



***MINUTES
CITY COMMISSION MEETING
TUESDAY, AUGUST 16, 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 Usha Reddi and Commissioners Linda Morse, Michael L. Dodson, Wynn Butler, and Karen McCulloh were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 10 staff, and approximately 85 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Reddi led the Commission in the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Dodson asked that everyone be careful when driving as the community welcomes back students to school and when approaching school buses. He also asked to drive defensively while driving on the roadways and to be good pedestrians as well.

Commissioner Morse stated the whole community can breathe a collective sigh that we all have water again and appreciated everyone's cooperation during the water boil advisory. She highlighted the upcoming 2016 Sunflower Fair in Salina for senior citizens on September 20, 2016, and said the event is sponsored by the North Central-Flint Hills Area Agency on Aging.

COMMISSIONER COMMENTS (*CONTINUED*)

Mayor Reddi informed the community that on August 7, 2016, the Associated Press talked about mental health and what the Manhattan community is doing to address mental health needs. She encouraged everyone to enjoy City Park Pool which will be open through Labor Day weekend and to take advantage of free fitness “Try It” programs at Douglass Community Center in the evening. She stated that if you choose to continue with an eight week course at the Douglass Center, you can do that for only \$25 and encouraged those interested to take advantage of the courses. Finally, she stated that classes at USD 383 has started and will also be welcoming back Kansas State University students. She encouraged everyone to be aware of the construction projects around the community and at K-State, and to be patient and courteous when driving.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, August 2, 2016.

CLAIMS REGISTER NO. 2828

The Commission approved Claims Register No. 2828 authorizing and approving the payment of claims from July 27, 2016, to August 9, 2016, in the amount of \$4,822,255.99.

LICENSES

The Commission approved a Fireworks Display License for September 16, 2016, at City Park for Purple Power Play, Inc., PO Box 1166, and an annual Cereal Malt Beverages Off-Premises License for Short Stop #26, 8207 South Port Drive.

FINAL PLAT – INTERLACHEN VILLAS ADDITION, UNIT ONE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Interlachen Villas Addition, Unit One, generally located on the west side of Vanesta Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

* ORDINANCE NO. 7235 – AMEND – DISCRIMINATION ORDINANCE

Richard Hill, 3513 Stagecoach Circle, representing landlords of Manhattan, voiced concern with the item and the definition of the judge. He stated the concern is with two different sections that define what a judge is and wanted this to appear in the ordinance so there is not any misunderstanding or misinterpretation.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 7235 – AMEND – DISCRIMINATION ORDINANCE (CONTINUED)**

Commissioner McCulloh moved to amend Consent Agenda Item E, and approve Ordinance No. 7235 amending Chapter 10 of the Code of Ordinances to the existing discrimination ordinance by including sexual orientation and gender identity with the addition of new subsection (e) to Sec. 10-24, Exemptions, to exempt the Riley County Law Enforcement agency, including the Riley County Police Department and other departments thereof. Commissioner Butler seconded the motion.

Commissioner Morse stated that she would be voting against the exemption for the Riley County Police Department (RCPD), but would be voting to approve Ordinance No. 7235. She stated the City excluded USD 383, Kansas State University, and other government organizations because they already have policies in-place and the Commission wants to respect those. She stated that it was her understanding that RCPD does not have a policy in-place and would not support the motion to exempt RCPD.

Commissioner Dodson stated that others have been exempted because the Commission does not have purview over them. He stated that he wanted to see the item approved and if there is rationale to change this, then Director Schoen, RCPD, can come back and tell the Commission in person why he needs RCPD exempted and whether they have a policy or not. He also asked about the definition of municipal judge and if this requires that he or she be a lawyer.

Katie Jackson, City Attorney, responded to questions from the Commission. She provided clarification on the City Code requirements that a municipal judge for the City of Manhattan must be an attorney with a minimum of five years of experience.

Mayor Reddi stated that when this item was approved at first reading, she was under the impression that RCPD was covered and already had a non-discrimination policy in-place, similar to USD383, K-State and Fort Riley.

Commissioner Butler stated the key point is the RCPD Director has asked that RCPD be exempt, not just the jail. He said the difficulty is that the City does not have full authority over RCPD because its jurisdiction extends beyond the city limits into Riley and Pottawatomie Counties and they have different laws to enforce. He said the Riley County Law Board, which includes representatives from the City Commission, could make that policy decision.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 7235 – AMEND – DISCRIMINATION ORDINANCE (CONTINUED)**

Commissioner McCulloh stated that she did not want the Commission to get bogged down in the minutiae over the RCPD exclusion and asked to move forward on the item. She stated that the City has been working on this for many months and the intent is to make a statement to the public and the people that the Commission supports this. She stated that if there is an issue with RCPD in the future, the Commission could address it then.

After additional discussion and comments from the Commission, on a roll call vote, the motion on the amendment to Item E carried 3-2, with Commissioners Morse and Dodson voting against the motion.

ORDINANCE NO. 7236 – ANNEX – LOT 1, BLUEVILLE NURSERY

The Commission approved Ordinance No. 7236 annexing Lot 1, Blueville Nursery Addition, an approximate 8.2-acre lot located southwest of the intersection of Kimball Avenue/Scenic Drive and Anderson Avenue, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

ORDINANCE NO. 7237 – REZONE – LOT 1, BLUEVILLE NURSERY

The Commission approved Ordinance No. 7237 rezoning Lot 1, Blueville Nursery Addition, from County C-4, Highway Business District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report (*See Attachment No. 1*) and the recommendation of the Planning Board.

ORDINANCE NO. 7238 – REZONE – 2815 AMHERST AVENUE (PUD TO C-5)

The Commission approved Ordinance No. 7238 rezoning 2815 Amherst Avenue from PUD, Commercial Planned Unit Development, to C-5, Highway Service Commercial District, based on the findings in the Staff Report (*See Attachment No. 2*) and the recommendation of the Planning Board.

ORDINANCE NO. 7239 – AMEND FINAL DEVELOPMENT PLAN – BRIARVIEW OFFICE PARK COMMERCIAL PUD

The Commission approved Ordinance No. 7239 amending Ordinance Nos. 4093 and 7069 and the Final Development Plan of Briarview Office Park Commercial Planned Unit Development, for Lot R.P. 1, University Heights Addition, First Unit, located at 200 Research Drive, as proposed, based on the findings in the Staff Report (*See Attachment No. 3*), with the six (6) conditions of approval, as recommended by the Manhattan Urban Area Planning Board.

CONSENT AGENDA (CONTINUED)

FIRST READING – AMEND FRANCHISE AGREEMENT – WAMEGO TELECOM

The Commission approved first reading of an ordinance amending Article XI of Chapter 15 of the Code of Ordinances, authorizing a competitive infrastructure provider franchise with Wamego Telecom.

* **RESOLUTION NO. 081616-A – ISSUE – TEMPORARY NOTE SERIES NO. 2016-03**

Ron Fehr, City Manager, provided background information on the Temporary Note Sale and recommendation of award to the low bidder.

The Commission approved accepting the best bid from Hutchinson, Shockey, Erley & Co., of Chicago, Illinois, for selling the notes; and approved Resolution No. 081616-A issuing Temporary Note Series No. 2016-03 in the amount of \$10,185,000 to finance: *Pinehurst Addition – Sanitary Sewer (SS1619), Street (ST1604), and Water (WA1617); Scenic Crossing Addition – Sanitary Sewer (SS1603), Street (ST1601), and Water (WA1602); West Anderson Avenue – Street (ST0810); and Manhattan Regional Airport Commercial/Military Entrance – Stormwater (SM1403/AP1402).*

RESOLUTION NO. 081616-B – AMENDED PETITION – INTERLACHEN VILLAS, UNIT 1 – SANITARY SEWER (SS1318) IMPROVEMENTS

The Commission found the amended petition sufficient, and approved Resolution No. 081616-B, rescinding Resolution No. 020315-D for the Interlachen Villas, Unit 1, Sanitary Sewer (SS1318) Improvements.

RESOLUTION NO. 081616-C – AMENDED PETITION – INTERLACHEN VILLAS, UNIT 1 – STREET (ST1325) IMPROVEMENTS

The Commission found the amended petition sufficient, and approved Resolution No. 081616-C, rescinding Resolution No. 020315-E for the Interlachen Villas, Unit 1, Street (ST1325) Improvements.

RESOLUTION NO. 081616-D – AMENDED PETITION – INTERLACHEN VILLAS, UNIT 1 – WATER (WA1321) IMPROVEMENTS

The Commission found the amended petition sufficient, and approved Resolution No. 081616-D, rescinding Resolution No. 020315-F for the Interlachen Villas, Unit 1, Water (WA1321) Improvements.

* **REQUEST FOR QUALIFICATIONS – PROFESSIONAL SERVICES – UNIFIED DEVELOPMENT ORDINANCE**

Mayor Reddi stated that Commissioners Morse and Dodson would serve on the Selection Committee for the Unified Development process.

CONSENT AGENDA (CONTINUED)

* **REQUEST FOR QUALIFICATIONS – PROFESSIONAL SERVICES – UNIFIED DEVELOPMENT ORDINANCE**

The Commission authorized City Administration to solicit professional services for the Unified Development Ordinance Project through the Request for Qualifications process, and appointed Commissioners Morse and Dodson to serve on the Selection Committee.

AWARD CONTRACT – UTILITY MAINTENANCE FACILITY ROOF REPLACEMENT (SS1615, CIP #WW157P)

The Commission awarded a construction contract in the amount of \$45,264.00 to Danker Roofing, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Water and Sanitary Sewer Utility Maintenance Facility Roof Replacement project (SS1615, CIP #WW157P), to be paid equally from the Water and Wastewater Funds.

AWARD CONTRACT – BLUE TOWNSHIP WATERLINE EXTENSION AND PUMP STATION US-24 CROSSING WATERLINE PROJECT (WA1626)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$165,550.00; awarded a construction contract in the amount of \$116,822.00 to the low bidder, Middlecreek Corporation, of Peabody, Kansas; and authorized the Mayor and City Clerk to execute the construction contract with Middlecreek Corporation for the Blue Township Waterline Extension US-24 Crossings Waterline project (WA1626).

RESOLUTION NO. 081616-E – AMEND GENERAL OBLIGATION BONDS – BLUE TOWNSHIP WATERLINE EXTENSION US-24 CROSSING WATERLINE PROJECT (WA1626)

The Commission approved Resolution No. 081616-E, amending and supplementing Resolution No. 090115-A authorizing the issuance of General Obligation Bonds for the Blue Township Waterline Extension - Waterline and Pump Station project and the US-24 Crossings project (WA1626).

OUTSIDE CITY SEWER AGREEMENT – 1305 ROEVER ROAD

The Commission authorized the Mayor and City Clerk to execute an agreement with Ron Chebultz, for an outside city limits sanitary sewer service connection for the property located at 1305 Roever Road Manhattan, Kansas, Riley County.

OUTSIDE CITY SEWER AGREEMENT – 4904 SKYWAY DRIVE

The Commission authorized the Mayor and City Clerk to execute an agreement with Ron Chebultz, for an outside city limits sanitary sewer service connection for the property located at 4904 Skyway Drive, Manhattan, Kansas, Riley County.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS

The Commission approved the following appointments by Mayor Reddi:

Historic Resources Board

Appointment of Christopher Banner, 618 Osage Street, to fill the unexpired term of Tyler Holloman. Mr. Banner's term begins immediately, and will expire April 30, 2017.

Joint Corrections Advisory Board

Re-appointment of Jayme Morris-Hardeman, 1822 Laramie Street, to a three-year Juvenile term. Ms. Morris-Hardeman's term begins immediately, and will expire June 30, 2019.

Re-appointment of Linda Teener, 1900 Judson Street, to a three-year Juvenile term. Ms. Teener's term begins immediately, and will expire June 30, 2019.

Re-appointment of Linda Teener, 1900 Judson Street, to a two-year Adult term. Ms. Teener's term begins immediately, and will expire June 30, 2018.

Parks and Recreation Advisory Board

Appointment of Leah Fliter, 2825 Nevada Street, to fill the unexpired USD 383 term of Patricia Hudgins. Ms. Fliter's term begins immediately, and will expire June 30, 2019.

Partner City Advisory Committee

Re-appointment of Dolly Anderson, 2818 Kelly Drive, to a three-year term. Ms. Anderson's term will begin September 1, 2016, and will expire August 31, 2019.

Re-appointment of Glen Lojka, 5240 Terra Heights, to a three-year term. Mr. Lojka's term will begin September 1, 2016, and will expire August 31, 2019.

Social Services Advisory Board

Re-appointment of Beverley Earles, 4511 Silver Creek Road, to a three-year term. Ms. Earles' term begins immediately, and will expire June 30, 2019.

Re-appointment of John Mixer, 3429 Treemill Drive, to a three-year term. Mr. Mixer's term begins immediately, and will expire June 30, 2019.

Special Alcohol Funds Advisory Committee

Re-appointment of Elizabeth Krieger, 720 Frey Drive, to a three-year term. Ms. Krieger's term begins immediately, and will expire June 30, 2019.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Special Alcohol Funds Advisory Committee (CONTINUED)

Re-appointment of Matthew Yates, 1629 Fisherman's Lane, to a three-year term. Mr. Yate's term begins immediately, and will expire June 30, 2019.

Appointment of Danielle DeCuir, 517 Stone Pointe Drive #11B, to a three-year term. Ms. DeCuir's term begins immediately, and will expire June 30, 2019.

After discussion and comments from the Commission, Commissioner McCulloh moved to approve the consent agenda with the amended Item E, ORDINANCE NO. 7235 – AMEND – DISCRIMINATION ORDINANCE. Commissioner Butler seconded the motion. After comments from the Commission, on a roll call vote, motion carried 5-0, with the exception of Item L, REQUEST FOR QUALIFICATIONS – PROFESSIONAL SERVICES – UNIFIED DEVELOPMENT ORDINANCE, which carried 4-1, with Commissioner Butler voting against the item.

GENERAL AGENDA

PUBLIC HEARING - 2017 CITY BUDGET AND 2017-2022 CAPITAL IMPROVEMENT PROGRAM

Bernie Hayen, Director of Finance, presented an overview of the item. He highlighted the past work sessions regarding the budget; presented maps showing the growth of Manhattan and the changes in population growth; highlighted the percent changes in Manhattan's tax base and percent changes in the City's one-cent sales tax over time; provided the percent changes in total property taxes and percent changes in the City's General Fund Budget over time; discussed the percent changes in the General Fund property taxes; and provided information showing historical levels from 2000 to 2016. He also highlighted the 2017 assessed valuation; new improvements proposed for 2017; the proposed 2017 City Budget; the Bond and Interest revenues; the current outstanding debt chart; the General Fund Capital Improvements Program (CIP) history; the CIP Budget impact and CIP funding summary for 2017; the proposed General Fund increases and current mill levy summary; and highlighted changes made since the fourth Work Session. He then responded to questions from the Commission regarding the recommended actions, the Fund budget amounts and Fund accounting, the proposed mill levy for other agencies, and the population growth rate of the community.

Ron Fehr, City Manager, provided background information on the population growth of Manhattan. He also provided information on the U.S. Census Bureau population numbers reported, the population estimate process, and the process to appeal with the U.S. Census Bureau.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - 2017 CITY BUDGET AND 2017-2022 CAPITAL IMPROVEMENT PROGRAM (CONTINUED)

Karen Davis, Director of Community Development, responded to questions from the Commission regarding population figures.

After comments and questions from the Commission, Bernie Hayen, Director of Finance, provided additional information on the proposed 2017 City Budget and the significance that the National Bio and Agro-Defense Facility will have on the community.

Commissioner McCulloh discussed the impact of added property tax as a way to help balance out the fact that many are not paying state income tax. She said she did not like paying taxes more than anyone else, but stated we need to find exactly what level we should support and was concerned that capital improvements are being underfunded. She stated that we have to make things work in the community, make things professional, make citizens safe, and have the parks, activities and services that citizens want.

Commissioner Butler stated that assessments went up about six percent generally and that his philosophy has always been to budget your spending based on income, just like a typical household. He stated that government has the advantage of overcharging the credit card and, if government wants to spend more money, they tax you more. He stated the \$60,000.00 purchase of curtains for the stage is an unneeded expense and asked why that item is still in the budget. He stated that there is a citizen group doing the fundraising and this purchase is neither for roads nor for a generator at the Water Treatment Plant.

Commissioner Dodson provided his comments on the proposed 2017 City Budget and process. He stated that the public demands a thorough review of the budget and wanted to take the time necessary to understand and discuss the budget.

Commissioner Morse provided her comments on the proposed 2017 City Budget. She stated that she recognized the growth of Manhattan is significant, as indicated with the maps presented (*See Attachment No. 4*) by Bernie Hayen, Director of Finance. She said that she would support a 1.0 mill levy increase and stated that it is the Commission's responsibility to provide for the overall good of the community.

Mayor Reddi stated that she was leaning toward a 1.0 mill levy increase. She stated the reason that people want to come to Manhattan is because it is a beautiful place to live, and it takes a lot of money to run a city to make it that way. She wanted to capitalize on the sales tax revenues being generated with events and activities through the efforts of the Manhattan Convention and Visitors Bureau and local businesses. She said she would love to go for a flat mill levy, but stated that she didn't think it would be good for the city. She voiced concerns with additional budget cuts to major departments including Public Works, Fire, and Parks and Recreation.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - 2017 CITY BUDGET AND 2017-2022 CAPITAL IMPROVEMENT PROGRAM (CONTINUED)

Commissioner Dodson stated that City staff has provided items to bring the proposed budget from a 1.5 mill levy increase to a 1.0 mill levy increase and then from a 1.0 mill levy increase to a 0 mill levy increase. He provided additional comments about the proposed budget and stated that he would support the 1.0 mill levy increase.

Commissioner Butler stated that he liked the options provided by City staff, but wanted to see the mill levy increase at 0. He reiterated that the \$60,000.00 for the stage should be withheld and stated that he didn't see where a 0 mill levy increase would cause a problem. He voiced concern with the sales tax initiative on the ballot in November 2016 for roads and with an increase in the mill levy at the same time.

Commissioner McCulloh stated that as a Commission, it is setting a policy statement with the budget. She voiced support for the 1.0 mill levy increase and stated the City does not know what the future holds and expressed concerns with the status of the state finances, as well as the possible population increase with the construction of the National Bio and Agro-Defense Facility. She stated that she wanted to be in a position where the City can absorb some shocks if they come along and said that City staff has cut a lot out of the CIP already.

Mayor Reddi opened the public hearing.

Kathy Dzewaltowski, 100 South Delaware Avenue, stated that the Friends of Peace Memorial Auditorium wish to express their support for the CIP items for Peace Memorial Auditorium. She stated these basic maintenance items were requested by Parks and Recreation and approved by the Parks and Recreation Advisory Board. She stated the Friends of Peace Memorial Auditorium appreciates the cooperation of the City and that the organization continues to work on fundraising for improvements and enhancements for the Memorial Auditorium and foyer. She stated the CIP items represent basic maintenance and the future maintenance will be the responsibility of the City.

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

FIRST READING - 2017 CITY BUDGET AND 2017-2022 CAPITAL IMPROVEMENT PROGRAM

After additional discussion and comments from the Commission, Commissioner Morse moved to approve first readings of ordinances adopting the 2017 City Budget and amending the Employee Benefits Contribution Fund; and, lower the proposed City Budget to a 1.0 mill levy increase based on the recommendations (*See Attachment No. 5*) provided by City Administration.

GENERAL AGENDA (CONTINUED)

FIRST READING - 2017 CITY BUDGET AND 2017-2022 CAPITAL IMPROVEMENT PROGRAM (CONTINUED)

Ron Fehr, City Manager, responded to questions from the Commission.

Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Butler voting against the motion.

ADJOURNMENT

At 8:25 p.m., the Commission adjourned.

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

Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County C-4, Highway Business District

TO: C-5, Highway Service Commercial District

APPLICANT/OWNERS: Keith D. Westervelt, Blueville Nursery

ADDRESS: 4539 Anderson Avenue, Manhattan, KS

LEGAL DESCRIPTION: Lot 1, Blueville Nursery subdivision

LOCATION: Generally located southwest of the intersection of Kimball Avenue/Scenic Drive and Anderson Avenue.

AREA: 357,192 square feet (8.2 acres)

DATE OF NEIGHBORHOOD MEETING: April 4, 2016

DATE OF PUBLIC NOTICE PUBLICATION: May 30, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: June 20, 2016
CITY COMMISSION: July 5, 2016

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. **EXISTING USE:** Nursery retail center and agricultural land associated with the nursery.
2. **PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site generally slopes from the northwest to the southeast. The site drains towards a natural drainage ravine in the Scenic Drive right-of-way, which empties to Wildcat Creek to the south.
3. **SURROUNDING LAND USE AND ZONING:**

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

Attachment No. 1

SOUTH: Agriculture land, including land associated with the landscape and nursery use; Riley County AG, Agriculture District.

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

WEST: Agriculture land, including land associated with the landscape and nursery business; Riley County AG, Agriculture District.

4. **GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a growth area on the west side of Manhattan, with a mix of large lot single-family homes, two-family homes and multiple-family developments and commercial uses. The land surrounding the Kimball Avenue, Anderson Avenue, Scenic Drive intersection is generally vacant or under development.
5. **SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently located in rural Riley County and zoned County C-4, Highway Business District. The existing use conforms to the current zoning district in Riley County.

The applicant has requested the annexation and rezoning of the site so that the business can receive City utility services (water, sanitary sewer and stormwater sewer) and benefit from roadway improvements planned for the intersection of Anderson Avenue and Scenic Drive/Kimball Avenue. To benefit from these services and improvements, annexation and rezoning into the City is preferred.

6. **COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** No changes to the existing use as a landscape and nursery retail center is proposed at this time. The applicant has requested the annexation and rezoning of the site so that the business can receive City utility services (water, sanitary sewer and stormwater sewer) and benefit from roadway improvements planned for the intersection of Anderson Avenue and Scenic Drive/Kimball Avenue.

By rezoning to the C-5, Highway Service Commercial District, a wide variety of retail and service commercial uses would be allowed, including the existing use, drive-thru restaurants, large box retail stores and convenience stores. The existing use of the site has proven to be compatible with the surrounding neighborhood and the proposed C-5 District is the only district that includes retail nurseries.

Attachment No. 1

An increase in light, noise and traffic could occur with future development beyond the landscape and nursery retail center. All of the traffic to and from the site will be served by the adjacent arterial roadways to the north and east. No vehicular connections are anticipated into the adjacent neighborhoods.

C-2, Neighborhood Shopping District lots are situated adjacent to the other three (3) corners of the Kimball Avenue/Scenic Drive and Anderson Avenue intersection. The proposed roadway improvements at the nearby intersection has been designed for the traffic anticipated to be generated by the broad range of commercial uses that could potentially be established on the surrounding properties, as well as current and future community-wide traffic along the arterial roadways.

The applicant held a neighborhood meeting on April 4, 2016. Three (3) neighbors attended the meeting. According to the meeting summary, the applicant and his consultant from Alfred Benesch and Company fielded general questions and comments. The application documents stated that no major concerns were raised by those in attendance of the meeting.

The proposed rezoning should not adversely impact the nearby properties.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

Lot 1, Blueville Nursery subdivision is shown on the Future Land Use of the Manhattan Urban Area Comprehensive Plan as Neighborhood Commercial Center (NCC) with a designated Commercial Node at the intersection of Kimball Avenue/Scenic Drive and Anderson Avenue. The Commercial Node is a designation that signifies that the major intersection can and should support commercial developments in the future.

NCC-1: Characteristics

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

NCC-2: Location

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

NCC-3: Size

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

NCC-4: Circulation and Access

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

NCC-5: Transitions between Uses

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

The proposed rezoning of Lot 1, Blueville Nursery subdivision conforms to the policy of the Manhattan Urban Area Comprehensive Plan.

- 8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site is located in rural Riley County, at the edge of the City. The current zoning is County C-4, Highway Business District. The site was platted in October, 1990 as Lot 1, Blueville Nursery. The site is not vacant.

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

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

Attachment No. 1

The proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations. The C-5, Highway Service Commercial District is designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which require access to major streets and highways. The rezoning site conforms to the requirements of the C-5 District.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. There are no expected adverse affects on the public health, safety and welfare as a result of the rezoning. The applicant has requested the annexation and rezoning of the site to benefit from City utilities and roadway improvements proposed in the area. It may be a hardship upon the owner if the rezoning is denied. The proposed C-5 District is the appropriate zoning designation for the existing retail garden store and nursery.

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

12. OTHER APPLICABLE FACTORS: The site is within the Fort Riley Critical Area. City Administration contacted Fort Riley officials about the annexation and proposed rezoning. Because the current land use is commercial and the proposed zoning district does not allow residential uses; Fort Riley did not provide any comments on the rezoning request.

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of the Blueville Nursery Retail Center, Lot 1, Blueville Nursery from County C-4, Highway Business District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Blueville Nursery Retail Center, Lot 1, Blueville Nursery from County C-4, Highway Business District, to C-5, Highway Service Commercial, 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.

Attachment No. 1

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Blueville Nursery Retail Center, Lot 1, Blueville Nursery from County C-4, Highway Business District, to C-5, Highway Service Commercial, based on the findings in the Staff Report.

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

DATE: May 30, 2016

16014}SR}BluevilleRezonetoC5

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: PUD, Planned Unit Development

TO: C-5, Highway Service Commercial

APPLICANT: Mead Lumber Real Estate, LLC

ADDRESS: P.O. Box 878 Columbus, NE 68602

OWNERS: Mead Lumber Real Estate, LLC

ADDRESS: P.O. Box 878 Columbus, NE 68602

LEGAL DESCRIPTION: Homestore Addition #2, S13, T10, R07E, Lot 1, LT 1 & 50' W2 ADJ abandoned RR ROW

LOCATION: The rezoning site is located approximately 435 feet east of the intersection of Seth Child Road and Amherst Avenue, along the south side of Amherst Avenue.

AREA: The total area of the rezoning site is approximately 61,838 square feet in area, having a total dimensioned area of 152.4 feet in depth and 416.6 feet in length on its longest side

DATE OF NEIGHBORHOOD MEETING: May 25, 2016

DATE OF PUBLIC NOTICE PUBLICATION: June 27, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: July 18, 2016
CITY COMMISSION: August 16, 2016

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: (Note: Existing use information was obtained from the Riley County GIS web page):

This existing use of 2815 Amherst Avenue is a warehouse-office building combination, built in 1975. The office building has an approximate square footage of 4,520 and the warehouse has an approximate square footage of 3,080.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:

The rezoning site is generally flat with a warehouse structure, open space at the southeastern end of the lot and concrete paved areas on both the northwestern and southeastern sides of the existing warehouse building. A gravel access road currently runs from Amherst Avenue to the principle Mead Lumber building to the southeast along the eastern side of the site.

3. SURROUNDING LAND USE AND ZONING:

NORTH: The properties to the north, across Amherst Avenue are part of the Little Apple Honda and Toyota car dealership, located in a C-5, Highway Service Commercial District. Additionally there is a gymnastics academy housed in a warehouse building located in an I-2, Industrial Park District

SOUTH: The properties to the south are all located in a C-5, Highway Service Commercial District. These properties include the primary Mead Lumber site as well as its associated warehouses.

EAST: A Manhattan Fire Station is located directly to the east of the subject property, which is located in a C-5, Highway Service Commercial District.

WEST: To the west of the subject site is a warehouse building for Little Apple Cars, which is located in a C-5, Highway Service Commercial District.

4. GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood is a mix of light industrial warehousing and commercial uses appropriate for adjacency to a highway or principal arterial road such as Seth Child. The immediate area is a convergence of the C-5 Highway Service Commercial District, the I-2 Industrial Park District, and the subject site's current zoning, PUD, Planned Unit Development.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The rezoning site consists of an approximately 61,838 square foot lot, which conforms to the minimum lot size requirements for a Planned Unit Development – Commercial. The lot is suitable for the uses under the current Planned Unit Development district standards.

The current site is the remainder of the Homestore Addition Planned Unit Development. The PUD was never fully developed as originally proposed, and over time pieces of the original PUD were rezoned to C-5, Highway Service Commercial. In 1981, a development plan for Nelson's Team Electronics was approved. The original Planned Unit Development contained the same permitted uses as the C-5, Highway Service Commercial.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning of Planned Unit Development to C-5, Highway Service Commercial, would make the subject property consistent with the surrounding properties, which are also zoned C-5, Highway Service Commercial.

The proposed rezoning, and subsequent occupation of the existing vacant warehouse, would likely increase traffic and noise to the area. However, the use of the land and the activities taking place at the site would be consistent with the land use of the surrounding properties. Additionally, the property directly to the southeast of the subject site (current Mead Lumber site) was rezoned from Planned Unit Development to C-5, Highway Service Commercial, in 1998.

If the subject property is rezoned as proposed, Mead Lumber intends to occupy the vacant 7,600 square foot warehouse on the site for their lumber and home improvement business. The current owners purchased the property because it directly abuts their Mead Lumber site to the south east. The owners have proposed to pave the existing road through the site so that it connects with the Mead Lumber site.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Comprehensive Plan identifies the areas east of Seth Child Road, along Amherst Avenue as “Community Commercial”, which has a range of density of typically between 10 and 30 acres. The Plan defines the primary policies regarding Community Commercial as:

CC 1: Characteristics

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

CC 2: Location

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

CC 3: Size

Typically requires a site of between 10 and 30 acres.

CC 4: Unified Site Design

Establish a unified site layout – landscaping, signage, pedestrian, and vehicular circulation – for the center to guide current and future phases of development. Site design features should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.

CC 5: Building Design and Character:

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

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

CC 6: Organization of Uses

Concentrate Community Commercial services within planned activity centers, or commercial nodes, throughout the community. Cluster complementary uses within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses, such as high density residential, where feasible. Linear development patterns, particularly when parcels provide a single use and are developed independently, can require multiple access points and lead to disruption of traffic flow on adjacent streets. Although lot sizes and/or configurations in some areas may warrant the use of a more linear development pattern it is generally discouraged.

CC 7: Circulation and Access

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

CC 8: Infill and Redevelopment/Adaptive Reuse

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

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

- 11-15-66: Annexed by City Commission and zoned “C” Local Business District.
- 7-15-69: Rezoned to C-5, Service Commercial District. (*Ordinance No. 2650 new City-wide zoning map*)
- 11-8-76: MUAPB recommended approval of Preliminary Homestore PUD.
- 12-7-76: City Commission approved 1st reading rezoning from C-5 to PUD (*area consisting of Lots 1- 4, Homestore Addition*). Area to south remained C-5.
- 12-21-76: City Commission approved 2nd reading of Ordinance No.3458 to rezone to Homestore PUD.
- 11-14-77: MUAPB approved Final Plan Phase 1, Homestore PUD.
- 11-12-79: MUAPB approved Preliminary and Final Plat Homestore Addition.
- 5-21-80: Final Plat Homestore Addition filed.

The structure has sat vacant for at least ten years.

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

The C-5, Highway Service Commercial District is designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which require access to major streets and highways. The site is a 61,838 square foot site that complies with the minimum C-5 District requirements.

While the existing PUD would allow the proposed use of the subject site, the proposed rezoning would make the subject site consistent with surrounding properties, which are all zoned C-5 Highway Service Commercial.

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 would be no apparent gain to the public to the public health, safety, and welfare that would result from the denial for the request of the rezoning. Additionally, there are no anticipated adverse impacts to the public health, safety, and welfare that would result from the proposed rezoning.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available at the subject site. An existing driveway runs through the rear of the site connecting Amherst Avenue to the Mead Lumber site to the southeast. This driveway is required by the Manhattan Fire Department to provide fire access to the existing lumber yard.

12. OTHER APPLICABLE FACTORS: The lot in question directly abuts the Linear Trail to the east, which was constructed on abandoned railroad right of way. The proposed rezoning of this property should have no impact on the trail or those who use it.

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of 2815 Amherst Avenue from PUD, Planned Unit Development, to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of 2815 Amherst Avenue from PUD, Planned Unit Development, to C-5, Highway Service Commercial District, stating the basis for such recommendation.

Attachment No. 2

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 2815 Amherst from PUD Planned Unit Development, to C-5 Highway Service Commercial, based on the findings in the Staff Report.

PREPARED BY: Doug May, Planner

DATE: July 18, 2016

DM/16
16105}SR}2815AmherstRezonetoC5

STAFF REPORT

AN AMENDMENT OF ORDINANCE NOS. 4093 and 7069 AND THE APPROVED FINAL DEVELOPMENT PLAN OF BRIARVIEW ADDITION COMMERCIAL PLANNED UNIT DEVELOPMENT.

BACKGROUND

APPLICANT/OWNER: Auckland Properties LLC, Priyantha Ranaweera

ADDRESS: 200 Research Drive

LOCATION: Lot R.P. 1, University Heights Addition, First Unit

AREA: 2.99 Acres

DATE OF NEIGHBORHOOD MEETING: May 26, 2016

DATE OF PUBLIC NOTICE PUBLICATION: June 27, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: July 18, 2016
CITY COMMISSION: August 2, 2016

EXISTING PUD

Ordinance

Ordinance No. 4093 was approved on September 20, 1983. The Ordinance rezoned the property from I-1, Research Park District to PUD, Planned Unit Development. The ordinance documents did not specifically list any permitted uses or conditions of approval, but rather stated:

Section 2. The use limitations and space limitations as described in the Development Plan and Documents as filed with the application in the Zoning Administrator's Office shall apply to this district and govern the development therein. The PUD use is generally for Business and Professional Office Use.

The PUD site plans showed a total of 40,000 square feet of office space in five (5) buildings, with associated off-street parking and landscaping on two (2) lots. Lot 1, Briarview Office Park Addition created a two-story medical office building with approximately 6,800 square feet of floor space.

Attachment No. 3

Four (4) separate buildings were envisioned on Lot R.P. 1, University Heights, First Unit (the site). The development plan showed the existing building, which is a two (2) story building with 8,304 square feet of floor area and three (3) other buildings. The other buildings and associated parking lot was never constructed. The existing building was constructed in 1973 as an office building.

At the Manhattan Urban Area Planning Board public hearing on August 15, 1983, a condition of approval was made that “only the building on the lower level (Lot 1, Briarview Office Park Addition) of the site could be used for medical or dental uses. This condition was made part of Ordinance No. 4093 that established the PUD.

Ordinance No. 7069 was approved on April 15, 2014 and amended the original PUD ordinance to allow the addition of medical and dental offices as a permitted activity throughout the development. The Final Development Plan that corresponded with the April, 2014 PUD Amendment eliminated the 3 buildings proposed in the original PUD. Only the existing 2 story building was approved with the Final Development Plan.

PROPOSED AMENDMENT

The applicant, a heart and vascular clinic located in the existing building, has proposed to construct an approximate 3,000 square foot building for a cardiovascular ambulatory surgical center to the west of the existing building. The new building will have 1 procedure room and 3 recovery beds. A PUD Amendment is required because the 2014 PUD Amendment and Final Development Plan eliminated all proposed buildings, other than the single existing building.

Proposed Buildings, Structures, and Phasing

The existing building is a two-story office building with a floor area of approximately 8,304 square feet. The existing building is used by The Heart and Vascular Clinic, the applicant. The building also has office space for additional business and professional offices.

The applicant has proposed to construct an approximately 3,000 square foot building for an ambulatory cardiovascular surgical center that the applicant will own and operate. The surgical center will have 1 procedure room and 3 recovery rooms. The application materials state that the maximum number of patients that can be served at one time is 3. The majority of the staff that will use the surgical center will also be working at the existing office building. Two new staff members are anticipated to be added to help operate the new building.

The building will be approximately 20 feet tall at its highest point. The exterior materials will be brick and stone masonry. A covered patient drop off area will be located at the entrance to the building on the south side. The new building will be as close as 25 feet from the front property line along Research Drive and approximately 7 feet from the building to the east. A walkway and ramp will be constructed to allow for staff and patients to travel between these 2 buildings.

A future 1,000 square addition is proposed to the north of the new building. The future building addition would provide for more office and staff space. The application documents state that the number of patients will not increase with the future building addition, but the number of staff members is anticipated to increase by 3.

PROPOSED SIGN:

An existing sign is located at the site's southern entrance. The sign is approximately twenty-four (24) square foot, three (3) feet tall and externally illuminated.

The Final Development Plans show a wall sign on both the new and existing buildings that will have a maximum sign area of 100 square feet for both buildings. The applicant has stated that the type of wall sign (cabinet, individual letters, etc.) has not been determined, but the signage will not be illuminated.

PROPOSED LIGHTING: The exterior lighting on the site include an existing utility pole at the northwest corner of the parking lot with an area flood light and wall mounted lights on the existing and new buildings.

**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 Briarview Office Park PUD created a business and office park that was to have up to 40,000 square feet of office space in 5 buildings. The 2014 PUD Amendment expanded the use on the site to permit medical offices on the site and eliminated the 3 buildings that had not been construction from the approved Final Development Plan. It appears that removal of these 3 proposed buildings were done before the consideration of the proposed ambulatory cardiovascular surgical center.

Attachment No. 3

The proposed outpatient medical surgical center is considered a medical clinic, which is a permitted use for the PUD. Having at least 2 buildings on the subject site was an intent of the originally PUD. It appears that the proposed amendment is consistent with the Briarview Addition Commercial PUD.

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The proposed amendment is necessary because the PUD was amendment 2014 to allow for medical and dental clinics on the site and eliminated 3 proposed buildings from Final Development Plan for the PUD. The proposed PUD Amendment would establish a new building, with up to 4,000 square feet of floor area for an ambulatory cardiovascular surgical center that the current owner and tenant of the existing building will own and operate. This building was not proposed in the previous PUD Amendment.

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The proposed amendment will result in a gain to the public by allowing for the expanded medical services provided by The Heart and Vascular Clinic that owns the property and has a clinic in the existing office building. According to the applicant, the construction of the proposed building will not substantially increase traffic to the site, as existing clients and staff members will use the surgical center, which has a maximum patient capacity of 3 patients.

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

1. LANDSCAPING: The landscaping is largely in place and consists of grass lawn areas, and landscape areas along Research Drive, the off-street parking lot and along the foundation of the existing building. New deciduous trees will be planted along Research Drive. New foundation landscape beds will be installed for the new and existing buildings near the entrances.

2. SCREENING: A wooden sight obscuring screening fence will be provided to screen the trash dumpster for the new building. A masonry retaining wall will screen a proposed emergency power generator, which will be located on the northeast corner of the building.

3. DRAINAGE: The site generally drains via sheet flow to the south towards Research Drive or to the east. This drainage pattern will continue for the site. A grass swale will be installed to intercept the stormwater runoff from the new building and direct it towards the parking lot to the south, where it will continue to the south towards Amherst Avenue, similarly to the stormwater runoff from the existing building.

A stormwater analysis was conducted for the proposed development by SMH Consultants. The pre-development vs. post-development analysis is as follows:

	Pre-Development	Post-Development	Difference
10-year	0.54 cfs	0.83 cfs	0.29 cfs
50-year	0.70	1.07	0.37
100-year	0.77	1.17	0.40

Because the overall stormwater runoff is so small, the impacts of the development on the surrounding areas in regards to stormwater runoff will be minimal. The City's Stormwater Engineer and City Engineer have reviewed the Final Development Plans and stormwater analysis and approves of the plans with no comments.

4. CIRCULATION:

Public Access. The site gains access via two (2) curb cuts on Research Drive, a local street. No changes are proposed to its current access. A sidewalk extends from Amherst Avenue along Research Drive to the southern driveway on the site. The sidewalk does not extend to the north.

Traffic.

The engineers from Alfred Benesch & Company conducted a traffic analysis for the proposed surgical center. The analysis determined that an additional 7 vehicles would be generated by the site in the AM Peak Hour and 10 vehicles in the PM Peak House. The analysis also stressed that this facility is "not a stand-alone facility, but rather an addition to an existing business, meaning there will be no to minimal new employees for this facility as it will be the same staff already working on the site." The City Engineer has reviewed the Final Development Plans and traffic analysis and approves of the plans with no comments.

Off-Street Parking.

The existing site has an off-street parking lot with 43 spaces. Based on the total square footage of the existing building and applying the parking requirements for medical clinics (5.5 spaces per 1,000 square feet), 28 off-street parking spaces are required.

Attachment No. 3

The applicant's consultant has determined that 1,657 square feet of the new building should be counted towards the minimum off-street parking requirements. Areas for storage, bathrooms, hallways, mechanical rooms, etc. are allowed to be subtracted from the building gross square footage. The minimum parking required would be 3 spaces. The proposed building will remove 6 off-street parking spaces, creating a new total of 37 off-street parking spaces.

The applicant's consultant also calculated the parking demand for the new building based on the usage of the building. As previously mentioned, a maximum of 3 patients will use the facility and 2 new employees will be hired to work in the building. It is anticipated that a total of 3 new staff members will be hired for the future building addition, which will include offices and staff areas to serve the patients (i.e. laboratory, etc.). The actual usage of the site would generate a total of 8 spaces.

The 37 off-street parking spaces proposed for the site will be adequate to meet the demands of the existing and new medical office buildings.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: The site has several large areas of open spaces to the north and east of the building and parking lot. This area consists of grass areas and dense trees. The eastern edge of the site is a steep slope that is covered with evergreen and deciduous trees.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is a mix of medical and business offices, single-family homes, townhomes and the Seth Child Road highway commercial corridor. Single-family homes are located to the west of the site. To the north and northwest are two (2) developments consisting of single-family attached dwellings and townhomes. To the south is a medical office and single-family homes. To the east is Seth Child Road/State Highway 113, a four-lane limited access highway and the highway commercial businesses, including automotive dealership, automotive mechanic shop and a hardware store.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Business Office

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is a large irregular shaped lot that slopes to the east and south. Besides the existing building and off-street parking lot, the site has large grass open spaces and heavily wooded slopes. The subject site is not shown to be in a mapped floodplain on the effective or preliminary Flood Insurance Rate Map panel # C0361.

3. SURROUNDING LAND USE AND ZONING:

- (a) **NORTH:** Multi-unit townhomes, single-family attached, recreation areas for the townhomes and steep slope open space: Briercliffe Residential Planned Unit Development.
- (b) **SOUTH:** Medical office, Amherst Avenue, a major collector street, and large lot single-family homes: Briarview PUD and R, Single-Family Residential District.
- (c) **EAST:** Seth Child Road/K-113 Highway, a limited access highway and highway commercial uses, including a Little Apple Toyota/Honda Dealership, Midas automotive repair center and Waters True Value hardware store: C-5, Highway Service Commercial District.
- (d) **WEST:** Research Drive, a local street, and large lot single-family homes: R, Single-Family Residential District.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site was zoned from I-1, Research Park District to Commercial PUD in 1983. The PUD was amended in 2014 to remove a condition was placed on the PUD that prohibited medical offices from being on the site. The site included the existing building and parking lot at the time of the rezoning, which was constructed in approximately 1973. The existing use and buildings conform to the PUD.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed building and ambulatory cardiovascular clinic should have minimal detrimental effects on adjacent properties.

The building will be appropriately setback from the front property line. Natural grades in the area and existing trees on the site and surrounding neighborhoods will reduce any visual impacts that a new commercial building may have on the surround neighborhoods. The applicant has stated that the signage for the existing and new building will not be illuminated, which will further reduce any impacts on the surrounding area.

The proposed use will be an outpatient surgical center for heart and vascular medicine for up to 3 patients. The application materials have stated that the use of the new building will compliment the medical practice in the existing building and will not generate large amounts of new patient traffic. Likewise, the surgical center will not operate with overnight hours.

Adequate parking is proposed for the existing and proposed uses on the site.

7. CONFORMANCE WITH COMPREHENSIVE PLAN

The site is shown on the Southwest Future Land Use Plan map of the Comprehensive Plan as Office-Research Park (OFF/RP). Policies from the Comprehensive Plan are noted in italics.

OR 1: Characteristics

The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, “campus-like” setting. Office/Research Park developments may be incorporated into a master planned neighborhood, 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, 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 (i.e., Policy OR5 will not apply to single-building facilities). 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 Park facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access.

OR 3: Site Layout and Design

Office/Research Park developments should be organized in a planned, “campus-like” setting that is heavily landscaped. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces

OR 5: Unified Architectural Character

Buildings within an Office/Research Park setting should have a unified architectural character achieved through the use of similar elements, such as rooflines, materials, colors, signage, landscaping and screening and other architectural and site layout details.

OR 6: Common Areas

Plazas and other common outdoor gathering spaces should be provided as part of the “campus” environment. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces, such as quads, courtyards, patios, or seating areas for employees and visitors.

OR 7: Circulation and Access

Building entrances, outdoor gathering spaces, and parking areas shall be linked with clear, direct pedestrian walkways.

OR 8: Outdoor Storage

The functions of an Office/Research Park facility should generally be completely contained within buildings. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.

THE PROPOSED AMENDMENT CONFORMS TO THE COMPREHENSIVE PLAN.

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

- | | |
|--------------------|--|
| August 7, 1962 | Annex Lot R.P. 1, University Heights Addition, First Unit into the City of Manhattan. |
| November 11, 1962 | Zone to site to E-1, Research Park District. |
| 1969 | E-1 District was changed to I-1, Research Park District. |
| August 15, 1983 | Manhattan Urban Area Planning Board recommends approval of the request to rezone from I-1 District to Commercial Planned Unit Development District with a condition that medical offices shall not be permitted on the site. |
| September 20, 1983 | City Commission approves the second reading of Ordinance No. 4093 rezoning the site to Commercial PUD |

Attachment No. 3

- September 30, 1983 Manhattan Urban Area Planning Board approves Final Development Plan for Lot 1, Briarview Office Park Addition.
- October 16, 1986 Manhattan Urban Area Planning Board approves the Final Development of Phase II of Lot 1, Briarview Office Park Addition.
- July 18, 1988 Manhattan Urban Area Planning Board approves an amendment to Final Development of Phase II of Lot 1, Briarview Office Park Addition.
- January 29, 1992 Manhattan Urban Area Planning Board approves the Final Development of Phase III of Lot 1, Briarview Office Park Addition.
- March 17, 2014 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 4093 and the Final Development Plan of a portion of the Briarview Office Park Commercial Planned Unit Development, consisting of Lot R.P. 1, University Heights Addition, First Unit, to add medical and dental offices as a permitted use and to eliminate the three un-built buildings from the PUD.
- April 1, 2014 City Commission approves first reading of an ordinance to amend Ordinance No. 4093 and the Final Development Plan of a portion of the Briarview Office Park Commercial Planned Unit Development, consisting of Lot R.P. 1, University Heights Addition, First Unit.
- April 15, 2014 City Commission approves Ordinance No. 7069 amending Ordinance No. 4093 and the Final Development Plan of a portion of the Briarview Office Park Commercial Planned Unit Development, consisting of Lot R.P. 1, University Heights Addition, First Unit to permit medical and dental office uses at 200 Research Drive.

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 generally consistent with Ordinance Nos. 4093 and 7069, the approved PUD, 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 gain to the public that denial would accomplish. The proposed amendment to allow a new building devoted to a medical clinic. The proposed use conforms to the PUD's list of permitted uses. The proposed building should not adversely impact the surrounding area. Denial of the PUD amendment may be a hardship to the owner in that it would limit the use of an existing commercial development.

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

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: City Administration recommends approval of the amendment to Ordinance Nos. 4093 and 7069 and the Final Development Plan of Lot R.P. 1, University Heights Addition, First Unit to allow for a new ambulatory heart and vascular surgical clinic, with the following conditions of approval:

1. The site shall be developed as proposed in the application documents and shown on the Final Development Plan.
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. Signage shall be limited to signs proposed in the application documents.
5. 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).

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance Nos. 4093 and 7069 and the Final Development Plan of Lot R.P. 1, University Heights Addition, First Unit, stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of Ordinance No. 4093 and 7069 and the Final Development Plan of Lot R.P. 1, University Heights Addition, First Unit, stating the specific reasons for denial.

Attachment No. 3

3. Table the proposed Amendment to a specific date, for specifically stated reasons.

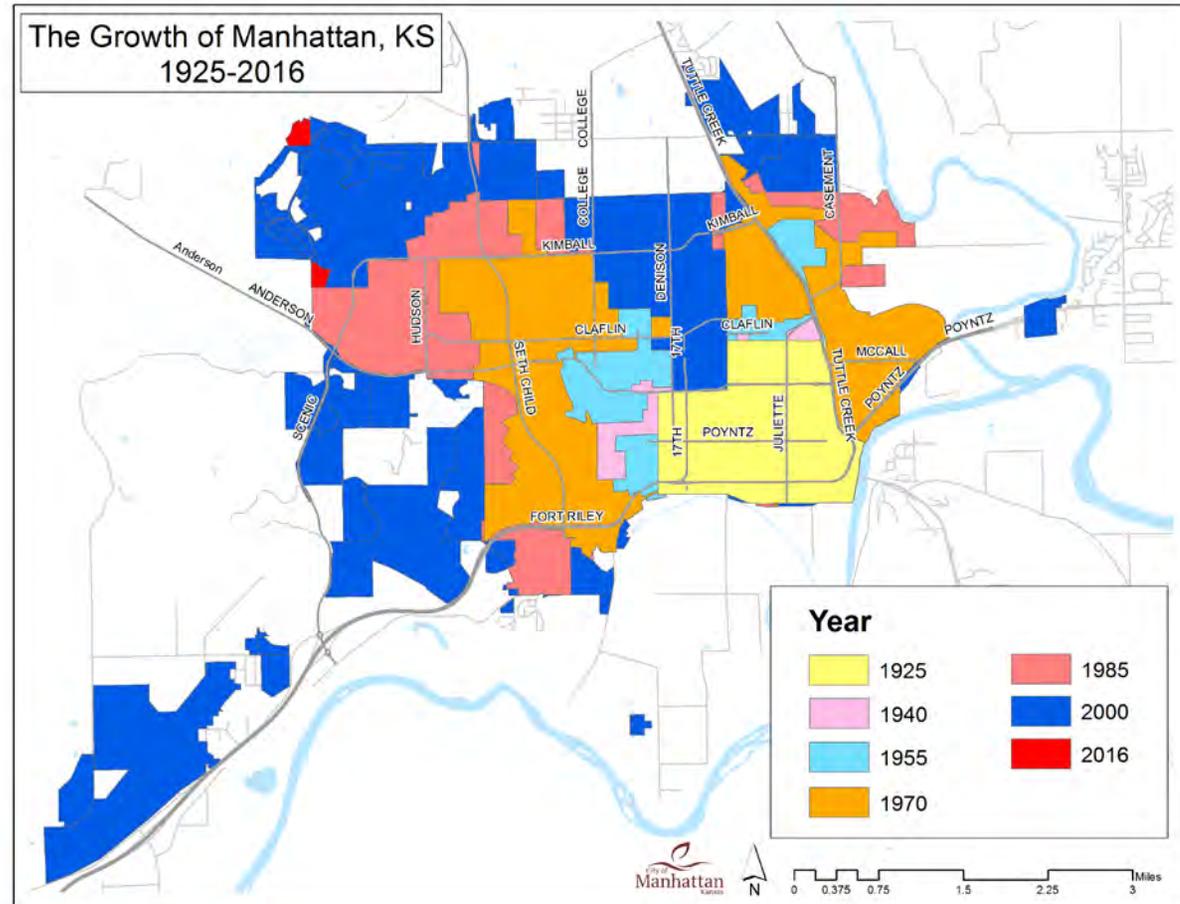
POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance Nos. 4093 and 7069 and the Final Development Plan of Lot R.P. 1, University Heights Addition, First Unit, based on the findings in the Staff Report with five (5) conditions of approval.

PREPARED BY: Chad Bunger

DATE: July 8, 2016

16016}SR}AmendBriarviewPUD}Lot2



2017 Budget

Recommendations to Lower Mill Levy from 1.5 to 1.0

<u>Public Works CIP Items</u>	<u>General Fund Savings</u>
Engineering: Move Tiger Grant Application to 2019	\$50,000
Traffic: Traffic Signal UPS, Reduce to \$20,000 from \$40,000	\$20,000
Traffic: Change funding on traffic counter to Special Street and Highway vs General Fund	\$25,000
Subtotal	\$95,000
<u>Parks & Recreation CIP Items</u>	
Sunset Zoo Master Plan (use surplus Economic Development Funds) frees up \$21,250 in General Fund and \$21,250 in Special Sunset Zoo	\$42,500
Zoo: Roof at Vet. Hospital (switch to Special Sunset Zoo from savings vs General Fund)	\$30,000
Recreation: Ford Taurus (fund with Special Parks and Recreation Funds)	\$23,000
Parks: Warner Park Master Plan (fund with surplus Economic Development Funds vs Park Development Fund)	\$45,000
(Note: Consider adding \$15,000 more EcoDevo for improvements, i.e. disc golf, restrooms/shelter, etc., as a result of Master Plan)	
Subtotal	\$140,500
<u>Finance</u>	
Move Encryption of Data CIP item to 2018	\$15,000
Subtotal	\$15,000
<u>Airport</u>	
Delay or forego Aeronautical Survey in CIP	\$10,500
Subtotal	\$10,500
<u>Fire</u>	
Replace 2 heat pumps vs 4 at City Hall in CIP	\$15,000
Subtotal	\$15,000
Grand Total	\$276,000