



MINUTES
CITY COMMISSION MEETING
TUESDAY, FEBRUARY 6, 2018
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, Usha Reddi, Wynn Butler, and Jerred McKee 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, 11 staff, and approximately 70 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Morse led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Morse opened the public comments.

Brandon Irwin, 4440 Tuttle Creek Boulevard, congratulated Commissioners Butler, Reddi and McKee on their elections. He thanked the Commission for their leadership and service. He provided information on poverty in the community and invited the elected officials to attend a Poverty Simulation on Saturday, February 24, 2018, from 1:00 p.m. - 4:00 p.m., at Pottorf Hall, 1710 Avery Avenue. He stated that additional details on the Poverty Simulation and registration information can be found at flinthillswellness.org.

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

COMMISSIONER COMMENTS

Commissioner Reddi stated that a fantastic ukulele band would be performing at the Manhattan Arts Center on Friday, February 9, 2018. She encouraged everyone to attend and enjoy the local talent featuring Wayne Goins, Brian Niehoff, Rick Smith, Kevin Pierce, and

COMMISSIONER COMMENTS (*CONTINUED*)

Rob Rosenberg. She also stated that she was pleased to see that sexual harassment training would be provided at the state and federal level for legislators.

Mayor Morse echoed the importance for sexual harassment training and stated the City held a recent training session for all City employees. She informed the community that the Rainforest Adventure exhibit is now open at the Flint Hills Discovery Center and encouraged families to enjoy a great experience.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, January 16, 2018.

CLAIMS REGISTER NOS. 2870 AND 2871

The Commission approved Claims Register Nos. 2870 and 2871, authorizing and approving the payment of claims from January 10, 2018 - January 30, 2018, in the amounts of \$2,035,447.35 and \$2,488,346.11, respectively.

LICENSE

The Commission approved an annual Cereal Malt Beverages Off-Premises License for Wal-Mart #35, 101 Bluemont Avenue.

ORDINANCE NO. 7337 – VACATE – SOUTH 15TH STREET

The Commission approved Ordinance No. 7337 vacating portions of South 15th Street from the Union Pacific Railroad right-of-way to the south city limits, and establishing a utility easement of said vacated public right-of-way.

ORDINANCE NO. 7338 – AMEND – REFUSE COLLECTOR’S LICENSE

The Commission approved Ordinance No. 7338 amending Section 16-20 of the Code of Ordinances regarding “Refuse Collector’s License.”

ORDINANCE NO. 7339 – LARGE DUMPSTER CONTAINERS IN CITY RIGHT-OF-WAY

The Commission approved Ordinance No. 7339 regulating the placement of certain containers within the city’s rights-of-way.

CONSENT AGENDA (CONTINUED)

PUBLIC HEARING – LEVY SPECIAL ASSESSMENTS – GENERAL OBLIGATION BOND SERIES 2018-A

Mayor Morse opened the public hearing.

Greg Dressman, 619 Joseph Drive, asked about the special assessment notice he received and financing amounts.

Bernie Hayen, Director of Finance, responded to questions regarding the amount of special assessments.

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

FIRST READING - LEVY SPECIAL ASSESSMENTS - GENERAL OBLIGATION BOND SERIES 2018-A

The Commission approved first reading of an ordinance levying special assessments against the benefiting properties in the following 29 projects, which have been completed: ***Enclave Addition, Unit 1*** – Sanitary Sewer (SS1411), Street (ST1410, and Water (WA1409); ***Grand Estates Addition*** – Sanitary Sewer (SS1508), Street (ST1508), and Water (WA1508); ***Grand Luxe Addition*** – Sanitary Sewer (SS1408), Street (ST1407), and Water (WA1407); ***Grand Mere Parkway, Phase 1*** – Street (ST1411); ***The Highlands at Grand Mere, Unit One and Prairie Village at the Highlands, Unit One*** – Sanitary Sewer (SS1714); ***Interlachen Addition*** – Sanitary Sewer (SS1318), Street (ST1325), and Water (WA1321); ***Interlachen Villas Addition, Unit 1*** – Sanitary Sewer (SS1318), Street (ST1325), and Water (WA1321); ***Lee Mill Heights Addition, Unit Nine*** – Sanitary Sewer (SS1412), Street (ST1412), and Water (WA1410); ***Lot 2, Downtown Entertainment District, Unit Three*** – Street (ST1318); ***Merion Addition*** – Sanitary Sewer (SS1414), Street (ST1417), and Water (WA1412); ***Muirfield Addition*** – Sanitary Sewer Phase 1 (SS1417); ***Scenic Meadows Addition, Unit 3, Phase 3*** – Street (ST1421); ***Stone Valley Addition, Unit 2*** – Sanitary Sewer (SS1413), Street (ST1413), and Water (WA1411); and ***Turnberry Addition*** – Sanitary Sewer (SS1416), Street (ST1419), and Water (WA1414).

FIRST READING – AMEND – NO PARKING AT ANYTIME

The Commission approved first reading of an ordinance amending Section 31-54 of the Code of Ordinances to include additional “No Parking At Anytime” at the locations for Flint Hills aTa bus stop locations.

LICENSE AGREEMENT – FLINT HILLS AREA TRANSPORTATION AGENCY – PLACEMENT OF BUS STOP AMENITIES

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute a license agreement with Flint Hills Area Transportation Agency for the placement of bus stop amenities in the City’s right-of-way.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 020618-A – FLINT HILLS DISCOVERY CENTER RATES

The Commission approved Resolution No. 020618-A setting new membership packages and rates and continuing existing program fees, general admission daily fees, facility rental fees and special event package fees for the Flint Hills Discovery Center.

AGREEMENT - PROFESSIONAL SERVICES - SANITARY SEWER COLLECTION SYSTEM MAINTENANCE AND MANAGEMENT ASSESSMENT PROJECT (SS1705, CIP #WW163P)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Engineering Services with HDR Engineering, Inc., of Lee's Summit, Missouri, in an amount not to exceed \$89,695.00, for the Sanitary Sewer Collection System Maintenance and Management Assessment Project (SS1705, CIP #WW163P).

AGREEMENT - PROFESSIONAL SERVICES - SAFE ROUTES TO SCHOOL, PHASE IIB (ST1802) PROJECT

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Engineering Services, in an amount not to exceed \$96,015.00, with Alfred Benesch and Company, of Manhattan, Kansas, for the Safe Routes to School, Phase IIB (ST1802) Project.

AGREEMENT - PROFESSIONAL SERVICES - CAMPUS CREEK REINFORCED CONCRETE BOX PROJECT (SM1802, CIP #SW084P)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Engineering Services, in an amount of \$44,856.00, with Bartlett & West, Inc., of Manhattan, Kansas, for the Campus Creek Reinforced Concrete Box project (SM1802, CIP #SW084P).

AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 2015 MEADOWMERE COURT

The Commission accepted the bids for 2015 Meadowmere Court; awarded a contract to Ben Kitchens Painting Co., Inc., of Junction City, Kansas, in the amount of \$13,320.00; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owner for expenditure of Community Development Block Grant (CDBG) Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

CONSENT AGENDA (CONTINUED)

AGREEMENT – CERTIFIED LOCAL GOVERNMENT RENEWAL

The Commission authorized the Mayor and City Clerk to execute an Agreement with the State Historic Preservation Office, to continue Manhattan's status as a Certified Local Government under K.S.A. 75-2724.

SUPPLEMENTAL INTERLOCAL AGREEMENT – BLUE TOWNSHIP SEWER DISTRICT

The Commission approved and authorized the Mayor and City Clerk to execute a Supplemental Interlocal Agreement to the Blue Township Sewer Interlocal Agreement between the City of Manhattan and the Blue Township Sewer Benefit District.

* INTERLOCAL AGREEMENT – FOOD AND FARM COUNCIL

Mayor Morse announced that this item was removed from the Consent Agenda at the request of Administration.

PAYMENT - ANNUAL MEMBERSHIP - KANSAS RIVER WATER ASSURANCE DISTRICT NO. 1

The Commission authorized the payment of the 2018 annual membership assessment in the amount of \$35,576.00 to the Kansas River Water Assurance District No. 1.

BOARD APPOINTMENT – AIRPORT ADVISORY BOARD

The Commission approved the appointment of Bob Shannon, 2869 Bentwood Drive, to fill the unexpired term of Christine Benne. Mr. Shannon's term begins immediately and will expire June 26, 2018.

OUTSIDE CITY SEWER AGREEMENT – 1300 ADY DRIVE (BEZDEK)

The Commission authorized the Mayor and City Clerk to execute an agreement with Bruce William Bezdek and Regina Loraene Bezdek, for an outside city limits sanitary sewer service connection for the property located at 1300 Ady Drive, Riley County, Kansas.

Mayor Morse opened the public comments.

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

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

GENERAL AGENDA

FIRST READING - AMEND FINAL DEVELOPMENT PLAN - LOT 3, DOWNTOWN ENTERTAINMENT DISTRICT PLANNED UNIT DEVELOPMENT (SIGNAGE PLAN)

Chad Bunger, Assistant Director of Community Development, provided an overview of the item. He highlighted the original site plan and the proposed sign plan for the facades of the building. He then responded to questions from the Commission regarding the proposed signage plan and sign locations.

Mayor Morse opened the public comments.

Gwyn Riffel, 1109 Hylton Heights Road, owner of building, provided additional information on the item and the request to accommodate the needs of the tenants. He thanked the Commission for their consideration.

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

After discussion and comments from the Commission, Commissioner Reddi moved to approve first reading of an ordinance amending Ordinance Nos. 6804, 6936 and 7053 and the Final Development Plan of Lot 3, Downtown Entertainment District Planned Unit Development, generally located northeast of the intersection of Fort Riley Boulevard and S. 3rd Street, based on the findings in the Staff Report (*See Attachment No. 1*) with two conditions of approval, and the recommendation of the Manhattan Urban Area Planning Board Planning Board. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - AMEND FINAL DEVELOPMENT PLAN - INTERLACHEN VILLAS PUD

Chad Bunger, Assistant Director of Community Development, presented an overview of the item. He highlighted the Interlachen Villas Planned Unit Development and proposed amendment to the Final Development Plan. He presented information on the drainage plan, the circulation and parking plan, the open space and common area, and responded to questions from the Commission regarding lot size and setbacks.

TJ Vilkanskas, 3417 Vanesta Drive, Developer, provided background information on the proposed development and explained the challenges with the site. He provided additional information on the proposed development, lot sizes, number of units, and responsibilities of the homeowners association. He responded to questions from the Commission regarding lot width, drainage and snow removal, greenspace, common areas, and clarified the responsibilities of the homeowners association.

Mayor Morse opened the public comments.

GENERAL AGENDA (*CONTINUED*)

FIRST READING – AMEND FINAL DEVELOPMENT PLAN - INTERLACHEN VILLAS PUD (*CONTINUED*)

Hearing no comments, Mayor Morse closed the public comments.

After discussion and comments from the Commission, Commissioner Dodson moved to approve first reading of an ordinance amending Ordinance No. 7219 and the Final Development Plan of the Interlachen Villas Residential Planned Unit Development, generally located on the west side of Vanesta Drive, along both sides of Colbert Hills Drive, as far west as Palmer Circle and Fieldhouse Circle, based on the findings in the Staff Report (*See Attachment No. 2*) with 10 conditions of approval, and the recommendation of the Manhattan Urban Area Planning Board Planning Board. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

AGGIEVILLE INFRASTRUCTURE ANALYSIS REPORT (SP1703)

Mark Bachamp, Olsson Associates, presented an overview of the infrastructure analysis. He highlighted and reviewed the sanitary sewer, storm sewer and water analysis for Aggieville.

Ron Fehr, City Manager, and Rob Ott, Director of Public Works, provided additional information on the infrastructure analysis and responded to questions.

Mark Bachamp, Olsson Associates, provided additional information on the infrastructure analysis and responded to questions from the Commission.

Andrew Vidor, Walker Parking Consultants, provided information on the existing parking supply in Aggieville. He highlighted a map of the public parking available in Aggieville, parking utilization, and growth scenarios incorporating the number of structured parking spaces needed for low growth, medium growth, and high growth. He stated that the low growth scenario would require 800 off-street parking spaces, the medium growth scenario would require 1,200 off-street parking spaces, and the high growth scenario would require 1,500 off-street parking spaces. He provided examples of ground floor retail and parking structures as well as estimates for costs of construction of parking spaces for the low, medium and high growth scenarios. He responded to questions regarding transportation network companies and discussed parking management options including doing nothing, setting time limits and enforcement, providing paid parking, and establishing permit zones. He highlighted potential future approaches to expand the residential parking permit program and employee parking permit program. He also identified several options for funding such as tax increment financing, public/private partnerships, private lease agreements, parking assessment districts/business improvement districts, and in-lieu of fees.

GENERAL AGENDA (CONTINUED)

AGGIEVILLE INFRASTRUCTURE ANALYSIS REPORT (SP1703) (CONTINUED)

After comments from the Commission, Andrew Vidor, Walker Parking Consultants, responded to questions from the Commission regarding parking spaces available on Moro Street, transportation network companies and the potential to incorporate restricted transfer areas in Aggieville, and discussed parking fee options to consider.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission regarding parking garage levels and the number of parking areas and parking stalls owned by the City in Aggieville.

Andrew Vidor, Walker Parking Consultants, responded to additional questions from the Commission regarding parking in City Park and those that park in Aggieville with a destination to Kansas State University. He stated there has not been a study completed on peer cities and parking rates as part of this analysis.

Mark Bachamp, Olsson Associates, informed the Commission that they have heard a lot from the steering committee and there is a need for parking turnover for parking availability for the restaurants. He encouraged the Commission to implement a parking management plan to help the immediate needs of Aggieville and to ensure an effective utilization of the parking supply.

Mayor Morse opened the public comments.

Stacy Weaver, 1125 Laramie Street, informed the Commission that parking behaviors directly impacts her business. She stated that she has a private parking lot, but continues to have issues with parking violators and has experienced broken beer bottles in her parking lot. She voiced concerns that private parking and loitering are not being enforced by the Riley County Police Department. She stated the need for a cost analysis on parking, determine how to pay for parking structures, and consider charging for parking and fines similar to what Kansas State University is already doing.

Jason Hilgers, Deputy City Manager, provided additional information on enforcement and appropriate signage required for private lots in order for vehicles to be towed at the discretion of the Riley County Police Department officer.

Eddie Olson, Aggieville business owner, informed the Commission that he knew the Commissioners would do the right thing and stated that whatever they did, it would be topnotch.

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

GENERAL AGENDA (CONTINUED)

AGGIEVILLE INFRASTRUCTURE ANALYSIS REPORT (SP1703) (CONTINUED)

Commissioner Reddi requested that the City look at comparable-sized university communities to find out what they charge for parking, and if they have parking garages and what they charge. She stated the City should not make paid parking too expensive and wanted to be cautious when discussing parking fees. She also wanted to know how much has Uber ridership increased in the past two to three years in and around Aggieville.

Commissioner McKee stated that he wanted to see more detail on the potential to close Moro Street at different times of the day and to evaluate impacts on the parking system. He wanted to find out what is driving the parking demand in Aggieville and to determine if it is patrons of Aggieville or Kansas State University.

Commissioner Butler stated that the parking management plan is step one and that an expensive parking garage is not going to appear tomorrow. He said a parking enforcement plan in Aggieville could be implemented in a few months and wanted parking fines in Aggieville to be evaluated and in alignment with Kansas State University.

Commissioner Dodson agreed with comments made from fellow Commissioners. He asked that a comprehensive approach be taken that would consider Aggieville, the residential neighborhoods, and Kansas State University parking fees and availability.

Mayor Morse voiced agreement that a comprehensive plan is needed. She stated that she was receptive to get started on the parking management plan in Aggieville in order to ease some of the issues being experienced currently. She also wanted to pursue more information on Kansas State University parking and impacts to parking availability in Aggieville.

Jason Hilgers, Deputy City Manager, provided additional information on the infrastructure analysis by Olsson Associates.

Jackie Hartman, Steering Committee Member, Chief of Staff and Director of Community Relations, Kansas State University, informed the Commission that Kansas State University could provide a survey for students regarding parking. She stated that parking issues are only going to get worse and provided information on the K-State master plan arts corridor scheduled to be built in the future.

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

At 9:30 p.m., the Commission took a brief recess.

GENERAL AGENDA (CONTINUED)

REAL ESTATE CONTRACT - TRANSFER OF CITY PARKING LOT LOCATED AT 12TH STREET AND BLUEMONT AVENUE

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted the history of the 12th Street and Bluemont Avenue property, outlined the proposal from the Johnson Company, presented a map of the subject site, discussed the studies that have been completed and adopted related to Aggieville, and presented the evaluation of the City parking lot from the Simmons Company. He highlighted considerations when issuing Industrial Revenue Bonds (IRBs) and recent projects using IRB's by the City for sales tax exemption. He then responded to questions from the Commission regarding issuing IRB's for the hotel construction and sales tax exemption.

After comments and questions from the Commission, Jason Hilgers, Deputy City Manager, responded to questions and provided information on the financial impacts of the project. He stated this potential project is a catalyst needed to provide stability and start an upward trend to Tax Increment Finance (TIF) revenues for public infrastructure. He said the future of Aggieville is to consolidate parking with structures and highlighted the need for streetscape, landscape, lighting, greenspace, pedestrian and vehicle improvements, and alleyways. He highlighted the growth and value experienced by Aggieville as well as property valuation projections utilizing TIF. He identified the pros and cons of the proposal and outlined the decision for the Commission to consider if the City decides to sell the property. He then responded to questions from the Commission.

Ron Fehr, City Manager, and Jason Hilgers, Deputy City Manager, responded to questions from the Commission regarding the sale of the property, future contingencies and conditions of the contract.

Commissioner McKee voiced concerns with the City's Industrial Revenue Bond (IRB) policy for this particular proposal as well as ethical and competitive considerations. He asked about doing a request for proposal process for this property.

Jason Hilgers, Deputy City Manager, responded to questions regarding the City's IRB policy and addressed the advantages of the proposal being considered at this time versus doing a request for proposal process.

Eric Gonsler, Vice President of Brokerage and Development, representing The Johnson Company, informed the Commission that The Johnson Company has partnered with the McNeill Hotel Company with a concept to build a hotel and parking garage on their lot and the adjacent City parking lot. He stated they currently have a building permit for the southwest property at the intersection of 12th Street and Bluemont Avenue to build a 7,500 sq. ft. facility for commercial and retail tenants. He informed the Commission that as they learned more about Manhattan and Aggieville, they saw an opportunity to take a pause and

GENERAL AGENDA (CONTINUED)

REAL ESTATE CONTRACT - TRANSFER OF CITY PARKING LOT LOCATED AT 12TH STREET AND BLUEMONT AVENUE (CONTINUED)

be part of the solution. He stated they have done their due diligence and the need for a newer and upscale product in the community. He provided additional information on their proposal and stated that they are happy to follow the lead of the Commission and are trying to be good stewards of the community.

Mayor Morse opened the public comments.

Linda Mays, Executive Director, Aggieville Business Association (ABA), and Ryan Bramhall, President, Aggieville Business Association, informed the Commission that the ABA supports the proposal City staff has presented. Mays stated that she polled the Aggieville District and 89 out of the 93 businesses are in support of the proposal. She stated that one of the biggest issues that the business owners have in Aggieville is parking and have discussed a plan if the 42 parking stalls are lost. She asked the Commission to look at the big picture of Aggieville as a whole and the need for improvements to be made.

Jeremy Dietz, General Manager, Tanner's Bar & Grill, 1200 Moro Street, informed the Commission that he was in favor of this project and that parking needs to be addressed.

Stacy Weaver, 1125 Laramie Street, stated that she was for the project. She said that she understood concerns expressed by the Commission regarding the IRB policy; however, she stated that policy changes are part of growth and asked the Commission to understand how pressing this project is to Aggieville.

Gary Stith, 2517 Meadowood Drive, speaking on behalf of himself, informed the Commission that he has 43 years of experience in planning and 25 of those years, in redevelopment. He said the potential of this parking lot is limited without adjacent land and that if the Commission does not approve this project, then the 42 stall parking space will likely continue as 42 parking spots. He stated the Aggieville Community Vision Plan promotes this type of high-density development. He asked the Commission to package this together to make it work and to approve the project.

Andy Suber, Excel Group, ownership of the Bluemont Hotel, talked about competition and stated they are not afraid of competition. He informed the Commission that the market does not bear an additional hotel at this time and that everyone only wants what is best for Aggieville. He voiced concerns with the City's IRB policy and criteria for evaluating IRB applicants and stated there is not a need for the City to incentivize this project. He asked the Commission to not make a decision based on fear and to table this proposal and give them six months to come back before the Commission with a proposal.

GENERAL AGENDA (CONTINUED)

REAL ESTATE CONTRACT - TRANSFER OF CITY PARKING LOT LOCATED AT 12TH STREET AND BLUEMONT AVENUE (CONTINUED)

Eric Gonsler, Vice President of Brokerage and Development, representing The Johnson Company, informed the Commission that he is willing to re-examine with the Company and consider doing the project without IRB's as an option, but did not know what the outcome would be. He stated if the Commission votes no on the proposal, they would plan to proceed with their initial building plans.

Rich Jankovich, 2021 Somerset Square, provided additional information on the use of IRB's and clarification on the City's policy and considerations in issuing IRB's. He reiterated that the proposal in front of the Commission is a real estate contract. He stated the request for use of IRB's does not include property tax loss or property tax abatement. He provided additional information on the incremental revenues that would be generated from the use of Tax Increment Financing.

Jason Grantham, representing the Bluemont Hotel, informed the Commission that the developer is starting to rethink the contingencies of the agreement and stated this is a great opportunity for the City to re-look at stipulations in the sales price. He stated that maybe the best thing for the city has not been negotiated and the Commission could vote on IRB's later. He also voiced concern with the provision of good faith comment for shared parking in the proposed agreement.

Jason Hilgers, Deputy City Manager, and Katie Jackson, City Attorney, responded to questions from the Commission regarding contingencies in the real estate contract

Gwyn Riffel, 1109 Hylton Heights Road, informed the Commission that this is a unique opportunity to benefit the Aggieville District and the city. He stated that City staff and leadership have put a lot of energy to come up with what is in the best interest of Aggieville. He said this is a project that will be a catalyst and encouraged the Commission to look at the City staff recommendation and support from the Aggieville Business Association.

David Sauter, owner of several businesses in Aggieville, informed the Commission that he hoped this proposal would be allowed to go forward. He stated this is a high quality and attractive concept and would help the Aggieville District be as beautiful as Downtown.

Colin Noble, 1641 Anderson Avenue, owner of the Holiday Inn at the Campus, Holiday Inn Express and Candlewood Suites, expressed concerns with adding another hotel in Manhattan. He stated the occupancy rate is 58 percent in Manhattan compared to 66 percent in the nation. He said that Manhattan has a very fragile market and to bring in another hotel just does not make any sense. He asked the Commission to put the project in the freezer for six months and come up with a better proposal. If a better proposal is not provided, then allow the Johnson Company to go ahead without the use of IRB's.

GENERAL AGENDA (CONTINUED)

REAL ESTATE CONTRACT - TRANSFER OF CITY PARKING LOT LOCATED AT 12TH STREET AND BLUEMONT AVENUE (CONTINUED)

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

Jason Hilgers, Deputy City Manager, responded to questions from the Commission regarding the IRB's contingency.

Bernie Hayen, Director of Finance, responded to questions from the Commission and provided information on sales tax revenues collected.

Jason Hilgers, Deputy City Manager, responded to additional questions from the Commission and provided an overview of the South End Redevelopment area and request for proposal process.

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

Katie Jackson, City Attorney, responded to questions and provided additional clarification on the real estate contract and contingencies related to the IRB's.

Commissioner Dodson provided comments regarding the proposal and considerations regarding the real estate contract. He stated that he was prepared to approve the real estate contract because the proposal is in the best long-term interests of the city. He said this project helps start the vision for Aggieville and provides a nice anchor to get additional activity started.

Commissioner Reddi discussed the policy on IRB's and voiced concern in the amount of money the State of Kansas has lost due to sales tax exemptions. She stated she was pleased the developer is considering coming back with a proposal without using IRB's and wanted additional information regarding the considerations for parking.

Mayor Morse voiced concerns with selling the parking lot. She stated that she did not believe that \$800,000.00 was the best price the City could get or is in the best interest of the community. She stated that she did not support issuing IRB's for this project; however, she would be in support of a request for proposal process.

Commissioner Butler stated that he wanted to craft a motion that meets the requirements that the City of Manhattan within 30 days renegotiate the contract of sale in the amount of \$800,000.00 with The Johnson Company for the property at the 1200 block of Bluemont Avenue for the purpose of eliminating the IRB contingency and to clarify the possible public use of parking stalls. He said this action would delay the item for 30 days and stated they

GENERAL AGENDA (CONTINUED)

REAL ESTATE CONTRACT - TRANSFER OF CITY PARKING LOT LOCATED AT 12TH STREET AND BLUEMONT AVENUE (CONTINUED)

will need to talk with their (The Johnson Company) folks anyway and if anybody out there has a more brilliant idea they have 30 days to bring it to the Commission. He stated this would address the concerns expressed and maintain the momentum of the project. He asked if this would be a legal motion.

Katie Jackson, City Attorney, provided clarification on the potential motion and recommending tabling the item with a time period and direction.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission regarding the provision for shared short-term parking and provided clarification on the item.

Commissioner McKee stated that his reservation on the proposal has nothing to do with the project itself, but voiced concern in issuing IRB's based on the City's policy. He stated that he was comfortable selling the land, but did not want to provide a tax incentive to this developer that other competitors in our community did not have an opportunity to receive.

After additional discussion and comments from the Commission, Commissioner Butler moved to table the real estate contract in the amount of \$800,000.00 with The Johnson Company, of Kansas City, Missouri, for the purchase of the City property in the 1200 block of Bluemont Avenue for a 30 day period for the purpose of eliminating the IRB contingency and clarifying the public use of parking. Commissioner Dodson seconded the motion.

Katie Jackson, City Attorney, and Ron Fehr, City Manager, provided clarification on the motion and stated that the 30 day period would not fall on a City Commission meeting date.

After clarification and additional comments, Commissioner Butler revised his motion to table the real estate contract in the amount of \$800,000.00 with The Johnson Company, of Kansas City, Missouri, for the purchase of the City property in the 1200 block of Bluemont Avenue until the first legislative meeting in March for the purpose of eliminating the IRB contingency and clarifying the public use of parking. Commissioner Dodson seconded the motion.

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

ACCEPT TRANSFER - VMI TRACT FROM KANSAS DEPARTMENT OF TRANSPORTATION

Rob Ott, Director of Public Works, presented an overview of the item. He highlighted a map showing the tract of land offered by the Kansas Department of Transportation (KDOT), discussed lack of current vehicle access to the site, and explained Public Works uses for the tract of land.

GENERAL AGENDA (CONTINUED)

ACCEPT TRANSFER - VMI TRACT FROM KANSAS DEPARTMENT OF TRANSPORTATION (CONTINUED)

Wyatt Thompson, Assistant Director for Parks and Recreation, discussed the potential uses for the tract of land by the Parks and Recreation Department. He highlighted a map of the subject site, highlighted potential uses and discussed possible access points for vehicles.

Rob Ott, Director of Public Works, stated that KDOT is offering the land for free but it does have associated costs. He then responded to questions from the Commission regarding access and potential agricultural uses.

Mayor Morse opened the public comments.

Russel Wilson, 5124 Shadowridge Drive, informed the Commission that there are many young families and children riding their bicycles and playing in the area. He stated that providing automobile access through Bramblewood would be a mistake and put kids at risk.

Angela and Richard Britt, owner, Britt's Farm, stated that the State of Kansas has owned this land for many years and has a huge noxious weed issue on the property. He said if the City acquires the land it will take a lot of herbicides and time to resolve the issue. They provided history on the land and stated that Britt's has farmed this land in the past and would like to acquire it again and have made an offer to KDOT. He then responded to questions from the Commission regarding noxious weeds and stated there are structures and two silos on the property in disrepair.

Derek Clements, 4801 Plumthicket Drive, stated that additional vehicular traffic in the neighborhood is a concern. He informed the Commission that they were concerned issuing industrial revenue bonds earlier and in this situation, there is a buyer that wants to purchase the land and generate local revenue

Caitlin Reddy, 901 Bramblewood Lane, stated that her main concern is vehicular access to the site. She informed the Commission that they purchased their home last June due to location, privacy and safety. She stated the vehicle entrance as proposed is unrealistic, would devastate their property value, and said that the neighborhood is not suited for thru traffic.

Mark Emond, 5204 Fossilridge Court, informed the Commission that his neighborhood consists of about 100 different houses with families. He said that he enjoys the neighborhood and his daughter is able to ride her bicycle in the neighborhood. He asked the Commission to visit their neighborhood and stated that additional traffic is a primary concern. He suggested purchasing one lot to provide a smaller access for walking and biking trails and to provide connectivity to other trails.

GENERAL AGENDA (CONTINUED)

ACCEPT TRANSFER - VMI TRACT FROM KANSAS DEPARTMENT OF TRANSPORTATION (CONTINUED)

Keith Zachariasen, 5101 Bramblewood Drive, stated that he moved into his home in February 2011. He voiced concern with extra cars going into and out of the proposed park area and requested not to improve this area for vehicle access.

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

Rob Ott, Director of Public Works, responded to questions from the Commission about accessing the KDOT site and existing structures on the site that would need to be demolished.

Eddie Eastes, Director of Parks and Recreation, provided a historical perspective on this tract of land and stated that there will be some challenges to develop this area as parkland. He stated that the opportunity for pedestrian links this property provides to Warner Park and to the Park at Lee Mill is substantial. He then responded to questions from the Commission regarding associated costs to take care of the noxious weed problem.

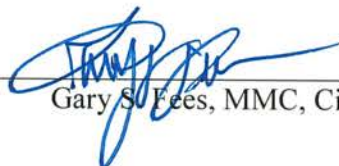
Richard Britt, Britt's Farm, provided additional information on the noxious weeds. He stated they have worked with the City on sewer and water lines in the past and would work with the City in the future in the event they did acquire the property. He informed the Commission that they have made an offer to KDOT to purchase this parcel of land; however, he said the state has no obligation to sell them the land.

Wyatt Thompson, Assistant Director for Parks and Recreation, provided additional information on the pedestrian easement and importance of trail connectivity.

After additional discussion and comments from the Commission, Commissioner Butler moved to accept the land donation of the VMI Tract (*See Attachment No. 3*), located on the north side of Highway K-18, immediately east of the Scenic Meadows subdivision, for public use from the Kansas Department of Transportation, and authorize City Administration to complete the land transfer. Commissioner McKee seconded the motion. On a roll call vote, motion failed 3-2, with Commissioners McKee, Dodson and Reddi voting against the motion.

ADJOURNMENT

At 12:59 p.m., the Commission adjourned.



Gary S Fees, MMC, City Clerk

STAFF REPORT

AN AMENDMENT OF ORDINANCE NO. 6804, 6936, and 7053, AND THE APPROVED FINAL DEVELOPMENT PLAN OF LOT 3, DOWNTOWN ENTERTAINMENT DISTRICT PLANNED UNIT DEVELOPMENT.

REQUEST: This is a request to amend Ordinance Nos. 6804, 6936, and 7053, and the Final Development Plan of Lot 3, Downtown Entertainment District Planned Unit Development. No changes to the uses or buildings are proposed. The only proposed change is increased signage on the Blue Earth Place building.

BACKGROUND

APPLICANT: Clint Hibbs, AIA – BG Consultants, Inc.

ADDRESS: 4806 Vue Du Lac Place

OWNER: GJL Real Estate Limited Partnership

ADDRESS: 227 Blue Earth Place

LOCATION: Downtown Entertainment District #3, Lot 3

AREA: 0.47 acres, 20,473.2 square feet

DATE OF PUBLIC NOTICE PUBLICATION: Thursday, December 14, 2017

DATE OF PUBLIC HEARING: PLANNING BOARD: Thursday, January 18, 2018

CITY COMMISSION: Tuesday, February 6, 2018

EXISTING PUD

EXISTING PUD AFFECTING LOT 3

Ordinance: 6804, 6936, and 7053

Current Zoning and Project History

Lot 3 is zoned PUD, Commercial Planned Unit Development District.

Ordinance No. 6804.

All provisions of Ordinance No. 6804, which established zoning of the Downtown Entertainment District PUD on December 15, 2009, and which were not in conflict with the amendment of Lot 9, remained in force. The conditions of approval of Ordinance No. 6804 include:

1. Permitted uses shall include all of the Permitted Uses of the C-4, Central Business District, City Park, Museum, Conference Center, and Parking Garage.
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. Except that, if the City is also the owner of the property, landscaping, and irrigation shall be provided in compliance with the process established by the governing body to develop the property.
3. All landscaping and irrigation shall be maintained in good condition.
4. Signage 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.
5. Signage for Lot 5 and Lot 6 shall conform to the requirements of the C-4, Central Business District, of the Manhattan Zoning Regulations.
6. The hotel's canopy, which extends over South 3rd Street right-of-way, shall be permitted subject to the Uniform Building Code, as adopted by the City of Manhattan.
7. A dense hedge row shall be planted at a minimum height of 30-inches at the time of planting along the hotel's South 4th Street and Colorado Street parking lot frontages.
8. Provide landscape trees and vegetated screen along Fort Riley Boulevard on the south side of the parking garage.

PUD AMENDMENT AND PROPOSED IMPROVEMENTS ON LOT 3

Proposed Buildings, Structures, and Phasing

Phasing: No new buildings, structures or phasing is proposed as part of this PUD Amendment. The site features one three-story mixed use building which currently seven businesses in the first two floors as well as seven apartments on the top two floors. Other than the proposed signage, this building is not proposed to change.

Attachment No. 1

Proposed Signs: The primary intent of the proposed sign plan is to create greater flexibility in adding tenant signs to the building while still maintaining a level of control. The current approved sign plan prescribes specific locations and sizes for tenant signs, which range from thirty-five (35) square feet to fifty (50) square feet. The applicants wish to better serve the tenants of the building who desire visible signage for their businesses.

According to the application, the Blue Earth Place mixed-use building was originally designed to be a “landmark” building, which would be self-identifiable and require limited signage. However, in practice, tenants have desired their own signage to identify their business on the building. The current sign plan limits this in terms of total sign area allowed and the areas on the building permitted to have signs. According to the application, the proposed amendment is intended to “create a clearly defined area within which signs may be located on building facades”, while still limiting the total square footage of signs on each façade. This creates more flexibility for the property owner and the tenants in terms of adding signage for their business. The amendment also develops signage standards that are generally compatible with the downtown C-4 sign regulations.

The proposed sign plan identifies “placement areas” on each façade of the building. These are the areas on the building facades where signs can be placed. However, the total square footage of signs on each façade cannot exceed 10% of the total area of that façade. However, this does not include the two building name signs and the directory sign. The maximum sign area per façade in the C-4 District is 20%.

The following outlines the proposed sign plan:

North façade:

1. Total façade area – 8,875 square feet
2. Total permitted placement area – 862 square feet
3. Total allowable signage area – 862 square feet (approximately 10% of total façade area)

South façade:

1. Total façade area – 8,875 square feet
2. Total permitted placement area – 1,483 square feet
3. Total allowable signage area – 887.5 square feet (10% of total façade area)

West façade:

1. Total façade area – 5,175 square feet
2. Total permitted placement area – 616 square feet
3. Total allowable signage area – 517.5 square feet (10% of total façade area)

East façade:

1. Total façade area – 5,175 square feet
2. Total permitted placement area – 506 square feet
3. Total allowable signage area – 506 square feet (approximately 10% of total façade area)

The applicants are also proposing a set of regulations for the proposed sign plan. The plan would allow the following types of signs: awning, canopy, and marquee signs; electronic changeable copy signs, manual changeable copy signs, projecting signs, wall signs, sidewalk signs, temporary signs, and window signs. Electronic changeable copy signs are not permitted to be more than sixteen (16) square feet in area. Window signs cannot exceed twenty-five (25) percent of the window area to which they are attached. The projecting signs are permitted at the northwest and southeast corners of the building and are to be part of the facades it is attached to for calculation of the total permitted sign area. The directory sign cannot exceed 125 square feet. The building name signs cannot exceed forty-five (45) square feet. No individual sign can exceed 200 square feet. No sign can project above the building façade to which it is attached. Permanent signs may be internally or externally illuminated. Temporary signs may be externally illuminated.

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 2012.

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 effectively communicate which businesses are located in the Blue Earth Place mixed-use building as well as to provide more flexibility for the property owner and any current and future tenants to install signs for their business while still maintaining a level of control. The proposed sign plan is generally consistent with C-4 sign regulations, which govern most of the Downtown Manhattan area. The maximum sign area for each façade is ten percent (10%) of the total façade area.

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 create a more effective and flexible sign plan, which would ideally eliminate the need for any future PUD amendments.

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.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: The existing landscaping, which was approved as part of the Downtown Entertainment District Planned Unit Development is not proposed to change as part of this amendment. The originally approved landscape plan consisted of a deciduous street trees and small shrubs planted around the perimeter of the building.

2. SCREENING: Screening is not proposed to change as part of this amendment. The dumpster enclosure on the southeast corner of the building is adequately screened by a masonry wall.

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 2012. This proposed PUD Amendment will not change the circulation patterns within or around the site.

Attachment No. 1

Public Access. The site is currently accessed primarily from 3rd Street, which runs along the west side of the building. Blue Earth Place, a private street that intersects with 3rd Street, runs along the north side of the building. The south and east sides of the building are surrounded by Lot 9 of the Downtown Entertainment District PUD, which is a parking lot intended to serve the customers, residents, and employees of the Blue Earth Place building.

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

Off-Street Parking. The parking lot on Lot 9 contains seventy (70) parking spaces, which are intended to serve the subject property. The proposed amendment is not likely to have any impact on parking.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: The site is almost entirely covered by either the Blue Earth Place mixed-use building or the drive-through lane that serves Radina's Bakehouse, or the sidewalks that surround the south, west, and north sides of the building. The north side of the building features two patio areas for outdoor dining.

6. CHARACTER OF THE NEIGHBORHOOD: The character of the neighborhood is an urban mixed-use district, which includes mixed-use buildings, hotels, a conference center, a park, and the Flint Hills Discovery Center. The applicants held the required neighborhood meeting on November 14, 2017. However, no one besides the applicants attended.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Mixed-use building with restaurant, retail, services, and residential uses.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The property is completely built upon as permitted according to the Final Development Plan for Lot 3 of the approved Planned Unit Development.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** A portion of the Downtown Entertainment District Planned Unit Development consisting of a small park as well as a Candlewood Suites Hotel.

(b.) **SOUTH:** Lot 9 of the Downtown Entertainment District PUD containing a surface parking lot intended to serve the parking demands of the subject property.

Attachment No. 1

- (c.) **EAST:** Lot 9 of the Downtown Entertainment District PUD containing a surface parking lot intended to serve the parking demands of the subject property.
- (d.) **WEST:** 3rd Street ROW and a portion of the Downtown Entertainment District Planned Unit Development consisting of the Hilton Garden Inn Hotel and Conference Center as well as a public parking garage containing a real estate office on the first floor.

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 proposed sign plan 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.

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:

November 6, 2009: Manhattan Urban Area Planning Board conducts the public hearing on the proposed Downtown Entertainment District from C-4, Central Business District; C-5, Highway Service Commercial District with RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District, with eight conditions of approval. The Planning Board recommended approval of the rezoning on a vote of 7-0. In a separate action, the Planning Board approved the Final Plat of the Downtown Entertainment District Addition on a vote of 7-0.

Attachment No. 1

- December 1, 2009 City Commission approves first reading of an ordinance rezoning the proposed Downtown Entertainment District from C-4, Central Business District; C-5, Highway Service Commercial District with RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District.
- December 15, 2009 City Commission approves Ordinance No. 6804 rezoning the proposed Downtown Entertainment District from C-4, Central Business District; C-5, Highway Service Commercial District with RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District; and accepts the easements and rights-of-way as shown on the Final Plat of the Downtown Entertainment District Addition.
- January 20, 2010 Manhattan Urban Area Planning Board approves the Final Development Plan for Lots 1-4 of the Downtown Entertainment District Commercial PUD on a vote of 4-0.
- February 18, 2010 Manhattan Urban Area Planning Board sets aside the Final Plat approved on November 6, 2009, and approves the revised Final Plat of the Downtown Entertainment District Addition.
- February 23, 2010 City Commission accepts the rights-of-ways and easements of the Downtown Entertainment District Addition.
- September 20, 2010 Manhattan Urban Area Planning Board approves the Final Development Plan for proposed Lot 2, in the Downtown Entertainment District Addition, Commercial PUD, on a vote of 7-0, and approves the Final Plat of Lots 1-3, Downtown Entertainment District Addition, Unit Two, Commercial PUD, on a vote of 7-0.
- October 5, 2010 City Commission accepts the rights-of-ways and easements of the Downtown Entertainment District Addition, Unit Two, Commercial PUD.
- January 5, 2012 Manhattan Urban Area Planning Board recommends approval, on a vote of 3-1, of an amendment of the approved Preliminary Development Plan of Lot 9, Downtown Entertainment District Commercial PUD and Ordinance No. 6804 for Proposed Lots 1-6, the Final Development Plan for Proposed Lots 1 and 4, and to deny adding Drive-In Restaurants as a Permitted Use in the PUD.

Attachment No. 1

- January 24, 2012 City Commission overrides the Manhattan Urban Area Planning Board and approves first reading of an ordinance amending the Preliminary Development Plan of Lot 9, Downtown Entertainment District Commercial PUD and Ordinance No. 6804, for Proposed Lots 1-6, the Final Development Plan for proposed Lots 1 and 4, and adds Drive-In Restaurants as a Permitted Use in the PUD.
- February 7, 2012 City Commission overrides the Manhattan Urban Area Planning Board and approves Ordinance No. 6936 amending the Preliminary Development Plan of Lot 9, Downtown Entertainment District Commercial PUD and Ordinance No. 6804, and approves the Final Development Plan for proposed Lots 1 and 4, and adds Drive-In Restaurants as a Permitted Use in the PUD.
- February 7, 2012 City Commission accepts the easement and rights-of-way as shown on the Final Plat of Downtown Entertainment District Addition, Unit Three, Commercial Planned Unit Development.
- May 7, 2012 Manhattan Urban Area Planning Board recommends approval, on a vote of 7-0, of proposed amendments of Ordinance No. 6804 and the Final Development Plan of Lot 4 for modifications to the existing Hilton Garden Inn's off-street parking lot including reduction of the number of off-street parking spaces and landscape plan and the addition of a proposed four-story mixed use building.
- June 5, 2012 City Commission approves first reading of an ordinance amending Ordinance No. 6804 and the Final Development Plan of Lot 4 for modifications to the existing Hilton Garden Inn's off-street parking lot including reduction of the number of off-street parking spaces and landscape plan and the addition of a proposed four-story mixed use building.
- June 19, 2012 City Commission approves Ordinance No. 6951 amending Ordinance No. 6804 and the Final Development Plan of Lot 4, Downtown Entertainment District Commercial Planned Unit Development District, based on the findings in the Staff Report, with the one condition recommended by the Manhattan Urban Area Planning Board.

Attachment No. 1

- February 4, 2013 Manhattan Urban Area Planning Board, on a vote of 5-1, recommends approval of the proposed amendment of Ordinance No. 6951 and the Final Development Plan of Lot 4, Downtown Entertainment District Commercial Planned Unit Development District, to be known as the Final Development Plan of Lot 1 and Lot 2, Hilton Garden Inn, Downtown Entertainment District Commercial Planned Unit Development, to convert the ground floor of the proposed mixed use building to eight apartment units.
- February 19, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6951 and the Final Development Plan of Lot 4, Downtown Entertainment District Commercial Planned Unit Development District, to be known as the Final Development Plan of Lot 1 and Lot 2, Hilton Garden Inn, Downtown Entertainment District Commercial Planned Unit Development, as proposed.
- March 5, 2013 City Commission approves Ordinance No. 6993 amending Ordinance No. 6951 and the Final Development Plan of Lot 4, Downtown Entertainment District Commercial Planned Unit Development District, generally located on the southeast corner of S. 4th Street and Colorado Street, based on the findings in the Staff Report.
- September 5, 2013 Manhattan Urban Area Planning Board approves the Final Development Plan for proposed Lots 2 (Holiday Inn Express) and 6 (city owned parking lot), in the Downtown Entertainment District Addition, Unit Three, Commercial PUD.
- November 4, 2013 Manhattan Urban Area Planning Board, on a vote of 7-0, recommends approval of the proposed amendment of Ordinance No. 6936 and the approved Final Development Plan of Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development (PUD) for a projecting sign on the southeast corner of the Blue Earth Place mixed use building associated with a proposed Radina's Bakehouse.
- November 19, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6936 and the approved Final Development Plan of Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development (PUD) for a projecting sign on the southeast corner of the Blue Earth Place mixed use building associated with a proposed Radina's Bakehouse.

Attachment No. 1

December 3, 2013 City Commission approves Ordinance No. 7053 amending Ordinance No. 6936 and the approved Final Development Plan of Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development (PUD) for a projecting sign on the southeast corner of the Blue Earth Place mixed use building associated with a proposed Radina's Bakehouse.

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 proposed sign plan described in this staff report does not overwhelm the current structure nor does it cause any adverse impacts upon the neighborhood or adjacent properties, and it is generally consistent with the C-4 sign regulations of the Manhattan Zoning Regulations.

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.

Attachment No. 1

2. Any new signs shall be constructed and maintained as permitted in the proposed sign plan.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance Nos. 6804, 6936, and 7053, and the Final Development Plan of Lot 3, Downtown Entertainment District Planned Unit Development stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of Ordinance Nos. 6804, 6936, and 7053, and the Final Development Plan of Lot 3, Downtown Entertainment District 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. 6804, 6936, and 7053, and the Final Development Plan of Lot 3 Downtown Entertainment District Planned Unit Development, based on the findings in the Staff Report, subject to the two (2) conditions of approval recommended by City Administration.

PREPARED BY: Doug May, CFM, Planner

DATE January 9, 2018

MUAPB_SR_Downtown Entertainment Dist_Lot3_PUD Amendment

Staff Report

Community Development

PUD AMENDMENT AND FINAL DEVELOPMENT PLAN

Hearing Date:	January 18, 2018
Re:	Amend Ordinance No. 7219 and the approved Final Development Plan of the Interlachen Villas PUD to allow for the development of 27 single-family detached homes. The Amendment is proposed as a Final Development Plan.
Applicant:	PMG Properties, LLC (TJ Vilkanskas)
Property Owner:	PMG Properties, LLC (TJ Vilkanskas)
Property Address:	Interlachen Villas, Unit 1; generally located at the intersections of Colbert Hills Drive and Fieldhouse Circle and Colbert Hills Drive and Palmer Circle.
Total Area:	7.28 acres
Date of Neighborhood Meeting:	December 28, 2017
Date of Public Notice Publication:	December 29, 2017
Date of City Commission:	February 6, 2018



BACKGROUND

The existing Interlachen Villas Residential Planned Unit Development (PUD), Ordinance No. 7219, was approved on June 21, 2016 and is subject to the following conditions of approval:

1. The Permitted Use shall be single-family detached and single-family attached dwelling units.
2. A maximum of 62 total single-family townhome units shall be allowed.
3. Signage for low to medium density residential districts as described in Article VI, Section 6-201 shall be permitted.
4. Exempt signage shall include signage described in Article VI, Section 6-102(A)(2)(a), (b), (c), (e), (i), (k), and (l).
5. 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.
6. All landscaping and irrigation shall be maintained in good condition.
7. The names of the travel easements shall be approved by the Riley County Emergency Management Department and Manhattan Fire Department prior to the application for the Final Development Plan and Final Plat for Phase 1.

This PUD depicted the development of 62 single-family attached and detached homes. The homes were proposed to be designed as nine separate clusters. The first phase was presented as the Final Development Plan of Interlachen Villas, Unit One. It consisted of 14 attached and detached cluster homes. On August 1, 2016, this first phase was approved.

Since the approval of the Final Development Plan, the developer has modified his plans for development within this PUD. His new plans are reflected in this PUD Amendment. The Amendment is proposed as a Final Development Plan. The Developer is also presenting a Final Plat for this PUD. (Please refer to the Inter-Office Memorandum on this item.)

PROPOSED AMENDMENT AND FINAL DEVELOPMENT PLAN

This amendment and Final Development Plan, if approved, will allow the first phase to include the development of 27 single-family two-story homes. All of the homes will be detached and they will face public right-of-ways but have access via a private alley in the rear. The first phase will also include a tract, Tract A, which will be reserved for the common area, utility easements, drainage easements, and a travel easement. The common area will also include a pool and pool house for the residents only. The pool house will also serve as the community storm shelter.



Building and Structures: The Final Development Plan is for the first phase of the development, which will be located north of Colbert Hills Drive and south of Fieldhouse Circle. The first phase includes the development of 27 single-family two-story homes ranging from 2,361 to 2,558 square feet. All of the homes will be built slab-on-grade. They will all have rear-facing attached two car garages with access provided via a private interior alley. The alley is proposed to be one way and will be located in Tract A. For this phase, there will be 4 different house plans, ranging from 3-bedroom to 4-bedroom

designs, as shown in the final development plan.

Proposed Signs: Signage for the development will be located at the access point to the alley. The applicant would also like to install temporary signs announcing construction, ownership, projected opening date, and other major milestones may be used. These signs would be removed upon completion of the project. No specific signage has been proposed for the new use.

Proposed Lighting: There will be no new street lighting associated with this project, but there is proposed lighting for the pool house.

REVIEW OF MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

Attachment No. 2

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 approved PUD was designed to allow up to 62 single-family detached and attached homes. These homes were to be 3-story units ranging from 2,700 to 3,700 square feet. All units were to be individually owned, and these homes were designed to attract primary, secondary, retirement, and game day homeowners.

The proposed amendment will allow for single-family detached homes. They will be two-story homes with up to 2,558 square feet. These homes will also be designed to attract primary, secondary, retirement, and game day home owners. While the configuration of the lots and the size of the units will change, the intent and purpose will remain compatible with the approved PUD.

Staff has found the proposed PUD Amendment consistent with the intent and purpose of the approved PUD and will promote the efficient development and preservation of the entire PUD.

2. Whether the proposed amendment is made necessary because of changed or changing conditions in or around the PUD, and the nature of such conditions: Due to the influence of the economic market, the developer has decided to change the type, configuration, and size of the units. The developer feels the market will better support the sale of single-family detached units as opposed to attached units. In addition, to make these homes more marketable the developer will be reducing the square footage of each unit, but increasing the amenities of this PUD by providing a neighborhood pool.

3. Whether the proposed amendment will result in a relative gain to the public health, safety, convenience or general welfare, and is not granted solely to confer a special benefit upon any person: The proposed amendment will neither improve nor degrade the public health, safety, and convenience or general welfare. The approved Final Plan of this PUD is relatively similar to the proposed amendment; therefore, whether the developer follows the already approved plan, or uses this amended plan, the end result should be about the same.

This amendment will not solely benefit any one person as the prices of these homes in this amendment will start out at a lower price point which will make it a more viable economic option, thus becoming a benefit to many in the community.

REVIEW OF ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. Landscaping: Landscape for the proposed development will consist of deciduous and evergreen trees, shrubs, ornamental grasses, and open lawn areas. The individual lots and common areas will be landscaped and maintained by the HOA. A landscape plan for the frontage and common areas has been included in your packet. There is not a landscape plan provided for each home, as the specific landscape plan for each lot will be determined at a later date and will depend on the chosen house plan and topography of the lot. But the landscaping for each lot will be similar to the common areas depicted in the included landscape plan.

Underground public infrastructure is to be located in the common area/utility easement where the landscaping and gathering areas are planned. City Administration has placed a note on the Final Development Plan and Final Plat that notes that the City and other public utility companies have the right to access this area and “prune, remove, eradicate, cut and clear away any trees, limbs, vines and brush” within the easement. Replacement of this vegetation and landscape area will be at the expense of the home owners or home owners association.

Trash receptacles will be for individual properties and will be stored within the garage.

2. Screening: For Phase One, no screening will be required.

3. Drainage: The site currently drains east towards Vanesta Drive. The stormwater runoff will be directed to existing infrastructure along Vanesta Drive and finally be directed to the existing detention basin north of Vanesta Drive. The existing detention basin drains into Little Kitten Creek. The site is not located within a regulated floodplain (*see Physical & Environmental Characteristics below*).

4. Circulation: The homes will not have direct vehicle access to the existing street system. They will have a sidewalk leading from their front door to the street sidewalks. For the first phase, the developer will be installing public sidewalks on the north side of Colbert Hills Drive and on the south side of Fieldhouse Circle.

There will be a one-way alley to provide vehicle access to each lot. The alley will have one entrance located off of Fieldhouse Circle. The alley will make a loop around the common area in the rear of the homes which will provide an internal circulation pattern for the development which is safe, convenient and efficient for the homeowners. There are no pedestrian pathways provided within the common areas in the rear of the development.

Attachment No. 2

Off-Street Parking. Each house built on lots 1-27 will have a two-car garage along with an accompanying driveway. There will also be two parking stalls located next to the pool. There will be no permitted off-street parking along the alley. The proposed parking does meet the parking regulations found in the Zoning Regulations.

5. Open Space/Landscaped and Common Area: The common area will be landscaped and will include a lawn area and a pool and pool house that is intended to be enjoyed by the residents of the development. The pool house will also serve as the community storm shelter. There will be a fence surrounding the pool for safety. All of the landscaped areas will be maintained by the HOA.

6. Character of The Neighborhood: The general character of the neighborhood is a mix of low density residential and golf course uses under various stages of development.

REVIEW OF THIRTEEN MATTERS TO BE CONSIDERED

The following items will help to determine if the specific property is suitable for the rezoning request. (These are the 13 matters to consider when rezoning as found in Article 15-403 (A)).

1. Existing Use of Property

Vacant, previously platted land, with infrastructure in place.

Staff Finding

The property is vacant; therefore, there is no use on these existing properties.

2. Physical and Environmental Characteristics of the Property

The subject site is irregular shaped bound by Fieldhouse Circle and Palmer Circle. Colbert Hills Drive dissects the site into 2 parts. The site is being served by public and private utilities and is ready to be developed. The site drains towards the southeast. It is not located within a regulated floodplain.

Staff Finding

The property is cleared and ready to be developed.

3. Surrounding Zoning and Land Uses of Nearby Properties

NORTH: Fieldhouse Circle ROW, platted single-family detached lots in the initial phases of construction, Colbert Hills Golf Course, and undeveloped land (future Grand Mere villas, single-family dwellings); R-1, Single-Family Residential District.

- SOUTH:** Palmer Circle ROW, platted single-family detached lots in the initial phases of construction, R-1, Single-Family Residential District. Vanesta Drive, commercial land in the initial stages of construction for a professional office and restaurant, Homecare and Hospice House; C-2, Neighborhood Commercial District
- EAST:** Vacant land zoned R, Single-Family Residential District; and existing homes in a R-2 Two-Family Residential District.
- WEST:** Palmer Circle and Fieldhouse Circle ROWs, Platted single-family detached lots in the initial phases of construction, Colbert Hills Golf Course, and undeveloped land (future Grand Mere villas, single-family dwellings); R-1, Single-Family Residential District and R-S, Single-Family Residential Suburban District.

Staff Finding

The surrounding zoning is composed of residential and commercial zones and the existing surrounding land uses are residential and vacant land.

4. The Suitability of the Property for Land Uses to which it is Restricted Under Current Zoning

The subject site is currently zoned Residential PUD.

Staff Findings

The subject site is suitable for residential development within the City of Manhattan with the current Residential PUD zoning designation.

5. The Character of the Neighborhood

Currently, the general character of the neighborhood is a mix of low density residential and golf course uses under various stages of development. To the north, south and west are properties within the Grand Mere Master Planned Golf Course Community. To the east are single-family homes that are not associated with Grand Mere.

Staff Findings

The character of the neighborhood is a mix of low density residential along with golf course uses.

6. The Compatibility of the Proposed Zoning District with Nearby Properties and the Extent to which it may Detrimentially Affect Those Properties

The proposed development will create single-family detached homes at a higher density rate than the immediate surrounding single-family detached homes. However, this proposed use is compatible with the surrounding properties.

Staff Findings

The proposed rezoning is compatible and will not have any detrimental effects on nearby properties.

7. Conformance of the requested change to the adopted Comprehensive Plan

Northwest Future Land Use of the Manhattan Area 2035 Comprehensive Plan shows this area as Residential High Density (RHD). The applicable land use policies found in the Comprehensive Plan are below.

Residential High Density (RHD)

RHD-1: Characteristics

The Residential High Density designation is designed to create opportunities for higher density neighborhoods adjacent to the KSU campus and in other more urban parts of the core area of the community, and in a suburban setting. Within the core area or in Downtown, the designation accommodates higher-intensity residential housing, such as mid-rise apartments, townhomes and condominiums, combined with complementary non-residential land uses, such as retail, service commercial, and office uses, often within the same building. In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or urban fashion, such as in planned apartment communities with complimentary neighborhood service commercial, office, and recreational facilities. These neighborhoods could be implemented through a Planned Unit Development or by following design and site plan standards during the design review process.

RHD-2: Appropriate Density Range

Possible densities under this designation are 19-50 dwelling units per net acre and greater.

RHD-3: Location

Residential High Density uses are typically located near intersections of arterials and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. Concentrations of Residential High Density

Attachment No. 2

are designated west and east of the KSU campus and in the Aggieville vicinity to promote expanded student housing options within walking distance of campus. In a more urban setting or in Downtown, Residential High Density may be combined with active non-residential uses in a vertically mixed-use building. Outside of the core area, Residential High Density uses should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods.

RHD-4: Building Massing and Form

Avoid plain, monolithic structures or blank walls on the backs or sides of buildings. In a planned apartment community context, large buildings should incorporate a variety of design elements to create visual interest. Infill projects should be consistent with area-specific design standards or guidelines, as adopted.

RHD-5: Mix of Uses

Encourage the integration of neighborhood serving retail uses (e.g., drycleaners, coffee shop) on the ground level of high density residential buildings where viable, typically in areas with high visibility and/or pedestrian activity. Non-residential uses should generally not exceed twenty-five percent of the total floor area in a mixed-use structure; however, actual percentages will be driven by market demand and the surrounding site context.

RHD-6: Parking Location and Design

Locate off-street surface parking behind buildings, tucked under buildings (e.g., podium parking), or within parking structures in established core area neighborhoods and the Downtown to maintain a pedestrian-oriented street frontage. Integrate structured parking garages and tuck-under parking with the overall design of the building they are intended to serve. The incorporation of active uses, such as retail, into the ground floor of freestanding parking structures included as part of multi-block developments is strongly encouraged where viable based on market demand and visibility.

Grand Mere, a Master Planned Golf Course Community

B. PROJECT INTENT

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

Attachment No. 2

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

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

5 KEY DESIGN CONCEPTS

1. Create a high quality residential community

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

2. Integrate the Natural Environment

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

3. Offer a Variety of Residential Living

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

4. Create a Pedestrian/Bicycle System

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

Grand Mere Community Overall Development Plan

5. Establish a 'heart' to the community

Provide a central community feature for the residents of Grand Mere. Utilizing the golf clubhouse access as a link between the east and west parts of the property, a private community recreation complex would be provided at the intersection of Grand Mere Parkway and Colbert Hills Drive. This central location along the bike trail and pedestrian sidewalk connections to all the neighborhoods would provide an accessible 'recreational heart' for the community.

III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY

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

The overall Grand Mere Project consists of 1,054 (estimated) acres, including the Colbert Hills Golf Course. Rather than dispersing development throughout the entire property, the project purposes to "concentrate" neighborhood development within residential and commercial villages on approximately 543 acres preserving almost 50% of the land as natural open space or golf course. This concept, while proposing a variety of home types and densities, provides large natural open spaces, golf course amenity for the general public, and peripheral residential villages as large lot or low density residential products that create an overall density (1.5 du/ac) for the site, consistent with the surrounding neighborhoods. All housing types shall belong to the Master Homes Association, which will be responsible for enforcing the covenants and restrictions, and maintaining the common grounds.

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

Attachment No. 2

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

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

A. Residential Neighborhoods

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

Residential Types:

Single Family (RLM)

The 273.4 acres of single family proposed for Grand Mere represents 50% of the total proposed residential acreage. The detached single family products will range in size and density. The villages of single family will be developed as parcels and each will be controlled to maximize views, walkouts, and architectural design quality. The Grand Mere Architectural Review Committee will provide design review of the homes and general site development guidance. Each single family village will be signed and themed as a unique part to the overall Grand Mere development and developed as the market demands. Each parcel will provide internal open space, storm drainage controls, and pedestrian linkages between the villages in addition to the designated Grand Mere Circulation Park & Open Space Plan.

Townhomes (RMH)

The townhomes proposed for Grand Mere are located along the parkway or the golf course for direct access to the recreation center, open space, and bike trail systems. These homes would offer a two and three bedroom configuration in groups of two to six homes per buildings, depending on site conditions and planning. The homes association would provide maintenance for the common areas within the neighborhood. The architecture would be designed to provide an overall theme and consistent material quality throughout the neighborhood. Attached garages and individual entries for each home would be provided. Depending on the market demands an amenity center might be planned for the various townhome parcels.

C. Streets and Circulation System

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

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

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

D. Pedestrian and Bicycle Circulation System

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

reviewed on a site-by-site basis to ensure sensitive placement and minimum disturbance. This will be coordinated with the Park & Recreation Board and the Parks and Recreation Department.

G. Golf Course Development

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

Bike Paths, Trails and Sidewalks

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

The Manhattan Urban Area Comprehensive Plan has been updated and now the Northwest Area Future Land Use Map shows the site as Residential High Density. The possible density range in the RHD is 19 – 50 dwelling units per net acre and greater. The proposed density for the Interlachen Villas PUD is approximately 7 dwelling units per net acre.

The proposed amendment does align with the Grand Mere Master Plan. It is in general conformance to the description of a Residential Neighborhood.

Staff Findings

The proposed rezoning does not conform to the Future Land Use Map and the Land Use Policies of the Comprehensive Plan. However, it does conform with the Grand Mere Master Plan.

8. Zoning History and Length of Time Vacant as Zoned

August 7, 1997	Board of County Commissioners approved Preliminary Development Plan of The Wildcat (<i>Grand Mere</i>) and Colbert Hills R-PUD.
August 14, 1997	Board of County Commissioners approved Final Development Plan.

Attachment No. 2

- | | |
|-------------------|---|
| April 6, 1998 | Manhattan Urban Area Planning Board recommended approval of annexation. |
| April 21, 1998 | City Commission approved first reading of annexation. |
| June 1, 1998 | Manhattan Urban Area Planning Board recommended approval of rezoning to R District. |
| June 16, 1998 | City Commission approved first reading of rezoning Tract II of Grand Mere to R District. |
| September 3, 2008 | Manhattan Urban Area Planning Board approves Preliminary Plat of Grand Mere Addition Unit Three. |
| November 17, 2008 | Manhattan Urban Area Planning Board approves Final Plat of Grand Mere Addition Unit Three. |
| December 2, 2008 | City Commission accepts rights-of-ways and easements as shown on the Final Plat of Grand Mere Addition, Unit Three |
| November 18, 2013 | Manhattan Urban Area Planning Board tables rezoning of the proposed Interlachen Addition. |
| December 2, 2013 | Manhattan Urban Area Planning Board recommends approval of rezoning of the proposed Interlachen Addition to: (Tract 1) R-1; (Tract 2) R-3; and (Tract 3) C-2; and approves Final Plat of Interlachen Addition, a replat of Grand Mere Addition, Unit Three. |
| December 17, 2013 | City Commission approves first reading of an ordinance rezoning the proposed Interlachen Addition from R, Single-Family Residential District to: (Tract 1) R-1; (Tract 2) R-3; and (Tract 3) C-2. |
| January 7, 2014 | City Commission Approves Ordinance No. 7059 rezoning the Interlachen Addition, from R, Single-Family Residential District to: (Tract 1) R-1; (Tract 2) R-3; and (Tract 3) C-2, and accepts rights-of-ways and easements as shown on the Final Plat of Interlachen Addition. |
| January 22, 2015 | Manhattan Urban Area Planning Board approves Final Plat of Interlachen Addition, Unit Two. |

Attachment No. 2

- February 3, 2015 City Commission accepts rights-of-ways and easements as shown on the Final Plat of Interlachen Addition, Unit Two.
- May 16, 2016 Manhattan Urban Area Planning Board recommends approval of rezoning the proposed Interlachen Villas PUD from R-3, Multiple-Family Residential District, to PUD, Residential Planned Unit Development, based on the findings in the Staff Report with the seven (7) conditions of approval.
- June 7, 2016 City Commission approves first reading of an ordinance rezoning the proposed Interlachen Villas PUD.
- June 21, 2016 City Commission approves Ordinance No. 7219 rezoning the proposed Interlachen Villas PUD with seven (7) conditions of approval recommended by the Manhattan Urban Area Planning Board.
- August 1, 2016 Manhattan Urban Area Planning Board approves the Final Development Plan and Final Plat of Interlachen Villas PUD, Unit One.
- August 16, 2016 City Commission accepts the easements and rights-of-way, as shown on the Final Plat of Interlachen Villas Addition, Unit One.

Staff Findings

The subject property is vacant. And has been zoned Residential PUD since 2016.

9. Whether the Proposed District would be Consistent with the 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.

Staff Findings

The proposed zoning district is consistent with the intent and purpose of the zoning ordinance.

10. Relative Gain to the Public Health, Safety and Welfare that Denial of the Request Would Accomplish, Compared with the Hardship Imposed upon the Applicant that would result from Denial

There appears to be no gain to the public health, safety and general welfare if this amendment is denied.

Staff Findings

There would be no relative gain to the public if this request is denied, and the owner would be denied use of their property.

11. Whether Adequate Sewer and Water Facilities, Streets and other Needed Public Services Exist, or can be Provided, to Serve the Uses that would be Permitted by the Proposed Zoning District

Adequate public water, sanitary sewer, and streets are currently available to serve the development. Public and private infrastructure is currently in place to service the site for single-family homes. The developer has been in contact with the Public Works Department to coordinate the installation of the required infrastructure for each unit.

Staff Findings

Adequate sewer and water facilities, streets and other needed public services currently exist to serve all permitted uses, and the applicant is working with our Public Works Department to coordinate the final steps of the installation.

12. Other Applicable Factors

Fort Riley was notified of this rezoning, due to it being located in the Critical Area. The Fort encourages use of noise disclosure and noise reduction measures in noise sensitive land uses which includes offices providing nursing services and/or overnight stays, and to take into account potential effects of operational noise of the Fort on activities in the park. City Administration will provide the "Notice of Potential Impact" on building permits for this subdivision.

13. Staff Recommendation

For this rezoning request, staff finds the property is suited for the proposed Residential PUD amendment and Final Development Plan based on several factors. First of all, this proposed district is compatible with nearby properties and the character of the neighborhood and should not have any detrimental effects. Furthermore, while it is not compatible with the Future Land Use map and land use policies of the Comprehensive Plan, it is compatible with the Grand Mere Master Plan. And finally, staff finds that this proposed zoning district is consistent with the intent and purpose of the Zoning Ordinance.

However, due to the significant deviation to the Preliminary Development Plan, staff recommends the restrictions, conditions, or limitations listed in Ordinance 7219 be replaced with new conditions based on this proposed Amendment and Final Development Plan.

Staff's Conclusion

Based on the findings found in this Staff Report, City Administration recommends approval of the proposed Residential PUD amendment and the Final Development Plan for the Interlachen Villas Addition, Unit Two with the following conditions.

1. The restrictions, conditions, or limitations found in Section 4 of Ordinance 7219 will no longer be valid, and the following restrictions, conditions, or limitations will take its place.
2. The permitted Use shall be single-family detached and single-family attached dwelling units.
3. A maximum of 48 total single-family units shall be allowed.
4. Signage for low to medium density residential districts as described in Article VI, Section 6-201 shall be permitted, as well as signage for subdivision identification as described in Article VI, Section 6-110(H), and temporary construction signage as described in Article VI, Section 6-110(G).
5. Exempt signage shall include signage described in Article VI, Section 6-102(A)(2)(a), (b), (c), (e), (i), (k), and (l).
6. 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.
7. All landscaping and irrigation shall be maintained in good condition.
8. The pool and pool house shall be completed during the first phase and shall be guaranteed by the owner pursuant to a performance agreement that will be required between the City and the owner, which shall be enter into prior to issuance of a building permit.
9. For development on Lot 28, if the Final Development Plan and Final Plat are not in conformity with the original approved Preliminary Development Plan, then an amendment to this PUD will be required.

ALTERNATIVES

1. Recommend approval of the proposed amendment of Ordinance No. 7219 and the Final Development Plan of Interlachen Villas Addition, Unit Two, Residential Planned Unit Development with conditions listed in the staff report, stating the basis for such recommendation.
2. Recommend approval of the proposed amendment of Ordinance No. 7219 and the Final Development Plan of Interlachen Villas Addition, Unit Two, Residential Planned Unit Development, and modify the conditions, and any other portions of the proposed

Attachment No. 2

PUD amendment, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.

3. Recommend denial of the proposed amendment of Ordinance No. 7219 and the Final Development Plan of Interlachen Villas Addition, Unit Two, Residential Planned Unit Development stating the basis for such recommendation.
4. 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 No. 7219, and the Final Development Plan of Interlachen Villas Addition, Unit Two based upon the findings in the staff report with nine conditions recommended by City Administration.

Prepared by: Carol Davidson, CFM, CPM, Senior Planner

Date: December 11, 2017

