

MINUTES
CITY COMMISSION MEETING
TUESDAY, APRIL 15, 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 City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, City Attorney Bill Raymond, City Clerk Gary S. Fees, 7 staff, and approximately 30 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Matta led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Matta proclaimed May 3, 2014, *Poppy Day*. Susan Bergsten, Poppy Chairperson, American Legion Ladies Auxiliary, and Danielle Dillon, Poppy Princess, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Jankovich expressed his appreciation to the many volunteers that helped with the K-State Wildcat Grand Prix cyclist events this past weekend and thanked Commissioner McCulloh for hosting several of the participants. He also encouraged those interested in learning more about flood risks along the Blue River to attend the Public Open House for the Blue River Floodplain Management Plan from 6:00 p.m. to 9:00 p.m., Wednesday, April 16, 2014, at the Headquarters Fire Station, 2000 Denison Avenue.

Commissioner Reddi informed the community that Sunday, April 13, 2014, was the Greater Manhattan Community Foundation awards ceremony at the Manhattan Conference Center and was a great celebration to recognize those individuals and non-profit groups that serve people in need. She stated that the Wonder Workshop, directed by Richard Pitts, would be hosting an open house on Saturday, April 19, 2014, and encouraged people to attend their facility on Fourth Street. Finally, she recognized National Military Child Month and highlighted the significant impact that military families have in Manhattan and in the surrounding communities.

COMMISSIONER COMMENTS (CONTINUED)

Commissioner McCulloh stated that the Greater Manhattan Community Foundation recognition was a wonderful event that acknowledged those who have contributed so much in the community, especially the well-deserved recognition of C. Clyde Jones and his wife, Midge. She also stated that she and her husband, John, enjoyed hosting several participants from Oklahoma University that were competing in the K-State Wildcat Grand Prix over the weekend.

Commissioner Butler informed the community that the combined Greater Manhattan Community Foundation will be taking donations on May 6, 2014, with donations being bumped up by .50 cents on the dollar. He encouraged those interested in learning more to contact the Community Foundation office in Colony Square, 555 Poyntz Avenue, or visit the Community Foundation's website for additional information on how you can donate and receive a bigger bang for your buck.

MINUTES

Commissioner Jankovich moved to approve the minutes of the Regular City Commission Meeting held Tuesday, April 1, 2014. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

RE-ORGANIZATION

Mayor John Matta provided highlights during his term in office and recognized former mayors attending the meeting, thanked the City Commission and City staff, and expressed special thanks to his wife, Karin. He stated that Manhattan is a great place to be the mayor because the economy is thriving, businesses are expanding, and there is a lot of construction and activity going on. He said that we are fortunate to have great people in Manhattan and have strong volunteer organizations in the community. He highlighted aspects of growth in the community and partnerships that have been further developed. Finally, he expressed his appreciation to those that supported him when running for office and thanked citizens and fellow Commissioners that he served and worked with during his term as Mayor.

Gary S. Fees, City Clerk, called for the election of the new Mayor. Commissioner Karen McCulloh moved that Commissioner Wynn Butler be appointed to serve as Mayor until the second legislative meeting in April 2015. Commissioner Usha Reddi seconded the motion. On vote, motion carried 5-0.

RE-ORGANIZATION (CONTINUED)

Newly elected Mayor Butler called for the election of the new Mayor Pro-Tem. Commissioner Reddi moved that Commissioner Karen McCulloh be appointed to serve as Mayor Pro-Tem until the second legislative meeting in April 2015. Commissioner Jankovich seconded the motion. On vote, motion carried 5-0.

Newly elected Mayor Butler and City Manager Ron Fehr recognized outgoing Mayor Matta and presented him with a plaque and framed photography commemorating his term and service as Mayor of the City of Manhattan.

Mayor Butler voiced appreciation for the opportunity to serve as Mayor and recognized former Mayors John Matta, Loren Pepperd, and Jim Sherow. He also thanked City staff for their efforts and help in preparation for his duties as Mayor. He expressed his appreciation to his wife, Mary Ann, for her patience, support, and understanding. He stated the mission of the City of Manhattan and highlighted his vision for the upcoming year and goals established by the Commission, including a focus on local and regional planning, cooperation, and coordination; expand and promote economic development initiatives; plan and improve parks and recreation facilities; protect public safety and infrastructure; continue to facilitate and complete downtown redevelopment; mitigate flooding in our community; and focus on the budget, debt management, and efficiencies. He highlighted three specific items that he planned on championing, which include The Excellence in the Heartland Award, donations and private fundraising initiatives, and considerations to reduce the debt burden and achieve the best value for the community. He then thanked the citizens of Manhattan for the honor as serving as Mayor.

CONSENT AGENDA

(* denotes those items discussed)

CLAIMS REGISTER NO. 2760

The Commission approved Claims Register No. 2760 authorizing and approving the payment of claims from March 26, 2014, to April 8, 2014, in the amount of \$3,515,706.46.

LICENSE

The Commission approved an annual Cereal Malt Beverages Off-Premises License for La Hacienda, 3003 Anderson Avenue, Suite 945.

* **ORDINANCE NO. 7068 – REZONE – LOT 28, MANHATTAN CORPORATE TECHNOLOGY PARK, UNIT 3**

Ron Fehr, City Manager, provided the Commission with an update of the item.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 7068 – REZONE – LOT 28, MANHATTAN CORPORATE TECHNOLOGY PARK, UNIT 3 (CONTINUED)**

This item was removed from the agenda.

ORDINANCE NO. 7069 – AMEND FINAL DEVELOPMENT PLAN – LOT R.P. 1, UNIVERSITY HEIGHTS ADDITION, FIRST UNIT, BRIARVIEW OFFICE PARK COMMERCIAL PUD

The Commission approved Ordinance No. 7069 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. 1*), with the four conditions of approval.

RESOLUTION NO. 041514-A – SET BONDS SALE DATE – GOB SERIES 2014-A AND 2014-B

The Commission approved Resolution No. 041514-A setting May 20, 2014, as the date to sell \$13,115,000.00 in general obligation bonds (Series 2014-A) [*Grand Vista Addition, Unit Two – Street, Sanitary Sewer, Water, and Stormwater; Lee Mill Heights Addition, Unit Three, Phase Two, and Unit Four, Phase Three – Street and Water; and Lee Mill Heights Addition, Unit Three, Phase Two; Unit Four, Phase Three; Unit Five; and Unplatted Tract A – Sanitary Sewer and Stormwater*] and \$9,760,000.00 in taxable general obligation bonds (Series 2014-B) [*Tecumseh/Quivera Stormwater Project, Phase I (SM0813); of the Tecumseh/Quivera Stormwater Project, Phase II (SM1302); K-18 Utility Relocation Improvements, Phase IV (Scenic Drive/Eureka Drive) (WA1106); K-18 Utility Relocation Improvements, Phase IV (Miller Parkway) (WA1109); Flint Hills Discovery Center Exhibitory and Furnishings (DC0902); construction of the Downtown Parking Garage (PG0901); and construction of a Downtown Conference Center (CC0901)*].

FIRST READING – ISSUE – GENERAL OBLIGATION BONDS (SERIES 2014-A)

The Commission approved first reading of an ordinance issuing \$13,115,000.00 in general obligation bonds (Series 2014-A) [*Grand Vista Addition, Unit Two – Street, Sanitary Sewer, Water, and Stormwater; Lee Mill Heights Addition, Unit Three, Phase Two, and Unit Four, Phase Three – Street and Water; and Lee Mill Heights Addition, Unit Three, Phase Two; Unit Four, Phase Three; Unit Five; and Unplatted Tract A – Sanitary Sewer and Stormwater*].

CONSENT AGENDA (CONTINUED)

FIRST READING – ISSUE – TAXABLE GENERAL OBLIGATION BONDS (SERIES 2014-B)

The Commission approved first reading of an ordinance issuing \$9,760,000.00 in taxable general obligation bonds (Series 2014-B) [*Tecumseh/Quivera Stormwater Project, Phase I (SM0813); of the Tecumseh/Quivera Stormwater Project, Phase II (SM1302); K-18 Utility Relocation Improvements, Phase IV (Scenic Drive/Eureka Drive) (WA1106); K-18 Utility Relocation Improvements, Phase IV (Miller Parkway) (WA1109); Flint Hills Discovery Center Exhibitory and Furnishings (DC0902); construction of the Downtown Parking Garage (PG0901); and construction of a Downtown Conference Center (CC0901)*].

REQUEST FOR QUALIFICATIONS – WATER TREATMENT PLANT CLEARWELL AND PUMP STATION IMPROVEMENTS (WA1403, CIP #WA015P)

The Commission authorized City Administration to solicit statement of qualifications for professional design services and appointed Commissioner Jankovich to serve on the Selection Committee for the Water Treatment Plant Clearwell and Pump Station Improvements (WA1403, CIP #WA015P).

CHANGE ORDER NO. 4 – AIRPORT TERMINAL EXPANSION, PHASE ONE (AIP 44)

The Commission approved Change Order No. 4 for Phase One of the Terminal Expansion Project at Manhattan Regional Airport (AIP 44), resulting in a net increase in the amount of \$70,123.00 (+.77%) to the contract with The Weitz Company, LLC, of Lenexa, Kansas, for additional work items that are necessary for safety and/or operational efficiency.

AGREEMENT – ENGINEERING SERVICES – BLUEMONT HILL WATERLINE PROJECT (WA1211)

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$74,495.00 with Bartlett and West, Inc., of Manhattan, Kansas, for professional engineering services for the Bluemont Hill Waterline project (WA1211).

AWARD CONTRACT – RILEY COUNTY SENIORS' SERVICE CENTER CDBG INTERIOR IMPROVEMENTS PROJECT (CD1314)

The Commission accepted the Architect's Opinion of Probable Cost in the amount of \$90,000.00 and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$89,300.00 to Ron Fowles Construction Management Services, Inc., for the base bid and Alternate No. 1 for the Riley County Senior's Service Center (CDBG) Interior Improvements (CD1314).

CONSENT AGENDA (CONTINUED)

AGREEMENT – CONTRIBUTION OF FUNDS - RILEY COUNTY SENIORS' SERVICE CENTER CDBG INTERIOR IMPROVEMENTS PROJECT (CD1314)

The Commission authorized the Mayor and City Clerk to execute an Agreement with the Riley County Seniors' Service Center for its \$14,000.00 contribution for the Riley County Senior's Service Center (CDBG) Interior Improvements (CD1314)

CHANGE ORDER NO. 1 - RILEY COUNTY SENIORS' SERVICE CENTER CDBG INTERIOR IMPROVEMENTS PROJECT (CD1314)

The Commission approved Change Order No. 1 resulting in a net decrease in the amount of \$23,300.00 (-26%) to the contract with Ron Fowles Construction Management Services, Inc., for the Riley County Senior's Service Center (CDBG) Interior Improvements (CD1314).

AGREEMENT – DOWNTOWN FARMERS' MARKET, INC.

The Commission authorized the Mayor and City Clerk to execute an agreement with the Downtown Farmer's Market, Inc., for use of the City's public parking lot at the southeast quadrant of North Fourth Street and Leavenworth Street, in Lot 3, Manhattan Town Center 5 for the 2014 season.

OUTSIDE CITY SEWER AGREEMENT – 1304 AND 1306 ROEVER ROAD (WILLIAM R. AND SHELLY CURRENCE)

The Commission authorized the Mayor and City Clerk to execute an agreement with William R. Currence II and Shelly Currence for an outside city limits sanitary sewer service connection for the property at 1304 and 1306 Roever Road, Riley County, Kansas.

APPLICATION – 2014 EMERGENCY SOLUTIONS GRANT FUNDS

The Commission authorized the Mayor and City Clerk to sign an application for 2014 Emergency Solutions Grant funds.

PURCHASE – TRUCK-MOUNTED SEWER JET (CIP #WW072E) – SEWER MAINTENANCE DIVISION

The Commission rejected the bid in the amount of \$196,450.00 and authorized the purchase of a new/used truck-mounted sewer jet (CIP #WW072E) for the Sewer Maintenance Division from Key Equipment and Supply Company, of Kansas City, Kansas, in the negotiated amount of \$172,980.00, to be paid from the Wastewater Fund.

CONSENT AGENDA (CONTINUED)

* REJECT BIDS – NEW SEWER TV TRUCK (CIP #WW004E)

Ron Fehr, City Manager, provided the Commission with an update and clarification of the item.

The Commission rejected all bids and authorized City staff to revise the specifications and rebid for a new sewer tv truck (CIP #WW004E) for the Sewer Maintenance Division.

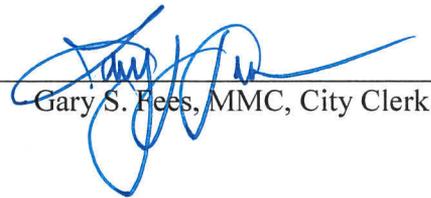
PURCHASE – POOL CHEMICALS

The Commission authorized City Administration to purchase muriatic acid in the amount of \$.173 per pound, sodium bicarbonate in the amount of \$.257 per pound, calcium chloride in the amount of \$.237 per pound, sodium thiosulfate in the amount of \$.69 per pound, cyanuric acid in the amount of \$.92 per pound, and sodium hypochlorite in the amount of \$1.40 per gallon from Edwards Chemicals, Inc., of Elwood, Kansas, for treatment of the three pools for the 2014 season, to be paid from the Parks and Recreation Swimming Pool Division General Operating Budget General Fund.

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

ADJOURNMENT

At 7:32 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

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.

Attachment No. 1

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.

Attachment No. 1

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

Attachment No. 1

within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17th Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.

OR 2: Location

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

OR 3: Site Layout and Design

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

OR 5: Unified Architectural Character

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

OR 6: Common Areas

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

OR 7: Circulation and Access

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

OR 8: Outdoor Storage

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

THE PROPOSED 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. 1

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.

Attachment No. 1

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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