

**MINUTES**  
**CITY COMMISSION MEETING**  
**TUESDAY, APRIL 1, 2014**  
**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 Deputy City Manager Jason Hilgers, City Attorney Bill Raymond, City Clerk Gary S. Fees, 7 staff, and approximately 90 interested citizens.

**PLEDGE OF ALLEGIANCE**

Manhattan Boy Scout Troop 223 posted the colors and led the Commission and those in attendance in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Matta proclaimed April 1, 2014, ***National Service Recognition Day***. Candice McIntosh, Schools of Hope Coordinator; and Betty Mattingly, President, RSVP Board, were present to receive the proclamation.

Mayor Matta proclaimed April 6-12, 2014, ***The Week of the Young Child***. Christina Quigley, Kansas State University Student in the Professional Teacher Education Program in Early Childhood, was present to receive the proclamation.

Mayor Matta proclaimed April 6-12, 2014, ***National Volunteer Week***. Vern Henricks, President/Chief Executive Officer, Greater Manhattan Community Foundation, and Lyle Butler, President/Chief Executive Officer, Manhattan Area Chamber of Commerce, were present to receive to proclamation.

Mayor Matta proclaimed April 2014, ***Fair Housing Month***. Karen Davis, Director of Community Development, and JoAnn Sutton, Executive Director, Manhattan Housing Authority, were present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Matta opened the public comments.

## PUBLIC COMMENTS (CONTINUED)

Katy Oestman, Health Education Coordinator, Riley County Health Department, representing the Flint Hills Wellness Coalition, informed the Commission that Riley County ranks number two for the healthiest community in Kansas.

Russ Weisbender, 700 Fairman Drive, expressed concerns about the north end redevelopment and asked why there are not plans in the Capital Improvements Program to extend McCall Road across Tuttle Creek Boulevard. He informed the Commission about the negative impacts being experienced by business owners on North Third Street. He asked the Commission to reconsider the plans in the near future and to help improve access to businesses along North Third Street so that the businesses can see positive reinforcement.

Jason Hilgers, Deputy City Manager, responded to questions from Mr. Weisbender and provided background information on the projected land acquisition costs, proposed construction costs, and the process associated with extending McCall Road. He stated that this has been a topic of discussion for many years, but for right now it is on the shelf. He informed the Commission that City staff and the Kansas Department of Transportation are continuing to analyze the intersection of Bluemont Avenue and Tuttle Creek Boulevard, which will be the driving force for the McCall Road connection.

Russ Weisbender, 700 Fairman Drive, stated that land acquisition costs will continue to go up in price and that these businesses took a back seat to the south end redevelopment.

Mike Hufnagel, owner, Dairy Queen, 1015 North Third Street, informed the Commission that Dairy Queen has been at this location and in the same building for 60 years. He reiterated that the acquisition and construction costs are not getting any cheaper and asked the Commission to improve the area. He stated that he is in a difficult situation with Dairy Queen International to build a new facility and that time is of the essence if his business is going to survive. He asked the Commission to please reconsider businesses on North Third Street to fit in with the rest of Manhattan.

Nick Jankovich, 2021 Somerset Square, representing the K-State Cycling Club, informed the Commission and community that the Club is looking for volunteers this weekend to help host cyclists on Friday and Saturday evening in their homes. He responded to questions from the Commission and highlighted the events planned. He asked that those interested in volunteering to contact him or visit the K-State Cycling Club conference website.

## PUBLIC COMMENTS (CONTINUED)

Bernie Brown, 2821 Virginia Drive, member of Scout Troop 223, informed the Commission that his parents bought gas about two weeks ago and before they pumped any gas three cents automatically came up and they were not very happy with that. He responded to questions from the Commission and clarified that it was at the Shop Quik on Anderson Avenue.

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

## COMMISSIONER COMMENTS

Commissioner Jankovich provided additional information on the K-State Cycling Club racing event this weekend and reiterated the need for volunteers and host families to provide housing for the cyclists on Friday and Saturday evening. He asked that if anyone is interested in helping to please contact the Cycling Club or Nick Jankovich. He also gave a shout out to the University of Central Missouri Mules men's basketball championship team and stated that his dad is watching the Southern Methodist University (SMU) Mustangs that his brother Tim Jankovich coaches, this evening in the National Invitational Tournament semi-finals in New York.

Commissioner Reddi stated that the Manhattan Public Library collected over \$11,001.00 with their annual book sale. She expressed her appreciation to RSVP for adopting a class of third grade students at Ogden and for those that volunteer their time. She also encouraged people to attend the Manhattan Community Foundation awards at the Hilton Garden Inn and Manhattan Conference Center this Sunday and reminded those attending to use the free parking in the parking garage.

Commissioner McCulloh reminded citizens to participate in the annual Spring Clean-Up program. She stated that it is great to see all the sacks of leaves and yard waste to be picked up by City crews.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, March 25, 2014.

## CONSENT AGENDA (CONTINUED)

### CLAIMS REGISTER NOS. 2758 and 2759

The Commission approved Claims Register Nos. 2758 and 2759 authorizing and approving the payment of claims from March 19, 2014, to March 25, 2014, in the amounts of \$2,293.12 and \$ 1,183,667.67, respectively.

### LICENSE

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

### ORDINANCE NO. 7065 – REZONE – 1107 WATERS STREET (ED SCHRAM)

The Commission approved Ordinance No. 7065 rezoning 1107 Waters Street, generally located northeast of the existing Ed Schram auto dealership, from C-2, Neighborhood Shopping District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report (*See Attachment No. 1*).

### ORDINANCE NO. 7066 – ANNEX – OLYMPIC ADDITION

The Commission approved Ordinance No. 7066 annexing the proposed Olympic Addition, an approximate 33.32 acre tract of land generally located east of the Colbert Hills Clubhouse, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

### ORDINANCE NO. 7067 – REZONE – OLYMPIC ADDITION

The Commission approved Ordinance No. 7067 rezoning the Olympic Addition, from County R-PUD, Residential Planned Unit Development District, to R-1, Single-Family Residential District, and R-3, Multiple-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 2*).

### AGREEMENT – WATER TREATMENT PLANT CLARIFIER NO. 3 DRIVE REBUILD (WA1319, CIP #WA091P)

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an agreement with Ovivo USA, LLC, of Salt Lake City, Utah, in the amount of \$79,870.00, for the 2014 Water Treatment Plant Clarifier No. 3 Drive Rebuild Project (CIP #WA091P).

### FEDERAL FUNDS EXCHANGE – CASEMENT ROAD (ST1327)

The Commission authorized City Administration to accept the Federal Funds exchange in the amount of \$615,139.41 for the Casement Road Project (ST1327).

## CONSENT AGENDA (CONTINUED)

\* **PURCHASE – STREET DIVISION – STREET SWEEPER (UNIT #237 - CIP #ST041E)**

Rob Ott, Director of Public Works, provided additional information on the functions of the street sweeper in keeping streets clear of debris, trash, and sand. He stated that the City operates two street sweepers that are also used to keep the storm system clean and help prevent localized flooding. He then responded to questions from the Commission regarding maintenance of the sweepers and the potential to recycle sand from the streets.

The Commission authorized the purchase of a mechanical street sweeper (Unit #237- CIP# ST041E) from Sellers Tractor Company, of Salina, Kansas, in the amount of \$154,553.00 to be paid from the Stormwater Fund.

**LEASE AGREEMENT - STREET DIVISION – STREET SWEEPER (UNIT #237 - CIP #ST041E)**

The Commission authorized the Mayor and/or City Clerk to execute the lease purchase agreement once the sweeper (Unit #237 - CIP #ST041E) is delivered.

**PURCHASE – WATER DISTRIBUTION - COMPACT EXCAVATOR (CIP #WA081E)**

The Commission authorized City Administration to purchase from White Star Machinery, of Manhattan, Kansas, one (1) 2014 Compact Excavator (CIP #WA081E) in the amount of \$54,674.00, to be paid from the Water Fund.

**BOARD APPOINTMENT – DOUGLASS CENTER ADVISORY BOARD**

The Commission approved the appointment of Blane Hope, 3044 Conrow Drive, to a three-year At-Large term. Mr. Hope's term begins immediately, and will expire October 2, 2016.

After discussion, Commissioner Jankovich moved to approve the consent agenda. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### SECOND CONSIDERATION - ECONOMIC DEVELOPMENT APPLICATION - TALLGRASS BREWING COMPANY, INC.; AMEND - RESTRICTIVE COVENANT

Jason Hilgers, Deputy City Manager, presented an overview of the economic development application with Tallgrass Brewing Company, Inc., and highlighted aspects of the agreement. He then responded to questions from the Commission regarding the type of waste that would be generated and the opportunity for the applicant to build a pretreatment facility on site if they want.

After discussion and favorable comments from the Commission, Commissioner Jankovich moved to authorize the Mayor and City Clerk to execute an economic development incentive agreement with Tallgrass Brewing Company, Inc., and execute the Second Amendment to The Declaration of Covenants, Conditions and Restrictions for the development of the Manhattan Corporate Technology Park upon final approval of the rezoning of Lot 28, Manhattan Corporate Technology Park, Unit 3. Commissioner Reddi seconded the motion.

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

### FIRST READING – AMEND - PORTION OF THE BRIARVIEW OFFICE PARK COMMERCIAL PLANNED UNIT DEVELOPMENT

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission regarding the amendment.

Rich Seidler, representing the applicant, Commercial Real Estate Services, LLC, provided additional information on the application. He asked that the Commission follow the opinion of the professional City staff and approve the request.

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance amending Ordinance No. 4093, and the Final Development Plan of Lot R.P. 1, University Heights Addition, First Unit, of the Briarview Office Park Commercial Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 3*), with the four conditions of approval. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

### SUBMIT FOR PROJECT FUNDING (FISCAL YEAR 2016-2017) - GEOMETRIC IMPROVEMENTS PROGRAM (1 LOCATION) AND FEDERAL-AID SAFETY PROGRAM (3 LOCATIONS)

Rob Ott, Director of Public Works, presented an overview of the item. He also provided three options and concepts for consideration for the Geometric Improvement Program projects including 1) Amherst Avenue and K-113 (Seth Child Road); 2) Ehlers Road and US 24 (Tuttle Creek Boulevard); and 3) Retail Place and US 24 (Tuttle Creek Boulevard).

## GENERAL AGENDA (CONTINUED)

### SUBMIT FOR PROJECT FUNDING (FISCAL YEAR 2016-2017) - GEOMETRIC IMPROVEMENTS PROGRAM (1 LOCATION) AND FEDERAL-AID SAFETY PROGRAM (3 LOCATIONS) (CONTINUED)

After discussion and comments from the Commission, Rob Ott, Director of Public Works, highlighted the merits of each project and cost estimates, including the City-at-Large share for each proposed improvement. He then responded to questions from the Commission regarding future maintenance and responsibilities for each project, coordination with the Metropolitan Planning Organization, traffic studies, and future road construction projects.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission regarding the proposed geometric improvements. He also responded to questions from the Commission on the potential timeline and considerations to connect Miller Parkway to Scenic Drive.

Rob Ott, Director of Public Works, provided additional information on future improvements that will be needed at the Amherst Avenue and K-113 (Seth Child Road) intersection. He then responded to additional questions from the Commission on the proposed areas for geometric improvements.

Joleen Hill, 2909 Amherst Avenue, informed the Commission that she counted cars yesterday on Amherst Avenue and stated that although not scientific, she has seen a decrease in traffic on Amherst Avenue in front of her home since K-18 has opened up. She provided peak traffic times that she has observed during the day and then responded to questions from the Commission.

After additional discussion and comments from the Commission on their project preferences for submittal, Commissioner Reddi moved to authorize the City Administration to complete and submit to the Kansas Department of Transportation the necessary application form for the Geometric Improvement Program for Retail Place and US 24 Highway (Tuttle Creek Boulevard) - northbound 3/4 access and Federal Aid Safety Program projects for College Avenue and Claflin Road, 11<sup>th</sup> Street and Poyntz Avenue, and Farm Bureau Road and K-113 Highway (Seth Child Road) for the fiscal years 2016 and 2017. Commissioner Jankovich seconded the motion.

After clarification of the motion, on a roll call vote, motion carried 5-0.

### QUARTERLY REPORT - CONVENTION AND VISITOR'S BUREAU (CVB)

Kelly Loub, Chairman, 2014 Manhattan Convention and Visitor's Bureau (CVB) Steering Committee, Co-Owner, Little Apple Brewing Company, introduced the steering committee members and ex-officio members of the CVB. She highlighted activities on the CVB website and events in Manhattan during the first 12 weeks of the year.

## GENERAL AGENDA (CONTINUED)

### QUARTERLY REPORT - CONVENTION AND VISITOR'S BUREAU (CVB) (CONTINUED)

Karen Hibbard, Director of Manhattan CVB, provided information on the upcoming Kansas Sampler event in Wamego and informed the Commission that the vendor space is totally sold out. She presented Riley County visitor spending in entertainment, accommodations, transportation, food, and shopping; highlighted destination marketing and process to host a conference, tour, or event; presented activity measures for conferences for January 1 through March 15, 2014; activity measures for leisure; activity measures for marketing and communications; performance measures for television, radio, email, social media, and website marketing; highlighted billboard activity; highlighted inquiries and fulfillment; highlighted book direct measures; highlighted youth sports, special events, and activity measures for Little Apple Corps; and hotel room growth, occupancy, and average daily rates. She stated that 31 groups were hosted from January 1 to March 15, 2014, for an estimated economic impact of \$2,778,140.

Kelly Loub, Chairman, 2014 Manhattan Convention and Visitor's Bureau (CVB) Steering Committee, and Karen Hibbard, Director of Manhattan CVB, responded to questions from the Commission regarding transportation issues and informed the Commission they were working with Flint Hills ATA Bus to discuss opportunities to provide reliable transportation.

Karen Hibbard, Director of Manhattan CVB, responded to questions from the Commission regarding current hotel occupancy, average daily rate performance, and additional hotels coming online. She then provided additional information on groups the CVB are working with and on future planning events for 2015 and 2016 and conference venues.

Jason Hilgers, Deputy City Manager, provided additional information on the Manhattan Conference Center space and venue formats.

After discussion and comments from the Commission, Karen Hibbard, Director of Manhattan CVB, and Kelly Loub, Chairman, 2014 Manhattan CVB, provided additional information on the new Rhythm and Blues event that the Commission approved on March 4, 2014. They stated that Tallgrass Brewery approved tonight provides another potential attraction with tours of the facility. They responded to additional questions from the Commission regarding the promotion of local events and return on investment for advertising and on expenses requested associated with printing, radio, and billboards. Karen Hibbard, Director of Manhattan CVB, informed the Commission that they provide a copy of their expenditures to the City every month.

Jason Hilgers, Deputy City Manager, informed the Commission that they have talked with the CVB about exploring events and creating partnerships with the Parks and Recreation Department, Flint Hills Discovery Center, and Sunset Zoo.

GENERAL AGENDA (CONTINUED)

QUARTERLY REPORT - CONVENTION AND VISITOR'S BUREAU (CVB)  
(CONTINUED)

Karen Hibbard, Director of Manhattan CVB, provided additional information on the challenges associated with timing of new events and planning initiatives.

Eddie Eastes, Director of Parks and Recreation, provided additional information on local events and new programs to enhance Arts in the Park activities.

Kelly Loub, Chairman, 2014 Manhattan CVB, informed the Commission that from the feedback that she has heard, people are impressed by the changes in this community. She stated that there is momentum to continue to work forward on the things that are going well in the city of Manhattan.

Mayor Matta voiced appreciation for the presentation and looked forward to quarterly presentations and updates from the CVB.

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

ADJOURNMENT

At 9:26 p.m., the Commission adjourned.

  
\_\_\_\_\_  
Gary S. Fees, MMC, City Clerk

**STAFF REPORT  
ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** C-2, Neighborhood Shopping District

**TO:** C-5, Highway Service Commercial District

**APPLICANT:** Schwab-Eaton, P.A.

**ADDRESS:** 1125 Garden Way, Manhattan, KS 66502

**OWNERS:** Charles and Debra Schram

**ADDRESS:** 2510 Bent Tree Road, Manhattan, KS 66502

**LOCATION:** Generally located at 1107 Waters Street, to the northeast of the existing Ed Schram auto dealership.

**AREA:** .64-acre tract of land

**DATE OF NEIGHBORHOOD MEETING:** January 14, 2014

**DATE OF PUBLIC NOTICE PUBLICATION:** February 10, 2014

**DATE OF PUBLIC HEARING: PLANNING BOARD:** March 3, 2014  
**CITY COMMISSION:** March 25, 2014

**THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** The rezoning site currently consists of a two-story office building, Waters Professional Center, with space for several professional offices and an off-street parking lot to the west in the rear.

The office building is proposed to be removed and the site combined with the existing Ed Schram dealership to accommodate expansion and redevelopment of the existing maintenance building immediately to the south into a new 24,000 square foot showroom, offices and maintenance facility, which will replace the showroom/maintenance facility that fronts onto Anderson Avenue. This southernmost building will also be removed to accommodate an updated display lot.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site slopes generally to the south and southeast and currently has a large landscaped front yard with mature trees. The entire side and rear yards are paved for access drives and off-street parking for the office building. The site is not located in a flood plain. Drainage consists of surface sheet-flows generally towards Waters Street and the storm water inlets along Anderson Avenue, that eventually flow to Wildcat Creek.

**3. SURROUNDING LAND USE AND ZONING:**

**NORTH:** (R, Single-Family Residential District) consisting of a former commercial building converted to a residence, a duplex and additional single family homes throughout the low density residential neighborhood generally to the north.

**SOUTH:** (C-5, Highway Commercial District) Ed Schram auto dealership, a small retail strip center with convenience store and gas island, and the Anderson Avenue arterial corridor.

**EAST:** (C-2, Neighborhood Shopping District) Dance Studio, Eye Doctors and Auto parts store; (Commercial PUD) Precision Auto Repair; (C-5 Highway Service Commercial District) Two fast food drive-up restaurants; Seth Child Road corridor.

**WEST:** (C-5, Highway Commercial District) Ed Schram auto dealership storage lot, drive-up restaurant, and Veterinary clinic; (R, Single-Family Residential District) single family homes throughout the low density residential neighborhood generally to the west.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The neighborhood is characterized by the more intensive highway oriented retail commercial uses along the Anderson Avenue corridor, intermixed with neighborhood commercial offices and the dance studio, and the low density single-family neighborhood to the north and northwest. The site is located in a transition area, between the highway oriented uses along Anderson Avenue and the low density residential neighborhood to the north.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently zoned C-2, Neighborhood Shopping District which allows for lower intensity retail, professional and commercial services. The site is suitable for these types of uses, as reflected by the professional office building which currently occupies the site. As noted below under "Zoning History", the site has been zoned for lower intensity neighborhood commercial uses, as well as more intensive highway commercial uses in the past.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed C-5, Highway Commercial District allows a range of highway oriented uses including accommodations, supplies, or services to motorists, and for certain specialized activities which require access to major streets and highways. The site is proposed to be combined with the existing auto dealership to allow for expansion and upgrading of the dealership to replace the existing showroom/maintenance building with a new building containing the showroom, offices and maintenance facility. The combined site adjoins the Anderson Avenue arterial corridor, as well as Waters Street, a local street that serves commercial uses and residential uses.

The proposed redevelopment will be required to meet the Use Limitations of the C-5 District which require sight obscuring screening of not less than six (6) feet in height along the entire length of all property lines that share a common boundary with a residential district. In addition, outdoor storage areas, with the exception of the sales lot for motor vehicles, must be enclosed by sight obscuring screening of not less than six (6) feet in height. Exterior lighting fixtures must be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to traffic on any public street.

The proposed rezoning converts the site back to the previous C-5, District classification, which was on the site from 1969 until 1978; however, it does not expand the C-5 District as far north as the current dealership rear storage lot extends. While some increase in noise, light and traffic might be anticipated with this expansion compared to the current office building, it is not anticipated to have a detrimental effect on surrounding nearby commercial or residential properties. The expansion should provide more room for on-site circulation of vehicles, as well as off-loading of vehicles from transport trucks, and will accommodate elimination of the southernmost curb-cut on Waters Street.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the rezoning site as (CC) Community Commercial. The applicable policy statements are provided in 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,*

*Attachment No. 1*

*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 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.*

The proposed rezoning is to facilitate the expansion, redevelopment and upgrade of an existing auto dealership, which is more of a “single use” activity that is recognized in the Plan. The dealership site is located along a major arterial corridor and the rezoning will facilitate reconfiguration of driveway entrances to improve integration with the surrounding street system. The proposed rezoning and resulting proposed dealership redevelopment conform to the Comprehensive Plan.

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

1962: Annexed and rezoned to C - Local Business District.

1969: Rezoned to C-5, Highway Service Commercial District.

1978: Rezoned to C-2, Neighborhood Shopping District.

The site is not vacant and has a small office building that is proposed to be removed for the expansion and redevelopment of the existing auto dealership.

**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 C-5, Highway Service Commercial District (*regulations attached*) is designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which may require access to major streets and highways.

The proposed rezoning will expand the existing C-5 District consistent with the intent of 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 does not appear to be an adverse impact on the public health, safety and general welfare as a result of the rezoning. The rezoning will facilitate the existing auto dealership to expand, redevelop and upgrade its operation, which should have a positive impact on the community, including elimination of a driveway on Waters Street. It may be a hardship on the applicant if the rezoning is denied as no adverse affect on the public is anticipated.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:**

Adequate public facilities and services are available to serve the site. The applicant is investigating on-site storm water improvements to tie directly into the City's storm water collection system along Anderson Avenue. Reconfiguration of driveway locations will help improve traffic safety along Waters Street.

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of the .64 acre tract of land located generally at 1107 Waters Street from C-2, Neighborhood Shopping District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning the .64 acre tract of land located generally at 1107 Waters Street from C-2, Neighborhood Shopping District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

*Attachment No. 1*

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 and provide further direction to the applicant and City Administration.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of a .64 acre tract of land generally located at 1107 Waters Street from C-2, Neighborhood Shopping District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

**PREPARED BY:** Eric Cattell, AICP, Assistant Director for Planning

**DATE:** 2-12-14

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## **STAFF REPORT**

### **ON AN APPLICATION TO REZONE PROPERTY**

**APPLICATION:** Rezone two (2) tracts of land in the proposed Olympic Addition

Tract 1: An approximate 25.4 acre tract of land; and,

Tract 2: An approximate 7.92 acre tract of land.

**FROM:** County **R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT.**

**TO:**

Tract 1: R-1, Single-Family Residential District.

Tract 2: R-3, Multiple-Family Residential District

**APPLICANT:** SMH Consultants – Jeffrey Hancock

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

**OWNERS:** Fieldhouse Development Inc. – Zachary J. Burton

**ADDRESS:** 3720 Seth Child Road, Manhattan, KS 66503

**LOCATION:** Generally located east of the Colbert Hills Clubhouse or 650 feet east of the intersection of Colbert Hills Drive and Colbert Hills Place

**AREA:** 33.32 acres (Tract 1 – 25.4 acres, Tract 2 – 7.92 acres)

**DATE OF NEIGHBORHOOD MEETING:** January 14, 2014

**DATE OF PUBLIC NOTICE PUBLICATION:** February 10, 2014

**DATE OF PUBLIC HEARING: PLANNING BOARD:** March 3, 2014  
**CITY COMMISSION:** March 25, 2014

*The applicant is also requesting annexation into the City of Manhattan and has proposed a Preliminary Plat of the Olympic Addition, which will create a total of thirty-nine (39) lots, specifically thirty-five (35) single-family lots and four (4) multiple-family lots.*

## **THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING**

- 1. EXISTING USE:** Open and undeveloped tract of land in Grand Mere, a master planned golf course community.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Open range land with native grass cover. The site is an irregular shaped tract that slopes to the center of the tract where a natural ravine is present. The site drains to the southeast to Little Kitten Creek. The site is mostly native grass with tree cover along the natural ravine.
- 3. SURROUNDING LAND USE AND ZONING:**
  - NORTH:** Colbert Hills Golf Course; R-S District.
  - SOUTH:** Colbert Hills Golf Course, including the Colbert Hills Clubhouse; R-S District.
  - EAST:** Colbert Hills Golf Course and undeveloped land in a future Grand Mere neighborhood and open space; County R-PUD and R-S District.
  - WEST:** Colbert Hills Golf Course and undeveloped land in a future Grand Mere neighborhood and open space; County R-PUD and R-S District.
- 4. GENERAL NEIGHBORHOOD CHARACTER:** The general area is a mix of undeveloped land, land recently platted and in the early stages of development, Colbert Hills Golf Course, the Colbert Hills Clubhouse and the Founder's Village gated community.
- 5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site was rezoned to County R-PUD in 1997. At the time of the rezoning, the golf course developer wanted assurance that when the golf course was annexed that a zoning, specifically the County R-PUD for the golf course, was attached. The rezoning to R-PUD was done primarily for the benefit of the golf course development. Those portions of Grand Mere that are not annexed remain County R-PUD. The current County R-PUD predated the Grand Mere Master Plan and Manhattan Urban Area Comprehensive Plan, which currently recommend "Villas" and "Single-Family" and low to medium residential density, respectively. Development in Grand Mere is progressing to ensure attractive and orderly neighborhoods in response to market demand. The Olympic Addition site is suitable for the proposed rezonings to the R-1 and R-3 Districts.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezonings to R-1 and R-3 Districts are compatible with surrounding properties. An increase in light, noise and traffic can be expected, but should cause minimal impacts on adjacent residential properties or the golf course. The R-1 District lots (Lots 1 – 11 and 16 – 39) are located closest to existing and recently proposed single-family homes. The lots are similar in size to other residential lots in the area and are proposed to have homes similar in character to those already present.

The R-3 District lots (Lots 12 – 15) are located in the northeast corner of the site, farthest from any existing developments, other than the golf course and large lot rural homes located outside of the City limits to the north. The applicant and owner have stated in its neighborhood meeting and in meetings with City Administration that the R-3 District lots will be developed as “townhomes,” which have been developed in other locations in Grand Mere Master Planned Community. These housing types are currently defined by the Zoning Regulations as multiple-family dwellings, but have single-family attached appearances, including street facing front doors and attached garages. The design of these dwelling units (4 – 6 single-family attached townhomes in a building) should mitigate any adverse impacts that a traditional apartment building may have on surrounding properties.

To ensure compatibility within Grand Mere, architectural guidelines and design standards provide for building review and approval. A private design review committee is responsible for enforcement of guidelines and standards (*see policy statement below under Grand Mere Community Master Plan, Part III.*) The guidelines and standards are private and are not part of the rezoning. The policy statements are mentioned because they are part of the Grand Mere Master Plan policies.

The applicant held a neighborhood meeting on January 14, 2014. According to the meeting report, five (5) neighbors attended the meeting and raised general questions regarding the project, Grand Mere Architectural Standards and other issues not related to the proposed project.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:**

**MANHATTAN URBAN AREA COMPREHENSIVE PLAN**

The Olympic Addition is shown on The Future Land Use Map in the Northwest Planning Area as Residential Low/Medium Density, RLM. Applicable RLM policies (*in italics*) of the Comprehensive Plan 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.*

### **GRAND MERE COMMUNITY MASTER PLAN**

The Grand Mere Community Master Plan was originally adopted in April 2000 and is included as a specific Land Use Element of the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the entirety of Grand Mere. The Master Plan map shows the site to include Villa #6, a 18.6 acre tract designated RLM (Residential Low to Medium) and Single-Family #8, a 15.8 acre tract also designated as RLM (see below under Residential Types for the RLM description).

Applicable policies (*in italics*) from the Grand Mere Community Master Plan include:

## **PROJECT INTENT**

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

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

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

## **5 KEY DESIGN CONCEPTS**

### **1. Create a high quality residential community**

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

### **2. Integrate the Natural Environment**

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

### **3. Offer a Variety of Residential Living**

*Offer a wide range of residential products and lot types to address the market demands of the well informed and upscale consumer. An integrated community of many housing*

*types will help to provide an interesting streetscape, a quality neighborhood texture, and a sustainable development.*

#### **4. Create a Pedestrian/Bicycle System**

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

*Grand Mere Community Overall Development Plan*

### **III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY**

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

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

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

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

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

**A. Residential Neighborhoods**

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

Approximately half of the Olympic Addition is designated as Single Family # 8. The other half is designated as Villas #6, Single Family (RLM). The different residential types are described as:

**Residential Types:**

**Single Family RLM**

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

**Villas (RLM)**

*The villa parcels are located in niches and high quality view areas along the parkway and within the development along the golf course. Villas are single family homes that*

*Attachment No. 2*

*provide an alternative to the maintenance requirements needed for a typical single family home. The villa concept is an upscale residential product that generally provides master bedroom on the first floor and expansion space either up or down for additional bedrooms or entertainment. Villa Homes Association dues create the revenue to provide maintenance for landscape, snow removal, and in some cases, maintenance of the home.*

***Golf Course Villas***

*As part of the Colbert Hills Golf Course Clubhouse complex, villas are planned along the 9<sup>th</sup> fairway. The villas would occur in a cluster of 10 units in one phase. These homes may be two attached single family dwellings with strong architectural theme and design controls in concert with the proposed golf clubhouse architecture. Private auto courts with off street parking will access the homes.*

***Grand Mere Villas***

*These villas will be attached and detached depending on the parcel and market demands. Two and three car garages would be provided. Each village will have its own theme signage and architectural design controls. The villages would be developed in phases of 5 – 15 acres.*

***C. Streets and Circulation System***

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

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

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

***D. Pedestrian and Bicycle Circulation System***

*Connectivity with the City of Manhattan Linear Park Master Plan is our main focus for the overall trails system. A comprehensive pedestrian and bicycle system is proposed*

*for the community to provide access to individual neighborhoods, the Club Facility and Hotel site, commercial services, and open space amenities~ Elements include both off-street and on street bike paths, natural unimproved trails, and a 17.2 acre linear park along Little Kitten Creek. An easement shall be provided for the extension of the Hudson trail northward, along the east property line to northeast corner section 3-10-7. All trail/path systems will be site- specifically designed at the time of construction. Each will be reviewed on a site-by-site basis to ensure sensitive placement and minimum disturbance. This will be coordinated with the Park & Recreation Board and the Parks and Recreation Department.*

***G. Golf Course Development***

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

***Bike Paths, Trails and Sidewalks***

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

The proposed townhome model appears to conform to the Grand Mere Master Plan description of “Grand Mere Villas,” as they most generally appear like an attached single-family home.

It is apparent that the applicant and owner have made an effort to locate the townhome dwellings farthest away from the existing homes in Founders Village. This essentially switches the designation of land uses in the Grand Mere Master Plan so that the townhomes are now farther away from Founders Village and the single-family lots are closer.

The total residential density in the Olympic Addition is 1.77 dwelling units per net acre (assuming 6-unit townhomes on the 4 proposed R-3 lots). The density for the R-1 District area will be 1.38 dwelling units per acre. The proposed density for the R-3 District area (assuming 6-unit townhomes on the 4 lots) will be 3.03 dwelling units per net acres. Comprehensive Plan suggests less than 1 - 11 dwelling units per net acre is appropriate in the RLM category and the Grand Mere Plan suggests a range of 1-20 dwelling units per acre in individual parcels and an overall density in all of Grand Mere of 1.5 units per acre.

*Attachment No. 2*

The proposed rezoning of the Olympic Addition conforms to the policies of the Grand Mere Community Master Plan, and the Manhattan Urban Area Comprehensive Plan.

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

- August 7, 1997 Riley County Commission approved Preliminary Development Plan of Colbert Hills and the Wildcat PUD.
- August 14, 1997 Riley County Commission approved Final Development Plan.
- February 7, 2000 Planning Board approves resolution adopting Grand Mere Community Master Plan and amendment of Comprehensive Land Use Plan.
- March 7, 2000 City Commission approved first reading of an ordinance adopting the Grand Mere Community Master Plan.
- April, 2003 Comprehensive Plan adopted. Grand Mere Community Master Plan adopted as a related plan and implementation document.

The tract has remained vacant to date and was range land prior to development of the adjoining golf course and surrounding Grand Mere.

**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.

The proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations and R-1 and R-3 Districts because proposed lot sizes conform to the minimum requirements of the R-1 and R-3 Districts. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

Tract 1

The R-1, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. The Preliminary Plat shows lots ranging from approximately 14,717 square feet in area up to 67,103 square feet in area, with the majority of lot sizes between 14,717 square feet in area to 30,283 square feet in area. The proposed lots conform to the requirements of the proposed R-1 District.

Tract 2

The R-3 District is designed to provide for multiple-family development at a density no greater than one (1) dwelling unit per 1,000 square feet. Minimum lot size for single-family detached dwellings is 5,000 square feet in area; 3,750 square feet for single-family attached; 7,500 square feet for a two-family dwelling unit; and, 1,000 square feet per family, but not less than 6,000 square feet for multiple-family dwellings.

The proposed R-3 District portion of the Olympic Addition consists of lots ranging from approximately 65,139 square feet in area to 86,534 square feet in area. The proposed lots conform to the requirements of the proposed R-3 District.

The R-1 and R-3 Districts are consistent with the Manhattan Zoning Regulations, with lot sizes reflected on the Preliminary Plat of the Olympic Addition.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:**

There appears to be no gain to the public that denial of the rezoning of Tract 1 and Tract 2 would accomplish. No expected adverse affects on the public health, safety and welfare as a result of the rezonings. Development of the site cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezonings are denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve Tract 1 and Tract 2.

**12. OTHER APPLICABLE FACTORS:** None

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Tract 1 and Tract 2 in the Olympic Addition, consisting of:

Tract 1: from County R-PUD, Residential Planned Unit Development District, to R-1, Single- Family Residential District, based on the findings in the Staff Report; and

Tract 2: from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report.

### **ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the Olympic Addition consisting of:

Tract 1: An approximate 25.4 acre tract of land from County R-PUD, Residential Planned Unit Development District, to R-1, Single- Family Residential District; and,

Tract 2: An approximate 7.92 acre tract of land from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report.

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 proposed Olympic Addition, consisting of:

Tract 1: An approximate 25.4 acre tract of land from County R-PUD, Residential Planned Unit Development District, to R-1, Single- Family Residential District, based on the findings in the Staff Report; and

Tract 2: An approximate 7.92 acre tract of land from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report.

**PREPARED BY:** Chad Bunger, AICP, CFM, Senior Planner

**DATE:** February 21, 2014

## **STAFF REPORT**

### **AN AMENDMENT OF ORDINANCE NO. 4093 AND THE APPROVED FINAL DEVELOPMENT PLAN OF BRIARVIEW ADDITION COMMERCIAL PLANNED UNIT DEVELOPMENT.**

## **BACKGROUND**

**APPLICANT/OWNER:** DPRA, Inc. – Marcy Carter, CFO

**ADDRESS:** 200 Research Drive

**LOCATION:** Lot R.P. 1, University Heights Addition, First Unit

**AREA:** 2.99 Acres

**DATE OF PUBLIC NOTICE PUBLICATION:** February 24, 2014

**DATE OF PUBLIC HEARING: PLANNING BOARD:** March 17, 2014  
**CITY COMMISSION:** April 1, 2014

## **EXISTING PUD**

### **Ordinance**

Ordinance No. 4093 was approved on September 20, 1983. The Ordinance rezoned the property from I-1, Research Park District to PUD, Planned Unit Development. The Ordinance documents did not specifically list any permitted uses or conditions of approval, but rather stated:

Section 2. The use limitations and space limitations as described in the Development Plan and Documents as filed with the application in the Zoning Administrator's Office shall apply to this district and govern the development therein. The PUD use is generally for Business and Professional Office Use.

The PUD site plans showed a total of 40,000 square feet of office space in five (5) buildings, with associated off-street parking and landscaping on two (2) lots. Lot 1, Briarview Office Park Addition created a two-story medical office building with approximately 6,800 square feet of floor space.

Four (4) separate buildings were envisioned on Lot R.P. 1, University Heights, First Unit (the site). The development plan showed the existing building, which is a two (2) story building with 8,304 square feet of floor area and three (3) other buildings. The other buildings and associated parking lot was never constructed. The existing building was constructed in 1973 as an office building.

At the Manhattan Urban Area Planning Board public hearing on August 15, 1983, a condition of approval was made that “only the building on the lower level (Lot 1, Briarview Office Park Addition) of the site could be used for medical or dental uses. This condition was made part of Ordinance No. 4093 that established the PUD.

### **PROPOSED AMENDMENT**

The applicant, DPRA, Inc. has reduced its business capacity at the site to the point that they would like to sell the site and move to a new location. A medical practice would like to purchase the site and open a medical office in the existing building.

The proposal is to amend Ordinance No. 4093 to allow medical office uses, which would include dental and other similar professional uses, on the site, Lot R.P. 1, University Heights Addition, First Unit. The proposed PUD Amendment is also to remove the three (3) buildings that were never constructed on the site from the development plans.

### **Proposed Buildings, Structures, and Phasing**

The existing building is a two-story office building with a floor area of approximately 8,304 square feet. To the southwest of the building is an off-street parking lot with thirty-seven (37) parking spaces. The parking lot gains access from two (2) curb cuts on Research Drive to the west. No changes are proposed to the existing building or parking lot.

No additional buildings are proposed on the site. The three (3) buildings originally planned for the development have been eliminated from the development plans.

Any future changes to the existing building or site layout will require an amendment to the PUD, subject to Section 9-108 of the Zoning Regulations.

### **PROPOSED SIGN:**

An existing sign is located at the site’s southern entrance. The sign is approximately twenty-four (24) square foot, three (3) feet tall and externally illuminated. New signage for the future tenants will be required to use the same sign dimensions and materials or seek an amendment to the PUD.

**PROPOSED LIGHTING:** No change to the exterior lighting is proposed. The exterior lighting on the site include a utility pole at the northwest corner of the parking lot with an area flood light and wall mounted lights on the existing building.

## **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 Briarview Office Park PUD created a business and office park that was to have up to 40,000 square feet of office space in five (5) buildings. The proposed PUD amendment would expand the use on the site to permit medical offices on the site. The condition of approval by the Manhattan Urban Area Planning Board and Ordinance No. 4093 prohibited medical offices on the subject site. The proposed PUD Amendment is consistent with the intent and purpose of the approved PUD. The Zoning Regulations generally view medical offices to be synonymous with business and professional offices. The proposed use on the site will match the permitted use that exists on the adjacent lot to the south within the PUD.

**2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** The proposed amendment is necessary because the applicant would like to sell the site to a buyer that is interested in establishing a medical office in the existing building. The most significant change to the PUD is that the other three (3) proposed buildings on the site were never constructed. This removed over 24,700 square feet of office space from the PUD. The elimination of the that future office space will most likely reduce any adverse impacts, such as increase in light, noise and traffic, from the development on adjacent residential properties.

**3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The proposed amendment will result in a gain to the public by allowing for the continued use of a business and professional office building that has a similar use (medical office) on the adjacent property to the south. The proposed amendment eliminates three future (3) buildings that were proposed for the site. This will reduce any potential increases in traffic, noise and light compared to if the buildings were constructed.

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

**1. LANDSCAPING:** The landscaping is largely in place and consists of grass lawn areas, and landscape areas along Research Drive, the off-street parking lot and along the foundation of the existing building. No changes are proposed to the landscaping at this time.

**2. SCREENING:** An enclosed small area to the west of the building has an approximate four (4) foot tall screening fence for the trash receptacle. This is the only screening currently on the site. There are significant grades along the north, south and east property lines of the site. These property lines are also covered with dense trees and shrubs. The parking lot along Research Drive was approved with no screening. The parking lot cannot effectively be screened from residential properties to the west of the site on the other side of Research Drive. The parking lot does have a significant landscape bed along the roadway, which appears to provide a buffer the residential properties from the parking lot.

**3. DRAINAGE:** The site generally drains via sheet flow to the south towards Research Drive or to the east. There are no proposed changes to the building or site. No additional stormwater management measures are required.

### **4. CIRCULATION:**

Public Access. The site gains access via two (2) curb cuts on Research Drive, a local street. No changes are proposed to its current access. A sidewalk extends from Amherst Avenue along Research Drive to the southern driveway on the site. The sidewalk does not extend to the north.

#### Traffic.

According to the Planning Board meeting minutes on August 15, 1983 (*see attached*), the neighborhood had concerns of traffic generated from the site if medical offices were allowed on the northern lot. To address this concern for the current proposal to allow medical offices on the site, a traffic analysis was conducted.

The applicant's consultant, Alfred Benesch & Company conducted a traffic analysis comparing the existing office use on the site to the proposed medical office use (*see attached*). The three (3) buildings that were originally proposed on the site were not compared in this analysis. The existing use is an 8,304 square foot single-tenant office building. According to the traffic analysis, the existing use is expected to generate 268 vehicles per day. The trip distribution during the morning and afternoon peak commute hours is 33 and 40 vehicles respectively.

The proposed use as a medical office would generate roughly 300 vehicles per day or 32 more vehicles going to and leaving the site. The analysis states “Even though the building is expected to generate more daily traffic, the amount of traffic expected during the peak commuter periods is estimated to be about 18 vehicles per hour lower than a single tenant land use. This is due to the fact that most medical buildings begin seeing patients after the morning peak period and end before the afternoon commuter period. The majority of the traffic is spread out between 9:00 am and 5:00 pm.”

Peter Clark, P.E., PTOE, Civil Design/Traffic Engineer, has reviewed the analysis and stated “Due to the peak hour demand not being negatively impacted, there are no mitigating steps that need to be taken by the developer at this time, associated with the revision to the PUD” (*see attached*).

Although the traffic generated by the new use could increase traffic to the area, it should be spread throughout the day and not be concentrated to the morning and evening commutes to and from the site. This should lessen any traffic impacts the new use may have on the surrounding properties. When comparing the site with the medical office use to the original plan to create four (4) office buildings on the site, the traffic impacts are even less.

#### Off-Street Parking.

The existing site has an off-street parking lot with thirty-seven (37) spaces. The applicant’s consultant, Rich Seidler, Commercial Real Estate Services, LLC provided the following analysis for the off-street parking requirements.

“Regarding the parking situation at this site, the building has 8004 SF. Using an extremely conservative 15% for common area and storage, would leave 6803 SF. At 5.5 spaces per 1000 SF (the requirement for medical use), there would be a need for 37 spaces. The present parking configuration consists of 37 or 38 spaces, which would seemingly satisfy the requirement should the property change to a medical use.”

Using the same conservative estimate of 15% for common area (hallways, restrooms, etc.) and storage, the existing office use is required to have a minimum of twenty-three (23) parking spaces. The site has adequate off-street parking for the proposed use.

**5. OPEN SPACE/LANDSCAPED AND COMMON AREA:** The site has several large areas of open spaces to the north and east of the building and parking lot. This area consists of grass areas and dense trees. The eastern edge of the site is a steep slope that is covered with evergreen and deciduous trees.

**6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is a mix of medical and business offices, single-family homes, townhomes and the Seth Child Road highway commercial corridor. Single-family homes are located to the west of the site. To the north and northwest are two (2) developments consisting of single-family attached dwellings and townhomes. To the south is a medical office and single-family homes. To the east is Seth Child Road/State Highway 113, a four-lane limited access highway and the highway commercial businesses, including automotive dealership, automotive mechanic shop and a hardware store.

### **MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** Business Office

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is a large irregular shaped lot that slopes to the east and south. Besides the existing building and off-street parking lot, the site has large grass open spaces and heavily wooded slopes. The subject site is not shown to be in a mapped floodplain on the effective or preliminary Flood Insurance Rate Map panel # C0361.

**3. SURROUNDING LAND USE AND ZONING:**

- (a) **NORTH:** Multi-unit townhomes, single-family attached, recreation areas for the townhomes and steep slope open space: Briercliffe Residential Planned Unit Development.
- (b) **SOUTH:** Medical office, Amherst Avenue, a major collector street, and large lot single-family homes: Briarview PUD and R, Single-Family Residential District.
- (c) **EAST:** Seth Child Road/K-113 Highway, a limited access highway and highway commercial uses, including a Little Apple Toyota/Honda Dealership, Midas automotive repair center and Waters True Value hardware store: C-5, Highway Service Commercial District.
- (d) **WEST:** Research Drive, a local street, and large lot single-family homes: R, Single-Family Residential District.

**4. GENERAL NEIGHBORHOOD CHARACTER:** See above under **6, CHARACTER OF THE NEIGHBORHOOD.**

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site was zoned from I-1, Research Park District to Commercial PUD in 1983. A condition was placed on the PUD that prohibited medical offices from being on the site. The site included the existing building and parking lot at the time of the rezoning, which was constructed in approximately 1973. The existing use and buildings conform to the PUD.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** As previously mentioned, a condition of the PUD was that medical offices would not be allowed on the site. This was due to the traffic concerns raised by area neighbors. To address the traffic concerns, the applicant's consultant conducted a traffic analysis. The analysis found that the traffic from the medical office would increase roughly 32 more vehicles per day compared to the existing office use, but the traffic would be spread throughout the day, whereas the office building would have the bulk of the trips concentrated during the morning and evening commuting hours.

A medical office does exist to the south of the site within the same PUD. The amount of noise, light and traffic will be similar to the existing medical office to the south.

No physical changes to the existing building or site are proposed at this time. Any substantial modifications, as described in Section 9-108 of the Zoning Regulations will require future amendments to the PUD.

It appears that the medical office proposed in the PUD amendment will be compatible with nearby properties.

## **7. CONFORMANCE WITH COMPREHENSIVE PLAN**

The site is shown on the Southwest Future Land Use Plan map of the Comprehensive Plan as Office-Research Park (OFF/RP). Policies from the Comprehensive Plan are noted in italics.

### **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 17<sup>th</sup> 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 AMENDMENT CONFORMS TO THE COMPREHENSIVE PLAN.**

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

- August 7, 1962      Annex Lot R.P. 1, University Heights Addition, First Unit into the City of Manhattan.
- November 11, 1962      Zone to site to E-1, Research Park District.
- 1969                      E-1 District was changed to I-1, Research Park District.
- August 15, 1983      Manhattan Urban Area Planning Board recommends approval of the request to rezone from I-1 District to Commercial Planned Unit Development District with a condition that medical offices shall not be permitted on the site.
- September 20, 1983      City Commission approves the second reading of Ordinance No. 4093 rezoning the site to Commercial PUD
- September 30, 1983      Manhattan Urban Area Planning Board approves Final Development Plan for Lot 1, Briarview Office Park Addition.
- October 16, 1986      Manhattan Urban Area Planning Board approves the Final Development of Phase II of Lot 1, Briarview Office Park Addition.
- July 18, 1988              Manhattan Urban Area Planning Board approves an amendment to Final Development of Phase II of Lot 1, Briarview Office Park Addition.
- January 29, 1992      Manhattan Urban Area Planning Board approves the Final Development of Phase III of Lot 1, Briarview Office Park 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.

*Attachment No. 3*

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 is generally consistent with Ordinance No. 4093, the approved PUD, the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. The proposed amendment to allow medical office uses on the site will allow the commercial development to be used to its full potential. The amendment also eliminates the three (3) future buildings on the site, which could reduce the potential impacts on the public. Denial of the PUD amendment may be a hardship to the owner in that it would limit the use of an existing commercial development.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer, and water services are available to serve the development.

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS:** City Administration recommends approval of the amendment to Ordinance No. 4093 and the Final Development Plan of Lot R.P. 1, University Heights Addition, First Unit to add medical office uses to the list of permitted uses on the site and eliminate three (3) proposed buildings that were never constructed, with the following conditions of approval:

1. The permitted uses shall be limited to Business and Professional Offices on the site.
2. Signage shall be limited to signs proposed in the application documents.
3. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5).
4. Landscaping shall be maintained in good condition.

**ALTERNATIVES:**

1. Recommend approval of the proposed amendment of Ordinance No. 4093 and the Final Development Plan of Lot R.P. 1, University Heights Addition, First Unit, stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of Ordinance No. 4093 and the Final Development Plan of Lot R.P. 1, University Heights Addition, First Unit, 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. 4093 and the Final Development Plan of Lot R.P. 1, University Heights Addition, First Unit, based on the findings in the Staff Report with four (4) conditions of approval.

**PREPARED BY:** Chad Bungler

**DATE:** March 9, 2014

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