



MINUTES
CITY COMMISSION MEETING
TUESDAY, MARCH 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, 9 staff, and approximately 28 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Morse led the Commission in the Pledge of Allegiance.

RECOGNITION

Jennifer Hancock, President, and Brent Chesnut, Award Chair, Kansas Society of Professional Engineers Tri-Valley Chapter, presented Commissioner Dodson with the Kansas Society of Professional Engineers Outstanding Citizen Award.

PROCLAMATION

Mayor Morse proclaimed March 8, 2018, *International Women's Day*. Mary Stamey, Branch President, and Tresa Landis and Connie Noble, Co-Program Vice Presidents, American Association of University Women; and Usha Reddi, City Commissioner, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

COMMISSIONER COMMENTS

Commissioner McKee informed the community that Mayor Morse, himself, and two City staffers would be attending the National League of Cities Conference March 11-14, 2018, as well as visit with our congressional delegation. He stated that if any citizen has an item they wish to carry to Washington, D.C., to reach out to one of the Commissioners.

Commissioner Butler stated that he participated as a judge for the annual “Yes for Liberty” Constitution Bee Scholarships on Sunday, March 4, 2018. He said that students from across Kansas competed for scholarships. He congratulated all the participants and highlighted the top award winner Anne Serafin, from St. Mary's Academy; second place winner Madison Porter, from Shawnee Mission West High School; and third place winner Emma Bryan, from St. Mary's Academy. He stated that Saturday, March 10, 2018, will be Fake Patty's Day and expressed his appreciation in advance to the Riley County Police Department, Emergency Management Services, and the Manhattan Fire Department to ensure public safety. He encouraged those participating in the event to be mindful that all laws will be enforced.

Commissioner Reddi stated that there would not be a City Commission Work Session on Tuesday, March 13, 2018, due to the National League of Cities Conference. She encouraged those interested to attend the Legislative Coffee on Saturday, March 10, 2018, at the Sunset Zoo. She also encouraged everyone to attend the Rainforest Adventure exhibit at the Flint Hills Discovery Center. She stated there would be a Youth Entrepreneurship Challenge on March 13, 2018, from 9:30 a.m. - 12:30 p.m. at Pottorf Hall in CiCo Park and said that this is a great opportunity to showcase the talents of our youth.

Commissioner Dodson thanked the students at Kansas State University for organizing the recent Relay for Life fundraising event sponsored by the American Cancer Society. He stated the Flint Hills Home Show was held March 2-4, 2018, at the National Guard Armory, showcasing the latest products and building techniques with engineers, craftsmen, and businesspersons in our community.

Mayor Morse stated the Fake Patty's Day event is a busy time in the community and especially in Aggieville. She encourage everyone participating in the event to be on his or her good behavior. She said the following week on Saturday, March 17, 2018, will be the St. Patrick's Day events. She said the Community Appreciation Day at Sunset Zoo will be on Saturday, March 24, 2018, and encouraged everyone to enjoy free admission from noon - 5:00 p.m.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, February 20, 2018.

CLAIMS REGISTER NOS. 2874 AND 2875

The Commission approved Claims Register Nos. 2874 and 2875 authorizing and approving the payment of claims from February 14, 2018 – February 27, 2018, in the amounts of \$561,285.29 and \$2,993,121.35, respectively.

LICENSES

The Commission approved a Tree Maintenance License for calendar year 2018 for Parsons Tree Care, 1401 Zeandale Road; and annual Cereal Malt Beverages Off-Premises Licenses for Dillons #94, 1101 Westloop Place, and Ampride, 215 East Poyntz Avenue.

ORDINANCE NO. 7344 – STORMWATER FEE STRUCTURE

The Commission approved Ordinance No. 7344 defining the fee structure for stormwater rates by implementing an Equivalent Residential Unit (ERU) fee structure setting the commercial rate at \$3.96 per month and the residential rate at \$5.34 per month, effective July 1, 2018.

ORDINANCE NO. 7345 – AMEND – AIRPORT MANAGEMENT AND CONTROL

The Commission approved Ordinance No. 7345 amending Section 7-37 of the Code of Ordinances relating to management and control at the Manhattan Regional Airport.

ORDINANCE NO. 7346 – AMEND – AIRPORT PARKING REGULATIONS

The Commission approved Ordinance No. 7346 amending Section 7-82 of the Code of Ordinances relating to parking regulations at the Manhattan Regional Airport.

RESOLUTION NO. 030618-A – CITY OFFICER DESIGNATION

The Commission approved Resolution No. 030618-A confirming the designation of the positions of Assistant Airport Director, Airport Security Coordinator, Airport Security Technician, Deputy Building Official, Assistant Building Official, Code Services Officer III, Deputy Fire Marshall, Assistant Fire Marshall, Environmental Compliance Manager, and Stormwater Engineer; changing the title of Assistant Director of Fire Services-Technical Services to Assistant Chief or Assistant Director of Fire Services; and deleting the Rental Inspection Officer (I and II), pursuant to Charter Ordinance No. 39, giving each position the authority to issue complaints for violations of City ordinances.

CONSENT AGENDA (CONTINUED)

AGREEMENT – DESIGN-BUILD – PHASE 1 – MIDDLE SCHOOL IMPROVEMENTS (SP1802)

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute Phase 1 of the design-build contract with McCown Gordon Construction, of Manhattan, Kansas, along with their design/construction team for design of the two indoor recreation facilities to be constructed at the Anthony and Eisenhower Middle Schools (SP1802).

FEDERAL FUNDS EXCHANGE

The Commission authorized City Administration to accept the Federal Funds exchange for 2018 in the amount of \$463,904.18 for future transportation projects.

AGREEMENT – PROFESSIONAL SERVICES – SOUTH MANHATTAN AVENUE TRAIL CROSSING IMPROVEMENTS (SW1802)/PECAN CIRCLE TRAIL CROSSING IMPROVEMENTS (SW1803)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Engineering Services, in an amount not to exceed \$30,593.00, with Schwab-Eaton, P.A., of Manhattan, Kansas, for the South Manhattan Avenue Trail Crossing (SW1802) and the Pecan Circle Trail Crossing (SW1803) projects over the Union Pacific railroads tracks.

CHANGE ORDER NO. 32 – WEST ANDERSON AVENUE TRANSPORTATION PROJECT (SM1604)

The Commission approved and authorized the Mayor to execute Change Order No. 32 resulting in a net increase in the amount of \$149,608.27 (+4.23%) to the contract with Pavers, Inc., of Salina, Kansas, for the West Anderson Avenue Transportation project (SM1604).

* INTERLOCAL AGREEMENT – FOOD AND FARM COUNCIL

Commissioner Butler voiced concerns with the Interlocal Agreement with Riley County to establish a Food and Farm Council. He was concerned with the amount of staff time that would be involved as well as creating another outside agency with the potential of seeking public funds.

The Commission authorized the Mayor and City Clerk to execute an Interlocal Agreement with Riley County to establish a Food and Farm Council for Riley County and Manhattan.

BYLAWS – AMENDED – CEMETERY BOARD

The Commission approved and authorized the Mayor and City Clerk to execute the amended bylaws for the Cemetery Board.

CONSENT AGENDA (*CONTINUED*)

PURCHASE – STORMWATER DIVISION – UNIT 327 – ¾-TON PICKUP TRUCK

The Commission authorized City Administration to purchase a ¾-ton pickup truck for the Stormwater Division utilizing the State vehicle bid for a total cost of \$24,707.74, to be paid from the Stormwater Fund.

BOARD APPOINTMENTS

The Commission approved the following appointments by Mayor Morse to various boards and committees of the City.

Airport Advisory Board

Appointment of Josh McCowan, 1800 College Avenue, to fill the unexpired Kansas State University term of Jackie Hartman. Mr. McCowan's term begins immediately and will expire June 26, 2020.

City-University Special Projects Fund Committee

Appointment of Theo Stavropoulos, 1739 Kings Road, to a two-year Citizen term. Mr. Stavropoulos' term begins immediately and will expire June 30, 2019.

Historic Resources Board

Re-appointment of Eileen Meyer, 2429 Buena Vista Drive, to a three-year Real-Estate Term. Ms. Meyer's term will begin May 1, 2018, and will expire April 30, 2021.

Housing Authority Board of Commissioners

Re-appointment of Kennedy Clark, 3308 Effingham Road, to a four-year term. Ms. Clark's term begins immediately and will expire March 3, 2022.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

After discussion and comments from the Commission, Commissioner Dodson moved to approve the consent agenda. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item L, INTERLOCAL AGREEMENT – FOOD AND FARM COUNCIL, which carried 4-1, with Commissioner Butler voting against the item.

GENERAL AGENDA

RESOLUTION NO. 030618-B - 719 BLUEMONT AVENUE - DECLARED AN UNSAFE OR DANGEROUS STRUCTURE

Brad Claussen, Building Official, presented an overview of the item. He provided background information on the structure, presented the outline of the public hearing procedure, highlighted cost considerations, and presented evidence and photographs of unsafe or dangerous conditions of the property. He presented information regarding fire hazards in vacant structures and highlighted the recommended action for the Commission to consider. He then responded to questions from the Commission regarding the status of property taxes paid and the notices provided to the property owner.

Mayor Morse opened the public hearing.

Phil Anderson, 1719 Fairchild Avenue, informed the Commission that he owns rental property adjacent to the 719 Bluemont Avenue property and voiced concerns with the present condition of the subject property. He provided additional information on the history of the property, neighborhood, and concerns with the deterioration of the structure, existing hazards, and negative impacts on the adjacent property values. He encouraged the Commission to take the structure down and stated that as a community, more can be done in the older neighborhoods to protect the integrity of the neighborhoods.

Mayor Morse asked if anyone was present to represent the property owner or a lienholder that would like to speak to this item.

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

After discussion and comments from the Commission, Commissioner Butler moved to approve Resolution No. 030618-B finding the structure at 719 Bluemont Avenue unsafe or dangerous and setting a time frame of April 20, 2018, for repair or removal. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - AMEND FINAL DEVELOPMENT PLAN - LOT 1, DOWNTOWN ENTERTAINMENT DISTRICT PLANNED UNIT DEVELOPMENT (PARKING LOT AT THE NORTHEAST CORNER OF SOUTH 4TH STREET AND COLORADO STREET FOR AN UNSPECIFIED TEMPORARY AMOUNT OF TIME)

Commissioner McKee announced that he would recuse himself from the item due to his employer being CivicPlus.

Carol Davidson, Senior Planner, presented an overview of the item. She highlighted the proposed Planned Unit Development (PUD) amendment, map of the subject site, and recommendation of approval from the Manhattan Urban Area Planning Board. She then responded to questions from the Commission regarding the conditions of approval.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - AMEND FINAL DEVELOPMENT PLAN - LOT 1, DOWNTOWN ENTERTAINMENT DISTRICT PLANNED UNIT DEVELOPMENT (PARKING LOT AT THE NORTHEAST CORNER OF SOUTH 4TH STREET AND COLORADO STREET FOR AN UNSPECIFIED TEMPORARY AMOUNT OF TIME) (*CONTINUED*)

Mayor Morse opened the public comments.

Jessica Shaver, representing McCullough Development, informed the Commission that McCullough Development applied for the PUD amendment on behalf of the owner of the subject property. She provided additional information on the PUD amendment to meet the parking needs of the CivicPlus employees and needs of a future commercial tenant to have dedicated parking space. She provided additional information on the request and asked the Commission to support the proposed amendment.

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 No. 6804 and the Final Development Plan of Lot 1, Downtown Entertainment District Planned Unit Development, generally located on the northeast corner of Colorado Street and South 4th Street, based on the findings in the Staff Report (*See Attachment No. 1*) with three conditions of approval, and the recommendation of the Manhattan Urban Area Planning Board Planning Board. Commissioner Butler seconded the motion. On a roll call vote, motion carried 4-0.

Commissioner McKee rejoined the Commission at the dais.

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

Commissioner Reddi moved to remove the item from the table. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted the history and addressed the Commissioners earlier request to eliminate the Industrial Revenue Bonds (IRB's), to remove the ability to waive zoning and permit contingencies, and to address parking during the day. He outlined the proposal from The Johnson Company, presented an aerial of the subject property, highlighted the financial impacts of the project, discussed future steps for Aggieville and financing considerations, provided the pros and cons of the decision, and considerations if the City decides to sell this property. He then responded to questions from the Commission regarding if other proposals were received.

GENERAL AGENDA (*CONTINUED*)

REAL ESTATE CONTRACT - 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 they were excited about the project and to bring back a plan before the Commission. He stated this project will be a catalyst for future development and said they have received wide community support from stakeholders and the Aggieville District. He then responded to questions from the Commission regarding public parking in the garage and stated that during non-peak times, they will provide free access to parking; however, the details still need to be ironed out and provided examples of the McNeill Group at other facilities.

Mayor Morse opened the public comments.

Linda Mays, Executive Director, Aggieville Business Association (ABA), responded to questions from the Commission regarding parking. She stated they discussed parking strategies and said there is a lack of consistency throughout Aggieville and recommended that everything be changed to two hour parking from 8:00 a.m. - 5:00 p.m. for additional turnover within the District. She stated they also talked with the Manhattan Christian College and discussed strategies and parking options for consideration. She informed the Commission that ABA stands united in support of the hotel going in and hoped the Commission would move forward with the proposal and to benefit Aggieville. She then responded to questions from the Commission about returning with an alternative parking plan.

Jason Grantham, 1212 Bluemont Avenue, representing the Bluemont Hotel, stated that a letter was sent to the Commission from his partner regarding a request for proposals (RFP) and voiced concern with the lack of open competitiveness in the process. He said that it is obviously okay with the City moving forward without open competition or seeing what other options are out there. He stated that this is disappointing and reiterated that the City is selling this property at the rock-bottom price of \$800,000.00 and tying up this property for only \$300.00. He asked the Commission to consider all these items before this proposal is final.

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

Ron Fehr, City Manager, responded to questions from the Commission regarding other proposals received. He stated that an email was forwarded to him by the Mayor late in the afternoon that had a basic outline with proposed improvements.

GENERAL AGENDA (CONTINUED)

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

Jason Hilgers, Deputy City Manager, stated that the message Mr. Grantham delivered was the impetus to go out with an RFP and had a concept, but his main point was to go out and take proposals formally.

Commissioner Reddi stated that we have been working on this since 2016 and appreciated the patience from the McNeill Hotel Company. She said the flexible parking is key until Aggieville gets its own parking garage and addressed additional considerations on the proposal. She voiced support on the proposal.

Commissioner McKee stated that his initial concern was on the Industrial Revenue Bonds and discussed his position regarding the use of IRB's and the City's policy as an economic development incentive tool to be used in the future. He discussed concerns expressed about competition in the market and stated this was not for the Commission to decide, but for the market to decide, especially since there were no tax incentives being provided. He said that the City owns a lot of land and if someone had an innovative idea, the City would probably do business with them. He said there has been plenty of time allowed for proposals and have not seen anything sufficient. He said this project is needed to stimulate growth in Aggieville and with removal of the IRB's and parking considerations addressed, he was comfortable moving forward with the proposal.

Commissioner Butler stated that he would have liked to have other choices, but if look at Blue Earth Plaza hotels, he said they did essentially the same thing with two hotels. He said the data and inventory of hotel rooms have gone down significantly and the competitive concerns may not be as profound as expressed by some. He stated his concerns with the IRB's and parking considerations have been addressed. He said based on what has been provided, he was in favor of the proposal.

Commissioner Dodson said that the City put a lot of energy and financial capital downtown and now it is time to look toward Aggieville. He voiced his appreciation on the hard work of The Johnson Group and McNeill Hotel Company. He discussed the tremendous potential of Aggieville and use of IRB's in the future. He stated in the next five to ten years, these instruments are the levers that might differentiate Manhattan from other communities who are struggling to get these businesses. He voiced support for the proposal.

Mayor Morse stated that this issue deals with the sale of the City-owned parking lot and said that she was opposed to selling the parking lot for the minimum amount of money and wanted the most in return for the citizens. She said losing the parking lot is a concern and wanted to reconsider the parking plan before the lot was sold. She stated the Commission's slowness to accept the proposal has resulted in some good things and compromises. She

GENERAL AGENDA (CONTINUED)

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

said parking is a critical need in Aggieville and is one of the highest considerations for the future of Aggieville and for the merchants. She stated she would vote no on the item.

Commissioner Butler discussed parking considerations and developing strategies. He stated that City staff did the negotiations on the price of the parking lot and also wanted to receive the most money possible, but was not sure that was possible.

Commissioner McKee discussed the price of the parking lot and stated that this project will generate significant dollars in property taxes. He understood the concerns expressed regarding parking in Aggieville and stated there will be short term pain for parking, but this project offers forward momentum to a long term solution.

After discussion and comments from the Commission, Commissioner Dodson moved to approve 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 and authorize the Mayor to execute a Contract of Sale of Real Estate. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Morse voting against the motion.

ADJOURNMENT

At 8:30 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

Staff Report

Community Development

PUD AMENDMENT AND FINAL DEVELOPMENT PLAN

Hearing Date: February 19, 2018

Re: Amend Ordinance No. 6804 of the Downtown Entertainment District, Unit Two PUD for the development of a 25 stall parking lot. The Amendment is proposed as a Final Development Plan for Lot 1.

Applicant: McCullough Development for CP Building, LLC

Property Owner: CP Building, LLC (Charlie Busch)

Property Address: Downtown Entertainment District, Unit Two, Lot 1. Generally located on the northeast corner of Colorado and 4th Street.

Total Area: .27 acres

Date of Neighborhood Meeting: December 27, 2017

Date of Public Notice Publication: January 29, 2018

Date of City Commission: March 6, 2018



BACKGROUND

The existing Downtown Entertainment District Planned Unit Development (PUD), Ordinance No. 6804, was approved on December 15, 2009 and is subject to the following conditions of approval:

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.

Attachment No. 1

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 S. 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 S. 4th Street and Colorado Street parking lot frontages.
8. Provide landscape trees and vegetated screen along Ft. Riley Boulevard on the south side of the parking garage.

This PUD was created as an extension of the Central Business District. The district created an 18-acre tract of land to be developed as a hotel, museum, conference center, park, parking garage, residential units and a broad range of retail spaces. The subject property was originally platted as Lot 5 of the Downtown Entertainment District. It was planned to be a three-story mixed use building with retail on the main floor and residential use on the top two floors.



In 2010, the final plat of the Downtown Entertainment District, Unit Two was approved. And the subject property became Lot 1 of the Downtown Entertainment District, Unit Two. In addition, the Final Development Plan of Lot 2 (301 S. 4th Street) was approved at that time, but there was no submittal for the Final Development Plan of Lot 1, and Lot 1 remained undeveloped.

At this time the applicant would like to submit a Final Development Plan for Lot 1. And because the original plans for development on this lot have been modified, this case will include a PUD Amendment and a Final Development Plan.

PROPOSED AMENDMENT AND FINAL DEVELOPMENT PLAN

For this proposed amendment, the applicant is desiring to build a 25 stall parking lot. The applicant would like to put in the parking lot to meet the needs of the employees at the Civic Plus building which is located across 4th Street. The applicant has been having trouble leasing the south space in the Civic Plus Building, and believes this parking lot will help to attract new tenants.

Attachment No. 1

However, despite this request, the applicant does not plan for this parking lot to be permanent. As previously mentioned, this lot was originally planned to house a mixed-use building, and the owners would eventually like to develop this lot as intended. In a letter submitted by Charlie Busch on February 5, 2018, Mr. Busch states, "The owners would like nothing better than to have the originally specified building/asset on the lot. . . . Ideally, if an office or retail user would come to us and either 'partner' or commit to a long-term lease for at least the main floor of a 'build to suit' building, we would re-purpose the parking lot into what was originally specified." But until this happens, it is the intent of the owner to satisfy the demands of the market, which at this time is to develop a parking lot at this location. And ideally, the applicant would re-purpose this parking lot at some point in the future.

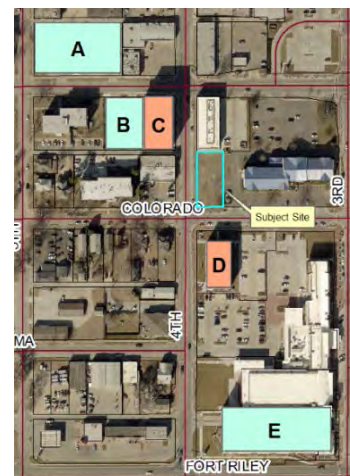
REVIEW OF MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. Whether the proposed amendment is consistent with the intent and purpose of the approved PUD, and will promote the efficient development and preservation of the entire PUD:

The intent and purpose of the approved PUD was to create an extension of the Central Business District. This extension would insure continued vibrancy and economic stability of the downtown. If this parking lot aids in the leasing of space within the Civic Plus Building, then it would be insuring continued economic stability. On the other hand, this proposal is a significant change from the original plan, and replacing a planned mixed-use building with a parking lot could be considered inefficient development in this PUD. An argument could be made for positive and negative impacts of this amendment.

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:

Since the approval of the Preliminary Development Plan of the Downtown Entertainment District PUD, a few conditions have changed. First of all, the parking situation has changed. The Civic Plus Building, which employs over 225 people, was built (C). There are two parking lots to serve the Civic Plus Building. The first lot which is north of Pierre Street has 97 parking stalls (A). The second is to the west of the Civic Plus Building and it has 43 parking stalls (B). There is also the 400 stalls located in the public parking garage located to the north of Fort Riley Boulevard (E). This public garage is located about



Attachment No. 1

1000 feet from the Civic Plus Building. This is under ¼ mile (about .19 miles). An additional change to this PUD occurred when a 2012 amendment allowed a four-story mixed use building, which later was amended to become all residential, to go in the parking lot of the Hilton Garden Inn Hotel (D). With the addition of these buildings and the public's desire of close parking, the applicant would like to give closer parking options with the addition of this parking lot.

The second changing condition is the changing economic market. Currently there is a soft commercial and multi-family residential market in Manhattan, which has contributed to the lack of development of this property. The applicant wishes to make use of this property in the interim while still seeking for a development opportunity. Therefore, due to the changing conditions affecting nearby parking and the economic market, this amendment is made necessary.

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:

This amendment will provide a safety and convenience to the public because it will provide additional parking for the Civic Plus Building and thus create more available parking to give the public easier access to their destinations.

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

1. Landscaping: A landscape plan has been presented as part of this amendment. The landscape is typical of the surrounding landscape and meets the landscape requirements of the Zoning Regulations. The applicant will be required to enter into a Landscape Performance Agreement to insure the installation of the landscape.

2. Screening: For this lot, no screening is required.

3. Drainage: The surface of the parking lot will be sloped so that water will run south. The water will then be collected and drain into the existing storm-water system on 4th Street.

Attachment No. 1

4. Circulation: The parking lot will be entered from two access easements that will run north and south. There will be the Fairfield and the Gateway Travel Easement. The Fairfield easement exits onto Colorado Street, and the Gateway Easement exits onto Pierre Street.



5. Open Space/Landscaped and Common Area: There will be no open space or common area.

6. Character of The Neighborhood: The neighborhood is part of the Central Business District, and it is composed of residential, hotels, entertainment venues, retail, businesses, and parking lots.

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

This property is vacant, cleared and ready to be developed.

Staff Finding

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

2. Physical and Environmental Characteristics of the Property

The subject site is flat. It is not located within a regulated floodplain.

Staff Finding

The property is flat and ready to be developed.

3. Surrounding Zoning and Land Uses of Nearby Properties

NORTH: Office building; Downtown Entertainment District, Unit 2 PUD.

SOUTH: Four-story multiple family residential building; Downtown Entertainment District, Unit 2 PUD.

EAST: Fairfield Inn Hotel; C-4 Central Business District and C-5 Highway Service Commercial District.

WEST: Businesses and parking lot; C-4 Central Business District.

Staff Finding

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

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

The subject site is currently zoned PUD.

Staff Findings

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

5. The Character of the Neighborhood

The neighborhood is part of the Central Business District, and it is composed of residential, hotels, entertainment venues, retail, businesses, and parking lots.

Staff Findings

The character of the neighborhood is a mix of commercial buildings along with medium to high density residential.

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 a stand-alone parking lot. There are certainly many existing parking lots within this district. Parking lots are generally compatible with all types of uses. There are no foreseen detrimental effects from adding an additional parking lot to this area.

Staff Findings

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

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

The Future Land Use of the Manhattan Area 2035 Comprehensive Plan shows this area as Central Core District. The applicable land use policies found in the Comprehensive Plan are below.

CCD-1: Characteristics

The Central Core District is a special purpose designation for the Downtown core and Aggieville, both of which have a unique historical character and importance to the broader community. Although the two areas are not physically connected, they both consist of a variety of civic, cultural, retail, commercial, business, professional offices, and financial institutions, and residential uses in a compact, vibrant setting. This setting is enhanced by a large inventory of older and/or historic structures and a pedestrian-friendly scale. Identified redevelopment areas in the Downtown core provide opportunities for a range of uses—including high density residential—provided they are designed as part of a master planned development that is compatible with and complimentary to the design and pedestrian-oriented character of the traditional urban fabric in Downtown. (Note: “Master planned” refers to the process of developing an overall concept or neighborhood level plan for an area, prior to development, that takes into consideration the relationships between land uses, buildings, access and site characteristics, in order to establish a more unified and compatible development. It can apply to a large single site, a whole neighborhood, or series of neighborhoods.)

CCD-2: In fill and Redevelopment

Encourage targeted infill development and/or redevelopment to take advantage of underutilized areas such as large surface parking lots, help enhance the overall mix of uses, and enhance the continued revitalization of the Central Core District. Encourage infill and redevelopment that is in keeping with the historic character and scale of the Downtown Historic District.

CCD-3: Rehabilitation and Adaptive Reuse

Encourage the rehabilitation and adaptive reuse of existing underutilized structures, particularly along Poyntz Avenue in the Downtown core. Support the continued adaptation and reconfiguration of existing spaces in the Manhattan Town Center and on surrounding pad sites to meet changing market preferences and the needs of the community.

CCD-4: Housing

Promote an expanded range of housing options in the Central Core to reinforce the variety and vitality of the environment. Encourage the conversion of upper floors above existing retail storefronts to office or residential uses, the integration of Residential High Density or Urban Core Residential type uses at the fringe of the Central Core District, and the conversion of obsolete uses or surface parking lots to housing over time.

CCD-5: Outdoor Seating

Support the provision of outdoor dining and seating areas along the sidewalk edge, particularly in the Downtown core, to create activity along the street.

CCD-6: Mix of Uses

Support a vibrant mix of residential and non-residential uses within the Central Core. Concentrate active, visible uses that encourage pedestrian activity, such as restaurants or retail storefronts, on the first floor of buildings along Poyntz Avenue and the other retail-oriented streets, and in Aggieville. In these locations, encourage offices, residential or other uses that typically are “closed off” from the street as upper floor uses; however, single use buildings (e.g. office or residential) are appropriate on secondary streets in Downtown where retail may not be viable and contribute to the overall vitality of the Central Core District. 52

The Future Land Use Map identifies this location as the Central Core District. While this location is zoned PUD, Ordinance 6804, which established this PUD does permit all uses within the C-4, Central Business District to be developed within this PUD. Since parking lots are allowed in the C-4 District, the proposed amendment is compatible with the Future Land Use Map.

The Land Use Policies identify the characteristics of the Central Core District and stresses the importance of maintaining the pedestrian-oriented character of our downtown. Despite the fact that there are many existing parking lots within this district, a parking lot does not enhance the pedestrian aspects of our downtown. However, in contrast to this, the Land Use Policy also mentions the importance of supporting the continued adaptation and reconfiguration of existing spaces to meet changing market preferences and the needs of the community. The subject site is vacant and therefore is not contributing to the livelihood of the downtown. Building a parking lot at this location can help to meet the needs of the market preference which is to have available parking closer to your final destination.

Staff Findings

The proposed amendment does conform to the Future Land Use Map and the Land Use Policies of the Comprehensive Plan.

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

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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.

- 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.

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- 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.
- 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

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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.
- 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.

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- 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.
- 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.
- January 18, 2017 Manhattan Urban Area Planning Board, on a vote of 5-0, recommends approval of the proposed amendment of Ordinance No. 6804, 6936 and 7053 and the approved Final Development Plan of Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development (PUD) for a proposed comprehensive signage plan for the existing Blue Earth Place mixed use building.

Staff Findings

The subject property is vacant. And has been zoned PUD since 2009.

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.

Staff Findings

Adequate sewer and water facilities, streets and other needed public services currently exist to serve all permitted uses.

12. Other Applicable Factors

There are no other applicable factors.

13. Staff Recommendation

There are many factors to weigh when considering a recommendation of this amendment and final development plan to the Downtown Entertainment District, Unit Two Planned Unit Development. When examining the presented findings, adopted plans, and policies it is easy to see how subjective these matters are to interpretation. An argument can be made for or against this parking lot.

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For example, the Comprehensive Plan identifies a long-term goal for Downtown of achieving continued stability and vitality (CH 11). Will a new parking lot contribute to the stability and vitality of Downtown? It is hard to say yes when we already have over 200 under-utilized parking spaces in Downtown. But on the other hand, we have a vacant lot that is not being developed because of the current soft real estate market in Manhattan. Plus we have office space that is not able to keep its tenants. Allowing the development of a parking lot will increase the property tax revenue on the lot, and a strategically placed parking lot could help bring in new tenants.

But ultimately, this proposed amendment is for a temporary parking lot. The owner has every intention of marketing this property for development that matches the Preliminary Development Plan of this PUD. And when a prospective partner is found, the owner would like to, at that time, re-purpose the parking lot to allow for the development of a mixed-use building. Therefore, after weighing all the factors present, staff recommends approval of this amendment and Final Development Plan.

Staff's Conclusion

Based on the findings found in this Staff Report, City Administration recommends approval of the proposed PUD amendment and the Final Development Plan for the Downtown Entertainment District, Unit Two with the following conditions:

1. A temporary parking lot may be permitted on Lot 1 of the Downtown Entertainment District, Unit Two.
2. The temporary parking lot must meet the parking lot standards found in Article VII of the Manhattan Zoning Regulations.
3. The temporary parking lot, if constructed, must be constructed and landscaped as proposed, and a landscape performance agreement shall be provided between the applicant and the City.

ALTERNATIVES

1. Recommend approval of the proposed amendment of Ordinance No. 6804 and the Final Development Plan of Downtown Entertainment District, Unit Two, 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. 6804 and the Final Development Plan of Downtown Entertainment District, Unit Two, Planned Unit Development, and modify the conditions, and any other portions of the proposed PUD

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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. 6804 and the Final Development Plan of Downtown Entertainment District, Unit Two, 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. 6804, and the Final Development Plan of Lot 1, Downtown Entertainment District, Unit Two based upon the findings in the staff report with the three conditions recommended by City Administration.

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

Date: February 6, 2017