



***MINUTES
CITY COMMISSION MEETING
TUESDAY, DECEMBER 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, Michael L. Dodson, and Wynn Butler were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Interim City Attorney Katharine Jackson, City Clerk Gary S. Fees, 8 staff, and approximately 25 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor McCulloh proclaimed December 9, 2015, *Sock It To 'Em Work Day*. Regina Schroeder, Sock Ambassador, was present to receive the proclamation.

PUBLIC COMMENTS

Mayor McCulloh opened the public comments.

Richard Gehring, Co-Pastor, Manhattan Mennonite Church, informed the Commission that he and eight of his clergy colleagues were concerned regarding discrimination related to sexual orientation and gender identity. He stated that neither sexual orientation or gender identity justify discrimination in employment, housing or public accommodation. He stated that religion is often cited as justification for discrimination against lesbian, gay, bisexual, and transgender people. He said our religious values oppose such bias and judgment, encouraging instead adherence to the principle of love for neighbor. He said while same sex marriage is now legal, there are still areas in equality that need to be addressed. He cited the lack of federal and state laws prohibiting discrimination practices and referred to the City of Manhattan hiring policy that prohibits discrimination of City

PUBLIC COMMENTS (CONTINUED)

employees due to sexual orientation, but stated that more needs to be done. He urged attention and protection from the City Commission on this issue. He stated that the churches and pastors that have signed on to this statement include First Christian Church, Senior Pastor Paul Allen; First United Methodist Church, Pastor Troy Bowers, Pastor Patrick McLaughlin, and Pastor Melanie Martin; Ecumenical Campus Ministries, Pastor David Jones; Manhattan Mennonite Church, myself (Co-Pastor Richard Gehring) and Co-Pastor Barbara Krehbiel Gehring; Unitarian Universalist Fellowship of Manhattan, Reverend Jonalu Johnstone; and First Congregational United Church of Christ, Reverend Caela Simmons Wood.

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

COMMISSIONER COMMENTS

Commissioner Reddi informed the community that the deadline for the Martin Luther King essay contest is December 5, 2015, and encouraged everyone to participate. She thanked all volunteers and City employees that worked during the Thanksgiving holiday to keep the streets safe. She stated that if anyone would like to volunteer for snow removal to go to the City's website and sign-up for the City Snow Partners program. Finally, she said for those who did not have an opportunity to shop locally due to the poor weather last weekend, to please shop locally this weekend.

Mayor McCulloh stated that she attended the Festival of Lights event at the Blue Earth Plaza on Friday, November 27, 2015, and encouraged citizens to shop locally and support the local businesses. She thanked Old Chicago and their staff for hosting the wonderful Community Thanksgiving Meal with the Flint Hills Breadbasket and expressed her appreciation to the many vendors and volunteers that made this possible. She invited the community to join her on Friday, December 4, 2015, for the Mayor's Spirit of the Holidays Lighted Parade and Tree Lighting. She said the parade will begin at 5:30 p.m. at the Manhattan Town Center and will end in Aggieville, immediately followed by the annual tree lighting event in Triangle Park. She said the parade will include several bands, stated that carts from the Flint Hills Breadbasket will be along the parade route to collect canned good items, and said that the City Commissioners will be riding in Old Engine One which was decorated by Commissioner Butler. She also stated that the judges for the parade this year are former Manhattan mayors Ed Klimek, Tom Phillips and Bruce Snead.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 17, 2015.

CLAIMS REGISTER NO. 2805

The Commission approved Claims Register No. 2805 authorizing and approving the payment of claims from November 11, 2015, to November 24, 2015, in the amount of \$2,514,934.89.

LICENSE

The Commission approved a Merchant Guard Agency License for calendar year 2016 for AlliedBarton Security Services LLC, 161 Washington Street, Suite 600, Conshohocken, Pennsylvania; and Securitas Security Services USA, Inc, 3641 Southwest Plass Avenue, Suite 150, Topeka, Kansas; an annual Cereal Malt Beverages On-Premises License for K-State Student Union, 305 K-State Student Union; and an annual Cereal Malt Beverages Off-Premises License for Walgreens #07060, 325 Bluemont Avenue; and Walgreens #12814, 2719 Anderson Avenue.

* **NONCONFORMING USE ISSUES – DOWNZONE – EAST OF CITY PARK**

Commissioner Butler stated that he would support the item and this also includes directing City staff to schedule a Work Session in early 2016 to further develop approaches to address the issues created by nonconforming uses especially in regard to the area east of City Park which is being downzoned. He stated that the Work Session is a step in the right direction to address these concerns.

Ron Fehr, City Manager, stated that a City Commission Work Session was planned for Tuesday, January 12, 2016, to discuss the item and present alternatives.

Richard Hill, representing the Manhattan Landlords Association, 3513 Stagecoach Circle, requested that the City Commission look at an amnesty program for rental properties that no longer conform. He said this would reduce the amount of staff time required to look up property records and reduce time for property owners having to get all the information. He stated that if the property is now on the tax roll as a multi-family, it should be given amnesty, which would grandfather the property.

The Commission directed staff to schedule a work session or discussion item early in 2016 to further develop approaches to address the issues created by nonconforming uses, especially in regard to the area east of City Park which is being downzoned.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 7179 – DOWNZONE – EAST OF CITY PARK**

Commissioner Butler stated that he would support the item and this also includes directing City staff to schedule a Work Session in early 2016 to further develop approaches to address the issues created by nonconforming uses especially in regard to the area east of City Park which is being downzoned. He stated that the Work Session is a step in the right direction to address these concerns.

Ron Fehr, City Manager, stated that a City Commission Work Session was planned for Tuesday, January 12, 2016, to discuss the item and present alternatives.

Richard Hill, representing the Manhattan Landlords Association, requested that the City Commission look at an amnesty program for rental properties that no longer conform. He said this would reduce the amount of staff time required to look up property records and reduce time for property owners having to get all the information. He stated that if the property is now on the tax roll as a multi-family, it should be given amnesty, which would grandfather the property.

The Commission approved Ordinance No. 7179 rezoning 142 parcels, generally bounded by North 11th Street on the west; North Juliette Avenue on the east; the alley north of Poyntz Avenue on the south; and on the north by Osage Street between North 11th and North 9th Streets, and the alley north of Osage Street between North 9th Street and North Juliette Avenue, from R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay District, to R-1/TNO, Single-Family Residential District with Traditional Neighborhood Overlay District, based on the findings in the Staff Report (*See Attachment No. 1*) and the recommendation of the Planning Board.

ORDINANCE NO. 7180 – ISSUE INDUSTRIAL REVENUE BONDS – GTM SPORTSWEAR, INC.

The Commission approved Ordinance No. 7180 issuing \$1.7 million in Industrial Revenue Bonds for GTM Sportswear, Inc., for the purpose of acquiring, constructing, expanding, and equipping the company's existing manufacturing facility located at 520 McCall Road.

ORDINANCE NO. 7181 – AMEND – WATER RATES AND KANSAS ONE CALL FEE

The Commission approved Ordinance No. 7181 amending applicable sections of Chapter 32 of the Code of Ordinances increasing water rates by 3% and the Kansas One Call Fee to \$0.85, as recommended, and clarifying the water rates and connection fees to be paid for facilities owned by Kansas State University, effective January 1, 2016.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7182 – AMEND – SEWER RATES

The Commission approved Ordinance No. 7182 amending applicable sections of Chapter 32 of the Code of Ordinances increasing sewer rates by 3% as recommended, clarifying the sewer rates and connection fees to be paid for facilities owned by Kansas State University, and clarifying the basis for allowing for the reduction of sewer use charges for non-residential users, effective January 1, 2016.

ORDINANCE NO. 7183 – AMEND – NO PARKING ANY TIME – NORTH DELAWARE AVENUE

The Commission approved Ordinance No. 7183 amending Chapter 31 of the Code of Ordinances to include additional “No Parking Any Time” zones to include sections along North Delaware Avenue from Sunset Avenue to Sunset Lane intersection.

ORDINANCE NO. 7184 – AMEND – WHITE ZONE PARKING PERMIT ZONE – NORTH DELAWARE AVENUE

The Commission approved Ordinance No. 7184 amending sections of the “White Zone Parking” to include sections along North Delaware Avenue from Sunset Avenue to Sunset Lane intersection.

RESOLUTION NO. 120115-A – REVISED PETITION – LEE MILL HEIGHTS, UNIT 10 – SANITARY SEWER IMPROVEMENTS (SS1512)

The Commission found the amended petition sufficient, and approved Resolution No. 120115-A, in the amount of \$231,287.00, rescinding Resolution No. 081815-H and finding the project advisable and authorizing construction for the Lee Mill Heights, Unit 10, Sanitary Sewer Improvements (SS1512) project.

RESOLUTION NO. 120115-B – REVISED PETITION – LEE MILL HEIGHTS, UNIT 10 – WATER IMPROVEMENTS (WA1512)

The Commission found the amended petition sufficient; and approved Resolution No. 120115-B, in the amount of \$95,073.00, rescinding Resolution No. 081815-G, and finding the project advisable and authorizing construction for the Lee Mill Heights, Unit 10, Water Improvements (WA1512) project.

RESOLUTION NO. 120115-C – REVISED PETITION – LEE MILL HEIGHTS, UNIT 10 – STREET IMPROVEMENTS (ST1509)

The Commission found the amended petition sufficient, and approved Resolution No. 120115-C, in the amount of \$437,133.00, rescinding Resolution No. 081815-F, and finding the project advisable and authorizing construction for the Lee Mill Heights, Unit 10, Street Improvements (ST1509) project.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 120115-D – PETITION – LEE MILL HEIGHTS, UNIT 10 – STORMWATER IMPROVEMENTS (SM1513)

The Commission found the petition sufficient; and approved Resolution No. 120115-D, in the amount of \$54,806.00, finding the project advisable and authorizing construction for the Lee Mill Heights, Unit 10, Stormwater Improvements (SM1513) project.

AGREEMENT – PROFESSIONAL ENGINEERING SERVICES – WATER TREATMENT PLANT IMPROVEMENTS (WA1403, CIP #WA0159 and WA121E)

The Commission authorized the Mayor and City Clerk to execute an agreement for professional engineering services in an amount not to exceed \$623,121.00 with Carollo Engineers, of Kansas City, Missouri, for the Water Treatment Plant Improvements Project (WA1403, CIP #WA015P and WA121E).

AWARD CONTRACT – POYNTZ AVENUE PUMP STATION REINFORCED CONCRETE BOX (RCB) EXTENSION (SM1309)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$690,317.00; awarded a construction contract, in the amount of \$561,645.50, to Middlecreek Corporation, of Peabody, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Poyntz Avenue Pump Station Reinforced Concrete Box (RCB) Extension (SM1309) project.

CONTRACT AMENDMENT NO. 3 – ENGINEERING SERVICES - POYNTZ AVENUE PUMP STATION REINFORCED CONCRETE BOX (RCB) EXTENSION (SM1309)

The Commission approved Contract Amendment No. 3 with AMEC Foster Wheeler, of Topeka, Kansas, for additional construction engineering services, in an amount not to exceed \$18,529.50, and authorized the Mayor and City Clerk to execute Contract Amendment No. 3.

FIRST READING - ISSUE GENERAL OBLIGATION BONDS - POYNTZ AVENUE PUMP STATION REINFORCED CONCRETE BOX (RCB) EXTENSION (SM1309)

The Commission approved first reading of an ordinance issuing bonds to pay for the Poyntz Avenue Pump Station Reinforced Concrete Box (RCB) Extension (SM1309) project.

CONSENT AGENDA (CONTINUED)

AGREEMENT – ESRI SMALL GOVERNMENT TERM ENTERPRISE LICENSE

The Commission authorized City Administration to execute the ESRI Small Government Term Enterprise License Agreement for GIS services in the amount of \$50,000.00 per year for a term of three years (2016-2018).

PURCHASE – MOWER – SUNSET ZOO (CIP #SZ001E)

The Commission approved the purchase of the 725DT Grasshopper mower for the Sunset Zoo from Morige Manufacturing, of Moundridge, Kansas, in the total amount of \$23,579.25 (\$22,289.25 for base bid and \$1,290.00 for the optional remote leaf and debris vacuum system), to be paid from the Special Parks and Recreation Fund (CIP #SZ001E).

BOARD APPOINTMENTS

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

Cemetery Board

Re-appointment of Patrick Gormely, 434 Wickham Road, to a three-year term. Mr. Gormely's term will begin and will expire January 1, 2016.

Special Alcohol Funds Advisory Committee

Appointment of Gabrielle Thompson, 1009 Karla Lane, to a three-year term. Ms. Thompson's term will begin and will expire June 30, 2018.

After discussion and comments from the Commission, Commissioner Reddi moved to approve the consent agenda. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA

FIRST READING - AMEND FINAL DEVELOPMENT PLAN - STONECREEK PLANNED UNIT DEVELOPMENT (PUD)

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission regarding the proposed signage and directional sign opportunities in the PUD.

Mayor McCulloh opened the public comments.

GENERAL AGENDA (CONTINUED)

FIRST READING - AMEND FINAL DEVELOPMENT PLAN - STONECREEK PLANNED UNIT DEVELOPMENT (PUD) (CONTINUED)

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion and comments from the Commission, Commissioner Dodson moved to approve first reading of an ordinance amending Ordinance No. 6388 and the Final Development Plan of the Stonecreek Planned Unit Development, generally located southeast of the intersection of Scenic Drive and Anderson Avenue, as proposed, based on the findings in the Staff Report (*See Attachment No. 2*), with the one (1) condition of approval. Commissioner Butler seconded the motion. On a roll call vote, motion carried 4-0.

REJECT PETITION; RESOLUTION NO. 120115-E - SET PUBLIC HEARING DATE - SANITARY SEWER IMPROVEMENTS BETWEEN HOUSTON STREET AND PIERRE STREET WEST OF 17TH STREET

Rob Ott, Director of Public Works, presented background information on the proposed sanitary sewer improvements and discussed existing conditions; presented maps showing Option A-Sanitary Sewer Main Plan (*See Attachment No. 3*) and Option B-All Within Rights-of-Way (*See Attachment No. 4*); highlighted neighborhood meetings held in 2009 and in 2014; and discussed the petition and projected costs for construction, design and inspection, easements, with a total cost estimate of \$160,500.00. He also presented a district parcels map (*See Attachment No. 5*) with property owners that indicated no or yes on the petition that was submitted and amortization cost scenarios projected for property owners. He then responded to questions from the Commission regarding the petition, slope of the area, size of the existing sewer lines and standard sewer line size for residential areas, and cost considerations to acquire the necessary easements for the project.

Brian Johnson, City Engineer, provided additional information on the existing sanitary sewer lines and meetings with several of the property owners.

Rob Ott, Director of Public Works, responded to additional questions from the Commission regarding the number of owner-occupied homes versus those that are renting in the proposed improvement area. He also discussed the associated costs anticipated for each property owner.

Ron Fehr, City Manager, provided clarification on the proposed costs.

Rob Ott, Director of Public Works Ott, responded to questions from the Commission. He provided information about the additional connection charges, existing conditions and challenges associated with not being able to use the sewer camera to better evaluate the existing sewer lines.

GENERAL AGENDA (CONTINUED)

REJECT PETITION; RESOLUTION NO. 120115-E - SET PUBLIC HEARING DATE - SANITARY SEWER IMPROVEMENTS BETWEEN HOUSTON STREET AND PIERRE STREET WEST OF 17TH STREET (CONTINUED)

Mayor McCulloh opened the public comments.

Kevin Cook, 216 S. 17th Street, informed the Commission that this project would require the City to bore under his existing driveway to fix the sewer line. He stated that he was not unsympathetic to the issue, but he had concerns as a homeowner and his neighbor also shared similar concerns. He said that he would incur a significant amount of the risk and inconvenience, with none of the benefit. He reiterated concerns in boring so close to the foundation and the potential to damage his driveway and retaining wall. He asked who would be responsible to pay if there is damage to his property. He stated that he wants to do things for the common good of the community, but has a responsibility to his family and to protect the investment of his home.

Geoffrey Kaufman, 1719 Houston Street, encouraged the Commission to move forward and establish a benefit district as soon as possible. He stated that it is important to understand that we are on borrowed time here and that the problem was discovered in 2009, which was six years ago. He stated it has been a long struggle to get participation from all the neighbors. He said that this issue is a potential crisis and could put tenants out of their apartments. He provided his experience dealing with the issue and encouraged the Commission to move forward with the public hearing and establish a benefit district. He responded to questions from the Commission and encouraged the City to help Mr. Cook with his concerns.

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

Brian Johnson, City Engineer, informed the Commission that he has talked with Mr. Cook and they may have a potential solution to place an insurance rider with the contractor in the event there is an issue, but this would need to be explored in more detail if this item goes to a construction contract.

Rob Ott, Director of Public Works, and Brian Johnson, City Engineer, provided additional information on the easements that would be necessary, presented a map of Mr. Cook's driveway and indicated the work that would be needed. They discussed the current condition and concerns with the sanitary sewer lines and the project costs.

Katie Jackson, Interim City Attorney, responded to questions from the Commission concerning liability and reiterated that private infrastructure is creating the issue.

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

GENERAL AGENDA (CONTINUED)

REJECT PETITION; RESOLUTION NO. 120115-E - SET PUBLIC HEARING DATE - SANITARY SEWER IMPROVEMENTS BETWEEN HOUSTON STREET AND PIERRE STREET WEST OF 17TH STREET (CONTINUED)

Rob Ott, Director of Public Works, informed the Commission that the total cost could change depending on how much the City spends on obtaining the necessary easements to fix the sewer lines. He also responded to questions from the Commission about the petitions received and the reason for the petition being invalidated.

After additional discussion and comments from the Commission, Commissioner Reddi moved to find the petition insufficient and reject same, and approve Resolution No. 120115-E setting January 5, 2016, as the date for a public hearing and the creation of the benefit district for the 1700 block between Houston Street and Pierre Street Sanitary Sewer Improvement Project (SS1204). Commissioner Butler seconded the motion. On a roll call vote, motion carried 4-0.

ADJOURNMENT

At 8:15 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. **EXISTING USE:** The existing use of the rezone area east of City Park is a mix of single-family, duplex and multiple-family dwellings, with the First Presbyterian Church at 801 Leavenworth Street.
2. **PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The rezoning area is generally flat with existing residential structures on ward lots with open yards, and mature trees. It is a traditional neighborhood grid street pattern with 400 foot by 315 foot blocks with alleyways running east and west through the blocks. Off-street parking for most properties is accessed mainly from alleyways. Sidewalks existing along both sides of all streets and are separated from the street by a landscaping strip.
3. **SURROUNDING LAND USE AND ZONING:**
 - NORTH:** Single-family dwellings, duplexes and multiple-family dwellings; R-3/M-FRO, Multi-Family Residential with Multiple-Family Redevelopment Overlay District; and R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay District
 - SOUTH:** Commercial, nonconforming gas station, some residences, offices, churches; C-1, Restricted Business District
 - EAST:** N. Juliette Avenue, Single-family dwellings, duplexes and multiple-family dwellings, offices, Woodrow Wilson Elementary; C-1, C-4, R-M/TNO
 - WEST:** N. 11th Street, City Park
4. **GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of single-family, duplex and multiple-family dwellings, offices and limited commercial uses with City Park directly west.
5. **SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The rezoning site consists of 142 lots from 3,772 square feet to 22,747 square feet in size with an average lot size of 8,128 square feet. All but nine lots conform to the minimum lot size requirements for single-family detached and all but 11 lots conform to minimum lot size for uses as allowed in the R-M zone.

The area is currently subject to the TNO, Traditional Neighborhood Overlay District standards. While the area is generally suitable for land uses under the existing R-M District zoning, which allows up to a 4-pex on a minimum 9,000 sq. ft. lot, the neighborhood has generally not utilized this zoning since it was implemented in 1987.

- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The Community Development Department analyzed current land uses, structure types and number of dwelling units in this R-M zoned neighborhood south of Bluemont Avenue as part of the Comprehensive Plan update. The purpose of this analysis was to identify those areas that still have a predominantly single-family character that could be stabilized and protected through down-zoning to the R-1 District. For each block US Census data was used to compare relevant factors such as ownership patterns, family structure and size. Housing conditions and neighborhood character were also analyzed to determine the area. In the proposed rezone area there are generally more family households, households with children under 18 and less population density than the neighborhood to the north.

The Traditional Neighborhood Overlay will remain in place with the rezone proposal and will not impact the nearby properties. Existing uses of nearby properties will not be adversely affected by the proposed R-1/TNO classification. The lower intensity of new residential uses established in the area under the proposed R-1, Single-Family Residential District, combined with the TNO District provisions for compatibility, should help to stabilize this area. This will help to reduce or eliminate potential impacts on the surrounding nearby properties.

At the Neighborhood Meeting conducted by the City on July 23, 2015, twenty-two owners and neighbors attended and discussed the rezone process, shortage of on-street parking, encroachment of higher density housing, property maintenance and non-conforming use regulations. It should be noted that Article VIII of the Manhattan Zoning Regulations addresses non-conformities and protects owner's rights to maintain legal non-conforming uses.

The proposed rezoning to the R-1 District with the TNO District will help to stabilize the existing single-family character for new infill residential buildings and additions or modifications to existing residential buildings and should help to increase homeowner reinvestments in the neighborhood by creating greater level of confidence through stabilization. The proposed rezoning should be compatible with the surrounding properties.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map of the recently updated and adopted 2015 Manhattan Urban Area Comprehensive Plan shows the area designated as RLM, Residential Low/Medium Density. This neighborhood was generally identified as an area to be down-zoned and stabilized during the 15-month public Comprehensive Plan update process. Policies of the RLM 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.

DURING THE COMPREHENSIVE PLAN UPDATE PROCESS THE IMPACT OF MEDIUM AND HIGH DENSITY HOUSING ON EXISTING NEIGHBORHOODS WAS ADDRESSED BY MODIFYING THE LAND USE DESIGNATIONS EAST OF CITY PARK TO REFLECT THE NEED TO PRESERVE THE EXISTING SINGLE-FAMILY STRUCTURES, WHILE INCREASING HOUSING DENSITY CLOSER TO THE K-STATE CAMPUS. THE NEIGHBORHOOD EAST OF CITY PARK HAS A RANGE OF HOUSING TYPES SURROUNDED BY SUPPORTING LAND USES SUCH AS SCHOOLS, PARKS, CHURCHES AND COMMERCIAL SERVICES, AND MEETS THE COMPREHENSIVE PLAN RLM POLICIES FOR CHARACTER, DENSITY RANGE, LOCATION AND HOUSING STYLES.

THE OLDER NEIGHBORHOODS PRESENT UNIQUE OPPORTUNITIES AND CHALLENGES FOR INFILL HOUSING AND REDEVELOPMENT, AS WELL AS STABILIZATION TO ADDRESS THE HOUSING NEEDS OF BOTH FAMILIES AND STUDENTS. THE COMPREHENSIVE PLAN IDENTIFIES THE TRADITIONAL NEIGHBORHOOD AREAS AS IMPORTANT LOCATIONS FOR HELPING TO ADDRESS SOME OF THE COMMUNITY’S HOUSING NEEDS. THESE AREAS ARE DESIRABLE DUE TO THEIR CENTRAL LOCATION IN THE COMMUNITY; THE LAND COSTS ARE GENERALLY LESS; AND THE INFRASTRUCTURE IS IN PLACE. THE LOWER ENTRY COSTS PRESENT OPPORTUNITIES FOR FAMILIES AND OTHERS WHO ARE LOOKING FOR MORE AFFORDABLE HOUSING OPTIONS. PROTECTING THE NEIGHBORHOOD CHARACTER THROUGH THE PROPOSED R-1/TNO REZONING WILL HELP ENSURE THAT THIS AREA IS STABILIZED, SO THAT FAMILIES FEEL COMFORTABLE LIVING AND INVESTING IN THIS AREA OF THE COMMUNITY.

THE PROPOSED REZONING TO R-1/TNO, Single-Family Residential District with Traditional Neighborhood Overlay CONFORMS TO THE POLICIES OF THE 2015 Manhattan Urban Area Comprehensive Plan and the Low/ Medium Density down-zone area generally identified on the Future Land Use map through the Comprehensive Plan update process. In addition, the rezoning implements one of the Action Plan items identified in Chapter 12, Table 10, to; “Finalize the boundary and down zone the residential area east of City Park identified on the Future Land Use map to facilitate increased stabilization of this neighborhood.”

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

1925 – 1940:	A, First Dwelling House: One and Two Family Dwellings
1940 - 1969:	B, Second Dwelling House: One and Two Family Dwellings, and Apartment Houses
1970 - 1987:	R-3, Multiple-Family Residential District
1987 - 2004:	R-M, Four-Family Residential District
2004 - Present:	R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay

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 insure compatibility; and to protect property values.

The proposed R-1/TNO District is designed to provide a residential district at a density no greater than one dwelling unit per 6,500 square feet. This proposed classification will help to reduce the possible intensity of new construction in the area and help to stabilize and revitalize the predominantly single family character.

The existing TNO District will remain in conjunction with the underlying district to conserve the traditional character of this older neighborhood through its Compatibility Standards. The TNO District maintains most of the requirements of the underlying zoning district and adds the Compatibility Standards, specifically designed to address the issues unique to the older neighborhoods of Manhattan. The Compatibility Standards require that new infill residential buildings, and additions or modifications to existing residential buildings, incorporate basic design and site layout elements characteristic of homes in the traditional neighborhoods.

Nonconforming Uses: Article VIII of the Zoning Regulations addresses nonconforming uses. Section 8-405 (E) provides for reconstruction of legally existing nonconforming residential properties as follows:

“When any residential dwelling, or dwellings, located in a residential district are legally nonconforming and are damaged or destroyed by any means, other than the willful act of the owner, such structure may be restored so that such use may continue if a building permit is issued and restoration is begun within one (1) year of the damage, is diligently pursued to completion, and no greater number of living units are provided than existed prior to the damage and no greater nonconformity exists than existed prior to the damage.”

Article VIII also addresses issues such as normal maintenance and repair, and modifications other than normal maintenance and repair, such as expansion of the dwelling or modernization of the building. Normal maintenance and incidental repair of a structure, which does not expand, enlarge or increase the degree of the legal nonconformity, are allowed. Normal maintenance and incidental repair of a structure may include the replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing.

Attachment No. 1

In addition, as per Section 8-501, any legally nonconforming use can utilize the Conditional Use process to apply to modify the nonconforming use, through the public hearing process with the Board of Zoning Appeals.

The proposed rezoning is consistent with 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 update process, the analysis and extensive public discussion concluded that the benefits of this down-zoning could have positive impact on neighborhood stabilization, similar to the 2004 down-zoning on the west side of City Park. Since the 2004 down-zoning west of City Park, that neighborhood has seen significant reinvestment and the property owner occupancy rate is 43%. In contrast, on the east side of City Park in the R-M District the owner occupancy rate is 28%. This low ownership rate combined with uncertainty presented by the R-M District, may be preventing reinvestment east of City Park where there was only four new structures and six building conversions from 2003 to 2014.

Denial of this rezoning proposal would realize no relative gain to the public health, safety and welfare. The intent of the rezoning to the proposed R-1/TNO classification is to stabilize and strengthen the lower intensity single-family and traditional neighborhood characteristics of this area, and to reduce uncertainty and the potential development intensity from what is possible under the current R-M District zoning. Denial of the request would likely promote continued destabilization of this area.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

Adequate public streets, sanitary sewer and water are available to serve the area. There are sidewalks throughout the area. Public alleys are available for access for off-street parking to serve most of the area. No public improvements are required as a part of the rezoning.

The proposed rezoning would limit potential future intensification, which will ensure continued long-term adequacy of public facilities and services.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS: This down-zoning implements one of the Action Plan items listed in Chapter 12 in the recent update of the Comprehensive Plan, to stabilize and reduce the potential density in this neighborhood to help encourage homeowner reinvestment. City Administration recommends approval of the proposed rezoning,

Attachment No. 1

from R-M/TNO Four-Family Residential District with the Traditional Neighborhood Overlay District to R-1/TNO, Single-Family Residential District with the Traditional Neighborhood Overlay, based on the findings in the Staff Report. The area consists of 142 parcels located east of City Park on approximately ten and one-half blocks generally bounded by North 11th Street on the west; North Juliette Avenue on the east; the alley north of Poyntz Avenue on the south; and on the north by Osage Street between N. 11th and N. 9th Streets, and the alley north of Osage Street between N. 9th Street and N. Juliette Avenue.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of 142 parcels located east of City Park on approximately ten and one-half blocks, generally bounded by North 11th Street on the west; North Juliette Avenue on the east; the alley north of Poyntz Avenue on the south; and on the north by Osage Street between N. 11th and N. 9th Streets, and the alley north of Osage Street between N. 9th Street and N. Juliette 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 and provide further direction to City Administration.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of 142 parcels located east of City Park on approximately ten and one-half blocks generally bounded by North 11th Street on the west; North Juliette Avenue on the east; the alley north of Poyntz Avenue on the south; and on the north by Osage Street between N. 11th and N. 9th Streets, and the alley north of Osage Street between N. 9th Street and N. Juliette Avenue, from R-M/TNO Four-Family Residential District with the Traditional Neighborhood Overlay District to R-1/TNO, Single-Family Residential District with the Traditional Neighborhood Overlay, based on the findings in the Staff Report.

PREPARED BY: Lance Evans, AICP, Senior Planner

DATE: October 14, 2015

STAFF REPORT

AN AMENDMENT OF ORDINANCE NO. 6388 AND THE APPROVED FINAL DEVELOPMENT PLAN OF STONECREEK PLANNED UNIT DEVELOPMENT.

BACKGROUND

OWNER/APPLICANT: Travis Wymer–Advanced Dental Arts on behalf of the Stonecreek Business Center Association

ADDRESS: 4201 Anderson Avenue, Manhattan, KS 66503

REQUEST: Amend Ordinance No. 6388 of the Stonecreek Planned Unit Development (PUD) to allow one (1) pylon sign at the entryway to the PUD noting the name and address of the complex and a directory of the businesses within the complex.

LEGAL DESCRIPTION: Stonecreek Business Center Addition

DATE OF PUBLIC NOTICE PUBLICATION: Monday October 26, 2015

LOCATION: Southeast of the intersection of Scenic Drive and Anderson Avenue

AREA: Total area is 4.8 acres

DATE OF PUBLIC NOTICE PUBLICATION: Monday, October 26, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: November 16, 2015

CITY COMMISSION: Tuesday, December 1, 2015

EXISTING PUD

Ordinance

Ordinance No. 6388 rezoned the site from C-2, Neighborhood Shopping District to the Stone Creek PUD in February, 2004. The Ordinance approved the original signage plan for the PUD with the following note: “Project Sign shall be constructed of similar material and be of similar design to the existing Stone Creek Family Physicians sign and be illuminated by ground lighting.” The ordinance was approved with the following conditions of approval:

Attachment No. 2

1. Permitted uses shall be limited to the permitted uses listed in the C-2, Neighborhood Shopping District, except for air conditioning, heating and plumbing sales, automobile service stations, convenience stores with gas pumps, and laundry establishments, as per the Manhattan Zoning Regulations.
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. Except as noted, signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1), (2), (4), (5) (7) and (8); and Section 6-104 (B) (2); and, Section 6-104 (D) (1), of the Manhattan Zoning Regulations.

Permitted Uses

Ordinance No. 6388 approved permitted uses in the C-2, Neighborhood Shopping District, except for air conditioning, heating and plumbing sales, automobile service stations, convenience stores with gas pumps, and laundry establishments.

PROPOSED AMENDMENT

The applicant/owners have proposed to erect a new pylon sign located west of the entryway of the PUD noting the name, address and businesses within the PUD. In addition, Stone Creek Family Physicians (located directly east of the subject site on Lot1, Stonecreek Addition) is to be identified on the proposed pylon sign. The proposed sign will be approximately 14 feet tall and 11 feet wide, measured at the base. The pylon sign will consist of a stone base, similar to the existing landscaped island entry sign, and business identification panels each measuring 7.5 square feet in area. The proposed sign will be externally illuminated with ground lights. The name of the PUD "Stone Creek" and physical address will be located at the top of the pylon sign, measuring approximately 24 square feet in area. The total measurable area of the proposed pylon sign is approximately 104 square feet.

The proposed pylon sign is located within the common area, adjacent to the building on Lot 4. The application site plan shows the pylon sign sited approximately 10 feet from the property line to the north along Anderson Avenue.

**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 Planned Unit Development. The Stonecreek PUD is a professional office complex consisting of four buildings constructed in phases. The current PUD allows for business identification signage for individual buildings to be located internally within the existing off-street parking lot. These individual building identification signs have not been installed. The amendment is an attempt to include an overall signage plan for the current and future businesses within the PUD. According to the application documents, “The businesses of the Stonecreek PUD are easily accessible via the Anderson Avenue entrance however the current signage proposed position is not visible from the current Anderson Avenue traffic flow. The proposed amendment will allow visible signage to the Stonecreek PUD current businesses as well as those added in the future.”

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 applicant indicates that, “The proposed amendment is necessary also because of the West Anderson Avenue expansion planned in the near future. When the road is widened, the current signage area will not be visible and will not allow patrons to effectively see the businesses offered at the Stonecreek PUD.” The existing landscaped island entry sign identifies the general name of the development, “Stonecreek”. According to the applicant, patients and clients routinely have a difficult time locating the various offices within Stonecreek PUD. The West Anderson Avenue improvement project is likely to make locating the businesses more challenging for clients.

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 relative gain to the public health, safety, convenience or general welfare by providing better visual identification of businesses located within the Professional Place PUD. According to the applicant, “signage for the Stonecreek PUD will be visible several hundred feet before the Anderson Avenue entrance rather than at the last minute. Patrons to the businesses in the Stonecreek PUD will be able to locate these businesses more effectively and thus will result in better flow of traffic and less vehicular accidents in an attempt to get to their respective location.”

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

- 1. LANDSCAPING:** Landscaping consisting of lawn, deciduous, evergreen, ornamental, and existing trees. Other landscaping includes natural vegetation, including trees along Anderson Avenue and landscaped beds around each building. Underground irrigation is used to water landscaped areas.
- 2. SCREENING:** Outdoor storage/dumpster areas are located adjacent to the existing buildings and are screened with 6-foot sight obscuring screening. No significant changes are proposed with this development.
- 3. DRAINAGE: THE SITE DRAINS TO THE SOUTH TO WILDCAT CREEK TO A FOUR (4) FOOT BY SIX (6) FOOT STONE CULVERT UNDER CUMBERLAND ROAD THAT FLOWS IN A NATURAL CHANNEL TO WILDCAT CREEK. NO CHANGES ARE PROPOSED TO THE SITE THAT WOULD IMPACT THE DRAINAGE ON THE SITE OR IN THE IMMEDIATE AREA.**
- 4. CIRCULATION:** The circulation patterns throughout the Professional Place PUD parking lot are established. The location of the proposed pylon sign appears to avoid visual conflicts with vehicular and pedestrian traffic. The proposed amendment does not alter circulation or existing parking within the PUD.
- 5. OPEN SPACE AND COMMON AREA:** The open space and common areas are established within the PUD. The proposed amendment does not alter existing open space or common areas.
- 6. CHARACTER OF THE NEIGHBORHOOD:** The site is at the western edge of the existing City limits. It is located southeast of the intersection of Scenic Drive and Kimball Avenue, and Anderson Avenue intersections. Kimball Avenue is a major northern access route to the City, and Scenic Drive is a major southern route towards Manhattan Airport, Fort Riley and Junction City. Anderson Avenue extends to the west towards the cities of Keats and Riley, and into the City to the east. The adjacent section of Anderson Avenue is currently undergoing an improvement project to widen and improve the street to an urban section with sidewalks, curbs and gutters. The remainder of the neighborhood is characterized by a mix of low-density rural development and farmlands to the west, and multi-family apartments, single-family residential neighborhoods and parkland to the northeast and east. The site is in a growth corridor for the City of Manhattan.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The Stonecreek PUD includes a mix of Business and Professional Offices.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is partially developed with buildings, parking, and mature landscaped areas. There are two remaining lots that have yet to be improved with development. No significant changes are proposed with the amendment.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Anderson Avenue, undeveloped neighborhood commercial center, and single-family homes; C-2, Neighborhood Commercial District, R-2, Two-Family Residential District R-1, Single-Family Residential District, and R, Single-Family Residential District.

(b.) SOUTH: Cumberland Road, undeveloped agricultural land, Wildcat Creek,; County G-1, General Agricultural District.

(c.) EAST: Family Physicians medical office building, Cumberland Road, multiple-family apartment complex; C-2 District, and R-3, Multiple-Family Residential District.

(d.) WEST: Scenic Drive, and Blueville Nursery; County G-1, and County C-4, Highway Business District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The PUD has been in place since 2004, and is suitable for the uses permitted within the district.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed amendment is consistent with the existing PUD. The overall site will not change, only the proposed signage for the PUD. The materials and design used for the proposed pylon sign are compatible with the development. There should be no detrimental affects to the neighboring properties.

In addition, as part of the application process the applicants held a neighborhood meeting on September 28th. According to the neighborhood meeting report, all parties were in agreement with the proposed sign to be placed at the entrance of the Stonecreek PUD. The addition of the adjacent Stone Creek Family Physicians being a part of the sign was also favored by all parties that attended the meeting.

6. CONFORMANCE WITH COMPREHENSIVE PLAN: The Manhattan Urban Area Comprehensive Plan shows the site as Neighborhood Commercial Center (NCC), which is intended to provide a range of services for residential areas, including supermarkets, restaurants, convenience stores, drycleaners, drugstores, filling stations, smaller specialty shops, retail and health services, and business and professional offices. Sites are typically on a smaller scale (1-3 acres) and should be located at the intersection of arterial and collector streets. Main entrances should be integrated with the surrounding street network. Building materials should reflect the surrounding architectural character. In addition, the site is located in the West Anderson Corridor (WAC) Special Planning Area.

NCC policies include:

NCC-1: Characteristics

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

NCC-2: Location

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

NCC-3: Size

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

NCC-4: Circulation and Access

Integrate main entrances and driveways with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles. Provide clear, direct pedestrian connections between uses within the center, to the surrounding neighborhood, and to transit stops.

NCC-5: Transitions between Uses

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

West Anderson Corridor (WAC)

Background and Intent

The West Anderson Corridor is contiguous to the western boundary of Manhattan and is considered as an area for potential future growth. The scenic quality of the corridor is significant, defined by the Wildcat Creek Riparian area, which bounds its southern edge and by the lush agricultural lands that extend south from Anderson Avenue to the creek. The corridor will remain primarily rural in nature within the near-term or until such time as utility services are available. To the extent possible, both the scenic quality and availability of developable land within the corridor should be preserved. As the market for growth in the corridor emerges, compatibility with Fort Riley and specific recommendations made by the 2005 Flint Hills Joint Land Use Study are a key consideration.

Policies

WAC-1: Preservation of Wildcat Creek Riparian Corridor

Design land use patterns in the Wildcat Creek Corridor to protect natural features, including steep slopes, native vegetation, riparian corridors, streams, and wetlands, in accordance with the adopted Wildcat Creek Floodplain Management Plan.

WAC-2: Future Growth Area

The West Anderson Corridor is identified as a potential future growth area, dependent upon the timing, and availability of infrastructure and urban services. Evaluate development proposals within the West Anderson Corridor based upon their compatibility with the area’s potential for future urban development and the recommendations of the 2005 Flint Hills Joint Land Use Study. Discourage isolated parcels of development that will lead to fragmented patterns of urban development.

WAC-3: Future Neighborhood Services and Residential Development

The West Anderson Corridor provides potential for additional Neighborhood Commercial services and specialty stores in the vicinity of the Anderson Avenue–Scenic Drive intersection. Explore the provision of low to medium density housing along the south side of Anderson Avenue, transitioning to the riparian open space corridor, along Wildcat Creek.

WAC-4: Multi-modal Connectivity

As development opportunities emerge, explore and implement opportunities to enhance multi-modal connections between the West Anderson Corridor and existing multi-modal facilities in other parts of the Planning Area.

The proposed PUD amendment conforms to the Comprehensive Plan.

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

June 1, 1998	Manhattan Urban Area Planning Board recommends approval of annexation request.
June 16, 1998	City Commission approves first reading of annexation.
August 3, 1998	Manhattan Urban Area Planning Board tables public hearing on Concurrent Plats and rezoning, due to a lack of a quorum.
August 17, 1998	Manhattan Urban Area Planning Board recommends approval of rezoning from County G-1, General Agricultural District, to C-2, Neighborhood Shopping District, and approves the Final Plat of the Stone Creek Addition.
September 1, 1998	City Commission approves first reading of rezoning.
September 15, 1998	City Commission approves second reading of Ordinance Nos. 6030 and 6031, annexing and zoning the Stone Creek Addition and the adjacent Anderson Avenue and Cumberland Road rights-of-way; and accepts the easements and rights-of-way as shown on the Final Plat of the Stone Creek Addition.

Attachment No. 2

January 5, 2004	Manhattan Urban Area Planning Board recommends approval of the rezoning of Lot 2, Stone Creek Add, from C-2 District, to Commercial PUD.
January 20, 2004	City Commission approves first reading of the Stonecreek PUD.
February 3, 2004	City Commission approves Ordinance No. 6388, rezoning of Lot 2, Stone Creek Add, from C-2 District, to Commercial PUD.
March 1, 2004	Manhattan Urban Area Planning Board approves Phase 1 of the Final Development Plan and the Final Plat of Stonecreek Business Center Addition, a Replat of Lot 2, Stone Creek Addition.
March 16, 2004	City Commission accepts easements and rights-of-way of the Final Plat of the Stonecreek Business Center Addition.
May 15, 2006	Manhattan Urban Area Planning Board approves the Final Plat of Stonecreek Business Center Addition, Unit Two, a Replat of Lot 4, Stonecreek Business Center Addition.
June 6, 2006	City Commission accepts easements and rights-of-way of the Final Plat of the Stonecreek Business Center Addition, Unit Two

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.

Attachment No. 2

The addition of off-premise signage would generally not be consistent with the intent for signs within commercial PUDs, which the Manhattan Zoning Regulations suggest follow the C-2 District requirements. The zoning regulations states that:

“Off-Premise Signs. The following restrictions shall apply to all Off-Premise Signs.
(A) Permitted Districts: C-5, C-6, LM-SC, I-3, and I-4.”

Since the Stonecreek PUD and the adjacent development located on Lot1, Stonecreek Addition is considered to be a uniformed development, providing identification of businesses within both developments seems reasonable. City Administration is recommending a condition of approval to limit the off-premise signage. The proposed amendment is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT

DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: There appears to be no adverse affects on the public and no relative gain would be accomplished by denial. Denial of the amendment would be a hardship on the owner because no adverse effects on the public are expected.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public street, sewer, and water are available to serve the site and the proposed use.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed amendment of Ordinance No. 6388 and the approved Final Development Plan of Stonecreek Planned Unit Development, subject to the following condition of approval:

1. The proposed pylon sign shall be allowed to identify businesses located within the Stonecreek PUD and only the business and professional offices located on Lot 1, Stonecreek Addition.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 6388 and the approved Final Development Plan of Stonecreek Planned Unit Development, stating the basis for such recommendation, with the conditions listed in the Staff Report.

Attachment No. 2

2. Recommend denial of the proposed amendment of Ordinance No. 6388 and the approved Final Development Plan of Stonecreek Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

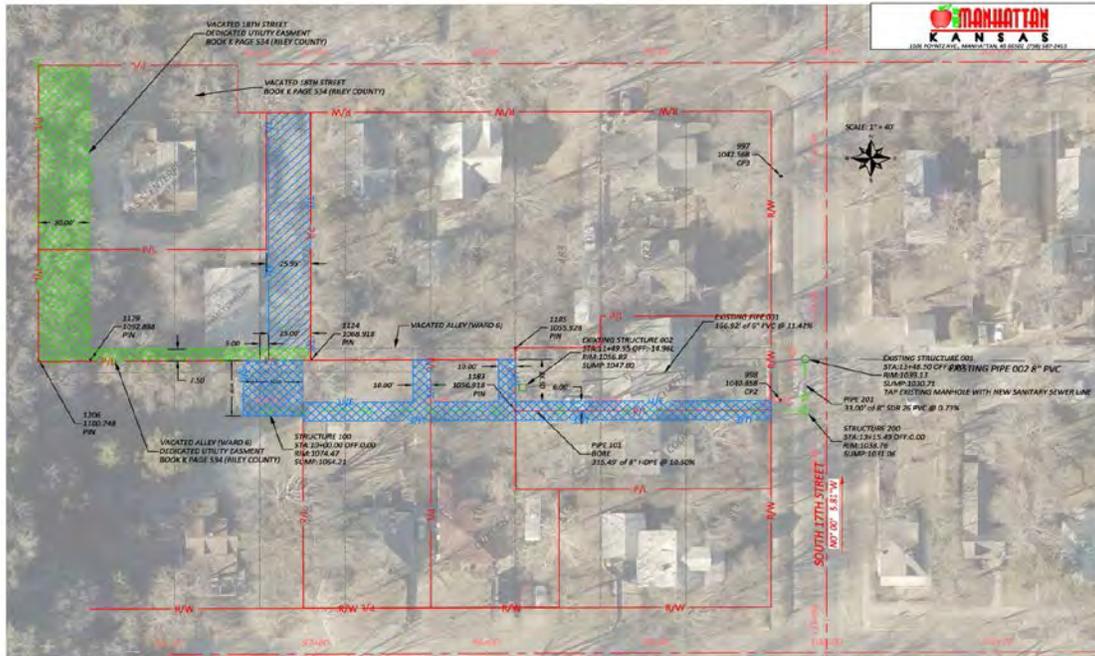
POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6388 and the approved Final Development Plan of the Stonecreek Planned Unit Development, based on the findings in the staff report, with the condition recommended by City Administration.

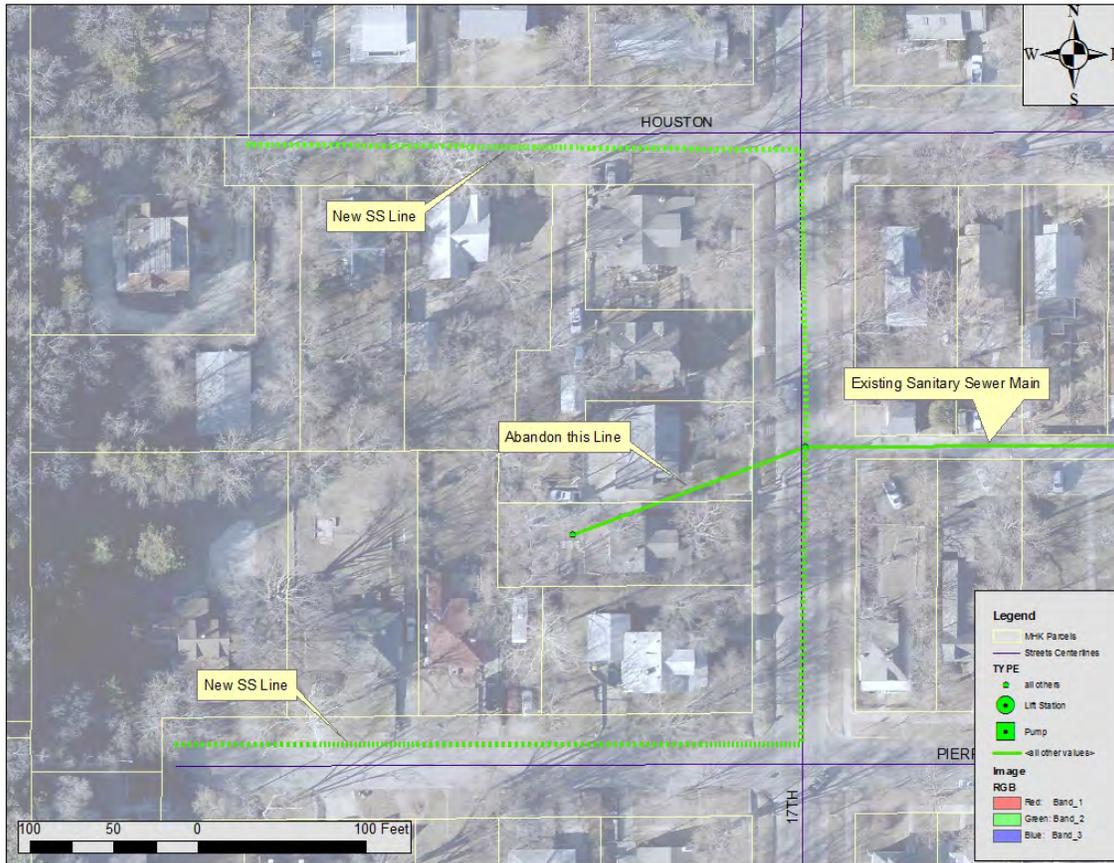
PREPARED BY: Chase Johnson, CFM, Planner

DATE: October 30, 2015

Option A Sanitary Sewer Main Plan



Option B All Within Rights-of-Way



Attachment No. 5

