



***MINUTES  
CITY COMMISSION MEETING  
TUESDAY, SEPTEMBER 19, 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 Linda Morse and Commissioners Michael L. Dodson, Wynn Butler, Karen McCulloh, and Usha Reddi were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 10 staff, and approximately 35 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Morse led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Morse proclaimed September 17, 2017 – September 23, 2017, ***Constitution Week***. Jana Fallin, Chapter Regent, and Sydney Carlin, Chair for Constitution Week, Polly Ogden Chapter, National Society Daughters of the American Revolution, were present to receive the proclamation.

Mayor Morse proclaimed September 21, 2017 - October 7, 2017, ***Time of Peace and Nonviolence Awareness***. Nate McClendon, “Harmony in the ‘Hatt” Festival Director, and Susanne Glymour, Manhattan Nonviolence Initiative Director, and other representatives were present to receive the proclamation.

Mayor Morse proclaimed October 2, 2017, ***2017 World Habitat Day***. Karmen Davenport, Executive Director, Manhattan Area Habitat for Humanity, was present to receive the proclamation.

## COMMISSIONER COMMENTS

Commissioner Reddi informed the community that there would be an Out of the Darkness Suicide Prevention Walk at Bosco Plaza on the Kansas State University campus on Saturday, September 23, 2017, from 10:00 a.m. - 2:00 p.m. and encouraged those interested to walk or to consider making a donation. She said the Duty First: 100 Years of the Big Red One exhibit is continuing at the Flint Hills Discovery Center. She also stated the annual Apple Day Festival at Fort Riley is Saturday, September 23, 2017, from 9:00 a.m. - 5:00 p.m., and encouraged citizens to attend and to order your pies.

Commissioner McCulloh stated that the pies can also be ordered in advance online and then picked up at the Manhattan Area Chamber of Commerce. She said the Flint Hills Discovery Center exhibit about Fort Riley and the First Division is wonderful. She said that Commissioner Butler would be giving a lecture about the Great War on Sunday, September 24, 2017, at Peace Memorial Auditorium at City Hall.

Mayor Morse informed the community that Sunday, September 24, 2017, is Family Fun Day in City Park.

Eddie Eastes, Director of Parks and Recreation, highlighted information about Family Fun Day and Manhattan's Got Talent event. He stated the event is free and will be held on Sunday, September 24, 2017, at the Wefald Pavilion in City Park. He highlighted participating sponsors and said this will be a great event for the entire family.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 5, 2017.

### CLAIMS REGISTER NO. 2860

The Commission approved Claims Register No. 2860 authorizing and approving the payment of claims from August 30, 2017 - September 12, 2017, in the amount of \$3,376,733.38.

### LICENSE

The Commission approved an annual Cereal Malt Beverages Off-Premises License for Target Store T-1821, 800 Commons Place.

## CONSENT AGENDA (CONTINUED)

### FINAL PLAT – MANHATTAN MEDICAL CENTER, UNIT III

The Commission accepted the easements as shown on the Final Plat of Manhattan Medical Center, Unit III, generally located in the center of the Manhattan Medical Center (1133 College Avenue), based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT – KIMBALL PLACE ADDITION, UNIT THREE

The Commission accepted the easements as shown on the Final Plat of Kimball Place Addition, Unit Three, generally located to the southwest of the intersection of West Laramie Street and North Manhattan Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 7313 - ANNEX - WILDCAT CREEK FUN AND FITNESS CENTER

The Commission approved Ordinance No. 7313 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.

### ORDINANCE NO. 7314 – REZONE – WILDCAT CREEK FUN AND FITNESS CENTER (COUNTY AG TO C-5)

The Commission approved Ordinance No. 7314 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. 1*) and the recommendation of the Planning Board.

### ORDINANCE NO. 7315 – AMEND – LOT 2, GRAND MERE VILLAGE PUD (SIGNS)

The Commission approved Ordinance No. 7315 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. 2*) and the recommendation of the Planning Board.

### ORDINANCE NO. 7316 – REZONE – 325 EAST POYNTZ AVENUE (LL&G PUD TO C-5)

The Commission approved Ordinance No. 7316 rezoning 325 East Poyntz Avenue from PUD, Planned Unit Development, to C-5 Highway Service Community District, based on the findings in the Staff Report (*See Attachment No. 3*) and the recommendation of the Planning Board.

## CONSENT AGENDA (CONTINUED)

### FINAL PLAT – POYNTZ SARBER ADDITION (325 EAST POYNTZ AVENUE)

The Commission accepted the easements and rights-of-ways, as shown on the Final Plat of Poyntz Sarber Addition, generally located at the southwest corner of Sarber Lane and Frontage Road (325 East Poyntz Avenue), based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 7317 – ANNEX – STONEHAVEN, UNIT TWO

The Commission approved Ordinance No. 7317 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.

### ORDINANCE NO. 7318 – REZONE – STONEHAVEN, UNIT TWO (COUNTY AG, R-2/AO, AND I-5/A/O TO R/AO AND R-3/AO)

The Commission approved Ordinance No. 7318 rezoning the residential portions of Stonehaven, Unit Two, development, generally located south of Miller Parkway, from: Riley County AG, Agricultural 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, Single-Family Residential District with Airport Overlay District; and R-3/AO, Multiple Family Residential District with Airport Overlay District, based on the findings in the Staff Report (*See Attachment No. 4*), recommendations of the Planning Board and the findings of the City Commission following the public hearing of the first reading of the rezoning ordinance.

### RESOLUTION NO. 091917-A – POLICY – STREET BANNER SIGNS

The Commission approved Resolution No. 091917-A establishing a policy concerning street banner signs in the public rights-of-way in the city of Manhattan, Kansas.

### REQUEST FOR QUALIFICATIONS – SANITARY SEWER COLLECTION SYSTEM MAINTENANCE AND MANAGEMENT ASSESSMENT PROJECT (SS1705, CIP #WW163P)

The Commission authorized City Administration to seek qualifications for professional services to develop a Sanitary Sewer Collection System Maintenance and Management Assessment Project (SS1705, CIP #WW163P).

### REQUEST FOR PROPOSALS – DEVELOPER – LEE MILL VILLAGE PROPERTY

The Commission authorized City Administration to seek proposals for a developer to purchase and develop the Lee Mill Village property.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – INSURANCE BROKER AGENT-OF-RECORD (2018-2022)

The Commission accepted the recommendation of the Selection Committee, and awarded and authorized the Mayor to execute a Compensation Agreement, in the amount of \$24,000.00, to the firm of Arthur J. Gallagher, of Kansas City, Missouri, as Insurance Broker “Agent-of-Record” beginning January 1, 2018, renewable for a period of up to five years through 2022.

### NEGOTIATE CONTRACT – PROFESSIONAL SERVICES – BOOSTER PUMP STATION CAPACITY UPGRADE STUDY (WA1708, CIP #WA154P)

The Commission accepted the Selection Committee’s recommendation, and authorized City Administration to negotiate a professional services contract with Bartlett and West, Inc., of Manhattan, Kansas, for the Booster Pump Station Capacity Upgrade Study (WA1708, CIP #WA154P).

### AWARD CONTRACT – SUNRISE CEMETERY DRIVE LANE IMPROVEMENTS (PR1701, CIP #CP222P)

The Commission accepted the Engineer’s Opinion of Probable Cost in the amount of \$291,900.00; awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$244,890.70 (Base Bid in the amount of \$163,558.30, Bid Alternate No. 1 for additional street paving in the amount of \$60,741.30, and Bid Alternate No. 2 for additional finish grading of burial spaces in Sections K and L in the amount of \$20,591.10) to Bayer Construction Co., Inc., of Manhattan, Kansas, for the Sunrise Cemetery Drive Lane Improvements Project (PR1701, CIP #CP222P).

### CONTRACT AMENDMENT NO. 1 – CONSTRUCTION ADMINISTRATION SERVICES – SUNRISE CEMETERY DRIVE LANE IMPROVEMENTS (PR1701, CIP #CP222P)

The Commission approved and authorized the Mayor and City Clerk to execute Contract Amendment No. 1 to the professional services contract with Schwab-Eaton, P.A., of Manhattan, Kansas, to include Construction Administration Services in an amount not to exceed \$7,500.00, for the Sunrise Cemetery Drive Lane Improvements Project (PR1701, CIP #CP222P).

### CHANGE ORDER NO. 2 – INFORMATIONAL KIOSK – PEACE MEMORIAL AUDITORIUM LOBBY (PR1604)

The Commission approved and authorized the Mayor to execute Change Order No. 2, in the amount of \$23,405.10 (+36.45%), to the contract with Trinium Contractors, Inc., of Manhattan, Kansas, for the addition of an informational Kiosk to the Peace Memorial Auditorium Lobby project (PR1604), financed 100% by the Friends of Peace Memorial Auditorium.

## CONSENT AGENDA (CONTINUED)

### JOINT FUNDING AGREEMENT – RIVER GAUGES

The Commission approved and authorized the Mayor to execute a Joint Funding Agreement with the United States Geological Survey for the costs pertaining to maintenance and operation of four (4) stream gauges along Wildcat Creek and the Kansas River from October 1, 2017, until September 30, 2018.

### RESOLUTION NO. 091917-B – RILEY COUNTY POLICY DEPARTMENT – SELF-FUNDED WORKER’S COMPENSATION INSURANCE PROGRAM

The Commission approved Resolution No. 091917-B authorizing the Mayor and City Clerk to execute a Guaranty Agreement with Riley County for the State of Kansas, and authorizing the Mayor and City Clerk to execute a Funding Agreement with the Riley County Police Department (RCPD) and Riley County to continue a self-funded Worker’s Compensation Insurance Program for RCPD.

### SECOND AMENDMENT – AIRPORT FARM LEASE AGREEMENT

The Commission authorized the Mayor and City Clerk to execute a Second Amendment to the Farm Lease Agreement with Dibben Land & Cattle, Inc., of Junction City, Kansas, adjusting the amount of tillable acres from 358 to 353 acres due to the sale of Lot 25 in the Manhattan Business Park, and setting the annual rent for each parcel at the Manhattan Regional Airport and Manhattan Business Park.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

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

## GENERAL AGENDA

### FLINT HILLS/FORT RILEY JOINT LAND USE (JLUS) STUDY - PRESENTATION/DISCUSSION

Eric Cattell, Director of Community Development, introduced the Flint Hills/Fort Riley Joint Land Use (JLUS) Study.

## GENERAL AGENDA (CONTINUED)

### FLINT HILLS/FORT RILEY JOINT LAND USE (JLUS) STUDY - PRESENTATION/DISCUSSION (CONTINUED)

Gary Stith, Director, Flint Hills Regional Council, thanked Commissioner Dodson, Mayor Morse, and City staff for their involvement and participation with the Joint Land Use Study. He provided background information on the item and introduced Ray Greer, Project Manager.

Ray Greer, Project Manager, Santec, presented an overview of the item. He highlighted the Joint Land Use Study initially conducted in 2005 and changes since the initial Study. He presented information on the 2017 JLUS update and the recommendations and implementation plans. He focused his presentation on land use, noise, habitat, alternative energy sources using solar and wind, floodplain management, and housing. He then responded to questions from the Commission regarding habitat on the Fort Riley installation and noise measurement.

Eric Cattell, Director of Community Development, provided a map showing the Fort Riley noise disclosure boundary and noise contours. He responded to questions from the Commission regarding the Fort Riley noise disclosure boundary, contour zones and noise disclosure statements for properties. He highlighted a map on the City's website showing the noise boundary and information available on Fort Riley's website.

Ray Greer, Project Manager, Santec, informed the Commission that the City of Manhattan and Riley County are already looking ahead to implementation. He stated that the noise recommendations will be a big aspect of the plan and an additional study will be required to address noise in the identified Military Influence Areas. He informed the Commission that the study would involve getting an acoustical consultant to develop appropriate noise reduction, mitigation strategies and standards.

Gary Stith, Director, Flint Hills Regional Council, provided additional information on the item. He stated the importance to work with communities in the region to attract talent and to provide them with printed materials and/or information on a website about JLUS they can use.

Ray Greer, Project Manager, Santec, responded to questions and concerns from the Commission regarding the importance of education and communication regarding noise. He also provided additional information with consideration to noise standards and changes in measurement technology for military installations, education for intensified training on Post, and habitat at Fort Riley.

## GENERAL AGENDA (*CONTINUED*)

### FLINT HILLS/FORT RILEY JOINT LAND USE (JLUS) STUDY - PRESENTATION/DISCUSSION (*CONTINUED*)

Gary Stith, Director, Flint Hills Regional Council, informed the Commission that there is a draft Resolution to accept and adopt the Fort Riley Joint Land Use Study (JLUS) Final Report and support the implementation of the JLUS recommendations. He stated that three communities have adopted this already and asked the Commission to consider adoption of the Resolution in early October 2017.

Ron Fehr, City Manager, informed the Commission that the proposed Resolution would be on the October 3, 2017, City Commission agenda for consideration.

Eric Cattell, Director of Community Development, responded to questions from the Commission about adopting the Resolution as part of the Comprehensive Plan.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

As this was a discussion item, the Commission took no formal action.

### 2016 ECONOMIC DEVELOPMENT ANNUAL REPORT

Hillary Badger, Assistant Director of Finance, introduced the item and Courtney Kramer, Senior Financial Analyst.

Courtney Kramer, Senior Financial Analyst, City of Manhattan, presented background information on the item. She highlighted the Economic Development Fund history; provided an overview on the Fund process for companies seeking assistance; presented highlights from the 2016 Economic Development Fund Report; highlighted the Economic Development Fund forecast showing debt service, debt service revenue, jobs, jobs revenue, infrastructure, and infrastructure revenue; presented a chart showing mill levy reduction and Economic Development Fund support of the annual General Obligation Bond payment; provided a summary of all Economic Development sales taxes; and presented a summary of accountability reports for Continental Mills, Farrar Corporation, GTM Sportswear, Kansas Entrepreneurship Center, Manhattan Holdings LLC, CivicPlus, Flint Hills Beverage, Kansas State University Institute for Commercialization, Manhattan Area Technical College, Meadowlark Hills, Tallgrass Brewing Company, and the National Bio and Agro-Defense Facility (NBAF). She also highlighted infrastructure including new investments, continuing debt service support and other investments.

Ron Fehr, City Manager, responded to questions from the Commission regarding infrastructure commitments pledged and the future amount available.



## GENERAL AGENDA (CONTINUED)

### 2016 ECONOMIC DEVELOPMENT ANNUAL REPORT (CONTINUED)

Hillary Badger, Assistant Director of Finance, provided additional information and clarification on the economic development forecast chart showing funds committed, program administration costs, fund balance, and revenue.

Bernie Hayen, Director of Finance, responded to questions from the Commission regarding the mill levy reduction chart.

Ron Fehr, City Manager, responded to questions from the Commission regarding wage categories and provided additional clarification.

Courtney Kramer, Senior Financial Analyst, provided clarification on the difference between a forgivable loan and a performance grant. She informed the Commission that the full report will be on the City's website and thanked all the companies that reported the necessary information.

Ron Fehr, City Manager, responded to questions from the Commission regarding Manhattan Holdings LLC, and provided history on the formation and partners of Manhattan Holdings.

Kent Glasscock, President, K-State Institute for Commercialization, provided additional information on Manhattan Holdings LLC and the annualized rate of return since inception.

After comments from the Commission, Hillary Badger, Assistant Director of Finance, and Ron Fehr, City Manager, responded to additional questions from the Commission regarding the total amount of uncommitted Economic Development Funds remaining, current cash balances in the Economic Development Funds, program administration costs, and mill levy reductions.

As this was a discussion item, the Commission took no formal action.

### KNOWLEDGE BASED ECONOMIC DEVELOPMENT (KBED) UPDATE

Lyle Butler, President/CEO, Manhattan Area Chamber of Commerce, introduced the item KBED: A decade of University/Community Partnership. He highlighted the evolving landscape in economic development, the partnership and number of jobs created from 2007-2016, and the KBED partners and staff.

Rebecca Robinson, Director of Economic Development, K-State Institute for Commercialization, and staff lead for KBED, presented information about leveraging strengths of innovation, talent and professional development. She highlighted the partners

## GENERAL AGENDA (CONTINUED)

### KNOWLEDGE BASED ECONOMIC DEVELOPMENT (KBED) UPDATE (CONTINUED)

involved and discussed the opportunities and process in working with potential companies. She highlighted the process necessary to engage, align, enable, advance and enrich. She also highlighted strategies to attract high-wage/high-tech jobs, company successes, and leadership needed to make a partnership like this work.

Kent Glasscock, President, K-State Institute for Commercialization, provided additional information on the KBED partnership. He highlighted the net number of Full Time Equivalent (FTE) jobs in Fiscal Year (FY) 2016, projected economic impact, FTE jobs created in the region, average salary levels, to-date economic impact, and capital investment. He highlighted return on the City's investment, return on property taxes and sales tax revenue generated. He also discussed the North Campus Corridor, advancing the University/industry co-location partnerships, increasing exposure to Manhattan and K-State, and the National Bio and Agro-Defense Facility (NBAF).

As this was a discussion item, the Commission took no formal action.

### ADJOURNMENT

At 9:18 p.m., the Commission adjourned.



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Gary S. Fees, MMC, City Clerk

**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. 1*

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.

*Attachment No. 1*

**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.

*Attachment No. 1*

**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:



*Attachment No. 2*

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. 2*

- 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. 2*

- 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 Flinthills 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.

**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. 4*

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. 4*

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.

*Attachment No. 4*

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.

*Attachment No. 4*

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.

*Attachment No. 4*

- 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.

*Attachment No. 4*

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