



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, MAY 3, 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 Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 8 staff, and approximately 35 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor McCulloh led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

- A. Mayor McCulloh proclaimed May 2016, ***National Preservation Month***. Cameron Tross, Chair, Historic Resources Board; and Kathy Dzewaltowski, Mel Borst, and Cheryl Collins, members, Manhattan/Riley County Preservation Alliance, were present to receive the proclamation.
- B. Mayor McCulloh proclaimed May 14, 2016, ***Letter Carrier Food Drive Day***. Fred Stork, Food Drive Coordinator, Branch 1018 National Association of Letter Carriers, was present to receive the proclamation.
- C. Mayor McCulloh proclaimed May 2016, ***Manhattans for Monarchs: The City of Manhattan, Kansas, Monarch Butterfly Initiative***. Patricia Yeager, Northern Flint Hills Audubon Society, and Laura Hall and Gregg Eyestone, Riley County Extension Master Gardeners, were present to receive the proclamation.

## PUBLIC COMMENTS

Mayor McCulloh opened the public comments.

Stan Hoerman, 2021 Bluehills Road, Chair, Douglass Center Advisory Board, informed the Commission that a year-and-a-half ago Mount Zion Church of God in Christ was asked to put in 33 off-street parking spots and to-date they have only put in 16 parking spots. He wanted to find the person responsible to ensure that the other 17 parking spots are installed. He stated this would relieve the parking at the Douglass Center parking lot.

Jason Hilgers, Deputy City Manager, informed Mr. Hoerman that the City is working on a response and will be looking at what the Board of Zoning Appeals and City zoning staff can find in the records. He stated that after a determination is made, a memorandum would be prepared for the City Commission and a copy would be provided to the Douglass Center Advisory Board.

Ted Morgan, 1801 Humboldt Street, Vice Chair, Flint Hills Human Rights Projects, commended the Commission on the April 5, 2016, meeting and the unanimous support from the Commission to protect all citizens in Manhattan against discrimination. He emphasized two primary points. First, he asked that the Commission amend the non-discrimination ordinance to include sexual orientation and gender identity in housing, accommodations, and employment with reasonable enforcement mechanisms. Second, he stated that over the years there have been efforts to provide protections for LGBT (lesbian, gay, bisexual, and transgender). He discussed the tangible and indirect benefits to business and the importance to be an inclusive and diverse community. He highlighted recent events in North Carolina and the negative effects on the state economy. He thanked the Commission for their consideration of the item and hoped to see first reading of the ordinance in the months to come. He also thanked the Commission for their work on this issue and service to the community.

Mayor McCulloh stated the discrimination ordinance item is tentatively scheduled for a Work Session on May 31, 2016.

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

## COMMISSIONER COMMENTS

Commissioner Morse stated that she recently attended a Fair Housing Summit sponsored by the local community and area agencies. She informed the community that she rode with Senior Code and Zoning Officer Rick Berry and that this was an excellent opportunity to learn more about housing in the community and activities of the City's Code Office.

## COMMISSIONER COMMENTS (CONTINUED)

Commissioner Reddi stated that May 2-6, 2016, is Teacher Appreciation Week and asked that everyone take a moment and thank past, present, and future teachers. She informed the community that Friday, May 6, 2016, is Furniture Amnesty Day and encouraged citizens that are interested to find additional information on the City's website. She thanked City staff for doing an excellent job last week with the severe weather that the community experienced. She also stated that she attended a Leadership Summit in Junction City and Mayor Mike Young won the award for Mayor of the Year from the City of Lyons. Finally, she stated that Wednesday, May 4, 2016, is "Ride Your Bike to School" day and encouraged parents to ride with your child to school.

Mayor McCulloh thanked teachers and Commissioner Reddi for their great work and special recognition during Teacher Appreciation Week. She stated that on Saturday, April 30, 2016, she helped with the Mortarboard 5K event at the Northeast Community Park and said it was a really good place for a 5K sponsored event and that the event helped send books to Ethiopia. She stated that folks are visiting Manhattan from Ames, Iowa, and that they will be at City Hall on Wednesday, May 4, 2016, at 1:30 p.m. to discuss items that both cities have in common and to talk with them about public transportation.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, April 19, 2016.

### CLAIMS REGISTER NO. 2821

The Commission approved Claims Register No. 2821 authorizing and approving the payment of claims from April 13, 2016, to April 26, 2016, in the amount of \$2,386,197.62.

### ORDINANCE NO. 7207 – KDHE LOAN AGREEMENT – WATER TREATMENT PLANT IMPROVEMENTS (WA1403, CIP #WA015P, WA121E)

The Commission approved Ordinance No. 7207 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, WA121E), and authorized construction of the project using proceeds of the loan upon adoption of the ordinance.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 7208 – AMEND ZONING REGULATIONS – TRI-VISION OFF-PREMISE ADVERTISING

The Commission approved Ordinance No. 7208 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. 1*) and the recommendation of the Planning Board.

### FIRST READING – AMEND LOT 3, PENNY’S ADDITION, UNIT TWO, INDUSTRIAL PUD – TRI-VISION OFF-PREMISE ADVERTISING SIGN

The Commission approved Ordinance No. 7209 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. 2*).

### \* FIRST READING – ADDITIONAL NO PARKING ZONES

Rob Ott, Director of Public Works, responded to questions from the Commission and provided additional information on the item.

The Commission approved first reading of an ordinance amending Chapter 31 of the Code of Ordinances adding “No Parking” to portions of Fremont Street, Bakers Way, Colbert Hills Drive, Michael Road and Little Kitten as outlined in the ordinance.

### \* FIRST READING – REFUNDING HEALTH CARE FACILITY REVENUE BONDS – MEADOWLARK HILLS RETIREMENT COMMUNITY

Mayor McCulloh provided an overview on the item.

The Commission approved first reading of an ordinance issuing approximately \$45 million in Health Care Facility Revenue Bonds, Series No. 2016-A, to refund/refinance the 2007 Series-A and B for Meadowlark Hills Retirement Community.

### RESOLUTION NO. 050316-A – PETITION – THE HARTFORD ADDITION – SANITARY SEWER IMPROVEMENTS (SS1622)

The Commission found the petition sufficient, and approved Resolution No. 050316-A, finding the project advisable and authorizing construction for The Hartford Addition Sanitary Sewer (SS1622) improvements.

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 050316-B – PETITION – THE HARTFORD ADDITION – WATER IMPROVEMENTS (WA1618)

The Commission found the petition sufficient, and approved Resolution No. 050316-B, finding the project advisable and authorizing construction for The Hartford Addition Water (WA1618) improvements.

### RESOLUTION NO. 050316-C – PETITION – THE HARTFORD ADDITION – STREET IMPROVEMENTS (ST1609)

The Commission found the petition sufficient, and approved Resolution No. 050316-C, finding the project advisable and authorizing construction for The Hartford Addition Street (ST1609) improvements.

### AGREEMENT – ENGINEERING SERVICES – THE HARTFORD ADDITION – SANITARY SEWER (SS1622), WATER (WA1618), AND STREET (ST1609) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$101,180.00 with SMH Consultants, of Manhattan, Kansas, to perform professional services for The Hartford Addition Sanitary Sewer (SS1622), Water (WA1618), and Street (ST1609) improvements

### AGREEMENT – 2016 FEDERAL FUNDS EXCHANGE

The Commission authorized the Mayor and City Clerk to execute Agreement No. 96-16 with the Kansas Department of Transportation (KDOT) to complete the Federal Fund exchange for 2016 in an amount of \$1,384,500.52 for future transportation projects.

### ACCEPT – KDOT TRANSPORTATION ALTERNATIVE GRANT - SAFE ROUTES TO SCHOOL, PHASE 2 INFRASTRUCTURE (ST1613)

The Commission accepted the KDOT Transportation Alternative grant for the Safe Routes to School, Phase 2, Infrastructure (ST1613) project, and directed City Administration to proceed with the project.

### ACCEPT – KDOT TRANSPORTATION ALTERNATIVE GRANT – JULIETTE AVENUE BRICKS, PHASE 2 (ST1614)

The Commission accepted the KDOT Transportation Alternative grant for the Juliette Avenue Bricks, Phase 2 (ST1614) project, and directed City Administration to proceed with the project.

## CONSENT AGENDA (CONTINUED)

### ACCEPT – KDOT TRANSPORTATION ALTERNATIVE GRANT – OLD BIG BLUE STORMWATER MANAGEMENT (SM1605)

The Commission accepted the KDOT Transportation Alternative grant for the Old Big Blue Stormwater Management (SM1605) project, and directed City Administration to proceed with the project.

### AGREEMENT – PROFESSIONAL SERVICES – WATER, WASTEWATER, STREET, FLEET, FORESTRY AND PARK MAINTENANCE JOINT FACILITY FEASIBILITY STUDY (SP1601, CIP #ST063P)

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an agreement for professional services in an amount not to exceed \$63,456.00, with BBN Architects, Inc., of Manhattan, Kansas, for a Feasibility Study for the Water, Wastewater, Street, Fleet, Forestry, and Park Maintenance Joint Facility (ST1601, CIP #ST063P).

### AWARD CONTRACT – STREET MAINTENANCE-ASPHALT (ST1606)

The Commission awarded a construction contract in the total amount of \$418,611.89 (Base Bid in the amount of \$377,123.14 and Alternate No. 1 in the amount of \$41,488.75) to Shilling Construction Co., Inc., of Manhattan, Kansas, and authorized the Mayor and City Clerk to execute the contract for the Street Maintenance Asphalt project (ST1606).

### AWARD CONTRACT – STREET MAINTENANCE-CONCRETE PANEL (ST1607)

The Commission awarded a construction contract to T&M Concrete Construction, Inc., of Junction City, Kansas, in the amount \$491,317.00, and authorized the Mayor and City Clerk to execute the contract for the Street Maintenance-Concrete Panel project (ST1607).

### AWARD CONTRACT – SANITARY SEWER MANHOLE REHABILITATION PROJECT (SS1606)

The Commission awarded and authorized the Mayor and City Clerk to execute a contract in the amount of \$58,850.00 with Ace Pipe Cleaning, Inc., of Kansas City, Missouri, for the 2016 Sanitary Sewer Manhole Rehabilitation project (SS1606).

### AWARD CONTRACT – CURED-IN-PLACE-PIPE SEWER LINING PROJECT (SS1607)

The Commission awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$457,800.00 with SAK Construction, LLC, of O'Fallon, Missouri, for the 2016 Cured-in-Place-Pipe Sewer Lining project (SS1607).

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT - COMMUNITY DEVELOPMENT BLOCK (CDBG) GRANT HOUSING REHABILITATION – 916 WILDCAT RIDGE

The Commission accepted the bids for 916 Wildcat Ridge; awarded the bid to the lowest responsible bidder, Ben Kitchens Painting Co., Inc., of Junction City, Kansas, in the amount of \$22,480.00; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owner for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

### FARM LEASE AGREEMENT – AIRPORT AND BUSINESS PARK LAND

The Commission authorized the Mayor and City Clerk to execute a farm lease agreement (May 4, 2016 – December 31, 2025) with Dibben Land & Cattle, Inc., of Junction City, Kansas, at the Manhattan Regional Airport and Manhattan Business Park.

### SUBMIT – 2016 CDBG ANNUAL ACTION PLAN

The Commission authorized the submission of the Community Development Block Grant 2016 Program Year Annual Action Plan (*See Attachment No. 3 for the Annual Action Plan Projects*) and supporting documents.

### BOARD APPOINTMENT – ARTS AND HUMANITIES ADVISORY BOARD

The Commission approved the appointment of Julie Pentz, 1925 Vermont Street, to a three-year term by Mayor McCulloh. Ms. Pentz's term begins immediately, and will expire March 31, 2019.

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

## GENERAL AGENDA

### FIRST READING – REZONE - LOT 2, MCCALL LANDING PUD

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted the subject site map and the McCall Corridor area. He then responded to questions from the Commission regarding the rezoning and availability of parking.

Rob Ott, Director of Public Works, provided additional information and responded to questions from the Commission regarding drainage.

Mayor McCulloh opened the public comments.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - LOT 2, MCCALL LANDING PUD (CONTINUED)

Rich Seidler, Commercial Real Estate Services, representing McCall Pattern Company, informed the Commission that this rezoning and project is another part of the transition converting industrial land to retail property. He provided additional information regarding water detention and urged the Commission to follow the recommendation of the Manhattan Urban Area Planning Board and City staff.

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

After discussion, Commissioner Dodson moved to approve the first reading of an ordinance rezoning a 2.56 acre tract of land generally located at the northwest corner of the McCall Pattern property from I-2, Industrial Park District, to McCall Landing Commercial Planned Unit Development; and, amending Ordinance No. 6745 and the Final Development Plan of Lot 2, McCall Landing Commercial PUD, based on the findings in the Staff Report (*See Attachment No. 4*), subject to the two (2) conditions of approval recommended by the Planning Board. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING - ANNEX AND REZONE - THE LEGACY RIDGE ADDITION

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted the site map of the annexation and rezoning area. He then responded to questions from the Commission regarding noise disclosure notifications, coordination with Fort Riley, and provided an update on the Joint Land Use Study (JLUS).

After comments from the Commission, Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion and comments from the Commission, Commissioner Dodson moved to approve first reading of an ordinance annexing the Legacy Ridge Addition, an approximate 17.89 acre tract of land generally located south of the intersection of Grand Mere Parkway and Mackintosh Court, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and approve first reading of an ordinance rezoning the Legacy Ridge Addition, from County R-PUD, Residential Planned Unit Development District, to R-1, Single-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 5*) and the recommendation of the Planning Board. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### **FIRST READING – REZONE - PROPOSED NO STONE UNTURNED PUD**

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted the proposed facilities, discussed entrance signage, highlighted the overall site plan and landscaping plan, and presented additional information on the proposed rezoning. He informed the Commission that the Manhattan Urban Area Planning Board also approved forwarding a statement to the City Commission encouraging that improvements to the roundabout need to be seriously considered as a high priority. He then responded to questions from the Commission and provided additional information on the proposed No Stone Unturned PUD.

Jeff Hancock, SMH Consultants, responded to questions from the Commission and provided additional information on the current roundabout and acceptable guidelines relating to visibility of the roundabout. He also responded to questions regarding drainage, detention and the amount of impervious area created by the project.

Rob Ott, Director of Public Works, provided additional information on the roundabout. He informed the Commission that they have engaged SMH Consultants to review the roundabout design, but may need to take the item to the City Commission in the near future if the design contract amount is greater than the City Manager's authority.

Dr. Jeff Mathis, No Stone Unturned, responded to questions from the Commission regarding the services that would be provided and potential opportunities to work cooperatively with Pawnee Mental Health and Via Christi. He informed the Commission that this facility will need to have total control to positively affect the outcomes and improve the results of those receiving services. He also explained the quality of care that would be provided. He provided information on the phasing plans for the project and offered clarification on the crisis center facility and inpatient care, with an emphasis on treating kids and young adults with anxiety and depression. He stated that the crisis center is an accurate reflection of services being provided and responded to concerns expressed about labeling the facility and future plans.

Rob Ott, Director of Public Works, responded to additional questions about the existing roundabout and the proposed development.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission and provided additional information on adding conditions of approval.

Jason Hilgers, Deputy City Manager, and Rob Ott, Director of Public Works, provided additional information on the roundabout and options to consider that will best address a long term solution.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - PROPOSED NO STONE UNTURNED PUD (CONTINUED)

Mayor McCulloh opened the public comments.

Rich Seidler, Commercial Real Estate Services, representing the owners of the property, informed the Commission that the proposed project represents a downzoning from the previous PUD (Planned Unit Development). He provided additional information on the proposed item and addressed the critical need this project would provide to the community. He stated the existing roundabout should not be attributable to this project and asked the Commission to take the advice of your professional City staff and the recommendation from the Manhattan Urban Area Planning Board to approve the item.

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

After further discussion and comments from the Commission, Commissioner Morse moved to approve first reading of an ordinance rezoning the No Stone Unturned PUD, generally located east of the Kimball Avenue/Grand Mere Parkway roundabout, from PUD, JenTre Commercial Planned Unit Development, to PUD, Commercial Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 6*) with the eight (8) conditions of approval recommended by the Manhattan Urban Area Planning Board. Commissioner Reddi seconded the motion.

After additional comments from the Commission, on a roll call vote, motion carried 5-0.

### 2017 CITY/UNIVERSITY SPECIAL PROJECTS FUNDS REQUEST AND COMMITTEE RECOMMENDATION

Kiel Mangus, Assistant City Manager, introduced the item and highlighted the process for the City/University Special Projects Funds requests and recommendations.

Ethan Erickson, Assistant Vice President for Budget Planning, Kansas State University, provided an overview of the Kansas State University process.

Kiel Mangus, Assistant City Manager, presented a summary of requests, projects, and allocations for calendar year 2015 and 2016. He also presented the calendar year 2017 requests, highlighted proposed projects, and provided the projected amounts for each project. He then responded to questions from the Commission.

Ethan Erickson, Assistant Vice President for Budget Planning, presented additional information on the realignment of Lovers Lane.

## GENERAL AGENDA (CONTINUED)

### 2017 CITY/UNIVERSITY SPECIAL PROJECTS FUNDS REQUEST AND COMMITTEE RECOMMENDATION (CONTINUED)

Rob Ott, Director of Public Works, and Kiel Mangus, Assistant City Manager, responded to questions from the Commission regarding the coordination of lights for vehicular and pedestrian traffic near the campus.

Kiel Mangus, Assistant City Manager, responded to additional questions from the Commission. He provided information on the Linear Trail extension, the pedestrian and bike path lighting additions, and the Colbert Hills special assessment.

Ethan Erickson, Assistant Vice President for Budget Planning, provided information on the sidewalk construction project at Pioneer Park and responded to questions from the Commission.

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 direct City Administration to incorporate the 2017 City/University Special Projects Fund Committee Recommendation into the 2017 City Budget and Capital Improvements Program. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

### CHANGE ORDER NO. 24-FINAL/AMENDMENT NO. 1 - MANHATTAN REGIONAL AIRPORT TERMINAL PROJECT, PHASE ONE; AMENDMENT NO. 4 - MANHATTAN REGIONAL AIRPORT TERMINAL PROJECT, PHASE TWO

Jesse Romo, Airport Director, presented background information on the Airport Terminal Expansion Project. He highlighted the final change order and closing out for Phase I, the financial impact for Phase I, the amendment for Phase II, and the recommendation from City Administration. He then responded to questions from the Commission regarding revenues received from the Passenger Facility Charges.

Kiel Mangus, Assistant City Manager, and Bernie Hayen, Director of Finance, provided additional information regarding the Passenger Facility Charges and the contingency amount built into the project.

## GENERAL AGENDA (CONTINUED)

### CHANGE ORDER NO. 24-FINAL/AMENDMENT NO. 1 - MANHATTAN REGIONAL AIRPORT TERMINAL PROJECT, PHASE ONE; AMENDMENT NO. 4 - MANHATTAN REGIONAL AIRPORT TERMINAL PROJECT, PHASE TWO (CONTINUED)

Jason Hilgers, Deputy City Manager, informed the Commission that financing for the City's portion of the Terminal Expansion Project has always been anticipated to be financed through the City's Bond and Interest Fund. He stated the City would be using the Passenger Facility Charges on an annual basis and those funds would be dedicated to retire the City's debt in the Bond and Interest for the Terminal Expansion. He then responded to questions from the Commission and provided additional information on the item.

Jesse Romo, Airport Director, provided clarification on the annual collections received for the Passenger Facility Charges and also encouraged more people to fly MHK.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After additional discussion and comments from the Commission, Commissioner Morse moved to approve and authorize the Mayor and City Clerk to execute a final change order, resulting in a net increase in the amount of \$344,018.00 to the contract with The Weitz Company, LLC, of Lenexa, Kansas; and approve and authorize the Mayor and City Clerk to execute Amendment No. 1 resulting in a net increase in the amount of \$276,209.00 to the agreement with Mead & Hunt, Inc., of Middleton, Wisconsin, for the Airport Terminal Expansion Project, Phase I (AIP 44, AP040P); and approve and authorize the Mayor and City Clerk to execute Amendment No.4, resulting in a net increase in the amount of \$154,419.00 to the agreement with Mead & Hunt, Inc., of Middleton, Wisconsin, for the Airport Terminal Expansion Project, Phase II (AIP 46, AP035P). Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

## EXECUTIVE SESSION

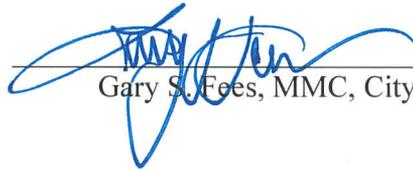
At 9:17 p.m., Mayor McCulloh moved to recess into Executive Session until 10:00 p.m. for the purpose of discussing matters, that presently need to remain confidential, and are related to employer-employee negotiations between City Administration and Local 2275, International Association of Fire Fighters, the union representing certain members of the Manhattan Fire Department. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION (CONTINUED)

At 9:57 p.m., the Commission reconvened with Mayor McCulloh and Commissioners Reddi, Morse, Dodson, and Butler in attendance.

ADJOURNMENT

At 9:58 p.m., the Commission adjourned.

  
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Gary S. Fees, MMC, City Clerk



## **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. 1*

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.

*Attachment No. 1*

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. 1*

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. 82<sup>nd</sup> 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. 2*

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. 2*

**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. 2*

- 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. 2*

- 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.

*Attachment No. 2*

- 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. 2*

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

The list of Annual Action Plan Projects is as follows:

Housing Rehabilitation Program: \$145,000.00

- Rehabilitate single-family housing units occupied by low- and moderate-income owners.
- Provide emergency repairs or accessibility modifications for single-family housing units occupied by low-and moderate-income owners.
- Provide emergency repairs or accessibility modifications for mobile homes occupied by low- and moderate-income owners.
- Provide funds to assist an update of the fire alarm system at Apartment Towers.
- Housing Rehabilitation administration, to include Housing Rehabilitation Inspector's salary and miscellaneous expenses incurred by the Project.

Neighborhood Infrastructure Improvements: \$77,000.00

- Improvements to increase safety and connectivity in eligible neighborhoods:
  - Establish the Old Blue River Trail to expand connectivity to an LMI neighborhood.
  - Sidewalk Connection and ADA Improvements to connect a sidewalk on Hayes Drive to the Linear Trail and the Old Blue River Trail to increase connectivity for an LMI neighborhood.

Community Facilities: \$207,986.00

- Douglass Center Complex: provide electrical and exterior lighting upgrades.
- Riley County Senior Center kitchen improvements

Public Services-These projects were determined through a Request for Proposals process submitted to local social services agencies. Recommendations for funding were made by the Social Services Advisory Board. (*Limited to 15% of the CDBG total annual allocation*): \$98,908.00

- Continue support of the Sunflower CASA Project Inc. Stepping Stones Children's Advocacy Center program with support of additional advocacy staff time.
- Expand the services provided by Kansas Legal Services, Inc., to LMI individuals and families.

*Attachment No. 3*

- Continue to fund Manhattan Emergency Shelter, Inc., rent and utility assistance program that expands the Homeless Prevention Program to stabilize eligible households at risk for homelessness which don't qualify for Manhattan Emergency Shelter program.
- Provide support to Pawnee Mental Health for expanding services to clients with severe and persistent mental illness.
- Continue the existing Housing and Credit Counseling, Inc., program to provide LMI clients with financial counseling.

*Program Administration and Planning (Limited to 20% of the CDBG Total Annual Allocation): **\$132,000.00***

- Program Administration: Includes Submission of a Section 108 Loan Guarantee Program Application.
- 100% of Grant Administrator's Salary
- 20% of the Community Development Director Salary
- 5% of the Community Development Senior Administrative Assistant Salary
- Fair Housing Activities
- Citizen Participation Activities
- Planning Studies: Planning for ADA Construction Costs at the Community House.

## **STAFF REPORT**

**REQUEST:** The applicant/owner has requested to rezone a 2.56 acre tract of land from I-2, Industrial Park District to the McCall Landing PUD, Commercial Planned Unit Development and amend Ordinance No. 6745 and the approved Final Development Plan of Lot 2, McCall Landing to expand the warehouse area of the Menards Home Improvement Store to include a larger warehouse and enclosed product storage area. The amendment is in the form of a Final Development Plan. The applicant has also requested a Final Plat to subdivide the site related to McCall Landing into 4 separate lots.

## **BACKGROUND**

**APPLICANT:** Menard, Inc., Scott R. Nuttelman, Real Estate Representative

**OWNER:** The McCall Pattern Company, Vince Placek, CFO

**LOCATION:** Generally located approximately 875 feet north of the intersection of McCall Road and McCullough Place

**AREA:** 111,641 square feet (2.56 acres) to be rezoned to McCall Landing PUD.

**DATE OF PUBLIC NOTICE PUBLICATION:** March 14, 2016

**DATE OF PUBLIC HEARING: PLANNING BOARD:** April 18, 2016  
**CITY COMMISSION:** May 3, 2016

## **EXISTING PUD**

Ordinance No. 6745, Permitted Uses and Conditions of Approval

Ordinance No. 6745 dated January 6, 2009 is attached. Permitted Uses are set out in Condition No. 1, and all other conditions of approval include:

1. Permitted uses shall include Farm and ranch supply stores such as, but not limited to, Orscheln Farm & Home, with associated outdoor sales, display and storage; Business and professional offices; Restaurants, including drive-in type; Banks and financial institutions, including drive-in type; Convenience stores, without buried storage tanks; Package liquor stores; Retail stores; and, Home improvement centers, including retail sale of general merchandise, lumber yards, landscape and garden products, hardware, appliances and fixtures, carpet, tile and floor coverings, and general home improvement, household and related products, and outdoor sales, display and storage, including lumber yard areas for stores such as, but not limited to, Menards.

*Attachment No. 4*

2. Outdoor display, storage and sales on Lot 1 shall be limited to the outside sidewalk area along the western side of the Orscheln's building and in the fenced enclosure, as shown on the application documents.
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 cut-off 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 for Lot 1 – Orscheln's shall be constructed as proposed, consisting of wall signs.
7. Signage for Lot 2 and the ground sign on Lot 3 for Menards and other tenants of the PUD shall be constructed as proposed.
8. On all other lots there shall be no more than one (1) pole or ground sign per lot. In addition, pole signs shall have a maximum height of 30 feet above the ground; the total gross surface area of pole and ground signs including reader-boards shall be limited to no more than 1 square foot of sign area per 1 foot of linear street frontage and shall not exceed a maximum 200 square feet in area; all pole signs shall be fully skirted and the skirting and the bases of pole and ground signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and signs shall include a landscaped area around the base.
9. Wall signs on Lots 3 and 4 shall conform to requirements of the C-2, Neighborhood Shopping District of the Manhattan Zoning Regulations.
10. Temporary banner signs shall be limited to no more than one (1) banner sign per lot. 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.
11. Prior to the development of Lot 3 and Lot 4, an amendment of the PUD shall be submitted and approved, prior to issuance of any necessary permits.
12. Underground liquid fuel storage tanks shall be prohibited in the PUD, and storage of hazardous materials, chemicals and other pollutants, shall be prohibited in the east half of the warehouse.
13. Well head easements shall be designated "No Structures Zone."
14. A revised drainage plan, consisting of grading and improvements necessary to protect the 50-foot and 100-foot well head areas, shall be submitted with the Final Development Plan. The revised drainage plan shall be approved by the Public Works Department.

## **PROPOSED AMENDMENT**

The proposed amendment is to rezone approximately 2.56 acres from I-2, Industrial Park District to PUD, McCall Landing Commercial Planned Unit Development for an expansion of the Menard's warehouse and outdoor storage space. The rezoning site will be subdivided from the McCall Pattern parent tract for proposed development. The subdivision is part of the MP Addition, Unit Two Final Plat, which also creates 2 new lots for development on McCall Pattern's property.

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

The proposed amendment is to construct a 253 foot by 72 foot warehouse structure to be adjoined to the existing warehouse. The warehouse addition will match the existing structure in exterior materials and appearance. The new structure will be approximately 27 feet tall. The structure will be used to store lumber and other building material for purchase.

An approximate 34,000 square foot paved storage yard will be constructed to the south and east of the warehouse addition. The expanded storage yard will be screened by identical wall and fencing material as the existing Menard warehouse area is today.

### **PROPOSED SIGNS:**

No new signage is proposed with the PUD Amendment.

Exempt sign requirements set out in Condition 3 above changed since approval of the PUD in 2008. Updated with this amendment are those exempt signs described in Article VI, Section 6-102 (A)(a), (b), (c), (e), (g), (h), (i), (j), (l), (m) (*attached*).

**PROPOSED LIGHTING:** Lighting of the warehouse and storage yard area will be identical to the existing storage yard, which includes 30 foot tall light poles and building lights at entrances. As required by the Zoning Regulations, the site lighting is required to be shielded and full cut-off design.

## **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 intent and purpose of the McCall Landing Commercial PUD is to allow a broad range of commercial retail and commercial service uses, including drive-in type restaurants.

The applicant states:

“The proposed amendment is to incorporate additional land to allow the upgrade and expansion of the Menards store, which was the original use for which the McCall Landing PUD was established. The amendment does not change the commercial character or the type of uses allowed nor does it increase the density or intensity of development within the PUD. Allowing reinvestment in the Menards store will help preserve the continued viability of the PUD as a whole.”

**2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** The amendment is necessary because the proposed is to expand the site to include approximately 2.56 acres of land adjacent to the Menards Home Store. The proposal requires rezoning the site to the PUD and amend the Final Development Plan to include the larger building and outdoor storage area.

**3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The amendment will result in a relative gain to the public health, safety, convenience or general welfare because public improvements have been designed and built to accommodate commercial uses and vehicular traffic on improved streets, and pedestrians and bicyclists on sidewalks along McCall Road and on Carlson Place. The proposed amendment has no underground storage tanks associated with it that would adversely impact the water well field areas to the north. No special benefit is granted upon any person as a result of the amendment because the amendment is required before a building permit can be issued for the warehouse addition and larger outdoor storage yard.

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

**1. LANDSCAPING:** Currently there are 6 conifer trees and 1 deciduous located on the east boundary of the current Menards storage area. The site plan shows that these 7 trees will be located to the east and south of the proposed expansion of the storage yard and warehouse.

**2. SCREENING:** A 14 foot tall wood screening wall around the storage yard expansion is proposed. This wall will be identical to the existing screening wall.

*Attachment No. 4*

**3. DRAINAGE:** A drainage study was completed in 2008 by Schwab-Eaton, P.A. for the original PUD application. The McCall Landing PUD site was constructed as planned to direct stormwater to the south and southeast through on-site storm sewer improvements associated with McCall Road, as well as detention basin on the east side of the development. Menards currents to a lined channel in a drainage easement to the detention basin.

The proposed PUD Amendment will follow this general drainage plan, by creating a new lined drainage channel to the east and south of the new storage yard to collect stormwater runoff and direct it to the existing detention basin on the east side of the development. It has been determined that the existing basin is adequate in size to collect the stormwater runoff from the expanded storage yard. The Public Works Department is requiring that the final design plans for the drainage channel be submitted to the City Engineer for approval prior to construction.

**4. CIRCULATION:** The site gains access from McCall Road from private travel easements (Carlson Place, McCall Place, Landing Place and McCullough Place). No changes are planned to the circulation patterns in the existing development or parking requirements as part of the PUD Amendment.

**5. OPEN SPACE/LANDSCAPED AND COMMON AREA:** No changes are proposed to the open space of the development.

**6. CHARACTER OF THE NEIGHBORHOOD:** McCall Road corridor from the intersection of US 24 Highway to the intersection with Tuttle Creek Boulevard is a mix of industrial manufacturing and research uses, and commercial and highway commercial uses.

**MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** The rezoning site is vacant industrial land associated with McCall Pattern Company. The request is to rezone this 2.56 acre tract of land to the McCall Landing PUD to allow for expansion of the Menards Home Store site.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The rezoning site is generally flat grass covered area and a portion of an off-street parking lot for the McCall Pattern Company. The site is in the Zone X, Protected by Levee Floodplain, which has no regulatory standards associated with it.

Fifty (50) foot well head protection zones around City well heads are shown along the northern boundary of the existing PUD, and extend partially in the existing PUD and the Menards site. This protection zone is not located on the Rezoning and PUD Amendment site.

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

**(a.) NORTH:** City water well fields, Quaker Oats Manufacturing, Levee Drive: I-2 District.

**(b.) SOUTH:** McCall Pattern Company; I-2 District.

**(c.) EAST:** McCall Pattern Company; I-2 District.

**(d.) WEST:** Menards home improvement store; McCall Landing PUD

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

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

**6. 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.

The applicant held a neighborhood meeting on January 12, 2016. According to the meeting notes, one person from the public attended the meeting. There were no issues specific to the proposed rezoning and PUD Amendment. The question that was raised had to do with a specific issue in a nearby development.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN**

**THE REZONING SITE IS IN THE SOUTHEAST PLANNING AREA OF THE FUTURE LAND USE MAP OF THE MANHATTAN AREA 2035 COMPREHENSIVE PLAN.** The site is shown as Industrial (IND) on the map. The proposed rezoning and PUD Amendment is to expand the Menards Home Improvement Store. The proposed amendment would implement a development generally consistent with the policies applicable to all commercial development, as well as policies applicable to Community Commercial.

The PUD was found to be in general conformance to the Comprehensive Plan in 2009. The amendment is in conformance with the approved PUD and Comprehensive Plan.

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

- |                   |   |
|-------------------|---|
| 1968              | Annexation and rezoning to I-3, Light Industrial District.  |
| 1969-2008         | Rezoned from I-3 District, to I-2, Industrial Park District.  |
| April 21, 2008    | Manhattan Urban Area Planning Board conducts the public hearing and recommends approval of the proposed rezoning of McCall Landing from I-2, Industrial Park District to PUD, Commercial Planned Unit Development District, with 15 conditions of approval.                                     |
| May 6, 2008       | City Commission approves first reading of an ordinance rezoning McCall Landing from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District.  |
| May 20, 2008      | City Commission approves Ordinance No. 6700 rezoning McCall Landing from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District.   |
| November 17, 2008 | At the request of the applicant, Manhattan Urban Area Planning Board tables the public hearing of the proposed rezoning of the revised McCall Landing PUD from PUD, Commercial Planned Unit Development District to PUD, Commercial Planned Unit Development District.                          |
| December 1, 2008  | Manhattan Urban Area Planning Board conducts the public hearing and recommends approval of the proposed rezoning of the revised McCall Landing PUD from PUD, Commercial Planned Unit Development District to PUD, Commercial Planned Unit Development District, with 14 conditions of approval. |
| December 16, 2008 | City Commission approves first reading of an ordinance rezoning the revised McCall Landing PUD from PUD, Commercial Planned Unit Development District to PUD, Commercial Planned Unit Development District.   |
| January 6, 2009   | City Commission approves Ordinance No. 6745 rezoning the McCall Landing PUD from PUD, Commercial Planned Unit Development District to a new PUD, Commercial Planned Unit Development District.  |

*Attachment No. 4*

- April 5, 2010 Manhattan Urban Area Planning Board approves the Final Development Plan (Lot 2 – Menards, and Lots 1, 3 and 4 – future amendments) and Final Plat of the McCall Landing Addition Commercial Planned Unit Development.
- April 20, 2010 City Commission accepts the easements and rights-of-way of the Final Plat of the McCall Landing Addition Commercial Planned Unit Development; and, authorizes the Mayor and City Clerk to execute the Agreement regarding construction and maintenance of the storm water facilities and travel easements.
- August 19, 2013 Manhattan Urban Area Planning Board recommends approval of an ordinance amending Ordinance No. 6745 and the Preliminary Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development.
- September 3, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6745 and the Preliminary Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development.
- September 17, 2013 City Commission approves Ordinance No. 7038 amending Ordinance No. 6745 and the Preliminary Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, based on the findings in the Staff Report, with three conditions of approval.
- October 7, 2013 Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6745 and the Preliminary Development Plan of Lot 3, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 3, McCall Landing Commercial Planned Unit Development, based on the findings in the Staff Report with Condition 1 recommended by City Administration and Condition 2 recommended by the Planning Board.

*Attachment No. 4*

- November 5, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6745 and the Preliminary Development Plan of Lot 3, McCall Landing Commercial Planned Unit Development, as proposed.
- November 19, 2013 City Commission approves Ordinance No. 7052 amending Ordinance No. 6745 and the Preliminary Development Plan of Lot 3, McCall Landing Commercial Planned Unit Development, as proposed.
- February 3, 2014 Manhattan Urban Area Planning Board approves Final Plat of McCall Landing, Unit Two, Commercial PUD.
- February 18, 2014 City Commission accepts easements and rights-of-way as shown on the Final Plat of McCall Landing, Unit Two, Commercial PUD.

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

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

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

There appears to be no relative gain to the public, which denial would accomplish. Fifty (50) foot well head protection zones around City well heads are shown along the northern boundary of the existing PUD, and are partially in the existing PUD. These protection zones are not in the rezoning and PUD Amendment Area. However, the proposed development is in close proximity to the well head protection zones. Structures may be allowed in close proximity; however, no underground liquid fuel storage tanks will be allowed in the PUD, and storage of hazardous materials,

chemicals and other pollutants, will be prohibited in the east half of the warehouse. The concrete base of the warehouse must drain to the south and its northern edge must be curbed to prevent at grade drainage to the north. No adverse impacts to the public are expected, subject to conditions of approval. Therefore, there may be a hardship to the applicant if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The site is within the city and can be served by public improvements, including street, water, fire service and sanitary sewer.

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

**13. STAFF COMMENTS:** All conditions of approval, not in conflict with Ordinance No. 6745 remain in effect. City Administration recommends approval of the proposed rezoning of the 2.56 acre tract from I-2, Industrial Park District to PUD, McCall Landing Commercial Planned Unit Development and the proposed amendment of Ordinance No. 6745 and the approved Final Development Plan of Lot 2, McCall Landing Commercial Planned Unit Development, with the following condition of approval:

1. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-102 (A)(a), (b), (c), (e), (g), (h), (i), (j), (l), (m) of the Manhattan Zoning Regulations.
2. Amend Condition #12 of Ordinance No. 6745 to read: Underground liquid fuel storage tanks shall be prohibited, and storage of hazardous materials, chemicals and other pollutants, shall be prohibited in the east 415 feet of the completed warehouse.

#### **ALTERNATIVES:**

1. Recommend approval of the proposed rezoning and the amendment of Ordinance No. 6745 and the Final Development Plan of Lot 2, McCall Landing Commercial Planned Unit Development, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning and amendment of Ordinance No. 6745 and the Final Development Plan of Lot 2, McCall Landing Commercial Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the 2.56 acre tract from I-2, Industrial Park District to PUD, McCall Landing Commercial Planned Unit Development and the proposed amendment of Ordinance No. 6745 and the approved Final Development Plan of Lot 2, McCall Landing Commercial Planned Unit Development, based on the findings in the Staff Report, subject to the 2 condition of approval recommended by City Administration.

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

**DATE:** April 11, 2016

16012}SR}McCallLandingPUDAmendment\_MenardsExpansion

## STAFF REPORT

**ON AN APPLICATION TO REZONE:** An approximately 17.89 acre tract of land to be known as the Legacy Ridge Addition.

**FROM:** County R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT.

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

**APPLICANT/OWNERS:** LARRY THIERER, THIERER CONSTRUCTION

**ADDRESS:** 1616 Wyndham Heights Road, Manhattan, KS 66503

**LOCATION:** Generally located south of the intersection of Grand Mere Parkway and Mackintosh Court.

**AREA:** Approximately 17.89 acres

**DATE OF NEIGHBORHOOD MEETING:** February 8, 2016

**DATE OF PUBLIC NOTICE PUBLICATION:** March 28, 2016

**DATE OF PUBLIC HEARING: PLANNING BOARD:** April 18, 2016  
**CITY COMMISSION:** May 3, 2016

*The applicant is also requesting annexation into the City of Manhattan and has proposed a Preliminary Plat of the Legacy Ridge Addition, which will create a total of 17 single-family lots and 2 common tracts.*

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

- 1. EXISTING USE:** Open and undeveloped tract of land in Grand Mere, a master planned golf course community.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Open range land with native grass cover. The site is an irregular shaped tract with two (2) natural ravines present on the east and west borders of the development. The site drains generally southwest to these ravines, which ultimately drain to Little Kitten Creek. The site is mostly native grass with tree cover along the natural ravines.

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

**NORTH:** Grand Mere Parkway right-of-way and the Grand Luxe Addition; R-S, Single-Family Residential Suburban District and R, Single-Family Residential District.

**SOUTH:** Undeveloped land within the City of Manhattan; I-5, Business Park District

**EAST:** Single-family homes in the Grand Vista subdivision; R, Single-Family Residential District.

**WEST:** Vacant rangeland in rural Riley County; Riley County AG, General Agriculture.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The general area is a mixture of undeveloped land, land recently platted and in the early stages of development, Colbert Hills Golf Course and undeveloped rangeland in rural Riley County.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site was rezoned to County R-PUD in 1997. At the time of the rezoning, the golf course developer wanted assurance that when the golf course was annexed that a zoning, specifically the County R-PUD for the golf course, was attached. The rezoning to R-PUD was done primarily for the benefit of the golf course development. Those portions of Grand Mere that are not yet annexed remain County R-PUD. The current County R-PUD predated the Grand Mere Master Plan and Manhattan Urban Area Comprehensive Plan, which currently recommend “Villas” and low to medium residential density, respectively. Development in Grand Mere is progressing to ensure attractive and orderly neighborhoods in response to market demand. The Legacy Ridge Addition is suitable for the proposed rezoning to the R-1 District.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezoning to R-1, Single-Family Residential District is compatible with surrounding properties. An increase in light, noise and traffic is expected, however these increases should cause minimal impact on adjacent residential properties. The proposed Preliminary Plat of the Legacy Ridge Addition shows single-family lots that range from 0.27 acres to 2.34 acres in lot area. The proposed lots are similar to the single-family lots found in the Grand Luxe and Grand Vista subdivisions to the east and north of the site and are proposed to have homes similar in character to the existing homes in the neighborhood.

To ensure compatibility within Grand Mere, private architectural guidelines and design standards provide for building review and approval. A private design review committee is responsible for enforcement of guidelines and standards (*see policy statement below under Grand Mere Community Master Plan, Part III.*) The guidelines and standards are private and are not part of the rezoning. The policy statements are mentioned because they are part of the Grand Mere Master Plan policies.

The applicant held a neighborhood meeting on February 8, 2016. According to the meeting report, 6 neighbors attended the meeting and raised questions regarding the homes proposed in the subdivision.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Legacy Ridge Addition is shown on the Northwest Future Land Use of the Manhattan Area 2035 Comprehensive Plan as Residential Low/Medium Density, RLM. Applicable RLM policies (*in italics*) of the Comprehensive Plan include:

*Residential Low/Medium Density (RLM)*

*RLM 1: Characteristics*

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

*RLM 2: Appropriate Density Range*

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

*RLM 3: Location*

*Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.*

*RLM 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.*

## **Grand Mere Community Master Plan**

The Grand Mere Community Master Plan was originally adopted in April 2000 and is included as a specific Land Use Element of the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the entirety of Grand Mere. The Master Plan map shows the site to include Villa #4, an 8.4 acre tract designated RLM (Residential Low to Medium) (see below under Residential Types for the RLM description).

Applicable policies (*in italics*) for Grand Mere, a Master Planned Golf Course Community include:

### ***PROJECT INTENT***

*The overall Land Use Amendment is intended to create a community designed within a park. By responding to the natural terrain, preserving natural corridors, protecting the slopes and riparian environment, a harmonious relationship with the land can be created for the community.*

*Grand Mere is envisioned as an upscale residential community, with the University's Colbert Hills Golf Course and preserved open space interwoven throughout the development. The community is made up of individual neighborhoods defined by open space features, topography, connection to the Grand Mere Parkway, and the golf course. A strong joint effort has integrated the golf course design (Colbert Hills) and the overall community design (Grand Mere Development). The interconnectivity of automobile circulation, pedestrian/bicycles, and open space, as well as residential neighborhood placement and overall community utility location, has created a well integrated community with both future residences and community recreation as the main focus. Flexibility is built into the land use plan to allow the development to respond to market demand.*

*Specific types of residential product may subtly change in the future due to market demand as the development pattern becomes clearer and as the community matures. The community will offer a high level of design quality, architectural variety, and a wide range of housing types to address the potential markets appropriate for an upscale development.*

### ***5 KEY DESIGN CONCEPTS***

#### ***1. Create a high quality residential community***

*Create a community of villages, residential neighborhoods, and neighborhood commercial areas centered along the projects' spine, Grand Mere Parkway. Through the use of architectural design guidelines and development reviews the quality of building construction will be maintained at the highest level.*

## **2. Integrate the Natural Environment**

*Preserve the natural slopes and open space features. Provide a visual connection to the natural beauty of the development: the golf course in the valleys, the long vistas/views, and the prairie environment.*

## **3. Offer a Variety of Residential Living**

*Offer a wide range of residential products and lot types to address the market demands of the well informed and upscale consumer. An integrated community of many housing types will help to provide an interesting streetscape, a quality neighborhood texture, and a sustainable development.*

## **4. Create a Pedestrian/Bicycle System**

*Provide pedestrian/bicycle connections throughout the development, following the Grand Mere Parkway, open space corridors and the linear park connections provided as part of the Master Plan along Little Kitten Creek and the continuation of the Hudson trail.*

*Grand Mere Community Overall Development Plan*

### **III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY**

*Grand Mere is proposed as a Master Planned Community consisting of a wide range of residential housing types and densities and will be utilizing both Planned Unit Development and Conventional Zoning Development standards based on specific sites and development types.*

*The overall Grand Mere Project consists of 1,054 (estimated) acres, including the Colbert Hills Golf Course. Rather than dispersing development throughout the entire property, the project purposes to "concentrate" neighborhood development within residential and commercial villages on approximately 543 acres preserving almost 50% of the land as natural open space or golf course. This concept, while proposing a variety of home types and densities, provides large natural open spaces, golf course amenity for the general public, and peripheral residential villages as large lot or low density residential products that create an overall density (1.5 du/ac) for the site,*

*Attachment No. 5*

*consistent with the surrounding neighborhoods. All housing types shall belong to the Master Homes Association, which will be responsible for enforcing the covenants and restrictions, and maintaining the common grounds.*

*Within the community, residential neighborhoods are supported by neighborhood commercial services, which provide a focus and entry element for the development. These neighborhood office and retail villages are envisioned as community services located at the development entries along the Little Kitten Creek entry and Kimball Ave. and the future northern entry on Marlatt.*

*Throughout the plan, connecting open space systems, sidewalks and bike trails provide pedestrian connections between residential neighborhoods, public amenities and the neighborhood services. These are planned connections to occur in a variety of types and locations. As each phase of development is planned in detail, the specific pedestrian connections will be part of each village plat and relate back to the overall Circulation Parks & Open Space Plan.*

*Grand Mere Community Architectural Guidelines and Design Standards will provide for the review and approval of all site and building plans for the Grand Mere property. The Design Review Committee of Grand Mere will be responsible for enforcement of these guidelines and standards. The Developer believes that careful planning and enforcement of design and development standards will ensure orderly, attractive, and lasting development, all of which will preserve and enhance the value of the community.*

**A. Residential Neighborhoods**

*The planning concept proposes a wide range of residential uses, with densities ranging from 1 to 20 dwelling units per acre (du/ac) within individual parcels. Generally, individual neighborhoods are envisioned as small enclaves in order to promote a mix of different product types, create intimate neighborhoods, and to build a strong community image from the project's onset. The key to a sustainable successful development is quality design and construction, and a variety of housing price points to attract a wide spectrum of residential consumers. Higher density residential, as well as small lot single-family opportunities are integrated into the community along Grand Mere Parkway, rather than isolated or located along the site's edges. While building a stronger new community, this concept also reduces impact on existing adjacent neighborhoods by focusing the traffic and circulation internally.*

The Villas residential type is described as:

***Residential Types:***

***Villas (RLM)***

*The villa parcels are located in niches and high quality view areas along the parkway and within the development along the golf course. Villas are single family homes that provide an alternative to the maintenance requirements needed for a typical single family home. The villa concept is an upscale residential product that generally provides master bedroom on the first floor and expansion space either up or down for additional bedrooms or entertainment. Villa Homes Association dues create the revenue to provide maintenance for landscape, snow removal, and in some cases, maintenance of the home.*

***Golf Course Villas***

*As part of the Colbert Hills Golf Course Clubhouse complex, villas are planned along the 9<sup>th</sup> fairway. The villas would occur in a cluster of 10 units in one phase. These homes may be two attached single family dwellings with strong architectural theme and design controls in concert with the proposed golf clubhouse architecture. Private auto courts with off street parking will access the homes.*

***Grand Mere Villas***

*These villas will be attached and detached depending on the parcel and market demands. Two and three car garages would be provided. Each village will have its own theme signage and architectural design controls. The villages would be developed in phases of 5 – 15 acres.*

***C. Streets and Circulation System***

*Residential streets within Grand Mere are envisioned as a key element of “neighborhood quality,” offering a place to walk and play, as well as to drive and park. The streetscape in and along the roads will reflect the quality of the community through the use of signage monumentation and landscaping depending on the location and natural conditions of the space providing strong visual “cues” to better orient drivers to their locations and destinations.*

*When utilizing the approved Manhattan street system standards the hierarchy, street-widths, design speeds, and travel/parking lanes are consistent and will not compromise auto on-street parking, or bike and pedestrian access. The street layout will frame important views and vistas, including buildings, golf course, and natural features. On-street parking is available on all local streets.*

*The Master Planned Community will be accessed from Kimball Avenue and Marlatt Avenue. Additional access points into the Community from surrounding residential streets are shown on the Master Plan.*

#### ***D. Pedestrian and Bicycle Circulation System***

*Connectivity with the City of Manhattan Linear Park Master Plan is our main focus for the overall trails system. A comprehensive pedestrian and bicycle system is proposed for the community to provide access to individual neighborhoods, the Club Facility and Hotel site, commercial services, and open space amenities~ Elements include both off-street and on street bike paths, natural unimproved trails, and a 17.2 acre linear park along Little Kitten Creek. An easement shall be provided for the extension of the Hudson trail northward, along the east property line to northeast corner section 3-10-7. All trail/path systems will be site- specifically designed at the time of construction. Each will be reviewed on a site-by-site basis to ensure sensitive placement and minimum disturbance. This will be coordinated with the Park & Recreation Board and the Parks and Recreation Department.*

#### ***G. Golf Course Development***

*The Grand Mere development drainage and detention system shall be designed to work in concert with the golf course drainage and detention system. The course was designed to meet the environmental goals of the Audubon International Signature Status Program.*

#### ***Bike Paths, Trails and Sidewalks***

*Bike paths, trails and sidewalks are provided along the internal streets and open spaces to provide internal connections between the villages where possible. See the Circulation Parks & Open Space Plan.*

The density in the Legacy Ridge Addition is 1.01 dwelling units per net acre. The Comprehensive Plan suggests less than one to eleven dwelling units per net acre is appropriate in the RLM category and the Grand Mere Plan suggests a range of 1-20 dwelling units per acre in individual parcels and an overall density in all of Grand Mere of 1.5 units per acre.

**THE PROPOSED ANNEXATION OF THE LEGACY RIDGE ADDITION CONFORMS TO THE POLICIES OF THE** Grand Mere Community Master Plan, and the Manhattan Urban Area Comprehensive Plan.

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

- August 7, 1997 Riley County Commission approved Preliminary Development Plan of Colbert Hills and the Wildcat PUD.
- August 14, 1997 Riley County Commission approved Final Development Plan.
- February 7, 2000 Planning Board approves resolution adopting Grand Mere Community Master Plan and amendment of Comprehensive Land Use Plan.
- March 7, 2000 City Commission approved first reading of an ordinance adopting the Grand Mere Community Master Plan.
- April, 2003 Comprehensive Plan adopted. Grand Mere Community Master Plan adopted as a related plan and implementation document.

The tract has remained vacant to date and was range land prior to development of the golf course and surrounding Grand Mere.

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

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

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

The R-1, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 7,500 square feet. The Preliminary Plat shows lots ranging from approximately 11,789 square feet in area up to 101,978 square feet in area, with the majority of lot sizes between 28,450 square feet in area to 33,231 square feet in area. The proposed lots conform to the requirements of the proposed R-1 District.

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

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

**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 and the note appears on the plat.

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of the Legacy Ridge Addition, an approximate 17.89-acre tract of land, generally located south of the intersection of Grand Mere Parkway and Mackintosh Court, from County **R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**, to R-1, Single- Family Residential District, based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the Legacy Ridge Addition, from County **R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**, to R-1, Single- Family Residential 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 proposed rezoning of the Legacy Ridge Addition, an approximate 17.89-acre tract of land, generally located south of the intersection of Grand Mere Parkway and Mackintosh Court from County **R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**, to R-1, Single- Family Residential District based on the findings in the Staff Report.

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

**DATE:** March 28, 2016

CB/vr

16011}SR}LegacyRidge\_Rezone\_R1

**STAFF REPORT**

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

**BACKGROUND**

**FROM:** PUD, JenTre Commercial Planned Unit Development

**TO:** PUD, No Stone Unturned Commercial Planned Unit Development

**OWNERS:** No Stone Unturned Foundation – Dina Clark, Executive Director

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

**DATE OF NEIGHBORHOOD MEETING:** November 19, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** March 24, 2016

**DATE OF PUBLIC HEARING: PLANNING BOARD:** April 18, 2016  
**CITY COMMISSION:** May 3, 2016

**LEGAL DESCRIPTION:** Lot 2, JenTre PUD, Unit 1 and a tract of land in the North half of the Northwest Quarter of Section 10, Township 10 South, Range 07 East.

**LOCATION:** Generally located east of the Kimball Avenue/Grand Mere Parkway roundabout.

**AREA:** 517,928 square feet (11.89 acres)

**PROPOSED USES:** The application documents state that the proposed uses located in the Planned Unit Development will consist of medical offices to include, but not limited to: No Stone Unturned pediatric and developmental care services; corporate offices for Mathis Rehab Centers, LLC; outpatient orthopedic physical and occupational therapy; intensive outpatient counseling services for youth, young adults and adults; inpatient crisis center for youth, young adults and adults; a clinical research center, and medical specialty services, such as primary medical care, oncology and pharmacy.

*Attachment No. 6*

Dr. Jeff Mathis, of the No Stone Unturned Foundation provided a complete description of the crisis center and clinical research center (*See attached*). The crisis center is listed in the application materials because it was anticipated that it would be most readily understood. The description of the use explains that it will be a short stay (2 -3 days) inpatient counseling center for youth and young adults. According to Dr. Mathis, the “crisis center” is part of a 3-part approach to helping provide psychiatric and behavioral therapy services to children and young adults. Following the short-term stay at the “crisis center,” services would be stepped down to an intensive out-patient service, followed up by less intensive out-patient counseling.

Dr. Mathis also describes the clinical research organization as a “phase 1 or phase 2a clinical trial facility for early development medication focused on cancer and psychotropic medications. Some of the services will be on an out-patient basis, and some will involve stays between a few days and a month.” Dr. Mathis states that this facility should be viewed as a medical research facility.

A complete description of the medical services is listed in the application materials.

The application materials state that business hours will range from part-time hours to 24-hour services for the crisis center and the clinical research organization.

**PROPOSED BUILDINGS AND STRUCTURES:**

Six (6) new buildings are proposed on the vacant site. These buildings include:

Corporate Office	1 Level	4,000 square feet
Adult Outpatient Counseling Center	1 Level	5,000 square feet
Clinical Research Organization	2 Levels	28,000 square feet
Crisis Center	1 Level	8,000 square feet
Medical Wellness Center and Mathis Rehabilitation	2 Levels	20,000 square feet
No Stone Unturned Foundation	2 Levels	25,600 square feet

Only the No Stone Unturned Foundation building has detailed floor and building design plans. The application documents show a split-level building using modern architectural design. The exterior design includes metal wall panels, perforated metal wall panels or wood looking metal panels, translucent wall panels and glass walls. The building will be 28 feet tall, measured from the lower floor grade to the building parapet. The floor plan shows several offices, therapy rooms, class rooms and conference rooms on the first floor and a therapy pool and vacant space reserved for future expansions on the second floor.

*Attachment No. 6*

The No Stone Unturned Foundation Building and off-street parking, driving aisles and landscaping directly to the west, south and east of the building will be constructed in the first phase.

The following phase(s) will include the other 5 buildings and the adjacent off-street parking spaces and landscaping. The site screening fence on the east side of the property will be installed with the eastern off-street parking lot is constructed.

The buildings and adjacent parking spaces and landscaping on Lots 2 – 6 will require a PUD Amendment be approved before they are built.

**PROPOSED LOT COVERAGE**

<b>Use</b>	<b>Square Feet</b>	<b>Percentage</b>
Buildings	54,213	10.8%
Paved Area (Parking & Driveways)	134,613	26.8%
Landscaped Areas/Open Space	314,261	62.4%
Total Impervious	188,826	37.6

**PROPOSED SIGNS**

A wall sign and mural is proposed on the west side of the building measuring 23.5 ft by 1.5 ft (35.25 square feet in area). A mural/logo is proposed on the east and west building façade. The two murals could be considered art by definition of the Sign Regulations.

A pylon sign is proposed on the south side of the entrance to the site. The pylon sign will be on an 8 foot tall limestone base. Extending from the base will be a 4 foot by 8 foot internally illuminated sign face that will list the business/medical campus name. A back lit metal sculpture is proposed to be mounted on the sign base.

Signage for the other buildings will generally consist of wall signage and directional signage to be proposed at the time those buildings is considered through the amendment process.

**PROPOSED LIGHTING:**

Twelve (12) foot tall light poles are proposed throughout the off-street parking lot. Based on the site lighting plan, illumination of the site should not migrate off of the site onto adjacent properties. The Zoning Regulations requires that all lighting of the site be fully shielded to cut off lights at the property line.

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

- 1. LANDSCAPING:** The application plan shows extensive landscaping throughout the site. The landscaping plan shows a mix of deciduous and evergreen trees, shrubs, ornamental grasses and perennial plants across the site.

Extensive retaining walls are proposed on the site to address the significant grade changes from southwest to the northeast. A large stance of trees is located on the southern property line, adjacent to the residential properties. The applicant has stated that these existing trees will remain, as possible to provide a vegetative buffer.

A conditional of approval is that a landscape performance agreement be executed for each phase of the development.

- 2. SCREENING:** The Preliminary Development Plans shows a fence along the east side of the parking lot, which is set back approximately 60 feet from the east property line. The preliminary design of the fence shows stone veneer columns with wood or steel frames and wood screening elements. The purpose is to screen the site from adjacent residential properties to the east.

Three (3) trash dumpster enclosures are proposed across the site, each proposed with a different phase of the development. The architectural plans show the enclosures to be 5 feet tall with stone veneer walls and a metal and wood gate.

As stated in the landscaping section, a large stance of trees is located on the southern property line, adjacent to the residential properties. The applicant has stated that these existing trees will remain, as possible to provide a vegetative buffer between the site and the adjacent properties.

- 3. DRAINAGE:** The site was originally part of the JenTre PUD, approved in 1999, which was a commercial development consisting of business and professional offices, a restaurant and a floral shop. A drainage plan was developed for the original JenTre PUD that consisted of a 0.57 acre wet retention basin. This basin was constructed with the first phase of the JenTre PUD. The normal water depth of the basin is 4 feet and takes into account for periodic siltation. The following is the hydrology data for the detention from the 1999 drainage study.

Storm Frequency (Years)	Water Elevation (feet)	Post-Development Outflow (cfs)	Pre-development Outflow (cfs)
2	1153.49	25.8	29.1
10	1155.27	47.1	87.3
100	1156.88	60.0	134.7
Probable Maximum Precipitation	1162.17	1185	

The design of the wet retention basin was to be less than the pre-development stormwater runoff conditions and meet the City’s stormwater management requirements at that time.

The applicant has reviewed the original drainage plan and determined that the approximately 14 acre JenTre PUD site was to have about 50% impervious area. The applicant calculated that the No Stone Unturned PUD site plan has an impervious area of about 48%. It is concluded that the original drainage plan for the site is adequate to manage the stormwater runoff for both the existing developments of the JenTre PUD and the proposed development of the No Stone Unturned PUD and meet the City’s stormwater management requirements.

The City Engineer has reviewed the stormwater management analysis conducted by the applicant and agrees with its findings.

**4. CIRCULATION:**

Traffic Study

A traffic study was conducted by SMH Consultants, dated February, 2016 and revised March 30, 2016 (*traffic study is attached*). The study states that Kimball Avenue have a average daily traffic (ADT) volume of 5,967 vehicles and Grand Mere Parkway has a ADT volume of 1,265 vehicles. The roundabout intersection of Kimball Avenue and Grand Mere Parkway has a level of service (LOS) A in the 3 directions of the roundabout that are functioning. The traffic study also analyzed the LOS at the intersection of Kimball Avenue and Vanesta Drive. All legs of this intersection has a LOS of C or better

The Preliminary Development Plan shows the site being accessed from the roundabout. The No Stone Unturned Foundation building will be the first phase of the development. This medical office building is anticipated to generate a total of 940 daily trips. Ninety-three (93) trips are anticipated in the AM peak hour and 105 trips in the PM peak hour. The total build out of the development with all 6 medical, business and professional offices is anticipated to generate 3,288 daily trips; 315 trips in the AM peak hour and 395 in the PM peak hour.

*Attachment No. 6*

Using the existing traffic data at the 2 intersections and the trips anticipated to be generated by the first phase and full build out of the development, none of the LOS for the intersections will change. The roundabout intersection will continue to function with a LOS of A for all legs. The signalized intersection a Vanesta Drive and Kimball Avenue will continue to perform at a LOS of C or greater for each movement.

The City Engineer has reviewed the traffic analysis and accepts its findings (*see memorandum*). In the City Engineer's memorandum, he notes that the existing roundabout is not designed properly to handle an increase in traffic volume along Kimball Avenue and Grand Mere Parkway that is anticipated in the future. The memorandum states "As proposed, the PUD has minimal impacts of the Kimball corridor or the intersections of GMP/Kimball or Kimball/Vanesta intersections. The existing and future issues with both of these intersections are due to the Kimball corridor traffic volumes."

The Public Works Department has programmed into the City's Capital Improvement Program (CIP) the hiring of a consultant to study this stretch of Kimball Avenue and apply for applicable grants in 2017. A design project for the Kimball Avenue Corridor is scheduled in the CIP for 2020, with construction of the roadway improvements programmed in the 2021 CIP.

*Off-street Parking*

The applicant has stated that a total of 107 employees will work at the various offices on the medical campus.

A total of 90,600 square of floor area is proposed in the medical and professional office campus. The Zoning Regulations allows for areas devoted to storage, hallways, bathrooms, mechanical rooms, etc. to not be included in the total floor area when calculating off-street parking requirements. It can be assumed that the proposed building will have approximately 15% of the total floor area devoted to these areas. Based on this and the parking requirements for medical clinics, a total of 424 off-street parking spaces are required for the medical campus. 425 off-street parking spaces are provided on the Preliminary Development Plan.

*Bicycle and Pedestrian Access*

Internal sidewalks are provided throughout the site to serve the buildings and off-street parking lots. A pedestrian route is being proposed from the site to a sidewalk that is being proposed along Kimball Avenue. The applicant proposes to construct this public sidewalk from Berkshire Circle to the pedestrian tunnel to the north of the roundabout on Kimball Avenue. A condition of approval is proposed by City Administration that would require the construction of this sidewalk as proposed, including connecting to the existing sidewalk on the south side of Berkshire Circle.

The original JenTre PUD had proposed a sidewalk connection to an existing sidewalk network in the Wyndham Heights neighborhood. There is an existing sidewalk to the southeast of the site where this connect was to be made. Because of the extreme grades of the site and the need for large retaining walls, this connection is unfeasible. Additionally, neighbors who attended the pre-application neighborhood meeting stated they were not in favor of the sidewalk connection, as originally proposed.

- 5. OPEN SPACE AND COMMON AREA:** Other than the building site, the development will consist of common area owned and maintained by the business association for the campus. Various open spaces are shown on the site plan between the buildings. These areas are not programmed for specific uses, such as parks.
- 6. CHARACTER OF THE NEIGHBORHOOD:** The character of the neighborhood can be classified as single-family detached homes, business offices and single-family attached homes. To the south and east of the site are the Wyndham Heights and Little Kitten neighborhoods. To the north of the site is the first phase of the JenTre PUD, which consists of 3 office buildings. Further to the north is the Grand Mere Village commercial area. To the northeast is the Westbank Townhomes, consisting of 2- and 3-unit single-family attached homes. To the west is the open space associated with the entrance of the Grand Mere neighborhoods.

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

- 1. EXISTING USE:** The site is vacant land that was originally approved for 5 businesses, including a restaurant. The land is currently overgrown with mature trees.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is tree covered with a significant change in grade from the southwest to the northeast. A wet retention basin is located on the northeast corner of the site and serves as the stormwater structure for the site and the adjacent commercial property to the north.

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

**NORTH:** Business offices in the JenTre PUD; JenTre Commercial Planned Unit Development.

**SOUTH:** Large lot single-family detached homes; R, Single-Family Residential District.

**EAST:** Single-family detached homes; R District.

**WEST:** Kimball Avenue (ROW width varies), open space associated with Grant Mere neighborhood entrance; R-2, Two-Family Residential District and R District.

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

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently zoned PUD for the JenTre Commercial Planned Unit Development. The site was to be the second and future phases of the commercial development. The first phase is to the north of the site and consists of 3 business offices. A Final Development Plan for the second phase was approved on April 3, 2000. The Final Development Plan consisted of 4 office buildings and a dine-in restaurant.

Section 9-107, Abandonment or Failure to Proceed, dictates the procedure for dealing with PUD's that are abandoned. Basically, if construction on a development with an approved Final Development Plan does not begin within 18 months of the original approval or extensions are not granted, the MUAPB can revoke the Final Development and begin considering rezoning the development. These efforts were not done by the property owner or City. The site is not suitable under its current zoning district.

**7. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** Nearby properties are a mix of single-family detached homes, single-family attached homes and business offices. The uses proposed in the rezoning to Planned Unit Development District are medical uses and business and professional office uses. The previous PUD, that has been abandoned, was approved with similar uses office uses, as a well as a restaurant and retail floral shop.

The proposed PUD will increase traffic, noise and light compared to the current tree covered, vacant ground. The site is approximately 25 to 30 feet below the residential properties to the south. The grading plan for the Preliminary Development Plan shows the development will be at similar grade to the properties to the east.

The applicant has shown a 7 foot tall sight-obscuring fence and a 7 foot tall retaining wall on the east side of the parking lot, which is approximately 60 feet from the east property line.

The applicant has stated that they will work to preserve as many trees along the southern property line as possible to provide screening for the adjacent property owners. These property owners are also several feet above the development.

The traffic study has shown that the trips generated from the site will be adequate for the adjacent roundabout and area street networks. The issues with the traffic flow in the area are more to do with an inadequately designed roundabout, rather than the amount of traffic from the site or the surrounding uses.

Considering these factors, the proposed rezoning and Preliminary Development Plan should have minimum impacts on adjacent properties.

**8. CONFORMANCE WITH COMPREHENSIVE PLAN:**

The Northwest Future Land Use Map of the Manhattan Area 2035 Comprehensive Plan shows the rezoning site as Office-Research Park (OR). The policies for this land use category is as followed:

**OFFICE/RESEARCH (OR)**

***OR-1: Characteristics***

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

***OR-2: Location***

*Office/Research facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access. Multi-modal access should be considered in the location of employment areas.*

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

*Integrate Office/Research developments into the surrounding context, whether multiple buildings as part of a planned campus, or stand-alone buildings integrated as part of the urban or suburban fabric.*

**OR-4: Unified Character**

*Encourage a unified character for larger Office/Research developments achieved through the use of similar or complementary elements, such as materials, signage, landscaping and screening, and other site layout details.*

**OR-5: Common Areas**

*Provide plazas, courtyards, patios, quads, and other common outdoor gathering spaces for employees and visitors as part of standalone Office/Research developments. Provide access to adjacent trails or parks where applicable.*

**OR-6: Multimodal Connectivity**

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

*Provide clear, direct pedestrian linkages to and between building entrances, outdoor gathering spaces, parking areas, and transit stops.*

**OR-7: Outdoor Storage**

*Contain the functions of Office/Research facilities within buildings to the extent feasible. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.*

The proposed rezoning conforms to the Comprehensive Plan.

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

- |                    |  |
|--------------------|--|
| November 7, 1997   | Board of Riley County Commissioners approves Preliminary Development Plan of the Wildcat and Colbert Hills PUD               |
| August 14, 1997    | Board of Riley County Commissioners approves the Final Development Plan  |
| June 1, 1998       | Manhattan Urban Area Planning Board recommends approval of annexation of a 14.3 acre tract described as Grand Mere Tract IV. |
| June 16, 1998      | City Commission approves first reading of annexation.  |
| September 10, 1998 | Manhattan Urban Area Planning Board recommends approval of rezoning of Tract IV to R-2 District.                             |

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- October 6, 1998 City Commission approves second reading of rezoning of Tract IV.
- November 17, 1998 City Commission approves second reading of annexation and rezoning of Tract IV.
- October 4, 1999 Manhattan Urban Area Planning Board considers rezoning of Tract IV from R-2, Two-Family Residential District to PUD, Commercial Planned Unit Development District for JenTre PUD. Planning Board also considers Comprehensive Plan amendment from RLM to OFF. Public hearings tabled to November 1, 1999.
- November 1, 1999 Manhattan Urban Area Planning Board recommends approval of JenTre PUD and Comprehensive Plan amendment.
- November 16, 1999 City Commission approves first reading of amendment to Comprehensive Land Use Plan and to rezoning to PUD.
- December 7, 1999 City Commission considers approving Ordinance No. 6113 and Ordinance No. 6114.
- April 3, 2000 Manhattan Urban Area Planning Board approves the Final Development Plan of the JenTre PUD and the Final Plat of JenTre PUD, Unit 1

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

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

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

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

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There appears to be no gain to the public that denial would accomplish. Public utilities and fire and emergency service protection can adequately serve the site. Through the use of adequate landscape screen, the proposed PUD should not cause adverse impacts on nearby properties. Denial of the request may be a hardship to the owner.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public water, sanitary sewer, streets and pedestrian sidewalks are, or will be, available to serve the development. There are known issues with low water pressure for the homes on Berkshire Circle, directly south of the proposed development. The low water pressure issue on Berkshire Circle is unrelated to the proposed development and is primarily due to the Berkshire neighborhood being situated at a very high topographic elevation within the water distribution system serving this area. The Public Works Department has modeled the likely water demands for the No Stone Unturned development and potential impacts on neighboring properties. The proposed development has a lower topographic elevation and Public Works staff anticipates that the normal operating pressures to be over 50 psi, which is well within acceptable range for domestic water distribution system.

Furthermore, the modeling shows that there should not likely be adverse effects on the Berkshire Circle neighborhood as a result of the development. Separately from the proposed development, Public Works is currently proposing a water improvements project within the 2017 Capital Improvement Program that would resolve the known low water pressure issues associated with the Berkshire Circle neighborhood.

**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 noise sensitive land uses which includes offices providing nursing services and/or overnight stays, 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 AND RECOMMENDATION:** City Administration recommends approval of the proposed rezoning from PUD, JenTre Commercial Planned Unit Development to PUD, No Stone Unturned Commercial Planned Unit Development, with the following conditions of approval:

1. Permitted Uses shall include: business and professional offices; medical offices, counseling and clinics, including in-patient counseling and treatment; medical clinical research facility including inpatient treatment; as described in the application documents.

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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. The entrance sign and building signage associated with the No Stone Unturned Foundation shall be allowed as proposed.
5. Exempt signage shall include signage described in Article VI, Section 6-102(A)(2)(a), (b), (c), (e), (g), (h), (i), (j), (k), (l), and (m).
6. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 2, 3, 4, 5, and 6.
7. A minimum 5 foot wide sidewalk shall be installed along Kimball Avenue from the south side of Berkshire Circle to connect to the pedestrian tunnel to the north of the site entrance, as shown on the Preliminary Development Plan. The sidewalk design shall be approved by the City Engineer.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the No Stone Unturned PUD from PUD, JenTre Commercial Planned Unit Development, to PUD, No Stone Unturned 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 No Stone Unturned PUD from PUD, JenTre Commercial Planned Unit Development, to PUD, No Stone Unturned Commercial Planned Unit Development District,, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of No Stone Unturned PUD from PUD, JenTre Commercial Planned Unit Development, to PUD, No Stone Unturned Commercial Planned Unit Development District, based on the findings in the staff report, with the seven (7) conditions recommended by City Administration.

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

**DATE:** April 13, 2016

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