



MINUTES
CITY COMMISSION MEETING
TUESDAY, APRIL 19, 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 Bill Frost, City Clerk Gary S. Fees, 13 staff, and approximately 30 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh and Boy Scout Troop 260 led the Commission and those attending the meeting in the Pledge of Allegiance.

PROCLAMATIONS

- A. Mayor McCulloh proclaimed April 29, 2016, ***Arbor Day***. J. David Mattox, Forestry Supervisor, City of Manhattan, was present to receive the proclamation.
- B. Mayor McCulloh proclaimed May 7, 2016, ***Poppy Day***. Hailey Smith, Poppy Princess, and Linda McClung, Second Vice President, American Legion Ladies Auxiliary, were present to receive the proclamation.
- C. Mayor McCulloh proclaimed May 2016, ***Manhattan Bike Month***. Jessica Fiscus, Member, Bicycle and Pedestrian Advisory Committee; and Jared Tremblay, Infrastructure Analyst, and Emma Rearick, Bicycle and Pedestrian Coordinator, City of Manhattan, were present to receive the proclamation.
- D. Mayor McCulloh proclaimed May 2016, ***Mental Health Month***. Robbin Cole, Executive Director, Pawnee Mental Health Services, and Stan Wilson, Member, Board of Directors of Pawnee Mental Health Services, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Morse called attention to the achievement by the Riley County Police Department (RCPD) in being reaccredited for the eighth consecutive year by the Commission on Accreditation for Law Enforcement Agencies. She voiced her appreciation to RCPD and those that worked on the reaccreditation process.

Commissioner Reddi informed the community that a vigil was held at the Bosco Plaza on April 13, 2016, for a young man named Jacob, who was lost to suicide earlier this month. She stated that he was a veteran and a student at Kansas State University. She highlighted organizations, resources and support systems that are available and stated that about 22 veterans commit suicide on a daily basis. She highlighted four young officers that recently presented jail portfolio exercises at the Riley County Senior Citizen Center. She stated that she is a member of the Flint Hills National Alliance for Mental Illness and encouraged those interested to participate in a fundraiser walk at Hummer Sports Park on May 14, 2016, in Topeka, or to make an online donation. Finally, she highlighted three transportation alternative projects that were recently funded by the Kansas Department of Transportation and awarded to Manhattan.

Mayor McCulloh stated that it was nice to have the rain and a good time to plant a tree.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, April 5, 2016.

CLAIM REGISTER NO. 2820

The Commission approved Claims Register No. 2820 authorizing and approving the payment of claims from March 13, 2016, to March 26, 2016, in the amount of \$4,434,835.15.

LICENSE

The Commission approved an annual Cereal Malt Beverages Off-Premises License for Hy-Vee #1398, 601 Third Place, Manhattan, Kansas.

ORDINANCE NO. 7206 – REZONE – MANKO IV ADDITION

The Commission approved Ordinance No. 7206 rezoning three tracts of land in the proposed Manko IV Addition, generally located east of Hayes Drive and at the east end of Service Circle, as follows:

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7206 – REZONE – MANKO IV ADDITION (CONTINUED)

Tract 1: rezone from I-2, Industrial Park District, to C-5, Highway Service Commercial District; and

Tracts 2 and 3: rezone from C-5, Highway Service Commercial District, to I-2, Industrial Park District;

based on the findings in the Staff Report (*See Attachment No. 1*) and the recommendation of the Planning Board.

FINAL PLAT – MANKO IV ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Manko IV Addition, generally located east of Hayes Drive and at the end of Service Circle, based on conformance with the Manhattan Urban Area Subdivision Regulations.

RESOLUTION NO. 041916-A – RELEASE OF LAND – MANKO WINDOW SYSTEMS, INC. (IRBs)

The Commission approved Resolution No. 041916-A authorizing execution of a special warranty deed and releasing the lease with Manko Window Systems, Inc.

FIRST READING – KDHE LOAN AGREEMENT – WATER TREATMENT PLANT IMPROVEMENTS (WA1403, CIP #WA015P AND WA121E)

The Commission approved first reading of an ordinance authorizing the execution of a loan agreement between the City of Manhattan, Kansas, and the Kansas Department of Health and Environment for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund in order to finance the Water Treatment Plant Improvements Project (WA1403, CIP #WA015P AND WA121E) and authorized construction of the project using proceeds of the loan upon adoption of the ordinance.

RESOLUTION NO. 041916-B – SET DATE TO SELL – GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS (SERIES 2016-A)

The Commission approved Resolution No. 041916-B setting May 17, 2016, as the date to sell \$19,845,000.00 in general obligation improvement and refunding bonds (Series 2016-A) for the following projects: *Congressional Addition – Sanitary Sewer (SS1309), Street (ST1311), and Water (WA1310); Grand Vista Addition, Unit Three – Sanitary Sewer (SS1304), Street (ST1304), and Water (WA1304); Highland Meadows Addition, Unit Seven – Sanitary Sewer (SS1303), Street (ST1303), and Water (WA1303); K-State Research Park, Phase II – Sanitary*

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 041916-B – SET DATE TO SELL – GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS (SERIES 2016-A) (CONTINUED)

Sewer (SS1310), Street (ST1312), and Water (WA1311); Lee Mill Heights Addition, Unit Four and Unit Five – Sanitary Sewer (SS1313), Street (ST1317), and Water (WA1315); and Scenic Meadows Addition, Unit Three, Phase Two – Stormwater (SM1303) and Street (ST1006).

FIRST READING – ISSUE – GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS (SERIES 2016-A)

The Commission approved first reading of an ordinance issuing \$19,845,000.00 in general obligation improvement and refunding bonds (Series 2016-A) for the following projects: *Congressional Addition – Sanitary Sewer (SS1309), Street (ST1311), and Water (WA1310); Grand Vista Addition, Unit Three – Sanitary Sewer (SS1304), Street (ST1304), and Water (WA1304); Highland Meadows Addition, Unit Seven – Sanitary Sewer (SS1303), Street (ST1303), and Water (WA1303); K-State Research Park, Phase II – Sanitary Sewer (SS1310), Street (ST1312), and Water (WA1311); Lee Mill Heights Addition, Unit Four and Unit Five – Sanitary Sewer (SS1313), Street (ST1317), and Water (WA1315); and Scenic Meadows Addition, Unit Three, Phase Two – Stormwater (SM1303) and Street (ST1006).*

RESOLUTION NO. 041916-C – REFINANCE 2007 SERIES INDUSTRIAL REVENUE BONDS – MEADOWLARK HILLS

The Commission approved Resolution No. 041916-C authorizing the intent to refund/refinance the 2007 Series IRBs for Meadowlark Hills.

RESOLUTION NO. 041916-D – POLICY – ACQUISITION OF REAL ESTATE

The Commission approved Resolution No. 041916-D, Acquisition of Real Estate Policy, establishing administrative parameters and procedures for the Mayor and City Clerk to execute contracts for the acquisition of real estate.

RESOLUTION NO. 041916-E – AMENDED PETITION – THE RESERVE ADDITION – SANITARY SEWER IMPROVEMENTS (SS1210)

The Commission found the amended petition sufficient and approved Resolution No. 041916-E, finding the project advisable and authorizing construction and revising Resolution No. 121812-B for The Reserve Addition Sanitary Sewer (SS1210) Improvements.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 041916-F – AMENDED PETITION – THE RESERVE ADDITION – WATER IMPROVEMENTS (WA1216)

The Commission found the amended petition sufficient and approved Resolution No. 041916-F, finding the project advisable and authorizing construction and revising Resolution No. 121812-C for The Reserve Addition Water (WA1216) Improvements.

CHANGE ORDER NO. 2 – 2015 STREET MAINTENANCE CONCRETE PANEL REPLACEMENT (ST1505)

The Commission approved and authorized the Mayor to execute Change Order No. 2 for the 2015 Street Maintenance Concrete Panel Replacement project (ST1505), resulting in a net increase in the amount of \$80,000.00 (+14.63%) to the contract with Pavers, Inc., of Salina, Kansas.

AWARD CONTRACT – 2321 BELLEHAVEN ROAD – CDBG HOUSING REHABILITATION PROGRAM

The Commission accepted the bid for 2321 Bellehaven Road; awarded the bid to Economy Carpentry, Painting and Concrete, of Manhattan, Kansas, in the amount of \$22,150.00; 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.

DONATION OF COMPRESSED NATURAL GAS FUELING EQUIPMENT – NATIONAL GAS MACHINERY LABORATORY

The Commission approved the donation of all compressed natural gas fueling equipment to the National Gas Machinery Laboratory, where the institute may continue its regular use of the Ariel JG/2 compressor and control boxes, as well as repurpose, salvage and/or dispose of all other equipment remaining from the original agreement.

APPLICATION – 2016 EMERGENCY SOLUTIONS GRANT FUNDS

The Commission authorized the Mayor and City Clerk to sign an application for 2016 Emergency Solutions Grant funds and any grant related contracts if funding is approved (*See Attachment No. 2*).

CONSENT AGENDA (CONTINUED)

PURCHASE - AIRPORT - UNIT #99 - THREE-QUARTER TON FOUR-WHEEL DRIVE DIESEL TRUCK (CIP #AP064E)

The Commission authorized City Administration to purchase a three-quarter ton four-wheel drive diesel truck for the Airport (CIP #AP064E) utilizing the State vehicle bid from Shawnee Mission Ford, of Shawnee, Kansas, in the amount of \$30,892.00 and dispose of the excess vehicle once the replacement vehicle is received.

LEASE AGREEMENT - AIRPORT - UNIT #99 - THREE-QUARTER TON FOUR-WHEEL DRIVE DIESEL TRUCK (CIP #AP064E)

The Commission authorized the Mayor and/or City Clerk to execute the lease purchase agreement for three-quarter ton four-wheel drive diesel truck for the Airport (Unit 99, CIP #AP064E).

PURCHASE – REPLACEMENT LIFT STATION – DAVIS DRIVE LIFT STATION REPLACEMENT PROJECT (SS1617, CIP #WW132E)

The Commission authorized City Administration to purchase a replacement lift station for the Davis Drive Lift Station Replacement Project (SS1617, CIP #WW132E) from Smith & Loveless, Inc., of Lenexa, Kansas, in an amount of \$54,880.00, to be paid from the Wastewater Fund.

PURCHASE – PARKS MAINTENANCE DIVISION – UNIT 775 – COMPACT UTILITY TRACTOR (CIP #CP177E)

The Commission authorized the purchase of a 2016 New Holland Boomer 47 compact utility tractor (Unit #775) (CIP #CP1773) for the Parks Maintenance Division, from KanEquip, Inc., of Wamego, Kansas, in the amount of \$22,084.76 (base bid amount of \$22,953.85 less trade-in amount of \$869.09), to be paid from the General Fund.

PURCHASE – STORMWATER DIVISION – TRACTOR, BOOM MOWER, AND PULL BEHIND MOWER (CIP #SW067E)

The Commission authorized City Administration to purchase a tractor, boom mower, and pull behind mower for the Stormwater Division, from KanEquip, Inc., of Wamego, Kansas, in the amount of \$177,513.14 (base bid of \$160,163.14 and Alternate No. 1 of \$17,350.00 to be paid from the Stormwater Fund),

LEASE AGREEMENT - STORMWATER DIVISION - TRACTOR, BOOM MOWER, AND PULL BEHIND MOWER (CIP #SW067E)

The Commission authorized the Mayor and/or City Clerk to execute the lease purchase agreement for the tractor, boom mower and pull behind mower (CIP #SW067E) for the Stormwater Division.

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS

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

Bicycle and Pedestrian Advisory Committee

Appointment of Brent Chamberlain, 1716 Poyntz Avenue, to fill the unexpired Kansas State University term of Cydney Alexis. Mr. Chamberlain's term begins immediately, and will expire October 31, 2017.

Appointment of Paul Benne, 4420 Leone Terrace, to fill the unexpired At-Large term of Brent Chamberlain. Mr. Benne's term begins immediately, and will expire October 31, 2018.

Code Appeals Board

Re-appointment of Ron Hageman, 3401 Churchill Street, to a three-year Builder term. Mr. Hageman's term will begin June 1, 2016, and will expire May 31, 2019.

Re-appointment of Brad Swanson, 2922 Tatarax Drive, to a three-year Master Mechanic term. Mr. Swanson's term will begin June 1, 2016, and will expire May 31, 2019.

Historic Resources Board

Re-appointment of Betty Mattingly-Ebert, 1004 Oaktree Place, to a three-year Interior Architect term. Ms. Ebert's term will begin May 1, 2016, and will expire April 30, 2019.

Manhattan Urban Area Planning Board

Appointment of Ken Ebert, 1004 Oaktree Place, to a three-year term. Mr. Ebert's term will begin May 1, 2016, and will expire April 30, 2019.

Social Services Advisory Board

Appointment of Beverley Earles, 4511 Silver Creek Road, to fill the unexpired term of Michael Gassman. Ms. Earles' term begins immediately, and will expire June 30, 2016.

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

GENERAL AGENDA

FIRST READING - AMEND ARTICLE VI-SIGNS - ALLOW TRI-VISION OFF-PREMISE ADVERTISING SIGNS

Commissioner Reddi moved that the item (first reading of an ordinance amending ARTICLE VI – SIGNS of the Manhattan Zoning Regulations to allow Tri-Vision Off-Premise Advertising Signs and first reading of an ordinance amending Ordinance Nos. 6730, 6915 and 7008 and the Final Development Plan for Lot 3, Penny’s Addition, Unit Two Industrial PUD, to accommodate the existing “Tri-Vision” Off-Premise Advertising sign) be removed from the table. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted the proposed text amendment, discussed options for consideration, provided the site map, and reiterated the recommendations from the Manhattan Urban Area Planning Board and City Administration.

Mayor McCulloh opened the public comments.

Jim Bowers, White-Goss Attorneys at Law, Kansas City, Missouri, representing Thomas Outdoor Advertising and Bart Thomas, informed the Commission that he agreed with the conditions and recommendation of the Manhattan Urban Area Planning Board and City staff. He asked the Commission to support the request and to move forward on the item.

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

FIRST READING - AMEND ARTICLE VI-SIGNS - ALLOW TRI-VISION OFF-PREMISE ADVERTISING SIGNS

After discussion, Commissioner Reddi moved to approve first reading of an ordinance amending ARTICLE VI – SIGNS of the Manhattan Zoning Regulations to allow for “Tri-Vision” Off-Premise Advertising, as proposed, based on the findings in the Staff Memorandum (*See Attachment No. 3*) and the recommendation of the Planning Board. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - AMEND - ORDINANCE NOS. 6730, 6915, 7008 AND THE FINAL DEVELOPMENT PLAN - PENNY’S CONCRETE INDUSTRIAL PUD

Eric Cattell, Assistant Director for Planning, presented an overview of the item.

Commissioner Morse stated that she would vote no on this item.

GENERAL AGENDA (CONTINUED)

FIRST READING - AMEND - ORDINANCE NOS. 6730, 6915, 7008 AND THE FINAL DEVELOPMENT PLAN - PENNY'S CONCRETE INDUSTRIAL PUD (CONTINUED)

After discussion and comments, Commissioner Reddi moved to approve first reading of an ordinance amending Ordinance Nos. 6730, 6915 and 7008 and the Final Development Plan for Lot 3, Penny's Addition, Unit Two Industrial PUD, to accommodate the existing "Tri-Vision" Off-Premise Advertising sign, based on the findings in the Staff Report with the four (4) conditions of approval listed in the Staff Report (*See Attachment No. 4*). Commissioner Dodson seconded the motion. After further comments, on a roll call vote, motion carried 4-1, with Commissioner Morse voting against the motion.

RESOLUTION NO. 041916-G - SET BALLOT LANGUAGE - STREET MAINTENANCE AND SAFE ROUTES TO SCHOOL PROGRAM SALES TAX QUESTION

Rob Ott, Director of Public Works, presented an overview of the item. He highlighted the timeline for the November 2016 election, sales tax rates for cities of the first class in Kansas, sales tax impacts and financial considerations, and the proposed ballot language.

Bill Frost, Legal Counsel, responded to questions from the Commission regarding the ballot question language and length of the question. He stated that the language and length of the ballot question is similar to the last special sales tax for quality of life for the pools and for economic development.

Ron Fehr, City Manager, provided additional information on the item. He stated that educational information will be important so that citizens are not surprised by the ballot language, especially, since the November election will be a long ballot.

Rob Ott, Director of Public Works, provided additional information on the item and read the ballot question. He then responded to questions from the Commission regarding the Safe Routes to School program and discussed the ability to examine projects on an annual basis for the highest need.

Commissioner Butler stated the current quality of life pools tax should end as the City receives enough revenue to pay off its debt, especially with consideration of another sales tax vote. He voiced concern with the trust factor if the existing quality of life sales tax does not sunset.

After comments from the Commission, Ron Fehr, City Manager, and Jason Hilgers, Deputy City Manager, provided additional information on the item and responded to questions from the Commission. They discussed the importance that the ballot language be very clear on its intended use of revenue to the voters and to future commissioners, and reiterated the importance to educate the public on the ballot question prior to the election.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 041916-G - SET BALLOT LANGUAGE - STREET MAINTENANCE AND SAFE ROUTES TO SCHOOL PROGRAM SALES TAX QUESTION (CONTINUED)

Bill Frost, Legal Counsel, responded to questions from the Commission and provided clarification on publishing the resolution for the notice of special question election.

Eddie Eastes, Director of Parks and Recreation, provided additional information on the timeline for the Parks and Recreation Feasibility Study Update with Bruce McMillan.

Ron Fehr, City Manager, provided additional information on the item and educational component. He informed the Commission that it would be premature to sunset the existing quality of life sales tax and would not recommend doing so at this time.

Jason Hilgers, Deputy City Manager, informed the Commission on the options for consideration and potential strategies in 2017 regarding the quality of life sales tax including ending the sales tax early, allowing the sales tax to run through 2019, or ending the tax early and placing it back on the ballot for another vote.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After additional discussion and comments from the Commission, Commissioner Dodson moved to approve Resolution No. 041916-G calling a special question during the general election for the identified public improvements and authorizing the imposition of the identified special citywide retailers' sales tax, all as more specifically set forth in the resolution. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

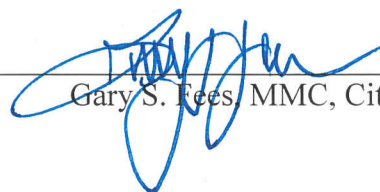
EXECUTIVE SESSION

At 8:25 p.m., Mayor McCulloh moved to recess into Executive Session until 9:10 p.m. for the purpose of consulting with the City Attorney regarding matters that are deemed privileged under the attorney/client relationship. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

At 9:10 p.m., the Commission reconvened with Mayor McCulloh and Commissioners Reddi, Morse, Dodson, and Butler in attendance.

ADJOURNMENT

At 9:11 p.m., the Commission adjourned.

A handwritten signature in blue ink, appearing to read "Gary S. Fees", is written over a horizontal line.

Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

APPLICATION: To rezone 3 separate tracts of land in the proposed Manko IV Addition (see attached zoning exhibit).

FROM: Tract 1: I-2, Industrial Park District
Tract 2: C-5, Highway Service Commercial District
Tract 3: C-5, Highway Service Commercial District

TO: Tract 1: C-5, Highway Service Commercial District
Tract 2: I-2, Industrial Park District
Tract 3: I-2, Industrial Park District

APPLICANT: Manko Windows, Steve Jones and Gary Jones

ADDRESS: 800 Hayes Drive, Manhattan, KS 66502

OWNERS: Manko Windows, Steve Jones and Gary Jones
Abbott Aluminum, Carl Reed

ADDRESS: 800 Hayes Drive, Manhattan, KS 66502
430 McCall Road, Manhattan, KS 66502

LEGAL DESCRIPTION: Parts of Lot B, Manko II Addition, Lot 1 Manko III Addition and Lots 3 & 5, Manhattan Service Park Addition.

LOCATION: Tract 1 is generally located along the south property line of 800 Hayes Drive. Tract 2 and 3 are vacant land at the end of Service Circle. Tract 2 is on the north side of the cul-de-sac and Tract 3 is on the south side of the cul-de-sac.

AREA: Tract 1: approximately 5,000 square foot tract of land
Tract 2: approximately 3,500 square foot tract of land
Tract 3: approximately 20,000 square foot tract of land

DATE OF NEIGHBORHOOD MEETING: Tuesday, December 22, 2016

DATE OF PUBLIC NOTICE PUBLICATION: Thursday, January 28, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: Thursday, February 18, 2016
CITY COMMISSION: Tuesday, March 22, 2016

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

- 1. EXISTING USE:** The rezoning request is to correspond with the proposed Final Plat of Manko IV Addition. This Final Plat moves existing property lines to account for minor encroachments of site improvements and to combine lots into more usable space for future developments.

The areas to be rezoned are associated with Manko Window Company, the commercial strip center at 900 Hayes Drive or vacant land at the end of Service Circle.

- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The area to be rezoned is relatively flat land associated with existing industrial buildings and the commercial center. The land at the end of Service Circle is currently vacant.

All of the rezoning tracts are in the FEMA Zone X, Protected by Levee floodplain. This area would be within the 1% Annual Chance Floodplain were it not protected by the Manhattan Levee System. This flood designation is for informational purposes only and is not regulated by the City of Manhattan's Floodplain Regulations.

- 3. SURROUNDING LAND USE AND ZONING:**

NORTH: Commercial strip center, self-storage units, industrial uses; C-5, Highway Service Commercial District and I-2, Industrial Park District.

SOUTH: Automotive repair businesses, commercial strip center, C-5 District, I-2 District and PUD, Commercial Planned Unit Development District.

EAST: Off-street parking lot, industrial use, I-2 District

WEST: Hayes Drive right-of-way, Wal-Mart retail store, commercial strip center; PUD, Commercial Planned Unit Development

- 4. GENERAL NEIGHBORHOOD CHARACTER:** The character of the general neighborhood can be described as a mix of industrial, service commercial (i.e. automotive repair) and retail commercial uses. Uses to the north and west are more focused towards retail uses. Uses to the immediate south and east are more focused towards industrial uses and automotive repair business, the commercial strip center where the K-Mart store once was located is further to the south.

- 5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** Generally speaking, the rezoning areas are suitable under the current zoning district. The proposed rezoning is to correspond with the proposed Final Plat of Manko IV Addition. The proposed Final Plat adjusts property lines between 5 platted lots to address known encroachments of site improvements onto the adjacent lots or to create new lot sizes that are better suited for current and future developments. The Tract 1 rezoning site corresponds with moving the adjoining property line to the south to accommodate an encroachment of the existing parking lot onto the proposed Lot 3, Manko IV. The rezoning of Tract 2 and 3 are to accommodate moving the adjoining lot lines to create 2 new lots.

The rezoning of Tract 1 and 2 would not necessarily need to occur, as Section 3-203 regulates these situations where the Zoning Map does not follow platted lot lines. However, this approach eliminates confusion as to what the Zoning District applies to each lot.

- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezoning sites are compatible with adjacent properties and should have no effects on the surrounding area. As previously mentioned, the Tract 1 rezoning site is proposed to address encroachments of site improvements, specifically the off-street parking lot paving onto Manko Window property. This will have no effect of the surrounding properties.

Tract 2 and 3 accommodate the proposed lots of the Final Plat. Proposed Lot 1 is currently vacant and is proposed to become a larger I-2 District lot with the Final Plat. The rezoning site will be similar to the surrounding area in terms of permitted uses.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The rezoning sites are shown on the Southeast Future Land Use Map of Manhattan Area 2035 Comprehensive Plan as CC, Community Commercial. The CC policies are:

CC-1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the broader 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

Attachment No. 1

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 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 in commercial nodes; rather than being developed in linear, “strip” configurations along major street corridors. 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) are permitted only 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

Establish a unified site layout—landscaping, signage, pedestrian, and vehicular circulation—for the center to guide current and future phases of development. Site design features 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 (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, throughout the community. Cluster complementary uses within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses, such as high density residential, where feasible. 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.

CC-7: Circulation and Access

Provide clear, direct pedestrian connections through parking areas to building entrances, to surrounding neighborhoods and streets, and transit stops. Integrate main entrances or driveways with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles. Provide a limited number of vehicle access points to minimize impacts on surrounding uses and maintain an efficient traffic flow to and from the site.

CC-8: In fill and Redevelopment / Adaptive Reuse

Encourage the revitalization and/or redevelopment of underutilized Community Commercial areas over time to take advantage of existing infrastructure and promote the efficient use of available land. Support opportunities to repurpose large surface parking lots typical of Community Commercial areas by incorporating additional pad sites for office or commercial uses or high density residential along the street edge. Support the adaptive reuse of existing buildings in older strip commercial centers on smaller lots where infill and redevelopment is less viable.

The Tract 1 rezoning site conforms to the Comprehensive Plan.

The rezoning sites for Tracts 2 and 3 are to be combined with an approximate 38,450 square foot piece of land that is proposed to be subdivided from the Manko Window’s property. This land is currently zoned I-2, Industrial Park District and was rezoned to this district in May, 2013. The proposed Lot 1, Manko IV Addition will be 61,297 square feet in area and combine the 2 platted lots at the end of the cul-de-sac and a small tract from an adjacent property.

The Manhattan Area 2035 Comprehensive Plan shows this area to be designated as CC, Community Commercial, but does not consider the current I-2 District zoning at the end of the cul-de-sac, the surrounding area to the northeast or the existing uses

along the cul-de-sac, which include uses that could be considered more industrial in nature, such as automotive repair and machine shop businesses. Considering the circumstances, the proposed rezoning of Tract 2 and 3 generally conforms to the policies of the Comprehensive Plan.

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

General Area History

- | | |
|-------------------|--|
| July 1, 1969 | City Commission approved Ordinance No. 2652 annex area that includes the site into the City and rezone the area to E, Light Industrial District |
| July 15, 1969 | City Commission approves Ordinance No. 2658 which established a new Zoning Ordinance for the City. The new Zoning Ordinance rezoned the site from E, Light Industrial District to I-3, Light Industrial District |
| December 16, 1969 | Manhattan City Commission approves Ordinance No. 2692 to rezone an area, including the site from I-3 District to I-2, Industrial Park District. |

Manhattan Service Park History (tracts 2 & 3)

- | | |
|-----------------|---|
| October 7, 1985 | Manhattan Urban Area Planning Board approves the Preliminary Plat of Manhattan Industrial Park Addition, Unit 4 and recommends approval to rezone the area of the Preliminary Plat from I-2 District to C-5 District. |
| 1985-2013 | City Commission approves the ordinance to rezone the area of the Preliminary Plat from I-2 District to C-5 District. |
| April 6, 1987 | Manhattan Urban Area Planning Board approves the Final Plat of Manhattan Service Park Addition. |
| April 7, 1987 | City Commission accepts easements and rights-of-way for the Final Plat of the Manhattan Service Park Addition. |

Manko Addition, Unit III History (Parent tract and Proposed Lot 1).

- | | |
|------------------|---|
| November 1, 1999 | Manhattan Urban Area Planning Board approves the Final Plat of Manko II Addition. |
|------------------|---|

Attachment No. 1

- November 16, 1999 City Commission accepts the easements and rights-of-way as shown on the Final Plat of the Manko Addition, Unit II.
- April 15, 2013 Manhattan Urban Area Planning Board recommends approval of the rezoning of Lot 4, Manhattan Service Park Addition, from C-5 District to I-2, Industrial Park District and the Final Plat of Manko Addition, Unit III.
- May 7, 2013 City Commission approves first reading of an ordinance rezoning Lot 4, Manhattan Service Park Addition, from C-5 District to I-2, Industrial Park District.
- May 21, 2013 City Commission approves Ordinance No. 7004, rezoning Lot 4, Manhattan Service Park Addition, from C-5 District to I-2, Industrial Park District.
- June 4, 2013 City Commission accepts the easements and rights-of-way as shown on the Final Plat of the Manko Addition, Unit III.

Manhattan Industrial Park History, Unit 6

- 1968-1969 Annexation of part of Lot C in 1968 and annexation of remainder of Lot C and Lot B in 1969. Lot B and Lot C were zoned E, Light Industrial District.
- 1969-1970 I-3, Light industrial District.
- 1970-2003 I-2, Industrial Park District.
- July 7, 2003 Manhattan Urban Area Planning Board recommends approval of rezoning of Lot B and Lot C from I-2 to C-5 District.
- August 5, 2003 City Commission approves first reading of rezoning.
- August 19, 2003 City Commission approves Ordinance No. 6354 rezoning of Lot B and Lot C from I-2 to C-5 District

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

The intent and purpose of the Manhattan Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The C-5, Highway Service Commercial District is designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which require access to major streets and highways. Minimum lot area is 10,000 square feet in area.

The I-2, Industrial Park District is designed to allow a broad range of manufacturing and research activities in a large lot industrial park setting. These uses include uses such as light manufacturing and warehouse and distribution. The minimum lot area for the I-2 District is 1 acre.

The proposed rezoning meets the intent and purpose of the Zoning Ordinance.

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 of the rezoning would accomplish. No expected adverse impacts on the public health, safety and welfare are anticipated as a result of the rezoning.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the site. A sidewalk exists on the west side of Hayes Drive. No sidewalk exists along the Service Circle cul-de-sac.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS: City Administration recommends approval of the rezoning of the Manko IV Addition, as proposed, based on the findings in the Staff Report, as follows:

- Tract 1: from I-2, Industrial Park District, to C-5, Highway Service Commercial District
- Tracts 2 & 3: from C-5, Highway Service Commercial District, to I-2, Industrial Park District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Manko IV Addition from C-5, Highway Service Commercial District and I-2, Industrial Park District, to I-2, Industrial Park District and C-5, Highway Service Commercial District, based on the findings in the Staff Report.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the rezoning of the Manko IV Addition, as proposed, based on the findings in the Staff Report, as follows:

- Tract 1: from I-2, Industrial Park District, to C-5, Highway Service Commercial District
- Tracts 2 & 3: from C-5, Highway Service Commercial District, to I-2, Industrial Park District.

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

DATE: February 9, 2016

2016 Emergency Shelter Grant Request

	Crisis Center	MESI	City	Total
Emergency Shelter	\$ 35,000.00	\$ 50,000.00		\$ 85,000.00
HMIS		\$ 7,500.00		\$ 7,500.00
Street Outreach				\$ 0.00
Rapid Re-Housing		\$ 156,800.00		\$ 56,800.00
Homeless Prevention				\$ 0.00
Administration				\$ 0.00
Total	\$ 35,000.00	\$ 214,300.00	\$ 0.00	\$249,300.00



INTER-OFFICE MEMORANDUM

DATE: February 5, 2016

TO: Manhattan Urban Area Planning Board

MEETING DATE: January 21, 2016

FROM: Chad Bunger, AICP, CFM, Senior Planner

RE: Amend Manhattan Zoning Regulations, Article VI, Sign Regulations, to define and allow Tri-Vision Billboards as a permitted type of Off-Premise Sign.

BACKGROUND

White Goss, Attorney at Law, on behalf of Thomas Outdoor Advertising, Inc., contacted City Administration about amending the current Zoning Regulations in order to accommodate an existing “Tri-Vision” off-premise advertising (billboard) sign located on Lot 3, Penny’s Addition, Unit Two, an Industrial Planned Unit Development (PUD), just northwest of Skyway Drive, the frontage road along the north side of K-18. The “Tri-Vision” sign consists of rotating vertical triangular prisms placed inside a frame, resulting in three sign faces per side of the billboard. These prisms rotate in a coordinated manner to display a new message during timed intervals. Two other “Tri-Vision” off-site advertising signs were installed farther to the east on the south side of K-18 on properties located outside of City limits, in rural Riley County. Riley County has permitted these signs on the property in rural Riley County.

Section 6-111(A)(1) in the Manhattan Zoning Regulations states:

“Signs which consist of beacons, strobe lights or search lights, or are animated by flashing, blinking, or traveling lights, or anything not providing constant color, brightness and illumination, except as applies to permitted Digital Animated, Digital Graphic, Electronic Changeable Copy, and Time and Temperature signs.”

Attachment No. 3

Because the signs rotate to display a new message that does not “provide a constant color, brightness or illumination,” it was determined to be an illegal sign. The sign owner was notified about the violation. Although the structure was completed, no actual message has been installed on the new sign structure.

In addition to violating the moving sign prohibition, the new sign does not conform to the Penney Concrete PUD (Ordinance No. 7008), which was amended on June 18, 2013 to allow an off-premise sign on the site. The sign was approved to be two sided, measuring 260 square feet in area per face (26 feet in length by 10 feet in height) with a total sign height of 30 feet (20 foot, 24 inch diameter steel pole and 10 feet of sign face). The “Tri-Vision” off-premise sign that was installed on the site is 297 square feet (27.55 feet by 10.80 feet), 37 square feet larger than allowed by the PUD Ordinance. The applicant has requested an amendment to the PUD to allow for the “Tri-Vision” sign type and for it to remain in its current size.

Following the applicant’s request to amend Article VI define “Tri-Vision” signs and exempt this sign from the prohibition in Section 6-111(A)(1), City Administration created a draft text amendment to accomplish the applicant’s goals and to meet the purpose and intent of the “Use Limitations” for off-site advertising signs across the City. The draft text amendment of Article VI is attached. New language is shown in bold type.

The term Tri-Vision Sign is proposed to be defined as follows in Section 6-103 Definitions:

“Tri-Vision Sign: An off-premise sign which consists of rotating non-internally illuminated louver displays which accommodate three separate advertising messages per sign face, to be displayed one at a time on a schedule. Tri-Vision Signs shall be a Monument or Pylon Sign, or located on a principal building façade as a Wall Sign.”

Section 6-111(A)(1) is proposed to read as follows:

“Signs which consist of beacons, strobe lights or search lights, or are animated by flashing, blinking, or traveling lights, or anything not providing constant color, brightness and illumination, except as applies to permitted Digital Animated, Digital Graphic, Electronic Changeable Copy, and Time and Temperature signs, and Tri-Vision Off-Premise signs.”

Tri-Vision signs would be a Conditional Use in the C-5, C-6, LM-SC, I-3, and I-4 Districts with the following use limitations in Section 6-301. (*See attachment for the full Section 6-301 Off-Premise Signs*):

- (10) Tri-Vision Sign message displays shall remain static for a period of not less than sixty (60) seconds. The transition from one (1) message to the next shall be direct and immediate. Special effects, such as transitioning the message in a wave or scrolling method, are prohibited. This minimum requirement shall be certified by the sign manufacturer at the time of the Sign Permit application.**
- (11) Tri-Vision Signs shall only be allowed through an approved Conditional Use Permit and shall only be located along state designated Freeways/Expressways and Principal Arterials having a posted speed limit of 55 miles per hour or greater at the location of the sign.**

Please note that the 60 second “dwell time” is identical to what is required for Electronic Changeable Copy Signs and Digital Graphic Signs which may be located along certain traffic corridors in the City in the C-5, Highway Commercial District; C-6, Heavy Commercial District; and LM-SC, Light Manufacturing-Service Commercial District.

AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS

When a proposed amendment results in a change to the text of the Zoning Regulations, the report from the Planning Staff shall contain a statement as to the nature and effect of the proposed amendment, and determinations as to the following issues.

1. WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS

The general 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 protect property values.

The prohibition on moving signs, as defined by Section 6-111(A)(1) was created to protect the public health safety and general welfare by limiting distractions for drivers and pedestrians along the roadway and sidewalks, where signage is generally located. A considerable amount of conversation was had during the latest revisions to the Sign Regulations regarding distractions from digital signs (electronic changeable copy signs, digital graphic signs and digital animated signs) for drivers. The community, City Administration, Manhattan Urban Area Planning Board and City Commission determined that allowing these types of digital moving signs could cause a negative impact to the public health and safety and therefore they adopted the one (1) minute dwell time as well as a size limitation of 32 square feet. The sign owner testified in various public hearings during adoption of the latest Sign Regulations against digital signs because of the potential distraction of drivers. The latest Sign Regulations reflect the community’s concerns and acceptance.

City Administration has drafted a text amendment to allow for “Tri-Vision” off-site advertising (billboard) signs that follow the general consensus of the community during the Sign Regulation revisions in 2014. The premise of the draft ordinance is to allow “Tri-Vision” signs for off-site advertising only if approved by the Board of Zoning Appeals as a Conditional Use. The use limitations for this sign type would limit the frequency that the message can be changed and limit where these types of signs can be placed in the community. Specifically, along state designated Freeways/Expressways and Principal Arterials having a posted speed limit of 55 miles per hour or greater at the location of the sign. The intent of this use limitation is to limit the location of Tri-Vision signs to areas having fewer traffic conflicts and turning movements (i.e. traffic conflicts at intersections) and more free flowing traffic that are typically on the edges of the community and not along the more congested interior traffic corridors.

The text changes are consistent with the intent and purpose of the zoning regulations by allowing Tri-Vision Signs as a Conditional Use within the same districts as other non-moving Off-Premise Signs. A Conditional Use is typically viewed as a favorable use within a specific zoning district, however may require additional development standards to ensure compatibility. The use limitations proposed for Tri-Vision Signs further ensures compatibility in terms of protecting the general public health, safety, and general welfare.

2. AREAS WHICH ARE MOST LIKELY TO BE DIRECTLY AFFECTED BY SUCH CHANGE AND IN WHAT WAY THEY WILL BE AFFECTED

The majority of existing Off-Premise signs are located along the major traffic corridors of Fort Riley Boulevard, between Seth Child and Tuttle Creek Boulevard; E. Poyntz Avenue, between Tuttle Creek Boulevard and McCall Road; and Seth Child Road, between Anderson Avenue and Fort Riley Boulevard.

The use limitation would restrict the potential for these signs to be located along state designated Freeways/Expressways and Principal Arterials having a posted speed limit of 55 miles per hour or greater at the location of the sign. This would generally be within current and future City limits in the Eureka Valley, the East U.S. Highway 24 corridor, U.S. Highway 177 corridor, and Tuttle Creek Boulevard north of the City. These areas are generally comprised of commercial, industrial and agricultural areas, with limited residential uses. All the other provisions in Section 6-301 that apply to other Off-Premises signs will also apply to Tri-Vision Signs, including a minimum of 200 feet of separation from the sign to the closest residential district and 800 feet between Off-Premise signs.

3. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN THE AREAS AND ZONING DISTRICTS AFFECTED, OR IN THE CITY PLANNING AREA, GENERALLY, AND IF SO, THE NATURE OF SUCH CHANGED OR CHANGING CONDITIONS

The proposed text amendment is made necessary because the sign owner installed the existing sign contrary to the current sign regulations prohibiting signs that move and exceeding the applicable size limitation of 260 square feet. As a remedy to the violation of the Zoning Regulations, and based on discussion with the City Attorney's office the applicant has proposed to amend the Zoning Regulations and the Penny's Concrete PUD Ordinance to allow the sign as it exists.

City Administration has drafted an amendment to Article VI of the Zoning Regulations to allow for this sign type and limit any adverse impacts that a large off-site advertising sign may have on the driving public and surrounding properties and uses.

4. WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICY AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY

The Zoning Regulations help implement the Comprehensive Plan and its goals, objectives, and policies. The Comprehensive Plan is more general in nature and does not specify administrative site planning and construction details such as those addressed by the proposed amendments. However, the proposed amendments ensure that the general policies in the Comprehensive Plan are implemented consistent with legal requirements.

The adopted Eureka Valley – Highway K-18 Corridor Plan, notes under “Aesthetics, Objective B”, that standards for outdoor advertising regarding size, setbacks, spacing, stacking, lighting and digital billboards should be established to insure coordination between local jurisdiction in Eureka Valley that design standards for signage (*pages 35-36 attached*). Both Riley County and the City of Manhattan recently adopted similar outdoor advertising sign standards (off-premise signs). In addition, Riley County allows Tri-Visions signs.

ALTERNATIVES

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

1. Recommend approval of the proposed amendment of the Zoning Regulations to the City Commission, based on the reasons in the staff memorandum.

Attachment No. 3

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

RECOMMENDATION

While City Administration would have preferred a different approach leading up to addressing this issue, City Administration recommends approval of the amendment to the Manhattan Zoning Regulations to amend Article VI, Sign Regulations, to allow for “Tri-Vision” off-site advertising, as proposed, based on the findings in the Staff Memorandum.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment to the Manhattan Zoning Regulations to amend Article VI, Sign Regulations, to allow for “Tri-Vision” Off-site Advertising, based on the findings in the Staff Memorandum.

16001}MUAPB}AMENDZR}TRIVISIONBILLBOARDS

AN AMENDMENT OF ORDINANCE NOS. 6730, 6915 AND 7008 AND THE APPROVED FINAL DEVELOPMENT PLAN OF THE PENNY'S CONCRETE INDUSTRIAL PUD TO ACCOMMODATE AN EXISTING "TRI-VISION" OFF-SITE ADVERTISING (BILLBOARD) SIGN

THE AMENDMENT IS PROPOSED AS A FINAL DEVELOPMENT PLAN.

Note: See separate Amendment to Article VI, Sign Regulations, to define and allow Tri-Vision Billboards as a permitted type of Off-Premise Sign.

BACKGROUND

APPLICANT: Thomas Outdoor Advertising Inc. – Bart Thomas.

OWNER: Penny's Concrete, Inc., a Kansas Corporation.

APPLICANT ADDRESS: 1508 Fair Lane, Manhattan, KS 66502

OWNER ADDRESS: 23400 W. 82nd Street, Shawnee, KS, 66227

LEGAL DESCRIPTION: Lot 3, Penny's Addition, Unit Two, an Industrial Planned Unit Development, City of Manhattan, Riley County, Kansas.

LOCATION: The amendment site is generally located on that part of Lot 3 approximately 1,400 feet south of the Skyway Drive and Eureka Drive intersection on the west side of Skyway Drive. Lot 3 is a vacant tract of land immediately south of the Penny's Concrete batch plant operation.

EXISTING ZONING: Industrial Planned Unit Development District, with AO, Airport Overlay District.

AREA: Lot 3 is a 3.447 acre (150,156 square foot) tract of land.

DATE OF NEIGHBORHOOD MEETING: September 30, 2015.

PUBLICATION DATE OF PUBLIC NOTICE: Monday, December 14, 2015.

DATE OF PUBLIC HEARING, PLANNING BOARD: Monday, January 21, 2016

CITY COMMISSION FIRST READING OF AN ORDINANCE: Tuesday, February 16, 2016.

EXISTING PUD:

Ordinance Nos. 6730, 6915 and 7008

Penny's Concrete Industrial Planned Unit Development was established by **Ordinance No. 6730**, dated October 21, 2008, with the following conditions of approval:

1. Permitted uses shall include a permanent Concrete Batch Plant, a portable Concrete Batch Plant, the production and storage of concrete landscaping blocks, and a vehicle and equipment maintenance shop.
2. Perimeter and front yard landscaping and screening shall be provided as proposed.
3. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
4. All landscaping and irrigation shall be maintained in good condition.
5. 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.
6. Signage shall be provided as proposed to include one ground entry sign.
7. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.
8. All trash enclosures shall be constructed of masonry walls with gates.
9. Dust control mitigation shall be provided as proposed for material storage areas and conveyors.

Penny's Concrete Unit Two Industrial Planned Unit Development was amended by **Ordinance No. 6915**, dated September 6, 2011, to amend the Final Development Plan of Penny's Concrete Industrial PUD and Ordinance No. 6730 to rezone and add Lot 36, Eureka Addition, Unit Two, to the PUD. There was one condition of approval updating the PUD to incorporate a revised citation related to political signs, under the exempt sign section:

1. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5), of the Manhattan Zoning Regulations.

Penny's Concrete Unit Two Industrial Planned Unit Development was amended by **Ordinance No. 7008**, dated June 18, 2013, to allow an off-site advertising sign with the following conditions of approval:

Attachment No. 4

1. One (1) advertising sign shall be allowed on the east side of Lot 3, Penny's Addition, Unit Two, An Industrial Planned Unit Development, City of Manhattan, Riley County, Kansas.
2. All applicable permits shall be obtained before construction of the advertising sign.
3. No portion of the advertising sign shall encroach on or over the utility easement dedicated on the east side of Lot 3.

Permitted Uses

Permitted Uses in the PUD are set out above in Ordinance No. 6730, under Condition 1.

Signs are permitted under Conditions 6 and 7, Ordinance No. 6730, and Condition 1, Ordinance No. 6915.

One (1) off-premise sign is allowed on Lot 3 under Condition 1, Ordinance No. 7008.

EXISTING USE

The existing use of the Penny's Concrete PUD is exclusively on Lot 2, which adjoins Lot 3, the amendment site. Lot 2 consists of a permanent Concrete Batch Plant, a portable Concrete Batch Plant, the production and storage of concrete landscaping blocks for retaining walls, office, other accessory uses such as landscaping, lighting, signage, a future shop, and a retention basin along the east side of Lot 2. A third batch plant was approved on Lot 3 but has not been built. In addition to the Manhattan Zoning Regulations, batch plant activities on Lots 2 and 3 are subject to Kansas Department of Health and Environment (KDHE) air and water quality regulations.

Lot 3 –Off-Premise Sign and Approved But Not Constructed Batch Plant.

Lot 3 contains an existing two sided off-premise sign that measures 297 square feet in area per face (27.55 feet in length by 10.80 feet in height), total sign height is approximately 25 feet in height (14 foot, 24 inch diameter steel pole and 11 feet of sign face) measured from the flat grade adjacent to the retention basin (*elevation attached*). The off-premise sign is a "Tri-Vision" type, consisting of three (3) separate rotating advertising messages per sign face. The front yard setback is 25 feet and the closest part of the sign is generally 23 feet.

A portable plant (Plant #3) may be located on Lot 3 and may be placed on the site depending on demand for concrete. The area around Plant #3 will be for aggregate storage and parking with access to the existing activities on Lot 2.

DESCRIPTION OF PROPOSED AMENDMENT

Attachment No. 4

AMEND Ordinance Nos. 6730, 6915 and 7008 and the approved Final Development Plan of the Penny's Concrete Industrial PUD to accommodate an existing "Tri-Vision" Off-premise advertising (billboard) sign.

Off-premise signs are a defined type of sign in Article VI, Signs. The definition of an off-premise sign and the specific standards are as follows:

Definition

Off-Premise Sign. A sign directing attention to a specific business, product, service, organization, person, entertainment, event or activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. Also known as a billboard, off-site advertising, or outdoor advertising sign.

Regulations

Section 6-301. 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.
- B. Permitted Structural Types: (1) Monument Signs. (2) Pylon Signs. (3) Wall Signs.
- C. Sign Separation: The minimum spacing between Off-Premise Signs shall be eight hundred (800) feet radial distance, measured from any part of the sign to the nearest portion of any part of any other Off-Premise Sign.
- D. Separation from Residential Districts: Off-Premise Signs shall be no closer than two hundred (200) feet to a residential district.
- E. Required Sign Setback:
 - 1) Front Yard and Rear Yard: Twenty-five (25) feet.
 - 2) Side Yard: Shall follow the applicable minimum side yard setback requirements as cited in Article VI, Part 2, District Regulations.
- F. Maximum Surface Area: Two-hundred sixty (260) square feet.
- G. Height:
 - 1) Wall Signs: Shall not project above the building facade on which they are attached.

2) Monument Signs: Six (6) feet.

3) Pylon Signs: Thirty (30) feet.

H. Illumination: Sign illumination may be external and shall be directed upward.

I. Use-limitations:

- 1) Off-Premise Signs shall be located on a parcel, tract, or lot that conforms to the minimum lot size requirements of the zoning district in which the sign is located.
- 2) Off-Premise Signs shall be oriented towards the abutting street.
- 3) The surface area of Off-Premise Pylon Signs shall not count towards the permitted maximum surface area for all signs associated with a separate principal use located on the same property.
- 4) The surface area of Off-Premise Monument and Wall Signs shall count towards the total permitted surface area for all signs associated with a separate principal use located on the same property.
- 5) Off-Premise Sign faces shall not be placed side by side, or in a vertical position with one structure atop the other.
- 6) Double-faced Off-Premise Signs having nonparallel faces shall be constructed so that the angle between the sign faces shall not exceed twenty four (24) degrees and the total distance between the open ends of the faces shall not exceed ten (10) feet.
- 7) Off-Premise Pylon Signs shall be constructed using a uni-pole design.
- 8) Off-Premise Signs shall not incorporate any of the following displays: Time and Temperature Signs, Electronic Changeable Copy Signs, Digital Graphic Signs, or Digital Animated Signs.

Attachment No. 4

- 9) Any trim surrounding an Off-Premise Sign face and any extension(s) of the display surface shall be included in the maximum allowed surface area. The sign base, structural members, and supports shall be excluded from the maximum surface area, provided they do not constitute part of the display message.

Note: See separate Amendment to Article VI, Sign Regulations, to define and allow Tri-Vision Billboards as a permitted type of Off-Premise Sign.

PROPOSED SIGN: The proposed amendment to the PUD is to accommodate the existing off-premise sign. Ordinance No. 7008 was approved on June 18, 2013 to amend the PUD to allow an off-premise sign, as per the existing sign regulations. The approved sign was proposed as two sided, measuring 260 square feet in area per face (26 feet in length by 10 feet in height) with a total sign height of 30 feet (20 foot, 24 inch diameter steel pole and 10 feet of sign face). However, the off-premise sign that was installed did not follow the permit that was issued and is an illegal sign that is larger than the proposed sign consisting of 297 square feet compared to 260 square feet. In addition, the off-premise sign was installed as a Tri-Vision sign, that has three rotating sign faces per side which change message displays, which is currently prohibited under Section 6-111(A)(1) in the City of Manhattan Zoning Regulations.

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 generally consistent with the intent and purpose of the Penny's Concrete Industrial PUD, which is a heavy industrial land use as well as the eastern part of the Eureka Addition, which also is a light industrial and heavy commercial area. Off-premise signs are a permitted sign in I-4, Heavy Industrial District; C-6, Heavy Commercial District; and, I-3, Light Industrial District. Approval of the existing Tri-Vision sign does not necessarily ensure the efficient development and preservation of the entire PUD but does not interfere with its efficient development as a batch plant and does not interfere with the use of the retention basin. The unipole of the Tri-Vision sign is located on the slope of the retention basin but is located out of the platted utility easement east of the retention basin.

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: Ordinance No. 7008 amending the PUD to allow for an off-premise sign was in order to replace off-site advertising signs that were removed by KDOT due to realignment of K-18 Highway. The proposed amendment to the PUD is not made necessary because of changed or changing conditions in or around the PUD. The applicant indicates in his written documents that, “the proposed amendment is to clarify and specify the type of advertising signage allowed by Ordinance 7008 as a “Tri-Vision billboard”, as well as to provide a site plan showing the location within the PUD and drawings depicting the Tri-Vision billboard”.

If this PUD amendment is approved, Article VI of the City of Manhattan’s Sign Regulations must also be amended in order to allow Tri-Vision signs as a permitted type of off-premise sign within the City.

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: Approval of the proposed amendment will not result in a relative gain to the general public. If the Planning Board and/or City Commission determine to approve the amendment, City Administration recommends a minimum dwell time between message changes of at least one (1) minute to match the dwell time required for digital graphics signs and electronic changeable message signs in other parts of the City along traffic corridors to protect public health and safety. The proposed amendment will benefit the applicant as there are currently no other Tri-Vision signs allowed within the City of Manhattan and the existing Tri-Vision sign was installed in direct conflict with the original proposed off-premise sign.

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

1. LANDSCAPING: No landscaping is proposed with the amendment. Existing landscaping consist of natural grass.

2. SCREENING: Lot 3, when developed with the batch plant, is proposed to be screened by a six foot slatted security fence on the east lot line with a row of ornamental trees on the inside of the fence.

3. DRAINAGE: A DRAINAGE STUDY WAS SUBMITTED IN 2006 WITH THE PRELIMINARY PLAT FOR THE ENTIRE EUREKA ADDITION SUBDIVISION. THE STUDY WAS REVIEWED AND ACCEPTED BY THE CITY ENGINEER. AN UPDATE TO THE ORIGINAL STUDY WAS SUBMITTED AND ACCEPTED WITH THE PENNY'S PUD IN 2008. AS A PART OF THE PROPOSED AMENDMENT AND REZONING, KAREN L. WEATHERS, P.E., BG CONSULTANTS, SUBMITTED A STORM DRAINAGE REPORT FOR PENNY'S CONCRETE LOT 36, DATED JUNE 15, 2011. THE 2011 UPDATE WAS REVIEWED AND ACCEPTED BY THE CITY ENGINEER. NO CHANGES TO THE DRAINAGE PATTERNS ARE PROPOSED. THE ADVERTISING SIGN WILL NOT AFFECT DRAINAGE ON THE SITE.

4. CIRCULATION: There is no change to access to the PUD associated with the existing Tri-Vision Sign. The PUD is accessed from Eureka Terrace, with no curb cut on Skyway Drive.

5. OPEN SPACE AND COMMON AREA: Open landscaped space around the perimeter of the site is owned and maintained by the property owner.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is characterized by the batch plant and a developing light industrial/industrial park, consisting of Star Lumber & Supply, a contractor's business, a self-storage site, and an auto related service. The neighborhood further north consists of Eureka Drive, Flint Hills Job Corps Center and agricultural fields. The neighborhood to the immediate south and west of the site is undeveloped heavy commercial and industrial park lots and agricultural fields. To the southwest is the Manhattan Regional Airport. Residential neighborhoods are to the west of the Eureka Addition. The neighborhood to the east is the realigned K-18 Highway Corridor and Skyway Drive.

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Lot 3 consists of an off-premise sign and remaining vacant land approved for the expansion of the Penny's Concrete batch plant operations.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Lot 3 is flat and covered with field grasses, and within the 100 Year and 500 Year Flood Plains.

Lot 3 is entirely within the Horizontal and Conical Zones of Manhattan's Regional Airport. The northwest corner of Lot 3 is also within the Approach and Transitional Zones of the airport. Future uses (structures and trees), which are within these Zones are required to be reviewed by the Federal Aviation Administration (FAA) and may be required to obtain, an Airport Compatible Use Permit prior to construction, planting or change to the structure or trees..

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** Penny's Concrete, Star Lumber, Eureka Drive, Flint Hills Job Corps, and agricultural fields; Industrial PUD/AO, C-6/AO Districts, U, University District, and Riley County G-1, General Agricultural District.

(b.) **SOUTH:** Undeveloped heavy commercial lots and agricultural fields; C-6/AO Districts and Riley County G-1 District.

(c.) **EAST:** Skyway Drive and K-18 Highway; Riley County G-1 District.

(d.) **WEST:** Eureka Terrace, contractor business, self-storage and undeveloped light industrial lots and undeveloped industrial park lots; I-3, Light Industrial District/AO Districts, and I-2, Industrial Park District/AO Districts.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Lot 3 is suitable for the batch plant as approved. Currently, "Tri-Vision" signs are prohibited by the City of Manhattan's Sign Regulations. The Zoning Regulations would need to be amended in order to permit Tri-Vision signs within the City of Manhattan and in order to amend the PUD to allow the existing sign to remain.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Properties nearby Lot 3 are the existing Penny's batch plant site, and a lumber wholesale supply and recently constructed Skyway Drive and undeveloped agricultural fields. Nearby properties to the south are undeveloped parts of the Eureka Addition, agricultural fields and the Manhattan Regional Airport.

The existing sign is setback approximately 23 feet from the east lot line of Lot 3.

Lot 3 is entirely within the Horizontal and Conical Zones of Manhattan's Regional Airport, which requires structures comply with the AO, Airport Overlay District regulations. The northwest corner of the site is also within the Approach and Transitional Zones of the airport.

The existing sign structure height is 30 feet to the top of the sign. *(Note: The Federal Aviation Agency (FAA) previously determined there would be no hazard to air navigation, based on a height of 100 feet for the Concrete Batch Plant in the existing Penny's PUD. The FAA's determination indicated future construction requires additional notice to the*

FAA. The addition of Plant #3 requires additional notice to the FAA before Plant #3 is added to the site but does not include the existing sign outside the approach zone, which is less than 75 feet in height.)

The sign appears to have no detrimental effects on surrounding land uses. However, the affect of rotating message faces of the Tri-Vision sign is unknown on driver's who could become distracted along Skyway Drive and K-18 anticipating the next message. Therefore if the Planning Board and/or City Commission decide to approve this amendment, City Administration recommends a minimum dwell time between message changes of at least one (1) minute to match the dwell time required for digital graphics signs and electronic changeable message signs in other parts of the City along traffic corridors.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE FUTURE LAND USE MAP OF THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN DESIGNATES THE MAJORITY OF THE EUREKA ADDITION AS INDUSTRIAL (IND). PENNY'S CONCRETE PUD WAS FOUND IN CONFORMANCE WITH THE COMPREHENSIVE PLAN WITH REZONING TO INDUSTRIAL PUD AND THE AMENDMENT FOR LOT 3. THE EXISTING TRI-VISION SIGN IS IN GENERAL CONFORMANCE WITH THE COMPREHENSIVE PLAN.

The adopted Eureka Valley – Highway K-18 Corridor Plan, notes under “Aesthetics, Objective B”, that standards for outdoor advertising regarding size, setbacks, spacing, stacking, lighting and digital billboards should be established to insure coordination between local jurisdiction in Eureka Valley that design standards for signage (*pages 35-36 attached*). Both Riley County and the City of Manhattan have recently adopted similar outdoor advertising sign standards (off-premise signs).

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

February 6, 2006 Manhattan Urban Area Planning Board considers annexation of the 53-acre site and conducts the public hearings on the proposed rezoning of three tracts of land from County G-1, General Agricultural District, and N-1, Airport Noise Hazard District, to I-2, Industrial Park District; C-6, Heavy Commercial District; and I-3, Light Industrial District, all with AO, Airport Overlay District. The Planning Board Recommends approval of the annexation on a vote of 5-1; and recommended approval of the rezoning of three tracts of land on a vote of 5-1. The Board tabled the preliminary plat to the February 23, 2006, Planning Board meeting, on a vote of 6-0.

Attachment No. 4

- February 21, 2006 City Commission, on a vote of 5-0, approves Resolution No 022106-A, requesting that the Board of Riley County Commissioners make positive findings regarding the island annexation of the proposed Eureka Addition.
- February 23, 2006 Manhattan Urban Area Planning Board approves Preliminary Plat 6-0, with three conditions.
- March 16, 2006 Board of Riley County Commissioners considers island annexation request, as per K.S.A. 12-520c and tables for additional information.
- March 30, 2006 Board of Riley County Commissioners continues consideration of island annexation request, as per K.S.A. 12-520c, and approves Resolution No. 03006-13, finding that the annexation will not hinder development or prevent proper growth.
- April 18, 2006 City Commission approves first reading of ordinances annexing and rezoning the proposed Eureka Addition.
- May 2, 2006 City Commission approves Ordinance Nos. 6537 and 6538 annexing and rezoning the proposed Eureka Addition.
- August 7, 2006 Manhattan Urban Area Planning Board approves Final Plat Eureka Addition.
- September 5, 2006 City Commission accepts easements and rights-of-way as shown on the Final Plat Eureka Addition.
- September 15, 2008 Manhattan Urban Area Planning Board recommends, on a vote of (5-1) rezoning Lots 12 – 15, Eureka Addition from C-6, Heavy Commercial District with AO, Airport Overlay District, to PUD, Industrial Planned Unit Development District with AO, Airport Overlay District.
- October 14, 2008 City Commission approves first reading of an ordinance rezoning Lots 12 – 15, Eureka Addition, to PUD, Industrial Planned Unit Development District with AO, Airport Overlay District.
- October 21, 2008 City Commission approves Ordinance No. 6730 rezoning Lots 12 – 15, Eureka Addition, to PUD, Industrial Planned Unit Development District with AO, Airport Overlay District.

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- November 3, 2008 Manhattan Urban Area Planning Board approves Final Plat of the Penny's Addition and the Final Development Plan of Penny's Concrete Industrial PUD.
- November 18, 2008 City Commission accepts easements and rights-of-way as shown on the Final Plat of Penny's Addition.
- August 1, 2011 Manhattan Urban Area Planning Board recommends approval of an amendment of the Final Development Plan and Ordinance No. 6730, and the rezoning of Lot 36, Eureka Addition, Unit Two, from C-6/AO to PUD/AO, to be combined with Penny's Concrete PUD, and approves the Final Plat of Penny's Addition, Unit Two.
- August 16, 2011 City Commission approves first readings of an amendment of the Final Development Plan and Ordinance No. 6730, to be known as Penny's Concrete PUD, Unit Two; and the rezoning of Lot 36, Eureka Addition, Unit Two, from C-6/AO to PUD/AO, to be combined with Penny's Concrete Unit Two PUD.
- September 6, 2011 City Commission approves Ordinance No. No. 6915 amending the Final Development Plan of Penny's Concrete Industrial PUD and Ordinance No. 6730; and rezoning Lot 36, Eureka Addition, Unit Two, to PUD, Industrial Planned Unit Development District with AO, Airport Overlay District.
- September 6, 2011 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Penny's Addition, Unit Two; and authorizes Mayor and City Clerk to execute Agreement regarding construction and maintenance of the storm water facilities.
- May 20, 2013 Manhattan Urban Area Planning Board holds public hearing and recommends approval of amending Ordinance Nos. 6730 and 6915 and the Final Development Plan of Lot 3, Penny's Concrete Industrial PUD, Unit Two, for a proposed off-site advertising sign.
- June 4, 2013 City Commission approves first reading of an ordinance amending Ordinance Nos. 6730 and 6915 and the Final Development Plan of Lot 3, Penny's Concrete Industrial PUD, Unit Two, for a proposed off-site advertising sign.

June 18, 2013 City Commission approves Ordinance No. 7008 amending Ordinance Nos. 6730 and 6915 and the Final Development Plan of Lot 3, Penny's Concrete Industrial PUD, 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.

Lot 3 is designated for a heavy industrial use associated with Penney Concrete's operations. Off-premise signs are permitted in the I-4, Heavy Industrial District. The site was zoned C-6 District prior to rezoning to the PUD and off-premise signs are permitted in C-6 District and in the PUD. However, as noted above, the existing sign does not conform to the Manhattan Zoning Regulations' requirements for Off-premise signs. A text amendment of the Zoning Regulations allowing Tri-Vision signs would be required in order for the existing sign to conform 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:

As the amendment is made necessary due to the applicant's actions to construct an off-site advertising sign that does not conform with the applicable sign regulations, or with the PUD, there appears to be a potential precedent for future requests under a similar "ask for forgiveness" approach. Denial of the amendment could reduce this potential. In addition, denial could be a relative gain to the public health, safety and welfare, by reducing driver distraction that might be caused by the rotating/changing messages of the Tri-Vision Sign in proximity to Skyway Drive and K-18. If the Planning Board and/or City Commission determine to approve the requested PUD amendment, City Administration recommends a one (1) minute dwell time between message changes to reduce driver distraction, as noted above under "Extent To Which It May Have Detrimental Affects".

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

12. OTHER APPLICABLE FACTORS: The existing Tri-Vision sign was installed in violation of the sign permit. The sign permit had lapsed beyond the 180 day timeline the permit would remain valid for, and the existing Tri-Vision sign was not installed as proposed in the sign permit.

13. STAFF COMMENTS: City Administration is concerned about the approach taken by the applicant to construct a sign that does not conform to the applicable sign regulations or PUD, and then ask for forgiveness through amendments of each. If the Planning Board and/or City Commission determine to approve the PUD amendment and the necessary amendment of the Zoning Regulations to allow the existing Tri-Vision Sign to remain, City Administration recommends the conditions of approval listed below. The recent update of the Sign Regulations added digital graphic signs and electronic changeable message signs in some parts of the City along traffic corridors (C-5, Highway Commercial District; C-6, Heavy Commercial District; and LM-SC, Light Manufacturing-Service Commercial District) subject to the one (1) minute dwell time between message changes.

While City Administration would have preferred a different approach leading up to addressing this issue, City Administration recommends approval of the proposed amendment of Ordinance Nos. 6730, 6915 and 7008 and the Final Development Plan of the Penny's Concrete Industrial PUD for the existing "Tri-Vision" off-site advertising sign, with the following conditions of approval:

1. The amendment of the Manhattan Zoning Regulations, Article VI, Sign Regulations shall be approved to define "Tri-Vision" Billboards as a type of Off-Site Advertising Sign along with the Use Limitations and other provisions identified in the Staff Report on the concurrent Sign Regulation amendment of Article VI of the Zoning Regulations.
2. A Sign Permit Application and applicable fee shall be submitted by the applicant to the City, which accurately reflects the Tri-Vision Sign's dimensions and display type that was constructed at Penney Concrete PUD.
3. The Tri-Vision Sign located at Penny Concrete PUD shall be operated in compliance with all applicable provisions of the Manhattan Zoning Regulations, as amended.
4. The existing Tri-Vision Sign located at Penny Concrete PUD, may be no greater than 297 square feet per face including any border trim.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance Nos. 6730, 6915 and 7008 and the approved Final Development Plan of the Penny's Concrete Industrial PUD to accommodate an existing "Tri-Vision" off-site advertising sign, based on the findings in the Staff Report.
2. Recommend denial of the proposed amendment of Ordinance No. 6730, Ordinance No. 6915 and Ordinance No. 7008 and the approved Final Development Plan of the Penny's Concrete Industrial PUD to accommodate an existing "Tri-Vision" off-site advertising (billboard), stating the specific reasons for denial.

Attachment No. 4

3. Table the proposed Amendment to a specific date, for specifically stated reasons and provide further direction to the applicant and City Administration.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance Nos. 6730, 6915 and 7008 and the Final Development Plan of the Penny's Concrete Industrial PUD to accommodate the existing "Tri-Vision" off-site advertising sign, subject to the four (4) conditions of approval listed in the Staff Report.

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

DATE: January 7, 2016

16002}SR}AmendPennysConcPUD}Final