

MINUTES
CITY COMMISSION MEETING
TUESDAY, DECEMBER 1, 2009
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bob Strawn and Commissioners Bruce Snead, James E. Sherow, Loren J. Pepperd, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 6 staff, and approximately 26 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Strawn led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Strawn opened the public comments.

Hearing no comments, Mayor Strawn closed the public comments.

COMMISSIONER COMMENTS

Commissioner Morris-Hardeman informed the community of a public input meeting scheduled on Thursday, December 3, 2009, in the City Commission Room, City Hall, regarding public transportation and encouraged those interested to attend.

Commissioner Sherow stated that the ice skating rink in the Wefald Pavilion is being nicely used and will be getting additional ice skates for the facility.

Mayor Strawn said that the Manhattan Rotary Clubs have provided funds to purchase additional skates for the ice skating rink. He invited all to attend the Mayor's Spirit of the Holidays Lighted Parade and Tree Lighting event on Friday, December 4, 2009, starting at 6:00 p.m., to help support the efforts of the Flint Hills Breadbasket. He informed the community that during the Discussion/Briefing session, the Commission discussed how the pool construction process is being managed and the additional features that will be included as the result of the achieved savings. He stated that the City Commission will be

COMMISSIONER COMMENTS (*CONTINUED*)

making decisions on any savings achieved with the Discovery Center and that the Commission would be discussing water rates during its February 9, 2010, work session meeting.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 17, 2009.

CLAIMS REGISTER NO. 2625

The Commission approved Claims Register No. 2625 authorizing and approving the payment of claims from November 11, 2009, to November 24, 2009, in the amount of \$3,218,438.69.

LICENSES

The Commission approved a *Tree Maintenance License* for calendar year 2010 for Tree Man-MHK, 2104 Fox Meadows; Brinker Tree Care, Inc., 2907 Jacque Circle; an annual *CMB Off-Premises License* for Shop Quik #11, 3108 Anderson Avenue; Shop Quik #12, 430 Fort Riley Blvd.; Shop Quik #14, 529 Richards Drive; and a *Fireworks Display* in Aggieville on January 1, 2010, for Manhattan Festivals, Inc., 623 North Manhattan Avenue.

ORDINANCE NO. 6801 – VACATE UTILITY EASEMENT – LOT 9, OAK HILL ADDITION

The Commission approved Ordinance No. 6801 vacating a portion of a utility easement on Lot 9, Oak Hill Addition, in the City of Manhattan, Riley County, Kansas.

ORDINANCE NO. 6802 – 2010 EMPLOYEES SALARIES RANGE

The Commission approved Ordinance No. 6802 establishing a range of salaries for City employees for 2010.

* FIRST READING – ALLOW ALCOHOL – WEFALD PAVILION

Ruth Schrum, 720 Midland Avenue, stated that she was speaking on behalf of the late Don Rose regarding the sale of alcohol in the Wefald Pavilion and voiced her disapproval with alcohol being permitted in the Pavilion, near the playground for children.

CONSENT AGENDA (CONTINUED)

* **FIRST READING – ALLOW ALCOHOL – WEFALD PAVILION (CONTINUED)**

The Commission approved first reading of an ordinance amending Section 4-2 of the Code of Ordinances for the City of Manhattan to allow for permitted use of alcoholic beverage in the Wefald Pavilion.

RESOLUTION NO. 120109-A – 2011 AND 2012 TE APPLICATION

The Commission approved Resolution No. 120109-A supporting the application for the State Fiscal Years 2011 and 2012 Transportation Enhancement program funding by the City of Manhattan to the Kansas Department of Transportation.

* **AWARD CONTRACT – WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION (SP0705)**

Ron Fehr, City Manager, provided additional information on the item and responded to the bid results.

The Commission accepted the Engineer's Estimate in the amount of \$34,800,000.00 and awarded a contract, subject to the approval of KDHE, to Walters-Morgan Construction, Inc., of Manhattan, Kansas, in the amount of \$22,892,000.00 for the Wastewater Treatment Plant Upgrade and Expansion Project (SP0705).

AMENDMENT NO. 2 – ENGINEERING AND CONSTRUCTION PHASE SERVICES – WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION (SP0705)

The Commission amended the existing agreement with Carollo Engineers, of Overland Park, Kansas, for additional engineering services in the amount of \$49,664.00 and for construction phase services in the amount of \$1,530,606.00 for the Wastewater Treatment Plant Upgrade and Expansion Project (SP0705).

* **AWARD CONTRACT – PROJECT #15 STORM SEWER IMPROVEMENTS (SM0806)**

Ron Fehr, City Manager, provided additional information on the item and responded to the bid results.

The Commission accepted the Engineer's Estimate in the amount of \$2,405,512.00 and awarded a construction contract in the amount of \$1,415,608.50 to the low bidder, Dondlinger and Sons Construction, of Wichita, Kansas, for Project #15 Storm Sewer Improvements (SM0806).

CONSENT AGENDA (CONTINUED)

SUPPLEMENTAL AGREEMENT – PROFESSIONAL AND TECHNICAL SERVICES – PROJECT #15 STORM SEWER IMPROVEMENTS (SM0806)

The Commission authorized the Mayor and City Clerk to execute a supplemental agreement with HWS Consulting Group Inc., of Manhattan, Kansas, in the amount \$36,723.24 for additional services for Project #15 Storm Sewer Improvements (SM0806).

FIRST READING – ISSUE TEMPORARY NOTES – PROJECT #15 STORM SEWER IMPROVEMENTS (SM0806)

The Commission approved first reading of an ordinance authorizing the issuance of General Obligation bonds for Project #15 Storm Sewer Improvements (SM0806).

AGREEMENT – ARCHITECTURAL SERVICES – NISTAC WETLAB COMPLETION

The Commission authorized the Mayor and City Clerk to execute a contract for architectural services with Bowman, Bowman, and Novick, Inc., of Manhattan, Kansas, in an amount not to exceed \$113,500.00 for the completion of the pilot space in the Manhattan/K-State Innovation Center.

CHANGE ORDER NO. 2-FINAL – LEE MILL HEIGHTS ADDITION, UNIT 4 – STREET IMPROVEMENTS (ST0710)

The Commission approved Change Order No. 2-Final for Lee Mill Heights Addition, Unit 4, Street Improvements (ST0710), resulting in a net decrease in the amount of \$15,948.90 (-1.83%) to the contract with Manhattan Trenching, Inc., of Manhattan, Kansas.

CHANGE ORDER NO. 3-FINAL – LEE MILL HEIGHTS ADDITION, UNIT 4 – STORM SEWER IMPROVEMENTS (SM0703)

The Commission approved Change Order No. 3-Final for Lee Mill Heights Addition, Unit 4, Storm Sewer Improvements (SM0703), resulting in a net increase in the amount of \$29,477.70 (+15.64%) to the contract with Manhattan Trenching, Inc., of Manhattan, Kansas.

*

ACCEPT GRANT OFFER – KIMBALL AVENUE AND CANDLEWOOD DRIVE INTERSECTION – INSTALL TRAFFIC SIGNALS (ST0914)

The Commission accepted the grant offer from KDOT for the installation of a traffic signal at the Kimball Avenue and Candlewood Drive Intersection (ST0914) and directed City Administration to proceed with this project in a manner that will facilitate installation of a traffic signal at the intersection in summer 2011.

CONSENT AGENDA (CONTINUED)

AGREEMENTS AND EASEMENTS – CARLSON LAND ACQUISITION – WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION (SP0705)

The Commission approved the agreements for acquisition of real estate, Permanent Easement, and Temporary Construction Easement for the Wastewater Treatment Plant Upgrade and Expansion (SP0705) and authorized the Mayor and City Clerk to execute all agreements on behalf of the City.

After discussion, Commissioner Snead moved to approve the consent agenda, as read. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item E: Salary Ordinance, which carried 3-2, with Mayor Strawn and Commissioner Pepperd voting against the item.

GENERAL AGENDA

FIRST READING – REZONE - DOWNTOWN ENTERTAINMENT DISTRICT

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission regarding the final design of streetscapes.

Ron Fehr, City Manager, provided additional information on the item and informed the Commission that final design elements would be brought back to the Commission for approval.

Jason Hilgers, Assistant City Manager, responded to questions regarding contracts with HWS Consulting Group, infrastructure work to be completed, and discussed parking considerations for the redevelopment area and overflow.

Eric Cattell, Assistant Director for Planning, presented additional information on the traffic study; off-street parking and circulation; landscaping site plan; neighborhood character, compatibility, and historic properties; and, on the Comprehensive Plan.

Brad Waller, HWS Consulting Group, Project Manager, South End Redevelopment, provided an overview of the site, ownership, hotel/conference center/parking garage, hotel renderings, mixed-use buildings, building elevations, Discovery Center renderings, streets, city park concept, and the project schedule.

Jason Hilgers, Assistant City Manager, responded to questions from the Commission regarding land ownership.

GENERAL AGENDA (*CONTINUED*)

FIRST READING – REZONE - DOWNTOWN ENTERTAINMENT DISTRICT (*CONTINUED*)

Benjamin Van Eps, Butler Rosenbery Architects, informed the Commission that he was looking to pursue Leadership in Energy and Environmental Design (LEED) certification and responded to questions from the Commission regarding the building materials that will be used for the hotel and stated that the economic climate was forcing them to make sacrifices.

Patrick Schaub, Bowman Bowman and Novick, Inc., provided information on the design guidelines and materials that can be used for the hotel and conference center in the South End Redevelopment.

Benjamin Van Eps, Butler Rosenbery Architects, responded to questions from the Commission on the proposed materials to be used and the design of the building.

Commissioner Sherow asked that a commitment be made that if the bids come in under budget, that additional stone or brick be used for the hotel and conference center.

Barry Schwartz, Chief Financial Officer, HCW, informed the Commission that they would continue to evaluate the economic model and feasibility of materials that would be used. He stated that it would be an economic decision as bids are reviewed for the project.

Mayor Strawn stated that taxpayers are putting money into this project and voiced his disappointed with the two-inch limestone materials being proposed for the exterior of the building and was concerned with the design of the proposed pillars.

Commissioner Snead voiced appreciation in meeting the design guidelines, given the economic parameters in financing a hotel right now. He asked for a commitment to achieve the highest quality possible, but understood the realities with budget considerations and the bidding process.

Benjamin Van Eps, Butler Rosenbery Architects, responded to questions from the Commission regarding the number of proposed rooms and the design of the hotel.

Barry Schwartz, Chief Financial Officer, HCW, informed the Commission that with lenders and such, they have to meet all sorts of requirements and contingencies. He responded to questions from the Commission regarding building the facility larger and stated that it is difficult for lenders to commit to projects like this today.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - DOWNTOWN ENTERTAINMENT DISTRICT (CONTINUED)

Patrick Schaub, Bowman Bowman and Novick, Inc., provided additional information about the materials that will be used on the parking garage and stated that the Discovery Center design includes tinted glass and the parking garage design plans include clear glass.

Jason Hilgers, Assistant City Manager, responded to questions from the Commission regarding the parks and streetscape maintenance that will be required. He then informed the Commission that they would have a chance to choose the materials for the City-owned parking garage and conference center; however, there would be cost considerations and budget impacts, depending on the materials selected.

Benjamin Van Eps, Butler Rosenbery Architects, responded to questions from the Commission regarding the limestone planned for the hotel.

Jason Hilgers, Assistant City Manager, provided additional information on the design options for the parking garage and the PUD process and Final Development Plan. He informed the Commission to consider a balance between what the Commission wants and what the developer can afford for the hotel.

After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning the proposed Downtown Entertainment District, generally located south of Pierre Street, north of Ft. Riley Boulevard, east of South 4th Street, and west of the Union Pacific Depot, 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, based on the findings in the Staff Report with the eight conditions recommended by the Planning Board (*See Attachment No. 1*). Commissioner Morris-Hardeman seconded the motion.

Commissioner Sherow voiced his appreciation for the work that has been completed thus far. He asked, given the limitations, to make sure that the hotel building fits in better with the other architecture and materials used in the downtown area and throughout the community. He also asked to keep in mind the cultural significance and the work completed by the Steering Committee as the South End Redevelopment continues to proceed forward.

Commissioner Pepperd stated that the building materials proposed is limestone veneer. He stated that hotels are risky ventures right now and that parking lots are difficult for banks to loan money on.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - DOWNTOWN ENTERTAINMENT DISTRICT (CONTINUED)

Commissioner Morris-Hardeman asked that consideration with the design guidelines be used to achieve the highest quality facility that is compatible with many of the downtown structures. She said that if savings are realized, a percentage of the exterior of the hotel could be improved.

Commissioner Snead concurred with the Commission and encouraged the design team to use higher quality materials for the facility, if fiscally achievable. He stated that he wanted to see the project move forward.

Mayor Strawn reiterated his concerns in what the City is getting with a two-inch limestone exterior for the hotel.

On a roll call vote, motion carried 5-0.

ECONOMIC DEVELOPMENT APPLICATION - MANHATTAN SURGICAL HOSPITAL

Lauren Palmer, Assistant City Manager, introduced the item.

John Pagen, Manhattan Area Chamber of Commerce, provided an overview of the expansion plans for the Manhattan Surgical Hospital.

Lauren Palmer, Assistant City Manager, presented an overview of the economic development proposal, Economic Development Fund funding criteria, job and wage projections, community fit, proposed incentives package, employee benefits, report from Springsted, Inc., and highlighted the significant positive aspects of the application.

Scott Chapman, Administrator, Manhattan Surgical Hospital, provided the Commission with additional background information and expansion plans for the Surgical Hospital. He stated that the financial assistance from the City will help with the mission of the Surgical Hospital. He then responded to questions from the Commission regarding charitable care, number of jobs created, and relationship with Mercy Hospital. He stated that the facility expansion and job creation would occur without the incentives being requested.

Mayor Strawn stated that he questioned the common sense of the model and that the City would be favoring one institution at the cost of another institution. He stated that it makes no sense to transfer economic development funds to a good operation that will expand anyway and could not vote for the item.

GENERAL AGENDA (CONTINUED)

ECONOMIC DEVELOPMENT APPLICATION - MANHATTAN SURGICAL HOSPITAL (CONTINUED)

Commissioner Morris-Hardeman stated that she supported the expansion of the facility, but could not support the use of economic development dollars to create jobs that would be created regardless of the financial assistance. She also voiced concern with the lower level of charitable care that was provided.

Commissioner Sherow stated that the Surgical Hospital is a quality institution with high-quality care, but that he was reluctant to provide taxpayer dollars when the facility expansion and job creation was going to happen with or without the use of economic development funding assistance.

Commissioner Snead provided background information on the use of past economic development funds to assist with the expansion of Mercy Hospital. He stated that the request is similar, but more modest and that it would be reasonable to allow this item to percolate in the community for additional feedback and to consider the item again at second reading.

After discussion, Commissioner Snead moved to schedule December 15, 2009, as the date for a final determination on the economic development incentive package, as recommended by City Administration, for Manhattan Surgical Hospital. Commissioner Pepperd seconded the motion. On a roll call vote, motion failed 4-1, with Mayor Strawn and Commissioners Sherow, Pepperd, and Morris-Hardeman voting against the motion.

The Commission took a brief recess.

FIRST READING – ESTABLISH - PARKING PERMIT ZONES – WHITE ZONE

Bernie Hayen, Director of Finance, presented background information on parking permits and provided an overview on the proposed parking zones.

Bill Frost, City Attorney, provided clarification on the item.

Rich Seidler, Director of Development, McCullough Development, provided additional information on the request for the color zone for residential and retail use. He also updated the Commission on the residential development on North Fourth Street and the Strasser House.

Ruth Schrum, 720 Midland Avenue, property owner on the west side of the street, spoke against the zoning request and stated that if apartments are going to be built, the only honest thing to do is provide parking for the tenants.

GENERAL AGENDA (CONTINUED)

FIRST READING – ESTABLISH - PARKING PERMIT ZONES – WHITE ZONE (CONTINUED)

Ron Fehr, City Manager, informed the Commission that properties on the west side of the affected area on Fourth Street would also be eligible to apply for a parking permit.

Bernie Hayen, Director of Finance, responded to questions from the Commission regarding the annual parking permit system and enforcement by the Riley County Police Department.

After discussion, Commissioner Sherow moved to approve first reading of an ordinance establishing a parking permit zone on Fourth Street on the east side from Osage Street north for a distance of 1,070 feet to Moro Street and on Moro Street on the north side from 4th Street east for a distance of 350 feet to Third Place. Commissioner Snead seconded the motion.

Bill Frost, City Attorney, responded to questions from the Commission regarding towing and the ability to authorize a tow by the Riley County Police Department.

After additional discussion by the Commission, on a roll call vote, motion carried 5-0.

FIRST READING – ESTABLISH - PARKING PERMIT ZONES – ORANGE ZONE

Bernie Hayen, Director of Finance, presented a request for a proposed parking time zone on Laramie Street and 16th Street.

Ruth Schrum, 720 Midland Avenue, property owner, asked if Manhattan Christian College is requesting this and voiced concern that students would be using her parking lots and that her tenants would not have a place to park. She stated that this isn't fair and that the honest thing to do is to make sure that we have enough parking for everyone.

Ron Fehr, City Manager, informed the Commission that the requestor did consult with adjacent property owners and informed the City that they met with the Executive Committee of the Aggieville Business Association.

After discussion, Commissioner Sherow moved to approve first reading of an ordinance establishing a parking permit zone on Laramie Street on the south side from 14th Street west for a distance of 635 feet to 16th Street, and on the east side of 16th Street from Laramie Street south for a distance of 315 feet to Fairchild Avenue. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

DISCUSSION - DISCOVERY CENTER EXHIBIT SCHEMATIC DESIGN

Lauren Palmer, Assistant City Manager, introduced the item.

Brad Nederoff, Vernon Johnson and Associates, introduced Gerry Hilferty and Fred Goode with Hilferty & Associates.

Gerry Hilferty, Hilferty & Associates, presented background information on the Discovery Center exhibit schematic design.

Fred Goode, Hilferty & Associates, presented the proposed exhibit design goals and process, vision, audience, visitor decision points and diagram, exhibit design vocabulary, and ground floor views. He provided presentations on the immersive experiences, second floor exhibit plan and views, graphic design vocabulary, exhibit design schedule, and the next steps to begin the design development phase. He then responded to questions from the Commission.

Gerry Hilferty, Hilferty & Associates, responded to questions from the Commission.

Brad Nederoff, Vernon Johnson and Associates, responded to questions from the Commission regarding the rooftop system, concept of moving panels, and a multi-use room that could accommodate an additional meeting space, expanded café, or an expansion area.

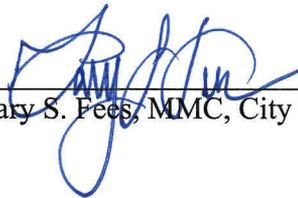
Gerry Hilferty, Hilferty & Associates, provided additional information on the Discovery Center experience, lighting, and functionality of the building.

Lauren Ritterbush, Associate Professor - Sociology Anthropology, and Brad Logan, Research Associate Professor – Sociology Anthropology, 3331 Newbury Street, read a prepared letter to the Commission expressing their concerns regarding stereotypical images of Indian tribes who once roamed the Flint Hills. They also expressed a desire to see the Kaw tribe exhibit in the Discovery Center to lead interested visitors to more detailed exhibits and places in the region. They then responded to questions from the Commission.

After discussion of the Commission, Bob Workman, Director, Discovery Center, commented on the extraordinary transparency of the process and stated that it is quite unique in the museum profession. He encouraged those interested to view the Discovery Center design on the City's web site and invited feedback on the project.

ADJOURNMENT

At 11:07 p.m. the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: C-4, Central Business District; C-5, Highway Service Commercial District and RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District.

TO: PUD, Commercial Planned Unit Development District.

OWNERS/APPLICANTS: City of Manhattan and Dial-Manhattan, LLC.

ADDRESSES: 1101 Poyntz Avenue, Manhattan, KS, 66502; and 11506 Nicholas #200, Omaha, NE 68154.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, October 26, 2009.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, November 16, 2009.

CITY COMMISSION: Tuesday, December 1, 2009.

LOCATION: Generally located south of Pierre Street, north of Ft. Riley Boulevard, east of S. 4th Street, and west of the K-177 on-ramp.

AREA: An approximate 18-acre tract of land consisting of lots in Ward 1, public utility easements and rights-of-ways.

PROPOSED USES: The Permitted Uses of the PUD will include all of the Permitted Uses of the C-4, Central Business District, and a City Park, a Conference Center, Parking Garage, and Museum.

The proposed Downtown Entertainment District is, in general, an extension of the Central Business District. The development includes a hotel, conference center, parking garage, museum, park, residential dwelling units, and a broad range of retail and office uses, off-street parking, landscaping, signage and other improvements.

The site is within the South Project Area of the Downtown Redevelopment Plan. The Downtown Redevelopment-Entertainment District Design Guidelines apply to the proposed development.

PROPOSED BUILDINGS AND STRUCTURES:

Note: Public projects are noted in bold italics and are those projects which are under design and review by the City Commission and will be approved by the City Commission.

Lot 1: The proposed approximate 22-foot tall one-story building is located at the southeast corner of the parking garage, facing S. 3rd Street and north of Ft. Riley Boulevard. The PUD notes the spaces are for retail. Other permitted uses such as, but not limited to, professional offices might also occupy the spaces. The floor plans indicate three floor spaces totaling approximately 3,275 square feet in area. The exterior building materials are a combination of limestone veneer and brick with large display windows facing streets.

Lot 2: *The proposed approximate 55-foot tall four-story parking garage is on the northwest corner of Ft. Riley Boulevard and S. 3rd Street. The structure will provide off-street parking for 440 vehicles. Entrances and exits are off S. 3rd Street and S. 4th Street. Levels one to three are interior parking with the fourth level open to the sky. Exterior materials are pre-cast concrete with integral color and limestone clad columns. Vegetative screen walls, (wire screens on which vines, for example, are grown) are proposed on the south façade of the structure to buffer the façade along Ft. Riley Boulevard frontage. A bike rack is shown between the garage access off S. 3rd Street and the Conference Center entrance (Sheet L2). The potential for providing bicycle parking in the garage is being investigated.*

Lot 3: *The proposed approximate 34-foot tall Conference Center will be located between the parking garage and hotel with its main entrance off S. 3rd Street and a second entrance off the hotel's parking lot. Meeting room space will accommodate approximately 1,500 people. The floor plans indicate a future expansion space of 13,935 square feet on the west side of the Center. Exterior materials are a glass curtain wall and limestone clad columns with a canopy roof over the entrance.*

Lot 4: The proposed approximate 46-foot tall four-story hotel is located on S. 3rd Street between Colorado Street and the Conference Center. Exterior materials are a combination of brick, limestone veneer and EFIS. The hotel's main entrance is off S. 3rd Street with a second entrance off the west side of the hotel adjacent to the hotel's parking lot. A supported entrance canopy extends from the building over the drop-off lane and public right-of-way. Room count is 133 rooms with a future expansion on the north end of the

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hotel for 48 +/- rooms. The hotel floor space also includes a dining room, fitness area, meeting rooms, and administrative and mechanical rooms. The parking lot located to the west of the building with curb cuts off Colorado Street and S. 4th Street and has 216 off-street parking spaces. Pedestrian walkways and sidewalks connect to the hotel entrances from all streets.

Lot 5: The proposed approximate 44-foot tall three-story mixed use retail/residential building consists of a first floor space for up to six retailers, or other permitted uses such as, but not limited to, professional offices, with eleven one-bedroom residential units per floor, 22-total, on floors two and three. Exterior materials are brick and limestone. Retail entrances are oriented towards S. 3rd Street. Off-street parking is shared with Lot 6 or will utilize on-street parking.

Lot 6: The proposed approximate 32-foot tall two-story retail building consists of space dedicated to retail, or other permitted uses such as, but not limited to, professional offices. An entrance off S. 3rd Street leads to two first floor spaces and a stairwell to the second floor. Exterior materials are limestone with storefront display window space the exclusive material on the second floor S. 3rd Street facade. Twenty-four off-street parking spaces are to the east of the building with access from Pierre Street or Colorado Street.

Lot 7: *A proposed parking lot for the Discovery Center. The parking lot may coordinate with the City Park and Lot 9. The parking lot is access from Colorado Street and may connect with Lot 9.*

Lot 8: *An approximate 63,989 square tract, which will be a City Park. A conceptual plan for the Park is ongoing, which will be approved by the City Commission. The conceptual plan is labeled Conceptual Landscape Site Plan (Street and City Park). (In addition, street, landscape and amenities within the rezoning site are shown on the plan.)*

Lot 9: Future amendment.

Lot 10: *The proposed Flint Hills Discovery Center is south of Pierre Street, on the northeast corner of S. 3rd Street and Colorado Street. The entrance/lobby faces the intersection and is a 64-foot tall prefinished aluminum curtainwall (glass) system. Exterior walls are shown as limestone. The lobby provides access to exhibits, galleries, a gift shop, a café, administrative and mechanical spaces. (Additional information about the Discovery Center is described in the attached Flint Hills Discovery Center Comprehensive Master Plan.)*

Construction Phasing

Proposed phasing is based on the descriptions set out on Sheet C6, beginning in early Spring 2010 thru Summer 2012).

In general, phasing consists of:

3rd Street (Summer 2010 to Spring 2011);

Colorado Street (Early Spring 2010 to Summer 2010);

3rd Street and Pierre Reconstruction (Spring 2010 to Spring 2011);

Hotel/Conference Center/Parking Garage (Spring 2010 to Summer 2011);

City Park (Spring 2011 to Fall 2011);

Discovery Center and Parking Lot (Fall 2010 to Summer 2012); and,

4th Street Mixed Use Buildings (Spring 2011 to Fall 2011).

Design Guidelines for Downtown Redevelopment

The Design Guidelines for Downtown Redevelopment set out policy, intent, and conditions; site guidelines; building guidelines; supplemental guidelines for large format retail design and small scale residential guidelines; and, checklists for site and building guidelines. The Guidelines are not regulations. The Guidelines are for developers, architects, owners and decision makers for reviewing and evaluating proposals and design quality. Exceptions to the Guidelines may be considered if the overall intent of the Guidelines has been met.

A letter from Patrick Schaub, AIA, Bowman Bowman Novick Inc., dated November 12, 2009, separates the rezoning site into the various lots and notes suggested changes to conform to the Design Guideline requirements.

PROPOSED LOT COVERAGE

<u>Use</u>	<u>Square Feet (sf)</u>	<u>Percentage</u>
Buildings	132,743 sf	17.2%
Parking and Driving Lanes	149,334 sf	19.4%
Streets	63,992 sf	8.3%
Green Space	423,967 sf	55.1%

PROPOSED SIGNS

All buildings will use illuminated wall signs and dimensions are shown on building facades. . No other type of signage is proposed. Signs are located over building entrances or on wall space, as depicted on elevation drawings. Signs must conform to the Design Guidelines and, in general, to the requirements of the C-4, Central Business District.

PROPOSED LIGHTING: Specific lighting will be provided with each Final Development Plan. All lights must downcast and shaded, full cut-off except for those lights used for building accent. The hotel's parking lot light poles are primarily 12-foot pedestrian scale lights. Four, 25-foot tall parking lot lights are also proposed. Building lights are decorative exterior lights. Light poles will be located in the open fourth level parking garage space.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The proposed landscape plan depicts a variety of shade and ornamental trees, evergreen trees, shrubs, foundation plantings, parking lot landscaping, screening, and ground cover throughout the site, with some sites conceptual or to be determined with a Final Development Plan or a future amendment. As provided, the landscaping plan conforms to the requirements of the Design Guidelines. Underground irrigation is proposed to maintain the landscaping, which will be maintained by the owner. Perimeter landscape trees for the hotel's parking lot along S. 4th Street and Colorado Street will likely be deleted, or modified, with the Final Development Plan to insure coordination of street trees along the parking lot street frontages.

2. SCREENING: The hotel's trash container/mechanical areas will be within a completely enclosed masonry enclosure with door as will the Discovery Center's trash area. The mixed use site, Lots 5-6, will provide a screened trash enclosure with more details with the Final Development Plan.

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In addition, the hotel's parking lot will be buffered with a landscape hedge along street frontages. The dense hedge row must be planted at minimum 30-inches in height at the time of planting to screen headlights from streets and adjacent properties.

3. DRAINAGE: The site is proposed to drain to the south to the Kansas River through storm inlets and expanded storm sewer pipe improvements. Adequate inlets and improvements will be provided to assure the drainage system is functional. A comprehensive drainage plan, the Downtown Entertainment District Drainage Impact Study, submitted by HWS for the project area is attached. The Study outlines the improvements. The drainage system has been reviewed and accepted by the City Engineer (*see attached memo from the City Engineer*).

4. CIRCULATION:

Public Access

The proposed internal circulation plan provides for safe, convenient and efficient movement of goods, motorists, and pedestrians. Conflicts between motorists, bicyclists and pedestrians should be minimized. The site will be accessed from the surrounding street system. Internal public streets will provide access to all lots in the PUD. Sidewalks are proposed throughout the site, as well as along Ft. Riley Boulevard. Sidewalk connections are proposed to connect with the Union Pacific Depot. Street improvements are proposed on adjoining streets, to include turning lanes and signals, as well as streetscape improvements on internal PUD streets, which are under a design and review process being conducted by the City Commission.

S. 4th Street is noted as a proposed bike route in the Bicycle Master Plan. There has been some discussion by the Bicycle Advisory Committee that the route be moved to S. 5th Street. Coordination of bike traffic to the PUD from the bike route should be incorporated in the public improvement review, which is underway.

George Butler and Associates provided a memorandum dated October 28, 2005 of traffic analyses for the entire North and South Project Area (attachment), which indicates nominal impact on the surrounding transportation network as a result of the proposed rezoning. An Update to South Redevelopment Traffic Study from HWS dated October 22, 2009 (attached) reflects changes to land use considered with the GBA memorandum. No significant differences have occurred since 2005 and the GBA memorandum is still applicable. The City Engineer has reviewed and accepted the analysis, with comments about future street improvement projects and their timing (*attachment*).

Off-Street Parking

Off-street parking should be adequate. The off-street parking requirements of the Manhattan Zoning Regulations do not require off-street parking for any use in the C-4 District. The proposed PUD is, in general, an extension of the C-4 District. Regardless, the proposed total number of off-street parking throughout the entire site is 761 off-street parking spaces, which consists of 739 off-street parking spaces and 22 ADA parking spaces. The total includes parking garage spaces, parking for the hotel, mixed use buildings, and Discovery Center. The total generally reflects a shared condition, particularly between the Conference Center and hotel. The Discovery Center's parking numbers may increase with coordination of Lot 9 when it develops.

The mixed use buildings on Lot 5 and Lot 6 may require on street parking on S. 3rd Street and Colorado Street to meet a part of their demand, which is consistent with the intent of the PUD.

5. OPEN SPACE AND COMMON AREA: Approximately 55% of the site is green space.

6. CHARACTER OF THE NEIGHBORHOOD: The site is within a predominately commercial service/retail area. Major street corridors adjoin the site on the east and south by Ft. Riley Boulevard. Further south are commercial and industrial uses. Industrial uses within the site no longer exist. On the west is S. 4th Street with a mix of single-family, two-family, multiple-family, service commercial and retail uses further to the west of the site. To the north are Pierre Street and a mix of uses including a hotel, Manhattan Town Center and the Central Business District.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: An approximate 18-acre tract of land, which has been cleared of existing structures.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally flat with existing drainage to the east and south to storm sewer inlets. The site is located in a 500 Year Flood Plain and is not subject to flood plain development regulations.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Hotel, Pierre Street, Manhattan Town Center, Central Business District; C-4 District and C-5/RDO.

(b.) SOUTH: Ft. Riley Boulevard, service commercial and industrial uses; LM-SC District.

(c.) EAST: Union Pacific Depot, Ft. Riley Boulevard (K-18 Highway), K-177 on and off-ramps, and Linear Park; LM-SC District.

(d.) WEST: South 4th Street, multiple-family, single and two-family, service commercial; LM-SC, R-M, Four Family Residential District, Planned Unit Development District; and, C-4 District.

4. CHARACTER OF THE NEIGHBORHOOD: See above under Review Criteria for Planned Unit Development, number 6.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site has been cleared of all existing structures. In general, the approximate 18-acre site is suitable for the uses, permitted and conditional, in the current zoning districts.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed PUD will consist of all of the permitted uses of the C-4 District, a Parking Garage, Museum, City Park, and Conference Center, all of which is designed and located to be compatible with nearby properties. Expected increases in traffic, light, and noise will be consistent with the predominately commercial character of the neighborhood. Residential properties near the site are a smaller part of the neighborhood. Minimal impacts on adjacent properties are anticipated and no detrimental affects are expected. The proposed uses in the PUD are generally consistent with the manner in which the site could currently be developed, which is a combination of commercial, residential, due to the RDO, and light industrial uses. Adequate off-street parking, landscaping, screening, lighting, storm water drainage improvements, and pedestrian and vehicular circulation improvements are provided, which mitigate impacts on surrounding properties.

Historic properties potentially impacted by the proposed project include the Union Pacific Depot, 120 Ft. Riley Boulevard, Downtown Manhattan Historic District, and Houston and Pierre Streets Residential Historic District. The Manhattan Historic Resources Board reviewed the proposed project at its meeting on October 26, 2009 and found that the

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proposed project, “Meets the *Standards and Guidelines for Evaluating the Effect of Projects on Environs* and will not encroach upon, damage or destroy and listed historic property or its environs” (attached letter dated October 28, 2009 from Cameron Moeller, Planner II, Staff Liaison for the Manhattan Historic Resources Board to Jennie A. Chinn, Executive Director/State Historic Preservation Officer (SHPO).) The SHPO (letter attached dated November 2, 2009) reviewed the materials associated with the project in accordance with the state preservation statute. The letter states that, “The SHPO has determined the proposed project will not encroach upon, damage, or destroy any listed historic property or its environs. As far as this office is concerned, the project may proceed.” No detrimental affects on historic properties are expected based on local and state review of the proposed rezoning.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Manhattan Urban Area Comprehensive Plan shows the site as Central Core District (CCD), which is a special purpose designation for the Downtown Core. The rezoning site is also designated as a primary redevelopment area for expansion of the Central Business District, in Downtown Tomorrow – A Redevelopment Plan for Downtown Manhattan, Kansas, adopted in May 2000.

The proposed rezoning conforms to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: Historically the site has been zoned for industrial use. The majority of the site was zoned for heavy industrial uses through 1981. A portion of the site was zoned to C-4 and C-5 District in 1969. The RDO was added to the C-5 portion in 1981 to accommodate relocation of uses from the C-4 District as a result of the Manhattan Town Center development. The remaining I-4, Heavy Industrial District was rezoned to LM-SC in 1988.

Existing structures have been removed or demolished within the past several months.

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 proposed PUD is located in the R and R-1 Districts.

Land use and structures within a Planned Unit Development District which, when approved by the Planning Board and Governing Body, may differ in one or more respects from the regulations that are applicable in any other zoning district. The objectives of a Planned Unit Development District shall be to promote progressive development of land and construction by encouraging Planned Unit Developments (PUD's) to achieve: a

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maximum choice of living environments by allowing a variety of housing and building types; a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns; a more efficient use of land than is generally achieved through conventional development; a development pattern in harmony with land use density, transportation facilities, and community facilities; an environment which provides safe, clean, convenient and necessary residential, commercial, and industrial facilities which will afford greater opportunities for better housing, recreation, shops and industrial plants for all citizens of the community; a development plan which suits the specific needs of the site and takes into account the unique conditions of the property which may require changes of conventional bulk regulations, lot layout, or density; or results in a project that provides greater public benefit than would be provided under conventional zoning; and, a mixture of compatible uses which might not otherwise be permitted in a single district, or which may restrict the range of land uses more than in a single district.

Underlying Zoning Districts

The underlying C-4, C-5 and RDO, and LM-SC Districts are a mixture of central business district retail, highway service commercial district and light-industrial. Setbacks, lot size and bulk regulations vary between the zoning districts.

Proposed PUD

Based on the proposed site plan, the Downtown Entertainment District is an appropriate use of the site and consistent with the intent and purpose of the Manhattan Zoning Regulations, subject to the conditions of approval. Proposed lot and bulk regulations within the proposed PUD are consistent with its intent to extend the Central Business District to the south. A Use Limitation of the C-4 District allows canopies, marquees and awnings to extend over the right-of-way. 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.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: There appears to be no relative gain to the public that denial would accomplish. Minimal impact on the public is expected as a result of traffic and storm water. Transportation and storm water proposals are consistent with the policies of the City. In addition, significant public investment has occurred in the project area. There may be a hardship on the owner if the rezoning is denied because no public adverse impacts are expected.

Financial Impact

The preliminary PUD is critical to moving forward with a site plan and the issuance of STAR bonds. The general make-up of use within the South District is consistent with the STAR bond application and approval by the State of Kansas. The Discovery Center is the catalyst for the State's commitment to assist in the financing. The State of Kansas has also recognized the City's approval of a Redevelopment Plan for the South, which is consistent with the preliminary PUD application. The City also needs to recognize the private investment necessary to leverage the State's investment of \$50M in STAR bonds. The City and developer are required to match the \$50M in STAR bonds with \$58 M in private/public investment. The hotel, conference center, parking garage and public infrastructure are key financial commitments necessary to leverage the State's investment in the South STAR bond district.

Timeline:

November 15, 2005, City Commission adopted Ordinance No. 6512, established the TIF District.

November 27, 2006, the Kansas Secretary of Commerce approved the STAR bond application.

December 28, 2006 the Kansas Secretary of Commerce approved the issuance of up to \$50,000,000 in STAR bonds.

March 15, 2007, the City Commission adopted Ordinance No. 6612, adopting the South Redevelopment Plan

June 2007, City Commission acquired five properties by condemnation within the South District.

January 2008, City Commission acquired the remaining properties within the South District.

January 2008, City Commission financed \$15.5M in acquisition with Key Bank for the South District properties.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public streets, sanitary sewer and storm sewer, fire hydrants, streets, and sidewalks will be provided

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of the Downtown Entertainment District PUD, from C-4, Central Business District; C-5, Highway Service Commercial District and RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District, with the following conditions:

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 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.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Downtown Entertainment District PUD, from C-4, Central Business District; C-5, Highway Service Commercial District and RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.

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2. Recommend approval of the proposed rezoning of the Downtown Entertainment District PUD, from C-4, Central Business District; C-5, Highway Service Commercial District and RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, 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 rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the Downtown Entertainment District PUD, from C-4, Central Business District; C-5, Highway Service Commercial District and RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the seven conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: November 12, 2009.

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