



***MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 5, 2017
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, 8 staff, and approximately 95 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Reddi led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Reddi proclaimed September 2017, ***Recovery Month***. Anne Brown and Stan Wilson, Board Members, Pawnee Mental Health Services, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

COMMISSIONER COMMENTS

Mayor Reddi informed the community that the Flint Hills Discovery Center has a wonderful exhibit called Duty First: 100 Years of the Big Red One and encouraged everyone to attend.

MINUTES

Commissioner McCulloh moved to approve the minutes of the Regular City Commission Meeting held Tuesday, August 15, 2017. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

RE-ORGANIZATION

Mayor Usha Reddi provided highlights during her term as Mayor. She thanked the community for giving her the opportunity to represent the citizens of Manhattan. She also thanked those that she has worked with and expressed her appreciation to the many individuals and groups that she met and spoke with as Mayor. She congratulated Commissioner Morse on being the next Mayor of Manhattan. She stated that she is a very dedicated person in the community and has been doing this for decades; now, she has the label to go along with the hard work.

Gary S. Fees, City Clerk, called for the election of the new Mayor. Commissioner Michael L. Dodson moved that Commissioner Linda Morse be appointed to serve as Mayor until November 6, 2018. Commissioner Wynn Butler seconded the motion. On vote, motion carried 5-0.

Newly elected Mayor Linda Morse called for the election of the new Mayor Pro-Tem. Commissioner Wynn Butler moved that Commissioner Michael L. Dodson be appointed to serve as Mayor Pro-Tem until November 6, 2018. Commissioner Karen McCulloh seconded the motion. On vote, motion carried 5-0.

Newly elected Mayor Linda Morse and City Manager Ron Fehr recognized outgoing Mayor Usha Reddi and presented her with a plaque and framed collage of photos commemorating her term as Mayor.

Mayor Linda Morse presented the Commission and the general public with several key goals as Mayor. She highlighted several significant infrastructure improvements including the North Campus Corridor as well as Aggieville. She stated that regional partnerships are critical for the city and cooperation with our regional partners is essential. She said that we want to strive to get along because we know we can accomplish a lot more if we are talking to each other. She thanked her fellow Commissioners and Mayor Reddi for her work during her term as Mayor, and, asked that Commissioner Reddi continue her emphasis and work on mental health.

At 7:25 p.m., the Commission took a ten-minute recess.

CONSENT AGENDA
(* denotes those items discussed)

CLAIMS REGISTER NO. 2859

The Commission approved Claims Register No. 2859 authorizing and approving the payment of claims from August 9, 2017, to August 29, 2017, in the amount of \$4,538,698.57.

LICENSE

The Commission approved a Tree Maintenance License for calendar year 2017 for Burch Grove Tree Care, 816 Park Street, Alta Vista.

FINAL PLAT - SCENIC CROSSING, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Scenic Crossing, Unit Two, generally located northeast of the intersection of Kimball Avenue and Anderson Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 7310 - INCREASE - TRANSIENT GUEST TAX

The Commission approved Ordinance No. 7310 amending the transient guest tax from 6% to 7%, effective October 1, 2017.

* **ORDINANCE NO. 7311 - 2018 SALARY RANGES**

The Commission approved Ordinance No. 7311 establishing City employee salary ranges for 2018.

* **ORDINANCE NO. 7312 - ADOPT - 2017 EDITION OF THE STANDARD TRAFFIC ORDINANCE**

The Commission approved Ordinance No. 7312 incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2017, with amendments as set forth in the ordinance.

RESOLUTION NO. 090517-A - BOND - MANHATTAN HOUSING AUTHORITY IMPROVEMENTS (SP1706)

The Commission approved Resolution No. 090517-A authorizing and providing for the construction of up to \$1 million in improvements to the Manhattan Housing Authority Apartment Towers (SP1706) and providing for the payment of the costs through the issuances of temporary notes and general obligation bonds.

* **REQUEST FOR QUALIFICATIONS - AIRPORT PLANNING CONSULTING SERVICES**

The Commission authorized City Administration to issue a Request for Qualifications for Airport Planning Consulting services for the Manhattan Regional Airport; and appointed Commissioner Dodson to serve on the Selection Committee.

CONSENT AGENDA (CONTINUED)

NEGOTIATE CONTRACT - PROFESSIONAL SERVICES - SUNSET AREA HISTORIC RESOURCES SURVEY

The Commission accepted the recommendation of the Selection Committee, and authorized City Administration to negotiate a contract and final scope of services with Historic Resources Group, Inc., of Lincoln, Nebraska, for the Sunset Area Historic Resources Survey.

CONTRACT AMENDMENT NO. 1 - WATER TREATMENT PLANT IMPROVEMENTS (WA1403, CIP #WA015P, WA121E, WA161P)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 1, in an amount not to exceed \$267,934.00, with Carollo Engineers, of Kansas City, Missouri, for construction phase services for the Water Treatment Plant Improvements Project (WA1403, CIP #WA015P, WA121E, WA161P).

AGREEMENT - PROFESSIONAL SERVICES - 1100 BLOCK ALLEY BETWEEN RATONE STREET AND BERTRAND STREET PAVING IMPROVEMENTS (ST1712)

The Commission authorized the Mayor and City Clerk to execute an agreement for professional services, in an amount not to exceed \$16,520.00, with Alfred Benesch & Company, of Manhattan, Kansas, for the 1100 Block Alley (between Ratone Street and Bertrand Street) Paving Improvements Project (ST1712).

* AGREEMENT - PROFESSIONAL SERVICES - AGGIEVILLE INFRASTRUCTURE ANALYSIS (SP1703)

The Commission approved and authorized the Mayor and City Clerk to execute a contract with Olsson Associates, of Manhattan, Kansas, for professional services for \$114,824.00, and appointed a Steering Committee (*See Attachment No. 1*), including Mayor Morse and Commissioner Butler for the Aggieville Infrastructure Analysis (SP1703).

CHANGE ORDER NO. 6 - EUREKA VALLEY WATERMAIN IMPROVEMENTS (WA1406)

The Commission approved and authorized the Mayor to execute Change Order No. 6, resulting in a net increase in the amount of \$38,800.00 (+1.43%) to the contract with Bayer Construction, Co., Inc., of Manhattan, Kansas, for the Eureka Valley Watermain Improvements project (WA1406).

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT - NORTHWING ADDITION, UNIT 2 - STREET (ST1709), WATER (WA1712), STORMWATER (SM1709), AND SANITARY SEWER (SS1718)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,128,783.00; and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$983,745.25 to Larson Construction, Inc., of Manhattan, Kansas, for the Northwing Addition, Unit 2, Street (ST1709), Water (WA1712), Stormwater (SM1709) and Sanitary Sewer (SS1718) Improvements.

ACCEPTANCE - KDOT GEOMETRIC IMPROVEMENT GRANT - US 24 (TUTTLE CREEK BOULEVARD) AND KIMBALL AVENUE INTERSECTION (ST1716)

The Commission accepted the Geometric Improvement Grant from the Kansas Department of Transportation for up to \$650,000.00 for the US 24 (TCB) and Kimball Avenue intersection (ST1716).

* **AGREEMENT - LOT SALE - MANHATTAN BUSINESS PARK (FORMER CORPORATE TECHNOLOGY PARK)**

Ron Fehr, City Manager, provided additional information and clarification on the provisions of the Agreement.

The Commission approved a purchase agreement, and authorized the Mayor and the City Clerk to execute the Agreement and deed with Tom Abbott for the sale of Lot 25, a 4.39-acre tract in the Manhattan Business Park, for the price of \$59,265.00.

PURCHASE - STORM WARNING SIREN (CIP #FR037P)

The Commission authorized the sole source purchase, installation of equipment and software to upgrade existing Federal Signal Corporation outdoor warning sirens as well as training (CIP #FR037P) from Blue Valley Public Safety, of Grain Valley, Missouri, in the amount of \$24,894.23, to be paid from the General Fund.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

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

GENERAL AGENDA

FIRST READING - ANNEX AND REZONE - 1.22 ACRE OF UNPLATTED LAND - WILDCAT CREEK FUN AND FITNESS CENTER (RILEY COUNTY AG TO C-5)

Chad Bunger, Assistant Director of Community Development, presented an overview of the item. He highlighted a map of the subject site and area to be annexed and rezoned. He then responded to questions from the Commission and provided clarification on the city boundary map.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

After discussion and comments from the Commission, Commissioner McCulloh moved to approve first reading of an ordinance annexing the 1.22-acre unplatted land associated with the Wildcat Creek Fun and Fitness Center, 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 1.22-acre unplatted land associated with the Wildcat Creek Fun and Fitness Center from Riley County AG, General Agriculture, 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. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - AMEND FINAL DEVELOPMENT PLAN - LOT 2, GRAND MERE VILLAGE PLANNED UNIT DEVELOPMENT

Chad Bunger, Assistant Director of Community Development, presented an overview of the item. He highlighted a map showing the subject site and informed the Commission that the Manhattan Urban Area Planning Board recommended approval as well as City Administration. He then responded to questions from the Commission regarding the number of signs proposed for this PUD amendment, the size of the proposed signs, the nature of substantial changes being proposed, and if the signs in-place meets the established signage requirements.

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

Chad Bunger, Assistant Director of Community Development, provided additional information on the item. He then responded to questions from the Commission regarding the signage approval process, the existing signs, the proposed signs, and the efforts to address the neighborhood's concerns about the brightness of the sign.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - AMEND FINAL DEVELOPMENT PLAN - LOT 2, GRAND MERE VILLAGE PLANNED UNIT DEVELOPMENT (*CONTINUED*)

After further comments and questions from the Commission, Chad Bunger, Assistant Director of Community Development, responded to additional questions and concerns expressed from the Commission. He provided additional information on the proposed PUD amendment and responded to questions regarding enforcement, existing and proposed signs, and efforts to ensure compliance.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

After additional discussion and comments from the Commission, Commissioner Dodson moved to approve first reading of an ordinance amending Ordinance Nos. 6516, 6765, and 6766, and the Final Development Plan of Lot 2, Grand Mere Village Planned Unit Development, located at 2005 Clocktower Place, Suite 120, based on the findings in the Staff Report (*See Attachment No. 3*) and the recommendation of the Planning Board. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - REZONE - 325 EAST POYNTZ AVENUE (PUD TO C-5)

Chad Bunger, Assistant Director of Community Development, presented an overview of the item. He highlighted a map of the rezoning and final plat, map of the subject site, and informed the Commission that the Manhattan Urban Area Planning Board recommended approval as well as City Administration. He then responded to questions from the Commission regarding the boundary line of the subject site and Frontage Road.

Ron Fehr, City Manager, provided additional information and clarification on the Frontage Road and signage on US Highway 24.

Rob Ott, Director of Public Works, responded to questions from the Commission concerning traffic control and safety. He also provided further clarification on the Frontage Road and Sarber Lane.

Chad Bunger, Assistant Director of Community Development, responded to additional questions on the item and general traffic circulation for the proposed development.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

GENERAL AGENDA (CONTINUED)

FIRST READING - REZONE - 325 EAST POYNTZ AVENUE (PUD TO C-5) (CONTINUED)

After further discussion and comments from the Commission, Commissioner Dodson moved to approve first reading of an ordinance rezoning 325 East Poyntz Avenue from PUD, Planned Unit Development, to C-5 Highway Service Community District, based on the findings found in the Staff Report (*See Attachment No. 4*) and the recommendation of the Planning Board. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - ANNEX AND REZONE - STONEHAVEN, UNIT TWO (RILEY COUNTY AG, R/AO, R-2/AO, AND I-5/AO TO R, R-3/AO, AND C-2/AO)

Chad Bunger, Assistant Director of Community Development, presented an overview of the item. He highlighted maps of the area proposed to be annexed and rezoned as well as provided clarification on the application and proposed development. He presented the Master Plan submitted with the proposal; highlighted elements of the preliminary plat for Stonehaven, Unit Two; discussed access areas to the site and to lots; presented the traffic study information indicating existing traffic conditions, existing conditions plus the site, and 20-year conditions; discussed the District's 50 foot building setback and 30 foot landscape easement along Miller Parkway; and stated the applicant proposes to dedicate a spring-fed pond and land areas to the City as a future park land, potential trail head system as well as another tract to be used for neighborhood signage identification. He also presented additional information on the annexation request with maps showing the area to be annexed; the current and proposed zoning; the Comprehensive Plan and Future Land Use (Southwest); a list of the I-5, Business Park District, Permitted Uses and Conditional Uses; a map showing the proposed residential areas, assisted living facility, tracts of open space, conservation easements, and C-2 areas; a list of C-2, Neighborhood Shopping District, Permitted Uses; and a list of C-2, Neighborhood Shopping District, Conditional Uses. He also provided several photographs along Miller Parkway. He informed the Commission that the Planning Board discussed this item on August 7, 2017, and recommended approval of the annexation and rezoning proposal as well as City Administration. He then responded to questions from the Commission about possible plans to build a school in the area, proposed assisted living facility, and identified the location of the water tower.

Rob Ott, Director of Public Works, responded to questions from the Commission regarding the existing traffic, formation of benefit districts, and mitigation work with developers at certain intersections to satisfy future growth.

Brian Johnson, City Engineer, and Rob Ott, Director of Public Works, provided additional information on benefit districts, prior developments, and responded to questions from the Commission.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - STONEHAVEN, UNIT TWO (RILEY COUNTY AG, R/AO, R-2/AO, AND I-5/AO TO R, R-3/AO, AND C-2/AO) (CONTINUED)

Mayor Morse requested that individuals keep their comments to five minutes and those representing groups to ten minutes during public comment.

Rich Seidler, Commercial Real Estate Services, representing the owners of the proposed development, informed the Commission that the land proposed for this project has been under the ownership of the family for the past 100 years. He stated the applicants are sensitive to the concerns of the neighborhood and have requested to lower the zoning from I-5 to C-2. He highlighted the proposed zoning designations and overall master plan that includes residential, commercial and green space. He stated that this project will bring the land to its highest and best use and on the tax rolls. He informed the Commission that this application is part of a process and this proposal is in complete compliance with the Comprehensive Plan. He asked the Commission to accept the facts presented and the recommendations of the City staff, the Parks and Recreation Advisory Board, and the Manhattan Urban Area Planning Board, and approve the application as presented. He then responded to questions from the Commission regarding the buildout timeline and project. He stated the only thing currently under contract is the assisted living project and envision the R-2 townhomes to be augmented with the assisted living project.

Brad Waller, Alfred Benesch & Company, presented a 25-year comparison on the neighborhood history and buildout. He provided clarification on the traffic study and informed the Commission that no gas station or convenience store has been contracted or designed, but is identified as being as one of the highest and best uses. He presented a map showing the percentage of I-5 proposed to C-2; a listing of I-5 permitted uses and conditional uses; and a map showing comparisons with existing traffic versus proposed conditions.

Jim Jussel, Alfred Benesch & Company, informed the Commission that the Traffic Impact Study Guidelines that the City of Manhattan uses are very good and comprehensive. He provided information on current traffic counts in 2017 and traffic counts projected in 2037 at two different locations in the project area. He also presented a chart showing the corridor capacity for Miller Parkway, and provided examples of other corridors and similar-type traffic and roadways in Manhattan.

Brad Waller, Alfred Benesch & Company, informed the Commission that Miller Parkway, which is considered a collector street, can adequately handle the proposed buildout of the this development area. He stated the development of the Master Plan allows for development of the adjacent intersections and the traffic study accounts for worst-case scenarios, and traffic conditions are accumulative.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - STONEHAVEN, UNIT TWO (RILEY COUNTY AG, R/AO, R-2/AO, AND I-5/AO TO R, R-3/AO, AND C-2/AO) (CONTINUED)

Mayor Morse opened the public comments.

Paul Dittmar, President, Miller Ranch Homeowners' Association, 913 Overhill Road, informed the Commission that the purpose of their presentation is to lay out a case for mitigating commercial intensity along Miller Parkway. He highlighted interactions involving concerned citizens and neighborhood concerns with increased overall traffic, vehicular and pedestrian safety, aesthetic integration, economic viability, and property values. He stated over 200 signatures were obtained from owners in or adjacent to the notification area; however, he voiced concern with the protest petition process and the difficulty for homeowners to come up with 20 percent of real area in the notification zone to have a valid petition. He informed the Commission that when people bought their homes in the area, there was an expectation the zoning of nearby properties would stay the same. He said to change the zoning adjacent to an established community raises the question of infringement of property rights. He stated that they acknowledge the merits of the Comprehensive Plan; however, requested the Commission propose modifications to the rezoning plan to address citizens' concerns in the neighborhood, especially the C-2 zone at Overhill Road. He then highlighted a letter provided to the City Commission from Stephanie Harvey, President, Oaktree Homeowners' Association, expressing their concerns with the rezoning request for the proposed commercial development.

Ron Fehr, City Manager, responded to questions from the Commission regarding the petition process and statutory provisions.

Eric Cattell, Director of Community Development, responded to questions and provided clarification regarding the area of notice and petition process.

Chad Bunger, Assistant Director of Community Development, provided additional information on the petition process and factors involved as well as information provided to the neighborhood. He then responded to questions from the Commission regarding the notification process, area of notification, and future considerations to expand the notification to the homeowners associations.

Tom Hallaq, 3017 Arbor Drive, and Michael Walter, 2921 Arbor Drive, representatives of the Arbor Heights-Warner Park Neighborhood Association, informed the Commission that they provided a letter to the City Commission dated August 28, 2017, and highlighted aspects of the letter. They stated they were not opposed to development of the concerned property, its residential/multi-family dwellings, assisted living center, business parks, or donated green space. However, they voiced concerns about the breadth and scope of the

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - STONEHAVEN, UNIT TWO (RILEY COUNTY AG, R/AO, R-2/AO, AND I-5/AO TO R, R-3/AO, AND C-2/AO) (CONTINUED)

major commercial developments and magnitude of the proposal in terms of planning, traffic flow, and safety at the intersection of Miller Parkway and K-18. Their recommendations to the Commission were to follow the existing Eureka Valley K-18 Corridor Plan; retain present zoning for current I-5 and unincorporated areas for future neighborhood development, without a convenience store; sustain and improve the present level of service for Arbor Drive; limit development having excessive traffic considerations; and ensure safety conditions on Arbor Drive are preserved. They responded to questions about the traffic study and reiterated their major concerns are increased traffic and the location of the proposed convenience store.

Joe Ugrin, 1020 N. Mill Point Circle, informed the Commission that he filed the petition with the City of Manhattan and probably gathered more than half of the signatures. He stated that he would be happy to share his experience and confusion with the Commission on the petition process. He stated the primary concern of most homeowners he talked to was the rezoning, particularly the C-2 to the west of the United States Department of Agriculture (USDA) along Miller Parkway, could alter the nature of the neighborhood, seems misplaced, and appears to be spot zoning in some respects. He said the C-2 zoning west of USDA along Miller Parkway would potentially place high intensity commercial activity directly adjacent to or across from the front entrance to existing single-family residential homes without adequate buffer zoning. He informed the Commission of potential consequences of safety, increased noise, excessive lighting, and crime. He highlighted concerns with increased traffic and stated that commercial traffic is the single largest driver of the additional estimated car-trips on Miller Parkway according to the Traffic Impact Study. He voiced his concerns that there are no binding covenants or restrictions in the commercial portions of the proposal beyond the proposed C-2 designation. He referenced components in the Manhattan Urban Area Comprehensive Plan and Future Land Use (Southwest) map. He highlighted the purpose of the current I-5 zoning and recommended to the Commission a need for prudence and a vision to what is best for the community as a whole; to review the process for notification and notification zone; to follow a well-conceived community plan; to protect people's property rights, to listen to the public, and seek common ground; and to vote against the rezoning as currently proposed.

At 10:20 p.m., the Commission took a brief recess.

Mayor Morse requested that individual presentations be limited to five minutes.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - STONEHAVEN, UNIT TWO (RILEY COUNTY AG, R/AO, R-2/AO, AND I-5/AO TO R, R-3/AO, AND C-2/AO) (CONTINUED)

Eileen King, 1032 South Wreath Avenue, presented a photograph to the Commission showing a green sewer pipe forest in the area that has been vacant and was recently part of a property tax sale that the City of Manhattan purchased. She asked the Commission to consider future developers having to put some money in upfront to ensure a viable development. She stated that she has known the Bayer family for many years and asked that the Commission ensure this is a viable and needed development.

Jim Mock, 3045 Geneva Drive, informed the Commission that about 50-70 houses across the K-18 highway would be affected by this proposal. He presented several photographs looking from his neighborhood to where the convenience store is proposed. He stated that appropriate restrictions need to be placed on these commercial lots. He asked that serious consideration be given to the proposal regarding heavy traffic, excessive light coming from a 24-hour a day operation of a gas station, and asked that restrictions or covenants be placed on this area prohibiting gas stations in this kind of residential area. He thanked the Commission for their consideration.

Richard Keevill, 1100 Overhill Road, voiced concerns with higher property taxes, delinquent taxpayers, reductions to numbers at Fort Riley and Kansas State University, and the proposed plan for commercial development. He stated that another strip mall and the unknowns of its future is not needed in this area nor is a gas station desired in the neighborhood. He asked the Commission to consider all the negative impacts regarding the proposed development to the neighborhood.

Ami Stanton, 1032 Mill Valley Circle, informed the Commission they are voicing their concerns based on earlier comments. She stated they are concerned about impacts to their homes and their safety with the proposed development. She said the Miller Parkway neighborhood is the epitome of Manhattan, Kansas, and everyone is out walking and kids are riding their bicycles.

Cybil Perkins, 1105 Mill Knoll Terrace, provided information on the potential of a future school in the neighborhood that was also brought up during the Planning Board meeting and her recent discussions and comments with the USD 383 Assistant Superintendent. She informed the Commission that there is anger and distrust in the neighborhood. She talked about the proposed development and list of uses in the C-2 referenced in the application. She voiced concerns with the commercial area and proposed shopping center and the lack of a buffer for the residential areas. She asked the Commission to consider recommending that the developer work with the homeowners association to come up with covenants to be more comfortable with what they are proposing.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - STONEHAVEN, UNIT TWO (RILEY COUNTY AG, R/AO, R-2/AO, AND I-5/AO TO R, R-3/AO, AND C-2/AO) (CONTINUED)

Rich Wartell, 1213 South Mill Point Circle, stated that Bayer Construction are very good people and was surprised with the results of the Planning Board meeting and the City planning office. He stated that many people in this area are concerned and bothered by the proposed development. He stated the bone of contention is really C-2, the commercial aspect, and asked if this all needs to go through at this time. He asked the Commission to do their due diligence as their elected representatives. He voiced his appreciation to the Commission and thanked former Mayor Reddi and Mayor Morse for their time and service.

Becky Klinger, 1100 South Mill Point Circle, informed the Commission that she has seen their neighborhood grow and the addition of new areas that are pedestrian and bicycle friendly has been wonderful to see. She stated that the proposed development is not compatible with the current neighborhood. She provided background information on the item and the due diligence she did when purchasing her house. She stated there does not seem to be a plan for what neighbors can expect, but will go to the highest bidder. She voiced concerns with an increase in crime with a convenience store and commercial activities in residential neighborhoods, and provided statistics with commercial developments. She asked the Commission to consider the neighborhood and to listen to the concerns and feelings brought forward on this particular development.

Don Gruenbacher, 1113 Mill Knoll Terrace, voiced concern about the runners at 5:00 a.m. and the people driving on the left side of Miller Parkway with additional traffic. He informed the Commission that he worried about kids and out-of-town traffic going to restaurants and bars in the neighborhood. He asked to not make traffic in this area worse than it already is.

Erin Yelland, 1003 Lesmer Circle, informed the Commission that she is the mother of three small children and voiced concerns with the C-2 proposal. She stated the area is a family-centered residential neighborhood and is the picture perfect life to them. She asked the Commission not to go forward with the C-2 development as proposed and to keep the area as a family residential neighborhood.

Marilynn Moch, 3045 Geneva Drive, informed the Commission that she was not allowed to petition, but counted 40 homes in her neighborhood that would see the potential gas station. She stated that she compared the gas station located at Candlewood Shopping Center to the proposed gas station location and said they are not the same. She asked the Commission to not ignore their concerns because they are located outside the legal distance and cannot petition. She said we have the right to petition our government and informed the Commission that our rights have been denied.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - STONEHAVEN, UNIT TWO (RILEY COUNTY AG, R/AO, R-2/AO, AND I-5/AO TO R, R-3/AO, AND C-2/AO) (CONTINUED)

Neil Horton, Vice President and Chief Executive Officer (CEO), Bayer Construction, responded to concerns about traffic and provided information highlighted in the traffic study. He said their proposal is an opportunity to mitigate some of the traffic concerns and to make improvements at some of the intersections that exist now due to poor design, planning or lack of an understanding of what the real impacts of traffic would be. He provided information on the proposed C-2 rezoning, and stated that the I-5 District has not worked and is a failed plan. He informed those attending the meeting that they did make promises and fully intend to keep those promises, but cannot do restrictive covenants until there is an approved final plat as part of the process. He provided an update on various lots, potential uses on lots, and percentage of uses that have been eliminated. He highlighted their presence in the neighborhood for 98 years and informed the Commission that the Bayer family and corporation have provided utility easements across their property that serve most of the neighborhoods represented. He highlighted the proposed dedication of parkland and the connectivity of proposed trails to the parks. He then responded to questions from the Commission about the assisted living site, and stated they have a contract in hand for the assisted living development.

Commissioner McCulloh responded to earlier comments from the public with concerns regarding crime and neighborhoods.

Rich Seidler, Commercial Real Estate Services, representing the owners of the proposed development, provided additional information about the senior assisted living center and potential businesses that could be located adjacent to the assisted living center, such as a drug store in C-2, which is not a permitted use in I-5. He stated that lots are market driven. He provided additional information on the proposal discussed with the neighborhood and stated that once the lots are created, they would file restrictions on the lots as part of the process. He responded to questions about buildouts and stated that they are currently under no contracts or have any pending contracts for any C-2 lot, irrespective of use. He reiterated that C-2 would be market driven. He stated they are under contract for the assisted living center and have offered the additional ten lots next to it for independent living lots and, if successful with the rezoning, envision within one year to begin construction. He stated regarding the other residential, they envision three to seven years for buildout. He then responded to additional questions from the Commission regarding other commercial areas in Manhattan.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - STONEHAVEN, UNIT TWO (RILEY COUNTY AG, R/AO, R-2/AO, AND I-5/AO TO R, R-3/AO, AND C-2/AO) (CONTINUED)

Tyler Lewison, 1025 Mill Valley Circle, asked for information on the businesses planning to go into the proposed development. He stated that there is no mechanism in place once a decision is made and lacks accountability. He informed the Commission that the issue seems to be trust between members of the community and the developer. He thanked the Commission for their time and reconsideration.

Rich Seidler, Commercial Real Estate Services, representing the owners of the proposed development, responded to additional questions and stated they have had discussions with an individual for a potential convenience store. He emphasized the accountability and the reputation of the developer. He stated that as soon as the lots are created and the final plat has been filed, those lots would be restricted to the matrix provided to the neighborhoods.

Cole Hawver, 453 Warner Park Road, voiced concern with the proposed lot for a possible 16-pump gas station and contradicting information regarding traffic. He stated the additional traffic would make it very difficult to turn left from his property, especially on game day.

Tamara Hallaq, 3017 Arbor Drive, expressed her concerns allowed for the C-2 District and the negative impact of the proposed development. She stated the land being donated is virtually undevelopable due to terrain and other restrictions.

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

Katie Jackson, City Attorney, provided clarification on the annexation and rezoning requests and considerations. She also presented the options available to the Commission as provided in the City Commission Agenda Memorandum alternatives section.

Commissioner Dodson provided information on the Comprehensive Plan for this particular area and neighborhood commercial component. He discussed the rights of the landowner and desires of those that live near the development as well as the technical issues that involve process and restrictions on what we can actually do. He stated we also have a process that does not allow the developer to place restrictions on property until the plat, that is the way the process works. He also stated the City cannot hold the developer or anyone else accountable unless there is a PUD and this would allow a discussion among all parties to reach development.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - STONEHAVEN, UNIT TWO (RILEY COUNTY AG, R/AO, R-2/AO, AND I-5/AO TO R, R-3/AO, AND C-2/AO) (CONTINUED)

Commissioner McCulloh referenced the Comprehensive Land Use Plan and the desire to get away from Planned Unit Developments. She stated this is the type of neighborhood commercial center that we want and with good planning, we do not have to drive and can walk to the commercial center. She stated that she has received several calls from people that are for the project and appreciated the energy and time the neighborhood has put into the petition effort.

Eric Cattell, Director of Community Development, responded to questions from the Commission regarding the 50 foot setback.

Commissioner Reddi stated that it takes a lot of energy to get a petition going and to be passionate about it. She said she has listened carefully to what has been said, and has read many of the emails received. She provided an example of living on Westbank Way and the growth experienced and understood the passion and consideration for the neighborhood. She also understood the position of the developers, and stated they have made an investment in the community for generations. She highlighted the Comprehensive Land Use Plan document, the Planning Board discussion, and understood the position and concerns expressed from the neighborhood. She stated the general feedback that she has received was that most people are okay with the I-5 District and did not mind seeing some of the C-2 permitted uses come into play and to review the traffic plans. She commented that the Unified Development Ordinance (UDO) might fit into this discussion in the future. She stated that she was not too concerned with the crime concerns mentioned at this point, but was concerned with a potential school coming into the area.

Commissioner Butler stated that this boils down to the I-5 and C-2. He stated that he had no problem supporting the annexation, but said that if the majority of people around the property do not agree with the rezoning, he could not support it. He also acknowledged the property rights of the developer. He stated the issue is the developer does not like I-5 and the neighbors do not like C-2. He voiced support to send the item back to the Planning Board and then come back to the City Commission with a PUD that would legally provide the necessary framework and protection.

Commissioner Reddi stated the word "trust" has been thrown around a few times during this discussion and said that we have worked with this developer on several projects in the community and that she knows many of the residents that live in this area. She voiced concern that she would hate to pit us against each other and would rather work toward what is best for the community, understanding that this area is going to develop.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - STONEHAVEN, UNIT TWO (RILEY COUNTY AG, R/AO, R-2/AO, AND I-5/AO TO R, R-3/AO, AND C-2/AO) (CONTINUED)

Commissioner McCulloh stated that we have rules and statues to follow. She reiterated that the Planning Board voted 6-1 in recommending approval and said that we can return the item to the Planning Board. She shared an email received regarding walkable neighborhoods and there is a lot of biking and walking along Miller Parkway and having neighborhood commercial with churches, schools, retirement, and more diverse uses is what we need. She provided an example of past developments that the Commission did not agree with. She stated that it is hard to not be moved by the passion and concern expressed; but, as an elected official, the Commission needs to consider the golden rules for planning items and concurred with the recommendation of the Planning Board.

After discussion of the Commission, Katie Jackson, City Attorney, provided clarification on the item. She informed the Commission that the Planning Board is making an advisory recommendation, and as part of that advisory recommendation, they outline the 13 golden factors. She stated they make findings based on those factors, but those do not bind the Commission legally; the Commission evaluates the same 13 factors in making its decision as well as the evidence provided during comments and evidence provided in the packet. She discussed the override provision in the statute and the options if the item is returned to the Planning Board. She stated the Planning Board cannot mandate a PUD and only the applicant can agree with a PUD. She then responded to questions from the Commission.

Commissioner Morse stated that she served on the Manhattan Urban Area Planning Board and provided background information on a past housing development in the Northview area near her home. She stated the only businesses in the Northview area is along the highway and the radio station. She said this area is similar to the Miller Ranch area; that if you grow into a total residential district there will be no room for commercial business and services that you would want. She referenced the Comprehensive Land Use Plan, her prior service on the Planning Board, and the recommendations from the Planning Board. She stated that she would certainly support the annexation and would also support the rezoning proposal.

After discussion and comments from the Commission, Commissioner Butler moved to approve first reading of an ordinance annexing two tracts of land, totaling approximately 20.63 acres in the Stonehaven, Unit Two, development, generally located to the southwest of the intersection of Miller Parkway and Arbor Drive, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - STONEHAVEN, UNIT TWO (RILEY COUNTY AG, R/AO, R-2/AO, AND I-5/AO TO R, R-3/AO, AND C-2/AO) (CONTINUED)

After discussion and comments of the Commission, Eric Cattell, Director of Community Development, responded to questions from the Commission and provided clarification on the zoning proposal. He stated the options available to the Commission is to table it, deny it or approve it. He informed the Commission that if the item is sent back to the Planning Board, they need to give them specific action. He stated the Planning Board cannot convert the item to a PUD. He said the only way the item can be converted to a PUD is for the applicant to withdraw the application or for the Commission to deny the rezoning. He stated both the Commission and the Planning Board can rezone less than what has been requested, but neither the Commission or the Planning Board can convert this to a PUD; only the applicant can do that. He then responded to questions from the Commission.

After further discussion, Commissioner McCulloh moved to approve first reading of an ordinance rezoning the 124-acre Stonehaven, Unit Two, development, generally located south of Miller Parkway, from: Riley County Agricultural District; Single-Family Residential District with Airport Overlay District; Two-Family Residential District with Airport Overlay District; and Business Park District with Airport Overlay District; to Single-Family Residential District with Airport Overlay District; Multiple-Family Residential District with Airport Overlay District; and Neighborhood Shopping District with Airport Overlay District, based on the findings in the Staff Report (*See Attachment No. 5*) and the recommendation of the Planning Board. Commissioner Reddi seconded the motion. On a roll call vote, motion failed 2-3, with Commissioners Dodson, Butler and Reddi voting against the motion.

After further discussion and comments from the Commission, Katie Jackson, City Attorney, responded to additional questions from the Commission regarding a potential motion to override the recommendation of the Planning Board. She also provided clarification on the portion denying the rezoning and to specify the reasons for the denial on that portion.

Chad Bunger, Assistant Director of Community Development, recommended using the proposed lots of the preliminary plat as legal boundaries for each of those lots for the C-2 that could be adjusted. He also provided clarification on the I-5 area, annexed map areas and responded to questions from the Commission.

Ron Fehr, City Manager, provided additional information on the possible alternatives and provided clarification on the options for the Commission to consider.

Chad Bunger, Assistant Director of Community Development, responded to questions from the Commission and provided clarification on the map.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - STONEHAVEN, UNIT TWO (RILEY COUNTY AG, R/AO, R-2/AO, AND I-5/AO TO R, R-3/AO, AND C-2/AO) (CONTINUED)

Katie Jackson, City Attorney, provided further clarification and asked the Commission if it would be fair to draft a motion that says you are accepting the rezoning on all the residential zones and denying the rezoning on anything designated as C-2. She then responded to additional questions from the Commission.

Chad Bunger, Assistant Director of Community Development, and Brad Waller, Alfred Benesch & Company, provided additional information and clarification on the areas proposed to be rezoned, discussed the preliminary plat for the development, and highlighted the existing lot and section line.

At 12:40 a.m., Mayor Morse announced the Commission would take a ten-minute break.

After additional discussion, Commissioner Dodson moved to override the recommendation of the Planning Board to adopt the first reading of an ordinance rezoning the portions of the 124-acre Stonehaven, Unit Two, development, generally located south of Miller Parkway, proposed to change from: Riley County Agricultural District; R/AO, Single-Family Residential District with Airport Overlay District; R-2/AO, Two-Family Residential District with Airport Overlay District; and I-5/AO, Business Park District with Airport Overlay District; concurring to rezone portions to R/AO, Single-Family Residential District with Airport Overlay District, and R-3/AO, Multiple-Family Residential District with Airport Overlay District; and, denying the portions of the 124-acre Stonehaven, Unit Two, development proposed to be zoned C-2, Neighborhood Shopping District; based upon the negative impacts surrounding the land use and zoning, to the general neighborhood character and suitability of site for uses under the current zoning, and the lack of compatibility of the proposed District with nearby properties at the extent of which may have detrimental effects. Commissioner Butler seconded the motion.

Ron Fehr, City Manager, provided clarification on the proposed motion. He stated that essentially this approves the areas proposed to be rezoned as residential districts, so the R and R-3 components, but it does not rezone any of the areas proposed to be rezoned C-2 District.

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

ADJOURNMENT

At 12:59 a.m., Mayor Morse announced the Commission meeting was adjourned.



Gary S. Fees, MMC, City Clerk

Attachment No. 1

Aggieville Steering Committee Applicants					
FIRST NAME	LAST NAME	ADDRESS	PHONE	EMAIL	INTEREST/REASON FOR SERVING
Gwyn	Riffel	1117 Hylton Heights Road	785-537-9100	ger@riffelasset.com	I have owned property in the Aggieville business district since 1993. Since 1993 I have served on the ABA board of directors & have been a active member. Over the years I have also served on a number of committees established by the city to improve the district. I am interested in working with the ABA & the city to ensure that the district's future potential is realized without compromising its heritage.
Lucas	Breault	717 Leyden Ridge Circle	785-313-4487	lbreault@rileycountypolice.org	I believe Manhattan is an excellent city to live in. I want to see the city continue it's positive growth and for it to be a safe place for all who live and visit here.
Linda	Mays	1125 Moro Street	785-477-3711	director@aggieville.org	Aggieville is an important part of my job.
Ryan	Bramhall	4408 Leone Circle	785-313-3788	ryanbramhall3788@gmail.com	I own business's in Aggieville. I believe Aggieville needs improvement to help the district thrive and grow.
Jeff	Denney	1515 Colorado	785-341-5071	jeff@auntiemaes.com	I have been a part of the Aggieville community for over 25 years and have owned an Aggieville business for 19 of those years.
Charlie	Busch	5480 W. 63rd Avenue	785-341-3219	charlieb@mdiproperties.com	We own and/or represent several properties in Aggieville. So I would like to be involved and informed.
Kevin	Peirce	2314 Glenwood Lane	785-770-7657	info@bluestembistro.com	As a property and business owner in the district I have an interest in the future of the district. Community involvement is an important part to keeping a healthy and vibrant district.
Jackie	Hartman	1412 Penrose Place	785-236-0551	jhl1980@ksu.edu	As the Director of Community Relations for Kansas State University I have an interest in the prosperity of Aggieville. K-State considers Aggieville a partner. We want a safe, clean environment for all to enjoy. In addition, I served on the Aggieville planning committee and wish to continue the work.
Derek	Jackson	2851 Oregon Lane	785-532-8843	derekaj@ksu.edu	I have an interest in helping shape how people park in Aggieville as well as the surrounding area including K-State. I have many years of work with K-State as well as community groups.
Kelli	Holder	802 N Manhattan Ave, Apt 3A	816-390-5586	kcholder@ksu.edu	K-State and Manhattan, as as campus, as a community, and as a small town in Kansas, has become a pasison of mine. As a student who pursues areas on campus that appeal to my area of study, as well as the betterment of student life, I'm constantly surrounded by my peers which allows me to not only express my opinions, but theirs as well.

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County AG, General Agriculture

TO: C-5, Highway Service Commercial District

APPLICANT: Kangolf, Inc., DBA Wildcat Creek Fun and Fitness

ADDRESS: 800 Anneberg Circle, Manhattan, KS 66503

OWNERS: Doretha Wells Trust, Ron Wells Trustee

ADDRESS: 3609 Anderson Avenue, Manhattan, KS 66503

LEGAL DESCRIPTION: A tract of land in the Northeast Quarter of Section 15, Township 10 South, Range 7 East

LOCATION: Generally located south and east of the existing golf course clubhouse and fitness center at 800 Anneberg Circle.

AREA: Area to be annexed and rezoned is 53,225 square feet (1.22-acres). The total site once annexed and rezoned would be 49,275 square feet (2.35-acres).

DATE OF NEIGHBORHOOD MEETING: May 22, 2017

DATE OF PUBLIC NOTICE PUBLICATION: July 12, 2017

DATE OF PUBLIC HEARING: PLANNING BOARD: August 7, 2017

CITY COMMISSION: September 5, 2017

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The Wildcat Creek Fun and Fitness Center, includes a clubhouse and fitness center, 9-hole golf course, miniature golf course, driving range, batting cages and a gravel off-street parking lot. A portion of the business has already been annexed into the City and zoned C-5, Highway Service Commercial District. This portion includes the clubhouse and fitness center, batting cages and a portion of the gravel parking area.

Attachment No. 2

The applicant is proposing to annex and rezone an 1.22-acre tract of this site to C-5; this would include the grass area to the east of the clubhouse and parking area to the south clubhouse and batting cages. The purpose of the proposed annexation and rezoning is to allow for a building expansion.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is a relatively flat creek bottom piece of land along Little Kitten Creek and Wildcat Creek. The confluence of these two (2) creeks occur on the golf course to the east of the annexation and rezoning site. The subject site is within the Community Special Flood Hazard Area. The FEMA Floodway is near the annexation and rezoning area. Development on the site will require special site and construction techniques to conform to the City's Floodplain Regulations.

The majority of the area has been used as a 9-hole golf course with associated accessory uses.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Weststar electrical sub-station, vacant creek bottom land, Little Kitten Creek, and golf course; Riley County AG, General Agriculture District

SOUTH: Land associated with the golf course, Wildcat Creek and vacant Flinthills range land; Riley County AG District

EAST: Land associated with the golf course, Wildcat Creek; Riley County AG District

WEST: Anneberg Park; R-S, Single-Family Residential Suburban District

4. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The annexation and rezoning site is suitable for its current accessory uses associated with the golf course. The applicant has stated they would like to expand their existing building to the south and east to enlarge their fitness center space. No specific designs of the proposed building has been presented to City Administration. If the area was not annexed and rezoned, the applicant would not be able to expand the clubhouse and fitness center due to the lack of compliance with Riley County Zoning Regulations, which would not permit a fitness center in the AG, General Agriculture District.

Additionally, the building addition would be split between being within the City and rural Riley County, which would cause issues with Building and Fire Code requirements.

5. GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood has mostly open areas associated with the Wildcat Creek Golf Course, the City's Anneberg Park, and undevelopable land along the area creeks. The nearest residential neighbor to the annexation and rezoning site is over 1,500 feet away.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning should have minimal impacts on nearby properties. The fitness center and golf course have no residents or permanent neighbors in proximity to the proposed annexation and rezoning site. The site gains access from the internal road network within Anneberg Park, which has been so since its inception in the 1990's.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

The site is shown on the Southwest Future Land Use map of the Manhattan Area 2035 Comprehensive Plan as Parks and Recreation. *Chapter 9: An Active Community Recognized for its Quality of Life and Strong Sense Place* provides policy guidance for this land use designation. However, the stated policies are addressed towards the City of Manhattan for maintaining and developing parklands and open space. No specific policies were adopted for private businesses owning and managing recreational and open space, such as golf courses. Table 3-1 of the Comprehensive Plan summarizes each land use category shown on the Future Land Use map (see attached). The table does recognize that privately operated golf courses are included in the Park and Recreation land use category.

The proposed rezoning of the unplatted tract for the proposed expansion of the commercial building associated with the Wildcat Creek Fun and Fitness Center conforms to the Comprehensive Plan.

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

According to the applicant, the golf course and fitness center was established in 1993.

May 17, 2004 Manhattan Urban Area Planning Board considers and recommends approval (6-0) of the annexation and rezoning of an approximate one-acre tract from County AG, General Agricultural District, to C-5, Highway Service Commercial District for Wildcat Creek Sports Center Clubhouse and Batting Cages at 800 Anneberg Circle.

June 1, 2004 City Commission approves first reading of annexation and rezoning of the Wildcat Creek Sports Center Clubhouse and Batting Cages.

June 15, 2004 City Commission approves Ordinance Nos. 6406 and 6407 annexing and rezoning the Wildcat Creek Sports Center Clubhouse to C-5, Highway Service Commercial District.

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 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 proposed building addition on the site is to expand the health and fitness center that is currently operating in the existing building. Health and fitness clubs are a permitted use in 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 health, safety and welfare that denial would accomplish, compared to the hardship to the applicant if the request to rezone was denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Public utilities currently serve the site. The size and location of these utilities may need to be addressed to accommodate the proposed building expansion. This will be addressed during the building permit process.

12. OTHER APPLICABLE FACTORS: Staff identifies no further applicable factors.

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of the 1.22-acre portion of the Wildcat Creek Fun and Fitness Center from County AG, General Agriculture, to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Wildcat Creek Fun and Fitness Center from County AG, General Agriculture, to C-5, Highway Service Commercial District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the 1.22-acre portion of the Wildcat Creek Fun and Fitness Center, generally located south and east of the existing golf course clubhouse and fitness center at 800 Anneberg Circle, from County AG, General Agriculture, to C-5, Highway Service Commercial District based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Assistant Director of Community Development Department

DATE: July 28, 2017

CB
MUAPB_Wildcat Creek Fun & Fitness_Rezone.docx

STAFF REPORT

AN AMENDMENT OF ORDINANCE NO. 6516, 6765, AND 6766, AND THE APPROVED FINAL DEVELOPMENT PLAN OF LOT 2, GRAND MERE VILLAGE PLANNED UNIT DEVELOPMENT.

REQUEST: This is a request to amend Ordinance Nos. 6516, 6765, and 6766, and the Final Development Plan of Lot 2, Grand Mere Village Planned Unit Development. No changes to the uses or buildings are proposed. The only proposed change is increased signage on the Bank of the Flint Hills and Paramour Coffee building.

BACKGROUND

APPLICANT: Dan Knight – Anderson Knight Architects

OWNER: Lance White – Bank of the Flint Hills

ADDRESS: 2005 Clocktower Place, Suite 120

LOCATION: Grand Mere Village, S03, T10, R07E, Lot 2

AREA: 0.7249 acres, 31,576.64 square feet

DATE OF PUBLIC NOTICE PUBLICATION: Monday, July 17, 2017

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, August 21, 2017

CITY COMMISSION: Tuesday, September 5, 2017

EXISTING PUD

EXISTING PUD AFFECTING LOT 2

Ordinance: 6516, 6765, and 6766

The Grand Mere Village Planned Unit Development, and Ordinance No. 6516, approved November 7, 2005, is subject to the following conditions of approval:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-2, Neighborhood Shopping District; Municipally Owned and Operated Fire Stations; Bed and Breakfast Inns; Hospitals and Nursing Homes; and, Residential Dwelling Units as a part of an Office, Retail or Restaurant Use.
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. Lighting shall be provided as described in the application documents.
5. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations.
6. The traffic improvements cited in the October 31, 2005, Inter-Office Memorandum from the City Engineer for turn lanes on Kimball Avenue and a traffic signal at the intersection of Vanesta Drive and Kimball Avenue, shall be constructed with the street improvements of Vanesta Drive.

PUD AMENDMENT AND PROPOSED IMPROVEMENTS ON LOT 2

Proposed Buildings, Structures, and Phasing

Phasing: No new buildings, structures or phasing is proposed as part of this PUD Amendment. The site features one 4,600 square foot building which currently houses Bank of the Flint Hills and Paramour Coffee. Other than the proposed signage, this building is not proposed to change.

Proposed Signs: The proposed sign plan increases what was originally approved, which was 4 wall signs on the north, south, and west façades, ranging from approximately 7 square feet in area up to 25 square feet in area. The proposed sign plan consists of 8 new signs to be placed on the south, north, and east elevations. And the removal of one sign on the west elevation. (Please refer to the existing and proposed signs attachment.)

The originally approved signs comprise:

1. South elevation: One 17' by 1' sign across the top of the building, above the front door. This sign is proposed to remain unchanged.
2. South elevation: One 1' by 7' sign on the left side of the coffee shop entrance. This sign has not yet been installed. This sign is proposed to remain unchanged.
3. North elevation: One 17' by 1' sign across the top of the building, above the front door. This sign is proposed to remain unchanged.
4. West elevation: One 5'6" octagon sign on the right side of the building.

The proposed additional signs:

1. South elevation: Two 4' octagon signs to be placed on either side of the 17' by 1' sign across the top of the buildings.
2. South elevation: One 7' by 5' sign to be placed on the right side of the coffee shop entrance.
3. North elevation: One 7' by 5' sign to be placed on the left side of the coffee shop.
4. East elevation: Two 2' oval signs to be placed on either side of the coffee shop drive-through window.

PROPOSED LIGHTING: The lighting is not proposed to change from what was approved in the lighting plan that was submitted to the Manhattan Urban Area Planning Board with the original PUD in April of 2016. This plan consisted of pole lights in the parking lot that cut-off at the property lines.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

- 1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:**

The proposed amendment is consistent with the intent and purpose of the approved PUD. The intention of the amendment is to more clearly identify the businesses that reside within the structure on Lot 2.

- 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 not made necessary because of changed or changing conditions in or around the PUD. The amendment is simply a result of the property owner wishing to take the signage of the property in a slightly different direction than what was originally approved.

- 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 applicant states that the proposed amendment will result in a limited relative gain to the public health, safety, convenience, and general welfare since the intention of the increased signage is to clarify the location of the businesses located within the subject building of the PUD. The application states that no individual person is conferring a special benefit as a result of the proposed amendment.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: The existing landscaping, which was approved as part of the Grand Mere Village Planned Unit Development is not proposed to change as part of this amendment. The originally approved landscape plan consisted of a combination of deciduous and evergreen shrubs as well as ornamental grasses along the south property line as well as deciduous and evergreen trees combined with shrubs and grasses in various locations around and within the parking lot.

2. SCREENING: Screening is not proposed to change as part of this amendment. The originally approved screening plan consists of the landscaping along the southern property line described above as well as a seven (7) foot tall retaining wall, which runs along the southern and western property lines. Additionally, the trash enclosure is screened with a block wall with limestone veneer.

3. DRAINAGE: Drainage is not proposed to change from the existing approved Planned Unit Development.

4. CIRCULATION: The circulation patterns are based on the Final Development Plan that was approved by the Manhattan Urban Area Planning Board in April of 2016. This proposed PUD Amendment will not change the circulation patterns within or around the site.

Public Access. The site is currently accessed from Clocktower Place to the north, which is a private street that is accessed from Vanesta Drive, a public Right of Way.

Traffic. The proposed PUD Amendment will not increase the number of vehicle trips to and from the site.

Off-Street Parking. The property currently contains 33 off-street parking spaces, which was approved with the original Final Development Plan, and this proposed amendment will not change the number of parking space or the demand for parking at the property.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: The property is almost entirely covered by either the structure that houses the bank and coffee shop or the associated off-street parking lot. The coffee shop does contain a small patio area on the south side of the structure that is surrounded by a low 24" seat wall. The patio measures approximately 17'4" wide by 20', 8" long. This patio, which was approved with the final development plan is not proposed to change as part of this PUD Amendment.

6. CHARACTER OF THE NEIGHBORHOOD:

The character of the neighborhood is that of a mixed-use district, which includes restaurants and services mixed with several different types of housing units; including single family detached houses, single family attached houses, townhomes, and apartments. The subject site itself sits at a prominent intersection at the northeast corner of Kimball Avenue and Vanesta Drive.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Bank and Coffee Shop

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The property is completely built upon as permitted according to the Final Development Plan for Lot 2 of the approved Planned Unit Development.

3. SURROUNDING LAND USE AND ZONING:

- (a.) **NORTH:** A portion of the Grand Mere Village Planned Unit Development consisting of the shopping center that contains Rockhill Real Estate, Mr. K's Café & Bar, Avalon Hair & Nail Salon, and others.
- (b.) **SOUTH:** Kimball Avenue ROW and Westbank Townhomes Planned Unit Development, located across Kimball Avenue.
- (c.) **EAST:** A portion of the Grand Mere Village Planned Unit Development consisting of Old Chicago restaurant
- (d.) **WEST:** Vanesta Drive ROW and a portion of the Grand Mere Village Planned Unit Development consisting of the Frontier Farm Credit building.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is completely built as approved through the PUD process, apart from the additional signage described in this staff report.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:. This additional signage which is described in this staff report is not anticipated to have any detrimental effects to the approved PUD or to the surrounding neighborhood. The

immediate surroundings are mostly commercial in nature, except for the townhomes which are located to the south across Kimball Avenue, which is a 100' right of way. The applicants held the required neighborhood meeting and three property owners attended. According to the neighborhood meeting summary, there were no concerns expressed about the additional signage. The only concern that was expressed was about the brightness of the existing 'Bank of the Flint Hills' sign, which was approved with the original Final Development Plan. The applicants stated that they have reached out to the three property owners that attended the meeting to get their input on how the brightness of the sign can be modified, and is continuing to work with them to ensure that the sign is compatible with the neighborhood.

7. CONFORMANCE WITH COMPREHENSIVE PLAN

The proposed amendment conforms to the Comprehensive Plan. The uses of the approved final development plan of this Planned Unit Development will not change as part of this Amendment.

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

- September 20, 1992 Annexation and rezoning to R-2 District (Western Hills Unit 6).
- July 7, 1998 Annexation and rezoning to R-S and R Districts (Grand Mere Tract I and Colbert Hills).
- October 20, 1998 Annexation and rezoning to R-2 District (Grand Mere Tract III and V).
- November 7, 2005 Manhattan Urban Area Planning Board recommends approval (7-0) of the rezoning of Grand Mere Village from R-S, Single-Family Residential Suburban District; R, Single-Family Residential District; and, R-2, Two-Family Residential District, to PUD, Planned Unit Development District.
- December 6, 2005 City Commission approves first reading of an ordinance rezoning Grand Mere Village PUD.
- December 20, 2005 City Commission approves Ordinance No. 6516 rezoning Grand Mere Village PUD.
- April 3, 2006 Manhattan Urban Area Planning Board approves the Final Plat of Lot 1-13 and the Final Development Plans for Lots 5 and 10, Grand Mere Village Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations.

Attachment No. 3

- April 18, 2006 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Grand Mere Village Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations.
- July 7, 2008 Manhattan Urban Area Planning Board approves the Final Development Plan for Homecare and Hospice on Lot 13 in Grand Mere Village Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations.
- June 2, 2009 City Commission approves first reading of an ordinance renaming Vanesta Place and Market Place, located in Tact C, Grand Mere Village Addition, to Clock Tower Place; and, holds a public hearing and approves first reading of an ordinance vacating a portion of the pedestrian easement located in Tract A, Grand Mere Village Addition.
- June 16, 2009 City Commission approves Ordinance No. 6765 vacating a portion of the pedestrian easement located in Tract A, Grand Mere Village Addition; and, approves Ordinance No. 6766 renaming Vanesta Place and Market Place, located in Tact C, Grand Mere Village Addition, to Clock Tower Place.
- September 9, 2010 Manhattan Urban Area Planning Board approves the Final Development Plan for Fire House No. 5, a Municipally Owned and Operated Fire Station on Lot 6.
- January 5, 2012 Manhattan Urban Area Planning Board recommends approval, on a vote of 4-0, of an ordinance amending the Grand Mere Village Planned Unit Development District and Ordinance No. 6516 to add Group Day Care Centers as a Permitted Use and approved the Final Development Plan for a Proposed Group Day Center on Lot 12, Grand Mere Village Addition, with three conditions of approval.
- January 24, 2012 City Commission approves first reading of an ordinance amending the Grand Mere Village Planned Unit Development District and Ordinance No. 6516 to add Group Day Care Centers as a Permitted Use and approving the Final Development Plan for a Proposed Group Day Center on Lot 12, Grand Mere Village Addition, with three conditions of approval.

Attachment No. 3

- February 7, 2012 City Commission approves Ordinance No. 6937 amending the Grand Mere Village Planned Unit Development District and Ordinance No. 6516 to add Group Day Care Centers as a Permitted Use and approving the Final Development Plan for a Proposed Group Day Center on Lot 12, Grand Mere Village Addition, with three conditions of approval.
- April 2, 2012 Manhattan Urban Area Planning Board approves the Final Plat of Lot 1 and Tract D, Grand Mere Village, Unit Two, Commercial PUD, a replat of Lots 3 and 8, and Tract D, Grand Mere Village Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations; and, approves the Final Development Plan for Lot 1 and tract D, Grand Mere Village, Unit Two, Commercial PUD,
- April 24, 2012 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Grand Mere Village, Unit Two, Commercial PUD, based on conformance with the Manhattan Urban Area Subdivision Regulations.
- October 20, 2014 Manhattan Urban Area Planning Board approves the Final Development Plan of Stonecreek Building, LLC - Lot 9, Grand Mere Village, Commercial Planned Unit Development, based on conformance with the approved PUD.
- February 2, 2015 Manhattan Urban Area Planning Board approves the Final Development Plan of Lot 2, Grand Mere Village, Commercial Planned Unit Development for the Bank of the Flint Hills, a coffee shop, and office space, based on conformance with the approved 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 Amendment is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial of the request would accomplish compared to the hardship imposed to the applicant. The additional signage described in this staff report does not overwhelm the current structure nor does it cause any adverse impacts upon the neighborhood or adjacent properties.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities and services are provided.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: City Administration recommends approval subject to the following conditions:

1. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7), and (8); and, Section 6-104 (B)(2), of the Manhattan Zoning Regulations.
2. The signs shall be constructed and maintained as described in the application documents.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance Nos. 6516, 6765, and 6766, and the Final Development Plan of Lot 2, Grand Mere Village Planned Unit Development stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of Ordinance Nos. 6516, 6765, and 6766, and the Final Development Plan of Lot 2, Grand Mere Village Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance Nos. 6516, 6765, and 6766, and the Final Development Plan of Lot 2, Grand Mere Village Planned Unit Development, based on the findings in the Staff Report, subject to the 2 conditions of approval recommended by City Administration.

PREPARED BY: Doug May, Planner

DATE August 7, 2017

MUAPB_SR_GrandMereVillage_Lot2_PUD Amendment

STAFF REPORT
ON AN APPLICATION TO REZONE PROPERTY

FROM: PUD, Planned Unit Development

TO: C-5, Highway Service Commercial District

APPLICANT: Chip Corcoran

ADDRESS: 132 Abbie Ave, Kansas City, KS 66103

OWNERS: Spirit Master Funding VIII, LLC

ADDRESS: 2727 N. Hardwood Street, Dallas, TX 75201

LEGAL DESCRIPTION: Lot 1 of the LL&G Addition Planned Unit Development and Lot 2 of the LLG and RSW Addition, Manhattan, Pottawatomie County, Kansas

LOCATION: 325 E. Poyntz Avenue.

AREA: Area to be rezoned is 87,386 square feet (2.01 acres). This total includes both the LL&G Addition lot 1 and the LLG and RSW Addition lot 2.

DATE OF NEIGHBORHOOD MEETING: July 18, 2017

DATE OF PUBLIC NOTICE PUBLICATION: July 7, 2017

DATE OF PUBLIC HEARING: **PLANNING BOARD:** August 21, 2017
CITY COMMISSION: September 19, 2017

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: This property has an existing building located in the southern portion of the parcel along Frontage Road. The building was the location for Sirloin Stockade. The remainder of the property consists of parking for said establishment.

In addition to this rezone, the applicant is also presenting a final plat for this property. (*Please refer to the Poyntz Sarber Addition final plat memorandum.*) The purpose of the proposed plat and rezone is to allow for two new parcels and two new business to be built at this location.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is a relatively flat piece of developed land. The subject site is not within the Community Special Flood Hazard Area. However, a small portion of it is located within 500' of the Kansas River levee. Any development on the site within the 500' that will disturb more than the top 12" of topsoil will require approval from the Army Corps of Engineers.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Academy Sports and Outdoors and Ashley Home Store; PUD, Planned Unit Development

SOUTH: Public Right of Way for Frontage Road and Poyntz Avenue. The railroad and Kansas River lie further south beyond the public right-of-ways; I-3, Light Industrial District

EAST: Academy Sports and Outdoors; PUD, Planned Unit Development

WEST: Ashley Home Store and Faith Furniture; C-5, Highway Service Commercial District

4. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: In 1989 this site was rezoned from C-5, Highway Service Commercial District, to a PUD, Planned Unit Development, for the development of the Sirloin Stockade restaurant. This location is surrounded by commercial development with the C-5 district being the prominent district in the area. Under the current PUD zoning, the only suitable use for this site is the Sirloin Stockade restaurant since the development plan for the PUD was developed specifically for the Sirloin Stockade.

Rezoning the site back to C-5 would be compatible with this location. The C-5 district allows for many types of compatible businesses in this area. The applicant specifically would like to create two lots to cater to two new restaurant businesses with drive-ins.

5. GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood is comprised of commercial businesses. Most of the commercial businesses are retail in nature. There is also an I-3, Light Industrial District, across Poyntz Avenue, but due to the proximity of the river, the only development on the south side of Poyntz Avenue is the railroad.

- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezoning should have minimal impacts on nearby properties. As previously mentioned, the C-5 district is already prominent in this area. However, there might be a slight increase in traffic due to the proposed type of restaurants to be developed on this site. The required parking for the combination of both restaurants will be less than the total required parking stalls for the previous restaurant, Sirloin Stockade; nevertheless, the two new restaurants will both operate drive-ins. This could attract more traffic movement in the area. To mitigate this affect, the applicant was required to perform a traffic study and adhere to the recommendations and requirements of Public Works.
- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use map of the Manhattan Area 2035 Comprehensive Plan identifies this site as Community Commercial (CC). Policies of the CC designations are listed below:

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 highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC-2: Location

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

CC-3: Size

Typically require a site of between 10 and 30 acres.

CC-4: Unified Site Design

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

CC-5: Building Design and Character

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

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

CC-6: Organization of Uses

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

CC-7: Circulation and Access

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

CC-8: In fill and Redevelopment / Adaptive Reuse

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

The proposed rezoning to the C-5 District conforms to the Comprehensive Plan.

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

1969	The Property was annexed into Manhattan and zoned Light Industrial.
1970	The property was rezoned to C-5, Highway Service Commercial District.
1973	The property was rezoned to PUD as a part of the K-Mart property.
1982	The property was rezoned to C-5, Highway Service Commercial District.
December 5, 1989	The property was rezoned to PUD for Sirloin Stockade, Ordinance No. 4618.
August 15, 1992	The Final Development Plan of the PUD was amended to add additional land for parking to the PUD. The additional land was also rezoned to PUD at this time, Ordinance No. 4753.
April 4, 1995	The Final Development Plan of the PUD was amended to expand the restaurant, Ordinance No. 4912.

September 7, 2004 The land added for parking was officially platted, Lot 1 of the LLG and RSW Addition.

June 5, 2017 The Sirloin Stockade closed, and the property has been vacant as of this date.

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 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 proposed rezoning will allow for two lots to be developed into drive-in type restaurants, which is a permitted by-right use in 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:

Since the property is vacant at this time, if the rezoning request is denied, the public health, safety and welfare would remain the same as it is now. However, the existing PUD presents a hardship on the applicant for the possibility of redevelopment on this site. The site is aging, and with the existing PUD intact, redevelopment would be limited. If this request is approved, there could potentially be a gain to both the public and the applicant.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

Public utilities currently serve the site. The size and location of these utilities may need to be addressed to accommodate the proposed development. The applicant has submitted Utility Release Forms for the non-municipal utilities that will serve the property. The details for all utilities will be addressed during the building permit process.

12. OTHER APPLICABLE FACTORS:

Staff identifies no further applicable factors.

13. STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Lot 1, LL&G Planned Unit Development and Lot 2, LLG and RSW Addition 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 Lot 1, LL&G Planned Unit Development and Lot 2, LLG and RSW Addition from PUD, Planned Unit Development to C-5, Highway Service Commercial District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lot 1, LL&G Planned Unit Development and Lot 2, LLG and RSW Addition, generally located at the southwest corner of Sarber Lane and Frontage Road at 325 E. Poyntz Ave, from PUD, Planned Unit Development, to C-5, Highway Service Commercial District based on the findings in the Staff Report.

PREPARED BY: Carol Davidson, CFM, CPM, Senior Planner of the Community Development Department

DATE: August 2, 2017

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

APPLICATION: To rezone the Stonehaven, Unit 2, Development

FROM: County AG, Agricultural District
R/AO, Single-Family Residential District with Airport Overlay District
R-2/AO, Two-Family Residential District with Airport Overlay District
I-5/AO, Business Park District with Airport Overlay District

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

A fourth tract within the development is to remain zoned I-5, Business Park District. This area is land associated with the USDA Service Center. The majority of the single-family residential portion of the development is already zoned R, Single-Family Residential District.

APPLICANT: Bayer Construction, Co., Inc., Neil Horton, Vice President

OWNER: Bayer Construction, Co., Inc., Neil Horton, Vice President
Manhattan Properties of Kansas, LLC, Charlie Bush

LEGAL DESCRIPTION: The entire tract of land is located in Section 23, Township 10 South, Range 7 East. A portion of the land was platted in the Miller Ranch Office Park, Unit One and Unit Two or in Stonehaven, Unit One.

LOCATION: Generally located south of Miller Parkway, near the intersections of Miller Parkway and Arbor Drive and Miller Parkway and Amherst Avenue.

AREA: The total area of rezoning is 124.15 acres.
Tract 1: An approximately 80.4-acre tract of land
Tract 2: An approximately 17.7-acre tract of land
Tract 3: An approximately 20.8-acre tract of land
Tract 4: An approximately 5.2-acre tract of land (*Tract 4 is to remain as I-5 District*)

DATE OF NEIGHBORHOOD MEETING: May 10, 2017

DATE OF PUBLIC NOTICE PUBLICATION: June 26, 2017

DATE OF PUBLIC HEARING: PLANNING BOARD: July 17, 2017
CITY COMMISSION: August 1, 2017

The proposed rezoning is for an approximately 124-acre development to the south of Miller Parkway and west of K-18/Fort Riley Boulevard. The proposed development, as shown on the Preliminary Plat and discussed in the application documents would be to create 70 single-family lots, 40 single-family attached or two-family dwelling lots, one lot for an assisted living facility, eight commercial lots and one business park lot. The business park lot is associated with the existing USDA Service Center building. Additionally, five tracts are to be created with the Preliminary Plat. Four of the tracts are proposed to be conveyed to the City as parkland. The other tract will be for an entrance monument sign for the residential development. The five tracts are to be zoned R District.

The annexation related to this development is to bring the eastern 20-acres of the site into the City. A small 0.06-acre tract is also outside of the City at the southeast corner of the development.

The proposed rezoning corresponds to the uses as shown on the Preliminary Plat.

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Open rangeland.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is typical Flintheills landform consisting of open range land and wooded ravines. On the east side of the development is a manmade lake formed by a natural spring that was dammed many decades ago. The site generally is on a ridgeline to the north and west of K-18/Fort Riley Boulevard. Generally, the development naturally drains to the southeast or to the southwest. All stormwater eventually flows to the Kansas River to the south.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Miller Parkway right-of-way, vacant rangeland, single-family homes, owner-occupied, two-family attached dwellings and multiple-family dwellings; R/AO, Single-Family Residential District with Airport Overlay District, R-1/AO, Single-Family Residential District, Burton Townhomes Residential PUD, Planned Unit Development District, Townhomes at Miller Ranch Residential PUD/AO, Oaktree Townhomes Residential PUD/OA.

Attachment No. 5

SOUTH: K-18/Fort Riley Boulevard right-of-way, vacant rangeland, single-family home, row crop agricultural land, and the Stagg Hill golf course; Riley County zoned AG General Agriculture.

EAST: K-18/Fort Riley Boulevard right-of-way, single-family homes in the Oak Hallow Subdivision, and vacant rangeland; Riley County zoned AG General Agriculture and City of Manhattan R District

WEST: Single-family homes and row crop agricultural land; R/AO Districts and Riley County zoned AG General Agriculture.

4. GENERAL NEIGHBORHOOD CHARACTER: The general area is a mixture of undeveloped land to the south, southeast, and southwest, and the established Arbor Heights, Miller Ranch, and Lee Mill Heights neighborhoods. These neighborhoods are a mix of single-family homes with a wide variety of lots size, single-family attached dwellings and multiple-family dwellings. The Arbor Heights neighborhood is the most established neighborhood in the area, which was first platted in the mid-1960s. The Miller Ranch neighborhood was first developed in the late 1990s. Lee Mill Heights is the newest neighborhood in the area, having been developed in 2004. The area immediately adjacent to the proposed development was the area generally first developed in the Lee Mill Heights neighborhood.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The majority of development was zoned with the Miller Ranch Office Park or the Stonehaven developments. The land adjacent to Miller Parkway was annexed and rezoned to I-5, Business Park District in 1998. The I-5 District is designed to encourage administrative, research and assembly activities in a setting that is compatible with surrounding or abutting residential districts. The permitted uses range from business and professional offices, convention centers and meeting rooms, corporate headquarters, and hospitals. No retail uses are permitted in the I-5 District. The full list of permitted uses and conditional uses for the I-5 District is attached.

The Stonehaven development was annexed and rezoned to R/AO Districts and R-2/AO Districts in 2005. A Preliminary Plat for the area was also approved in 2005. One hundred single-family homes, one large lot for a townhome development and a large lot for a church was proposed. A Final Plat was never approved for this development. At most, a single-family home could be constructed on the land zoned R District in its current configuration. Because no platted rights-of-way extends to the land zoned R-2 District, no two-family dwellings could occur.

The approximately 20-acre tract near the intersection of Arbor Drive and Miller Parkway has not been annexed or rezoned into the City. The Stonehaven Preliminary Plat labeled the area as Future Commercial Planned Unit Development. In 2009, the applicant proposed to annex and rezone this area to C-2/AO Districts. The applicant withdrew the request due to concerns by the neighborhood at the public hearing at a City Commission meeting. The area has remained in rural Riley County and is zoned AG, Agricultural District.

The current uses are suitable under the current zoning districts.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The area proposed to be rezoned to R, Single-Family Residential District, should not be detrimental to the nearby properties. The R District is identical to a large portion of the single-family neighborhoods in Arbor Heights, Miller Ranch and Lee Mill Heights. As shown on the Preliminary Development Plan, the proposed lot sizes are similar in size to single-family lots throughout the area.

The Preliminary Plat shows and the application materials state that the area to be rezoned to R-3, Multiple-Family Residential District is planned for single-family attached dwellings or two-family dwellings and a senior living facility. The senior living facility would be considered a nursing home by the Zoning Regulations and would require a Conditional Use Permit to be approved by the Board of Zoning Appeals prior to a building permit being issued.

Although accomplished by a different development pattern, the proposed uses for the R-3 District would be similar in use to the single-family attached dwellings in the Townhomes at Miller Ranch PUD or the multiple-family dwellings in the Inverness Townhome PUD and the Oaktree Townhomes PUD.

The Conditional Use Permit process for the senior living facility will include a public hearing by the Board of Zoning Appeals to evaluate the proposed use and site design within the context of the surrounding area. This process would occur separately if the annexation, rezoning and platting process is approved, but prior to a building permit being issued.

The proposal to rezone the area along Miller Parkway to C-2, Neighborhood Shopping District, will change the permitted uses from a business park area to retail and service commercial area. The majority of the proposed commercial area is currently zoned I-5, Business Park District, which allows for a range of fairly intense business and industrial assembly uses, including business and professional offices, convention center, corporate headquarters, hospital and final product manufacturing and assembly uses. Either because of low market demand for these uses in Manhattan and/or the location, the majority of the I-5 District lots have not developed. The complete list of permitted and conditional uses in the I-5 District is attached.

Attachment No. 5

The C-2 District is designed to provide a broad range of neighborhood scale retail shopping facilities and services located to serve one or more residential areas. The district permits a long list of retail and service commercial uses, including business and professional offices, convenience stores, food stores (grocery stores), restaurants with no drive-ins, movie theatres and other retail stores (*See attached C-2 District regulations*). There will likely be an increase in light, traffic and noise compared to the I-5 District; however, comparing the list of the permitted uses between the two zoning districts, it should not be a substantial increase.

The C-2 District also contains a number of use limitations to help minimize any adverse impacts on adjacent residential areas. Specifically, prohibiting “big box retail stores” over 35,000 square feet in area, no amplified outdoor sounds associated with restaurants, taverns, fraternal and service clubs, and requiring shielded lighting to prevent glare onto adjacent residential properties or on to the public street

Additionally, the proposed commercial area is separated from the residential areas to the north by Miller Parkway, a major collector street corridor, with a landscaped median within a right-of-way that is at least 120 foot wide. Because of the landscaped median, access to the development will only occur at existing intersections. The Preliminary Plat shows a larger 50-foot-wide front yard setback, double the normal 25-foot setback, which is identical to the I-5 District requirements. Within that building setback is a 30-foot-wide utility and landscape easement along Miller Parkway, which is also similar to a requirement of the I-5 District. These measures should minimize any visual impacts from the buildings or lights on the adjacent residential areas (*See the Preliminary Plat memorandum for more information*).

The applicants held a neighborhood meeting on May 10, 2017. The meeting summary noted that 66 neighbors attended the meeting. Based on the written meeting comments and follow-up emails provided in the application documents, many attendees voiced their concerns over the proposed commercial zoning (specifically a convenience store proposed to be located near the intersection of Arbor Drive and Miller Parkway), the thought that more commercial land is not needed in Manhattan, the impacts that the development would have on the roadway and traffic on Miller Parkway, and impacts on the surrounding neighborhoods.

The complete collection of correspondence from the neighborhood meeting is provided.

Likewise, City of Manhattan has received written questions and comments about the development. Generally, these questions related to the permitted uses allowed in the proposed zoning districts, impacts on adjacent infrastructure and concerns about intersection safety and increases in traffic. These questions and applicable responses have been provided.

Attachment No. 5

A number of the concerns are related to specific design elements or technical topics of the Preliminary Plat, such as safe design of intersections throughout the area. These concerns are addressed in the Preliminary Plat memorandum or are related to specific design criteria that are beyond the scope of the Preliminary Plat and will be addressed during the final design of the project (i.e. intersection design), if the proposed development is approved.

Considering that the residential portions of the development are similar in character and scale to the surrounding area, minimal impacts are anticipated on surrounding neighborhoods by the request to rezone parts of the development to R District and R-3 District.

As stated above, the I-5 District has permitted uses that could be as intense as any use permitted in the C-2 District. The C-2 District is designed to provide retail and service uses to serve one or more residential neighborhoods. Being located along a major collector street and expressway corridor (K-18) and the intersection of two major collectors (Miller Parkway and Amherst Avenue), the site meets the district's intent. The C-2 District includes several use limitations to minimize any adverse impacts on adjacent residential properties. The applicant has proposed design features in the subdivision to create a greater separation of commercial buildings from the front property line and Miller Parkway and to provide more landscape buffering between Miller Parkway and buildings and off-street parking lots than would normally occur in the C-2 District. Finally, the development site will be separated by elevation from established residential neighborhoods to the north and west. Miller Parkway is essentially built upon a ridge that divides the two areas. The Lee Mill Heights and Grande Bluffs of Lee Mill Heights neighborhoods are separated by a similar ridgeline and a ravine from the development site. Considering these factors, the proposed rezoning of part of the development to the C-2 District should have minimal adverse impacts on adjacent properties.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

Stonehaven, Unit Two, is shown on the Southwest Future Land Use Map of the Manhattan Urban Area Comprehensive Plan as Residential Low/Medium Density, (RLM); Office/Research (OR); Neighborhood Commercial Center (NCC); and Environmentally Sensitive Areas (*See attached Future Land Use Map*).

The proposed development falls within the Miller Parkway Corridor (MPC) Special Planning Area. The intent and policies for this special planning area include:

Background and Intent

The Miller Parkway Corridor will continue to develop as a series of mixed-use neighborhoods. Development should be focused around an open space network created by the area's many natural drainages, preserving existing trees and vegetation and providing pedestrian and bicycle linkages between neighborhoods and Warner Park,

Anneberg park and the new city park near the west end of Miller Parkway. The Miller Parkway Corridor will contain a variety of housing types and densities, including some higher density residential use, and will include a neighborhood commercial center.

Policies

MPC-1: Mixture of Housing Types

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

MPC-2: Preservation of Drainage Areas

Incorporate drainage ways, wetlands, and other sensitive natural features into the overall design of neighborhoods as buffers and open space amenities.

MPC-3: Future ROW Preservation

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

MPC-4: Establish a Neighborhood Commercial Center

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

MPC-5: Airport Air space Regulations

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

MPC-6: Multi-modal Connectivity

Continue to explore and implement opportunities to enhance multi-modal connections both

Applicable RLM policies (*in italics*) of the Comprehensive Plan include:

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.

Applicable OR policies (*in italics*) of the Comprehensive Plan include:

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.

Applicable NCC policies (*in italics*) of the Comprehensive Plan include:

NCC-1: Characteristics

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

NCC-2: Location

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

NCC-3: Size

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

NCC-4: Circulation and Access

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

NCC-5: Transitions between Uses

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

Chapter 4 of the Manhattan Urban Area Comprehensive Plan is devoted to establishing goals and policies related to the Environmental Sensitive Area (see attached). As mentioned, the area designated as the Environmental Sensitive Area is associated with a spring-fed lake that is to be dedicated as a park. This lake is in relatively pristine condition and is part of the overall water quality and stormwater control plan for the development. The applicant's overall approach to preserving this lake and controlling stormwater runoff and water quality conforms to the goals and policies outlined in Chapter 4.

Based on the Preliminary Plat, the RLM, Residential Low/Medium Density designated area has a total density of approximately 1.55 dwelling units per net acre. The R District portion of the development is to have a density of 1.24 dwelling units per net acre. The R-3 District portion of the development is to have a density of 2.77 dwelling units per net acre. The development will provide for a variety of residential types, in terms of number of dwelling units and sizes of lots.

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The area to be rezoned to C-2 District is approximately 21 acres. Of the 21 acres, approximately 7.40 acres is designated as NCC, Neighborhood Commercial Center in the Comprehensive Plan, which is the portion closest to the Arbor Drive/Miller Parkway/K-18 intersections. The proposed rezoning of this area to C-2, Neighborhood Shopping District, conforms to the NCC policies of the Comprehensive Plan.

The remaining portions of the development that are proposed to be zoned C-2 District (located to the west along Miller Parkway) are designated as OR, Office/Research on the Future Land Use Map and correspond to the current I-5, Business Park District zoning on these parts of the site. This area includes the USDA Service Center, which is not proposed to be rezoned. This area was annexed and rezoned to the I-5 District as part of the Miller Ranch Master Planned Neighborhood in 1999.

The NCC and OR land use designations have different policies, namely the land use characteristics, however there are also several similarities. The OR land use designation is intended to provide for high-quality employment facilities, such as corporate headquarters, research and development facilities, and educational facilities. Ancillary commercial services are envisioned for this business designation. The intended site layout within an OR area can be part of a planned campus, or integrated into the surrounding urban or suburban fabric and have a unified character of building design, materials, landscape, and/or signage.

The NCC designation is characterized as providing a range of services for nearby residential areas. These services can include supermarkets, restaurants, other retail shops and convenience stores. This land use designation can be accomplished in a wide range of scales, from a small commercial center to serve the surrounding nearby neighborhood by foot or bicycle, up to large centers that serve several neighborhoods or the region. The NCC designation notes that attractive transitions between the commercial center and the surrounding neighborhood should be provided, while not limiting travel between the two land uses (i.e. bicycle and pedestrian access). This transition can be accomplished by “stepping down” the height of the commercial buildings as they get closer to the residential areas and increasing landscape and screening buffers between the different uses.

The two land use designations share similarities in terms of location at the intersection of arterials and collectors and through provision of multi-modal connectivity. Miller Parkway and Amherst Avenue are both considered collector streets, with high levels of multi-modal connectivity with sidewalks on both sides and bicycle lanes.

Although the land use types are different (employment vs. retail), the intensity of the retail and business uses could be very similar. A hospital or large office campus could be as intense as a grocery store, restaurant or convenience store, depending on the setting and how it interacts with the surrounding neighborhoods and transportation networks. Both designations are intended to be located along higher-order streets, such as Miller Parkway and Amherst Avenue.

The proposed rezoning of Stonehaven, Unit Two, generally conforms to the policies of the Manhattan Urban Area Comprehensive Plan, including the policies of the Miller Parkway Corridor Special Planning Area.

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

The development site is a combination of vacant land associated with Stonehaven, Unit One, Miller Ranch Office Park, and vacant land in rural Riley County. The applicant petitioned to annex and rezone the portion of the development in rural Riley County in 2009 as the Stonehaven Shopping Center. The applicants ultimately withdrew their petition to annex and rezone the property due to neighborhood concerns.

The USDA Service Center is the only developed lot within the development.

Miller Ranch Office Park

1993	Manhattan Urban Area Planning Board approves Preliminary Plat of Miller Ranch Addition
September 10, 1998	Manhattan Urban Area Planning Board recommended approval of the rezoning of a 12.9 acre tract of land from County G-1, General Agricultural District and PUD, to I-5, Business Park District. <i>Note: This 12.9 acres includes the 1.2 acre tract that was not previously annexed.</i>
October 6, 1998	City Commission approved first reading of an ordinance rezoning the 12.9 acres to I-5.
October 20, 1998	City Commission considers second reading of Ordinance No. 6035, annexing the 1.2 acre tract, and second reading of Ordinance No. 6036, rezoning the entire 12.9 acres to I-5.
November 2, 1998	Manhattan Urban Area Planning Board recommends approval of annexation of Miller Ranch Addition, Unit 2, and Miller Ranch Office Park (Total 66 acres). <i>Western portion of Miller Ranch Office Park comprises 16.6 acres.</i>
November 17, 1998	City Commission approves first reading of annexation of all 66 acres.
January 4, 1999	Manhattan Urban Area Planning Board approves Preliminary Plat of Miller Ranch office Park and Final Plat of Lots 1 and 2 of the Unit 1.

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February 1, 1999 Manhattan Urban Area Planning Board recommends approval of rezoning 16.6 acre western portion of Miller Ranch Office Park, from County G-1, General Agricultural District, to I-5, Business Park District, based on the findings in the Staff Report.

February 16, 1999 City Commission approves first reading of an ordinance rezoning the 16.6 acre western portion of Miller Ranch Office Park, from County G-1, General Agricultural District, to I-5, Business Park District.

March 2, 1999 City Commission considers second reading of Ordinance No. 6060 and Ordinance No. 6061, annexing and zoning the 16.6 acre western portion of Miller Ranch Office Park, from County G-1, General Agricultural District, to I-5, Business Park District.

November 1, 1999 Manhattan Urban Area Planning Board approves Final Plat of Miller Ranch Office Park, Unit 2

Stonehaven

August 1, 2005 Manhattan Urban Area Planning Board tables the annexation, rezoning and Preliminary Plat of the Stonehaven Addition, to the August 15, 2005, Planning Board meeting.

August 15, 2005 Manhattan Urban Area Planning Board tables the annexation, rezoning and Preliminary Plat of the Stonehaven Addition, to the September 8, 2005, Planning Board meeting.

September 8, 2005 Manhattan Urban Area Planning Board recommends approval of annexation an approximate 105-acre tract of land; and the rezoning of an approximate 101-acre tract of land, which includes the proposed Stonehaven Addition and the Miller Ranch Water Tower, from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District, and the rezoning of an approximate 4.4-acre tract of land to R-2, Single-Family Residential District with AO, Airport Overlay District; and, approves the Preliminary Plat of the Stonehaven Addition, with three conditions.

October 18, 2005 City Commission approves first reading of annexation and rezoning of the Stonehaven Addition.

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- November 1, 2005 City Commission approves Ordinance Nos. 6505, 6506 and 6507, annexing and rezoning of the Stonehaven Addition.
- December 5, 2005 Manhattan Urban Area Planning Board approves the Final Plat of Stonehaven Addition, Unit One.
- December 20, 2005 City Commission accepts the easements and rights-of-ways as shown on the Final Plat of Stonehaven Addition, Unit One.
- May 18, 2009 Manhattan Urban Area Planning Board reinstates the approved Preliminary Plat and extends approval of the Preliminary Plat until May 18, 2011.

Stonehaven Shopping Center

- July 6, 2009 Manhattan Urban Area Planning Board recommends annexation and rezoning of the 26-acre tract of land, generally located southwest of the intersection of Fort Riley Boulevard and Miller Parkway, along the west side of Fort Riley Boulevard, from County G-1, General Agricultural District, to C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- July 21, 2009 City Commission considers first reading of ordinances annexing and rezoning the 26-acre site.

The applicant withdrew the Stonehaven Shopping Center application to annexation and rezone the 26-acre site following the City Commission first reading of the ordinance to annex and rezone.

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

The R, Single-Family Residential District, is designed to provide a dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. The R-3, Multiple-Family Residential District is designed to provide for multiple-family development at a density no greater than one dwelling unit per 1,000 square feet. The C-2, Neighborhood Shopping District is designed to provide a broad range of retail shopping facilities and services located to serve one or more residential areas. The Preliminary Plat creates lots that meet these minimum lot requirements. Building setbacks, lot coverage, and other use limitation requirements of the zoning districts will be applied at the time of building permits.

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This Airport Overlay District is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by, the facility to the region. The district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport's operation or the public welfare. A large portion of the development is within the applicable Airport Conical Zone, similarly to areas of Lee Mill Heights.

The intent and purpose of the Zoning Regulations are met, with the approval of the Preliminary Plat.

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 rezoning generally conforms to the Comprehensive Plan and should not adversely impact adjacent property owners. It may be a hardship to the applicant if the rezoning is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public services, sanitary sewer, water, and public streets can be extended to serve the development. The details of how the public infrastructure will be extended to the development will be established with the Preliminary Plat review.

12. OTHER APPLICABLE FACTORS: Staff identifies no further applicable factors.

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of the Stonehaven, Unit Two from Riley County AG, Agricultural District; R/AO, Single-Family Residential District with Airport Overlay District; R-2/AO, Two-Family Residential District with Airport Overlay District; and I-5/AO, Business Park District with Airport Overlay District, to R/AO, Single-Family Residential District with Airport Overlay District; R-3/AO, Multiple-Family Residential District with Airport Overlay District; and, C-2/AO, Neighborhood Shopping District with Airport Overlay District, based on the findings in the Staff Report.

ALTERNATIVES

1. Recommend approval of the proposed rezoning of the Stonehaven, Unit Two, **from** Riley County AG, Agricultural District; R/AO, Single-Family Residential District with Airport Overlay District; R-2/AO, Two-Family Residential District with Airport Overlay District; and I-5/AO, Business Park District with Airport Overlay District, **to** R/AO, Single-Family Residential District with Airport Overlay District; R-3/AO, Multiple-Family Residential District with Airport Overlay District; and, C-2/AO, Neighborhood Shopping District with Airport Overlay 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 Stonehaven, Unit Two, generally located south of Miller Parkway, near the intersections of Miller Parkway and Arbor Drive and Miller Parkway and Amherst Avenue, **from** Riley County AG, Agricultural District; R/AO, Single-Family Residential District with Airport Overlay District; R-2/AO, Two-Family Residential District with Airport Overlay District; and I-5/AO, Business Park District with Airport Overlay District, **to** R/AO, Single-Family Residential District with Airport Overlay District; R-3/AO, Multiple-Family Residential District with Airport Overlay District; and, C-2/AO, Neighborhood Shopping District with Airport Overlay District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Assistant Director of the Community Development Department

DATE: July 21, 2017