

MINUTES
SPECIAL CITY COMMISSION MEETING
TUESDAY, MARCH 23, 2010
7:00 P.M.

The Special 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, 8 staff, and approximately 25 interested citizens.

Mayor Strawn informed the community that the City Commission held a Work Session prior to tonight's Legislative meeting and heard from President Kirk Schulz, Kansas State University. President Schulz presented an overview on the economic development initiatives and activities with K-State, an audit report related to the National Institute for Strategic Technology Acquisition and Commercialization, and provided a status update on the National Bio and Agro-Defense Facility.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held on Tuesday, February 23, 2010, and the Regular City Commission Meeting held Tuesday, March 2, 2010.

CLAIMS REGISTER NOS. 2636 and 2637

The Commission approved Claims Register Nos. 2636 and 2637 authorizing and approving the payment of claims from February 24, 2010, to March 16, 2010, in the amounts of \$219,115.20 and \$3,253,410.41, respectively.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6819 – REZONE – NEW BOSTON COMMONS

The Commission overrode the Planning Board and approved Ordinance No. 6819 rezoning the proposed New Boston Commons, generally located 415 feet south of the intersection of Anderson Avenue and Westport Place, from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 1*) with the 13 conditions as modified by the City Commission.

ORDINANCE NO. 6820 – REZONE – WESTPORT COMMONS, UNIT TWO

The Commission approved the requested Variation of the Subdivision Layout Standards for driveway and street spacing, based on the findings in the Staff Report; overrode the Manhattan Urban Area Planning Board's recommendation and removed Barber Shops and Beauty Shops as permitted uses, as requested by the applicant in the revised application; and approved Ordinance No. 6820 rezoning Westport Commons, Unit Two, generally located southeast of the intersection of Dickens and Browning Avenues, from PUD, Residential Planned Unit Development, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 2*); with the 11 conditions of approval, as modified.

ORDINANCE NO. 6821 – REZONE – FLINTHILLS HOSPITALITY COMMERCIAL PUD

The Commission overrode the Manhattan Urban Area Planning Board and approved Ordinance No. 6821 rezoning the Flinthills Hospitality Commercial PUD, generally located 400 feet west of the intersection of Seth Child Road and Allison Avenue, from R, Single-Family Residential District, and R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 3*) and the BWR Traffic Analysis (*See Attachment No. 4*), with the 14 conditions of approval recommended by City Administration.

FIRST READING – INSTALL - STOP AND YIELD SIGNS

The Commission approved first reading of an ordinance establishing traffic control devices at multiple intersections within the city limits of Manhattan, based on the recommendations in the Manhattan Area Transportation Strategy Report and Manual of Uniform Traffic Control Devices (MUTCD), which will be consistent with current practices/policies of the City of Manhattan.

CONSENT AGENDA (CONTINUED)

CONTRACT – COMMISSIONING SERVICES – FLINT HILLS DISCOVERY CENTER

The Commission authorized the Mayor and the City Clerk to sign a contract with Smith & Boucher Engineers, of Olathe, Kansas, for commissioning services for the Flint Hills Discovery Center.

WORK AUTHORIZATION NO. 6 – AIRPORT PERIMETER FENCE

The Commission authorized the Mayor and City Clerk to execute Work Authorization No. 6 with HWS Consulting Group, Inc., of Manhattan, Kansas, in the amount of \$35,460.00 to modify the design, and provide bidding and construction observation services of the perimeter fence at the Manhattan Regional Airport (AIP 3-20-0052-040).

AGREEMENT – UTILITY EASEMENT – MANHATTAN REGIONAL AIRPORT

The Commission authorized the Mayor and City Clerk to execute a Utility Easement agreement with Westar Energy, Inc., at the Manhattan Regional Airport.

ADMINISTRATIVE PLAN – HOUSING REHABILITATION PROGRAM

The Commission approved the Administrative Plan for the Housing Rehabilitation Program and waived building permit fees for Program participants.

AGREEMENT – KIMBALL AVENUE AND DENISON AVENUE INTERSECTION MODIFICATIONS (ST1001)

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$276,160.00 with BG Consultants, of Manhattan, Kansas, for the Kimball Avenue and Denison Avenue Improvements for the National Bio and Agro Defense Facility (NBAF) (ST1001).

* **PURCHASE – UTILITIES DIVISION – ONE-TON 4-WHEEL DRIVE TRUCK**

Ron Fehr, City Manager, responded to questions and provided additional information on the item and recommendation.

Ron Fehr, City Manager, and Dale Houdeshell, Director of Public Works, responded to questions from the Commission regarding the utility funds and expenditures made thus far in 2010.

The Commission authorized the purchase of a one-ton 4-wheel drive truck (Unit #191) for the Utilities Division in the amount of \$42,937.38 to Green Ford, of Abilene, Kansas.

CONSENT AGENDA (CONTINUED)

* **REJECT BID – STREET DEPARTMENT – ONE-TON 4-WHEEL DRIVE TRUCK**

Ron Fehr, City Manager, responded to questions and provided additional information on the item and recommendation.

The Commission rejected the bid for the purchase of a one-ton 4-wheel drive truck (Unit #24) for the Street Department.

After discussion, Commissioner Snead moved to approve the consent agenda. Commissioner Morris-Hardeman seconded the motion.

After discussion, on a roll call vote, motion carried 5-0, with the exception of Item E: Ordinance No. 6821 – Rezone – Flinthills Hospitality Commercial PUD, which carried 4-1, with Commissioner Sherow voting against; with the exception of Item D, Ordinance No. 6820 – Rezone – Westport Commons, Unit Two, which carried 4-0, with Mayor Strawn abstaining; and, with the exception of Item L, Purchase – Utilities Division – One-Ton 4-Wheel Drive Truck, and Reject Bid – Street Department – One-Ton 4-Wheel Drive Truck, which carried 3-2, with Mayor Strawn and Commissioner Pepperd voting against the motion.

GENERAL AGENDA

DISCUSSION - REQUEST FROM RILEY COUNTY-MANHATTAN BOARD OF HEALTH - FOOD SAFETY POSITION

Charles Murphy, Administrator, Riley County-Manhattan Health Department, provided the Commission with an overview of the role of the Health Officer and voiced his concerns with the changes with inspections of food facilities to be done by the State of Kansas. He then responded to questions from the Commission regarding local staffing status and needs; concerns whether the State can handle its new responsibility of inspecting Riley County's State-licensed food facilities; inspections recently conducted by the Health Department; and informed the Commission that his local food inspector left the position because of concerns for funding in 2011.

Ron Fehr, City Manager, responded to questions from the Commission regarding funding, staffing, and ordinance considerations. He stated that if the City Commission wants to take action on this item, it would be best to do so during the next Joint City/County Meeting in April.

GENERAL AGENDA (CONTINUED)

DISCUSSION - REQUEST FROM RILEY COUNTY-MANHATTAN BOARD OF HEALTH - FOOD SAFETY POSITION (CONTINUED)

Lauren Palmer, Assistant City Manager, provided additional information on the item. She informed the Commission of concerns regarding the reinstatement of a local food inspector, funding the position, and the responsibility and accountability to perform an expected level of service from the Department of Agriculture as they will be conducting and keeping food inspection revenues. She then responded to questions from the Commission about a possible restaurant grease trap program and explained the need to change the local food inspection ordinance if the Commission wants to reflect a local health inspector authority.

Ron Fehr, City Manager, informed the Commission that if a local food inspector is the desire of the Commission, then this would create a fairness issue, as there would be a local fee and a state fee associated with conducting restaurant inspections.

The Commission discussed the request and voiced concerns for public safety, funding the local position, budget impact, ordinance changes that would be necessary, and concerns for imposing a second fee to local restaurants for a local health inspector.

Chuck Murphy, Administrator, Riley County-Manhattan Health Department, responded to additional questions from the Commission and stated that he would provide a matrix of the responsibilities associated with the food inspector position. He informed the Commission that the Health Department could use its reserves for the remainder of the year, but asked the Commission to provide him with direction to support and fund a local food inspector position in the 2011 budget year.

After additional discussion and comments from the Commission, Ron Fehr, City Manager, informed the Commission that the April 15, 2010, Joint City/County meeting will be noticed as a special meeting, so the City Commission will be able to take formal action on the item. He then stated that City Staff will review and provide modifications to the ordinance for consideration.

FIRST READING - ANNEX AND REZONE - GRANDE BLUFFS AT MILL POINTE

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission.

Ryan Almes, Fire Marshal, responded to questions from the Commission regarding accessibility and residential fire sprinkler requirements.

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on the item and benefit district.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - GRANDE BLUFFS AT MILL POINTE (CONTINUED)

Eric Cattell, Assistant Director for Planning, provided information on the Comprehensive Plan and on the annexation and rezoning request. He provided additional information on the Military Trail, proposed sidewalks, and connectivity of the development.

Mark Bachamp, Schultz Construction, provided additional information on the item and the areas of the development in which in-house sprinklers will be required. He also provided information on the Military Trail connection, Airport Overlay District considerations, and the benefit district petition.

Dale Houdeshell, Director of Public Works, responded to questions from the Commission on the right-of-way for the Military Trail and provided information on the lift station design.

Mark Bachamp, Schultz Construction, informed the Commission that the intent is that a grant will be used to fund the Military Trail connection.

After discussion, Commissioner Snead moved to approve first reading of an ordinance annexing the proposed Grande Bluffs at Mill Pointe Addition, generally located at the southern end of Leone Ridge Drive, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and, approve first reading of an ordinance rezoning the proposed development, from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District, based on the findings in the Staff Report and the recommendation of the Planning Board (*See Attachment No. 5*). Commissioner Sherow seconded the motion.

After discussion, on a roll call vote, motion carried 4-1, with Commissioner Pepperd voting against the motion.

4TH STREET & BLUEMONT AVENUE ROUNDABOUT - WAY FINDER MONUMENT/SCULPTURE

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, presented background information on the item and the construction budget for the roundabout at 4th Street and Bluemont Avenue. He also provided roundabout way finder features and proposed monument, and presented a video model of the roundabout.

GENERAL AGENDA (CONTINUED)

4TH STREET & BLUEMONT AVENUE ROUNDABOUT - WAY FINDER MONUMENT/SCULPTURE (CONTINUED)

Patrick Schaub, Bowman Bowman Novick (BBN), provided the Historic District special features throughout the Downtown Redevelopment area and monument design and construction for the monument/sculpture within the 4th Street and Bluemont Avenue intersection improvement. He informed the Commission that the proposed sculpture, designed by Kent Bloomer, reflected the architecture of Manhattan and the figurines had been chosen because they could be repeated in other areas.

Rob Ott, City Engineer, provided additional information about the roundabout design and construction process.

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, provided additional information on the proposed monument.

Patrick Schaub, BBN, responded to questions from the Commission. He provided information on their firm's experience with Bloomer Studios and their past work and familiarity with Manhattan.

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, provided examples of similar features in the community and responded to questions from the Commission regarding the City's contract for the roundabout and base construction for the structure.

Patrick Schaub, BBN, stated that the idea of branding for the Downtown Redevelopment is critical and having iconic pieces and features are important to brand development. He then responded to questions from the Commission regarding lighting and design.

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, provided additional information on the budget and potential sources of funds to pay for this improvement.

Rob Ott, City Engineer, responded to questions from the Commission regarding the materials that would be used for the roundabout and base.

Ron Fehr, City Manager, provided additional information on the roundabout construction and proposed costs for the plant materials for the roundabout and peripheral spaces.

Patrick Schaub, BBN, provided an explanation of design decisions that included repetition to provide consistency, cost savings, and exceptional quality. He stated that public art can be very challenging to commit resources to, but speaks to the quality of life and value we have as a community. He then responded to additional questions from the Commission.

GENERAL AGENDA (*CONTINUED*)

4TH STREET & BLUEMONT AVENUE ROUNDABOUT - WAY FINDER MONUMENT/SCULPTURE (*CONTINUED*)

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator; Ron Fehr, City Manager; and Bernie Hayen, Director of Finance, responded to questions from the Commission regarding financing costs, financing alternatives, and timing considerations for the sculpture and roundabout.

Dale Houdeshell, Director of Public Works, provided additional information on the construction of the roundabout and timeline.

Buck Driggs, HWS Consulting Group; and Rob Ott, City Engineer, responded to questions from the Commission and provided additional information on the construction and timing considerations of the roundabout and base structure to support a future sculpture.

Patrick Schaub, BNN, informed the Commission that if the decision is to wait and install a sculpture at a later time, that the base would need a protective cap.

After discussion, Commissioner Snead moved to approve the agreement with Bloomer Studios to finalize design, fabricate and install the monument/sculpture within the 4th Street and Bluemont intersection improvement; and approve the agreement with Bowman Bowman Novick for construction observation services. Commissioner Sherow seconded the motion.

Commissioner Snead voiced concern with postponement of the sculpture that has been part of the vision for this roundabout. He stated that it is very challenging to get public art done during difficult fiscal times because it is never essential, but it speaks to the quality of life, the quality of the community, the quality of the development, and the value placed on the community.

Commissioner Sherow stated that he was committed in seeing a sculpture proceed forward; however, he said that now is not the time to fund this project. He asked that potential funding options be looked at to support this project and to consider iconic and uniform features throughout the entire district that better represents our community.

Commissioner Pepperd stated that he could not support the item and was concerned with the roundabout without knowing the future status of McCall Road being extended.

Commissioner Hardeman agreed that now is not the right time for the sculpture to be built, but voiced support for a future iconic design that would be more representative of the community. She stated that after the base is installed, this may generate additional community support.

GENERAL AGENDA (CONTINUED)

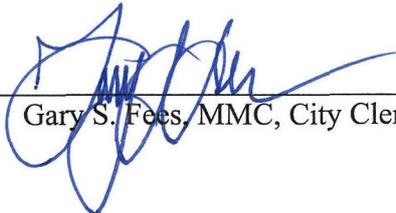
**4TH STREET & BLUEMONT AVENUE ROUNDABOUT - WAY FINDER
MONUMENT/SCULPTURE (CONTINUED)**

Mayor Strawn stated that he supported the roundabout, but was opposed to the proposed sculpture. He stated that the design needs to speak to our history and be representative of our community. He also voiced concern with the costs and sustainability of the proposed plant materials being so close to the roundabout.

After additional discussion, on a roll call vote, motion failed 4-1, with Mayor Strawn, and Commissioners Sherow, Pepperd, and Morris-Hardeman voting against the motion.

ADJOURNMENT

At 9:40 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: R, Single-Family Residential District

TO: PUD, Commercial Planned Unit Development District

OWNER: West Anderson Partners, LLC – Rich Seidler

ADDRESS: 210 N. 4th Street, Manhattan, KS 66502

APPLICANT: Green Apple Ventures, LLC – David Speaks

ADDRESS: 3905 Snowy Reach, Manhattan, KS 66503

DATE OF PUBLIC NOTICE PUBLICATION: December 31, 2009

DATE OF PUBLIC HEARING: PLANNING BOARD: January 21, 2010

CITY COMMISSION: February 16, 2010

LOCATION: Generally located 350 feet south of the intersection of Anderson Avenue and Garden Way, along the east side of Garden Way.

AREA: approximately 8.28 acres.

PROPOSED USES: The proposed Planned Unit Development (PUD) would establish four (4) lots. The proposed uses of Lots 1-3 are business and professional offices, with the potential for Lot 2 to be a restaurant, no drive-in type. Business and professional office is defined in the Manhattan Zoning Regulations as, “The office of an engineer, dentist, doctor, attorney, real-estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.” Restaurant is defined in the Zoning Regulations as, “A public eating or drinking establishment, including but not limited to the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants and soda fountains, but not including any such establishment which has more than thirty-five (35) percent of its on premises sales, on an annual basis, devoted to alcoholic liquor or cereal malt beverage or a combination thereof.” Lot 4 is reserved for a future amendment, as the lot’s development has not been determined to date.

In order to meet the requirements of the Subdivision Regulations (Section 1-501), Lot 4 was required to be included in the proposed PUD. Rezoning the entire tract as a PUD fulfills the requirements of the Subdivision Regulations and establishes a planning process for the future development of the entire tract.

PROPOSED BUILDINGS AND STRUCTURES:

Proposed Lot 1

Proposed Lot 1 is approximately 37,116 square feet (.85 acres). The proposed building for Lot 1 is a two-story, business and professional office building. The two floors will have separate entrances oriented to the north and south, with no interior access between the two floors. The exterior building materials will be stucco and masonry with thin set stone above the entry ways for accents. The proposed color of the building will be earth tones that are similar to the color of the accent stones. Roof materials will be architectural shingles. The building will be thirty (30) feet tall when viewed from the south façade. The north façade will be nineteen (19) feet tall. The building will be approximately 9,986 square feet in gross floor area. The building plans shows room for up to twelve (12) tenant spaces. The floor plans will be to tenant specifications.

Proposed Lot 2

Proposed Lot 2 will be approximately 28,240 square feet (.65 acres). The building proposed for Lot 2 is a single-story structure designed for a restaurant, with no drive-in or for the possibility of business and professional offices. The building will be situated so that the front façade will be towards the east. The total gross floor area will be approximately 4,290 square feet. The initial conversation with City staff was that the proposed restaurant would be a local, upscale restaurant. Specific details of the restaurant, including its operations and floor plan were not provided in the application documents. The application documents do state that the business hours would be from 5:00 pm to 1:00 am. According to the applicant, the use of the structure as a restaurant is dependent on the availability of the restaurant owner to secure financial investors. If the restaurant is to locate in the building, the floor plan will need to accommodate a kitchen, storage, appropriately sized public restrooms and the dining room space. If the building is to be used as a business and professional office building, there is a possibility to provide for up to four (4) business and professional office tenants. The floor plans will be to tenant specifications. The exterior materials proposed for the building are the same as for the building on Lot 1, with stucco and masonry and thin set stone for accents over the entry ways. The roof materials will be architectural shingles. The proposed color of the building will be earth tones that are similar to the color of the accent stones. The height of the building will be approximately twenty (20) feet.

Proposed Lot 3

Proposed Lot 3 will be approximately 21,006 square feet (.48 acres). The proposed building on Lot 3 is a single-story business and professional office building. The building will be situated so that the front façade will face north towards the New Boston Place travel easement. The total gross floor area of the building will be approximately 3,690 square feet. The height of the building will be approximately nineteen (19) feet. Based on the layout of the entrances and interior vestibules, a total of four (4) tenants would be possible in the building. The floor plans would be tenant specific. The proposed exterior materials will be similar to the building materials used on Lots 1 and 2, with stucco, masonry and thin set stone for accents above the entry way. The roof materials will be architectural shingles. The proposed color of the building will be earth tones that are similar to the color of the accent stones.

Proposed Lot 4

Proposed Lot 4 is approximately 274,175 square feet (6.29 acres). No proposed uses or buildings are shown for Lot 4. Lot 4 has been labeled as future amendment.

PROPOSED LOT COVERAGE

Lot 1

<u>Use</u>	<u>Square Feet</u>	<u>Percentage</u>
Buildings	5,470	14.7%
Travel Easement	5,764	15.5%
Paved Area	18,208	49.1%
Landscape Area	7,674	20.7%

Lot 2

<u>Use</u>	<u>Square Feet</u>	<u>Percentage</u>
Buildings	4,290	15.2%
Travel Easement	4,302	15.2%
Paved Area	14,380	50.9%
Landscape Area	5,268	18.7%

Lot 3

<u>Use</u>	<u>Square Feet</u>	<u>Percentage</u>
Buildings	3,690	17.6%
Travel Easement	2,696	12.8%
Paved Area	12,606	60%
Landscape Area	5,014	23.9%

PROPOSED SIGNS

The signage plan for the commercial development consists of externally lit, ground signs on the individual lots. The signs will be located in landscape islands in the parking lot near the proposed buildings. Each sign will be approximately four (4) feet tall and six and one-half (6.5) feet wide with a sign area of approximately twenty-six (26) square feet. The signs will be constructed with a stone base and stucco materials similar to the proposed building. Each business will be identified by individual signs on a four (4) inch by fifty (50) inch, brushed aluminum plate. Because the proposed building on Lot 1 is two-stories, with the entrances into each floor on opposite sides of the building, two (2) ground signs are proposed on Lot 1.

Building address numbers will be inset into the masonry near each building entryway.

The applicant has requested that temporary banner signs be permitted and limited to one (1) banner sign per lot.

Exempt signage for such signs identified in the Manhattan Zoning Regulations as address numerals, for lease and other similar signs will also be allowed (*attachment Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2).*)

No other signs are proposed with the development. If approved, the rezoning of the property will limit the permitted signs on the three (3) lots to what has been proposed.

PROPOSED LIGHTING: Proposed lighting consists of pedestrian scale lighting at the entrances of the buildings. No light poles are proposed in the parking lots.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The proposed landscaping is functional with respect to the proposed professional office setting of the development. The landscape plan consists of eight (8) deciduous trees along the boundary of the parking lots and a variety of bushes, shrubs and ornamental grasses in landscape beds along the foundations of the building. A row of shrubs and ornamental grasses are proposed on the west edge of the parking lots on Lots 1 & 2 to provide a landscape buffer and screening from vehicle headlights. The shrubs and grasses are listed on the landscape plan to grow to a mature height of three (3) to six (6) feet tall.

Attachment No. 1

2. SCREENING: The row of shrubs and ornamental grasses proposed on the west edge of the parking lots on Lots 1 & 2 provide a landscape buffer and screening from the vehicle headlights. The shrubs and grasses are listed on the landscape plan to grow to a mature height of three (3) to six (6) feet tall. The trash enclosures located on the three (3) lots will be enclosed by a six (6) foot tall, sight obscuring cedar fence and gate. The proposed screening should be adequate.

3. DRAINAGE: The site slopes downhill from the north to the south and will drain to Wildcat Creek. The applicant's engineering consultant, Cook, Flatt and Strobel Engineers, P.A. submitted a Drainage Report, dated November 18, 2009. The consultants states that the area to be developed (Lots 1-3) currently consists of 88% impervious surfaces (2.19 acres of the 2.49 acre area to be developed), which includes, asphalt pavement, compact gravel, concrete surfaces, existing buildings and existing roadways.

The consultant has proposed to manage the stormwater runoff from the development site by diverting a majority of the area's runoff (1.35 acres) to area inlets throughout the parking lot, which will connect to an underground storm sewer system. This storm sewer system will convey the stormwater runoff to the south to drain into Wildcat Creek. Approximately .49 acres of the development site will flow over the land to the west to Garden Way, where it will be collected by an existing City maintained storm sewer system. A third area containing approximately .65 acres of the development site will flow over the land to the south where it will eventually enter Wildcat Creek. Lot 4 was not included in the Drainage Report because the area will remain largely undisturbed. This area is shown as a future amendment to the PUD. The future amendment will be required to include a storm water analysis of the affects of the storm water runoff created by the development. The Drainage Report shows that the post-development runoff rates will be less than the pre-development rates. Based on the Report, minimal impact is expected on the downstream drainage system from the proposed development. The City Engineer has reviewed and accepted the storm water analysis. The City Engineer has made the following comment in regards to stormwater management for the proposed development:

- Consultant will still need to verify that the 10 year discharge does not exceed a depth of 0.35 ft. in the gutter section on Westport Place. Inlets will be required if the flow in the gutter exceeds 0.35 ft.

Restrictive covenants will be required with the Final Development Plan, as well as noted on the Final Plat under the Owner's Certificate, addressing the construction and maintenance responsibilities of the private stormwater sewer system shown in the Drainage Easements.

4. CIRCULATION: Access to the development is from the north via an extension of the Westport Place travel easement. Westport Place leads to a signalized intersection at Anderson Avenue. The extension of Westport Place will end at a dead end approximately twenty (20) feet south of the entrance into proposed Lot 3. The dead end will be blocked and signed similarly to the current conditions of Westport Place, south of Walgreens and Sonic Drive-in. The concept plan for the development of Lot 4 shows the extension of Westport Place to the south and will terminate in a cul-de-sac. This proposed street extension will ultimately depend on how Lot 4 is developed in the future. Access will also be provided from the west off of Garden Way. Connection to Garden Way will be from the Garden Place travel easement and New Boston Place travel easement. The Garden Place travel easement was established with the Westport South PUD and connects Garden Way to Westport Place. The travel easement is located on the northern edge of the PUD site, with approximately 27.5 feet of the travel easement width located on the PUD site. The New Boston Place travel easement is 27 feet wide and connects Garden Way to Westport Place and is located in the parking lot aisle, along the adjoining property lines of Lots 2 and 3. Maintenance responsibilities will be set out in restrictive covenants with the Final Development Plan addressing the Travel Easements, as well as noted on the Final Plat under the Owner's Certificate.

Traffic Analysis

Cook, Flatt, Strobel Engineers, P.A. submitted a traffic analysis with the application documents. The City Engineer has reviewed and accepted the transportation analysis and proposed improvements as presented.

Sidewalks

Sidewalk connections extend from a sidewalk along the east side of Westport Place, which continues to the existing sidewalk along Anderson Avenue. A sidewalk was shown on the Westport South PUD along the south side of Garden Place. This sidewalk will be installed with the development of Lot 1. Currently, there is no sidewalk along Garden Way. The Manhattan Urban Area Subdivision regulations require a sidewalk to be located on one side of a local street. The PUD site plans shows a sidewalk along Garden Way, which will terminate at the intersection of Garden Way and Garden Place. The east side of the Garden Way right-of-way, adjacent to the Walgreens pharmacy property, has a steep slope, which makes it impractical to build a sidewalk in the area and is the reason why the Westport South PUD did not install a sidewalk. Internal pedestrian sidewalks will provide connectivity between the three (3) lots, Westport South and Garden Way. The City Engineer has provided comments on American with Disabilities Act (ADA) requirements for the sidewalks and pedestrian crossings. The City Engineer has made the following comments about the proposed sidewalks and pedestrian crossings:

Attachment No. 1

The proposed mid-block crossing on Westport Place to access Lot 2 will need ADA ramps on the west side of Westport Place to accompany the ADA ramp on the east side at this mid-block crossing.

- ADA ramps should be constructed at each walk in front of each building, corresponding to the ADA parking stalls for wheelchair access.

Lot 1

Lot 1 will gain access from a curb cut onto Westport Place travel easement. This curb cut is shared with Lot 2.

Lot 2

Access to Lot 2 will be from the shared curb cut with Lot 1 onto Westport Place travel easement and from the New Boston Place travel easement. New Boston Place is located in the parking lot aisle and provides vehicle connection between Garden Way and Westport South.

Lot 3

Access to Lot 3 will be from the New Boston Place travel easement to the north, which will provide a connection to Garden Way and Westport Place travel easement.

Lot 4

Lot 4 will gain access from the Westport Place travel easement. A concept plan has been provided that shows the extension of Westport Place to the south that will terminate at a cul-de-sac. Two (2) curb cuts onto Westport Place are also shown on the concept plan. These curb cuts align with the curb cuts to the east leading into Lots 1, 2 and 3. The concept plan is to show the Planning Board how the lot may develop in the future and does not bind the applicant, the property owner, the Planning Board or the City Administration to the layout of the future development.

Off-Street Parking

The applicant's engineering consultant has used the Manhattan Zoning Regulations' minimum off-street parking requirement for Business and Professional Offices to calculate the number of parking spaces required for Lots 1 and 3. Business and Professional Offices are required to provide at least one parking space for each 300 square feet of floor area. Based on the total gross floor area of the building proposed for Lot 1, a minimum of thirty-three (33) parking spaces are needed. Thirty-seven (37) off-street parking spaces

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have been proposed to the north, east and south of the two-story building. The proposed building on Lot 3 would be required to provide a minimum of eleven (11) off-street parking spaces. Twenty-eight parking spaces are proposed to the north and east of the building.

The applicant's engineering consultant used the Manhattan Zoning Regulations' minimum off-street parking requirement for establishments providing for the sale and consumption of food and/or beverages and refreshments (restaurants) to calculate the minimum parking for Lot 2. Restaurants are required to provide at least one (1) parking space for each three (3) customers based upon the maximum design occupancy. In addition, there shall be one (1) parking space for each employee as related to the work shift when the maximum number of employees are present. The applicant's consultant has calculated that fifty-seven (57) off-street parking spaces are required. Lot 2 provides forty-two (42) parking spaces to the north, east and south of the proposed building, which is fifteen fewer parking spaces than is required on the lot for the proposed use. The applicant has proposed to file a cross-easement for access between Lots 1 -3 with the Riley County Register of Deeds, so that the proposed uses can share the off-street parking spaces. One-hundred and seven (107) total off-street parking spaces are provided on all three (3) lots. One-hundred and one (101) parking spaces are required based on size of the buildings and their proposed uses. Although no specific restaurant has been proposed with this PUD, the application materials state that the business and professional offices and the restaurant would be open for business at different times (offices - 8:00 am to 5:00 pm, restaurant - 5:00 pm to 1:00 am), which means that the parking would be shared collectively without causing an increase demand on the off-street parking spaces. However, there is no guarantee that a restaurant would not be open during the lunch hour (10:00 am to 2:00 pm). If the restaurant was opened during the lunch time, an increase in the off-street parking demand might be high enough to require customers and employees to park on Garden Way, which would be an adverse impact on the adjacent properties and surrounding neighborhood.

If the building proposed for Lot 2 was used for business and professional offices, thirteen (13) off-street parking spaces would be required. The proposed forty-two (42) parking spaces would be more than adequate for the use of the building as office space.

Note: The minimum parking requirements for the proposed buildings were based on the minimum requirement for business and professional offices (1 parking space for each 300 square feet of floor area). The Manhattan Zoning Regulations define business and professional offices as including dentist and doctor offices. The Zoning Regulations requires a higher number of off-street parking spaces for dental and medical clinics (5.5 parking spaces per 1,000 square feet of floor area). The establishment of dental or medical clinics/offices in the development may be restricted based on the amount of off-street parking provided with the proposed PUD.

Bicycle Parking

Bicycle racks are proposed on the west side of each lot for customers and employees of the proposed uses. A total of three (3) racks are proposed.

5. OPEN SPACE AND COMMON AREA: The applicant has made provisions for the care and maintenance of the proposed landscaping within the development plan. Upon installation of landscaping, it will be maintained by the owner and watered by an underground sprinkling system.

6. CHARACTER OF THE NEIGHBORHOOD: The proposed PUD is located among a mix of commercial services, industrial uses, low density residential neighborhoods and high density residential developments. Immediately to the north of the PUD site is Westport South Commercial PUD which consists of a Walgreens pharmacy and a Sonic Drive-in restaurant. Further to the north is Anderson Avenue, a major commercial corridor where restaurants, commercial services, commercial retailers, a shopping center and drive-in banks are located. Along the east property line of the proposed PUD is the Washington Square neighborhood, which is a low density residential development. The residential neighborhood is adjacent to the proposed Lot 4, which has been labeled as "future amendment." No uses or buildings are proposed at this time for Lot 4. The residential neighborhood is approximately 200 feet from the proposed Lots 1 -3, which is where the proposed development will initially occur. To the south is Wildcat Creek, Manhattan Optimist Ball Park and industrial uses, including storage units, warehouses, light manufacturing and offices. To the west of the proposed PUD are multi-family apartment complexes. The University Garden apartment complex and the Brookside apartment building are adjacent to proposed Lots 1-3.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Former Riley County shop site. A majority of the area was cleared in 2007. A shop building exists on the east side of the tract along Garden Way. The building is currently being used by a construction company.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site generally slopes downhill from north to south towards Wildcat Creek. A majority of the site is seven (7) to eight (8) feet below the grade of the Westport South PUD that is located immediately to the north. The southern portion of the site is located in the Flood Zone AE (100-year floodplain), with the extreme southern portion of the site located in the Floodway. The area in the Floodway is to be dedicated as a drainage easement. The east edge of the site has a natural drainage channel with steep slope located on it. Mature trees line both sides of the drainage channel and the banks of Wildcat Creek.

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The site is the former Riley County Shops. A majority of the site has been cleared of the shops physical improvements, including buildings, asphalt and concrete driveways, parking areas and outdoor storage areas. A metal shop building is present on the west side of the site along Garden Way. This building is currently being rented by a construction company. The building is planned to be removed at the time of construction of the proposed development.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Walgreens Pharmacy and Sonic drive-in restaurant, Anderson Avenue, a 5-lane arterial, drive-in banks, retail commercial, and restaurants; PUD, Westport South Commercial Planned Unit Development, C-2, Neighborhood Shopping District.

(b.) SOUTH: Wildcat Creek, Optimist Sports Park; R, Single-Family Residential District, I-2, Industrial Park District.

(c.) EAST: Commercial retail and retail services, government buildings, professional offices and single-family attached homes in the Washington Square neighborhood; C-2, District and R-2, Two-family Residential District.

(d.) WEST: Garden Way, a local 2-lane street, and multiple-family apartment buildings: R-3 District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is currently zoned R, Single-Family Residential District. The site has adequate area for a residential development; however, with the commercial development immediately to the north and the multiple-family residential development immediately to the west, a low density, single-family development may not be an appropriate or suitable use of the site.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: An increase in light, noise and traffic is expected from the development. The proposed PUD is similar to a C-2, Neighborhood Shopping District, which is intended to provide a broad range of retail shopping facilities and services located to serve one or more residential areas. The proposed PUD limits the permitted uses to business and professional office uses and a restaurant, no drive-in type on Lot 2. The list of permitted uses is extremely limited when compared to that of the C-2 District permitted and conditional uses (*C-2 District regulations are attached*).

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The proposed development would be an extension of the commercial developments along Anderson Avenue, including the Westport South Commercial PUD that is located to the north of the subject site and was approved in 2008. Front yard setbacks are a minimum of twenty-five (25) feet, which is similar to the surrounding neighborhood to the west and is a minimum requirement of the comparable C-2 District. The building improvements on Lot 1 have a front yard building setback of twenty-seven (27) feet from Garden Way, seventy (70) feet from the Garden Place travel easement and fifty-two (52) feet from the Westport Place travel. The building on Lot 2 is set back forty-one (41) feet from Garden Way and seventy-three (73) feet from Westport Place. Lot 3 has a building setback of thirty-nine (39) feet from Garden Way and seventy (70) feet from Westport Place.

Apartment buildings to the west side of Lots 1-3 are separated by the 60 foot Garden Way road right-of-way. The landscape plans submitted with the PUD application shows a row of shrubs and ornamental grasses that are to have a mature height of three (3) to six (6) feet and are proposed on the west edge of the parking lots on Lots 1 & 2. The proposed landscaping should reduce the impacts of vehicle lights from the development onto the nearby R-3, Multiple-Family Residential District to the west. The closest point of the proposed developments (east edge of the parking lot) on Lots 1-3 are approximately 215 feet away from the R-2, Two-Family Residential District, to the east. Lots 1-3 are separated from the low-density neighborhood in the R-2 District by Lot 4, which is shown as an area reserved for future development through an amendment to the proposed PUD.

The lighting plan provided in the PUD application shows only pedestrian scale lighting at the entrances of the buildings. These lights shall be full cutoff lights to reduce the impacts on the adjacent residential properties. No light poles are proposed in the parking lots.

The area to the south of the proposed developments on Lots 1-3 are included in Lot 4 and is reserved for future development through an amendment to the proposed PUD.

Proposed Business and Professional Office Use

Permitting the business and professional office use in the proposed PUD appears to be compatible with the nearby properties. Business and professional offices are less intense of a commercial use compared to other types of commercial businesses. The typical hour of operation for a business office is 8:00 am to 5:00 pm, which would not adversely impact nearby residential neighborhoods. The light, traffic and noise generated by an office is typically minor compared to other commercial uses and would be compatible with the nearby properties. Business and professional offices can be found throughout the City that are located on the edge of or within a residential neighborhood. The proposed business and professional office should be compatible with nearby properties.

Proposed Restaurant, No Drive-in Type Use

No specific details of the proposed restaurant have been provided in the application documents. Initial conversations with City staff described the restaurant as being an upscale, local restaurant with limited hours. However, because no specific details of the business have been provided, the review of that proposed use has to be general in nature, including business hours, and the increase in light, noise and traffic for a typical restaurant. The proposed restaurant, with no drive-in on Lot 2 is a more intense commercial use compared to the business and professional office use. The application documents state that the hours of operation of the proposed restaurant would be from 5:00 pm to 1:00 am. The light and noise from customers, employees and the operation of the restaurant until 1:00 am may adversely affect the multiple-family residential uses to the west. As stated, the off-street parking proposed on Lot 2 is inadequate for the size of the proposed structure. Fifty-seven (57) off-street parking spaces are required by the Zoning Regulations. Forty-two (42) off-street parking spaces are proposed. The applicant has proposed a cross-access easement between Lots 1-3 so that the off-street parking can be shared between the buildings. Although this concept could be acceptable for businesses with different business hours, as stated in the application documents, there is no guarantee that the restaurant would not be open during the lunch hour. If this would occur, an increase demand in off-street parking may be high enough that employees and customers would park on Garden Way, which may adversely impact the nearby properties. Restaurants are not typically found outside of a retail commercial district (e.g. Central Business District, Aggieville Business District, Westloop and Plaza West), along local streets and adjacent to residential developments. The proposed restaurant on Lot 2 may adversely impact nearby properties.

5. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map designates the site, which is shown on both the Northwest Planning Area and Southwest Planning Area maps, as RHD, Residential High Density. The RHD density allows 19 dwelling units per net acre and greater. Uses include higher-intensity residential housing developments in urban areas, which consist of mid- to high-rise apartment buildings, townhomes and condominiums, combined with complimentary non-residential land uses, such as retail, service commercial and office uses; often within a mixed-use development. In suburban areas of the community, the RHD neighborhoods is envisioned to be accommodated in planned apartment communities with complimentary neighborhood service commercial, office and recreational facilities included in the planned community. The land use policies for the RHD designation include:

RHD 1: Characteristics

The Residential High Density designation is designed to create opportunities for higher density neighborhoods in both an urban downtown setting and a suburban setting. Within an urban or downtown setting, the designation accommodates higher-intensity residential

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housing products, such as mid to high-rise apartments, townhomes and condominiums, combined with complementary non-residential land uses, such as retail, service commercial, and office uses, often within the same building. In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or urban fashion, such as in planned apartment communities with complimentary neighborhood service commercial, office and recreational facilities. These neighborhoods could be implemented through a Planned Unit Development or by following design and site plan standards (design review process).

RHD 2: Appropriate Density Range

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

RHD 3: Location

Residential High Density uses are typically located near intersections of arterials and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. High density neighborhoods should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods. In a more urban or downtown setting, residential high density may be combined with active non-residential uses in a vertically mixed-use building.

RHD 4: Building Massing and Form

Plain, monolithic structures shall be avoided. Infill projects should be compatible with the established mass and scale of other buildings along the block. In a planned apartment community context, large buildings shall be designed with a variety of wall planes and roof forms to create visual interest.

RHD 5: Mix of Uses

Non-residential uses should generally not exceed 25% of the total floor area in a mixed-use structure.

RHD 6: Parking Location and Design

Within an established urban neighborhood, such as the downtown core, adequate off-street parking should be located behind buildings or within mixed-use parking structures.

RHD 7: Structured Parking

Structured parking garages, often necessary for this type of development intensity, should be designed with a similar level of architectural detail as the main building. Incorporating active uses, such as retail spaces, into the ground floor is strongly encouraged, particularly in downtown settings.

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The applicant's proposed rezoning is consistent with the CC, Community Commercial land use designation, which would be an extension of the current land use designation along Anderson Avenue to the south. Extending the CC land use beyond Anderson Avenue and into a residential area may not conform with the Comprehensive Plan. The land use policies for the CC designation include:

CC 1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a "one-stop shop" setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC 2: Location

Community Commercial Centers should be located at the intersection of one or more major arterial streets. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as "big-box" stores) shall only be permitted in areas of the City where adequate access and services can be provided.

CC 3: Size

Typically require a site of between 10 and 30 acres.

CC 4: Unified Site Design

A unified site layout and design character (buildings, landscaping, signage, pedestrian and vehicular circulation) shall be required and established for the center to guide current and future phases of development. Building and site design should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.

CC 5: Architectural Character

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

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

CC 6: Organization of Uses

Community commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Within each activity center or node, complementary uses should be clustered within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses. Isolated single store developments are strongly discouraged.

CC 7: Parking Design and Layout

Uninterrupted expanses of parking should be avoided. Parking areas should be broken into smaller blocks divided by landscaping and pedestrian walkways. Parking areas should be distributed between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible.

CC 8: Circulation and Access

Clear, direct pedestrian connections should be provided through parking areas to building entrances and to surrounding neighborhoods or streets. Integrate main entrances or driveways with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles.

If the restaurant use was removed from the list of permitted uses in the proposed PUD and only allow business and professional office uses, the proposed PUD would be more consistent with the Office/Research Park (OFF/RP) category. The proposed PUD is Infill development, or the development of new buildings on a vacant site in a built-up area. The proposed PUD should also be evaluated for consistency with the Growth Management policy GM 9. The policies (in italics and bold headings), and the OFF/RP category and Growth Management include:

Office/Research Park (Off/RP)

OR 1: Characteristics

The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, “campus-like” setting. Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17th Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.

OR 2: Location

Office/Research Park facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access.

OR 3: Site Layout and Design

Office/Research Park developments should be organized in a planned, “campus-like” setting that is heavily landscaped. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces

OR 5: Unified Architectural Character

Buildings within an Office/Research Park setting should have a unified architectural character achieved through the use of similar elements, such as rooflines, materials, colors, signage, landscaping and screening and other architectural and site layout details.

OR 6: Common Areas

Plazas and other common outdoor gathering spaces should be provided as part of the “campus” environment. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces, such as quads, courtyards, patios, or seating areas for employees and visitors.

OR 7: Circulation and Access

Building entrances, outdoor gathering spaces, and parking areas shall be linked with clear, direct pedestrian walkways.

OR 8: Outdoor Storage

The functions of an Office/Research Park facility should generally be completely contained within buildings. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.

GM 9: Infill and Redevelopment

Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area.

If only the business and professional office uses were permitted, the proposed PUD would be in general conformance with the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site was annexed in 1962 and zoned "A", First Dwelling House District. From 1965-1969 the site was zoned A-A, Single Family Dwelling District. From 1969 to the present the site has been zoned R, Single-Family Residential District. Two tracts of land made up the Riley Country shops, which was reportedly established in the 1950's and remained in operation until 2007. The northern tract was rezoned from R District to Westport South Commercial PUD in May, 2008, where Walgreens and Sonic Drive-in are currently located. A majority of the site has been vacant since 2007 when most of the shops' building was demolished. One shop building exists on the west side of the side along Garden Way.

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 similar to the general character of the C-2, Neighborhood Shopping District, but will limit the permitted uses to business and professional offices and a restaurant, no drive-in type on Lot 2. The list of permitted uses in the PUD is extremely limited when compared to the C-2 District permitted and conditional uses (*C-2 District regulations are attached*).

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 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.

Current Zoning District

The underlying R District is a low density single-family residential zone intended to allow single-family development at minimum lot size of 10,000 square feet. Maximum structure height is 35-feet. Minimum front, rear and side yard setbacks are 25-feet, 25-feet and eight feet, respectively.

Proposed PUD and Overall Intent

Because of the proposed restaurant on Lot 2, the proposed PUD is generally like a C-2, Neighborhood Shopping district, but limited to business and professional offices and a restaurant, no drive-in type on Lot 2. Only two (2) of the sixty-three (63) permitted and conditional uses listed in the C-2 District would be permitted in the proposed PUD.

The C-2 District is designed to provide a broad range of retail shopping facilities and services located to serve one or more residential areas. The proposed PUD would be an extension of the existing commercial developments found along Anderson Avenue to the north. C-2 Districts are typically found along major arterial streets, such as Anderson Avenue, Kimball Avenue, Seth Child Road, and Tuttle Creek Boulevard. Because of the potential adverse impacts of the proposed restaurant on Lot 2 to the nearby residential properties, the proposed rezoning may not be consistent with the intent and purpose of the Zoning District.

By limiting the proposed uses to business and professional offices, the proposed PUD would be generally like a C-1, Restricted Business District (*C-1 District regulations are attached*). The C-1 District is designed to provide for non-retail commercial, business and professional office activities adjacent to arterial and collector streets. The C-1 District is also intended to be compatible with adjacent residential districts. C-1 Districts are typically found along major arterial and collector streets, such as Poyntz Avenue, Anderson Avenue, Dickens Avenue and Claflin Road. C-1 Districts and equivalent PUD's are found adjacent to various residential districts in the City. If the proposed PUD would limit the permitted uses to business and professional offices, it would provide for non-retail business and professional activities that would be consistent with the intent and purpose of the Zoning Regulations.

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 gain to the public that denial would accomplish. The public street network should not be adversely affected and storm water will be directed to public storm water improvements. Adequate public improvements can serve the site. It may a hardship to the owners if the rezoning is denied as no apparent public gain results from denial.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public improvements are available to serve the proposed development.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: Because of the lack of details provided in the application documents, it is apparent that a specific restaurant has not been secured for the development on Lot 2. Because of this, and because that the proposed use might be inappropriate for that location without knowing its parking demand, hours of operation, nature and intensity; City Administration recommends that a restaurant with no drive-in, not be included as a permitted use in the proposed PUD. An amendment to the PUD could be proposed in the future to allow a restaurant when more specific details of the specific business, including its size and operational characteristics, are known and can be evaluated for impact on the area and compatibility with the rest of the PUD.

Although temporary banner signs are allowed in the C-1 District, City Administration suggests that banner signs are not appropriate in a professional office PUD setting. City Administration recommends approval of the proposed rezoning of New Boston Commons PUD from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, with the following conditions:

1. Permitted uses shall be limited to Business and Professional Offices.
2. Prior to the development of Lot 4, an amendment of the PUD shall be submitted and approved, prior to issuance of any necessary permits.
3. 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.
4. The landscape bushes and grasses proposed for the buffer and screening of the parking lots on Lots 1 & 2 shall be planted at a minimum of thirty (30) inches in height and shall have a maximum separation distance of three (3) feet on center to provide adequate screening of the vehicle headlights.
5. All landscaping and irrigation shall be maintained in good condition.
6. Building lighting shall be provided as proposed and shall be full cutoff design and not cast direct light onto public or private streets or adjacent property.
7. Ground signs shall be permitted as proposed.
8. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1)(2), of the Manhattan Zoning Regulations.
9. Sidewalks and pedestrian crossings shall conform to the requirements provided by the City Engineer.
10. The applicant's consultant shall verify that the 10 year storm water discharge does not exceed a depth of 0.35 feet in the gutter section on Westport Place as described by the City Engineer. Verification shall be provided at the time application for the PUD Final Development Plan.

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11. An Agreement Creating a Restrictive Covenant on Real Estate, shall be filed concurrently with the Final Plat, addressing construction and ongoing maintenance of drainage improvements within the drainage easement by the property owner(s) and giving the City the ability to assess the owners if such construction and maintenance is not performed..
12. An Agreement Creating a Restrictive Covenant on Real Estate, shall be filed concurrently with the Final Plat, addressing the construction and ongoing maintenance of the travel easement by the property owner(s) and giving the City the ability to assess the owners if such construction and maintenance is not performed.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of New Boston Commons PUD from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of New Boston Commons PUD from R, Single-Family Residential 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 of the proposed rezoning of New Boston Commons PUD from, R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the twelve (12) conditions recommended by City Administration.

PREPARED BY: Chad Bunger, AICP, CFM, Planner II

DATE: January 13, 2010

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: PUD, Residential Planned Unit Development.

TO: PUD, Commercial Planned Unit Development District.

OWNER/APPLICANT: Westport Commons Development LLC-Mark Bachamp.

ADDRESS: 1213 Hylton Heights Road, Ste. 129, Manhattan, KS 66502.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, January 11, 2010.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, February 1, 2010.

CITY COMMISSION: Tuesday, February 16, 2010.

LOCATION: Generally located southeast of the intersection of Browning Avenue and Dickens Avenue consisting of Lot 2, Williamsburg, Unit One, and part of Lot 24, Williamsburg, Unit Six. *(Note: The site is the last undeveloped portion of the Williamsburg Residential PUD, which was approved in 1989. Ordinance Nos. 4570 and 4937, and site and landscape plans are attached.)*

AREA: Approximately seven (7) acres (6.908 acres).

PROPOSED USES: The proposed development, Westport Commons, Unit Two, will consist of six (6) commercial buildings. Additional improvements include off-street parking, signs, landscaping, storm water detention basin and related improvements, and other improvements. Permitted Uses are proposed to consist of Business and Professional Offices, Barber Shops, and Beauty Shops.

Business and professional offices is defined in the Manhattan Zoning Regulations as, “The office of an engineer, dentist, doctor, attorney, real-estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.”

Barber Shops and Beauty Shops are not defined in the Manhattan Zoning Regulations, but are generally described as any establishment or place of business within which the practice of barber is engaged for one or more barbers, and a place of business where one or more persons engage in the practice of cosmetology, respectively. Cosmetology consists of those services such as hair care, shin care, and nail care.

Proposed home association documents are attached.

PROPOSED BUILDINGS AND STRUCTURES:

Phase 1: Proposed Lots 1-3

Three separate one-story professional office and business buildings are proposed, and identified as Buildings 1, 2, and 3. Buildings 1-3 will be limited to business and professional office uses based on notes on the proposed PUD plan. General exterior wall to wall area square footage for Building 1 is 6,681 square feet, and Buildings 2 and 3 are 5,561 square feet each. Building 1 is on the southernmost lot and perpendicular to Browning Avenue. Buildings 2 and 3 are on the eastern side of the site and parallel to Browning Avenue. Roof materials are concrete tile. The three buildings are approximately 25-feet in height to the roof peak. Exterior materials are brick and limestone. Floor plans will be to tenant specifications. Access to the site is primarily from Browning Avenue via a travel easement, which provides direct public street access to the proposed lots, and a secondary driveway connection with Westport Commons Place to the south. The proposed building front yard setback along Browning Avenue is 25 feet and 15 feet from the south lot line. Building 1 is generally at the 25 foot setback. Buildings 2 and 3 are set back from Browning Avenue approximately 178 feet and 11 feet from the adjoining lot line of Lot 9 common area. Off-street parking is at the proposed 25 foot front yard setback. Lots 1-3 will be graded to drain to the north to the drainage easement/detention basin. Lot 1 will be cut into the hillside with a finished floor at slightly below Browning Avenue. Finished floor elevations of buildings on Lots 2 and 3 will be at the same approximate grade as the residential dwellings to the east.

Phase 2: Proposed Lots 4-6

Three separate one-story professional office and business buildings are proposed, and identified as Buildings 4, 5, and 6. Building 4 may also be used for a barber shop and beauty shop, as noted on the PUD plan. General exterior wall to wall area square footage for Building 4 is 8,211 square feet, and Buildings 5 and 6 are 6,681 square feet and 5,561 square feet, respectively. Building 4 is on the western side of the site southeast of the Browning and Dickens intersection and perpendicular to Browning Avenue. Buildings 5 and 6 are on the eastern side of the site and at an angle to and facing Dickens Avenue.

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Roof materials are concrete tile. The three buildings are approximately 25-feet in height to the roof peak. Exterior materials are brick and limestone. Floor plans will be to tenant specifications. Access to the site is from two curb cuts off Dickens Avenue by a travel easement, which provides direct public street access to the proposed lots. The proposed building front yard setback along Browning Avenue and Dickens Avenue is 25 feet. Building 4 is at the 25 foot front yard setback along Browning Avenue and 150 feet south of the Dickens Avenue lot line. The rear of Building 4 is adjacent to Lot 7. Buildings 5 and 6 are setback from Browning approximately 300 and 400 feet respectively, and 124 feet and 45 feet, respectively, from Dickens. The rear of Buildings 5 and 6 are about 25 feet from the adjoining lot line of Lot 8 common area. Off-street parking is at or greater than the proposed 25 foot front yard setback. Lots 4-6 will be graded and elevated to drain to the drainage easement/detention basin and at an elevation generally the same as the Browning Avenue and Dickens Avenue. Finished floor elevation of Building 4 and its parking are at the same general elevation as Browning Avenue and Dickens Avenue. The finished floor elevation of the buildings on Lots 5 and 6 will be at the same approximate grade as the residential dwellings to the east.

Proposed Lot 7

Lot 7 is a 214,953 square foot tract of land for common area purposes consisting primarily of drainage channel and detention basin, which separates Lots 1-3 to the south portion of the PUD and Lots 4-6 to the north portion of the PUD. The balance of Lot 7 is open landscaped space, travel easements, and parking spaces to serve the respective buildings.

Proposed Lots 8 and 9

Lots 8 and 9 are common area landscaped open space, utility and drainage easements. The two lots will be transferred to the Williamsburg Homeowners Association. Lots 8 and 9 are open space between the rear of the proposed office buildings and the rear of the existing residential buildings in the Williamsburg PUD. The common area provides landscaped open space between the rear lot lines of the commercial buildings and the rear lot lines of homes in Williamsburg PUD.

PROPOSED LOT COVERAGE

<u>Use</u>	<u>Square Feet</u>	<u>Percentage</u>
Buildings	47,905	16%
Travel Easement/ Driveways/Parking	90,091	29%
Landscape/Open Space/Common Area	168,168	55%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Ground	7 feet 4 inches tall by 8 feet 8 inches wide	External
Ground	5 feet tall by 10 feet wide	External

Two masonry ground lit signs are proposed. The 7 foot tall ground sign is proposed at three locations along Dickens Avenue and the third along Browning Avenue identifying business names and “Westport Commons”. A five foot tall ground indicating the name of the development only, “Westport Commons”, is proposed at the intersection of Browning and Dickens Avenues. No other signage is proposed.

Exempt signage for such signs identified in the Manhattan Zoning Regulations as address numerals, for lease and other similar signs will also be allowed (*attachment Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8), as may be amended for political or campaign signs; and Section 6-104 (B)(1) and (2), as may be amended for political or campaign signs.*)

PROPOSED LIGHTING: Proposed lighting consists of pedestrian scale accent lighting on the office buildings. Twenty five 25 foot tall full cut off light poles are in the parking lots. A lighting plan sheets shows the distribution of light towards adjacent property and Browning and Dickens.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Proposed landscaping is functional with respect to the proposed development. Based on the typical zoning requirement of the number of trees per 5,000 square feet of paved area, 18 trees would be required. The landscape plan consists of 49 deciduous shade and ornamental trees, evergreen trees, and a broad range of shrubs and ornamental grasses, primarily in landscape parking islands and around the base of proposed ground signs. Nineteen of the 49 trees are within Lot 9, which be transferred to the Williamsburg Homeowners Association. The remaining 30 trees are on Lot 7. There are existing deciduous and evergreen trees on both Lot 8 and Lot 9. Other landscaped space will be turf type grass, either seeded or sod. Landscaping will be maintained by the owner and watered by an underground sprinkling system.

Attachment No. 2

2. SCREENING: Screening should be adequate. Outdoor storage (trash dumpsters) areas are adequately screened with masonry walls and wrought iron gates. The proposed treescape on Lot 9 provides a buffer between the rear of the proposed commercial and existing residential buildings. Existing trees on Lot 8 provide the same type of buffer between the proposed commercial and existing residential buildings.

3. DRAINAGE: The drainage system is designed in conformance with the adopted Stormwater Management Master Plan. Adequate provisions for storm water drainage are provided, subject to approval of a Corps of Engineers permit, as the stream crossing the site from the northeastern corner to the southwestern corner is designated a Waters of the U.S.

A Storm Drainage Report was prepared by BG Consultants, dated December, 2009 (*attached*). The City Engineer has reviewed the Report (*attachment*), and accepts the proposal without exception. The proposal consists of detention, channelizing storm water and other improvements and will result in no adverse impact on upstream and downstream properties and reduce the rate of runoff downstream.

A draft covenant (*attachment*) has been submitted by the applicant, which sets out responsibilities for the owners of PUD regarding the detention area, improvements, and drainage easement on Lot 7. The covenant gives the City the ability to assess the owners for maintenance costs, if necessary. The covenant will need to be reviewed and approved by the City and will be filed with the Final Plat after it is executed by the City.

4. CIRCULATION: The internal circulation plan provides for safe, convenient and efficient movement of motorists and pedestrians. Conflicts between motorists and pedestrians are minimized. Internal public streets will be in the form of travel easements, Browning Place and Pembroke Place, which will provide direct access to lots and adjoining public right-of way, Browning Avenue and Dickens Avenue. Maintenance responsibilities of the travel easements will be set out in a covenant (*attached*), which will be reviewed and approved by the City and filed with the Final Plat. A driveway from Westport Commons PUD to the south will provide additional connectivity with the surrounding external and internal street system.

A Transportation Impact Study for Westport Commons Unit #2 was prepared by BG Consultants, dated December 17, 2009 (*attached*). The Study indicates sight distance from proposed access points onto the two streets is excellent assuming existing vegetation is removed; that the street system is adequate for the additional traffic resulting from the proposed PUD and will have a minor impact on the streets; and, the level of service meets the requirements of the Manhattan Area Transportation Strategy. The study notes the level of service in the 2030 analysis for eastbound Dickens traffic at Browning and Dickens intersection may deteriorate and require left turn pavement markings to delineate a separate left turn lane for improved operations.

Attachment No. 2

The Manhattan Urban Area Subdivision Regulations indicate that the Planning Board and Governing Body may approve a Variation if a finding is made that the Variation is appropriate under the circumstances and the reasons are set forth. Any reasonable condition of approval as a part of the granting of a Variation may be applied to the PUD, if necessary. The applicant has proposed a Variation of Article X, Subdivision Layout Standards, Section 10-207 (B) (3) *Driveway and spacing requirements. Along a collector street, no side street or driveway shall intersect the collector street within 300 feet of an intersecting arterial street, nor within 150 feet of an intersecting local street or driveway.* The proposed curb cut distance from the intersecting street lines along Browning and Dickens to the proposed western curb cut on the south side of Dickens will be reduced from the minimum distance is 300 feet to 260 feet (*attachment*). The following are considered when a Variation is requested:

- (1) Granting of the variation will not be detrimental to the public health, safety or general welfare or be injurious to adjacent property. *The applicant indicates the queue length, or stacking distance of vehicles, will be three vehicles over the next twenty year period during peak hour operations. The stacking length is approximately 75 feet and 260 feet is provided. The location of an existing sidewalk along the south side of Dickens Avenue will be adjusted away from its current curb line location to provide the public a better crossing. Adjacent property to the north, east and west are not affected by the 40 foot reduction.*
- (2) There are unique physical characteristics of the property for which the variation is sought and not generally applicable to other property. *The applicant indicates the shape of the property is unique with sanitary sewer and storm sewer crossing the site at an angle from northeast corner to the southwest “This angle creates some problems with getting two entrances to Dickens. If the entrance is moved to 300 feet the 2nd entrance to the east will be close and the amount of parking will be reduced in front of buildings 5 and 6.”*
- (3) Due to the unique physical characteristics of the property, its shape or topography, an unnecessary hardship to the subdivider would result, as distinguished from a mere inconvenience, and such hardship is not based solely on economics. *Moving the entrance to 300 feet may adversely affect the amount of off-street parking provided for Lot 5 and Lot 6. The placement of utilities and storm water drainage improvements factor into the layout of the buildings and the necessity for two driveways. In addition, the applicant indicates, “The west entrance to Dickens becomes the divider between building 4 and buildings 5 and 6 which keeps the parking separated.”*

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- (4) No provision of any zoning regulations, other regulation, ordinance, or the Comprehensive Plan would be varied. *No other regulations, ordinances, or the Comprehensive Plan are varied.*

The City Engineer has reviewed the Study (*attachment*), and accepts the Study with one comment that the Variation needs to be approved.

Pedestrian traffic is accommodated for within the development and connects to the proposed public sidewalk on the east side of Browning Avenue and the existing public sidewalk on the south side of Dickens Avenue. There is existing public sidewalk along the west side of Browning Avenue, a collector street, which extends approximately 440 feet to the south of the Browning and Dickens intersection. Also a sidewalk is proposed to connect to the south with the new sidewalk associated with the Westport Commons PUD. The proposed sidewalk connections provide for a pedestrian friendly and accessible development.

Bike racks are proposed in each portion of the PUD, one serving Lots 1-3 and a second serving Lots 4-6.

Existing streets, Pembroke Circle and Pembroke Court, on Lot 2 will be vacated. There will be no access from Williamsburg Drive into the PUD due to the detention basin. There is an existing short stub of street in Pembroke Circle off Williamsburg Drive, which will remain dedicated as public right-of-way for access to Lots 8 and 9 and will be renamed Williamsburg Terrace.

Office Space and Barber and Beauty Shops

Off-street parking is based on net floor area, with space such as mechanical rooms, storage and hallways deducted. In both cases, the applicant calculated parking based on gross floor area. This means that more parking is proposed than would be required when a final floor plan is submitted, as space described above would be deducted from the gross floor area to determine the minimum number of required parking spaces for each use. Based on the requirements of the Manhattan Zoning Regulations, the proposed off-street parking is adequate to serve the separate uses of the proposed PUD.

More specifically, adequate office street parking for the office buildings is provided. Proposed parking is based on the worst case, or medical use the buildings, which creates a demand for 5.5 parking spaces for each 1,000 square feet of floor area. Professional and business offices are required to provide one parking space for each 300 square feet of floor area. If Barber and Beauty Shops are factored in, which are required to provide one (1) parking space per 200 square feet of net floor area, adequate parking is provided.

Attachment No. 2

Based on gross floor area, and assuming the floor spaces are devoted to medical and dental office uses, as well as accounting for barber and beauty shops, adequate off-street parking is provided. An additional 21 off-street parking space are proposed north of Lot 4 if needed in the future.

5. OPEN SPACE AND COMMON AREA: The applicant has made provisions for the continuity, preservation, care, conservation and maintenance of all open space within the development plan. Upon installation of landscaping, it will be maintained by the owner and watered by an underground sprinkling system. Two tracts of land, Lot 8 and Lot 9, will be open space dedicated drainage and utility easements, and will be transferred to the Williamsburg PUD Homeowners Association.

6. CHARACTER OF THE NEIGHBORHOOD: The proposed rezoning site is on the southeast corner of Browning Avenue and Dickens Avenue, both of which are designated as collector streets in the Manhattan Area Transportation Strategy. The site adjoins the recently approved Westport Commons Commercial PUD immediately to the south and is in the vicinity of Dickens Place PUD, an equivalent PUD to proposed Westport Commons Unit Two. The mix of uses along Dickens Avenue consists of a public elementary school, single-family residential, multiple-family residential, business and professional offices, church, and federal office building and facilities. The southern end of Browning Avenue is dominated by a large church site. The neighborhood northwest and west of the site is single-family residential. Browning Avenue provides right-of-way separation of primarily single family residential to the west and northwest of the site. Dickens Avenue provides right-of-way separation from the mixed uses to the north of the street. The proposed rezoning site is the undeveloped part of the Williamsburg PUD, a planned residential neighborhood, and adjoins the east boundary of the existing Williamsburg PUD. Georgetown Apartments are further to the east and along the east side of Westport Street. The proposed character of the PUD reflects the range of the mix of uses of the neighborhood in which it will be located. Service commercial uses are further to the south along Claflin Road and are not characteristic of the neighborhood in the vicinity of Browning Avenue and Dickens Avenue intersection but are in the relative vicinity of the site.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: The site is a platted and undeveloped portion of the Williamsburg Residential Planned Unit Development, which was originally intended for two family dwelling units. Fill has been added to the site in previous years and its content is unknown and is generally in the area of the detention basin. The fill will be removed with the construction of the basin.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site generally drains and slopes downhill from northeast to southwest and from south to north to an unnamed natural drainage tributary designated as a Waters of the U.S. The site is in large part below grade of the adjoining streets. The south hillside is generally around a ten percent slope. The unnamed tributary traverses the site from the northeast corner to the midpoint of the western boundary and is designated a Waters of the U.S. The tributary will be modified and preserved in a drainage easement, subject to a Corps of Engineers permit. The majority of the western boundary along Browning Avenue, and the entire southern boundary, is tree lined with mature trees. The remainder of the site is covered by field grasses and scattered trees along the existing stream channel. There is a dense tree-line along Browning Avenue, which will be removed in its entirety. Portions of the site along Dickens Avenue are at the same grade as the street with the remainder below street grades. The site is somewhat like a natural bowl.

3. SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Dickens Avenue, Marlatt Elementary School, and single-family attached dwellings; R, Single-Family Residential District, and Westwood Village Planned Unit Development.
- (2) **SOUTH:** Westport Commons Unit One Commercial PUD and existing two-family dwellings; Williamsburg PUD.
- (3) **EAST:** Existing two-family dwellings; Williamsburg PUD.
- (4) **WEST:** Browning Avenue, single-family and multiple-family dwellings, and a church; R District, and R-3, Multiple-Family Residential District.

4. CHARACTER OF THE NEIGHBORHOOD: See above under PUD Criteria Number 6, CHARACTER OF THE NEIGHBORHOOD.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for development of duplexes or single-family detached dwellings; however, fill was added to the site, which would require removal of debris before homes could be built. Access restrictions onto Browning and Dickens and other conditions limit development of the site. The PUD was adopted in 1989 and no development has occurred to date on Lot 2. Given the time and conditions of approval, it is unlikely the site would develop as originally approved. An amendment or new PUD would be required prior to development.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:

The proposed PUD is compatible with nearby properties and no detrimental affects are expected as a result of the rezoning with respect to use, compatibility with nearby properties, lighting, traffic, noise, and storm drainage. The proposed PUD is similar to a C-1, Restricted Business District, which is intended to be compatible with residential districts; however two service commercial uses are also proposed. The proposed PUD limits the permitted uses of the C-1 District to Business and Professional Office uses and limits the service commercial to Beauty Shops and Barber Shops. The site adjoins a developed single-family residential PUD to the east and is otherwise separated from nearby properties by collector streets. The proposed uses are generally day time activities, although the Beauty Shop may operate into the early evening. Noise associated with the primarily day time activity would be consistent with the neighborhood. In addition, the PUD notes the Beauty Shop and Barber Shop will be limited to Lot (Building) 4 only. The nature of the two proposed service commercial uses are generally consistent with the type of traffic that might be encountered with professional offices like a doctor or dentist, which means appointments are normally required. Proposed lighting in the parking lots is full cut-off and pedestrian scale on buildings. A Proposed Lighting Plan is provided as a part of the PUD, which indicates minimal light impact at the property lines. Signage associated with the PUD is limited to ground signs and no other signs, and no banner or other sales aids signs, which are sometimes associated with service commercial, are proposed. Traffic increases associated with the development are expected to be minor. No access through residential subdivisions is proposed except along the two collector streets. Any increase in light, noise and traffic will be consistent with the mixed use character of the Browning Avenue and Dickens collector street corridors.

In addition, the proposed drainage plan will provide for detention to reduce the impact of storm water runoff on upstream and downstream properties. The detention basin will provide for protection of the 100 year flood for buildings on the site and in adjacent Williamsburg PUD to the east.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown on the Northwestern Future Land Use Map as a combination of RMH, Medium to High density residential. The RMH density range is 11 to 19 dwelling units per net acre.

The proposed PUD is generally oriented towards Business and Professional Offices with two additional commercial services also proposed, Barber Shops and Beauty Shops. Set out below are a range of policies (set out in italics) applicable to the proposed PUD.

Applicable general growth and medium to high density policies appropriate to the proposed PUD consist of:

GM 9: Infill and Redevelopment

Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area. For additional policies related to infill and redevelopment, refer to the Land Use Policies below and to Chapter 9, Housing and Neighborhoods.

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

The proposed PUD is primarily a Business and professional office development. Applicable policies of the Neighborhood Commercial and Office/Research include:

Neighborhood Commercial Center (NCC)

NCC 1: Characteristics

Neighborhood Commercial Centers are intended to provide a range of services, including supermarkets, restaurants, movie rentals, drycleaners, drugstores, filling stations, smaller specialty shops, retail and health services and business and professional offices, for residential areas. Neighborhood centers will vary in scale and character. Smaller,

limited use centers may be fully integrated into the surrounding neighborhood and be accessed primarily by pedestrian or bicycle; while larger centers will function more independently, providing ample parking and numerous stores. Mixed-Use Neighborhood Centers that also incorporate residential uses are appropriate in a master planned setting. Neighborhood Centers often serve more than one nearby neighborhood in order to maintain sufficient economy of scale.

NCC 2: Location

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

NCC 3: Size

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

NCC 4: Architectural Character

Neighborhood Centers shall be designed to be compatible with and sensitive to surrounding residences. Building materials and architectural detailing should be compatible with and reflect the character of the surrounding neighborhood. Building heights and scale should be similar to surrounding residences.

NCC 5: Circulation and Access

Main entrances and driveways should be integrated with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles. Clear, direct pedestrian connections shall be provided between uses within the center and to the surrounding neighborhood.

NCC 6: Parking Location and Design

Large, uninterrupted expanses of parking should be avoided. Parking areas shall be divided into smaller "blocks" by landscaping and walkways. To the extent possible, parking blocks shall be distributed between the front and sides of buildings, or the front and rear, rather than placed solely in front of building.

NCC 7: Transitions between Uses

Attractive transitions should be provided between the center and surrounding residences, while not limiting access between the center and the neighborhood for all modes of travel. Transitions can be accomplished by stepping down the height of taller structures to meet

residences, providing landscape buffers or screening, or similar means. Use creative design to avoid simply “walling” off residential areas from neighborhood centers.

Office/Research Park (Off/RP)

OR 1: Characteristics

The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, “campus-like” setting. Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17th Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.

OR 2: Location

Office/Research Park facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access.

OR 3: Site Layout and Design

Office/Research Park developments should be organized in a planned, “campus-like” setting that is heavily landscaped. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces

OR 5: Unified Architectural Character

Buildings within an Office/Research Park setting should have a unified architectural character achieved through the use of similar elements, such as rooflines, materials, colors, signage, landscaping and screening and other architectural and site layout details.

OR 6: Common Areas

Plazas and other common outdoor gathering spaces should be provided as part of the “campus” environment. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should

typically be arranged to form outdoor gathering spaces, such as quads, courtyards, patios, or seating areas for employees and visitors.

OR 7: Circulation and Access

Building entrances, outdoor gathering spaces, and parking areas shall be linked with clear, direct pedestrian walkways.

OR 8: Outdoor Storage

The functions of an Office/Research Park facility should generally be completely contained within buildings. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.

The proposed PUD is an “infill” development on an undeveloped tract of residential land in a mixed use neighborhood. Policy HN5 below, in Chapter 9; Housing and Neighborhoods, is applicable to the proposed PUD.

HN 5: Promote Infill and Redevelopment

*The City and County should encourage infill development and redevelopment on vacant or underutilized parcels where infrastructure and services are readily available and where it would foster the stabilization or revitalization of an existing area. Infill and redevelopment should be sensitive to the established character of the surrounding neighborhood. **Infill** means the development of new housing or other buildings on scattered vacant sites in a built-up area. **Redevelopment** means the replacement or reconstruction of buildings that are in substandard physical condition, or that do not make effective use of the land on which they are located. If properly designed, infill and redevelopment can serve an important role in achieving quality mixed-use neighborhoods.*

In addition, the proposed PUD promotes quality design and provides and promotes pedestrian connections within and to the street system consistent with Chapter 11: Community Design.

CD 1: Promote Development Quality

The City and County shall require a high level of development quality for all new residential and non-residential development and redevelopment. Consideration should be given to the establishment of development design standards. Standards should include, but not be limited to materials, architectural details, site layout, scale and mass, height, landscaping and screening, parking location and layout, and other factors. Standards may be developed on a citywide basis or for particular subareas of the community, such as the Downtown.

CD 5: Promote Accessible, Pedestrian-Friendly Community Design

Future residential and commercial development should be planned and designed to ensure that sites and land uses are linked by all modes of travel – autos, pedestrians, and bicycles. Within each site, development shall be planned and designed to be pedestrian-friendly with full accommodation for safe, comfortable, and convenient walking on a continuous, well-connected system of sidewalks, walkways and street crossings.

As an infill development, the proposed PUD fits in and is sensitive to the mixed use character of the neighborhood. The overall quality of design, the compatibility and sensitivity to the mixed use neighborhood, as well as access to the proposed PUD, are consistent with the above policy statements. The proposed PUD is in general conformance with the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The rezoning site, Lot 2, has remained vacant to date. The zoning history of the entire Williamsburg PUD consists of:

1972	Annexation and Rezoning to R, Single-Family Residential District.
1984	Rezoning from R District to I-1, Research Park.
March 7, 1989	Rezoning from I-1 District to Williamsburg Residential Planned Unit Development (Ordinance No. 4570).
April 5, 1991	Final Development Plan of Phase One approved.
November 16, 1992	Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit One.
December 15, 1992	City Commission City Commission accepted easements and rights-of-ways for Williamsburg, Unit One.
July 1, 1993	Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit Two.
August 3, 1993	City Commission accepted easements and right-of-way for Unit Two.

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July 7, 1994	Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit Three.
July 19, 1994	City Commission accepted easements and rights-of-way for Unit Three
December 5, 1994	Manhattan Urban Area Planning Board approved Final Plat for Williamsburg, Unit Four.
December 20, 1994	City Commission accepted easements and rights-of-way for Williamsburg, Unit Four.
September 7, 1995	Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit Five.
September 19, 1995	Amendment of the Final Development Plan approved to allow single-family detached dwellings as a permitted use (Ordinance No. 4937).
September 19, 1995	City Commission accepted easements and rights-of-way for Williamsburg, Unit Five.
January 4, 1996	Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit Six.
January 16, 1996	City Commission accepted easements and rights-of-way for Unit 6.
October 7, 1996	Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit 7.
November 5, 1996	City Commission accepted easements and rights-of-way for Williamsburg, Unit Seven.
June 16, 1997	Manhattan Urban Area Planning Board approved Final Plat for Williamsburg, Unit Eight.
July 1, 1997	Amendment of the Final Development Plan approved to replace the condominium at the north of the PUD, with duplexes, and add a single-family detached dwelling in an open space area (Ordinance No. 5044).

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- July 1, 1997 City Commission accepted easements and rights-of-way for Williamsburg, Unit Eight.
- October 23, 2003 Boundary Line Adjustment for Lots 39 and 40, Williamsburg, Unit Eight filed.
- October 17, 2005 Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit Nine.
- November 1, 2005 City Commission accepted easements and rights-of-way for Williamsburg, Unit Nine.
- January 19, 2006 Manhattan Urban Area Planning Board recommends denial (4-2) of an amendment of the Preliminary Development Plan regarding open space, landscaping and sidewalks.
- March 27, 2006 Rezoning application withdrawn by owner/applicant.

The zoning history below is for Westport Commons PUD, which abuts the southern boundary of the PUD. The proposed PUD is an extension of the approved Westport Commons.

- July 6, 2009 Manhattan Urban Area Planning Board recommends approval of rezoning Lot 1, Williamsburg Unit One from PUD, Residential Planned Unit Development District, to PUD, Commercial Planned Unit Development District with 8 conditions of approval for the proposed Westport Commons PUD.
- July 21, 2009 City Commission overrides the Manhattan Urban Area Planning Board and removes the eighth condition of approval and approves first reading of an ordinance rezoning the proposed Westport Commons PUD with the original seven conditions of approval recommended by City Administration.
- August 4, 2009 City Commission approves Ordinance No. 6772 rezoning the proposed Westport Commons PUD with the original seven conditions of approval recommended by City Administration.

September 10, 2009 Manhattan Urban Area Planning Board, on a vote of 6-0, approved the Final Plat of Lots 1-4, Westport Commons Addition, Commercial PUD, based on conformance with the Manhattan Urban Area Subdivision Regulations and approved the Final Development Plan for Lots 1-4, based on conformance with the approved PUD.

October 13, 2009 City Commission accepts easements and rights-of-way as shown on the Final Plat of Westport Commons Addition, Commercial PUD.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The proposed PUD is located in the Williamsburg PUD, which is described below. The proposed PUD is also consistent with the general character of the C-1, Restricted Business District, but will be limited to business and professional office uses and two service commercial uses, Barber Shops and Beauty Shops.

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 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 District

Lot 2 of the underlying Williamsburg PUD was originally approved for 14, two family dwelling units. No development has occurred on the rezoning site since approval of the PUD on March 7, 1989. A public hearing was conducted in 2006 to amend conditions of approval of Ordinance No. 4570, with the intent to build 19 single-family dwellings, and was withdrawn prior to first reading of the ordinance by the City Commission.

Overall Intent

The proposed PUD is generally a C-1, Restricted Business District, and limited to professional offices and businesses. Fewer of the permitted uses and none of the conditional uses of the C-1 District are proposed. The C-1 District is designed to provide for non-retail commercial, business and professional office activities adjacent to arterial and collector streets. The C-1 District is also intended to be compatible with adjacent residential districts. C-1 Districts are typically found along major arterial streets, such as Poyntz Avenue, Anderson Avenue, Dickens Avenue and Claflin Road. C-1 Districts, or equivalent PUD's such as the proposed PUD, are found adjacent to various residential districts in the community. The proposed PUD will provide for non-retail business and professional activities adjacent to two collector streets. In addition, two proposed service commercial uses, Barber Shops and Beauty Shops, which are commonly found in commercial centers or the C-4, Central Business District, and C-3, Aggieville Business District. The two proposed uses may also be located close to residential areas such as the Candlewood Shopping area or in residential neighborhoods near the C-3 and C-4 Districts.

The overall intent of the proposed PUD is consistent with the policies of the Comprehensive Plan and intent of the PUD requirements, subject to the conditions of approval. The proposed PUD is an infill project on a site along two collector street corridors in a mixed use neighborhood. Overall, the proposed PUD is sensitive to the Williamsburg PUD to the east and the school and residential neighborhoods to the north and west.

11. 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 gain to the public that denial would accomplish as no adverse impacts are expected as a result of the rezoning. Public streets and access are adequate. A drainage plan will reduce the impact of storm water on downstream properties. It may be a hardship on the owner if the rezoning is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public sanitary sewer and water are available to serve the site. Sidewalk exists along the south side of abutting Dickens Avenue. Sidewalk is proposed along the east side of Browning Avenue as well as curb and gutter.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends a Variation of Article X, Subdivision Layout Standards, Section 10-207 (B) (3), Driveway and spacing requirements, be approved based on the findings in the staff report; and approval of the proposed rezoning of Westport Commons, Unit Two PUD from PUD, Residential Planned Unit Development, to PUD, Commercial Planned Unit Development District with the following conditions of approval:

1. Permitted Uses shall include Business and Professional Offices, Barber Shops, and Beauty Shops.
2. Barber Shops and Beauty Shops shall be limited to Lot 4 only.
3. 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.
4. All landscaping and irrigation shall be maintained in good condition.
5. All drainage improvements shall be constructed as proposed.
6. Prior to issuance of a building permit, a Corps of Engineers permit shall be approved.
7. A covenant between the City and owner concerning maintenance of the drainage easement and detention facilities shall be reviewed and approved by the City and filed with the Final Plat.
8. A covenant addressing the construction and ongoing maintenance of the travel easements shall be reviewed and approved by the City and filed with the Final Plat.
9. Travel Easement names shall be provided with the Final Plat, which have been reviewed and approved subject to the requirements of the Manhattan Urban Area Subdivision Regulations.
10. Signage shall be limited to signs proposed in the application consisting of ground signs only.
11. Banner and other temporary sales aids shall be prohibited.
12. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1)(2), of the Manhattan Zoning Regulations, as may be amended related political or campaign signs.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Westport Commons, Unit Two, PUD from PUD, Residential Planned Unit Development, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report; and approve a Variation of Article X, Subdivision Layout Standards, Section 10-207 (B) (3) Driveway and spacing requirements, based on the findings in the staff report;
2. Recommend approval of the proposed rezoning of Westport Commons, Unit Two, PUD from PUD, Residential Planned Unit Development, 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 a Variation of Article X, Subdivision Layout Standards, Section 10-207 (B) (3) Driveway and spacing requirements, based on the findings in the staff report; and approval of the proposed rezoning of Westport Commons, Unit Two, PUD from PUD, Residential Planned Unit Development, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the twelve conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: January 27, 2010

10008

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

(NOTE: The proposed Revised Preliminary Development Plan site plans are revisions of the PUD plans distributed to the Planning Board for the Public Hearing on Monday, September 21, 2009. The Public Hearing was not conducted on September 21, 2009 and the PUD plans distributed for that meeting were not presented or discussed. The applicant requested the Public Hearing on September 21, 2009 be tabled to modify the PUD to relocate the proposed Candlewood Suites building. The staff report distributed for the September 21, 2009 Planning Board meeting recommended denial of the PUD, based on the location of the Candlewood Suites. This staff report reflects the revised PUD site plans.)

BACKGROUND

FROM: R, Single-Family Residential District, and R-1, Single-Family Residential District.

TO: PUD, Commercial Planned Unit Development District.

OWNER: K-Air, Inc. – Russ Briggs.

ADDRESS: 2312 Stagg Hill Road, Manhattan, KS 66502.

APPLICANT: Flinthills Hospitality, LLC – Colin Noble.

ADDRESS: 1641 Anderson Avenue, Manhattan, KS 66502.

DATE OF PUBLIC NOTICE PUBLICATION: Thursday, August 20, 2009.

DATE OF PUBLIC HEARING PLANNING BOARD: November 2, 2009.

The Public Hearing was originally advertised for Thursday, September 10, 2009. The Public Hearing was tabled to Monday, September 21, 2009, re-tabled to October 19, 2009, and finally to November 2, 2009.

CITY COMMISSION: Tuesday, November 17, 2009.

LOCATION: Generally located 400 feet west of the intersection of Seth Child Road and Allison Avenue, along the north side of Allison Avenue and south of Ft. Riley Boulevard.

AREA: 4.792 acres (proposed Lot 1 – 3.274 acres and proposed Lot 2 – 1.517 acres.)

PROPOSED USES: Two hotels: Candlewood Suites and Holiday Inn Express.

(Note: The existing City of Manhattan's East Stagg Hill Booster (Water) Pump Station is not included in the rezoning; however, the site on which it is located is shown on the proposed site plan as Lot 3. If the PUD is approved, Lot 3 will be included as a part of the Final Plat. The Pump Station was approved as a Municipal Facility in 1998. The building was constructed over the north property line by approximately twelve feet. The Final Plat will correct the encroachment.

The existing municipal facility is a potable water pumping station, which boosts water pressures for both the western part of the City and the water tower west of Miller Ranch subdivision. A chlorinating facility is part of the facility to ensure adequate disinfection is maintained in the municipal water system. The existing station's building site was approved at 110 feet by 110 feet, 12,100 square feet in area, and abutting Allison Avenue and generally located adjacent to and northeast of the right angle intersection of Allison Avenue, and southeast of Lot 11 in the Wesley Addition.

Proposed Lot 3 extends the north dimension by 30-feet to account for the building encroachment. The building coverage is approximately 1,200 square feet in area (30 feet by 40 feet), including overhangs. The building is brick construction with a sloped roof and composite shingles. The building is approximately 16 feet in height. Interior floor area of the building is 864 square feet.

An existing easement is provided off Allison Avenue for access to the site. A temporary gravel driveway extends to the station from a curb cut located approximately 400 feet of the station to the east off Allison Avenue. The temporary gravel driveway will remain in place until adjacent property is developed at which time access will be obtained from a street within that new development, or proposed Hospitality Place, a Travel Easement. Two (2) off-street parking spaces are provided on the site, which are accessed from the temporary driveway.

City Administration requested an eight (8) foot chain link fence and gate to enclose the station for security, similar to other facilities in the City. The site plan reflects the fence. The condition of approval recommends an eight foot security fence in case a more decorative fence, similar to fence around the water plant, is constructed.

PROPOSED BUILDINGS AND STRUCTURES: A two phase project with proposed Lot 2 to be developed first and proposed Lot 1 after completion of Lot 2. Relocation of the twelve inch water main on Lot 1 will occur prior to construction of the Holiday Inn.

Proposed Lot 1 - Holiday Inn Express hotel

The proposed hotel is a 75 room four story building, generally 55-feet in height to the roof peak and approximately 67-feet, in total height, to a roof feature identifying the front entrance. A roof feature is also on the south, or rear wall is approximately 62-feet in height. (See Sheets A2.1 to A2.3, 2.5 and A3.1 and A 3.2, for details.) The building exterior is manufactured limestone veneer and stucco with asphalt roof shingles. The drive-in canopy has a standing seam metal roof. Building dimensions, excluding the drive-in canopy, are approximately 179-feet in length by 85-feet in depth, with an east – west orientation. The building is set back approximately 155-feet north of Allison Avenue and no closer than approximately 55-feet to Ft. Riley Boulevard. The building is set back approximately 185-feet from the western property line adjoining the Wesley Addition, a low density single-family neighborhood. Off-street parking on the west side of the building is set back, at its closest, 130-feet. The front entrance is towards Ft. Riley Boulevard to the north with side entry exits on the east and west sides of the building. Other than off-street parking, a trash dumpster enclosure and storage shed, and common monument and optional skirted pole sign for both hotels, there are no outdoor activities or improvements, such as pools, playgrounds, patios or similar outside activities. Interior rooms of the Holiday Inn include hotel rooms, lobby, great room, guest lounge, fitness room and pool, and administrative and mechanical space. Eighty off-street parking spaces are proposed. Exterior up lighting and building lights are proposed on all four sides of the hotel.

Proposed Lot 2 - Candlewood Suites hotel

The proposed hotel is an 84 room four story building, generally 45 feet in height to the flat roof and an additional seven feet ten inches, or 52 feet ten inches, in total height, to an architectural parapet roof feature identifying the front entrance (see Sheets A1, A2 and A3 for details.) The building exterior is stucco with a manufactured limestone veneer base. Building dimensions are generally 212 feet in length by 56 feet in depth. The length of the building is oriented east to west, at an approximate 13-foot front yard setback along Ft. Riley Boulevard off-ramp and parallel to the lot line. Setback off Allison Avenue varies from 66-feet at the eastern end to 145-feet at the western end of the building. The front entrance faces Allison Avenue to the south with side entry exits on the east and west sides of the building and two doors on the rear, or Ft. Riley Boulevard side of the building. Other than off-street parking, and an exterior trash dumpster enclosure and storage shed, there are no exterior activities or improvements, such as pools, playgrounds or patios. Interior improvements for the Candlewood Suites include hotel rooms, a fitness room and administrative and mechanical spaces. Eighty six off-street parking spaces are proposed. Exterior up lighting and building lights are proposed on all four sides of the hotel.

PROPOSED LOT COVERAGE

<i>USE - LOT 1</i>	<u>Square Feet (sf)</u>	<u>Percentage</u>
Holiday Inn Express	12,025 sf	9%
Travel Easement	0	0
Driveways/Parking	43,473 sf	34%
Landscape Space	74,125 sf	57%

<i>USE - LOT 2</i>	<u>Square Feet (sf)</u>	<u>Percentage</u>
Candlewood Suites	11,232 sf	14%
Travel Easement	18,307 sf	23%
Driveways/Parking	24,712 sf	31%
Landscape Space	24,848 sf	32%

PROPOSED SIGNS: The Holiday Inn has proposed four internally lit wall signs, one each façade, generally near the roofline, ranging in size from approximately 156 square feet in area on the north and south facades, approximately 115 square feet in area on the east façade, and 28-square feet on the west façade. An optional skirted pole sign, 30-feet in height and approximately 169-square feet in area, is proposed on the north property line adjacent to Ft. Riley Boulevard with the names of both hotels on the structure.

The Candlewood Suites has proposed three internally illuminated wall signs on the building. One approximate 102-square foot wall sign is proposed on the south elevation, and one approximate 37-square foot in area wall sign is proposed on the east and west facades. A ground monument sign is proposed in the eastern most corner of Lot 2 in a landscaped base. The sign is six feet in height by twelve feet in length and constructed of limestone with aluminum panels identifying the two hotels. No lighting is proposed; however, it is assumed the signs will be lit.

Exempt signage, such as address numerals, political signs and temporary construction signs, 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 would be permitted.

PROPOSED LIGHTING: Exterior lighting of the buildings consists of security and accent lights. Full-cutoff parking lot light poles are proposed in the off-street parking areas. Application documents indicate light poles are 35-feet in height, except for light poles on the west side of the Holiday Inn parking lot drive, which will be total 23-feet in height due to overhead power lines. Pedestrian scale light poles are proposed along Allison Avenue south of the Candlewood Suites a total height of 15-feet, 12-foot pole on a three foot base.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Proposed landscaping is functional with respect to the proposed hotel setting of the development. The landscape plan consists of deciduous and evergreen trees and a broad range of shrubs and ornamental grasses, primarily in landscape parking islands and around the base of the proposed ground sign on Lot 2. No landscaped base is proposed in the optional sign on Lot 1. Other landscaped space will be turf type grass, either seeded or sod. Landscaping will be maintained by the owners and maintained by an underground sprinkling system.

2. SCREENING: An outdoor storage (trash dumpsters) area is adequately screened. It is located in the southern part of Lot 2 and separated from areas to the south by a ten foot retaining wall and will be enclosed and gated. Six to eight foot evergreen landscape screening is proposed on Lot 2 along the Allison Avenue right-of-way to buffer the views of off-street parking spaces at the proposed 15-foot front yard setback from the front yards of residential dwellings immediately to the south, and which front on Allison Avenue. The Holiday Inn will be separated from residential rear yards of single-family dwellings on lots in the Wesley Addition to the west by a heavily forested drainage ravine as well as by distance. Additionally, the site will be graded and below Allison Avenue with a retaining wall adding buffer.

3. DRAINAGE: The drainage system is designed in conformance with the adopted Stormwater Management Master Plan. Adequate provisions for drainage have been provided. A restrictive covenant is required regarding maintenance, construction and repair, as well as the assessment of adjoining properties if the storm water improvements are not maintained, constructed or repaired.

The applicant's proposal is to direct storm water to underground storm water storage cells, which will release to the north onto Kansas Department of Transportation (KDOT) right-of-way and to the drainage ravine on the west side of the PUD. A Preliminary Drainage Study was prepared by Schwab-Eaton, P.A., dated July 27, 2009 (attached). The City Engineer has reviewed the Report (memo attached dated October 28, 2009), and accepts the proposal with two recommendations and two concerns: one regarding the apparent lack of a storm drainage plan for the parking area between the two hotels and the need for the drainage plan to address drainage from Allison Avenue.

An Agreement Creating a Restrictive Covenant on Real Estate for drainage, (draft attached and subject to acceptance by the City) will be filed with the Final Plat to insure maintenance and the ability of the City to assess Lot 1 and Lot 2 if the drainage improvements are not maintained to city standards.

4. CIRCULATION: The internal circulation plan provides for safe, convenient and efficient movement of motorists and pedestrians. Internal conflicts between motorists and pedestrians are minimized. The proposed travel easement also provides public street access to the East Stag Hill Booster Pump Station. A restrictive covenant is required for travel easements to ensure construction, maintenance and repairs, and the assessment to adjoining property in the PUD, if the public street is not maintained, constructed or repaired to city standards (draft attached).

A Traffic Impact Study for Flinthills Hospitality was prepared by Schwab-Eaton, P.A., dated July 22, 2009 (attached). The Study concludes that the proposed traffic will generate fewer than 100 trips in the peak hour.

The City Engineer has reviewed the Study, and accepts it with no exceptions (memo attached dated October 28, 2009.)

Currently, there is no public sidewalk along either side of Allison Avenue, a local street. Pedestrian traffic is accommodated for and within the development and will connect to proposed sidewalk on the north side of Allison Avenue. The applicant has requested a variation of the Subdivision Regulations requirement to not provide sidewalk along its Ft. Riley Boulevard frontage south of the off-ramp. While sidewalk along the sites north frontage of Ft. Riley Boulevard appears unnecessary, development of the site should have a sidewalk connection to an existing sidewalk on the west side of the intersection of Seth Child Road and Allison Avenue intersection.

Off-street parking for hotels is based on the requirements of the Manhattan Zoning Regulations, which requires two parking spaces plus one per hotel room. The Holiday Inn would be required to provide 77 (2 + 75 rooms) and 80 are proposed or three more than the minimum. The Candlewood Suites would be required to provide 86 (2 + 84 rooms) and 86 are proposed. The combined total is 166. Adequate off-street parking is provided to serve the hotels.

5. OPEN SPACE AND COMMON AREA: Landscaped space reflects open space and there is no common area unless there is provision for shared parking in parking lots

6. CHARACTER OF THE NEIGHBORHOOD: The proposed site is located in the southwestern corner of a major street intersection, Ft. Riley Boulevard and Seth Child Road. Development in the intersection consists primarily of service commercial on its southeast and northwest corners and a municipal facility on the northeast corner. The southwest corner near, the proposed PUD site, consists of a group day care and established low to high density residential neighborhoods. The southwest corner of the intersection, prior to and since improvements Ft. Riley Boulevard, is primarily residential

with limited professional office use. The southwest corner of the intersection is accessed from a local street, Allison Avenue, which also connects to Stagg Hill Road. Intersecting streets on Allison Avenue, Canyon Drive and Ridgewood Drive, serve the residential neighborhoods to the south of Allison Avenue, which extends into an established multiple-family and single-family and two-family neighborhood. The proposed PUD site is on a prominent elevated flat plateau above Ft. Riley Boulevard, which is immediately to the north and is very visible from both Ft. Riley Boulevard and Seth Child Road. The site was created as a part of the highway improvements by the Kansas Department of Transportation. The triangular eastern portion of the site was established as a result of the highway improvements.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: A combination of vacant R and R-1 Districts. The triangular shape of proposed Lot 2 was created by KDOT due to acquisition of right-of-way for off-ramps and other Seth Child Road and Ft. Riley Boulevard intersection improvements. Both tracts have been vacant since annexation.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The majority of the site is flat except for those portions adjoining Allison Avenue along the southern boundary. The site is at the same approximate grade as Allison Avenue at the eastern point and approximately 20-feet below grade of Allison Avenue where Allison Avenue turns at a right angle to the south. The northern boundary of the site adjoins Ft. Riley Boulevard right-of-way. The majority of the interior of the site has been graded and there are scattered trees along the southern boundary. There is a large and deep natural and heavily treed ravine on the western edge of the site. The site drains to the north and northeast. Access is from an existing concrete curb cut located approximately 60-feet west of the Ridgewood Drive and curb cut intersection. Internal access to the Booster Pump Station is a gravel driveway leading to the Pump Station and to the balance of the site. The existing curb cut is on a generally flat part of Allison Avenue. The site plan indicates Allison Avenue up to the proposed curb cut is a 15% grade, which flattens to a 4% grade and inclines to 11% before flattening at the western boundary of the site at the top of the hill.

3. SURROUNDING LAND USE AND ZONING:

Attachment No. 3

(a.) NORTH: Ft. Riley Boulevard, off ramp to Seth Child Road and Ft. Riley Boulevard signalized intersection, divided four lane expressway; restaurant and single family dwellings, all north of Ft. Riley Boulevard, and Seth Child Road; R District and PUD.

(b.) SOUTH: Allison Avenue, a 60 foot wide local residential street, multiple-family, two-family and single-family dwelling units; R-2, Two-Family Residential District and R-3, Multiple-Family Residential District.

(c.) EAST: Ft. Riley Boulevard and Seth Child Road signalized intersection; auto dealership, multiple-family dwelling unit, restaurant, and group day care; R-1 District, C-5, Highway Service Commercial District, and C-1, Restricted Business District.

(d.) WEST: Single-family residential dwelling units and church; R District.

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

6. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site has remained vacant since annexation and rezoning. Lot 11, Wesley Addition, has remained vacant since preliminary and final platting, likely due to the difficulty associated with steep access off Allison Avenue. Nothing prohibits the site from developing with R District and R-1 District uses; however, its location along Ft. Riley Boulevard may have diminished its attraction for low density single-family development allowed in the R and R-1 Districts. Given the character of the site, its suitability may be more appropriate for apartment sized buildings, similar to the scale of the two proposed hotels.

7. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: An increase in traffic, light and noise can be expected to occur with two hotels. Additional impacts may be expected due to the size and location of the hotels with respect to nearby residential neighborhoods.

Traffic, Light and Noise Impacts

An increase in vehicular traffic can be expected. Based on the Traffic Impact Study for Flinthills Hospitality, traffic is anticipated to generate minimal impact on the street system. Pedestrian traffic will be accommodated with new sidewalks along Allison Avenue, which currently do not exist.

Attachment No. 3

With respect to light, notes on the PUD documents indicate lights will be full-cutoff and downcast. The Candlewood Suites' front wall, as well as the rear wall will be lit with up-lighting; however, the separation of the wall due to the angle of the building and front yard setbacks should reduce any adverse affects on residential property to the south due to lighting. The Holiday Inn is separated by distance and lighting should not impact residential uses in the nearby neighborhoods. Light poles along Allison Avenue south of the Candlewood Suites will be at a residential scale in terms of height.

With respect to noise, an increase in noise can be expected. The Candlewood Suites and Holiday Inns operate on a 24 hour basis and activity can be expected throughout the daytime hours and to a lesser extent at night. Noise associated with the location of the Candlewood Suites hotel to the neighborhood to the south is mitigated due to the distance of the building from Allison Avenue. The off-street parking along the south front yard of Allison Avenue will be screened with minimum six to eight foot tall evergreen. In addition, parking along Allison Avenue will be located below grade of Allison Avenue in the range of one-half foot at the eastern end of the parking lot to approximately 14-feet at the western end of the parking lot. At the eastern end of the parking lot, the retaining wall will provide little affect to reduce noise, but as the height of the wall increases to the west, the retaining wall should significantly reduce any noise.

Size and Location Impacts

Candlewood Suites hotel

The proposed front yard building setback of the proposed 45-foot tall Candlewood Suites hotel along Allison Avenue is 66-feet at its closest point. The building is 45-feet in height and approximately 212-feet in length, or a front façade area of approximately 9,540-square feet in area. Front yard setbacks in the underlying R-1 District are 25 feet and maximum structure height is 35-feet. The hotel is proposed at a finished grade elevation of 1135 feet. Based on the proposed grade adjacent to the building and street grades, the hotel is approximately seven feet below Allison Avenue street grade at the eastern point of the building and 20-feet below grade at the western point of the building. In combination with landscaping, distance, angle of the building and elevation grade differences, the height and lighting associated with the building, are not expected to adversely affect residential properties to the south of Allison Avenue. While general building height is approximately ten feet greater than the underlying residential district would allow, these same factors mitigate its affect on the character of the established neighborhood to the south. As proposed, the intensity of the operation associated with the Candlewood Suites hotel should not dominate the adjoining neighborhood to the south.

Attachment No. 3

Additionally, residential dwellings on the south side of Allison Avenue, opposite Lot 2, are set back approximately 50-feet, or 25-feet greater than the minimum 25-foot front yard setback for residential buildings. This additional front yard setback, combined with the 60-foot of right-of-way width of Allison Avenue, the minimum 66-foot front yard setback at the eastern end of the Candlewood Suites hotel, which increases to 145-feet at the western end of the hotel, and the angle of the hotel, meaning the hotel façade angles away from the neighborhood, all together further reduce the visual impact of the mass of the building as a dominating affect on the residential neighborhood.

Holiday Inn Express hotel

The hotel, as situated on Lot 2, is separated by distance, existing dense tree screening and elevation from nearby neighborhoods. Based on a finished floor elevation of 1145 feet, approximately 30-feet of the building will be visible from the southern turn on Allison Avenue. The building is approximately 155-feet north of the southern turn on Allison Avenue, and approximately 26-feet below street grade. Off-street parking and building setbacks from the western lot line are 130-feet and 185-feet, respectively and buffered by a drainage easement/deep ravine with dense mature trees. The commercial wall sign on the rear, or south façade, of the building is out of character with the area to the south. The Allison Avenue street frontage, towards which the sign is oriented, is not commercial and the sign should not be allowed, or at a minimum should be no greater than 40-square feet in area, the

8. CONFORMANCE WITH COMPREHENSIVE PLAN:

Land Use and Policies as shown in the Comprehensive Plan for the Site

The site is shown on the Southwestern Future Land Use Map as a combination of RMH, Medium to High density residential and RLM, Low to medium density residential. The RMH density range is 11 to 19 dwelling units per net acre. Uses include single-family dwellings, primarily on smaller lots, plus all housing types allowed by the Zoning Regulations, which include, two-family, three and four family dwellings, apartment buildings and manufactured homes. Mixed-use projects, including apartment buildings, would also be appropriate as a Planned Unit Development. The RLM density range is less than one up to eleven dwelling units per net acre.

Residential low to medium areas may include complementary scale retail service and office uses, and residential medium to high density neighborhoods may neighborhood scale commercial centers, which should be in harmony with the character of the residential neighborhood in which the use is proposed. The combination of residential and commercial uses would be in planned setting, usually a PUD.

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

Proposed Land use and Applicable Policies

The proposed rezoning reflects a land use associated with Community Commercial (CC) activity. The policies of Community Commercial are set out below in italics. The proposed rezoning would implement a development plan generally consistent with the policies applicable to all commercial development, as well as policies applicable to Community Commercial. In addition, the proposed PUD is Infill, or the development of new buildings on a vacant site in a built-up area, as envisioned in Growth Management policy GM 9. The proposed rezoning should be considered for consistency with the policy comments of GM 9. (Note: The term Infill is described in Chapter 9: Housing and Neighborhoods, Policy HN: 5, Promote Infill and Redevelopment.)

COMMERCIAL - Background and Intent

The City contains numerous commercial areas that provide the necessary goods and services for residents of the community and region as well as visitors. Commercial developments must be located and designed to balance market opportunities with access and location. In addition, the location and design of commercial areas must be incorporated into surrounding areas, rather than altering the character of surrounding neighborhoods. While the Downtown, or Central Core District, will remain the primary

focus of regional commercial activity for the community and region, a variety of other community and neighborhood scale commercial centers will be distributed throughout the community to provide for the day-to-day needs of residents.

COMMERCIAL- ALL CATEGORIES

C 1: Designate Commercial Areas According to Their Role and Function in the Region

To provide a variety of commercial services to the community, three commercial designations are provided, depending on the center's scale, purpose, location, and intensity of use. These include the Central Core District, Community Commercial, and Neighborhood Commercial.

C 2: Distribution of Commercial Services

Commercial centers should be distributed throughout the community to provide ease of access for all residents and minimize the need for cross-town vehicle trips.

C 3: Locate All Commercial Uses in Activity Centers

Commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Development of distinct commercial nodes will help preserve the residential character of many of the major street corridors throughout the community and help prevent the negative impacts caused by multiple access points along a corridor. Commercial activities, when grouped in cohesive centers or nodes, result in more viable areas compared to scattered or isolated single use commercial sites. Activity centers, or nodes, provide a variety of services in a concentrated location to promote "one-stop shopping" and minimize the need for multiple vehicle trips. Each center has a limited number of vehicle access points to minimize impacts on surrounding uses and maintain an efficient traffic flow to and from the site. Uses are typically clustered on larger sites near the intersection of two major streets rather than being developed in linear, "strip" configurations along major street corridors. Linear development patterns, particularly when parcels provide a single use and are developed independently, can require multiple access points and lead to disruption of traffic flow on adjacent streets. Although lot sizes and/or configurations in some areas may warrant the use of a more linear development pattern, it is generally discouraged.

C4: Include a Mix of Uses in New and Redeveloped Commercial Areas

New development and redevelopment should include a mix of uses of different types and sizes, creating a diversity of activity and avoiding large, single-use buildings and dominating parking areas.

C5: Promote a High Quality Urban Environment

The physical design of commercial development areas shall promote a high quality urban environment, as expressed by site layout, building materials and design, landscaping, parking area design, and pedestrian-oriented facilities, such as through use of design guidelines.

COMMUNITY COMMERCIAL (CC)

CC 1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC 2: Location

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

CC 3: Size

Typically require a site of between 10 and 30 acres.

CC 4: Unified Site Design

A unified site layout and design character (buildings, landscaping, signage, pedestrian and vehicular circulation) shall be required and established for the center to guide current and future phases of development. Building and site design should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.

CC 5: Architectural Character

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

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

CC 6: Organization of Uses

Community commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Within each activity center or node, complementary uses should be clustered within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses. Isolated single store developments are strongly discouraged.

CC 7: Parking Design and Layout

Uninterrupted expanses of parking should be avoided. Parking areas should be broken into smaller blocks divided by landscaping and pedestrian walkways. Parking areas should be distributed between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible.

CC 8: Circulation and Access

Clear, direct pedestrian connections should be provided through parking areas to building entrances and to surrounding neighborhoods or streets. Integrate main entrances or driveways with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles.

GM 9: Infill and Redevelopment

Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area.

Low to medium density and medium to high density development are suggested for the site in the Comprehensive Plan. As noted in the Comprehensive Plan's policies for residential areas retail services and office activities may be in appropriate, when properly located, scaled and in character with the residential neighborhood. These policy statements should be balanced against the policies for commercial development based on the overall character of the neighborhood.

The proposed PUD is will locate two hotels on an elevated site above a major street corridor, at an intersection oriented to commercial development, which is also immediately adjacent to an established single-family, two-family and multiple-family residential neighborhood. The proposed Candlewood Suites hotel generally conforms to policies CC 5 and GM 9 of the Comprehensive Plan. While its mass and scale are not the same as the low density residential uses in the neighborhood, its scale is not inconsistent with large multiple-family buildings in the same neighborhood. The Candlewood Suites location, its height and mass are separated by distance, elevation, screening and building placement to the greatest extent feasible, given the shape of the land. Its placement reflects a level of sensitivity, which fits within the surrounding residential neighborhood consisting of existing mix of large multiple-family dwellings and single and two-family dwellings and the commercial intersection of the two major streets. The proposed location of the Holiday Inn Express hotel is an appropriate use in the neighborhood. Concerns related to its character and fit are mitigated by distance and natural screening. The overall site's location to a major street intersection lends itself to commercial development oriented towards the motoring public.

The proposed PUD is in general conformance with the Comprehensive Plan.

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

R-1 District Portion

1971	Annexation and rezoning to R-1 District
December 3, 2001	Planning Board recommends denial (6-0) of proposed rezoning from R-1, Single-Family Residential District, to R-3, Multiple-Family Residential District.

The R-1 District portion of the site was annexed in 1971, (Ordinance No. 2779), and has been zoned R-1 District from 1971 to present. In 2001, a prior owner, Robert L. Hodgson, applied for a rezoning to R-3 District. City Administration and the Manhattan Urban Area Planning Board recommended denial and the applicant withdrew the application before first reading (December 3, 2001 Planning Board Minutes attached). At the time of the application, the existing Ft. Riley Boulevard and Seth Child Road interchange was proposed and there were unknowns about impacts related to the interchange and development of the site.

R- District Portion (Lot 11, Wesley Addition)

1971	Annexation and rezoning to R-1
July 1977	Rezoned to PUD for a retirement center.
June 5, 1989	Manhattan Urban Area Planning Board recommends approval of rezoning from PUD to R.
July 18, 1989	City Commission approves rezoning from PUD to R (Ordinance No. 4588.)
June 4, 1990	Manhattan Urban Area Planning Board approves the Preliminary Plat of the Wesley Addition.
August 20, 1990	Manhattan Urban Area Planning Board approves the Final Plat of the Wesley Addition.
September 4, 1990	City Commission accepts rights-of-ways and easements of the Wesley Addition.

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.

Attachment No. 3

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 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 R and R-1 Districts are low density single-family residential zones intended to allow single-family development at minimum lot sizes of 10,000 square feet and 6,500 square feet, respectively. Maximum structure height is 35-feet. Minimum front, rear and side yard setbacks are 25-feet, 25-feet and eight feet, respectively.

Proposed PUD

Based on the proposed site plan, the two hotels are an appropriate use of the site and consistent with the intent and purpose of the Zoning Regulations, subject to the conditions of approval.

12. 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. There may be a hardship on the owner if the rezoning is denied because no public adverse impacts are expected.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Public utilities and services are adequate. Water lines and other public utilities will be relocated to accommodate the proposed hotel locations. Sidewalk is proposed along the north side of Allison Avenue abutting the southern boundary of the proposed PUD. No sidewalk is proposed along the north boundary of the site in the Ft. Riley Boulevard right-of-way off-ramp area. The PUD notes a sidewalk will be provided by others from the eastern point of Lot 2 to the existing sidewalk on the west side of the Allison Avenue Seth Child Road intersection. When the site is developed, sidewalk should be provided from the eastern point of the site to the existing sidewalk at the intersection by the applicant. The memo from the City Engineer outlines corrections to the utility plan, which will be addressed with the Final Development Plan.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of Flinthills Hospitality PUD from R, Single-Family Residential District, and R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the following conditions of approval:

1. The Permitted Uses shall include: Hotels.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Landscape evergreen screening along Allison Avenue shall be planted at a minimum six (6) to eight (8) feet in height at the time of planting.
5. Signage shall be limited to signs proposed in the application, except the wall sign on the south wall of the Holiday Inn Express shall be prohibited.
6. The proposed optional pylon sign on Lot 1 shall be located in a landscaped base.
7. 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 shall be permitted.
8. A sidewalk shall be constructed along the north side of Allison Avenue extending from the eastern edge of the proposed sidewalk on Lot 1 to the existing sidewalk on the northwest corner of the intersection of Allison Avenue and the Ft. Riley Boulevard and Seth Child road intersection concurrent with the construction of the improvements in the PUD.

Attachment No. 3

9. An eight (8) foot security fence and gate to enclose the water pump station shall be constructed by the applicant with the first building permit.
10. An Agreement Creating a Restrictive Covenant on Real Estate related to drainage shall be filed with the Final Plat.
11. A Restrictive Covenant related to the proposed travel easement, Hospitality Place, shall be filed with the Final Plat.
12. A Kansas Department of Transportation permit shall be obtained for improvements proposed in the K-18 right-of-way concurrent with the first building permit.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Flinthills Hospitality PUD from R, Single-Family Residential District, and R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Flinthills Hospitality PUD from R, Single-Family Residential District, and R-1, Single-Family Residential 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 Flinthills Hospitality PUD from R, Single-Family Residential District, and R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the twelve conditions of approval recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: October 28, 2009

09049}SR}RezoneFlinthillsHospitalityPUDR&R1toPUDRev



MEMORANDUM

TO: Mr. Colin Noble
Flint Hills Hospitality

FROM: Jack D. Messer, PE *JDM*

SUBJECT: Analysis of Allison Avenue, Manhattan, KS

DATE: December 11, 2009 **Project # 20090736.01**

Executive Summary:

In response to concerns expressed by the neighborhood about the safety of Allison Avenue BWR performed analysis of the proposed hotel driveway connection and Allison Avenue. The proposed drive provides sight distance in excess of that prescribed by generally accepted engineering standards. The crash history on the street does not suggest a safety concern. The traffic volumes added to Allison by the proposed development will not significantly impact, in a negative way, the overall operation of the street. From a traffic and safety perspective the street will accommodate the proposed development in a safe and efficient manner.

The result of BWR's analysis coincides with the findings of the City's professional staff. It appears the development of the proposed Flint Hills Hospitality development along Allison Avenue is an appropriate land use and can be effectively designed to utilize Allison Avenue for public street access.

Introduction:

Flint Hills Hospitality is proposing the development of two hotels on property in Manhattan, KS with access to Allison Avenue. The development involves just under 5 acres on a triangular shaped site located between Allison Avenue and Ft. Riley Boulevard (K-18). Seth Child Road (K-113) is located just east of the site and the property is highly visible from the interchange of K-18/K-113 and the highway uses.

The proposed development requires the rezoning of the property from a residential to a commercial use. Flint Hills Hospitality proposed this rezoning through the City's PUD process so as to provide more control for the special needs that are presented by the site. Adjacent residents/property owners have expressed concern with traffic conditions presented by the development and on Allison Avenue.

BWR was hired by Flint Hills Hospitality to perform engineering assessment of the conditions of Allison Avenue and the proposed development. In general the services performed and presented in this report include:

- Review previously prepared analyses
- Visit the site and review conditions
- Review crash history of the corridor

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engineering | planning | architecture

BWR - MEMORANDUM (CONTINUED)

December 11, 2009- Page 3

Adjacent Street Traffic						
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	AM Peak Hour			PM Peak Hour		
	Total	In	Out	Total	In	Out
Trips During Peak Hour of Generator	71	28	43	90	49	41

During the peak one hour period of a typical day, the site can be expected to generate 49 vehicles into and 41 vehicles out of the property. Those volumes only amount to less than one vehicle in and one vehicle out every minute. The impact to the Allison Avenue is characterized by the trips generated during the peak hour of adjacent street traffic. The additional traffic added to Allison Avenue by the site will not significantly affect the level of service on Allison Avenue. The resultant daily traffic volumes on Allison Avenue will remain less than half of its service volume for level of service C. The overall increase to the volumes on Allison Avenue does not suggest a significant change to the street and are more reflective of a residential oriented street. This is consistent with the nature of the current traffic on Allison Ave. There will be little to no noticeable impact to the traffic operation of Allison Avenue.

Sight Distance:

Sight distance is a term used to describe the conditions necessary to provide for the amount of a clear line of site that drivers will have adequate time to perceive, react and decelerate to avoid a collision. The calculation is performed according to the procedures outlined in the A Policy On Geometric Design of Highways and Streets published by the American Association of State Highway and Transportation Officials (AASHTO), 2004 edition. This publication is commonly referred to as the "Green Book".

There are several "sight distance" calculations contained in the Green Book. The specific condition that should be analyzed relative to this proposed development is the intersection sight distance contained in Chapter 9 of the Green Book. Intersection sight distance (ISD) involves a calculation that accounts for perception, reaction, acceleration and deceleration of drivers maneuvering on the street and drivers maneuvering from the proposed driveway. Intersection sight distances are generally longer than stopping sight distances, because of the time required to accelerate from a stopped position.

The required intersection sight distance differs for the entrance based on the direction and exiting maneuver from the driveway. BWR analyzed a left turn exit (Case B1) and right turn exit (Case B2) from the drive. A crossing maneuver is highly unlikely and has the same required intersection sight distance as Case B2.

The required ISD can be found in Exhibit 9-55 for the left turn. This is a calculation based on speed. Typically this is calculated using design speed; however, BWR utilized 45 mph because this particular movement faces vehicles traveling down the hill. The City's traffic counts indicate a majority of vehicles travelling at or below 45 mph. The use of 45 mph for analysis seems more prudent than the design speed of 30 mph. The required ISD for a speed of 45 mph is 500 feet. The Green Book identifies that grade in excess of 3% may affect this and a grade factor may need applied. This does not apply in this condition since both vehicles have the same

BWR - MEMORANDUM (CONTINUED)

December 11, 2009- Page 5

It was based on this testimony that Flint Hills Hospitality wanted further analysis of the safety issues to insure the appropriateness of their development.

BWR contacted 7 individuals that spoke in opposition to the project (at the time of writing of this report). The purpose of the discussion was simply to listen to their specific concerns and perform appropriate analyses to address those concerns.

The feedback from these individuals is summarized in general, with responses in italics, as follows:

- Safety is the primary concern. *Flint Hills Hospitality is concerned with the safety of Allison Avenue and engaged BWR to perform additional analyses. BWR's analysis suggests that the current safety record on Allison does not present an issue. The analysis of sight distance and additional traffic does not suggest an overriding safety concern with the operation of Allison Avenue*
- Concern with amount of parking. *The on-site parking meets standards appropriate for the development*
- Concern with drop-off to K-18. *The project will be constructed with appropriate safety measures to protect individuals adjacent to K-18*
- Concern with "blind-spot" on Allison Avenue. *This is a general concern expressed about traffic on Allison Avenue encountering the varying profile and the associated sight distance. This particular sight distance differs from that of the intersection sight distance calculated for the proposed driveway. The sight distance available on Allison Avenue meets the design and regulated speed of Allison Avenue (30 mph). For drivers driving faster than the posted speed the sight distance does seem shorter, however, the crash data does not suggest a problem with this expressed concern*
- Concern with potential slick conditions. *The steep grade of Allison does present issues during slick conditions. The small number of potential events that present slick conditions does not suggest that development should be prohibited as a singular reason for denial. Only one reported crash in the period was due to slick conditions and that crash occurred traveling uphill*
- Concern with unfamiliar drivers. *The proposed development does not introduce a significant unexpected set of traffic conditions. The site is located such that it is visible for visitors that approach it. They will be making the easiest maneuver (right turn) to access the hotel. In exiting the site, more than adequate sight distance is provided*
- Would like to see a second entrance. *The site precludes a feasible second entrance.*
- Maybe one hotel would be better. *BWR offers no comment on this specific issue*
- Allison is the problem. *Allison is not an ideally designed roadway. It has been in operation for several decades. There is not significant evidence of a "problem"*
- Stop sign would be a bad idea. *BWR agrees; stop control should not be placed on Allison Avenue at the proposed entrance*
- Hotel is inappropriate use. *This is an opinion. A hotel use on this piece of property appears appropriate as it is near a major intersection of highways and has highway exposure. A residential use would not present ideal living conditions with the exposure to the highway. Another commercial use would likely present more traffic. The hotel use and proposed site seem to fit the scale and nature of the site, consistent with City Staff's analysis*
- Would hate to look at hotels, like the look of the native limestone ledge. *This appears to be an entrenched position that can't be resolved. Flint Hills Hospitality intends to build a*



Flinthills Hospitality

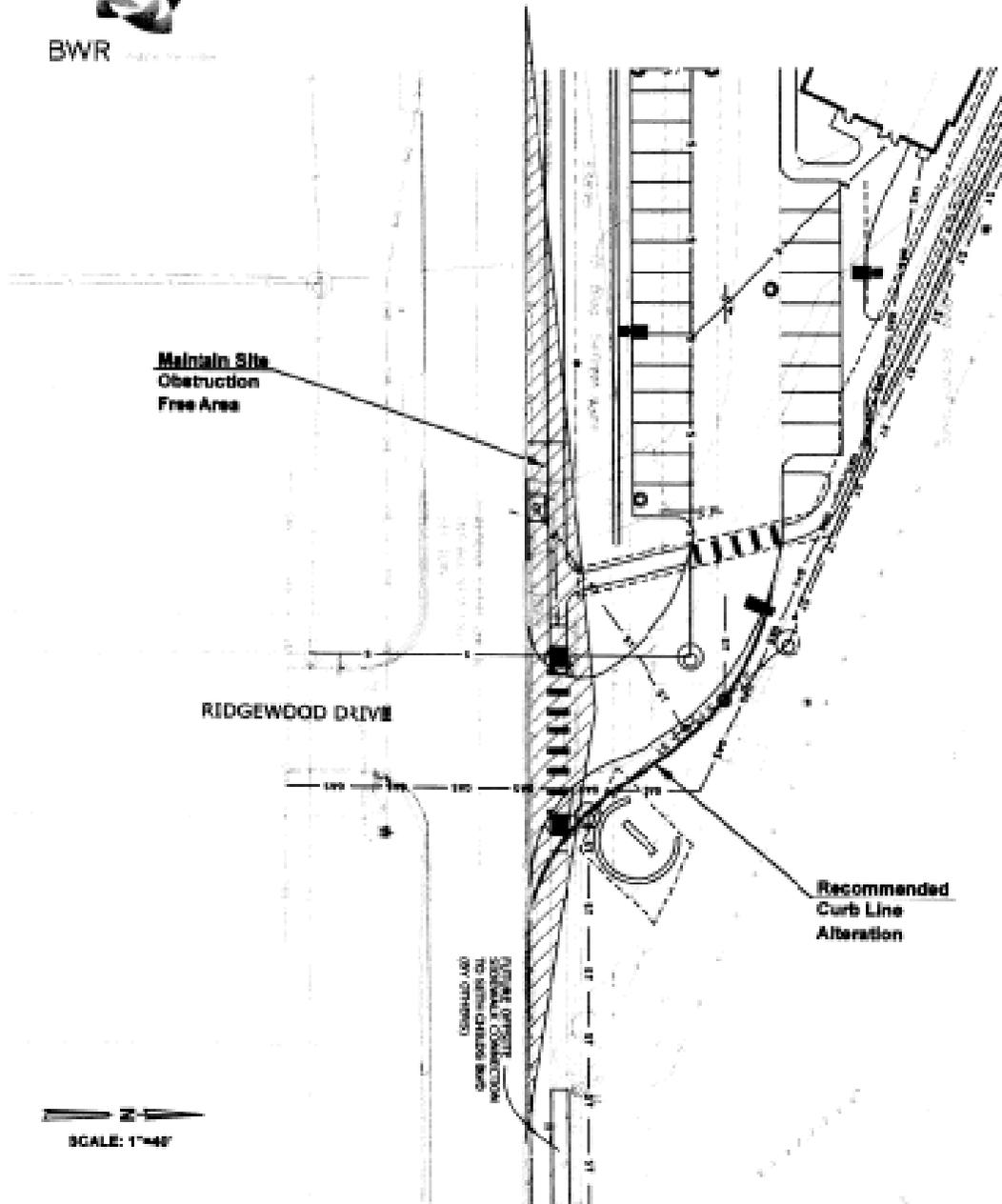


EXHIBIT 1 - PROPOSED ENTRANCE



Flinthills Hospitality

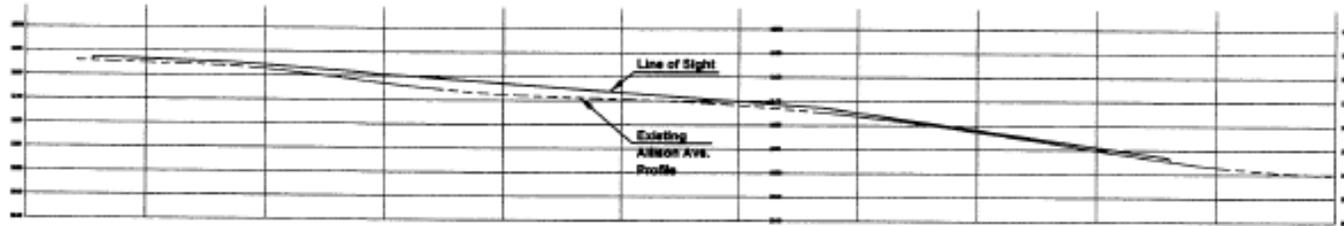
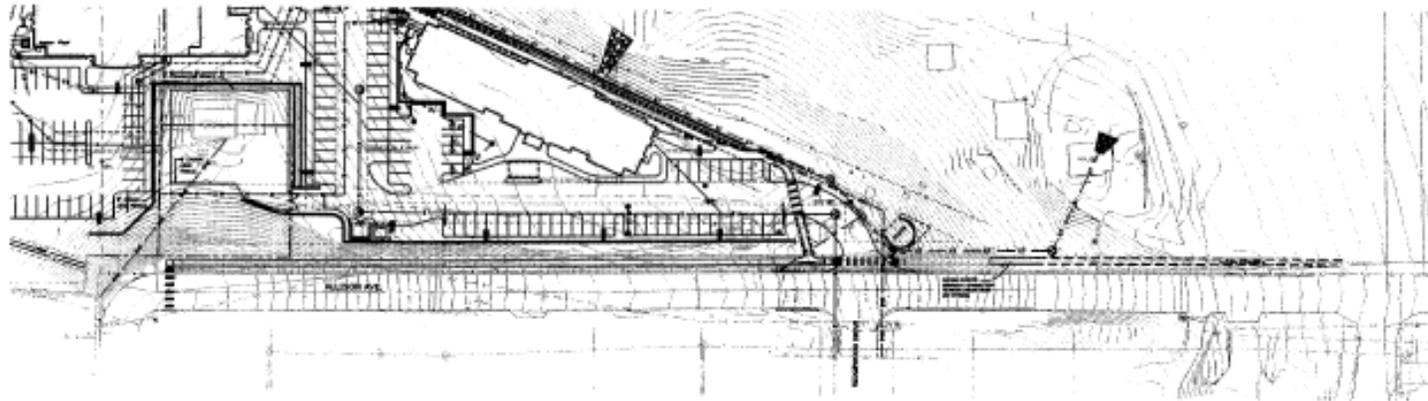


EXHIBIT 2 - PLAN AND PROFILE - ALLISON AVENUE





Flinthills Hospitality

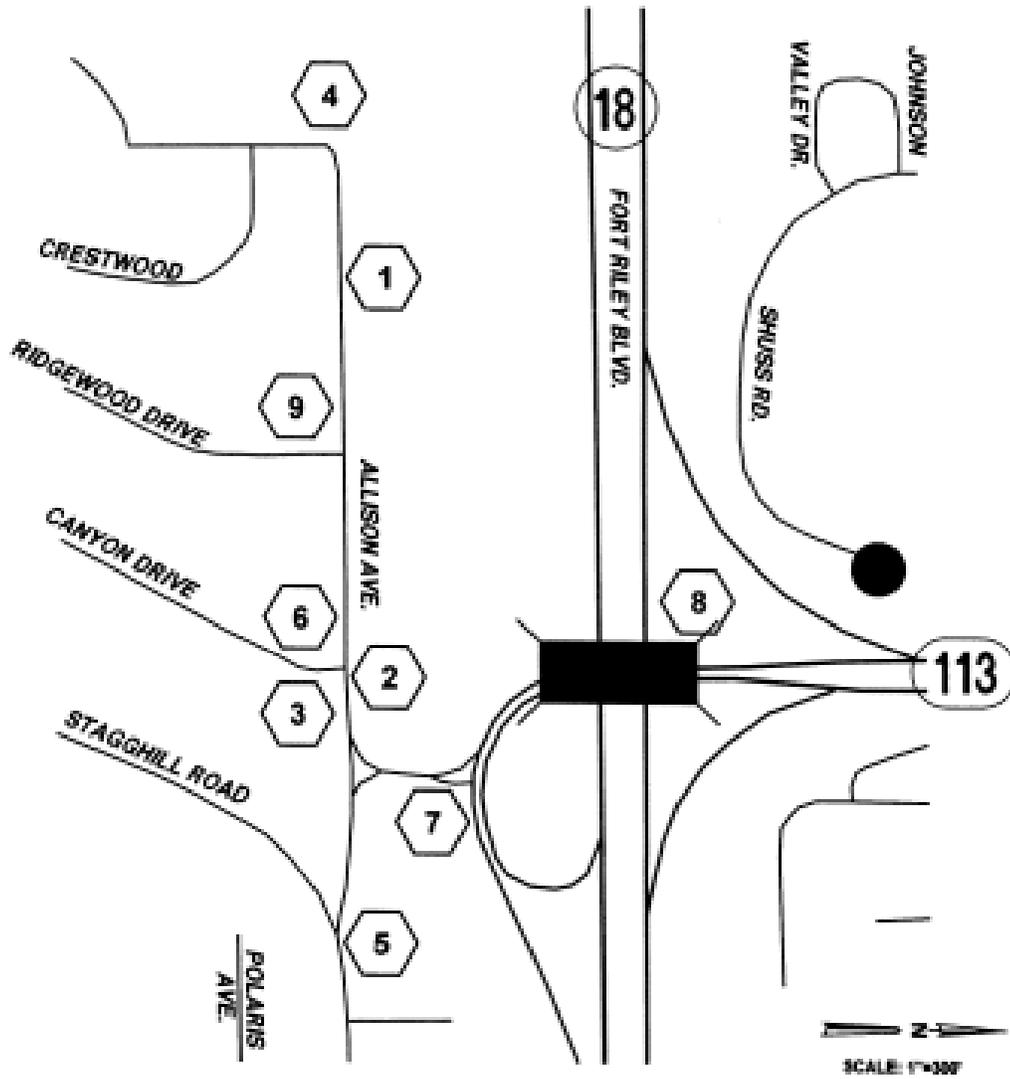
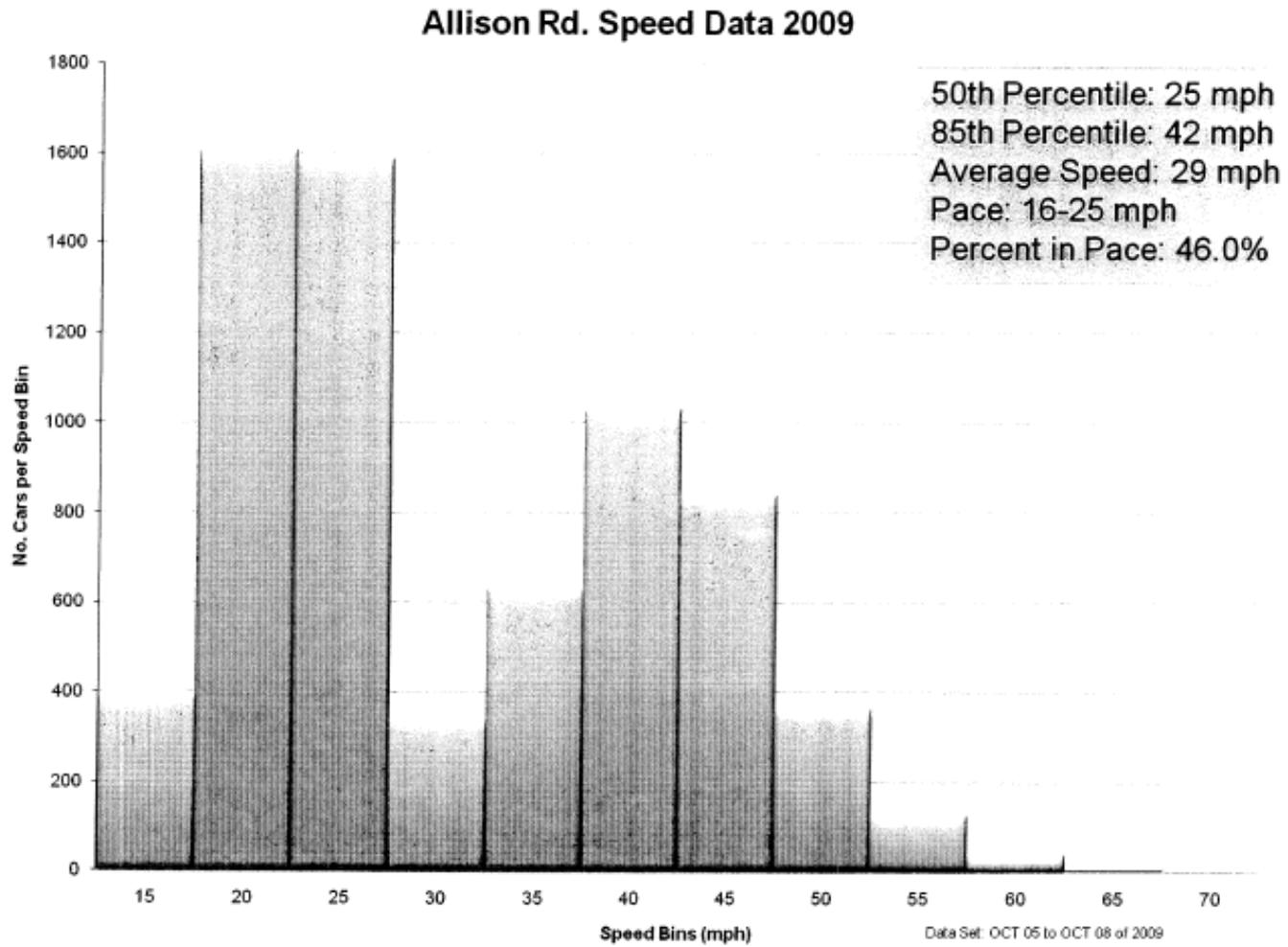
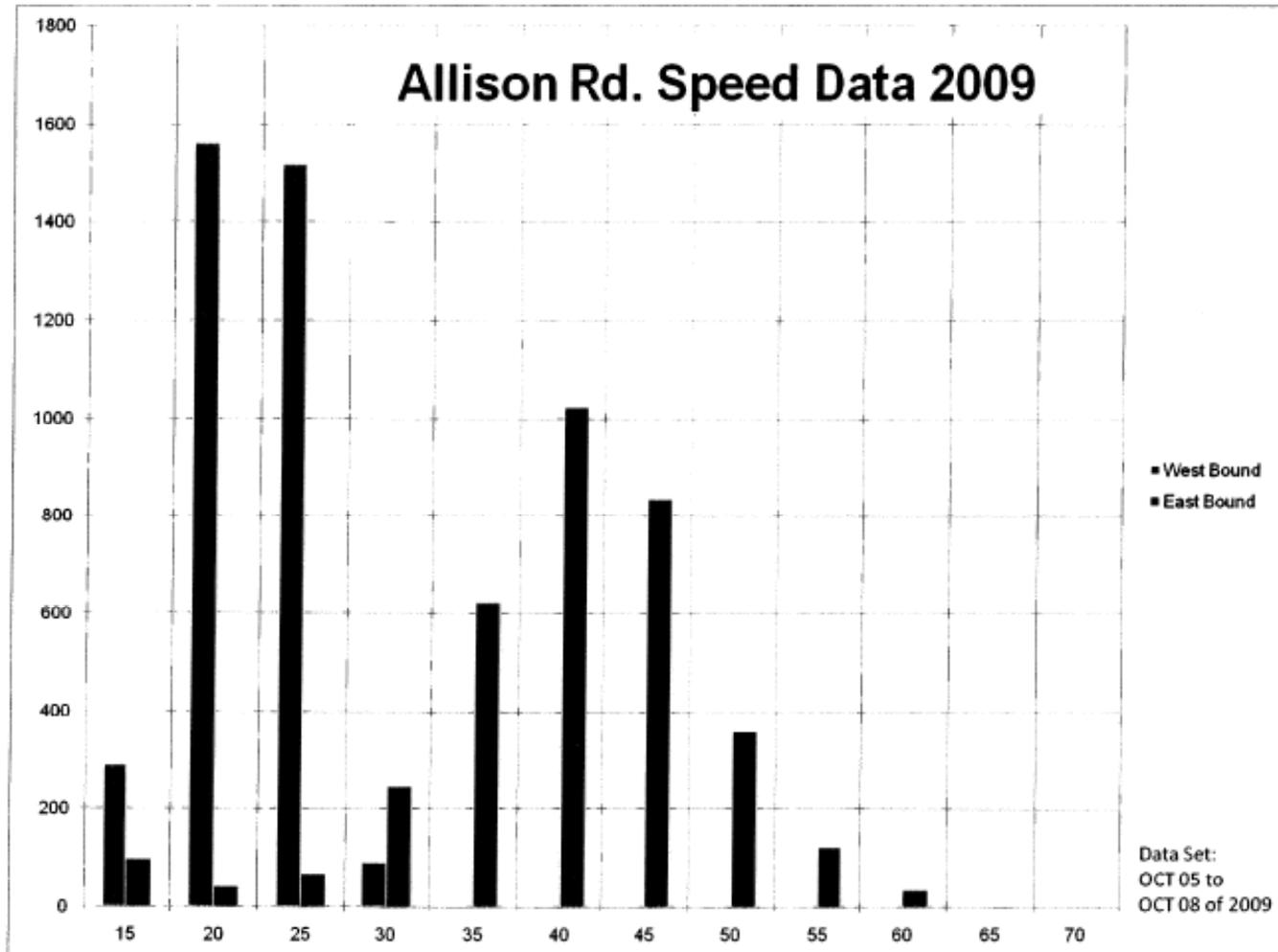


EXHIBIT 3 - 2006-2009 REPORTED CRASHES

Attachment No. 4

APPENDIX





STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County G-1, General Agricultural District.

TO: R, Single-Family Residential District with AO, Airport Overlay District.

APPLICANT/OWNER: Mill Pointe Land Company LLC-Tim Schultz.

ADDRESS: 1213 Hylton Heights Road, Ste. 129, Manhattan, KS 66502.

LOCATION: Generally located south of an extension of the existing dead end of Leone Ridge Drive, or a distance of about 1,000 feet south of the intersection of Miller Parkway and Leone Ridge Drive.

AREA: Approximately 60-acres.

DATE OF PUBLIC NOTICE PUBLICATION: Thursday, January 28, 2010.

DATE OF PUBLIC HEARING: PLANNING BOARD: Thursday, February 18, 2010.
CITY COMMISSION: Tuesday, March 23, 2010.

EXISTING USE: Open rangeland.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is covered with native grasses, scattered evergreen trees and dense deciduous tree coverage in natural drainage ravines. The approximate upper one-third slopes and drains to the north. The lower two-thirds slopes and drains to the south. The entire site is entirely within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site. Future uses (structures and trees), which are within the limits of the Conical Zone may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (see below under CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE for further information concerning the AO District).

SURROUNDING LAND USE AND ZONING:

(1) NORTH: Developing single-family residential neighborhoods: R-1, Single-Family Residential District with AO, Airport Overlay District and R/AO District.

(2) **SOUTH:** Rangeland and Eureka Valley farmland, developing single-family residential neighborhood; G-1 District and R-1/AO and R/AO Districts..

(3) **EAST:** Developing single-family residential neighborhoods; R/AO District.

(4) **WEST:** Rangeland and developing single-family residential neighborhood; G-1 District and R-1/AO and R/AO Districts..

GENERAL NEIGHBORHOOD CHARACTER: Developing single-family residential neighborhoods.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable as open rangeland for pasture or grazing uses; however, the site is bounded by urban development on the north, east and west, and a steep hillside on the south. The suitability of the site for County G-1 uses is limited by surrounding uses and steep topography.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The adjoining neighborhoods are low density single-family residential subdivisions. While an increase in traffic, light, and noise will occur with the change from open rangeland to single-family dwelling units, the proposed affects are consistent with the character of the neighborhoods in which the development is proposed. The proposed rezoning is compatible with nearby properties of the same zoning and no adverse affects are expected.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the 60-acre tract as Residential Low/Medium density (RLM) and shown on the Southwest Planning Area Future Land Use Map. Applicable policies in bold and italics include:

Residential Low/Medium Density (RLM)

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

RLM 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.

Chapter 8: Mobility and Transportation Options

Page 8-2, Policy MTO 4: Accessible, Pedestrian-friendly Development

“Future commercial and residential projects in the Urban Service Area Boundary shall be planned to ensure that sites and land uses are readily accessible to all modes-pedestrians, bicycles, autos, and future public transit.”

Chapter 13: Special Planning Area Policies

Miller Ranch

Background and Intent

Miller Ranch will continue to develop as a series of mixed-use neighborhoods. Development should be focused around an open space network created by the area’s many natural drainages, preserving existing trees and vegetation and providing pedestrian and bicycle linkages between neighborhoods and Warner Park. Miller Ranch will contain a variety of housing types and densities, including some higher density residential use, and will include a neighborhood commercial center.

Policies

MR 1: Mixture of Housing Types

Residential neighborhoods within Miller Ranch should include a mix of housing types and densities.

MR 2: Preservation of Drainage Areas

Drainage ways, wetlands, and other sensitive natural features shall be preserved and incorporated into the overall design of neighborhoods as buffers and open space amenities.

MR 3: Future ROW Preservation

Right-of-way for the future extension of Miller Parkway and Wreath Avenue shall be identified on development proposals and preserved, through platting and other tools.

MR 4: Establish a Neighborhood Commercial Center

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

MR 5: Views from Scenic Drive

Development, including signage, should be set back from Scenic Drive to protect views and existing vegetation. The master plan for Miller Ranch should incorporate a buffer zone or overlay area along Scenic Drive designed to protect views, existing vegetation, and other important attributes of the area's scenic quality. Development of a neighborhood center, as described in MR 4, should occur east of the Scenic Drive buffer or overlay and be sited in a manner that minimizes visual impact on the Scenic Drive Corridor.

MR 6: Views on K-18 Approach to Manhattan

The corridor along the Fort Riley Boulevard/K-18 Highway cut, leading up the west side of Stagg Hill, should be protected through use of a buffer zone or overlay, designed to protect views, existing vegetation and other important scenic attributes.

MR 7: Airport Airspace Regulations

Development shall be consistent with established airspace regulations for the Manhattan Regional Airport and the Airport Master Plan.

The proposed density of Grande Bluffs at Mill Pointe is 0.93 dwelling units per net acre. The development will provide sidewalk on one side of all streets and street access to the north for connection to public sidewalks and streets, Warner Park and other parts of the City. A pedestrian easement on the west side of the site, generally along the military trail, will connect the Lee Mill Heights residential areas to the north of the rezoning site with Scenic Meadows to the south. Steep slopes are within conservation easements to protect hillsides from development. The proposed site is within the Conical Zone of the Manhattan Regional Airport. The AO District will be added as an overlay district to the R District.

The proposed rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has remained undeveloped to date and zoned County G-1 District.

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

The R District is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. Lots shown on the R District portion of the proposed Preliminary Plat of the Grand Bluffs at Mill Pointe Addition, exceed 10,000 square feet in area.

The AO District “is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by the facility to the region. The district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport’s operation or the public welfare.”

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone (pages 6-9 of the AO District regulations attached).

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. The proposed Preliminary Plat conforms to the Manhattan Urban Area Subdivision Regulations. It may be a hardship to the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public services, sanitary sewer, water, and public streets can be extended to serve the development.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of the Grande Bluffs at Mill Pointe Addition, generally located south of an extension of the existing dead-end of Leone Ridge Drive, or a distance of about 1,000 feet south of the intersection of Miller Parkway and Leone Ridge Drive, from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Grande Bluffs at Mill Pointe Addition from County G-1, General Agricultural District, to R, Single-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the Grande Bluffs at Mill Pointe Addition, generally located south of an extension of the existing dead end of Leone Ridge Drive, or a distance of about 1,000 feet south of the intersection of Miller Parkway and Leone Ridge Drive, from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner.

DATE: February 11, 2010.

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