Mercy Regional Health Center PUD; and, amending Ordinance No. 7097 and the Preliminary Development Plan of the Mercy Regional Health Center PUD, based on the findings in the Staff Report, subject to the five (5) conditions of approval recommended by the Planning Board.

April 6, 2015 Manhattan Urban Area Planning Board approves the Final Development Plan and the Final Plat of Mercy Regional Health Center, a Commercial Planned Unit Development, based on conformance with the Manhattan Urban Area Subdivision Regulations.

April 21, 2015 City Commission accepts easements and rights-of-way as shown on the Final Plat of the Mercy Regional Health Center, a Commercial Planned Unit Development.

**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 PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed PUD is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

Subject to the conditions of approval, the proposed amendment is consistent with the Zoning Regulations.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. Public utilities and facilities can be extended to adequately serve the subdivision, and most importantly, fire and emergency service protection. Denial of the request may be a hardship to the owner.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public water, sanitary sewer, streets and pedestrian sidewalks are currently available to serve the development.

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

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed Amendment to 7097 and 7124 and the approved Preliminary Development Plan of Lot 2, Mercy Regional Health Center PUD, to be known as the Final Development Plan of Lot 2, Via Christi Health Center, subject to the following conditions:

1. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-102 (A)(2)(a),(b),(c),(e),(g),(h),(i),(j),(k),(l),(m), of the Manhattan Zoning Regulations of the Manhattan Zoning Regulations.
2. Any future amendments to the Via Christi Health Center PUD shall evaluate the need for an auxiliary left-turn lane on Kimball Avenue under the most recent MATS criteria for traffic impact studies.

### **ALTERNATIVES:**

1. Recommend approval of the proposed amendment of Ordinance No. 7097 and 7124 and the approved Preliminary Development Plan of Lot 2, Mercy Regional Health Center PUD, to be known as the Final Development Plan of Lot 2, Via Christi Health Center stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of Ordinance No7097 and 7124 and the approved Preliminary Development Plan of Lot 2, Mercy Regional Health Center PUD, to be known as the Final Development Plan of Lot 2, Via Christi Health Center, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.



**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 7097 and 7124 and the approved Preliminary Development Plan of Lot 2, Mercy Regional Health Center PUD, to be known as the Final Development Plan of Lot 2, Via Christi Health Center, based on the findings in the Staff Report, subject to the 2 conditions of approval recommended by City Administration.

**PREPARED BY:** Chad Bungler, AICP, CFM, Senior Planner

**DATE:** July 13, 2015

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**STAFF REPORT  
Elaine Drive – Todd Road Rezoning**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** R-1, Single-Family Residential District, R-2, Two-Family Residential District and R-2/UO, Two-Family Residential District with University Overlay District.

**TO:** R-3, Multiple-Family Residential District and R-3, Multiple-Family Residential District with University Overlay District.

**APPLICANT/OWNERS:** Manhattan Urban Area Planning Board on behalf of City of Manhattan

**ADDRESS:** 1101 Poyntz Avenue, Manhattan, KS 66502

**LEGAL DESCRIPTION:**

Tracts of land located in Section 7, Township 10 South, Range 8 East of the Sixth Principal Meridian, in the City of Manhattan, Riley County, Kansas, described as: Lots 1-21 and Lots 24 - 31 Sunrise View Addition; Lot A Tex Winter Addition #2, and Lots 1 and 2 Tex Winter Addition #3.

**LOCATION:** The rezoning area is generally located northwest of the intersection of Denison Avenue and Todd Road, along the north side of Todd Road and along both sides of Elaine Drive.

**AREA:** The total area of the rezoning site is approximately 7.4 acres.

**DATE OF NEIGHBORHOOD MEETING:** June 11, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** July 27, 2015

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 17, 2015

**CITY COMMISSION:** September 1, 2015

**THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:**

The existing use of the rezone area along Elaine Drive and Todd Road is single and two family homes and the Cats for Christ student center.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The rezoning site is generally flat with existing residential structures, open yards, and a few mature trees. The area drains to the street. Off-street parking for the properties is accessed from driveways on the front and side of the structures leading to attached garages from adjacent street curb cuts.

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

**NORTH:** Two Greek Houses, KSU's Jardine Apartment Complex; R-3 and U, University.

**SOUTH:** Todd Road; three Sororities, ten multi-family apartment buildings with 112 living units, Church, four commercial buildings consisting of an office building, convenience store and retail/office development; R-3, PUD.

**EAST:** Denison Avenue; Kansas State University Gardens/Conservatory and main campus; U.

**WEST:** Single-family homes; R-1.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of single-family and multiple-family dwellings, the majority of which are renter occupied units presumably for KSU students. Also there is one fraternity and four sororities. The Kansas State University main campus is to the east. Denison Avenue, a minor arterial street, runs north and south immediately adjacent to the proposed rezone area. The area is heavily influenced and impacted by the proximity to Kansas State University.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The rezoning site consists of 35 lots from 4,234 square feet to 13,538 square feet in size. All but three lots conform to the minimum lot size requirements for single-family dwellings as allowed in the R-1 zone. The three R-2 lots meet the standards and are allowed uses in the zone.

The UO, University Overlay District is designed to provide for establishment of the types of uses which ordinarily locate close to a University, but which might not be located on University property, such as Greek Houses, offices, laboratories and other facilities for educational, fraternal, professional, religious and research organizations and institutions. The University Overlay District regulations are applied in combination with an underlying residential district, and adds these university related activities as a conditional use, unless it's already allowed by the underlying residential zoning district. The site is suitable for land uses under the existing zoning.

- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in noise, light and traffic can be expected if the proposed rezoning is approved, however it would be consistent with the development in the immediate area.

The rezoning could increase density from the current 53 dwelling units on 7.4 acres up to approximately 322 dwelling units provided the required parking and setbacks could be met. Given the relatively small lot sizes and lot depths, it is likely that development of apartment buildings will require consolidation of lots and may be challenging with the 25 foot front and rear yard setbacks, 40% lot coverage and requirement to place parking to the side or rear of the building.

At the Neighborhood Meeting conducted by the City on June 11, 2015 fourteen owners and neighbors attended and discussed the rezone process, parking ratios and parking lot location with development. Concern was specifically expressed about the limited supply of on-street parking. Any new development is required to supply adequate parking and may actually improve the parking supply.

The proposed rezoning should be compatible with the surrounding properties.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Core Area Neighborhoods Future Land Use Map of the recently updated and adopted 2015 Manhattan Urban Area Comprehensive Plan shows the site designated as RHD, Residential High Density. Policies of the RHD categories are below:

***RHD-1: Characteristics***

*The Residential High Density designation is designed to create opportunities for higher density neighborhoods adjacent to the KSU campus and in other more urban parts of the core area of the community, and in a suburban setting. Within the core area or in Downtown, the designation accommodates higher-intensity residential housing, such as mid-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 during the design review process.*

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

*Possible densities under this designation are 19-50 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. Concentrations of Residential High Density are designated west and east of the KSU campus and in the Aggieville vicinity to promote expanded student housing options within walking distance of campus. In a more urban setting or in Downtown, Residential High Density may be combined with active non-residential uses in a vertically mixed-use building. Outside of the core area, Residential High Density uses should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods.*

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

*Avoid plain, monolithic structures or blank walls on the backs or sides of buildings. In a planned apartment community context, large buildings should incorporate a variety of design elements to create visual interest. Infill projects should be consistent with area-specific design standards or guidelines, as adopted.*

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

*Encourage the integration of neighborhood serving retail uses (e.g., drycleaners, coffee shop) on the ground level of high density residential buildings where viable, typically in areas with high visibility and/or pedestrian activity. Nonresidential uses should generally not exceed twenty-five percent of the total floor area in a mixed-use structure; however, actual percentages will be driven by market demand and the surrounding site context.*

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

*Locate off-street surface parking behind buildings, tucked under buildings (e.g., podium parking), or within parking structures in established core area neighborhoods and the Downtown to maintain a pedestrian-oriented street frontage. Integrate structured parking garages and tuck-under parking with the overall design of the building they are intended to serve. The incorporation of active uses, such as retail, into the ground floor of freestanding parking structures included as part of multi-block developments.*

**THE PROPOSED REZONING OF THE AREA TO R-3, Multiple-Family Residential District AND R-3/UO, Multiple-Family Residential District with University Overlay District CONFORM TO THE POLICIES OF THE 2015 Manhattan Urban Area Comprehensive Plan and the high density land use area**

identified on the Future Land Use map through the Comprehensive Plan update process. **(Note: The UO District is limited to the property at 1501 Denison Avenue, where it currently exists.)**

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

1965 - 1970:	A, First Dwelling House: One and Two Family Dwellings
1970 - 2001:	R-1, Single-Family Residential District and R-2, Two-Family Residential District
2001 – Present:	R-1, Single-Family Residential District, R-2, Two-Family Residential District and R-2/UO, Two-Family Residential District/ University Overlay District

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

The intent and purpose of the Manhattan 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 R-3 District is designed to provide for multiple-family dwellings at a density no greater than 1 dwelling unit per 1,000 square feet. Most lots will have to be consolidated in order to accommodate construction of apartment buildings, along with placement of the necessary off-street parking to the side or rear of buildings, and providing the required 25 foot front and rear yard setbacks. It is anticipated that this transition would occur through market forces over time.

The rezone area is 7.4 acres and in the current lot configuration only one lot would be non-conforming all other lots conform to the minimum R-3 District requirements. However, for higher density development some lots will have to be consolidated. The proposed rezoning conforms to the intent of the Zoning Regulations.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:**

Through the Manhattan Urban Area Comprehensive Plan process a great deal of analysis and public discussion concluded that while there may be some additional impacts to the immediate area the benefits of additional high density housing opportunities directly adjacent to the KSU Campus would outweigh any impacts. Additional housing units for students, located closer to their principle destination could minimize traffic and other impacts further to the west.

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There appears to be no gain to the public that denial of the rezoning would accomplish. No expected adverse impacts on the public health, safety and welfare are anticipated as a result of the rezoning.

- 11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** There is a sidewalk along the south side of Todd Road and along both sides of Denison Avenue. However, there are no sidewalks along Elaine Drive. The City will require a sidewalk along one side of Elaine Drive and is considering various financing options to accomplish that. In addition there is already a pedestrian actuated crossing of Denison Avenue at Todd Road to provide safe access to the K-State Campus. It is recognized that the water lines serving the rezoning area will need to be up-sized at some point as development occurs, depending upon the nature and density of the redevelopment. Storm water detention will be required for developments of half an acre or more in size.

- 12. OTHER APPLICABLE FACTORS:** None

- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of the 35 lots along the north side of Todd Road and along both sides of Elaine Drive from R-1, Single-Family Residential, R-2 Two-Family Residential District and R-2/UO, Two-Family Residential District with University Overlay District and to R-3, Multiple-Family Residential District and R-3/UO, Multiple-Family Residential District with University Overlay District, based on the findings in the Staff Report. **(Note: The UO District is limited to the property at 1501 Denison Avenue, where it currently exists.)**

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of 35 lots, generally located northwest of the intersection of Denison Avenue and Todd Road, along the north side of Todd Road and along both sides of Elaine Drive based on the findings in the Staff Report.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of 35 lots, generally located along the north side of Todd Road and along both sides of Elaine Drive from R-1, Single-Family Residential District; R-2, Two-Family Residential District; and R-2/VO, Two-Family Residential District with University Overlay District; to R-3, Multiple-Family Residential District and R-3/VO, Multiple-Family Residential District with University Overlay District, based on the findings in the Staff Report.

**PREPARED BY:** Lance Evans, AICP, Senior Planner

**DATE:** August 10, 2015

LE/EC  
15019}SR}RezoneElaineDrive



**STAFF REPORT  
Hunting Avenue Rezoning**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** R-M/UO, Four-Family Residential District with University Overlay District and R-2/UO, Two-Family Residential District with University Overlay District

**TO:** R-3/UO Multiple-Family Residential District with University Overlay District.

**APPLICANT:** Manhattan Urban Area Planning Board on behalf of City of Manhattan

**ADDRESS:** 1101 Poyntz Avenue, Manhattan, KS 66502

**LEGAL DESCRIPTION:**

Tracts of land located in Section 18, Township 10 South, Range 8 East of the Sixth Principal Meridian, in the City of Manhattan, Riley County, Kansas, described as follows:

An area generally located along both sides of Hunting Avenue from Denison Avenue westward and generally known by the following addresses: 1810, 1814, 1817, 1818, 1821, 1822, 1825, 1826, 1830, 1831, 1834, 1835, 1839, 1840, 1843, 1846, 1847, 1851, 1852, and 1855 Hunting Avenue, 826 Sunset Avenue; and the Western Resources Substation located northwest of Denison Avenue and Hunting Avenue.

**LOCATION:** The rezoning area is generally located along both sides of Hunting Avenue from Denison Avenue westward including the southeast corner of Sunset and Hunting Avenues.

**AREA:** The total area of the rezoning site is approximately 3.8 acres.

**DATE OF NEIGHBORHOOD MEETING:** June 11, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** July 27, 2015

**DATE OF PUBLIC HEARING:** **PLANNING BOARD:** August 17, 2015  
**CITY COMMISSION:** September 1, 2015

**THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:**

The existing uses in the rezone area along Hunting Avenue consist of 11 single family structures, 7 two family homes, one 3-plex and two 4-plexes.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The rezoning site is generally flat with existing residential structures, open yards, and a few mature trees. The area generally drains to the street. Off-street parking for the properties is accessed from driveways on the front and side of the structures leading to attached and detached garages, and in one case a small parking lot, from curb cuts on Hunting Avenue.

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

**NORTH:** Ecumenical Campus Ministry, two duplexes, three 3-plexes, and nine multi-family dwelling apartment buildings, College Heights Road; R-3/UO, Multiple-Family Residential District with University Overlay District.

**SOUTH:** Kansas State University parking lot; R-M/UO, Four-Family Residential District with University Overlay District.

**EAST:** Two multi-family apartment buildings at the east end of Hunting Ave. zoned R-3/UO; Denison Avenue; Kansas State University Natatorium and main campus, U District.

**WEST:** Sunset Avenue; Fiji Fraternity House, single-family dwelling units south of Hunting, R, Single-Family; and duplexes and multi-family dwelling units north of Hunting, R-M/UO.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mixture of single-family, two-family and multiple-family dwellings, the majority of which are renter occupied units presumably for KSU students, as well as Greek Houses. To the southwest across Sunset Avenue is a well established single-family neighborhood with approximately 58% owner occupancy. The Kansas State University main campus is to the east. Denison and Sunset Avenues run north and south immediately adjacent to the proposed rezoning area; they are a minor arterial street and major collector street, respectively.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The rezoning site is zoned a combination of R-2/UO and R-M/UO and consists of 22 lots ranging from 5,745 square feet to 10,711 square feet in area. Most lots individually conform to the minimum lot size requirements for single-family detached. Ten lots meet the zoning standard for two-family dwellings and three lots meet the zoning standards for three or four unit dwellings.

The UO, University Overlay District is designed to provide for establishment of the types of uses which ordinarily locate close to a University, but which might not be located on University property, such as Greek Houses, offices, laboratories and other facilities for educational, fraternal, professional, religious and research organizations and institutions. The University Overlay District is applied in combination with an underlying residential district, and adds these university related activities as a conditional use, unless it's already allowed by the underlying residential zoning district. The site is suitable for land uses under the existing zoning.

6. **COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in noise, light and traffic can be expected if the proposed rezoning is approved and redevelopment occurs; however it would be generally consistent with the development in the immediate area, particularly to the north.

The rezoning could increase density from the current 36 dwelling units on 3.8 net acres up to approximately 152 dwelling units provided the required parking and setbacks could be met. Given the relatively small lot sizes and lot depths, it is likely that development of apartment buildings will require consolidation of lots and may be challenging with the 25 foot front and rear yard setbacks, 40% lot coverage and requirement to place parking to the side or rear of the building.

At the Neighborhood Meeting conducted by the City on June 11, 2015, fourteen owners and neighbors attended and discussed the rezone process, parking ratios and parking lot location with development. Teresa Hinrichs owner of 826 Sunset Avenue and Darrel and Kevin Bryant, owners of the house located at 1855 Hunting Avenue, just west of the Hunting Avenue rezoning area identified in the recently updated Comprehensive Plan, asked why the R-3 District wasn't going further to the west to include them, and asked about the M-FRO Overlay east of campus and why the overlay isn't being included on the areas west of campus. **(Note: At the July 6, 2015 Planning Board meeting, the Board authorized City Administration to initiate this rezoning along Hunting Avenue and directed staff to include these two additional lots in the rezoning application.)**

The proposed rezoning should be compatible with the surrounding properties.

7. **CONFORMANCE WITH COMPREHENSIVE PLAN:** The Core Area Neighborhoods Future Land Use Map of the recently updated and adopted 2015 Manhattan Urban Area Comprehensive Plan shows the site designated as RHD, Residential High Density, and RLM, Residential Low to Medium Density (826 Sunset Avenue and 1855 Hunting Avenue). Policies of the RLM and RHD categories are below:

***RLM-1: Characteristics***

*The Residential Low to 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 policies for 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.*

***RLM-2: Appropriate Density Range***

*Densities in the Residential Low to Medium Density designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.*

***RLM-3: Location***

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

***RLM-4: Variety of Housing Styles***

*To avoid monotonous streetscapes, the incorporation of a variety of architectural styles is strongly encouraged in all new development, particularly when a single housing type (e.g., detached single-family) is prevalent.*

***RHD-1: Characteristics***

*The Residential High Density designation is designed to create opportunities for higher density neighborhoods adjacent to the KSU campus and in other more urban parts of the core area of the community, and in a suburban setting. Within the core area or in Downtown, the designation accommodates higher-intensity residential housing, such as mid-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 during the design review process.*

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

*Possible densities under this designation are 19-50 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. Concentrations of Residential High Density are designated west and east of the KSU campus and in the Aggieville vicinity to promote expanded student housing options within walking distance of campus. In a more urban setting or in Downtown, Residential High Density may be combined with active non-residential uses in a vertically mixed-use building. Outside of the core area, Residential High Density uses should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods.*

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

*Avoid plain, monolithic structures or blank walls on the backs or sides of buildings. In a planned apartment community context, large buildings should incorporate a variety of design elements to create visual interest. Infill projects should be consistent with area-specific design standards or guidelines, as adopted.*

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

*Encourage the integration of neighborhood serving retail uses (e.g., drycleaners, coffee shop) on the ground level of high density residential buildings where viable, typically in areas with high visibility and/or pedestrian activity. Nonresidential uses should generally not exceed twenty-five percent of the total floor area in a mixed-use structure; however, actual percentages will be driven by market demand and the surrounding site context.*

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

*Locate off-street surface parking behind buildings, tucked under buildings (e.g., podium parking), or within parking structures in established core area neighborhoods and the Downtown to maintain a pedestrian-oriented street frontage. Integrate structured parking garages and tuck-under parking with the overall design of the building they are intended to serve. The incorporation of active uses, such as retail, into the ground floor of freestanding parking structures included as part of multi-block developments.*

**THE PROPOSED REZONING OF THE AREA TO R-3/UO, Multiple-Family Residential District with University Overlay District CONFORMS TO THE POLICIES OF THE** Manhattan Urban Area Comprehensive Plan and the RHD, Residential High Density up-zone area identified on the Future Land Use map through the Comprehensive Plan update process.

The two lots added by the Planning Board located at 826 Sunset and 1855 Hunting Avenue are shown as RLM Low to Medium density to maintain the lower density transition area previously established along the east edge of Sunset Avenue and help protect the low density neighborhood to the southwest on the west side of Sunset. While the rezoning of those two lots to R-3 does not conform to the Future Land Use map, it does generally conform to the policy statements for high density land uses in the Comprehensive Plan. This shift seems to balance the adjacent neighborhood's concerns about the spread of high density housing to the west and the potential impact on the existing neighborhood with the appropriate use of two lots that are surrounded by high density housing. In this case Sunset Avenue will act as the buffer and dividing line.

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

1955 - 1965:	A, First Dwelling House: One and Two Family Dwellings
1965 - 1969:	B, Second Dwelling House: One and Two Family Dwellings, Apartment Houses
1969 - 1987:	R-3/U, Multiple-Family Residential District/ University District
1987 - 2000:	R-3/UO, Multiple-Family Residential District/ University Overlay District
2000 - Present:	R-M/UO, Four-Family Residential/ University Overlay District and R-2/UO, Two-Family Residential District/ University Overlay District

**9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Manhattan 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.

*Attachment No. 4*

The R-3 District is designed to provide for multiple-family dwellings at a density no greater than 1 dwelling unit per 1,000 square feet. Due to the relatively small lot sizes and depths, most lots will likely have to be consolidated in order to accommodate construction of apartment buildings, along with placement of the necessary off-street parking to the side or rear of buildings, and providing the required 25 foot front and rear yard setbacks. It is anticipated that this would occur through market forces over time.

The rezoning area is 3.8 acres and in the current configuration most of the lots generally conform to the minimum R-3 District requirements. However, for higher density development many lots will have to be consolidated as described above. The proposed rezoning conforms to the intent of the Zoning Regulations.

10. **RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** Through the 15 month Manhattan Urban Area Comprehensive Plan update process a great deal of analysis and public discussion concluded that while there may be some additional impacts to the immediate area the benefits of additional higher density housing opportunities directly adjacent to the KSU Campus would outweigh impacts. Additional housing for students, located closer to their principle destination could minimize traffic and other impacts further to the west.

There appears to be no gain to the public that denial of the rezoning would accomplish. No expected adverse impacts on the public health, safety and welfare are anticipated as a result of the rezoning.

11. **ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate streets and sanitary sewer are available to serve the site, although water service will need to be up-sized as development occurs. Major storm water improvements are planned in the out years in the CIP. There is an existing pedestrian actuated crossing at Hunting and Denison Avenues to provide safe pedestrian access to the Campus. Storm water detention will be required for developments of half an acre or more in size.

**12. OTHER APPLICABLE FACTORS:** None

13. **STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of the twenty two (22) lots along both sides of Hunting Avenue from Denison Avenue to Sunset Avenue as identified above from R-2/UO, Two-Family Residential District with University Overlay District and R-M/UO Multi-Family Residential District with University Overlay District, to R-3/UO, Multiple-Family Residential District with University Overlay District, based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the 22 lots generally located along both sides of the 1800 block of Hunting Avenue from Denison Avenue westward, including the southeast corner of Hunting and Sunset Avenues and the Western Resources Substation located northwest of Denison Avenue and Hunting Avenue based on the findings in the Staff Report.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of 22 lots generally located along both sides of the 1800 block of Hunting Avenue from Denison Avenue to Sunset Avenue, including 826 Sunset Avenue and 1855 Hunting Avenue and the Western Resources Substation from R-M/UO, Four-Family Residential District with University Overlay District, and R-2/UO, Two-Family Residential District with University Overlay District, to R-3/UO, Multiple-Family Residential District with University Overlay District, based on the findings in the Staff Report.

**PREPARED BY:** Lance Evans, AICP, Senior Planner

**DATE:** August 10, 2015



**AN AMENDMENT OF ORDINANCE NO. 6607, 7062 AND 7139 AND THE PRELIMINARY DEVELOPMENT PLAN FOR LOT 4, HERITAGE SQUARE SOUTH, UNIT FOUR, PROPOSED AS A FINAL DEVELOPMENT PLAN.**

**BACKGROUND**

**The proposed amendment is required because:**

- Condition No. 2, Ordinance No. 7062, states, “An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lot 2, Heritage Square South, Unit Three.”

*Note: The Final Development Plan is for Lots 4, Heritage Square South, Unit Four.*

**APPLICANT:** SMH Consultants, P.A. – Jeff Hancock

**ADDRESS:** 2017 Vanesta Place, Suite 11, Manhattan KS 66503.

**OWNER:** Midland Exteriors – Jamie Musa

**ADDRESS:** 2794 Rory Road, Manhattan, KS 66502

**LEGAL DESCRIPTION:** Lot 4, Heritage Square South Unit Four P.U.D.

**LOCATION:** Generally located to the southeast of the intersection of U.S. Highway 24 and South Port Road.

**AREA:** 75,528 square feet (1.734 acres)

**DATE OF NEIGHBORHOOD MEETING:** May 18, 2015.

**DATE OF PUBLIC NOTICE PUBLICATION:** July 27, 2015

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 17, 2015.

**CITY COMMISSION:** September 1, 2015.

**EXISTING PUD:**

**EXISTING PUD AFFECTING LOT 4, HERITAGE SQUARE SOUTH, UNIT 4**

**Ordinance No. 6607**

The Heritage Square South Commercial Planned Unit Development, and Ordinance No. 6607, approved February 6, 2007, is subject to the following conditions of approval:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-5, Highway Service Commercial District, except for Adult Businesses and Commercial off-street parking lots as a Principal Use. Additional Permitted Uses include: Antique shops; Apparel stores; Blueprinting, desktop publishing, and photocopying establishments; Book stores; Camera and photographic supply stores; Carpet and rug stores; China and glassware stores; Department stores; Farm and ranch supply stores; Florist shops; Furrier shops; Governmental buildings; Hardware stores; Hobby shops; Motel; Medical clinic; Outdoor seating for restaurants; and Tavern.
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. Light poles shall be provided as described in the application documents. Exterior building lighting shall be provided as proposed and be of a cut-off design, so as to not cast direct light or glare onto streets or adjacent property.
5. Ground Signs shall be permitted and constructed as proposed.
6. Wall signs shall be permitted as proposed.
7. One (1) pole sign shall be permitted per lot on Lots 6, 7, 8 and 10, and no pole signs shall be permitted on Lots 1, 2, 3, 4, 5 and 9. Pole signs shall have a maximum total height of 50 feet above the ground; shall not exceed a maximum total 120 square feet in area; and shall include skirting of the pole. The skirting and the base of pole signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and, pole signs shall include an enhanced landscaped area around the base.
8. Exempt signage shall be permitted as 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. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited. *See Article VI, Section 6 -102 (A)(2) under the amended sign regulations for exempt signage.*
9. Traffic and drainage improvements to US-24 shall be provided as required by the Kansas Department of Transportation, and the applicant shall submit with the Final Plat either the approved access permit, or a letter from a KDOT representative authorizing the project based on the approved concept.
10. Drainage improvements shall be provided as proposed in the application documents and as per the City Engineer's requirements.
11. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 2, 3, 4, 5, 7, 8 and 10.

**Ordinance No. 7062**

The Heritage Square South Commercial Planned Unit Development, and Ordinance No. 7062, approved February 14, 2014, is subject to the following conditions of approval:

1. The Final Plat of Heritage Square South, Unit Three shall be approved.
2. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lot 2, Heritage Square South, Unit Three.

**Ordinance No. 7139**

The Heritage Square South Commercial Planned Unit Development, and Ordinance No. 7139, approved May 19, 2015, is subject to the following conditions of approval:

1. The Final Plat of Heritage Square South, Unit Four, shall be approved.
2. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 1, 2, 3 and 4 Heritage Square South, Unit Four.

**Permitted Uses**

Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-5, Highway Service Commercial District, except for Adult Businesses and Commercial off-street parking lots as a Principal Use. Additional Permitted Uses include: Antique shops; Apparel stores; Blueprinting, desktop publishing, and photocopying establishments; Book stores; Camera and photographic supply stores; Carpet and rug stores; China and glassware stores; Department stores; Farm and ranch supply stores; Florist shops; Furrier shops; Governmental buildings; Hardware stores; Hobby shops; Motel; Medical clinic; Outdoor seating for restaurants; and Tavern.

**PUD AMENDMENT AND PROPOSED IMPROVEMNTS**

**Proposed Use and Building:** The proposed development use is a commercial building with a foot print of approximately 5,300 square foot for the Midland Exteriors home improvement services. The building will serve as the business' showroom for its products and services, office and workshop space, and material storage. The building will be one-story, with a mezzanine platform for mechanical equipment and storage. The building and main entrance to the office area and showroom will be oriented slightly to the northwest, toward the off-street parking lot. The north façade will include the business' signage. The interior floor plan shows an approximately 4,000 square foot showroom area that will include building facades to showcase their lines of products, offices, conference room, and restrooms located in the northern part of the building. The southern area of the interior space will include an approximate 2,200 square foot workspace storage area and the mechanical mezzanine. At-grade level roll-up doors located on the southern facing façade

of the building for access into the storage area. The exterior materials of the building will consist primarily of metal wall panels that are textured to appear like stucco materials and a metal canopy overhang above the main entrance on the northern façade and metal panels on the other three (3) building facades. A limestone band will be present below the windows on the north façade. The building will be approximately twenty-five (25) feet at the top cornice on the front facade. A twenty-seven (27) foot-wide drive leads to the building and the access points to an enclosed outdoor storage area. Additional parking is located in the proposed outdoor storage area. The total area of the outdoor storage area is approximately 39,500 square feet and will be screened with a six (6) foot tall slated chain link fence.

**Proposed Signs:** The north façade is proposed to have three (3) separate wall signs. The main wall sign will be above the main entrance and will be approximately 140 square feet in area, when measured using the City's established measurement standards for irregular shaped signage. Two (2) additional sign areas are proposed above the eastern windows to display national brands the company sales. These two (2) spaces measure thirty-six (36) square feet in area. A pylon sign is proposed to be located at the northwest corner of the site. The pylon sign will be thirty (30) feet tall and have a total sign area of approximately 144 square feet. No signage is proposed for the east, west and south façades. The total area of proposed signage on the north façade is 356 square feet. All signage is proposed to be internally illuminated.

The Heritage Square PUD is generally based on the C-5, Highway Service Commercial District. Comparing the proposed signage of the PUD Amendment to the C-5 District Regulations, the wall signs are permitted, with no limitation of number signs. The total surface area of the proposed signs is 356 square feet. The C-5 District would allow up to 321 square feet of surface area (4 square feet of signage for each linear foot of street frontage (80.25 feet), provided no sign is to exceed 260 square feet in surface area.

The PUD Amendment Process allows for the ability to exceed standard zoning district regulations and/or conditions of approval of previously approved PUD ordinances. The need for the larger than allowed signage is due to the need to attract customers to a location with limited visibility for signage other than a pylon sign. The proposed signage appears to be reasonable in size and similar in character to the other developments in the commercial center.

**Proposed Lighting:** Exterior lighting fixtures are downcast and will consist of building wall packs and exterior lights for the main canopy wall sign on the north façade.

**MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT  
DEVELOPMENT**

**1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:** The proposed amendment is consistent with the intent and purpose of the approved commercial PUD to consist of a broad range of highway service and retail uses. The approved Preliminary PUD shows a large, “anchor” commercial building footprint (approximately 87,000 square feet of floor/lot area and 21,000 square feet of outdoor storage) and a large parking to the north of the proposed building. The general area where the proposed Midland Exteriors development on Lots 4, Heritage Square South, Unit Four is shown on the Preliminary Development Plans partially as the “anchor” commercial building and the associated off-street parking lot.

The proposed PUD Amendment should not limit the original use of the large lot and will promote the efficient development of the site, and PUD, by allowing construction of uses intended to be part of the commercial shopping area.

**2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** The amendment is made necessary because Condition No. 2 of Ordinance No. 7139, requires an amendment of the PUD prior to issuance of any permits for development. Lots 1, 2, 3 and 4, Heritage Square South, Unit Four are the only vacant land left in the commercial development.

**3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The proposed amendment will result in a gain to the public by allowing development of a vacant tract of land. The amendment is necessary because of the condition of the approval of the Ordinance creating the PUD and not because the amendment will confer a special benefit to any person.

**ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A  
PLANNED UNIT DEVELOPMENT**

**1. LANDSCAPING:** Landscaping will consist of ornamental trees, shrubs, perennials, and lawn areas. The front yard area along South Port Drive and areas generally surrounding the off-street parking lot and the front of the building will be irrigated with an underground irrigation system. The outdoor storage area generally located to the rear of the proposed building will consist of gravel.

*Attachment No. 5*

**2. SCREENING:** A six (6) foot tall chain link fence “with screening” will be located along the perimeter of the outdoor storage area located the south of the proposed building. The screening will be required to be sight obscuring. A trash dumpster enclosure with wooden fence screening is proposed to be located on the east side of the building in the storage yard area.

**3. DRAINAGE:** The site will drain towards the northeast corner of the lot and be collected by an area inlet then directed, via underground infrastructure, towards South Port Drive where it will enter the public stormwater system. The site is not located within a regulated floodplain (*see Physical & Environmental Characteristics below*).

**4. CIRCULATION:** The existing street system provides an internal circulation plan which is safe, convenient and efficient for movement of goods, motorists, and pedestrians. Conflicts between motorists and pedestrians are minimized. Both proposed Lots 4, Heritage Square South, Unit Four will gain access from the internal street system.

Pedestrian Access. Pedestrians will be accommodated by sidewalks that will be constructed throughout the development located along one side of all streets as the area develops.

A public sidewalk will be constructed in South Port Drive right-of-way along both lots of the proposed subdivision. A sidewalk from South Port Drive will lead to the building.

Traffic. A Traffic Report was submitted and accepted by the City Engineer in 2006. Access to the development is from U.S.-24 Highway onto a main entry drive to the internal streets of the development, which connect to the east and west of the PUD. Major highway improvements including left turning lanes, a traffic signal and closure of two existing median crossings, were constructed with the original PUD.

Off-Street Parking. Eighteen (18) off-street parking spaces are shown on the Final Development Plans for Midland Exteriors. Using the minimum off-street parking requirements for retail businesses (1 space per 250 square feet of floor area) and warehouse space (1 space per 2,000 square feet of floor area), a minimum of eighteen (18) off-street parking spaces are required for the proposed business based on the Final Development Plan.

Lot 5, Heritage Square South, Unit 4 (lot immediately to the east) was created as a flag lot, by the Manhattan Urban Area Planning Board on April 20, 2015. The approved flag lot limited the possibility of this site and adjacent lots to meet the minimum access management distances along the local commercial street, which is 75 feet. The City Engineer and Public Works Director have reviewed the access management criteria for

this road type, the type of businesses to be located on the site and in the area and characteristics of the existing road network within the development. The Public Works Director states “After field review the location the reduce spacing between driveways will not create any safety or hazards specifically related only to this location. The street is classified as a Local Street, it has a low speed limit, and it has excellent sight distance along this roadway, hence our opinion is that this proposed driveway will not create concerns.” The Public Works Administration approves of the proposed PUD Amendment and Final Development Plan.

**5. OPEN SPACE/LANDSCAPED AND COMMON AREA:** Landscaping and lawn areas identified on the lot for Midland Exteriors.

**6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is generally characterized as a major highway service commercial street corridor with retail uses near, and along both sides, of US 24 Highway.

### **MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** The site is currently a vacant lot.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is relatively flat, irregular shaped lot to the east of South Port Drive. The effective Flood Insurance Rate Map (FIRM) Panel 359 of 500 dated March 16, 2015, shows the site to be within the 0.2% annual chance flood plain (500-year).

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

**(a.) NORTH:** U.S.-24 Highway, Dollar General, Aarons, Fastenal; PUD, and undeveloped tract (future Heritage Square North); Pottawatomie County CH, Highway & Commercial Corridor District.

**(b.) SOUTH:** Railroad, agricultural fields, Kansas River; Pottawatomie County A-1, General Agriculture District.

**(c.) EAST:** Proposed Leiszler Oil Company corporate office and warehouse, furniture sales, storage units, and similar highway service commercial and retail uses, livestock sales; Pottawatomie County CH, Highway & Commercial Corridor District.

**(d.) WEST:** Midway Wholesale, Salisbury Supply Retail sales and wholesale; PUD, Heritage Square South PUD and Pottawatomie County CH, Highway & Commercial Corridor District.

**4. GENERAL NEIGHBORHOOD CHARACTER:** See above under **No. 6, CHARACTER OF THE NEIGHBORHOOD.**

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable for commercial development for the uses under the current zoning, as approved with the Preliminary Development Plan, subject to Condition No. 11, Ordinance No. 6607, Condition No. 2, Ordinance 7062, and Condition No. 2, Ordinance 7139.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** Minimal impact on adjacent commercial property in the Heritage Square South PUD with respect to light, noise, and traffic is anticipated. The original Lot 10, Heritage Square South PUD was intended to develop as a large, “anchor” commercial lot. The proposed PUD Amendment and previous Final Plat divided the platted lot into five (5) separate lots. The proposed Final Development Plan for Lots 4, Heritage Square South, Unit Four creates a commercial use that is in a manner similar to other commercial sites in the PUD.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the site as Community Commercial (CC). The Comprehensive Plan also reflects the land use designation of the US 24 Corridor Plan developed by Pottawatomie County. The site is also subject to the US 24 Corridor Special Planning Area Policies in the Comprehensive Plan.

The existing PUD was found to conform to the Comprehensive Plan in 2006. The proposed PUD amendment conforms to the Manhattan Urban Area Comprehensive Plan.

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

June 29, 2006: City of Manhattan receives requests for island annexation of the proposed Heritage Square North and Heritage Square South tracts from Roger Schultz and Rob Eichman.

July 11, 2006: City Commission approves Resolution Nos. 071106-H & I, requesting the Board of Pottawatomie County Commissioners to make positive findings regarding the requested island annexation of Heritage Square North and Heritage Square South.

July 27, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexations of Heritage Square North and Heritage Square South.



*Attachment No. 5*

- August 15, 2006: City Commission approves first reading of ordinances annexing Heritage Square North and Heritage Square South; and, approves Resolution No. 081506-A, requesting the Board of Pottawatomie County Commissioners to make positive findings regarding the island annexation of that portion of the US 24 Right-of-way that adjoins Heritage Square.
- August 18, 2006: City of Manhattan receives Consent To Annexation from the Kansas Department of Transportation for that portion of the US Highway 24 right-of-way that adjoins Heritage Square South, consisting of 6.791 acres.
- August 21, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexation of that portion of the US Highway 24 right-of-way that adjoins Heritage Square South.
- October 16, 2006; Manhattan Urban Area Planning Board holds public hearing and recommends approval (7-0), of the rezoning the proposed Heritage Square South and the adjoining US Highway 24 right-of-way from County - CH, Highway & Commercial Corridor District, to PUD, Commercial Planned Unit Development District.
- November 7, 2006 City Commission approved first reading of an ordinance annexing the 6.8-acre portion of the US Highway 24 right-of-way that adjoins the Heritage Square South development; and, approved first reading of an ordinance rezoning the proposed Heritage Square South development and the adjoining portion of US Highway 24 right-of-way, to PUD, Planned Unit Development District.
- February 6, 2007 City Commission approves Ordinance No. 6606 annexing proposed Heritage Square North, proposed Heritage Square South and the 6.8-acre portion of the US Highway 24 right-of-way that adjoins Heritage Square South; and, approved Ordinance No.6607 rezoning the Heritage Square South and the adjoining portion of US Highway 24 right-of-way, to PUD, Commercial Planned Unit Development District.
- March 5, 2007 Manhattan Urban Area Planning Board approves the Final Development Plan (Lots 1, 6, and 9) and Final Plat of the Heritage Square South Addition (Lots 1-10).

*Attachment No. 5*

- March 15, 2007 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square South Addition.
- July 17, 2007 City Commission approves first reading of an ordinance renaming Heritage South Road to South Port Road, and Heritage Square Drive to South Port Drive, in Heritage Square South P.U.D. Addition.
- August 14, 2007 City Commission approves Ordinance No. 6651 renaming Heritage South Road to South Port Road, and Heritage Square Drive to South Port Drive, in Heritage Square South P.U.D. Addition.
- January 24, 2013 Manhattan Urban Area Planning Board recommends approval of proposed amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development, based on the findings in the Staff Report.
- February 19, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development.
- March 5, 2013 City Commission approves Ordinance No. 6991 amending the Preliminary Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development and Ordinance No. 6607, as proposed, based on the findings in the Staff Report.
- June 3, 2013 Manhattan Urban Area Planning Board recommends approval of a proposed amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lot 2, and Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, based on the findings in the Staff Report; and approves the Final Plat of Heritage square South Unit Two PUD.

*Attachment No. 5*

- June 18, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 2, and Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development.
- July 2, 2013 City Commission approves Ordinance No. 7010 amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 2, and Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development; and, accepts the easements associated with Lot 2 and Lot 3, Heritage Square South Unit two PUD.
- July 2, 2013 City Commission accepts the easements as, as shown on the Final Plat of Heritage Square South, Unit Two PUD.
- July 15, 2013 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lots 4 and 5, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 4 and Lot 5, Heritage Square South Commercial Planned Unit Development, based on the findings in the Staff Report
- August 6, 2013 City Commission approves first reading of an Ordinance amending the Preliminary Development Plan of Lot 4, and Lot 5, Heritage Square South Commercial Planned Unit Development (PUD), and Ordinance No. 6607, to be known as the Final Development Plan of Lot 4 and Lot 5, Heritage Square South Commercial PUD.
- August 20, 2013 City Commission approves Ordinance No. 7035 amending the Preliminary Development Plan of Lot 4, and Lot 5, Heritage Square South Commercial Planned Unit Development (PUD), and Ordinance No. 6607, to be known as the Final Development Plan of Lot 4 and Lot 5, Heritage Square South Commercial PUD.

*Attachment No. 5*

- January 6, 2014 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Salisbury Supply, Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development; and approves the Final Plat of Heritage square South Unit Three PUD.
- January 21, 2014 City Commission approves first reading of an ordinance amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial as proposed.
- February 4, 2014 City Commission approves Ordinance No. 7062 amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial as proposed, to allow construction of the proposed Salisbury Supply store on proposed Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development; and accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square South, Unit Three, Commercial Planned Unit Development.
- April 20, 2015 Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6607 and Ordinance No. 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development, with two conditions of approval.
- May 5, 2015 City Commission approves first reading of an ordinance amendment of Ordinance No. 6607 and Ordinance No. 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development.
- May 19, 2015 City Commission approves Ordinance No. 7139 amending Ordinance Nos. 6607 and 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South, Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development.

May 19, 2015 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square South, Unit Four, Commercial Planned Unit Development.

**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 PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout.

The proposed PUD amendment is consistent with Ordinance No. 6607, Ordinance No. 7062, Ordinance No. 7139, and the approved PUD, the Manhattan Zoning Regulations, and PUD requirements of the Manhattan Zoning Regulations. The amendment process is required before development of the site can proceed. The amendment process insures the PUD conforms to the requirements of all regulations.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. No adverse affects on the public are anticipated as a result of the amendment. Denial of the rezoning may be a hardship to the owner.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the development.

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

**13. STAFF COMMENTS:** All provisions of Ordinance No. 6607, Ordinance No. 7062, and Ordinance No. 7139 that are not in conflict with this amendment shall remain in force.

City Administration recommends approval of the proposed amendment of Ordinance No. 6607 Ordinance No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development.

**ALTERNATIVES:**

1. Recommend approval of the proposed amendment of Ordinance No. 6607, Ordinance No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development, stating the basis for such recommendation.
2. Recommend approval of the proposed amendment 6607 Ordinance No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development 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 amendment of Ordinance No. 6607 Ordinance, No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development, stating the basis for such recommendation.
4. Table the proposed Amendment to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6607, Ordinance, No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development, based on the findings in the Staff Report.

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

**DATE:** August 10, 2015

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**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** I-5, Business Park District

**TO:** R-1, Single-Family Residential District

**APPLICANT:** Scenic Crossing, LLC – Neil W. Horton, Manager

**ADDRESS:** 3629 Vanesta Drive, Manhattan, KS 66503

**OWNERS/ ADDRESS** Scenic Crossing, LLC – Neil W. Horton, Manager  
3629 Vanesta Drive, Manhattan, KS 66503

City of Manhattan – Ron Fehr, City Manager  
1101 Poyntz Avenue, Manhattan, KS 66502

**LEGAL DESCRIPTION:** An unplatted tract of land in the southwest corner of Section 10, Township 10 South, Range 4 East. For the purposes of the request, the subject site shall be referred to as Tract 1. (Tract 2 will refer to a request to rezone an area to R-2, Two-Family Residential District. Tract 3 will refer to a rezoning request for an area to C-2, Neighborhood Shopping District).

**LOCATION:** Generally located to the northeast of the intersection of Kimball Avenue/Scenic Drive and Anderson Avenue.

**AREA:** Rezoning site: 10.01 acres  
Total subdivision: 24.4 acres

**DATE OF NEIGHBORHOOD MEETING:** April 23, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** July 13, 2015

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 3, 2015  
**CITY COMMISSION:** August 18, 2015

*The Rezoning request is part of a larger development that includes requests to Rezone additional tracts to R-2, Two-Family Residential District, C-2, Neighborhood Commercial District and Preliminary Plat the land. Please refer to those Staff Reports for additional information.*

## **THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** Vacant land and a 45,513 square foot portion of the Kimball Avenue and Anderson Avenue right-of-way (*The City of Manhattan has agreed to participate in the Rezoning and Preliminary Plat requests. Final Approval of the vacation of the ROW will be finalized by the City Commission*)

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site generally slopes from the northwest to the southeast. The north and east portion of the site is comprised of steep slopes. The remainder of the site is relatively flat.

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

**NORTH:** Large lot, single-family residential neighborhood; R, Single-Family Residential District

**SOUTH:** Anderson Avenue, a two-lane arterial road with a rural cross-section, business professional office development and multiple-family development; C-2, Neighborhood Shopping Center, Stone Creek Commercial PUD, Planned Unit Development District, R-3, Multiple-Family Residential District and Pebblebrook Residential PUD, Planned Unit Development.

**EAST:** Large lot, single-family residential neighborhood; R, Single-Family Residential District

**WEST:** Kimball Avenue, a two-lane arterial road with a rural cross-section; vacant land, two-family neighborhood and multiple-family neighborhood; C-2, Neighborhood Shopping Center, R-2, Two-Family Residential District and Four Winds Residential PUD, Planned Unit Development.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of large lot single-family homes, two-family homes, multiple-family developments and commercial uses. The land surrounding the Kimball Avenue, Anderson Avenue, Scenic Drive intersection is generally vacant.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently zoned I-5, Business Park District, which is designed to encourage administrative, research and assembly activities in a setting that is compatible with surrounding or abutting residential districts. The district should generally be located along major streets and can be used as a transitional zone between residential areas and other districts. The



site meets the minimum lot area, width and length requirements for the district. Although the site exceeds the minimum requirements of the I-5 District, the market demand for such a use may not be available. The site has been zoned I-5 District since 1981 and no development has occurred on the site since that time.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed Preliminary Plat (*see Preliminary Plat Memorandum*) shows the R-1 District properties to be located along the north and east boundaries of the development. In the central portion of the site will be single-family attached dwellings to be rezoned to R-2, Two-Family Residential District. At the corner of Kimball Avenue and Anderson Avenue, the Preliminary Plat shows several large lots to be rezoned to C-2, Neighborhood Commercial District.

An increase in light, noise and traffic is anticipated from the proposed development compared to the current vacant tract. All of the traffic will be onto the adjacent arterial roadways to the south and west. No vehicular connection is proposed into the adjacent neighborhoods. The proposed roadway improvements and traffic analysis is discussed in the Preliminary Plat Memorandum.

The properties most likely impacted by the R-1 District rezoning will be to the north and east. The location of the R-1 District portion of the development is to create a buffer between the existing single-family neighbors to the north and east and the more intense residential and commercial uses to the southwest. A majority of the neighborhoods to the north and east are above the grade of the proposed development. The R-1 District lots of the proposed development range in size from 0.21 acres to .785 acres. The proposed lots will be similar in size and intensity to the adjacent residential lots.

The applicant held a neighborhood meeting on April 23, 2015. According to the meeting summary, 24 people attended the meeting. The majority of the meeting attendees were neighbors from the north and east. Meeting attendees were encouraged to submit comment sheets regarding the proposed Rezoning and Preliminary Plat requests (*see attached*). No meeting attendees specifically opposed the rezoning requests. Several comments were supportive of the proposed development. Others asked questions of a how the development will handle vehicular traffic and the treatment of pedestrian connectivity from the proposed development to the surrounding neighborhoods. These 2 issues are addressed in the Preliminary Plat Memorandum.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is shown on the Southwest Future Land Use map of the 2015 Update to the Comprehensive Plan as Residential Medium to High Density (RMH), with a Future Neighborhood Commercial Center Commercial/Mixed Use designation at the intersection of the Kimball Avenue/Scenic Drive and Anderson Avenue. Policies for the RMH and CMU Future Land Use designations include:

**COMPREHENSIVE PLAN:** The site is shown on the Southwest Future Land Use map of the 2015 Update to the Comprehensive Plan as Residential Medium to High Density (RMH), with a Future Neighborhood Commercial Center Commercial/Mixed Use designation at the intersection of the Kimball Avenue/Scenic Drive and Anderson Avenue. Policies for the NCC and CMU Future Land Use designations include:

***RMH-1: Characteristics***

*The Residential Medium to High Density designation should 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 compatible with the area's residential characteristics and in conformance with policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.*

***RMH-2: Appropriate Density Range***

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

***RMH-3: Location***

*Locate Residential Medium to High Density neighborhoods close to an arterial street and bounded by collector streets where possible, with a direct connection to work, shopping, transit, and recreational activities. The Residential Medium to High Density designation includes some of the older neighborhoods in the core area of the City as well as portions of newer planned neighborhoods outside of the core area.*

***RMH-4: Variety of Housing Styles***

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development, particularly when a single housing type (e.g., small-lot single-family or duplexes) is prevalent.*

**CMU-1: Activity Centers**

*Concentrate commercial services and other complementary uses—entertainment, recreation, employment, and residential—within planned activity centers, or compact nodes, that are located throughout the community. This pattern is intended to promote “one-stop shopping,” minimize the need for cross-town vehicle trips, preserve the residential character of many of the major street corridors throughout the community, and help prevent the negative impacts caused by linear strip commercial configurations with multiple access points along a corridor. The general locations of proposed Future Community Commercial or Neighborhood Commercial Centers are identified on the Future Land Use map. The precise location, size, overall mix of uses, and configuration of these centers is intended to be flexible and should be determined as specific developments are proposed considering changing market conditions, surrounding development context, and the need for economic sustainability.*

**CMU-2: Revitalization of Existing Centers**

*Encourage the revitalization and/or redevelopment of underutilized centers over time to take advantage of existing infrastructure and promote the efficient use of available land. Support the integration of a broader mix of uses as part of revitalization efforts, including residential to promote vitality and increase housing options within the community.*

**CMU-3: Promote a High Quality Urban Environment**

*Promote a high quality urban environment in commercial and mixed-use developments, as expressed by site layout, building materials and design, landscaping, parking area design, and pedestrian-oriented facilities, such as through use of design guidelines.*

**CMU-4: Mixed-Use Development**

*Encourage mixed-use development—both vertically and horizontally mixed use, as appropriate, given the surrounding development context and market demand—through the revitalization of aging and/or underutilized centers and corridors as well as part of new commercial/mixed-use centers.*

**CMU-5: Pedestrian Access and Orientation**

*Design Commercial/Mixed-Use sites with an emphasis on the character and safety of the pedestrian realm:*

- *Bring buildings close to the street;*
- *Avoid uninterrupted expanses of parking and organize larger parking lots as a series of smaller blocks divided by landscaping and pedestrian walkways;*
- *Distribute parking areas between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible;*
- *Consider shared parking opportunities; and*
- *Provide clear pedestrian connections with generous sidewalk widths, low-level lighting, and outdoor gathering spaces.*

**CMU-6: Community Facilities**

*Incorporate public plazas, libraries, parks, common areas, and other community facilities, into centers where appropriate to serve the needs of neighborhood residents. Encourage creative approaches to the design of community facilities in centers to reinforce the more compact nature of their surroundings and integrate them with other uses. Support shared use facilities (e.g. library/coffee shop/community meeting rooms) as a means to promote efficiency and increase hours of activity.*

**CMU-7: Multi-Modal Connectivity**

*Ensure Commercial/Mixed-Use areas are served by a system of collector and local streets, as well as sidewalks and pedestrian and bicycle pathways, which provide connectivity to surrounding neighborhoods, adjacent employment areas, and existing or planned transit services.*

The overall proposal for the development is a mixed-use development consisting of commercial lots for a small shopping center and single-family attached and single-family detached lots. The layout of the subdivision creates a stepped reduction of the intensity of uses from the more intense commercial uses near the intersection Anderson Avenue and Kimball Avenue/Scenic Drive to the single-family detached lots near the existing single-family neighborhood to the north and east. The total density of the residential portion of the development is 2.76 dwelling units per acre. The single-family detached portion has a density of 1.99 dwelling units per acre. The single-family attached section of the development has a density of 5.19 dwelling units per acre. The layout is consistent principles of the RMH and CMU. The proposed Rezoning conforms to the Manhattan Area 2035 Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The rezoning site has remained vacant for an undetermined time. The site was annexed into the City in 1981 (Ordinance No. 3872) and rezoned to I-5, Business Park District. According to the applicant, the original plan for the area was for a medical office complex. The most recent activity on the site has a quarry for stone and dirt for construction projects in the area.

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

The intent and purpose of the Manhattan 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 rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations and R-1 District because proposed lot sizes conform to the minimum requirements of the R-1 District for single-family dwelling units. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

The R-1, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. The R-1 District lots shown on the Preliminary Plat range in size from 9,239 square feet to 34,176 square feet. The proposed lots conform to the requirements of the R-1 District.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. There are no expected adverse affects on the public health, safety and welfare as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the rezoning site, subject to approval of the Preliminary Plat of Scenic Crossing.

**12. OTHER APPLICABLE FACTORS:**

*Notice of Potential Impact Due to Military Training FORT RILEY*

**THE CITY OF MANHATTAN AND OTHER SURROUNDING LOCAL GOVERNMENTS HAVE ENTERED INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH FORT RILEY THAT OUTLINES RESPONSIBILITIES BETWEEN MUNICIPALITIES AND FORT RILEY RELATED TO COMMUNICATION ON PLANNING AND DEVELOPMENT ACTIVITIES THAT ARE WITHIN THE “Critical Area” and the Fort Riley “Army Compatible Use Buffer” area. This is a requirement of State statue K.S.A. 12-773 that was passed in 2010. The Critical Area is a combination of several boundaries, including: the most recently identified Land Use Planning Zone (LUPZ) which is a noise impact area associated with explosives and large arms operations/training; the area within one (1) statute mile of the installation boundary; the area within a portion of the helicopter flight**

*Attachment No. 6*

route buffer near the northwest corner of Fort Riley; and, the area between such helicopter flight route buffer and the installation boundary of Fort Riley (*see map*). For proposed developments located within the Critical Area, City Administration is required to notify the Fort for comment. Specifically, City Administration provides the following notifications:

- Provide written notice to the commander of Fort Riley of each development proposal which affects any portion of the Critical Area or any portion of the Fort Riley Army Compatible Use Buffer area outside of the Critical Area to provide the commander of Fort Riley an opportunity to assess any impact and coordinate issues with planning staff.
- Provide a “Notice of Potential Impact” to each individual receiving a construction permit for improvements within the Critical Area, which reads as follows:

“The property for which this permit is issued is situated in an area that may be subjected to conditions resulting from military training at a nearby military installation. Such conditions may include the firing of small and large caliber weapons, the over flight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the use of generators and other accepted and customary military training activities. These activities ordinarily and necessarily produce, noise, dust, smoke and other conditions that may not be compatible with the permitted improvement according to established federal guidelines, state guidelines or both.”

**CITY ADMINISTRATION NOTIFIED FORT RILEY ABOUT THE PROPOSED REZONING AND PRELIMINARY PLAT OF SCENIC CROSSING. THE FORT ENCOURAGES USE OF NOISE DISCLOSURE AND NOISE REDUCTION MEASURES IN HOMES. CITY ADMINISTRATION WILL PROVIDE THE “Notice of Potential Impact” on building permits for this subdivision.**

- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Tract 1 of the proposed Scenic Crossing development from I-5, Business Park District to R-1, Single-Family Residential District, based on the findings in the Staff Report.

**ALTERNATIVES:**

4. Recommend approval of the proposed rezoning of Tract 1 of the proposed Scenic Crossing development, from I-5, Business Park District to R-1, Single-Family Residential District, stating the basis for such recommendation.
5. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
6. 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 Tract 1 of the proposed Scenic Crossing development from I-5, Business Park District to R-1, Single-Family Residential District, based on the findings in the Staff Report .

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

**DATE:** July 15, 2015

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** I-5, Business Park District

**TO:** R-2, Two-Family Residential District

**APPLICANT:** Scenic Crossings, LLC – Neil W. Horton, Manager

**ADDRESS:** 3629 Vanesta Drive, Manhattan, KS 66503

**OWNERS/ ADDRESS** Scenic Crossings, LLC – Neil W. Horton, Manager  
3629 Vanesta Drive, Manhattan, KS 66503

City of Manhattan – Ron Fehr, City Manager  
1101 Poyntz Avenue, Manhattan, KS 66502

**LEGAL DESCRIPTION:** An unplatted tract of land in the southwest corner of Section 10, Township 10 South, Range 4 East. For the purposes of the request, the subject site shall be referred to as Tract 2. (Tract 1 will refer to a request to rezone an area to R-1, Single-Family Residential District. Tract 3 will refer to a rezoning request for an area to C-2, Neighborhood Shopping District).

**LOCATION:** Generally located to the northeast of the intersection of Kimball Avenue/Scenic Drive and Anderson Avenue.

**AREA:** Rezoning site: 2.70 acres  
Total subdivision: 24.4 acres

**DATE OF NEIGHBORHOOD MEETING:** April 23, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** July 13, 2015

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 3, 2015  
**CITY COMMISSION:** August 18, 2015



*The Rezoning request is part of a larger development that includes requests to Rezone additional tracts to R-1, Single-Family Residential District, and C-2, Neighborhood Commercial District and Preliminary Plat the land. Please refer to those Staff Reports for additional information.*

### **THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** Vacant land and a 45,513 square foot portion of the Kimball Avenue and Anderson Avenue right-of-way (*The City of Manhattan has agreed to participate in the Rezoning and Preliminary Plat requests. Final Approval of the vacation of the ROW will be finalized by the City Commission*)

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site generally slopes from the northwest to the southeast. The north and east portion of the site is comprised of steep slopes. The remainder of the site is relatively flat.

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

**NORTH:** Large lot, single-family residential neighborhood; R, Single-Family Residential District

**SOUTH:** Anderson Avenue, a two-lane arterial road with a rural cross-section, business professional office development and multiple-family development; C-2, Neighborhood Shopping Center, Stone Creek Commercial PUD, Planned Unit Development District, R-3, Multiple-Family Residential District and Pebblebrook Residential PUD, Planned Unit Development.

**EAST:** Large lot, single-family residential neighborhood; R, Single-Family Residential District

**WEST:** Kimball Avenue, a two-lane arterial road with a rural cross-section; vacant land, two-family neighborhood and multiple-family neighborhood; C-2, Neighborhood Shopping Center, R-2, Two-Family Residential District and Four Winds Residential PUD, Planned Unit Development.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of large lot single-family homes, two-family homes and multiple-family developments and commercial uses. The land surrounding the Kimball Avenue, Anderson Avenue, Scenic Drive intersection is generally vacant.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently zoned I-5, Business Park District, which is designed to encourage administrative, research and assembly activities in a setting that is compatible with surrounding or abutting residential districts. The district should generally be located along major streets and can be used as a transitional zone between residential areas and other districts. The site meets the minimum lot area, width and length requirements for the district. Although the site exceeds the minimum requirements of the I-5 District, the market demand for such a use may not be available. The site has been zoned I-5 District since 1981 and no development has occurred on the site since that time.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed Preliminary Plat (*see Preliminary Plat Memorandum*) shows the R-2 District properties to be located near the center of the development. On the north and east boundaries of the development will be single-family dwellings to be rezoned to R-1, Single-Family Residential District. At the corner of Kimball Avenue and Anderson Avenue, the Preliminary Plat shows several large lots to be rezoned to C-2, Neighborhood Commercial District.

An increase in light, noise and traffic is anticipated from the proposed development compared to the current vacant tract. All of the traffic will be onto the adjacent arterial roadways to the south and west. No vehicular connection is proposed into the adjacent neighborhoods. The proposed roadway improvements and traffic analysis is discussed in the Preliminary Plat Memorandum.

The R-2 District lots are situated in the center of the development to provide a buffer to the single-family residential lots to the north and east from the commercial lots to the south, along Kimball Avenue and Anderson Avenue. The mix of the uses within the proposed development transitions the intensity of use, light, traffic and noise from the major intersection of the 2 arterial streets and the adjacent single-family homes to the north and east. Considering the overall design of the proposed development, the request to rezone the Tract 2 to R-2 District should have minimal impacts on adjacent properties.

The applicant held a neighborhood meeting on April 23, 2015. According to the meeting summary, 24 people attended the meeting. The majority of the meeting attendees were neighbors from the north and east. Meeting attendees were encouraged to submit comment sheets regarding the proposed Rezoning and Preliminary Plat requests (*see attached*). No meeting attendees specifically opposed the rezoning requests. Several comments were supportive of the proposed development. Others asked questions of a how the development will handle vehicular traffic and the treatment of pedestrian connectivity from the proposed development to the surrounding neighborhoods. These 2 issues are addressed in the Preliminary Plat Memorandum.

**7. COMPREHENSIVE PLAN:** The site is shown on the Southwest Future Land Use map of the 2015 Update to the Comprehensive Plan as Residential Medium to High Density (RMH), with a Future Neighborhood Commercial Center Commercial/Mixed Use designation at the intersection of the Kimball Avenue/Scenic Drive and Anderson Avenue. Policies for the RMH and CMU Future Land Use designations include:

***RMH-1: Characteristics***

*The Residential Medium to High Density designation should 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 compatible with the area's residential characteristics and in conformance with policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.*

***RMH-2: Appropriate Density Range***

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

***RMH-3: Location***

*Locate Residential Medium to High Density neighborhoods close to an arterial street and bounded by collector streets where possible, with a direct connection to work, shopping, transit, and recreational activities. The Residential Medium to High Density designation includes some of the older neighborhoods in the core area of the City as well as portions of newer planned neighborhoods outside of the core area.*

***RMH-4: Variety of Housing Styles***

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development, particularly when a single housing type (e.g., small-lot single-family or duplexes) is prevalent.*

***CMU-1: Activity Centers***

*Concentrate commercial services and other complementary uses—entertainment, recreation, employment, and residential—within planned activity centers, or compact nodes, that are located throughout the community. This pattern is intended to promote “one-stop shopping,” minimize the need for cross-town vehicle trips, preserve the residential character of many of the major street corridors throughout the community, and help prevent the negative impacts caused by linear strip commercial configurations with*

*multiple access points along a corridor. The general locations of proposed Future Community Commercial or Neighborhood Commercial Centers are identified on the Future Land Use map. The precise location, size, overall mix of uses, and configuration of these centers is intended to be flexible and should be determined as specific developments are proposed considering changing market conditions, surrounding development context, and the need for economic sustainability.*

***CMU-2: Revitalization of Existing Centers***

*Encourage the revitalization and/or redevelopment of underutilized centers over time to take advantage of existing infrastructure and promote the efficient use of available land. Support the integration of a broader mix of uses as part of revitalization efforts, including residential to promote vitality and increase housing options within the community.*

***CMU-3: Promote a High Quality Urban Environment***

*Promote a high quality urban environment in commercial and mixed-use developments, as expressed by site layout, building materials and design, landscaping, parking area design, and pedestrian-oriented facilities, such as through use of design guidelines.*

***CMU-4: Mixed-Use Development***

*Encourage mixed-use development—both vertically and horizontally mixed use, as appropriate, given the surrounding development context and market demand—through the revitalization of aging and/or underutilized centers and corridors as well as part of new commercial/mixed-use centers.*

***CMU-5: Pedestrian Access and Orientation***

*Design Commercial/Mixed-Use sites with an emphasis on the character and safety of the pedestrian realm:*

- Bring buildings close to the street;*
- Avoid uninterrupted expanses of parking and organize larger parking lots as a series of smaller blocks divided by landscaping and pedestrian walkways;*
- Distribute parking areas between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible;*
- Consider shared parking opportunities; and*
- Provide clear pedestrian connections with generous sidewalk widths, low-level lighting, and outdoor gathering spaces.*

**CMU-6: Community Facilities**

*Incorporate public plazas, libraries, parks, common areas, and other community facilities, into centers where appropriate to serve the needs of neighborhood residents. Encourage creative approaches to the design of community facilities in centers to reinforce the more compact nature of their surroundings and integrate them with other uses. Support shared use facilities (e.g. library/coffee shop/community meeting rooms) as a means to promote efficiency and increase hours of activity.*

**CMU-7: Multi-Modal Connectivity**

*Ensure Commercial/Mixed-Use areas are served by a system of collector and local streets, as well as sidewalks and pedestrian and bicycle pathways, which provide connectivity to surrounding neighborhoods, adjacent employment areas, and existing or planned transit services.*

The overall proposal for the development is a mixed-use development consisting of commercial lots for a small shopping center and single-family attached and single-family detached lots. The layout of the subdivision creates a stepped reduction of the intensity of uses from the more intense commercial uses near the intersection Anderson Avenue and Kimball Avenue/Scenic Drive to the single-family detached lots near the existing single-family neighborhood to the north and east. The total density of the residential portion of the development is 2.76 dwelling units per acre. The single-family detached portion has a density of 1.99 dwelling units per acre. The single-family attached section of the development has a density of 5.19 dwelling units per acre. The layout is consistent principles of the RMH and CMU. The proposed Rezoning conforms to the Manhattan Area 2035 Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The rezoning site has remained vacant for an undetermined time. The site was annexed into the City in 1981 (Ordinance No. 3872) and rezoned to I-5, Business Park District. According to the applicant, the original plan for the area was for a medical office complex. The most recent activity on the site has a quarry for stone and dirt for construction projects in the area.

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

The intent and purpose of the Manhattan 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.

*Attachment No. 7*

The proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations and R-2 District because proposed lot sizes conform to the minimum requirements of the R-2 District for single-family dwelling units. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

The R-2, Two-Family Residential District is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. The minimum lot area for a single-family detached dwelling is 6,000 square feet. The minimum lot area for a single-family attached dwelling is 3,750 square feet per dwelling unit. Two-family dwellings are required to have a minimum of 7,500 square feet in lot area. The R-1 District lots shown on the Preliminary Plat range in size from 5,100 square feet to 7,600 square feet. The proposed lots conform to the requirements of the R-2 District.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. There are no expected adverse affects on the public health, safety and welfare as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the rezoning site, subject to approval of the Preliminary Plat of Scenic Crossing.

**12. OTHER APPLICABLE FACTORS:**

*Notice of Potential Impact Due to Military Training FORT RILEY*

**THE CITY OF MANHATTAN AND OTHER SURROUNDING LOCAL GOVERNMENTS HAVE ENTERED INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH FORT RILEY THAT OUTLINES RESPONSIBILITIES BETWEEN MUNICIPALITIES AND FORT RILEY RELATED TO COMMUNICATION ON PLANNING AND DEVELOPMENT ACTIVITIES THAT ARE WITHIN THE “Critical Area” and the Fort Riley “Army Compatible Use Buffer” area. This is a requirement of State statue K.S.A. 12-773 that was passed in 2010. The Critical Area is a combination of several boundaries, including: the most recently identified Land Use Planning Zone (LUPZ) which is a noise impact area**

*Attachment No. 7*

associated with explosives and large arms operations/training; the area within one (1) statute mile of the installation boundary; the area within a portion of the helicopter flight route buffer near the northwest corner of Fort Riley; and, the area between such helicopter flight route buffer and the installation boundary of Fort Riley (*see map*). For proposed developments located within the Critical Area, City Administration is required to notify the Fort for comment. Specifically, City Administration provides the following notifications:

- Provide written notice to the commander of Fort Riley of each development proposal which affects any portion of the Critical Area or any portion of the Fort Riley Army Compatible Use Buffer area outside of the Critical Area to provide the commander of Fort Riley an opportunity to assess any impact and coordinate issues with planning staff.
- Provide a “Notice of Potential Impact” to each individual receiving a construction permit for improvements within the Critical Area, which reads as follows:

“The property for which this permit is issued is situated in an area that may be subjected to conditions resulting from military training at a nearby military installation. Such conditions may include the firing of small and large caliber weapons, the over flight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the use of generators and other accepted and customary military training activities. These activities ordinarily and necessarily produce, noise, dust, smoke and other conditions that may not be compatible with the permitted improvement according to established federal guidelines, state guidelines or both.”

**CITY ADMINISTRATION NOTIFIED FORT RILEY ABOUT THE PROPOSED REZONING AND PRELIMINARY PLAT OF SCENIC CROSSING. THE FORT ENCOURAGES USE OF NOISE DISCLOSURE AND NOISE REDUCTION MEASURES IN HOMES. CITY ADMINISTRATION WILL PROVIDE THE “Notice of Potential Impact” on building permits for this subdivision.**

- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Tract 2 of the proposed Scenic Crossing development from I-5, Business Park District to R-2, Two-Family Residential District, based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Tract 2 of the proposed Scenic Crossing development, from I-5, Business Park District to R-2, Two-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Tract 2 of the proposed Scenic Crossing development from I-5, Business Park District to R-2, Two-Family Residential District, based on the findings in the Staff Report.

**PREPARED BY:** Chad Bungler, AICP, CFM, Senior Planner

**DATE:** July 15, 2015



**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** I-5, Business Park District

**TO:** C-2, Neighborhood Shopping District

**APPLICANT:** Scenic Crossing, LLC – Neil W. Horton, Manager

**ADDRESS:** 3629 Vanesta Drive, Manhattan, KS 66503

**OWNERS/ ADDRESS** Scenic Crossing, LLC – Neil W. Horton, Manager  
3629 Vanesta Drive, Manhattan, KS 66503

City of Manhattan – Ron Fehr, City Manager  
1101 Poyntz Avenue, Manhattan, KS 66502

**LEGAL DESCRIPTION:** An unplatted tract of land in the southwest corner of Section 10, Township 10 South, Range 4 East. For the purposes of the request, the subject site shall be referred to as Tract 3. (Tract 1 will refer to a request to rezone an area to R-1, Single-Family Residential District. Tract 2 will refer to a rezoning request for an area to R-2, Two-Family Residential District).

**LOCATION:** Generally located to the northeast of the intersection of Kimball Avenue/Scenic Drive and Anderson Avenue.

**AREA:** Rezoning site: 11.67 acres  
Total subdivision: 24.4 acres

**DATE OF NEIGHBORHOOD MEETING:** April 23, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** July 13, 2015

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 3, 2015  
**CITY COMMISSION:** August 18, 2015

*The Rezoning request is part of a larger development that includes requests to Rezone additional tracts to R-1, Single-Family Residential District, and R-2, Two-Family Residential District and Preliminary Plat the land. Please refer to those Staff Reports for additional information.*

## **THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** Vacant land and a 45,513 square foot portion of the Kimball Avenue and Anderson Avenue right-of-way (*The City of Manhattan has agreed to participate in the Rezoning and Preliminary Plat requests. Final Approval of the vacation of the ROW will be finalized by the City Commission*)

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site generally slopes from the northwest to the southeast. The north and east portion of the site is comprised of steep slopes. The remainder of the site is relatively flat.

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

**NORTH:** Large lot, single-family residential neighborhood; R, Single-Family Residential District

**SOUTH:** Anderson Avenue, a two-lane arterial road with a rural cross-section, business professional office development and multiple-family development; C-2, Neighborhood Shopping Center, Stone Creek Commercial PUD, Planned Unit Development District, R-3, Multiple-Family Residential District and Pebblebrook Residential PUD, Planned Unit Development.

**EAST:** Large lot, single-family residential neighborhood; R, Single-Family Residential District

**WEST:** Kimball Avenue, a two-lane arterial road with a rural cross-section; vacant land, two-family neighborhood and multiple-family neighborhood; C-2, Neighborhood Shopping Center, R-2, Two-Family Residential District and Four Winds Residential PUD, Planned Unit Development.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of large lot single-family homes, two-family homes and multiple-family developments and commercial uses. The land surrounding the Kimball Avenue, Anderson Avenue, Scenic Drive intersection is generally vacant.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently zoned I-5, Business Park District, which is designed to encourage administrative, research and assembly activities in a setting that is compatible with surrounding or abutting residential districts. The district should generally be located along major streets and can be used as a transitional zone between residential areas and other districts. The

site meets the minimum lot area, width and length requirements for the district. Although the site exceeds the minimum requirements of the I-5 District, the market demand for such a use may not be available. The site has been zoned I-5 District since 1981 and no development has occurred on the site since that time.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed Preliminary Plat (*see Preliminary Plat Memorandum*) shows several large lots at the corner of Kimball Avenue and Anderson Avenue to be C-2 District. No types of uses are proposed for the C-2 zoned lots at this time. On the north and east boundaries of the development will be single-family dwellings to be rezoned to R-1, Single-Family Residential District. The Preliminary Plat shows land near the center of the development to be rezoned to R-2, Two-Family Residential District and to be developed into single-family attached dwellings.

An increase in light, noise and traffic is anticipated from the proposed development compared to the current vacant tract. All of the traffic will be onto the adjacent arterial roadways to the south and west. No vehicular connection is proposed into the adjacent neighborhoods. The proposed roadway improvements and traffic analysis is discussed in the Preliminary Plat Memorandum.

The C-2 District lots are situated near the intersection Kimball Avenue/Scenic Drive and Anderson Avenue. Properties immediately adjacent to major intersection and the location of Tract 3 are zoned for commercial uses. Nearby residential lots in the Wyndham Heights and Greystone Neighborhoods are proposed to be buffered by proposed residential zoned lots in Tract 1 and Tract 2. In addition to the buffering by the lower intensity of the residential uses, a majority of these nearby residential properties are elevated over 20 feet above the C-2 District rezoning site. Rezoning Tract 3 to C-2 District should not adversely impact adjacent properties.

The applicant held a neighborhood meeting on April 23, 2015. According to the meeting summary, 24 people attended the meeting. The majority of the meeting attendees were neighbors from the north and east. Meeting attendees were encouraged to submit comment sheets regarding the proposed Rezoning and Preliminary Plat requests (*see attached*). No meeting attendees specifically opposed the rezoning requests. Several comments were supportive of the proposed development. Others asked questions of a how the development will handle vehicular traffic and the treatment of pedestrian connectivity from the proposed development to the surrounding neighborhoods. These 2 issues are addressed in the Preliminary Plat Memorandum.

**7 COMPREHENSIVE PLAN:** The site is shown on the Southwest Future Land Use map of the 2015 Update to the Comprehensive Plan as Residential Medium to High Density (RMH), with a Future Neighborhood Commercial Center Commercial/Mixed Use designation at the intersection of the Kimball Avenue/Scenic Drive and Anderson Avenue. Policies for the RHM and CMU Future Land Use designations include:

***RMH-1: Characteristics***

*The Residential Medium to High Density designation should 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 compatible with the area's residential characteristics and in conformance with policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.*

***RMH-2: Appropriate Density Range***

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

***RMH-3: Location***

*Locate Residential Medium to High Density neighborhoods close to an arterial street and bounded by collector streets where possible, with a direct connection to work, shopping, transit, and recreational activities. The Residential Medium to High Density designation includes some of the older neighborhoods in the core area of the City as well as portions of newer planned neighborhoods outside of the core area.*

***RMH-4: Variety of Housing Styles***

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development, particularly when a single housing type (e.g., small-lot single-family or duplexes) is prevalent.*

***CMU-1: Activity Centers***

*Concentrate commercial services and other complementary uses—entertainment, recreation, employment, and residential—within planned activity centers, or compact nodes, that are located throughout the community. This pattern is intended to promote “one-stop shopping,” minimize the need for cross-town vehicle trips, preserve the residential character of many of the major street corridors throughout the community, and help prevent the negative impacts caused by linear strip commercial configurations with*

*multiple access points along a corridor. The general locations of proposed Future Community Commercial or Neighborhood Commercial Centers are identified on the Future Land Use map. The precise location, size, overall mix of uses, and configuration of these centers is intended to be flexible and should be determined as specific developments are proposed considering changing market conditions, surrounding development context, and the need for economic sustainability.*

***CMU-2: Revitalization of Existing Centers***

*Encourage the revitalization and/or redevelopment of underutilized centers over time to take advantage of existing infrastructure and promote the efficient use of available land. Support the integration of a broader mix of uses as part of revitalization efforts, including residential to promote vitality and increase housing options within the community.*

***CMU-3: Promote a High Quality Urban Environment***

*Promote a high quality urban environment in commercial and mixed-use developments, as expressed by site layout, building materials and design, landscaping, parking area design, and pedestrian-oriented facilities, such as through use of design guidelines.*

***CMU-4: Mixed-Use Development***

*Encourage mixed-use development—both vertically and horizontally mixed use, as appropriate, given the surrounding development context and market demand—through the revitalization of aging and/or underutilized centers and corridors as well as part of new commercial/mixed-use centers.*

***CMU-5: Pedestrian Access and Orientation***

*Design Commercial/Mixed-Use sites with an emphasis on the character and safety of the pedestrian realm:*

- Bring buildings close to the street;*
- Avoid uninterrupted expanses of parking and organize larger parking lots as a series of smaller blocks divided by landscaping and pedestrian walkways;*
- Distribute parking areas between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible;*
- Consider shared parking opportunities; and*
- Provide clear pedestrian connections with generous sidewalk widths, low-level lighting, and outdoor gathering spaces.*

***CMU-6: Community Facilities***

*Incorporate public plazas, libraries, parks, common areas, and other community facilities, into centers where appropriate to serve the needs of neighborhood residents. Encourage creative approaches to the design of community facilities in centers to reinforce the more*

*compact nature of their surroundings and integrate them with other uses. Support shared use facilities (e.g. library/coffee shop/community meeting rooms) as a means to promote efficiency and increase hours of activity.*

**CMU-7: Multi-Modal Connectivity**

*Ensure Commercial/Mixed-Use areas are served by a system of collector and local streets, as well as sidewalks and pedestrian and bicycle pathways, which provide connectivity to surrounding neighborhoods, adjacent employment areas, and existing or planned transit services.*

The overall proposal for the development is a mixed-use development consisting of commercial lots for a small shopping center and single-family attached and single-family detached lots. The layout of the subdivision creates a stepped reduction of the intensity of uses from the more intense commercial uses near the intersection Anderson Avenue and Kimball Avenue/Scenic Drive to the single-family detached lots near the existing single-family neighborhood to the north and east. The total density of the residential portion of the development is 2.76 dwelling units per acre. The single-family detached portion has a density of 1.99 dwelling units per acre. The single-family attached section of the development has a density of 5.19 dwelling units per acre. The layout is consistent principles of the RMH and CMU. The proposed Rezoning conforms to the Manhattan Area 2035 Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The rezoning site has remained vacant for an undetermined time. The site was annexed into the City in 1981 (Ordinance No. 3872) and rezoned to I-5, Business Park District. According to the applicant, the original plan for the area was for a medical office complex. The most recent activity on the site has a quarry for stone and dirt for construction projects in the area.

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

The intent and purpose of the Manhattan 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 rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations and C-2 District because proposed lot sizes conform to the minimum requirements of the C-2 District for single-family dwelling units. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

C-2, Neighborhood Shopping District is designed to provide a broad range of retail shopping facilities and services located to serve one or more residential areas. The minimum lot area requirement for the C-2 District is 15,000 square feet. The 4 C-2 District lots shown on the Preliminary Plat range in lot size from 36,592 square feet to 222,366 square feet. The proposed lots conform to the requirements of the C-2 District.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. There are no expected adverse affects on the public health, safety and welfare as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the rezoning site, subject to approval of the Preliminary Plat of Scenic Crossing.

**12. OTHER APPLICABLE FACTORS:**

*Notice of Potential Impact Due to Military Training FORT RILEY*

**THE CITY OF MANHATTAN AND OTHER SURROUNDING LOCAL GOVERNMENTS HAVE ENTERED INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH FORT RILEY THAT OUTLINES RESPONSIBILITIES BETWEEN MUNICIPALITIES AND FORT RILEY RELATED TO COMMUNICATION ON PLANNING AND DEVELOPMENT ACTIVITIES THAT ARE WITHIN THE “Critical Area” and the Fort Riley “Army Compatible Use Buffer” area.** This is a requirement of State statue K.S.A. 12-773 that was passed in 2010. The Critical Area is a combination of several boundaries, including: the most recently identified Land Use Planning Zone (LUPZ) which is a noise impact area associated with explosives and large arms operations/training; the area within one (1) statute mile of the installation boundary; the area within a portion of the helicopter flight route buffer near the northwest corner of Fort Riley; and, the area between such helicopter flight route buffer and the installation boundary of Fort Riley (*see map*). For proposed developments located within the Critical Area, City Administration is required to notify the Fort for comment. Specifically, City Administration provides the following notifications:

*Attachment No. 8*

- Provide written notice to the commander of Fort Riley of each development proposal which affects any portion of the Critical Area or any portion of the Fort Riley Army Compatible Use Buffer area outside of the Critical Area to provide the commander of Fort Riley an opportunity to assess any impact and coordinate issues with planning staff.
- Provide a “Notice of Potential Impact” to each individual receiving a construction permit for improvements within the Critical Area, which reads as follows:

“The property for which this permit is issued is situated in an area that may be subjected to conditions resulting from military training at a nearby military installation. Such conditions may include the firing of small and large caliber weapons, the over flight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the use of generators and other accepted and customary military training activities. These activities ordinarily and necessarily produce, noise, dust, smoke and other conditions that may not be compatible with the permitted improvement according to established federal guidelines, state guidelines or both.”

**CITY ADMINISTRATION NOTIFIED FORT RILEY ABOUT THE PROPOSED REZONING AND PRELIMINARY PLAT OF SCENIC CROSSING. THE FORT ENCOURAGES USE OF NOISE DISCLOSURE AND NOISE REDUCTION MEASURES IN HOMES. CITY ADMINISTRATION WILL PROVIDE THE “Notice of Potential Impact” on building permits for this subdivision.**

- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Tract 3 of the proposed Scenic Crossing development from I-5, Business Park District to C-2, Neighborhood Shopping District, based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Tract 3 of the proposed Scenic Crossing development, from I-5, Business Park District to C-2, Neighborhood Shopping District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.



**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Tract 3 of the proposed Scenic Crossing development from I-5, Business Park District to C-2, Neighborhood Shopping District, based on the findings in the Staff Report.

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

**DATE:** July 15, 2015

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