



MINUTES
CITY COMMISSION MEETING
TUESDAY, JANUARY 5, 2016
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, Legal Counsel William Frost, City Clerk Gary S. Fees, 6 staff, and approximately 35 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor McCulloh proclaimed January 16-18, 2016, ***Dr. Martin Luther King, Junior Community Celebration and Day of Service***. Lynda Bachelor, Bishop Darryl Martin, and Reverend Jim Spencer, Members, Manhattan Martin Luther King Junior Committee, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor McCulloh opened the public comments.

Katie Jordon, Chair, Flint Hills Human Rights Project, stated that the Commission has listened to many citizens discuss the need for the lesbian, gay, bisexual, and transgender (LGBT) protections at public comment. She said that the unifying theme is that the City of Manhattan should protect all of its citizens by amending the City's nondiscrimination ordinance to include both sexual orientation and gender identity. She responded to earlier comments expressed from the Commission and highlighted other cities that have LGBT protections including Lawrence, Roeland Park, and other Midwest cities including

PUBLIC COMMENTS (CONTINUED)

Bloomington, South Bend, Ann Arbor, East Lansing, Omaha, Austin, Laramie, Norman, and Columbia, Missouri. Finally, she stated that everyone has a sexual orientation and a gender identity and, that no one wants to be denied public service based on how we view ourselves or who we are attracted to. She stated that the time to act is now and encouraged the Commission to amend the City's nondiscrimination ordinance to include sexual orientation and gender identity.

Reverend Paul Allen, Senior Pastor, First Christian Church, informed the Commission that he was part of the group of pastors that came to the Commission last month and asked that the Commission provide protections based on sexual orientation and gender identity. He stated that they now have 14 pastors that support the letter and encouraged the Commission to listen to the Flint Hills Human Rights Project.

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

COMMISSIONER COMMENTS

Commissioner Morse informed the community that she was very pleased with the on-demand services provided by the Flint Hills Area Transportation Agency (ATA) Bus that she recently experienced and discussed the services that are available. She stated that in reference to the public comments, she supported the parts of the Kansas Constitution and the United States Constitution that assures all citizens equal treatment.

Commissioner Reddi stated that she appreciated the codes in Manhattan, Kansas, and in the United States, especially after her recent return from India. She thanked those that spoke during public comment and stated that they have been heard. She stated that there is talk regarding this item in Topeka and; hopefully, a bill will be introduced at the state level to change the law. She said that everyone needs to work collaboratively for this to happen at both the state and federal level. She stated that she knows that discrimination exists and hoped to move forward and make things better for all citizens. She informed the community that the Commission has a legislative luncheon on Wednesday, January 6, 2016, with the state legislators and there will be lots of discussion in Topeka with this being an election year. She wished everyone a Happy New Year.

Mayor McCulloh thanked those that spoke during public comment. She stated that we need to sit down as a group and find a way we can reach some harmony on this. She reminded the community to visit the new exhibit at the Flint Hills Discovery Center (FHDC) on January 16, 2016, *A View from Space* and stated that she was a judge for

COMMISSIONER COMMENTS (*CONTINUED*)

children wearing costumes at the FHDC on New Year's Eve. She commented about the large number of people enjoying the tree and lights in the Blue Earth Plaza during the holiday. Finally, she encouraged everyone to visit the many educational events available for children at the FHDC and Sunset Zoo.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approve the minutes of the Regular City Commission Meeting held Tuesday, December 15, 2015.

CLAIMS REGISTER NO. 2807

The Commission approved Claims Register No. 2807 authorizing and approving the payment of claims from December 9, 2015, to December 29, 2015, in the amount of \$6,414,000.05.

LICENSES

The Commission approved a Tree Maintenance License for calendar year 2016 for Two Big Feet Tree Pruning & Removal, 1734 Kings Road; and an annual Cereal Malt Beverages Off-Premises License for Wildcat Creek Fun & Fitness, 800 Anneberg Circle.

FINAL PLAT – HEARTLAND ADDITION, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Heartland Addition, Unit Two, located at 2711 Rangeview Lane and 5424 Enclave Ridge Circle, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FIRST READING – NO PARKING ON SCHOOL DAYS – CANFIELD DRIVE

The Commission approved first reading of an ordinance amending Section 31-33 of the Code of Ordinances to include additional “No Parking on School Days” zone along Canfield Drive at Lee Elementary School.

CONSENT AGENDA (CONTINUED)

FIRST READING – NO PARKING ANYTIME – NORTH 11TH STREET/FREMONT STREET

The Commission approved first reading of an ordinance amending Chapter 31 of the Code of Ordinances to adding the north side of Fremont Street beginning at the west back-of-curb of its intersection with North 11th Street and a point 150 feet west of said west back-of-curb of 11th Street to the “No Parking Any Time” zones.

AWARD CONTRACT – 1320 EL PASO LANE – HOUSING REHABILITATION PROGRAM

The Commission accepted the bids for 1320 El Paso Lane; awarded the bid to the lowest responsible bidder, Economy Carpentry Painting & Concrete, of Manhattan Kansas, in the amount of \$21,380.00; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owner for expenditure of Community Development Block Grant (CDBG) Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

* **CONTRACT – PURCHASE - PIERCE PUC VELOCITY QUINT FIRE TRUCK (CIP #FR002E)**

Mayor McCulloh and Commissioner Dodson commented on the item.

Ron Fehr, City Manager, and Scott French, Director of Fire Services, provided additional information on the item, and stated that the new Quint fire truck would be housed at Fire Station 2.

The Commission accepted the recommendation of the Apparatus Committee and Fire Department Staff; authorized City Administration to sell outright the 1990 E-ONE quint truck; and authorized the Mayor and City Clerk to execute a contract with Pierce Manufacturing Inc, of Appleton, Wisconsin, through Conrad Fire Equipment, of Olathe, Kansas, for the direct purchase of a Pierce Ultimate Configuration (PUC) Velocity Quint (CIP #FR002E) in the amount of \$936,897.62, utilizing the Houston-Galveston Area Council buying Cooperative program.

* **FIRST READING - LEASE PURCHASE - PIERCE PUC VELOCITY QUINT FIRE TRUCK (CIP #FR002E)**

Mayor McCulloh and Commissioner Dodson commented on the item.

Ron Fehr, City Manager, and Scott French, Director of Fire Services, provided additional information on the item, and stated that the new Quint fire truck would be housed at Fire Station 2.

CONSENT AGENDA (CONTINUED)

* **FIRST READING - LEASE PURCHASE - PIERCE PUC VELOCITY QUINT FIRE TRUCK (CIP #FR002E) (CONTINUED)**

The Commission approved the first reading of an ordinance authorizing the Mayor and/or the City Clerk to enter into a lease purchase agreement with U.S. Bank/U.S. Bancorp Government Finance and Leasing, Inc. for the purpose of acquiring the Pierce PUC Velocity Quint (CIP #FR002E).

PAYMENT – FLINT HILLS METROPOLITAN PLANNING ORGANIZATION

The Commission authorized payment for the 2016 Flint Hills Metropolitan Planning Organization annual assessment up to a maximum of \$42,846.70, and authorized the first installment in the amount of \$21,423.35 to the Flint Hills Regional Council, as administrator of the Flint Hills Metropolitan Planning Organization.

PAYMENT - FLINT HILLS REGIONAL COUNCIL

The Commission authorized City Administration to finalize the 2016 membership payment in the amount of \$26,140.50 to the Flint Hills Regional Council for the City's annual membership contribution.

After discussion and comments from the Commission, Commissioner Reddi moved to approve the consent agenda. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item G, AWARD CONTRACT – 1320 EL PASO LANE – HOUSING REHABILITATION PROGRAM, which carried 4-0-1, with Commissioner Butler abstaining on the item due to a conflict of interest.

GENERAL AGENDA

PUBLIC HEARING - CREATE BENEFIT DISTRICT - 17TH STREET SANITARY SEWER IMPROVEMENTS BETWEEN HOUSTON STREET AND PIERRE STREET (SS1204)

Rob Ott, Director of Public Works, presented a map of the subject area, proposed costs, and background information from the City Commission meeting held on Tuesday, December 15, 2015. He provided additional information on the sanitary sewer improvements proposed, discussed the proposed boring operation and highlighted the action necessary to create the benefit district. He then responded to questions from the Commission regarding easements, insurance and maintenance warranties.

Mayor McCulloh opened the public hearing.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - CREATE BENEFIT DISTRICT - 17TH STREET SANITARY SEWER IMPROVEMENTS BETWEEN HOUSTON STREET AND PIERRE STREET (SS1204)

Geoffrey Kaufman, 1719 Houston Street, informed the Commission that he supports the project and establishment of a benefit district. He asked that construction start as soon as possible and stated that there was a crisis in 2009 that put people out of their homes and created a public health issue. He also requested that the City of Manhattan provide assurances that this will not result in property damage or hardship to the property owners being impacted and that easements are granted at no costs for this project.

Rob Ott, Director of Public Works, responded to additional questions regarding the proposal and further description of the benefit district.

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

RESOLUTION NO. 010516-A - CREATE BENEFIT DISTRICT - 17TH STREET SANITARY SEWER IMPROVEMENTS BETWEEN HOUSTON STREET AND PIERRE STREET (SS1204)

After discussion and comments from the Commission, Commissioner Reddi moved to approve Resolution No. 010516-A making findings and establishing the parameters of the project as set forth in the notice and finding the project advisable and authorizing construction of the 17th Street Sanitary Sewer Improvements between Houston Street and Pierre Street (SS1204). Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - REZONE - SOUTHWEST CORNER OF THE MCCALL PATTERN COMPANY PROPERTY

Eric Cattell, Assistant Director for Planning, presented an overview of the item and informed the Commission that the Manhattan Urban Area Planning Board recommended approval of the proposed rezoning based on the findings in the Staff Report, with the eight conditions recommended. He then responded to questions from the Commission regarding vehicle parking for the McCall Pattern Company, plans for the coffee shop and drive-thru, the platting process, and provided clarification on access to the site.

Mayor McCulloh opened the public comments.

Rich Seidler, Commercial Real Estate Services, provided additional information on the item and stated that this is another infill project. He asked the Commission to follow the advice of its professional staff and approve the project. He then responded to questions from the Commission regarding the drive-thru coffee shop, plans for this being the third location for K-State Federal Credit Union, and informed the Commission for the potential of another outlot to be developed in the future.

GENERAL AGENDA (CONTINUED)

FIRST READING - REZONE - SOUTHWEST CORNER OF THE MCCALL PATTERN COMPANY PROPERTY (CONTINUED)

Jeff Hancock, SMH Consultants, responded to questions from the Commission regarding landscaping and use of native grass for the swale.

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

After discussion and comments from the Commission, Commissioner Morse moved to approve the first reading of an ordinance rezoning the K-State Federal Credit Union PUD, generally located east of the intersection of McCullough Place and McCall Road, from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 1*) with the eight conditions of approval recommended by the Manhattan Urban Area Planning Board. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - REZONE - LEDGESTONE RIDGE ADDITION

Eric Cattell, Assistant Director for Planning, presented an overview of the item and informed the Commission that the Manhattan Urban Area Planning Board recommended approval of the proposed rezoning. He then responded to questions from the Commission regarding water drainage from the development.

Tim Schultz, Schultz Construction, provided additional information on the item. He responded to questions from the Commission regarding drainage from the development and stated that he has talked with Mr. Stark about his concerns with drainage on his property at 5389 Stonecrest Drive. He informed the Commission that he discussed with Parks and Recreation staff the need for pedestrian connections and the desire to establish a trail with this project. He then responded to questions from the Commission regarding connectivity to the site, the creation and need for a pedestrian trail, and highlighted the project timeline.

Mayor McCulloh opened the public comments.

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

After discussion and comments from the Commission, Commissioner Reddi moved to approve first reading of an ordinance rezoning Ledgestone Ridge Addition, generally located 550 feet east of the intersection Scenic Drive and the future expansion of Miller Parkway, from Independence Place Residential Planned Unit Development with Airport Overlay District, and R-3/AO, Multiple-Family Residential District with Airport Overlay District, to C-2/AO, Neighborhood Shopping District with Airport Overlay District, and R/AO, Single-Family Residential District with Airport Overlay District, based on the findings in the Staff Report (*See Attachment No. 2*) and the recommendation of the Planning Board. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 010516-B - ESTABLISH - ENGINEER ON-CALL POLICY

Brian Johnson, City Engineer, presented background information on the Engineer On-Call (EOC) Policy item that was discussed during the November 3, 2015, City Commission meeting and informed the Commission that a forum was held on December 11, 2015, with local consultants to review and to provide their input on the proposed EOC policy. He presented additional details on the EOC process, provided an EOC flowchart, discussed the Request for Qualifications (RFQ) process for the EOC, and highlighted the advantages to establish an EOC. He then responded to questions regarding the process and engineering experience.

Commissioner Dodson stated that this is a great option, not only from the standpoint that it has an opportunity to save the City money, but obviously is going to save time, which is also money in many instances.

Ron Fehr, City Manager, provided additional information on the item and clarification on the engineer on-call provisions.

Brian Johnson, City Engineer, responded to questions from the Commission regarding the use of architectural services and engineering services. He informed the Commission that staff will re-evaluate in the future what went well and what is working best with the EOC process.

Commissioner Reddi stated that this action does not set the process for future Commissioners and after two years, the process will be evaluated to see what is working.

Commissioner Morse wanted to improve the process and reduce the amount of time necessary, but wanted to revisit the opportunity for other qualified firms to participate at a future time.

Commissioner Butler said this is a great plan and will save time. He stated that it is important for firms to have the expertise in all four areas and the key point is to do the project once and right the first time.

Mayor McCulloh discussed the positives associated with the EOC and wanted to ensure that creative ideas will continue from both large and small engineering firms.

Rob Ott, Director of Public Works, provided additional information on the EOC advantages and discussed several key functions that will continue to be done in-house by the Public Works staff.

Mayor McCulloh opened the public comments.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 010516-B - ESTABLISH - ENGINEER ON-CALL POLICY (CONTINUED)

Dea Brokesh, 3005 Wilson Drive, asked for clarification on the draft resolution being proposed and asked about the City's process for other services. She requested that the proposed language in the policy not limit other firms qualified to provide specialized work, stormwater or transportation planning.

Brian Johnson, City Engineer, responded to additional questions and provided clarification on the EOC procedure.

Ron Fehr, City Manager, also provided clarification on the proposed EOC procedure and procurement for architectural and engineering services.

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

After discussion and additional comments from the Commission, Commissioner Butler moved to approve Resolution No. 010516-B relating to the procurement of architectural and engineering services and establishing an Engineer On-Call procedure. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

RESOLUTION NO. 010516-C - AMEND BENEFIT DISTRICT POLICIES; FIRST READING - RESTRICT CERTAIN CITY SERVICES WHEN OUTSTANDING PROPERTY TAXES ARE OWED

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted the proposed amendments to the benefit district policies for requests for City services when outstanding property taxes are owed. He then responded to questions from the Commission regarding the process and actions taken if an application is wrongfully submitted and the applicant owes back taxes.

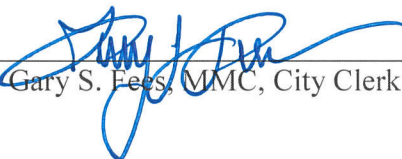
Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion and comments from the Commission, Commissioner Reddi moved to approve Resolution No. 010516-C modifying the benefit district policy; and approve first reading of an ordinance regarding taxes owed prior to receiving certain City services. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:58 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

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

BACKGROUND

FROM: I-2, Industrial Park District

TO: PUD, Commercial Planned Unit Development

OWNERS: The McCall Pattern Company, Vince Placek, CFO

APPLICANT: SMH Consultants, Jeff Hancock on behalf of their client,

DATE OF NEIGHBORHOOD MEETING: September 9, 2015

DATE OF PUBLIC NOTICE PUBLICATION: October 23, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: December 7, 2015
CITY COMMISSION: December 22, 2015

LEGAL DESCRIPTION: a 1.33 acre tract in the Southeast Quarter of Section 8, Township 10 South, Range 08 East.

LOCATION: The site is generally located to the east of the intersection of McCullough Place and McCall Road.

AREA: 57,980 square feet (1.33 acres)

PROPOSED USES: Drive-thru bank and a drive-thru coffee shop within 1 building

PROPOSED BUILDINGS AND STRUCTURES:

The applicant has proposed to construct a two-story bank building with a drive-thru teller area and a drive-thru coffee shop. The building footprint will be approximately 4,950 square feet with 2 porticoes covering the driveways to the teller windows and coffee shop that total 1,875 square feet. The total floor area for the building is approximately 4,900 square feet.

The building will be approximately 32 feet tall to the tallest parapet. The roofline will be roughly 26 feet in height. The building materials will be limestone façade, cement fiber board siding and rectangular cement fiber board panels.

PROPOSED LOT COVERAGE

Use	Square Feet	Percentage
Building	4,970	8.6%
Paved Area (Parking & Driveways)	36,798	63.5%
Landscaped Areas	16,213	27.9%
Total Impervious	41,768	72.1%

PROPOSED SIGNS

Proposed signage will consist of a wall signs for the bank and coffee shop on the south and west building facades and a monument sign located at the southwest corner of the development site.

Type	Location	Dimensions	Lighting
Wall	South Wall – Bank	8’10” x 4’1” (36 sq. ft.)	Internally illuminated
Wall	West Wall - Bank	8’10” x 4’1” (36 sq. ft.)	Internally illuminated
Wall	West Wall – Coffee shop	8’10” x 4’1” (36 sq. ft.)	Internally illuminated
Wall	South Wall – Coffee shop	4’5” x 4’1” (18 sq. ft.)	Internally illuminated
Monument	Southwest corner of the site	4’ x 12’ (48 sq. ft.)	Internally illuminated

The monument sign will be approximately 6 feet tall on a 2 foot tall limestone monument located within a landscaped area.

PROPOSED LIGHTING: Lighting for the development will consist of 20 foot tall pole and wall mounted lights to illuminate the parking lot. Per the Manhattan Zoning Regulations, all lights are required to be shielded and fully cut off at the property line.

SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The site is proposed to be landscaped with deciduous trees, evergreen and deciduous shrubs, and ornamental grasses around the building, at entrances to the site, along the west property line and in front of the trash dumpster screening. The remaining open, landscaped areas will grass areas

An area of native grasses along McCall Road will be planted in a shallow swale to be used for stormwater detention and best management practices for stormwater runoff quality.

Attachment No. 1

A condition of approval is proposed to require a landscape performance agreement for the installation of the proposed landscape materials.

2. SCREENING: The trash dumpster and power generator proposed on the northeast corner of the development site is proposed by concrete screening walls. The dumpster is to be enclosed by a 6 foot tall wall and the generator will be enclosed with a 9 foot tall wall.

Heating and air conditioning ground equipment is proposed to be screened using ornamental grasses.

3. DRAINAGE: Because of the relative small size of the proposed development and the site's location of the levee and Kansas River, the City's Stormwater Engineer did not require a full drainage study. The Stormwater Engineer did require a Best Management Practices (BMP) for Post-Construction Water Quality analysis. The analysis was conducted by SMH Consultants, dated September 17, 2015, and determined that 1 post-construction BMP is required. SMH Consultants has designed an approximately 110 foot long vegetative swale that is 8 feet deep to be located along McCall Road. This swale will collect the stormwater runoff from the site, filter any pollutants (i.e. road salts, gravel, oils from vehicles) from the stormwater and then discharge the filtered water into the existing stormwater sewer that is located along McCall Road.

The City's Stormwater Engineer has reviewed the Post-Construction BMP Analysis and accepts the findings. The Stormwater Engineer did not that annual maintenance for the swale will be a requirement of property owner.

4. CIRCULATION: The development site gains access from the McCullough Place Travel Easement to the west and a travel easement proposed on the McCall Pattern property to the east. The western travel easement intersects with McCall Road and is a right in/right out only intersection. The proposed east travel easement is to be 25 feet wide and run crosses the parking lot in front of McCall Pattern Company. This travel easement will intersect with Kretschmer Drive, which intersects with McCall Drive.

The circulation pattern for the development is for vehicles to enter from the travel easements from the west or east and gain access to the proposed off-street parking lot or drive-thrus associated with the coffee shop or bank. Exiting the site will follow the same circular pattern through the parking lot into the travel easements. Vehicles leaving the site to the west will either turn right onto McCall Road at the intersection of McCullough Place or travel the existing travel easements in the McCall Place development to the fully directional traffic signal at Carlson Drive. Vehicles leaving the site to the east will have access to McCall Road via the fully functional intersection at Kretschmer Drive.

Attachment No. 1

SMH Consultants provided a traffic analysis, dated September 16, 2015, determined that an additional 182 vehicle trips in the A.M. Peak Hour and 249 vehicle trips in the P.M. Peak Hour will be generated from the proposed development. The road network surrounding the site was improved into 2010 to a 5-lane urban section. Generally speaking, the design of the minor arterial and intersecting local commercial streets took into account new commercial development in the area. The traffic analysis determined that the traffic generated from the development site will not adversely impact the existing or future functions of the road network in the area. The City Engineer has reviewed the traffic analysis and accepts its findings with no comments (see attached memo). The City Engineer did not that a future expansion on McCall Road is anticipated to incorporate a dedicated right turn lane into the McCall Place Development for west bound traffic.

Off-Street Parking

Fifty-nine (59) off-street parking spaces are proposed on the development site. The off-street parking requirement for bank and financial institution is 1 parking space per 450 sq. ft. of building area. City Administration is considering the drive-thru coffee shop as an accessory use associated with the K-State Credit Union, and is including the use within the financial institutions parking calculation total. Based on gross floor area of the proposed building (9,800 square feet), 22 off-street parking spaces are required. The amount of off-street parking proposed on the development site is adequate.

Bicycle & Pedestrian

A 10 foot wide multi-use concrete path is located on McCall Road, in front of the development site. A 5 foot sidewalk is proposed to provide pedestrian access from the McCall Road sidewalk to the proposed building.

The site plan does not show locations for parking bicycles on the site. Although not a requirement of the Zoning Regulations, bicycle rack(s) should be considered in the Final Development Plan phase for customers and employees.

5. OPEN SPACE AND COMMON AREA: Open space on the site is limited to manicured grass lawn areas around the parking lot and along the roadways.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is a mixture of highway commercial and industrial uses. The areas along McCall Road are transitioning from a historically industrial area, to a retail commercial corridor. Large box retail stores are located to west and southwest. Drive-thru restaurants are located along the five (5) lane minor arterial. There are also a number of strip mall type retail centers in the immediate area. To the north of the site is predominately industrial and office uses.

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

1. EXISTING USE: Vacant land associated with McCall Pattern.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is currently an open-space area associated with the McCall Pattern Company. The development site is relatively flat and gradually slopes to the south towards McCall Road. The development site is nearly 100% pervious surfaces consisting of manicured lawn and landscape beds.

3. SURROUNDING LAND USE AND ZONING:

NORTH: I-2, Industrial Park District; Food manufacturing plant

SOUTH: I-2 District and C-5, Highway Service Commercial District; McCall Road right-of-way; New and used vehicle sales lot and vacant retail store.

EAST: I-2 District; Professional dance studio, wholesale building supply store and commercial warehouse space.

WEST: McCall Landing PUD, Commercial Planned Unit Development; McCullough Place travel easement, vacant commercially zoned land, big box home improvement store and retail strip center.

4. CHARACTER OF THE NEIGHBORHOOD: See above under “6. CHARACTER OF THE NEIGHBORHOOD”.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The development site is the front yard area for McCall Pattern Company. The current zoning district is I-2, Industrial Park District, which the current use is permitted.

The proposed use for banks and financial institutions and the accessory coffee shop are not allowed as primary permitted or conditional uses in the I-2 District. The proposed development requires a rezoning to a retail commercial zoning district, such as the proposed PUD.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The surrounding area is transiting from an industrial area to an area concentrated with drive-thru restaurants and retail stores, some of which are big box type retail stores. The proposed development will be consistent with surrounding uses and should not adversely impact adjacent properties.

Attachment No. 1

The applicant held a neighborhood meeting on September 9, 2015. According to the meeting notes, no one from the public attended the meeting.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is in the Northeast Planning Area of the Future Land Use Map of the Comprehensive Plan. The site is shown as Industrial (IND) on the map. The proposed rezoning would implement a development generally consistent with the policies applicable to all commercial development, as well as policies applicable to the Community Commercial category, set out below after the policies of the IND category.

Policies of the IND category include:

Employment: Industrial and Office

BACKGROUND AND INTENT

Employment uses within the Urban Area are intended to provide concentrated areas of high quality employment facilities for uses such as office headquarters, research and development facilities, and educational facilities, as well as locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations.

INDUSTRIAL (IND)

I 1: Characteristics

The Industrial designation is intended to provide locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations. Typically, heavy industrial uses involve more intensive work processes, and may involve manufacturing or basic resource handling and/or extraction. Design controls within an Industrial area are not as extensive as in the Office/Research Park category and a broader range of uses is permitted.

I 2: Location

Because of their potential environmental impacts, Industrial uses should generally be located away from population centers or must be adequately buffered. Traffic generated by industrial uses should not pass through residential areas. Sites should have access to one or more major arterials or highways capable of handling heavy truck traffic. Railroad access is also beneficial to certain types of heavy industrial uses. Light industrial uses can typically be located in areas that also contain some highway-oriented commercial uses, and might benefit from close proximity and better access to their local customer base.

I 3: Screening

Storage, loading and work operations should be screened from view along all industrial area boundaries (when adjacent to non-industrial uses) and along all public streets.

Commercial policies include:

Commercial

BACKGROUND AND INTENT

The City contains numerous commercial areas that provide the necessary goods and services for residents of the community and region as well as visitors. Commercial developments must be located and designed to balance market opportunities with access and location. In addition, the location and design of commercial areas must be incorporated into surrounding areas, rather than altering the character of surrounding neighborhoods. While the Downtown, or Central Core District, will remain the primary focus of regional commercial activity for the community and region, a variety of other community and neighborhood scale commercial centers will be distributed throughout the community to provide for the day-to-day needs of residents.

COMMERCIAL- ALL CATEGORIES

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

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

C 2: Distribution of Commercial Services

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

C 3: Locate All Commercial Uses in Activity Centers

Commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Development of distinct commercial nodes will help preserve the residential character of many of the major street corridors throughout the community and help prevent the negative impacts caused by multiple access points along a corridor. Commercial activities, when grouped in cohesive centers or nodes, result in more viable areas compared to scattered or isolated single use commercial sites. Activity centers, or nodes, provide a variety of services in a

Attachment No. 1

concentrated location to promote “one-stop shopping” and minimize the need for multiple vehicle trips. Each center has a limited number of vehicle access points to minimize impacts on surrounding uses and maintain an efficient traffic flow to and from the site. Uses are typically clustered on larger sites near the intersection of two major streets rather than being developed in linear, “strip” configurations along major street corridors. Linear development patterns, particularly when parcels provide a single use and are developed independently, can require multiple access points and lead to disruption of traffic flow on adjacent streets. Although lot sizes and/or configurations in some areas may warrant the use of a more linear development pattern, it is generally discouraged.

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

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

C5: Promote a High Quality Urban Environment

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

COMMUNITY COMMERCIAL (CC)

CC 1: Characteristics

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

CC 2: Location

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

CC 3: Size

Typically require a site of between 10 and 30 acres.

CC 4: Unified Site Design

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

CC 5: Building Design and Character

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

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

CC 6: Organization of Uses

Concentrate Community Commercial services within planned activity centers, or commercial nodes, through the community. Cluster complementary uses within walking distances of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses, such as high density residential, where feasible. Linear development patterns, particularly when parcels provide a single use and are

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The Public Works Department – Utilities and Traffic Divisions have reviewed the proposal. Public utilities and the street network are sufficient to service the site.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of K-State Credit Union Commercial PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, with the conditions:

1. Permitted uses shall include banks, financial institutions, professional offices and the accessory coffee shop.
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 and shall be full cutoff design. Building lighting shall not cast direct light onto public or private streets or adjacent property and shall be full cut-off design.
5. Signage for shall be constructed as proposed consisting of wall signs and pylon signs.
6. Temporary banner signs should be limited to no more than two (2) banner signs. Exempt signage shall include signage described in Article VI, Section 6-102 (A)(2)(a), (b), (c), (e), (h), (i), (j), (k), (l), and (m) of the Manhattan Zoning Regulations.
7. The proposed travel easement through the McCall Pattern Company parking lot shall be created with the Final Development Plan and Final Plat.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of K-State Credit Union Commercial PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of K-State Credit Union Commercial PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.

Attachment No. 1

3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of K-State Credit Union Commercial PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the seven (7) conditions recommended by City Administration.

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

DATE: November 30, 2015

CB/VR
15025

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

APPLICATION: To rezone the Ledge Stone Ridge subdivision for single-family homes and 2 commercial lots to be associated with the Ledge Stone Commercial area.

FROM: Independence Place Residential Planned Unit Development and R-3, Multiple-Family Residential District, both with AO, Airport Overlay

TO: Tract 1: C-2/AO, Neighborhood Shopping District and Airport Overlay District.
Tract 2: R/AO, Single-Family Residential District and Airport Overlay District.
Tract 3: R/AO, Single-Family Residential District and Airport Overlay District.

APPLICANT/OWNER: Stone Pointe Land Co, LLC – Tim Schultz

LEGAL DESCRIPTION: Lot 1, Independence Place Addition and 0.314 acres from the vacant tract of land to the east in the West half of the Southwest Quarter of Section 15, Township 10 South, Range 7 East.

LOCATION: Generally located 550 feet to the east of the intersection Scenic Drive and the future expansion of Miller Parkway.

AREA: THE TOTAL AREA OF REZONING IS 38.11 ACRES.

Tract 1: 3.92 acres - Rezone from PUD/AO to C-2 District/AO Districts:

Tract 2: 33.88 acres - Rezone from PUD/AO to R/AO Districts:

Tract 3: 0.314 acres - Rezone from R-3/AO to R/AO District:

DATE OF NEIGHBORHOOD MEETING: September 29, 2015 and October 8, 2015

DATE OF PUBLIC NOTICE PUBLICATION: November 16, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: December 7, 2015

CITY COMMISSION: January 5, 2016

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Open rangeland. A majority of the site was approved for the Independence Place Apartment Complex.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is typical Flinthills landform consisting of open range land, wooded ravines on the east and west sides of the proposed site. The site is reasonably steep with slopes approximately 20% and drains generally to the north-northeast to Wildcat Creek.

The site is within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site. Future uses (structures and trees), which are within the limits of the Conical Zone may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (*see below under CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE for further information concerning the AO District*).

3. SURROUNDING LAND USE AND ZONING:

NORTH: Single-family residential; R, Single-Family Residential District with AO District.

SOUTH: Future extension of Miller Parkway, agricultural and range land; G-1 District.

EAST: Agricultural and range land, R-3/AO, Multiple-Family Residential District with Airport Overlay District and G-1 District.

WEST: Future neighborhood commercial area and multiple-family dwellings; C-2, Neighborhood Shopping District/AO District, and Stone Pointe Townshomes PUD.

4. GENERAL NEIGHBORHOOD CHARACTER: The area is characterized as a developing growth corridor of the City with single-family, two-family and multiple-family residential development to the immediate north and west. Highland Meadows Additions, Scenic Woods and the Stone Pointe Townhomes are to the north and northwest. Development is occurring in the Lee Mill Heights and Miller Ranch areas to the east, which is growing towards the site. The extension of Miller Parkway along the southern boundary of the proposed subdivision and the Miller Parkway's connection at Scenic Drive will occur in the near future. The street connection of Miller Parkway will serve the immediate neighborhood and accommodate future access to other parts of the City.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The majority of the site was rezoned to the Independence Place PUD in 2010. The approved Final Development Plan showed 13 apartment buildings on 1 lot. A total of 312 dwelling units were proposed for the PUD. The development was never constructed and is considered to be abandoned as regulated in Section 9-107 Abandonment or Failure to Proceed.

The 0.31 acre section of the vacant land to the east of the Independence Place PUD was annexed and rezoned to R-3 District in 2006 as part of the Stone Pointe Addition. This tract has remained vacant ever since.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The site is in a growth corridor of the City. To the north are single-family homes. To the west are multiple-family dwellings as townhomes or apartment buildings and vacant commercial land. To the east and south is vacant agriculture land. The site was previously approved for an apartment complex. An increase in light, noise and traffic are expected with the single-family development, but is anticipated to be less when compared to the apartment complex. These increases should be similar to the same affects generated by the single-family developments in Stone Pointe and Lee Mill Heights subdivisions.

The proposed rezoning of the site to C-2, Neighborhood Shopping District, is identical to the property to the west and is proposed to expand the commercial area to include the western side of the natural ravine. This natural ravine in large part contains a detention basin and steep grades. There should be minimal impacts from this rezoning request.

Two (2) neighborhood meetings were held for the proposed Rezoning and Preliminary Plat. The first meeting was held on September 29, 2015. Seven (7) neighbors attended the meeting. According to the application information, the meeting conversation focused on drainage issues and preservation of the existing trees. The second meeting was held on October 8th, with 2 meeting attendees. The meeting summary stated that the topics of drainage and site grading for the development, as well as future developments in the surrounding area and how the Airport Overlay District restrictions would impact the proposed development were discussed.

It appears that the proposed single-family and commercial rezoning should have minimal impacts on adjacent properties. The rezoning requests will be similar to existing developments in the area and will be less intensive compared to the apartment complex that was originally proposed for the site.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

The proposed Preliminary Plat is shown on the Future Land Use map in the Southwest Planning Area. The site is designated as Residential Medium to High (RMH). The site is within the Miller Parkway Corridor planning area. The site is also in the Conical Zone of the Manhattan Regional Airport. The AO District will be added as an overlay district with the rezoning to those parts within the Conical Zone.

RMH policies 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.

Miller Parkway Corridor (MPC)

Background and Intent

The Miller Parkway Corridor will continue to develop as a series of mixed-use neighborhoods. Development should be focused around an open space network created by the area's many natural drainages, preserving existing trees and vegetation and providing pedestrian and bicycle linkages between neighborhoods and Warner Park, Anneberg park and the new city park near the west end of Miller Parkway. The Miller Parkway Corridor will contain a variety of housing types and densities, including some higher density residential use, and will include a neighborhood commercial center.

Policies

MPC-1: Mixture of Housing Types

Include a mix of housing types and densities within the Miller Ranch residential neighborhoods.

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-3: Future ROW Preservation

Identify and preserve right-of-way for the future extension of Miller Parkway and Wreath Avenue on development proposals and through platting and other tools.

MPC-4: Establish a Neighborhood Commercial Center

Encourage the development of a neighborhood center at the planned intersection of Miller Parkway and Scenic Drive to provide a range of services for residents of Miller Ranch and surrounding neighborhoods, and to minimize the need for cross-town trips to meet day-to-day needs.

MPC-5: Airport Air space Regulations

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

MPC-6: Multi-modal Connectivity

Continue to explore and implement opportunities to enhance multi-modal connections both within the Miller Parkway Corridor and to the rest of the Planning Area.

The Preliminary Plat shows that the proposed residential portion of the area has a net density of 1.08 dwelling units per net acre. Although the proposed residential density is less than the density range for the Residential Medium to High designation, which is 11 – 19 dwelling units per net acre, the proposed Preliminary Plat meets the policy statements for characteristics, location, housing types of the residential designation.

The commercial portion of the Rezoning request is extension of the previously approved C-2 District rezoning completed in 2013.

The proposal conforms to the policies of the Miller Parkway Corridor Special Planning Area. The proposed rezoning generally 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 District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.

Attachment No. 2

- 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.
- October 18, 2010 Manhattan Urban Area Planning Board recommends approval of Independence Place PUD (former Lot 169 of the approved Preliminary Plat) from R-3, Multiple-Family Residential District and AO, Airport Overlay District, to PUD, Residential Planned Unit Development District and AO, Airport Overlay District with nine conditions.
- November 16, 2010 City Commission overrides Planning Board to add Condition 10 and approves first reading of an ordinance rezoning Independence Place PUD from R-3, Multiple-Family Residential District and AO, Airport Overlay District, to PUD, Residential Planned Unit Development District and AO, Airport Overlay District with ten conditions of approval.
- December 7, 2010 City Commission overrides Planning Board and approves Ordinance No. 6867 rezoning the proposed Independence Place PUD with AO, Airport Overlay District, based on the findings in the Staff Report with the nine conditions of approval recommended by the Planning Board, and adding Condition 10.
- January 20, 2011 Manhattan Urban Area Planning Board approves the Final Development Plan and Final Plat of Independence Place, Residential Planned Unit Development.
- March 1, 2011 City Commission accepts easements and rights-of-ways as shown on the Final Plat of Independence Place Addition, Residential Planned Unit Development.

April 16, 2012 Manhattan Urban Area Planning Board reapproves the Final Development Plan and Final Plat of Independence Place, Residential Planned Unit Development, because the Final Plat had not been filed within one year of its original approval.

May 1, 2012 City Commission accepts easements and rights-of-ways as shown on the Final Plat of Independence Place Addition, 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 R District is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. Lots shown on the R District portion of the proposed Preliminary Plat of the Ledgestone Ridge, exceed 10,000 square feet in area.

The C-2 District is designed to provide a broad range of retail shopping facilities and services located to serve one or more residential areas.

The 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 (pages 6-9 of the AO District regulations attached).

The proposed rezoning requests are consistent with the purpose and 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: There appears to be no gain to the public that denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. The proposed Preliminary Plat conforms to the Manhattan Urban Area Subdivision Regulations. It may be a hardship to the applicant if the rezoning is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public services, sanitary sewer, water, and public streets can be extended to serve the development.

12. OTHER APPLICABLE FACTORS: Fort Riley was notified of this rezoning, due to it being located in the Critical Area. The Fort encourages use of noise disclosure and noise reduction measures in homes, and to take into account potential effects of operational noise of the Fort on activities in the park. 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 Ledgestone Ridge from Independence Place PUD, Residential Planned Unit Development and R-3, Multiple-Family Residential District to R, Single-Family Residential District, with AO, Airport Overlay District and C-2, Neighborhood Shopping District with AO, Airport Overlay District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Ledgestone Ridge from Independence Place PUD, Residential Planned Unit Development and R-3, Multiple-Family Residential District to R, Single-Family Residential District, with AO, Airport Overlay District and C-2, Neighborhood Shopping District with AO, Airport Overlay 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 Ledgestone Ridge from Independence Place PUD, Residential Planned Unit Development and R-3, Multiple-Family Residential District to R, Single-Family Residential District, with AO, Airport Overlay District and C-2, Neighborhood Shopping District with AO, Airport Overlay District, based on the findings in the Staff Report.

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

DATE: December 1, 2015

CB/vr
15026}SR}LedgestoneRezoning_PUD&R3toR&C2