

MINUTES
CITY COMMISSION MEETING
TUESDAY, MAY 7, 2013
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor John E. Matta and Commissioners Wynn Butler, Karen McCulloh, Usha Reddi, and Richard B. Jankovich were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Raymond, City Clerk Gary S. Fees, 8 staff, and approximately 55 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Matta led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Matta proclaimed May 5-11, 2013, **Realtor® Appreciation Week**. Kathleen McPeak, President, and Angie Danner, Executive Officer, Manhattan Association of Realtors, were present to receive the proclamation.

Mayor Matta proclaimed May 11, 2013, **Letter Carrier Food Drive Day**. Fred Stork, Food Drive Coordinator, and Mike Wamsley, President, Local Branch, were present to receive the proclamation.

Mayor Matta proclaimed May 19-25, 2013, **National Public Works Week**. Dale Houdeshell, Director of Public Works, City of Manhattan; representatives from the City's Public Works Department; and local engineers representing their respective firms were present to receive the proclamation. In addition, the City of Manhattan received an award for the K-18 Sanitary Sewer Relocation project from the Kansas Chapter of the American Public Works Association (APWA).

Mayor Matta proclaimed May 2013, **Manhattan Bike Month**. Ben Champion, Vice Chair, Bicycle Advisory Committee, and Miriam Clark, President, Flint Hills Area Bike Club, and additional participants were present to receive the proclamation.

PROCLAMATIONS (CONTINUED)

Mayor Matta proclaimed May 2013, *Mental Health Month*. Robbin Cole, Executive Director, Pawnee Mental Health Services, and Anne Browne, Carroll Hess, and Jim Flynn, Board of Directors of Pawnee Mental Health Services, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Matta opened the public comments.

John and Donna Borgerding, owners of property on Thurston Street, informed the Commission that he owned property near Dairy Queen and wanted to improve the property and change it to R-2 in order to make it a duplex unit. He stated that a previous Commissioner told him to go right to the Commission to get this item off the ground.

Ron Fehr, City Manager, responded to questions from Mr. Borgerding and stated that there is a statutory process for rezoning from R-1 to R-2 and that he would need to start with the Manhattan Urban Area Planning Board.

John Borgerding, owner of property on Thurston Street, provided additional information on his property and asked for assistance to facilitate the process.

Ron Fehr, City Manager, informed Mr. Borgerding that he would be happy to meet with him regarding his request.

Mike Williams, Senior at Kansas State University, representing the Enactus Club, presented information for a new dog park and three possible locations. He then responded to questions from the Commission and provided additional information on the proposal.

Ron Fehr, City Manager, responded to questions and provided additional background information about previous discussions on dog parks. He suggested that Mr. Williams contact Eddie Eastes, Assistant Director of Parks and Recreation, and then discuss the proposal with the Parks and Recreation Advisory Board.

Frank Kubista, 3008 Pecanwood Drive, provided an update on the Tallgrass Classic cyclists' event held in Manhattan on May 4-5, 2013. He voiced appreciation to the Riley County Police Department and to the Public Works Department Traffic Division for their support.

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

COMMISSIONER COMMENTS

Commissioner Jankovich said his son participated in the Tallgrass Classic on May 4-5, 2013, and stated that it was a great event. He also congratulated Epsilon Sigma Alpha for hosting their philanthropic state convention at Four Points by Sheraton in Manhattan.

Commissioner Reddi informed the community that she attended the Sunset Zoo Earth Day celebration and said there was a good turnout. She stated that May 6-10, 2013, is Teacher Appreciation Week and encouraged citizens to get back in touch with a former elementary, high school, or college teacher that inspired you. She asked what the plans were for this year's public Fourth of July fireworks display and informed the community that without a sponsor, there should not be an automatic assumption that public fireworks will occur.

Ron Fehr, City Manager, stated that the public Fourth of July fireworks event had been sponsored by Dara's in the past; however, it was his understanding that they were looking for others in the community to take over the public fireworks event this year.

Commissioner McCulloh stated that May is Mental Health Month and informed the community that the Mental Health Task Force will be meeting soon.

Mayor Matta informed the community that there will be a Memorial Ceremony at the Riley County Law Enforcement Center on Friday, May 17, 2013, at 11:00 a.m. He encouraged the community to attend the event.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, April 16, 2013.

CLAIMS REGISTER NO. 2731

The Commission approved Claims Register No. 2731 authorizing and approving the payment of claims from April 10, 2013, to April 30, 2013, in the amount of \$3,099,296.70.

LICENSE

The Commission approved an annual Cereal Malt Beverage Off-Premises License for Hy-Vee #1398, 601 3rd Place.

CONSENT AGENDA (CONTINUED)

FINAL PLAT – COX ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Cox Addition, generally located at 2205 Browning Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

* **FIRST READING – ISSUE INDUSTRIAL REVENUE BONDS – ICON ENTERPRISES, INC (D/B/A/ CIVICPLUS)**

Commissioner Jankovich stated that he had a conflict of interest with the applicant and would be abstaining on the item.

The Commission approved first reading of an ordinance authorizing the issuance of Industrial Revenue Bonds for ICON Enterprises, Inc. (d/b/a CivicPlus).

RESOLUTION NO. 050713-A – PETITION – HIGHLAND MEADOWS, UNIT SEVEN – SANITARY SEWER IMPROVEMENTS (SS1303)

The Commission found the petition sufficient and approved Resolution No. 050713-A finding the project advisable and authorizing construction for Highland Meadows, Unit Seven, Sanitary Sewer Improvements (SS1303).

RESOLUTION NO. 050713-B – PETITION – HIGHLAND MEADOWS, UNIT SEVEN – STREET IMPROVEMENTS (ST1302)

The Commission found the petition sufficient and approved Resolution No. 050713-B finding the project advisable and authorizing construction for Highland Meadows, Unit Seven, Street Improvements (ST1302).

RESOLUTION NO. 050713-C – PETITION – HIGHLAND MEADOWS, UNIT SEVEN – WATER IMPROVEMENTS (WA1303)

The Commission found the petition sufficient and approved Resolution No. 050713-C, finding the project advisable and authorizing construction for Highland Meadows, Unit Seven, Water Improvements (WA1303).

AGREEMENT – ENGINEERING SERVICES – HIGHLAND MEADOWS, UNIT SEVEN – SANITARY SEWER (SS1303), STREET (ST1302), AND WATER (WA1303) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, P.A., to perform professional services for the Highland Meadows, Unit Seven, Sanitary Sewer (SS1303), Street (ST1303), and Water (WA1303) Improvements.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT - HIGHLAND MEADOWS, UNIT SEVEN – SANITARY SEWER (SS1303), STREET (ST1302), AND WATER (WA1303) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,068,930.00 and awarded a construction contract in the amount of \$873,454.50 to Larson Construction, of Manhattan Kansas, for Highland Meadows, Unit Seven, Sanitary Sewer (SS1303), Street (ST1302), and Water (WA1303) Improvements.

RESOLUTION NO. 050713-D – PETITION – GRAND VISTA, UNIT 3 – SANITARY SEWER IMPROVEMENTS (SS1304)

The Commission found the petition sufficient and approved Resolution No. 050713-D finding the project advisable and authorizing construction for Grand Vista, Unit 3, Sanitary Sewer (SS1304) Improvements.

RESOLUTION NO. 050713-E – PETITION – GRAND VISTA, UNIT 3 – STREET IMPROVEMENTS (ST1304)

The Commission found the petition sufficient and approved Resolution No. 050713-E finding the project advisable and authorizing construction for Grand Vista, Unit 3, Street (ST1304) Improvements.

RESOLUTION NO. 050713-F – PETITION – GRAND VISTA, UNIT 3 – WATER IMPROVEMENTS (WA1304)

The Commission found the petition sufficient and approved Resolution No. 050713-F finding the project advisable and authorizing construction for Grand Vista, Unit 3, Water (WA1304) Improvements.

AGREEMENT – ENGINEERING SERVICES - GRAND VISTA, UNIT 3 – SANITARY SEWER (SS1304), STREET (ST1304), AND WATER IMPROVEMENTS (WA1304)

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, P.A., of Manhattan, Kansas, to perform professional services for the Grand Vista, Unit 3, Sanitary Sewer (SS1304), Street (ST1304), Water (WA1304) Improvements.

REQUEST FOR QUALIFICATIONS – WATER SYSTEMS (WA1308, WA1309) AND SANITARY SEWER (SS1307, SS1308) IMPROVEMENTS

The Commission authorized City Administration to solicit statements of qualifications for the Water Systems and Sanitary Sewer Improvements Projects

CONSENT AGENDA (*CONTINUED*)

REQUEST FOR QUALIFICATIONS – WATER SYSTEMS (WA1308, WA1309) AND SANITARY SEWER (SS1307, SS1308) IMPROVEMENTS (*CONTINUED*)

[Westwood Road, Elm Lane, Summit Avenue, and Walnut Drive Water Line Replacement (WA1308); Fourth Street and Pottawatomie Avenue Water Line Replacement (WA1309); 900 Block of Old Claflin Sanitary Sewer Replacement (SS1307); and Wildcat Ridge Sanitary Sewer Replacement (SS1308)].

* APPLICATION – KDOT GEOMETRIC IMPROVEMENT PROGRAM

Joleen Hill, 2909 Amherst Avenue, asked about the item and requested that the item be further discussed.

Joleen Hill, 2909 Amherst Avenue, informed the Commission that this proposed project directly affects where she lives. She said that she understood the project was preliminary and stated that she did not know anything about the item until yesterday. She requested more information before proceeding forward and provided additional information on her property and the neighborhood.

Ron Fehr, City Manager, provided background information regarding the item.

Rob Ott, City Engineer, presented additional information regarding the item and the process with the Kansas Department of Transportation (KDOT). He provided an aerial map showing the geometric improvements proposed for the Amherst Avenue and K-113 intersection and informed the Commission that there would be more steps necessary with the Commission and KDOT in order for this item to move forward. He then responded to questions from the Commission regarding the traffic study that was conducted, the submission process, and other projects considered for submittal for the KDOT Geometric Improvement Program.

Joleen Hill, 2909 Amherst Avenue, voiced concern with the project being proposed and for not being notified in advance of this meeting. She was also concerned with the proposed sidewalk to be constructed and potential issues with the current sewer line. She requested that more thought be given to the item before moving forward.

Ron Fehr, City Manager, responded to questions from the Commission. He clarified that the City could substitute an alternate project for Tuttle Creek Boulevard and Ehlers Road if that is the desire of the Commission.

CONSENT AGENDA (CONTINUED)

* **APPLICATION – KDOT GEOMETRIC IMPROVEMENT PROGRAM (CONTINUED)**

The Commission authorized the City Administration to complete and submit an application to the Kansas Department of Transportation for the Geometric Improvement Program for intersection improvements at Tuttle Creek Boulevard and Ehlers Road for fiscal year 2016.

KDOT AGREEMENT – WEST ANDERSON AVENUE/WEST CLAFLIN ROAD TRAFFIC SIGNAL COORDINATION (ST1201)

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute the state-aid Intelligent Transportation System (ITS) Set-A-Side Project Agreement with KDOT for the Manhattan ITS Enhancement Project for installation of the west Anderson Avenue/west Claflin Road Traffic Signal Coordination System (ST1201).

* **CONTRACT AMENDMENT NO. 2 – ENGINEERING SERVICES – CICO PARK DETENTION IMPROVEMENTS (SM1001)**

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 2 in the amount of \$168,258.00 with Olsson Associates, of Manhattan, Kansas, for CiCo Park Detention Improvements (SM1001).

CONTRACT AMENDMENT NO. 1 – ENGINEERING SERVICES – TECUMSEH/QUIVERA, PHASE IIA, STORM SEWER IMPROVEMENTS SM0813)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 1 with Bartlett and West Engineers, of Manhattan, Kansas, for additional engineering services regarding the Tecumseh/Quivera, Phase IIA, storm sewer improvements (SM0813).

AGREEMENT – OUTSIDE CITY SEWER SERVICES – 200 WATERBRIDGE (SHARON N. COFFMAN AND JAMES R. COFFMAN, TRUSTEES OF THE SHARON N. COFFMAN TRUST)

The Commission authorized the Mayor and City Clerk to execute an agreement with Sharon N. Coffman and James R. Coffman, Trustees of the Sharon N. Coffman Trust, for an outside city limits sanitary sewer service connection for the single-family residence and guest house at 200 Waterbridge, Riley County, Kansas.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – HOUSING REHABILITATION PROJECT – 2127 NORTHVIEW DRIVE

The Commission accepted the bids for 2127 Northview Drive; awarded a contract in the amount of \$14,000.00 to the lowest responsible bidder Ben Kitchens Painting Co., of Junction City, Kansas; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owner for expenditure of Housing Rehabilitation Funds; and authorized City Administration to approve any necessary change orders.

CDBG – YEAR FOUR ANNUAL ACTION PLAN

The Commission authorized the submission of the City of Manhattan Community Development Block Grant 2013 Fourth Program Year Annual Action Plan.

AMEND – YEAR THREE ANNUAL ACTION PLAN

The Commission approved the 2012 Third Program Year Substantial Amendment.

PURCHASE – CHEMICALS FOR CITY AQUATIC FACILITIES

The Commission authorized City Administration to purchase muriatic acid for the amount of \$2.36 per gallon, sodium bicarbonate for the amount of \$.25 per pound, calcium chloride for the amount of \$.237 per pound, soda ash for the amount of \$.263 per pound, cyanuric acid for the amount of \$.94 per pound, and sodium hypochlorite for the amount of \$1.49 per gallon for treatment of the City aquatic facilities for the 2013 season from Edwards Chemicals, Inc., of Elwood, Kansas, to be paid from the Parks and Recreation Swimming Pool Division General Operation Budget General Fund.

BOARD APPOINTMENTS

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

Library Board

Re-appointment of G. Kent Stewart, 2062 College Heights Road, to a four-year term. Mr. Stewart's term begins immediately, and will expire April 30, 2017.

Manhattan Urban Area Planning Board

Re-appointment of Ron Hageman, 3450 Vanesta Drive, to a three-year term. Mr. Hageman's term begins immediately, and will expire April 30, 2016.

Social Services Advisory Board

Appointment of John Ball, 3107 Harahey Ridge, to fill the unexpired term of Katie Brayton. Mr. Ball's term begins immediately, and will expire June 30, 2015.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Social Services Advisory Board (CONTINUED)

Appointment of Lee Modesitt, 412 Butterfield Road, to fill the unexpired term of Stacy Cam. Mr. Modesitt's term begins immediately, and will expire June 30, 2014.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve the consent agenda, with the exception of Item I, APPLICATION – KDOT GEOMETRIC IMPROVEMENT PROGRAM, and to substitute the proposed Amherst Avenue and K-113 project with the Tuttle Creek Boulevard and Ehlers Road project instead for submission to the Kansas Department of Transportation (KDOT). Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item E, FIRST READING – ISSUE INDUSTRIAL REVENUE BONDS – ICON ENTERPRISES, INC (D/B/A/ CIVICPLUS), which carried 4-0-1, with Commissioner Jankovich abstaining on the item.

GENERAL AGENDA

FIRST READING – AMEND - LOT 16, THE MANHATTAN MARKETPLACE PUD, UNIT TWO

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission regarding parking, traffic flow, and pedestrian safety.

Brad Waller, Alfred Benesch & Company, responded to questions from the Commission regarding the item. He provided clarification on the flow of vehicular traffic, configuration of the parking lot, and truck activity for the Best Buy store.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve first reading of an ordinance amending Ordinance No. 6544 and the Preliminary Development Plan of Lot 16, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1 and 2, Manhattan Marketplace Shops, Unit Five, Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. I*), with the one condition of approval. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

FIRST READING – INCORPORATE - THE EUREKA VALLEY HIGHWAY K-18 CORRIDOR PLAN AS PART OF THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission regarding the K-18 Corridor Plan and the Federal Emergency Management Agency (FEMA) floodplain map and preliminary floodplain map.

After discussion and comments from the Commission, Eric Cattell, Assistant Director for Planning, responded to additional questions regarding the floodplain maps, potential park areas, and fire services. He acknowledged Lance Evans, Senior Planner, and Kevin Credit, Planner I-Long Range, for their work on the item.

After additional discussion and comments from the Commission, Commissioner McCulloh moved to approve first reading of an ordinance amending the Manhattan Urban Area Comprehensive Plan by adopting and incorporating by reference the Eureka Valley Highway K-18 Corridor Plan, dated April 2013, and incorporating the necessary citations in Chapters 4 and 13, as proposed. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

At 8:55 p.m., the Commission took a brief recess.

FIRST READING – REZONE - LOT 4, MANHATTAN SERVICE PARK ADDITION

Eric Cattell, Assistant Director for Planning, presented the item.

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance rezoning Lot 4, Manhattan Service Park Addition from C-5, Highway Service Commercial District, to I-2, Industrial Park District, generally located at the eastern dead-end of Service Circle, based on the findings in the Staff Report (*See Attachment No. 2*). Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

NEGOTIATE CONTRACT - 4TH STREET AND BLUEMONT AVENUE ROUNDABOUT SCULPTURE (CIP #BR013P)

Eddie Eastes, Assistant Director of Parks and Recreation, presented an overview of the item, the process that has occurred, and the recommendation from the Arts and Humanities Advisory Board for the sculpture "Peace Offering on the Blue." He responded to questions from the Commission regarding project costs, potential fundraising, and the historical research and accuracy of the proposed Kaw Indian Chief sculpture. He then informed the Commission that additional negotiations would need to occur with the artist and that the contract would come back to the Commission for final approval.

GENERAL AGENDA (CONTINUED)

NEGOTIATE CONTRACT - 4TH STREET AND BLUEMONT AVENUE ROUNDAABOUT SCULPTURE (CIP #BR013P) (CONTINUED)

Ron Fehr, City Manager, responded to questions from the Commission regarding the availability of City funds for this project.

Jason Hilgers, Assistant City Manager, informed the Commission that they have funds available up to \$20,000.00 for this project and discussed possible fundraising. He provided additional information on the selected sculpture and the potential need for traffic control and a crane for installation.

Jan Danenberg, Arts and Humanities Advisory Board and Selection Committee member, informed the Commission that the Selection Committee wanted something substantial and that would not obstruct anyone's view or distract drivers. She said the Kaw Indian Chief sculpture captured everyone's attention and is something that people of every age can relate to as part of our historical background.

Joleen Hill, Arts and Humanities Advisory Board, stated that the sculpture chosen was a unanimous selection by the Advisory Board. She stated that the sculpture anchors the Flint Hills area and is complimentary of the Flint Hills Discovery Center and Manhattan. She informed the Commission that it is unusual to have a bronze sculpture for the amount of money being required. She stated that maintenance and safety were also a consideration of the Selection Committee.

Jan Danenberg, Arts and Humanities Advisory Board and Selection Committee member, provided additional information on the research done of the Kaw Indian Chief and stated that the artist expects to modify the statute for historical perfection. She then responded to questions from the Commission.

After comments from the Commission, Eddie Eastes, Assistant Director of Parks and Recreation, responded to questions and concerns raised from the Commission regarding the clothing of the proposed Kaw Indian Chief sculpture and the importance of ensuring historical accuracy. He stated that follow-up would occur with the artist Tom Ford and with the Arts and Humanities Advisory Board. He informed the Commission that Jay Nelson, Vice-Chair of the Arts and Humanities Advisory Board and Selection Committee member, was not able to attend the meeting tonight, but felt that the proposed fundraising concept was very saleable from a business perspective and was amazed with the price for a bronze sculpture of this size.

GENERAL AGENDA (CONTINUED)

NEGOTIATE CONTRACT - 4TH STREET AND BLUEMONT AVENUE ROUNABOUT SCULPTURE (CIP #BR013P) (CONTINUED)

After additional discussion and comments from the Commission, Commissioner Jankovich moved to accept the recommendation of the Arts and Humanities Advisory Board of the sculpture "Peace Offering on the Blue" to be set atop the roundabout at 4th Street and Bluemont Avenue, and authorize City Administration to negotiate a contract with Tom Ford, of Gillette, Wyoming, for design, fabrication, and installation services. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

DISCUSSION: MCDONALD'S REQUEST - REDEVELOP AT 4TH STREET AND BLUEMONT AVENUE

Jason Hilgers, Assistant City Manager, introduced the requested item and discussed the possibility of vacating the alley and setting up a Transportation Development District (TDD) to finance the public improvements envisioned along Fourth Street and Bluemont Avenue for a new McDonald's. He then responded to questions from the Commission.

Perry Pelton, representing McDonald's Corporation, Area Real Estate Manager, presented the proposed site plan and ownership of the land.

Clark Linders, owner, McDonald's restaurants in Manhattan, Junction City, and Abilene, provided background information on his properties and plans for the new facility located at Fourth Street and Bluemont Avenue.

Perry Pelton, representing McDonald's Corporation, Area Real Estate Manager, responded to questions from the Commission regarding the current ownership of adjacent properties and plans to vacate the alley.

Howard Johnson, representing McDonald's Corporation, Project Manager, discussed relocating utilities and informed the Commission that this would be a state-of-the-art facility. He provided additional information on the proposed site plan, parking, pedestrian access, and responded to questions from the Commission.

Perry Pelton, representing McDonald's Corporation, Area Real Estate Manager, responded to questions from the Commission regarding the status of obtaining the required signatures from the surrounding property owners.

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on the proposed project.

Bill Raymond, City Attorney, provided additional information and clarification on the process for vacating an alley. He then responded to questions from the Commission.

GENERAL AGENDA (CONTINUED)

DISCUSSION: MCDONALD'S REQUEST - REDEVELOP AT 4TH STREET AND BLUEMONT AVENUE (CONTINUED)

Perry Pelton, representing McDonald's Corporation, Area Real Estate Manager, elaborated on the elements that would be part of the proposed TDD improvements.

Steve Hart, local business owner of Steve's Custom Auto Trim at 308 Bluemont Avenue, renting property from Eileen Wood since 1986, voiced concern regarding access to his business during the construction. He asked if he would be compensated during the construction if needed.

Howard Johnson, representing McDonald's Corporation, Project Manager, stated that there would not be an issue of accessibility for Mr. Hart during the construction. He stated that he believes that the building will bring value to the location and improvements would be made to the surrounding street structures.

Bill Raymond, City Attorney, provided additional information on the legal process, notification requirements, and considerations in vacating an alley, as being requested by representatives of McDonald's Corporation.

Perry Pelton, representing McDonald's Corporation, Area Real Estate Manager, responded to questions and informed the Commission that McDonald's would prefer to go the ordinance route to vacate the alley. He stated that they wanted the project to be under construction in summer 2013.

After discussion and comments from the Commission, Jason Hilgers, Assistant City Manager, and Ron Fehr, City Manager, provided additional information on the processes available and timeline considerations to vacate an alleyway and to establish a TDD to finance the necessary public improvements. They informed the Commission that based on the feedback received, they would work with representatives with McDonald's and bring the item back to the Commission as a package.

This was a discussion item only and no formal action was taken.

ADJOURNMENT

At 10:12 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

AMENDMENT OF A COMMERCIAL PLANNED UNIT DEVELOPMENT

PROPOSED AMENDMENT

Amend Ordinance No. 6544 and the Preliminary Development Plan of Lot 16, Manhattan Marketplace Unit Two Commercial Planned Unit Development, in order to allow a second building on the property for a proposed drive-in restaurant (Taco John's), and other site improvements. The amendment is proposed as a Final Development Plan.

Note: A separate Final Plat is also proposed (see separate staff memorandum.) A Preliminary PUD serves in lieu of a preliminary plat. Lot 16 was included with a Final Plat in 2008 as a part of the larger project generally from Osage Street to Moro Street, which included the Hy-Vee store. That larger area was ready to proceed, and in order to facilitate the vacation of easements and existing streets and dedication of new easements and streets, Lot 16 was formally Final Platted as Lot 11, Manhattan Marketplace Shops, Unit One, Planned Unit Development. While no development has occurred on Lot 11, it was included as a part of the Final Plat due to the extent of street and utility vacations and dedications to facilitate construction.

For the purpose of the amendment, this staff report will refer at times to Lot 16 of the approved Preliminary PUD, because that lot does not have a Final Development Plan, and proposed Lot 1 (commercial/retail building) and Lot 2 (Taco Johns drive-in restaurant), Manhattan Marketplace Shops, Unit Five, Planned Unit Development, which combined are the Final Development Plan.

BACKGROUND

APPLICANTS: Flinthills Holdings LLC – Kimberly Jager, Member; and, Dial-Manhattan LLC-Rick Kiolbasa, Manager.

ADDRESSES: 222 Oak Valley Drive, Manhattan, KS 66502; and, 11506 Nicholas Street, #200, Omaha, NE 68154.

OWNER: Dial-Manhattan LLC-Richard Kiolbasa, Manager.

ADDRESS: 11506 Nicholas St. #200, Omaha, NE 68154-4421.

LOCATION: Generally the northeast corner of Leavenworth Street and N. 3rd Street.

AREA: Total area of the amendment site is 0.96 acres (approximately 41,818 square feet).

Attachment No. 1

DATE OF PUBLIC NOTICE PUBLICATION: Monday, March 11, 2013.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 15, 2013. The public hearing was tabled on April 1, 2013, to the April 15, 2013, Planning Board meeting.

CITY COMMISSION: Tuesday, April 16, 2013.

EXISTING PUD

Ordinance No. 6544

Ordinance No. 6544 and the Preliminary Development Plan were approved June 6, 2006. Conceptual Building E and the balance of the site improvements are shown on Lot 16 (*attachments*). Prior to the current application, no amendment or Final Development Plan has been submitted to develop Lot 16.

Approved Conceptual Building E and Site Improvements - Lot 16

Conceptual Building E is a one-story, approximate 24 foot to 28 foot tall brick building, rectangular in shape with the longer side of the building fronting on N. 3rd Street. Prominent building entrances are located on the southern corners of the building. The building's floor area is approximately 7,429 square feet. Exterior elevations show large window spaces accented with awnings on the N. 3rd Street façade, and partially on the north and south facades. The "rear", or east façade of the building, is masonry (*Building E-conceptual elevations attached*). Lot 16 is noted as a future phase 2008 or later.

A screened trash enclosure is to the north of Building E.

Wall sign space is shown over the main southern doorway entrances and over windows with a suggested size of 56 square feet in area per sign. A wall sign space is also shown on the north color elevation façade but no size is noted.

There is an off-street parking lot to the east of the building containing 77 parking spaces.

The preliminary landscape plan consists of landscaped perimeter and parking lot islands, and shade and ornamental trees.

Site lighting is generalized and consistent with the light poles in the surrounding PUD.

Sidewalks around Building E connect to public sidewalks.

Permitted Uses

The Permitted Uses in the PUD include all of the Permitted and Conditional Uses of the C-4, Central Business District, which includes drive-in restaurants.

Existing and Proposed Final Plat

Initially described as Lot 16 with the Preliminary Development Plan, the tract of land was designated Lot 11 with the Final Plat of Manhattan Marketplace Shops, Unit One, Planned Unit Development, which was approved January 24, 2008. A separate application to Replat Lot 11 has been submitted concurrently with the proposed amendment to divide Lot 11 and establish Lot 1 (commercial/retail building) and Lot 2 (Taco Johns), Manhattan Marketplace Shops, Unit Five, Planned Unit Development.

PROPOSED MODIFICATIONS, BUILDINGS, IMPROVEMENTS AND DESIGN GUIDELINES

Whenever there are substantial modifications to an approved Preliminary Development Plan, the Manhattan Zoning Regulations require an amendment of the PUD. The proposed changes are substantial modifications to Lot 16, and the range of improvements associated with the approved PUD, and Ordinance No. 6544.

Proposed Modifications on Lot 1

The commercial/retail building on Lot 1 is a one story primarily brick veneer commercial building 22 feet tall with limestone wainscoting and large expanses of window space with aluminum canopies accenting window space. Front doors are on the east and west sides of the building with an optional outdoor patio on the south end of the building enclosed with black aluminum fencing.

The lot coverage of the building is 4,500 square feet with the floor plan's total interior floor area shown at 4,304 square feet and noted for four tenant spaces. Conceptual Building E was approximately 7,429 square feet in area. The reduced square footage is attributed to the Taco John restaurant (2,710 square feet of lot area) with total building coverage of both proposed buildings less than Conceptual Building E (7,210 square feet of proposed lot area versus 7,429 square feet of approved lot area). The commercial/retail building is set back consistent with the Anytime Fitness building to the north, or approximately six feet from the property line. Roof equipment is screening by parapet walls.

There are 24 off-street parking spaces on proposed Lot 1.

Proposed Modifications on Lot 2

The commercial drive-in restaurant is a one story ledgestone (limestone) veneer and EFIS commercial building, generally 15 feet 6 inches tall with a maximum height of 18 feet 6 inches. Front doors are on the east side of the building with an outdoor eating area on the south side of the restaurant enclosed by a black aluminum fence. Two drive-in pick-up windows are on the west side of the building with order boards at the rear or north side of the building. Circulation is counter clockwise with access from the south to drive-in menu boards and lanes. Awnings are over windows and pick-up window on the east and west sides of the building.

A screened trash enclosure, six feet tall, with metal gates and masonry walls is proposed to be shared by Lots and Lot 2. The applicant, Flinthills Holdings LLC will own both lots.

Proposed signs: Proposed restaurant signs are wall signs on the east, south and west facades, and one awning sign on the east side of the building over the restaurant's entrance. Exempt signage, such as address numerals, political signs and other similar signs, described in the Manhattan Zoning Regulations, Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5) are added as a condition, because sign requirements for exempt signs changed since approval of the PUD in 2006 (*attached*).

Proposed lighting: Light poles will be approximately 15 feet in height feet in the parking lots consistent with lights in the PUD. Building lights are wall wash lighting fixtures on the commercial building; goose neck lights are proposed on the east, west and south facades of the restaurant and full cutoff fixtures on the rear by the order board area.

Design Guidelines

The Design Guidelines for Downtown Redevelopment sets out policy, intent, and conditions; site guidelines; building guidelines; supplemental guidelines for large format retail design and small scale residential guidelines; and, checklists for site and building guidelines. While the Guidelines are not regulations, they were incorporated as a part of the Development Agreement between the City and Dial. The Guidelines are for developers, architects, owners and decision makers for reviewing and evaluating proposals and design quality. Exceptions to the Guidelines may be considered if the overall intent of the Guidelines has been met. In addition, large format buildings, those with footprints greater than 10,000 square feet in area, such as iconic, corporate or standard building design, will be allowed, only if the purposes, intent and conditions of the Guidelines are met. General purpose and intent statements consists of:

- Promote a civic and functional relationship between the public streetscape and adjacent private development.
- Increase the economic and cultural vitality of Downtown Manhattan.
- Create an environment conducive to pedestrian circulation.

Design Review

Patrick Schaub, AIA, letter dated April 1, 2013 (*attached in Appendix I*) has reviewed the plans for conformance with the Design Guidelines, and found the development to be in general conformance with the Design Guidelines. Also in Appendix I is a response to Schaub's original review letter.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:

The proposed amendment is generally consistent with the intent and purpose of approved Preliminary Development Plan. Drive-in restaurants were approved with the PUD in 2006, both located north of Best Buy and both set back from the street (*see approved 2006 PUD site Plan attached*). Approval of the proposed amendment will ensure the efficient development and preservation of the entire PUD. The proposed development conforms to the Design Guidelines. The general overall intent of the PUD is met with the development intended to fit in and provide for a pedestrian oriented mixed-use retail and residential environment as an extension of the Downtown.

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:

The proposed amendment is necessary due to the proposed drive-in restaurant and a separate commercial/retail building in contrast to the single commercial/retail building approved on Lot 16 in 2006.

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:

Approval of the proposed amendment will result in a relative gain to the general public welfare because it will allow the last tract of land in the PUD to be developed. Substantial public investment has been made in public improvements in association with the PUD. Streets and easements are designed to accommodate the downtown redevelopment project resulting in a positive gain to the public.

The proposed amendment will not be granted as a special benefit to any one person. Approval of the proposed amendment makes the overall downtown redevelopment project viable and a benefit to the general public.

**ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A
PLANNED UNIT DEVELOPMENT**

1. LANDSCAPING: The proposed landscape plan provides for a number and variety of shade and ornamental trees, shrubs, foundation plantings, parking lot landscaping, and ground cover throughout Lots 1 and 2. Landscaping and underground irrigation will be maintained by the applicant, Flinthills Holdings LLC, who will own both lots.

2. SCREENING: A trash dumpster is proposed to be screened by masonry walls with solid doors. Roof equipment will be screened by parapet walls (commercial/retail building) and metal panel screen walls (Taco Johns).

3. DRAINAGE: The site will drain to an area inlet grate at the driveway for the drive-in restaurant and then to the drainage channel along the east side of Tuttle Creek Boulevard. A comprehensive drainage plan was submitted and approved with the approved PUD and there are no changes to the drainage proposal. No update to the initial drainage plan was required with the amendment.

4. CIRCULATION:

Public Access. The proposed internal circulation plan provides for safe, convenient and efficient movement of goods, motorists, bicyclists, and pedestrians. Conflicts between motorists and pedestrians are minimized.

The sites will be accessed from the surrounding street system within the PUD and city streets. Sidewalks exist or will be provided including pedestrian routes within the two sites. An existing driveway on proposed Lot 1 will be closed and relocated to the east for access to Lots 1 and 2. Internal access connections to the north will allow truck deliveries to Best Buy, and additional circulation for the public to the north between Anytime Fitness and Best Buy.

Traffic. The applicant's original traffic analyses were comprehensive for the entire North Project Area and indicated nominal impact on the surrounding transportation network as a result of the proposed development. The analysis was previously accepted by the City Engineer with the rezoning to PUD.

Attachment No. 1

A technical memorandum was prepared by Alfred Benesch and Co. dated March 25, 2013, (*attached Appendix F*) regarding trip generation comparisons between those anticipated in 2005 and at full build-out in 2013. The technical memorandum concludes that trip generation at build-out will be less than originally expected in 2013, and "... the current proposed Taco Johns restaurant and a mixed use building, when examined with the entire development, will have no impact to the recommendations from the original traffic study."

The Public Works Department (Peter Clark, PE, Civil Design Engineer) reviewed the technical memorandum and determined the traffic impact and driveway to proposed Lot 2 off Leavenworth Street are acceptable (*attachment*).

Off-Street Parking. The Manhattan Zoning Regulations does not require off-street parking for any use in the C-4 Central Business District, with Manhattan Marketplace generally an extension of the C-4 District. The Manhattan Marketplace PUD does not use any specific parking ratio; off-street parking is maximized to the greatest extent possible.

Based on the proposed off-street parking, and assuming standard commercial ratios applied to the separate uses, the commercial/retail building would require 17 parking spaces, and the restaurant would require 26 off-street parking spaces, or 43 spaces. Twenty four off-street parking spaces are proposed on Lot 1 and 22 on Lot 2, or 46 total off-street parking spaces. Adequate off-street parking should be available to the two proposed uses.

In addition, there are 56 off-street parking spaces available to the west of N. 3rd Street on Lots 2 and 3, Manhattan Marketplace Shops, Unit Four, which would be available to proposed Lots 1 and 2 and other commercial uses in the PUD.

5. OPEN SPACE/LANDSCAPED: The average landscape space between proposed Lots 1 and 2 is 26% of the site, Lots 1 (29.9%) and 2 (23.2%).

6. CHARACTER OF THE NEIGHBORHOOD: The site is characterized as a downtown commercial street corridor bounded on the north by Manhattan Marketplace shopping area, a commercial PUD as an extension of the C-4 District, and on the south by Manhattan Town Center, which is in the C-4 District.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Approved Lot 16, Manhattan Marketplace Unit Two, PUD, is subject to Ordinance No. 6544 approved on June 6, 2006. The site is vacant and has an unimproved access drive off Leavenworth Street.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally flat with drainage to the southeast. The site is located in a 500 Year Flood Plain and is not subject to flood plain development regulations or requirements.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** Anytime Fitness, Best Buy, off-street parking lots, balance of commercial uses in Manhattan Marketplace PUD including one drive-in business; PUD.

(b.) **SOUTH:** Leavenworth Street, Manhattan Town Center and off-street parking lots; C-4 District.

(c.) **EAST:** Hy-Vee gas station and Tuttle Creek Boulevard; C-5, Highway Service Commercial District.

(d.) **WEST:** N. 3rd Street, city park space along the west side of N. 3rd Street, off-street parking lots, Strasser Village apartment building; PUD.

4. GENERAL NEIGHBORHOOD CHARACTER: See Number 6 above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The existing site is suitable for the Permitted Uses of the PUD, which include all of the Permitted and Conditional Uses of the C-4, Central Business District. Drive-in restaurants are a Permitted Use in the PUD.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed modifications should have minimal impact on adjacent properties. Properties to the north are commercial. To the south is Manhattan Town Center and Manhattan's central business district. Commercial, public, and residential uses are to the west and northwest of N. 3rd Street. The proposed amendment should not adversely affect those areas as the changes are consistent with the approved PUD. To the east is a Hy-Vee gas station and Tuttle Creek Boulevard. N. 3rd Street and Manhattan Marketplace PUD, which consists of developed and one undeveloped lot in the PUD.

The amendment is within the Environs of the Downtown Manhattan Historic District. The applicant submitted an application form for a Minor Review (*attached*) which was reviewed by Kevin Credit, Planner. The Summary of Finding: Basis for Decision states, "The entire Manhattan Marketplace Shops area has been previously redeveloped, compromising the historic character, use & spatial relationships that made this portion of the environs of the Downtown Manhattan Historic District distinctive. Therefore, this proposal will not significantly alter or damage the remaining character – defining features of the District environs."

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

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The amendment site is vacant as demolition and clearing have occurred since rezoning to PUD.

May 1, 2006 Manhattan Urban Area Planning Board, on a vote of 5-0, recommends approval of the rezoning of Manhattan Marketplace Addition, Unit Two from R-2, Two-Family Residential District; R-3, Multiple-Family Residential District; C-2, Neighborhood Shopping District; C-4, Central Business District; C-5, Highway Service Commercial District; I-3, Light Industrial District; and, PUD, Commercial Planned Unit Development District, to PUD, Commercial Planned Unit Development District.

May 15, 2006 Applicant submits revised Preliminary Development Plan replacing the hotel in Building P with residences.

May 16, 2006 City Commission considers first reading of an ordinance rezoning of Manhattan Marketplace Addition, Unit Two to PUD, Commercial Planned Unit Development District and on a vote of 5-0, overrode the Planning Board's recommendation and approved first reading of an ordinance rezoning the site to PUD, Commercial Planned Unit Development, as modified by the revised Preliminary Development Plan that replaced the hotel use in Building P with residential dwellings, based on the findings in the Staff Report as verbally updated in the staff presentation, with the four (4) conditions of approval recommended by the Planning Board.

June 6, 2006 City Commission overrides the recommendation of the Manhattan Urban Area Planning Board and approves Ordinance No. 6544 rezoning Manhattan Marketplace Addition, Unit Two, to PUD Commercial Planned Unit Development District as modified by the revised Preliminary Development Plan replacing the hotel use in Building P with residential dwellings, based on the findings in the Staff Report as updated by the Cover Memorandum, with the four (4) conditions of approval listed in the Staff Report.

Attachment No. 1

- January 24, 2008 Manhattan Urban Area Planning Board approves the Final Plat of Manhattan Marketplace Shops, Unit One, Planned Unit Development.
- February 5, 2008 City Commission accepts easements and rights-of-way of Manhattan Marketplace Shops, Unit One, Planned Unit Development.

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

The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed PUD amendment is consistent with the intent and purposes of the Zoning Regulations, the intent of the PUD Regulations and meets the Design Guidelines, subject to any conditions of approval listed under the staff recommendation.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no relative gain to the public that denial would accomplish in comparison to the hardship to the applicant and the City. The area of the PUD, affected by the amendment, is the final part of the overall downtown redevelopment project. Substantial public investment has been made to implement the entire PUD as a part of the overall downtown redevelopment effort. Denial of the amendment would be a hardship on the applicant, as well as the general public, given the levels of public investment already made.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities and services are available to serve the site.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: All provisions of Ordinance No. 6544, which are not in conflict with this amendment, shall remain in force.

Attachment No. 1

City Administration recommends approval of the proposed amendment of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 16, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1 and 2, Manhattan Marketplace Shops, Unit Five, Planned Unit Development, subject to the following condition:

1. Exempt signage shall include signage described in the Manhattan Zoning Regulations, Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5).

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 6544 and the approval of the proposed amendment of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 16, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1 and 2, Manhattan Marketplace Shops, Unit Five, Planned Unit Development, stating the basis for such recommendation.
2. Recommend denial of the proposed amendments of Ordinance No. 6544 and the approval of the proposed amendment of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 16, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1 and 2, Manhattan Marketplace Shops, Unit Five, Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 16, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1 and 2, Manhattan Marketplace Shops, Unit Five, Planned Unit Development, based on the findings in the Staff Report, subject to the one condition of approval recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: April 9, 2013

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: C-5, Highway Service Commercial District

TO: I-2, Industrial Park District

APPLICANT: SMH Consultants – Jeffrey Hancock, on behalf of the owner

ADDRESS: 4201B Anderson Avenue, Suite 2, Manhattan, KS 66503

OWNERS: JSG Properties, LLC – Gary Jones

ADDRESS: 800 Hayes Drive

LOCATION: Lot 4, Manhattan Service Park Addition

AREA: 50,140 square feet (1.15 acres)

DATE OF PUBLIC NOTICE PUBLICATION: Monday, March 25, 2013

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 15, 2013

CITY COMMISSION: Tuesday, May 7, 2013

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

- 1. EXISTING USE:** undeveloped lot at the end of Service Circle cul-de-sac. The applicant has also proposed a Final Plat of Manko III Addition, which will combine the site to the adjacent lot to the north so that an off-street parking lot associated with the industrial use can be constructed on the site. Please refer to the Manko III Addition, memo for more information about the Final Plat.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is an irregular shaped lot at the end of Service Circle, a local cul-de-sac serving the adjacent commercial businesses. The site is generally flat. A shallow drainage area is located along the east property line. The site is shown on the effective Flood Insurance Rate Map (FIRMs) panel number 0366E as being located in the AH, 1% Annual Chance Floodplain due to ponding. The preliminary FIRMs of the Riley County Flood Insurance Study update shows the site to be in the Zone X, Protected by Levee Floodplain.

3. SURROUNDING LAND USE AND ZONING:

NORTH: I-2, Industrial Park District, Manko Window system manufactures facility.

SOUTH: C-5, Highway Service Commercial District and K-Mart PUD, Commercial Planned Unit Development. Service Circle ROW, vacant land and the K-Mart Shopping Center.

EAST: K-Mart PUD, Commercial Planned Unit Development and C-2, Neighborhood Shopping District. K-Mart Shopping Center and Plaza East Shopping Center

WEST: C-5, Highway Service Commercial District. Service industry uses devoted to Manko Windows Systems and the automotive repair industry.

4. GENERAL NEIGHBORHOOD CHARACTER: The immediate area is a mix of vacant commercial lots, service repair businesses, Manko Window Systems manufacturing business and retail commercial uses.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site meets the minimum lot size and area requirements for the C-5, Highway Service Commercial District. The property owner is proposing to construct an off-street parking lot associated with the window and door manufacturing facility. The proposed rezoning and Final Plat of Manko III Addition will allow for the proposed off-street parking lot to comply with all applicable regulations of the Zoning Ordinance.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning from C-5 District to I-2 District is compatible with the surrounding properties. The I-2, Industrial Park District is designed to allow for a broad range of manufacturing and research activities in a large lot industrial park setting. The lot immediately to the north of the site is zoned I-2 District. The current uses found in the C-5 District in the area are service repair uses associated with Manko Window Systems or the automotive repair industry. The current uses are of a light industrial nature and compatible with the I-2 District. The commercial retail uses to the east of the site face U.S. Highway 24 to the southeast. Only the rear of these commercial buildings can be seen from the site.

The proposed rezoning should not result in any detrimental effects related to traffic, light or noise when compared to the permitted uses allowed in the C-5 District, which the site is currently zoned. The intent of the property owner is to construct an off-street parking lot for Manko Window Systems on the adjacent lot; however, any of the permitted or conditional uses of the I-2 District would be allowed. The parking lot will have access onto Service Circle.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is shown on the future land use map in the northeast planning area as Commercial Center (CC). The I-2 District falls within the Industrial (IND) land use designation of the Comprehensive Plan.

The CC and IND policies are set out below in *italics* and ***bold italics***.

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....

Employment: Industrial and Office

BACKGROUND AND INTENT

Employment uses within the Urban Area are intended to provide concentrated areas of high quality employment facilities for uses such as office headquarters, research and development facilities, and educational facilities, as well as locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations.

INDUSTRIAL (IND)

I 1: Characteristics

The Industrial designation is intended to provide locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations. Typically, heavy industrial uses involve more intensive work processes, and may involve manufacturing or basic resource handling and/or extraction. Design controls within an Industrial area are not as extensive as in the Office/Research Park category and a broader range of uses is permitted.

I 2: Location

Because of their potential environmental impacts, Industrial uses should generally be located away from population centers or must be adequately buffered. Traffic generated by industrial uses should not pass through residential areas. Sites should have access to one or more major arterials or highways capable of handling heavy truck traffic. Railroad access is also beneficial to certain types of heavy industrial uses. Light industrial uses can typically be located in areas that also contain some highway-oriented commercial uses, and might benefit from close proximity and better access to their local customer base.

I 3: Screening

Storage, loading and work operations should be screened from view along all industrial area boundaries (when adjacent to non-industrial uses) and along all public streets.

The immediate area along Service Circle is generally service commercial uses, of which the current uses would be permitted in the I-2 District. Many of the factors of the CC policies do not apply to the area along Service Circle because the policies relate to shopping centers.

To the north of the subject site is the Manko Windows System manufacturing facility and other manufacturing uses, which are in the I-2 District.

The proposed I-2 District is in general conformance to the Comprehensive Plan.

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

- | | |
|-----------------------------|---|
| July 1, 1969 | City Commission approved Ordinance No. 2652 annex area that includes the site into the City and rezone the area to E, Light Industrial District |
| July 15, 1969 | City Commission approves Ordinance No. 2658 which established a new Zoning Ordinance for the City. The new Zoning Ordinance rezoned the site from E, Light Industrial District to I-3, Light Industrial District |
| December 16, 1969 | Manhattan City Commission approves Ordinance No. 2692 to rezone an area, including the site from I-3 District to I-2, Industrial Park District |
| October 7, 1985 | Manhattan Urban Area Planning Board approves the Preliminary Plat of Manhattan Industrial Park Addition, Unit 4 and recommends approval to rezone the area of the Preliminary Plat from I-2 District to C-5 District. |
| November 5, 1985 to present | City Commission approves the ordinance to rezone the area of the Preliminary Plat from I-2 District to C-5 District. |
| April 6, 1987 | Manhattan Urban Area Planning Board approves the Final Plat of Manhattan Service Park Addition. |
| April 7, 1987 | City Commission accepts easements and rights-of-way for the Final Plat of the Manhattan Service Park Addition. |

- 9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Manhattan 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.

Attachment No. 2

The I-2, Industrial Park District is designed to allow for a broad range of manufacturing and research activities in a large lot industrial park setting. The I-2 District's minimum lot size is one (1) acre; minimum lot width is one hundred (100) feet; and a minimum lot depth is one hundred fifty (150) feet. The site is proposed to be joined with the adjacent lot to the north with the Final Plat to create Lot 1, Manko III Addition. The new lot will meet and exceed the minimum requirements of the I-2 District.

The proposed rezoning is consistent with the Manhattan 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 APPLICANT:** There appears to be no relative gain to the public that denial would accomplish compared to the hardship of denial upon the applicant. The site has been vacant since it was annexed into the City of Manhattan in 1969. The property owner is proposing to construct an off-street parking lot to serve the window manufacture business to the north, which is located in the I-2 District. The proposed rezoning and Final Plat of the site will ensure that the off-street parking lot will comply with the Zoning Regulations. It would be a hardship upon the applicant and property owner to deny the proposed rezoning in a neighborhood, which is has developed with a mix of commercial and industrial uses.
- 11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** There are adequate public facilities and services to serve the site.
- 12. OTHER APPLICABLE FACTORS:** None
- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Lot 4, Manhattan Service Park Addition from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lot 4, Manhattan Service Park Addition from C-5, Highway Service Commercial District, to I-2, Industrial Park District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

Attachment No. 2

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lot 4, Manhattan Service Park Addition from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report.

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

DATE: April 1, 2013

CB/vr
13025