



MINUTES
CITY COMMISSION MEETING
TUESDAY, MAY 6, 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 Wynn Butler and Commissioners Karen McCulloh, Usha Reddi, Richard B. Jankovich, and John Matta 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, 8 staff, and approximately 18 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Butler led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Butler proclaimed May 10, 2014, ***Letter Carrier Food Drive Day***. Fred Stork, Food Drive Coordinator, Branch 1018 National Association of Letter Carriers, was present to receive the proclamation.

Mayor Butler proclaimed May 12, 2014, ***Arbor Day***. J. David Mattox, Forestry Supervisor, City of Manhattan, was present to receive the proclamation.

Mayor Butler proclaimed May 12-16, 2014, ***Small Business Week***. Jeff Koenig, Big Poppi Bicycle Company, and Karen Streeter, Vista Drive-In, Members, Small Business Council, Manhattan Area Chamber of Commerce, were present to receive the proclamation.

Mayor Butler proclaimed May 2014, ***Mental Health Month***. Anne Browne, Vice Chair, Board of Directors of Pawnee Mental Health Services, and Carroll Hess, Board Member, Pawnee Mental Health Services, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Butler opened the public comments.

Nick Jankovich, 2021 Somerset Square, provided a review of the K-State Wildcat Grand Prix bicyclist race event. He thanked Commissioner McCulloh for hosting the Oklahoma cycling team and Marcia Rozell at the Manhattan Convention and Visitors Bureau for her assistance and support of the event.

Commissioner Jankovich announced that his son, Nick, also got engaged over the Wildcat Grand Prix weekend.

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

COMMISSIONER COMMENTS

Commissioner Jankovich thanked those involved with the linear trail clean-up over the weekend. He stated that the Manhattan Konza Rotary Club partnered with the Change the World effort to help keep the trails clean and maintained.

Commissioner Reddi informed the community that it was great to attend the Kansas Sampler event over the weekend and to see many people enjoying community events and the gorgeous weather. She also wished all the mother's a Happy Mother's Day.

Commissioner McCulloh stated that she attended the Kansas Sampler event on Sunday and enjoyed the activities at the Flint Hills Discovery Center and the Manhattan Garden Club plant sale. She also thanked the Manhattan Community Foundation for the Grow Green Match Day held today and said that at about 5:00 p.m., the Foundation received over \$110,000.00 to support various nonprofit organizations.

Mayor Butler informed the community that there is still time for individuals to donate to the Manhattan Community Foundation on the Foundation's website and receive 50 cents on every dollar donated for their favorite charity. He also provided upcoming dates for the Manhattan Area 2035 Comprehensive Plan Update and encouraged citizens to participate and attend one of the Community Workshop's on May 14, 2014, from 6:00 p.m. to 8:00 p.m., at either the Green Valley Community Center, 3770 Green Valley Road, or at the Headquarters Fire Station, Large Assembly Room, 2000 Denison Avenue. He also stated there would be an abbreviated Project Update meeting held on May 15, 2014, from 7:30 p.m. to 8:30 p.m., in the City Commission Room, at City Hall, 1101 Poyntz Avenue.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, April 15, 2014.

CLAIMS REGISTER NO. 2761

The Commission approved Claims Register No. 2761 authorizing and approving the payment of claims from April 9, 2014, to April 29, 2014, in the amount of \$2,418,349.31.

FINAL PLAT – GRAND LUXE ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Grand Luxe Addition, generally located 150 feet west of the intersection of Grand Ridge and Grand Mere Parkway, on the east side of Grand Mere Parkway, based on conformance with the Manhattan Urban Area Subdivision Regulations.

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

The Commission approved Ordinance No. 7068 rezoning Lot 28, Manhattan Corporate Technology Park, Unit 3, generally located at 5960 Technology Circle, from I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District, to I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District, based on the findings in the Staff Report (*See Attachment No 1*).

RESOLUTION NO. 050614-A – REVISED PETITION – INTERLACHEN ADDITION – STREET IMPROVEMENTS (ST1325)

The Commission found the revised petition sufficient and approved Resolution No. 050614-A, rescinding Resolution No. 012114-B and finding the project advisable and authorizing construction for the Interlachen Addition Street Improvements (ST1325).

RESOLUTION NO. 050614-B – AUTHORIZED REPRESENTATIVE – KDHE KWPCRF LOANS

The Commission approved Resolution No. 050614-B appointing Robert K. Ott, P.E., Director of Public Works, as the Authorized Representative on behalf of the City of Manhattan for three (3) existing Kansas Department of Health and Environment Kansas Water Pollution Control Revolving Fund loans.

* **CHANGE ORDER NO. 1 – 2014 WELL REHABILITATION PROJECT (WA1402)**

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

CONSENT AGENDA (CONTINUED)

* **CHANGE ORDER NO. 1 – 2014 WELL REHABILITATION PROJECT (WA1402) (CONTINUED)**

The Commission approved and authorized the Mayor to execute Change Order No. 1 for the 2014 Well Rehabilitation Project (WA1402), resulting in a net increase in the amount of \$120,809.40 (+351%) to the contract with Layne Christensen Company, of Wichita, Kansas, for additional repairs required to return City of Manhattan Public Water Supply Wells 10, 11, 14, and 15 to reliable service.

AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 2331 BROCKMAN STREET

The Commission accepted the bids for 2331 Brockman Street; awarded the bid to the lowest responsible bidder Ben Kitchens Painting, of Junction City, Kansas, in the amount of \$12,728.00; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owner for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 205 HARVEY DRIVE

The Commission accepted the bids for 205 Harvey Drive; awarded the bids to the lowest responsible bidder Ben Kitchens Painting, of Junction City, Kansas, in the amount of \$23,360.00; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owner for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

* **AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 2333 CHRIS DRIVE**

Mayor Butler announced that he would abstain on the item due to a conflict of interest with Economy Carpentry, Painting, and Concrete.

The Commission accepted the bids for 2333 Chris Drive; awarded the bids to the lowest responsible bidder Economy Carpentry, Painting, and Concrete, of Manhattan, Kansas, in the amount of \$10,850.00; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owner for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

CONSENT AGENDA (CONTINUED)

* **AGREEMENT – UTILITY RELOCATION – OLD BIG BLUE STORMWATER IMPROVEMENTS, PHASES III AND IV (SM1106)**

The Commission approved and authorized the Mayor to execute an agreement with Westar Energy in the amount of \$70,000.00 to complete the utility relocation work for the Old Big Blue Stormwater Improvements, Phases III and IV, project (SM1106).

PURCHASE – PUBLIC WORKS DEPARTMENT UNIT #452 - BACKHOE LOADER (CIP #ST047E)

The Commission authorized the purchase of a 2013 JCB Model 3CX-14 Backhoe Loader from Sellers Equipment Co., of Salina, Kansas, in the amount of \$66,780.00 for the Public Works Department (Unit #452).

LEASE AGREEMENT - PUBLIC WORKS DEPARTMENT UNIT #452 - BACKHOE LOADER (CIP #ST047E)

The Commission authorized the Mayor and/or City Clerk to execute a lease purchase agreement for the 2013 JCB Model 3CX-14 Backhoe Loader (Unit #452) for the Public Works Department once the backhoe loader is delivered.

* **AUTHORIZE PAYMENT – NBAF CONTRIBUTION IN AID – REDUNDANT GAS SERVICE**

The Commission approved the payment of \$500,000.00 to the Department of Homeland Security for the Contribution in Aid of Construction made to Kansas Gas Service in order to provide redundant gas service for the National Bio and Agro-Defense Facility (NBAF) NBAF site and authorized City Administration to finance this reimbursement from Economic Development Funds reserved for NBAF.

BOARD APPOINTMENT – LIBRARY BOARD

The Commission appointed Holly Friesen, 3159 Ella Lane, to a four-year term. Ms. Friesen's term begins immediately, and will expire April 30, 2018.

After discussion, Commissioner McCulloh moved to approve the consent agenda. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item H, AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 2333 CHRIS DRIVE, which carried 4-0-1, with Mayor Butler abstaining on the item due to a conflict of interest.

GENERAL AGENDA

FIRST READING – AMEND PRELIMINARY DEVELOPMENT PLAN - LOT 4, SETH CHILD COMMONS PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT; REZONE - TRACT NORTH OF LOT 4, SETH CHILD COMMONS (PANERA BREAD)

Eric Cattell, Assistant Director for Planning, presented an overview of the item.

Rob Ott, Director of Public Works, responded to questions from the Commission regarding the potential connection of expanded bike lanes and sidewalks.

Leon Brown, Schwab-Eaton, representing the applicant, informed the Commission that he was available to answer any questions on the project.

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance rezoning a .12 acre tract of land, generally located north of Panera Bread, from R, Single-Family Residential District, to PUD, Seth Child Commons Commercial PUD; and, amending Ordinance No. 6282 and the Preliminary Development Plan of Lot 4, Seth Child Commons PUD, as proposed, based on the findings in the Staff Report (*See Attachment No. 2*), subject to the four conditions of approval, as recommended by the Manhattan Urban Area Planning Board. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - ANNEX AND REZONE - ENCLAVE ADDITION, UNIT ONE

Commissioner Jankovich recused himself from the item due to a business relationship with the applicant.

Eric Cattell, Assistant Director for Planning, presented an overview of the annexation and rezoning request. He then responded to questions from the Commission regarding the City of Manhattan limits, discussed phases of development and developers, and provided an aerial of the site and location map for the subject property.

After discussion and comments from the Commission, Commissioner Reddi moved to approve first reading of an ordinance annexing the proposed Enclave Addition, Unit One, an approximate 9.7 acre tract of land generally located along the east side of Grand Mere Parkway, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program and approve first reading of an ordinance rezoning the proposed Enclave Addition, Unit One, from County R-PUD, Residential Planned Unit Development District, to R, Single-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 3*) and the recommendation of the Planning Board. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA (CONTINUED)

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) - 2014 FIFTH PROGRAM YEAR ANNUAL ACTION PLAN

Commissioner Jankovich returned to the dais.

Christina L'Ecuyer, Grant Administrator, presented an overview of the Community Development Block Grant (CDBG) program for the fifth program year annual action plan. She provided the five year strategic plan objectives, highlighted income limits and eligibility requirements, and presented the proposed CDBG 2014 fifth program year action plan based on expected funding levels and approval by the Housing of Urban Development (HUD). She then responded to questions from the Commission regarding low to moderate income requirements, citizen participation and feedback, and the traffic signal proposed at 11th Street and Fremont Street.

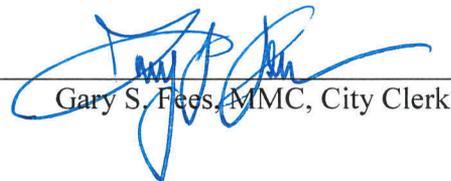
Karen Davis, Director of Community Development, responded to questions from the Commission and provided clarification on the proposed traffic signal at 11th Street and Fremont Street.

Christina L'Ecuyer, Grant Administrator, provided additional information on the item.

After comments from the Commission, Commissioner McCulloh moved to authorize the submission of the Community Development Block Grant 2014 Fifth Program Year Annual Action Plan. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:00 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District.

TO: I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District.

APPLICANT: The Neenan Company – Matt Brooksmith on behalf of their client, Tallgrass Brewing Company – Jeff Gill, President

ADDRESS: 2607 Midpoint Drive, Ft. Collins, CO

OWNERS: Western Wireless Corporation, LLC

ADDRESS: P.O. Box 26088 Plano, TX

LEGAL DESCRIPTION: Lot 28, Manhattan Corporate Technology Park, Unit 3

LOCATION: Western Wireless Call Center at 5960 Technology Circle. 5960 Technology Circle is more generally located to the northeast of the end of Technology Circle.

AREA: 396,396 sq. ft. (9.10 Acres)

DATE OF NEIGHBORHOOD MEETING: November 18, 2013

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: Vacant corporate offices and call center

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is the former location of the Western Wireless office and service call center. On the site is a 58,000 square foot building, off-street parking lot with approximately 350 stalls and landscaping. The site generally slopes from west to east. The site is not within FEMA's 1% Annual Chance Floodplain.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Vacant Land, KSU library storage facility; I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District.

SOUTH: Flint Hills Beverage distribution center, Covan Moving Company, Vacant Land; I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District.

EAST: Auth-Florence Mailbox manufacturing, Manhattan Regional Airport; I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District.

WEST: Fort Riley Military Reservation and Kansas Veteran Cemetery; C-1, Restricted Business District.

4. GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood can be characterized as rural single-family residential development, farm fields, a developing business park, a municipal airport, and Kansas Veteran Cemetery, and rural grass lands associated with the Fort Riley Military Reservation.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is zoned I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District. The I-5 District is intended to provide for research and final product assembly activities. The CTPO District is intended to broaden the permitted uses of the underlying industrial zoning district to provide for uses that would customarily be used in a large business park or corporate business park, such as restaurants and health and fitness clubs.

The site is developed with a 58,000 commercial building that was formerly used as a corporate business office and call center. The former use of the site meets the permitted uses and requirements of the I-5 and CTPO Districts.

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The AO, Airport Overlay District is intended to promote the use and development of land that is compatible with the continued operation of the Manhattan Regional Airport. The existing development on the site conforms to the requirements of the AO District.

The application is proposing to convert the use of the site from a corporate headquarters to “regional craft brewery.” This type of manufacturing use is not permitted in the I-5 District and is necessitating the rezoning request to I-3 District.

- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The application documents state that the new use of the site will be a regional craft brewery that will employ up to 50 people, host tours to view the brewing process and will have receiving and shipping trips utilizing various trucks. The application materials also state that only minor modifications to the existing building will be made, to include the construction of a loading dock and installation of grain silo for storage of raw materials.

The proposed rezoning from I-5 District to I-3 District might increase the amount of traffic, light and noise. However, the increase should have a minimal adverse impact on nearby properties. The majority of the lots within the Corporate Technology Park are currently undeveloped. The properties surrounding the site on Corporate Drive are zoned I-3/CTPO/AO District. The uses in this district include a moving company, a printing business, a manufacturing business and a beverage distribution center. These uses are similar to what is being proposed on the site that is necessitating the rezoning. The regional craft brewery should not increase the amount of traffic or noise above what is occurring on the surrounding properties. The total amount of daily traffic for employees, shipping and visitors for the brewery will most likely not exceed the traffic generated by the former call center.

A restrictive covenant was also created by the City for the Corporate Technology Park to further regulate the uses, building appearance and landscaping. This covenant will provide additional assurance that the proposed rezoning and use will not be adversely affect surrounding properties. The rezoning necessitates that the covenant be amended so that the lot can be used under the I-3 District designation to reflect the land use change to the site.

No adverse impacts are anticipated on the on properties in the vicinity that are outside of the Corporate Technology Park. The site is an interior lot in the Technology Park. Properties to the west of the Corporate Technology Park consist of range land associated with Fort Riley Military Reservation and the Veteran’s Cemetery. There are single family homes to the south of the Corporate Technology Park. The largest impact to these properties will be from traffic. As previously described, the level of traffic

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generated by the brewery should be less than what was generated by the previous use on the site and will be similar to that of the existing businesses in the surrounding I-3 District.

Impacts to the Manhattan Regional Airport should be minimal as the AO District is intended to limit any adverse impacts on the function of the airport by regulating the types of uses and heights of structures that would decrease the functionality of the airport.

As part of the application process, the applicant held a neighborhood meeting on November 18, 2013. According to the meeting report, no one attended the meeting other than the applicant's representatives.

Considering these factors, the proposed rezoning is compatible with surrounding properties and should have minimal adverse impacts on these 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 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.

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

- January 4, 1999: MUAPB approved Land Use Plan Amendment
- January 19, 1999: City Commission approved 1st reading ordinance to amend Land Use Plan
- February 1, 1999: MUAPB recommended approval of annexation
- February 2, 1999: City Commission approved 2nd reading ordinance to amend Land Use Plan

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- February 16, 1999: City Commission adopted Resolution asking consent from Riley Co., as owner, to annex South airport Road & to make certain findings on annexing business park/airport.
- March 22, 1999: Riley Co. Commission makes findings and adopts Resolution to annex
- April 6, 1999: City Commission approved 1st reading annexation
- May 3, 1999: MUAPB recommended approval of rezoning Tracts II and III, and approved Preliminary Plat Corp. Tech Park, Unit 3, Lots 6-9, and 11-29
- May 17, 1999: MUAPB considers Final Plat Corp. Tech Park, Unit 3
- May 18, 1999: City Commission considers 1st reading rezoning of the southern 2/3rds of the Technology Park, and acceptance of easements and r-o-w's on Final Plat of Unit 3.
- May 19, 1999: City Commission approves 2nd reading annexation & rezoning of the southern 2/3rds of the Technology Park, and acceptance of easements and r-o-w's on Final Plat of Unit 3.
- June 7, 1999: Manhattan Urban Area Planning Board recommends rezoning the northern portion of the Technology Park : MCTP, Unit 1; Lot 4, MCTP, Unit 2; and proposed Lot 10 MCTP, Unit 4, to I-5/AO, and approves the concurrent Preliminary and Final Plats of MCTP, Unit 4.
- July 6, 1999: City Commission approves first reading of rezoning of the northern portion of the Technology Park, to I-5/AO.
- July 20, 1999: City Commission considers second reading to annex and rezone the northern portion of the Technology Park.
- May 2, 2005: MUAPB recommends approval of rezoning to add the Corporate Technology Park Overlay District.
- June 7, 2005: City Commission approves first reading of an ordinance rezoning the Corporate Technology Park to add the CTPO District, and amends the Covenants, Conditions and Restrictions.
- June 21, 2005: City Commission approves Ordinance No. 6480 rezoning to add the CTPO District.

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 I-3 District is designed to allow manufacturing, processing, assembly, and nonretail service activities (*regulations attached*). The proposed rezoning of the site will expand the existing I-3 District in the area. As previously stated, the proposed rezoning should not be detrimental to the surrounding area and will be consistent with the intent and purpose of the Manhattan Zoning Ordinance.

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 adverse impact on the public health, safety and welfare that the rezoning will create. The proposed rezoning is identical to surrounding properties along Corporate Drive. The proposed use, which necessitates the rezoning request, is also similar in nature to the surrounding uses. 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:

Public utilities currently service the site. These utilities are adequate to serve the proposed use, as well as other permitted uses of the I-3/CTPO/AO Districts.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Lot 28, Manhattan Corporate Park, Unit 3, from I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District, to I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning Lot 28, Manhattan Corporate Park, Unit 3, from I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District, to I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District, based on the findings in the Staff Report.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.

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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 Lot 28, Manhattan Corporate Park, Unit 3, from I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District, to I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District, based on the findings in the Staff Report.

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

DATE: February 20, 2014

CB/vr
14019

STAFF REPORT

AN AMENDMENT OF ORDINANCE NO. 6282 AND THE APPROVED PRELIMINARY DEVELOPMENT PLAN OF LOT 4, SETH CHILD COMMONS PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT, PROPOSED REZONING OF THE 5,208 SQUARE FOOT (.12 ACRE) TRACT OF LAND, AND THE FINAL DEVELOPMENT PLAN FOR PROPOSED LOT 1, SETH CHILD COMMONS PUD, UNIT THREE.

BACKGROUND

APPLICANT/OWNER: *The Manhattan Project, LLC - Bo Conrad*

ADDRESS: 598 North Winnebago Drive, Lake Winnebago, Missouri

LOCATION: Lot 4, Seth Child Commons and a tract associated with 225 and 227 Southwind Place (vacated Shuss Road right-of-way)

AREA: Total area: 92,292 square feet (2.12 acres)

- Lot 4, Seth Child Commons PUD: 87,084 square feet (2.00 acres)
- Vacated Shuss Road to be combined to site: 5,208 square feet (.12 acres)

DATE OF PUBLIC NOTICE PUBLICATION: March 17, 2014

DATE OF PUBLIC HEARING: PLANNING BOARD: April 7, 2014

CITY COMMISSION: May 6, 2014

EXISTING PUD

Ordinance

The Seth Child Commons Commercial Planned Unit Development was established by Ordinance No. 6282, dated August 6, 2002 (*attached*).

Permitted Use, Preliminary and Final Development Plan

Ordinance No. 6282 established the permitted uses for the Seth Child Commons PUD as all permitted and conditional uses listed in the C-2, Neighborhood Shopping District.

The Preliminary Development Plan showed the northern building on Lot 4, Seth Child Commons as an approximate 5,000 square foot dine-in restaurant. The southern building was approved to be a 7,750 square foot retail building. A parking lot servicing both buildings was approved by the Preliminary Development Plan. The Final Development Plan, approved March 15, 2004, largely implemented the development plan for the site, which created the roughly 4,500 square foot Panera restaurant.

PROPOSED AMENDMENT

The applicant has proposed to acquire a thirty (30) foot by approximately one-hundred and seventy (170) foot (5,208 square feet) portion of the neighboring properties to the north to establish a drive-in pickup window for the Panera restaurant. The land to be acquired is a portion of the vacated Shuss Road right-of-way and is zoned R, Single-Family Residential District. The applicant has applied to rezone this area to become part of the Seth Child Commons PUD and proposed a Final Plat to make it a part of the existing Lot 4, which will become Lot 1, Seth Child Commons, Unit Three (*See separate memorandum*).

Proposed Use and Buildings

The proposed use on the expanded lot is the Panera drive-in restaurant. To accomplish this change in use, a 13.5 foot wide driving aisle will be constructed along the east and north sides of the building. A 350 square foot addition to the west of the existing building is proposed to accommodate the drive-in window and kitchen equipment. The actual drive-in window will face to the north. The building addition will use identical exterior materials and colors and will match the height of the existing building.

The site layout will be re-organized to provide for the drive-in. Four (4) parking spaces at the northeast corner of the parking lot are being relocated to the northwest corner of the parking lot. In total, there will be no loss in the number of parking spaces on the site.

On the southern portion of the site is an existing multi-tenant commercial building. No changes are proposed for this building.

Proposed Sign:

No new signs are proposed on the building. An existing monument sign for the Panera restaurant is located generally where the driving aisle will be located. The applicant has proposed to relocate the sign to a landscape island at the entrance of the driving aisle. Pavement markings in the parking lot will direct customers to the drive-in. Signage devoted to the drive-in, including menu boards and traffic directional signs, will be installed.

The Sign Regulations were updated in 2009 to address political signs. City Administration has proposed a condition to reflect the 2009 revisions of the Sign Regulations. The condition shall read:

Except as noted, signs shall be provided as proposed in the application documents, and shall allow for exempt signage described Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5), of the Manhattan Zoning Regulations (*attached*).

Proposed Lighting:

There are existing light poles throughout the parking lot, which will not change. Exterior lights on the building consist of decorative wall lights and wall packs that are shielded and directed downward. A note on the Final Development Plan states: “Existing Site Lighting shall be moved to the exterior of the new addition. If any new lighting is required it will be similar if not an exact copy of the existing lighting.”

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

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

The proposed amendment is consistent with the intent and purpose of the approved Planned Unit Development. The permitted uses of the PUD consist of all permitted and conditional uses of the C-2, Neighborhood Shopping District, which includes drive-in establishments associated with permitted or other conditional uses. The PUD is required to be amended to include the 5,208 square feet of land currently zoned R, Single-Family Residential District, which is to be rezoned to PUD and become part of the site. The Preliminary Development Plan is to be amended to include the new driving lane and building addition. The amendment is in the form of a Final Development Plan.

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 PUD Amendment is made necessary because of the change to the use of the restaurant and the need to acquire adjacent land to the north for the proposing driving aisle for the drive-in window. The proposed amendment is to Ordinance No. 6282 establishing the PUD and to the Seth Child Commons Preliminary Development Plan. The amendment is in the form of a Final Development Plan.

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 relative gain to the public health, safety, convenience or general welfare by providing additional dining options in the commercial center. The proposed drive-in has been reviewed by the Engineering and Utility Divisions of the Public Works Department, as well as the Fire Department. They have determined that the layout of the site will not adversely impact the general public. No loss of parking will result and no special benefit is conferred by the proposed amendment, as the public at large will benefit from the additional commercial options in the commercial development.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: Landscaping on the site is largely in place and established. The Final Development Plan shows new landscaping proposed along the new driving aisle for the drive-in window and along the foundation of the existing building. The landscape materials proposed includes evergreen trees, ornamental trees, shrubs and ornamental grasses. Underground irrigation is proposed to maintain the landscaping.

2. SCREENING: A six (6) foot tall masonry enclosure surrounds the trash dumpster to the west of the building. A note on the Final Development Plan states that this enclosure will not change.

3. DRAINAGE: Stormwater runoff is currently collected by area inlets in the off-street parking lot and adjacent streets and directed towards a large storm sewer line, which discharges the stormwater into the open ditch to the east of the site along Seth Child Road (Highway K-113). Area inlets and storm sewer will collect stormwater in the new driving aisle and route it to the existing storm sewer line. A concrete lined drainage flume is proposed to the north of the new driving aisle to direct stormwater runoff from properties to the west and north of Shuss Road. This drainage flume leads to the open ditch along the highway to the east of the site.

The site is outside of any mapped floodplains, as shown on the current or preliminary FIRM panel C0361.

4. CIRCULATION:

Attachment No. 2

Public Access. The site currently gains vehicular access from one (1) curb cut on Southwind Place. No access is platted along the Seth Child Frontage Road and Seth Child Road (Highway K-113). The proposed Final Development Plan shows the new driving aisle for the drive-in window following the typical counter-clockwise circulation pattern, beginning to the south east of the existing building, traveling north along the east side and then west along the north side of the existing building, where the drive-in window will be located. The driving aisle will have enough space to have twelve (12) vehicles in line for the drive-in window. The driving aisle will then exit the site at the intersection of Southwind Place and Shuss Road. This is the preferred location for the exit of the driving aisle as identified by the Engineering Division of the Public Works Department.

Sidewalks are currently located on both sides of Southwind Place. Sidewalks are in place that takes pedestrian traffic from Southwind Place to the two (2) existing buildings.

A pedestrian easement is being proposed to the north of the driving aisle to provide for future pedestrian connection from the commercial center to sidewalks and trails planned in the future along Seth Child Road (Highway K-113).

Traffic. Schwab-Easton, P.A. conducted a traffic analysis for the proposed drive-in addition to the existing Panera restaurant. The traffic analysis found that there would be six (6) new trips in the A.M. peak hour and fifteen (15) new trips in the P.M. peak hour. The traffic analysis also reviewed a similar Panera restaurant site with a drive-in in St. Louis, Missouri to show the average service time. The St. Louis location showed that during the A.M. peak hour twenty-one (21) vehicles per hour used the drive-in window. During the P.M. peak hour, four (14) vehicles per hour used the drive-in window. The St. Louis findings could not determine how many of these trips would have existed without the drive-in window. The traffic analysis concludes that the primary analysis represents the traffic increase created by the new drive-in window at the Seth Child Road Panera location.

The traffic analysis recommended specific traffic control signage at the intersection of the drive-in window lane, Southwind Place and Shuss Road. These signs are shown on the Final Development Plan (*see traffic analysis*).

Peter Clark, Traffic Engineer for the City, has reviewed the traffic analysis and agreed with its findings (*see attached memo*).

Off-Street Parking. Ninety-seven (97) stalls are currently provided in the off-street parking lot on the site. The proposed Final Development Plan re-organizes the off-street parking lot to provide for the drive-in. Four (4) spaces on the east side of the lot will be re-located to the west side of the lot. These four (4) spaces, along with three (3) additional spaces are being reconfigured to form an arc at the northwest corner of the parking lot.

The proposed reconfigured parking lot maintains ninety-seven (97) spaces.

The proposed building addition is to be approximately 350 square feet in area. This area will be primarily a “back room” kitchen area and the drive-in window. This area will not generate the need for additional parking spaces.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: Approximately two (2%) percent of the site is green/landscape space. An outdoor seating area is located on the east side of the building. There are no common area tracts on the site.

6. CHARACTER OF THE NEIGHBORHOOD: The area is characterized by a mixture of retail, restaurants, including drive-ins, service commercial, business and professional offices and two-family and multiple-family dwellings. The residential uses are to the north and west of Shuss Road. Shuss Road also provides secondary access to the single-family neighborhoods farther to the west.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Panera restaurant, multi-tenant commercial building and associated off-street parking lot.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is generally flat with existing drainage to the east towards an open drainage ditch along Seth Child Road (Highway K-113). The site is not shown to be in a mapped floodplain and is not subject to floodplain development regulations.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: The 5,208 square feet (.12 acre) area to be rezoned and included in the PUD site, consisting of a portion of the vacated right-of-way along the south side of the Southwind Office Complex; R, Single-Family Residential District, Southwind Office Planned Unit Development

(b.) SOUTH: Multi-tenant commercial buildings and the Target store; Seth Child Commons PUD.

(c.) EAST: Seth Child Road (Highway K-113) right-of-way, a limited access arterial four-lane highway, Home Depot store, multi-tenant commercial space; R District, Manhattan Plaza PUD, Town West PUD.

(d.) **WEST:** Southwind Place, a local two-lane street with center turning lane, multi-tenant commercial space, drive-in restaurant, multiple-family dwellings and two-family dwellings; Seth Child Commons PUD, Southwind Lofts PUD, and R-2, Two-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 applicant is proposing to acquire a 30 foot by 170 foot (approximately 5,000 square foot) tract of land immediately to the north of site and add it to the existing lot to provide enough room for the driving aisle for the drive-in window. The area to be acquired is to be rezoned to the Seth Child Commons PUD and included in the Final Plat.

The proposed use is suitable under the current zoning district. The PUD allows all permitted and conditional uses of the C-2 Neighborhood Shopping District, which includes drive-in restaurants

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed amendment, rezoning and Final Development Plan are consistent with the commercial nature of the approved PUD and developed properties in the PUD. Expected increases in traffic, light, and noise will be relatively minimal and consistent with the predominately commercial character of the neighborhood. Residential properties near the site are a smaller part of the neighborhood. Minimal impacts on adjacent properties are anticipated and no detrimental effects are expected. Adequate off-street parking, landscaping, screening, lighting, storm water drainage improvements, and pedestrian and vehicular circulation improvements are provided, which mitigate impacts on surrounding properties.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Southwest Planning Area Future Land Use Map of the Manhattan Urban Area Comprehensive Plan shows the site to be designated as Community Commercial (CC). **APPLICABLE CC POLICIES (IN ITALICS) OF THE COMPREHENSIVE PLAN INCLUDE:**

CC 1: CHARACTERISTICS

COMMUNITY COMMERCIAL CENTERS PROVIDE A MIX OF RETAIL AND COMMERCIAL SERVICES IN A CONCENTRATED AND UNIFIED SETTING THAT SERVES THE LOCAL COMMUNITY AND MAY ALSO PROVIDE A LIMITED DRAW FOR THE SURROUNDING REGION. THESE CENTERS ARE TYPICALLY ANCHORED BY A LARGER NATIONAL CHAIN, BETWEEN 120,000 AND 250,000 SQUARE FEET, WHICH MAY PROVIDE SALES OF A VARIETY OF

GENERAL MERCHANDISE, GROCERY, APPAREL, APPLIANCES, HARDWARE, LUMBER, AND OTHER HOUSEHOLD GOODS. CENTERS MAY ALSO BE ANCHORED BY SMALLER USES, SUCH AS A GROCERY STORE, AND MAY INCLUDE A VARIETY OF SMALLER, COMPLEMENTARY USES, SUCH AS RESTAURANTS, SPECIALTY STORES (SUCH AS BOOKS, FURNITURE, COMPUTERS, AUDIO, OFFICE SUPPLIES, OR CLOTHING STORES), PROFESSIONAL OFFICES AND HEALTH SERVICES. THE CONCENTRATED, UNIFIED DESIGN OF A COMMUNITY COMMERCIAL CENTER ALLOWS IT TO MEET A VARIETY OF COMMUNITY NEEDS IN A “ONE-STOP SHOP” SETTING, MINIMIZING THE NEED FOR MULTIPLE VEHICLE TRIPS TO VARIOUS COMMERCIAL AREAS AROUND THE COMMUNITY. ALTHOUGH SOME SINGLE USE HIGHWAY-ORIENTED COMMERCIAL ACTIVITIES WILL CONTINUE TO OCCUR IN SOME AREAS, THIS PATTERN OF DEVELOPMENT IS GENERALLY NOT ENCOURAGED.

CC 2: LOCATION

COMMUNITY COMMERCIAL CENTERS SHOULD BE LOCATED AT THE INTERSECTION OF ONE OR MORE MAJOR ARTERIAL STREETS. THEY MAY BE LOCATED ADJACENT TO URBAN RESIDENTIAL NEIGHBORHOODS AND MAY OCCUR ALONG MAJOR HIGHWAY CORRIDORS AS EXISTING USES BECOME OBSOLETE AND ARE PHASED OUT AND REDEVELOPED OVER TIME. LARGE FOOTPRINT RETAIL BUILDINGS (OFTEN KNOWN AS “BIG-BOX” STORES) SHALL ONLY BE PERMITTED IN AREAS OF THE CITY WHERE ADEQUATE ACCESS AND SERVICES CAN BE PROVIDED.

CC 3: SIZE

TYPICALLY REQUIRE A SITE OF BETWEEN 10 AND 30 ACRES.

CC 4: UNIFIED SITE DESIGN

A UNIFIED SITE LAYOUT AND DESIGN CHARACTER (BUILDINGS, LANDSCAPING, SIGNAGE, PEDESTRIAN AND VEHICULAR CIRCULATION) SHALL BE REQUIRED AND ESTABLISHED FOR THE CENTER TO GUIDE CURRENT AND FUTURE PHASES OF DEVELOPMENT. BUILDING AND SITE DESIGN SHOULD BE USED TO CREATE VISUAL INTEREST AND ESTABLISH A MORE PEDESTRIAN-ORIENTED SCALE FOR THE CENTER AND BETWEEN OUT LOTS.

CC 5: ARCHITECTURAL CHARACTER

Community Commercial Centers shall be required to meet a basic level of architectural detailing, compatibility of scale with surrounding areas, pedestrian and bicycle access, and mitigation of negative visual impacts such as large building walls, parking areas, and service and loading areas. While these requirements apply to all community commercial

development, they are particularly important to consider for larger footprint retail buildings, or “big box” stores. A basic level of architectural detailing shall include, but not be limited to, the following:

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

CC 6: ORGANIZATION OF USES

COMMUNITY COMMERCIAL SERVICES SHOULD BE CONCENTRATED AND CONTAINED WITHIN PLANNED ACTIVITY CENTERS, OR NODES, THROUGHOUT THE COMMUNITY. WITHIN EACH ACTIVITY CENTER OR NODE, COMPLEMENTARY USES SHOULD BE CLUSTERED WITHIN WALKING DISTANCE OF EACH OTHER TO FACILITATE EFFICIENT, “ONE-STOP SHOPPING”, AND MINIMIZE THE NEED TO DRIVE BETWEEN MULTIPLE AREAS OF THE CENTER. LARGE FOOTPRINT RETAIL BUILDINGS, OR “BIG-BOX” STORES SHOULD BE INCORPORATED AS PART OF AN ACTIVITY CENTER OR NODE ALONG WITH COMPLEMENTARY USES. ISOLATED SINGLE STORE DEVELOPMENTS ARE STRONGLY DISCOURAGED.

CC 7: PARKING DESIGN AND LAYOUT

UNINTERRUPTED EXPANSES OF PARKING SHOULD BE AVOIDED. PARKING AREAS SHOULD BE BROKEN INTO SMALLER BLOCKS DIVIDED BY LANDSCAPING AND PEDESTRIAN WALKWAYS. PARKING AREAS SHOULD BE DISTRIBUTED BETWEEN THE FRONT AND SIDES OF BUILDINGS, OR FRONT AND REAR, RATHER THAN SOLELY IN FRONT OF BUILDINGS TO THE EXTENT POSSIBLE.

CC 8: CIRCULATION AND ACCESS

CLEAR, DIRECT PEDESTRIAN CONNECTIONS SHOULD BE PROVIDED THROUGH PARKING AREAS TO BUILDING ENTRANCES AND TO SURROUNDING NEIGHBORHOODS OR STREETS. INTEGRATE MAIN ENTRANCES OR DRIVEWAYS WITH THE SURROUNDING STREET NETWORK TO PROVIDE CLEAR CONNECTIONS BETWEEN USES FOR VEHICLES, PEDESTRIANS, AND BICYCLES.

THE PROPOSED AMENDMENT CONFORMS TO THE COMPREHENSIVE PLAN.

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

- February 20, 1968 Annexation and rezoning to A, Single and Two-Family Dwelling District.
- 1969 Rezoning to R, Single-Family Residential District.
- 1971 Request to rezone a 22 acre tract to PUD for Land Mark shopping center consisting of 242,584 square feet of floor area, for 2 major department stores, supermarket, automotive center, service stations and numerous small shops and 1,249 parking spaces. The Planning Board recommended approval. The City Commission returned the item to the Planning Board and, on reconsideration; the Planning Board reversed its recommendation and recommended denial. The City Commission denied the request.
- 1972 Proposed rezoning from R District to PUD for a shopping center, consisting of a 187,231 square feet of floor area, on a 23.67 acre tract of land. The Planning Board recommended denial and the motion failed on a voted 4-4. The City Commission denied the request.
- 1977 Proposed rezoning for a shopping center consisting of 286,540 square feet of floor area, 2 department stores of approximately 62,000 square feet, 94,000 square feet of other retail floor space, and 1,592 parking spaces. No minutes are available for the December 19, 1977 Planning Board meeting. The application appears to have stopped at the Planning Board.
- 1985-1986 The Manhattan Urban Area Planning Board recommends approval of a Wal-Mart PUD on an 8.9 acre tract of land consisting of a 65,900 square foot building with 398 off-street parking spaces. City Commission approves PUD.
- 1995 City Commission approves Declaration and Owner files Declaration.
- 1999 Manhattan Urban Area Planning Board recommends approval of the rezoning for a Wal-Mart PUD on a 24.3 acre tract of land consisting of a 153,085 square foot Super-Wal-Mart with 748 parking spaces. The City Commission denied the rezoning.

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- July 1, 2002 Manhattan Urban Area Planning Board recommends approval of the rezoning of Seth Child Commons PUD, from PUD and R District, to PUD, for a Target and other commercial uses on a 29 acre tract of land.
- July 16, 2002 City Commission approves first reading of an ordinance rezoning the PUD.
- August 6, 2002 City Commission considers approval of Ordinance No. 6282 rezoning the PUD.
- August 19, 2002 Manhattan Urban Area Planning Board approves the Final Development Plan of Phase One of the Seth Child Commons PUD, and the Final Plat of Seth Child Commons, A Commercial Planned Unit Development.
- Sept. 3, 2002 City Commission accepts easements and rights-of-way as shown on the Final Plat of Seth Child Commons, A Commercial Planned Unit Development.
- May 19, 2003 Manhattan Urban Area Planning Board approves the Final Plat of Seth Child Commons, Unit Two.
- June 3, 2003 City Commission accepts easements and rights-of-way as shown on the Final Plat of Seth Child Commons, Unit Two.

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

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

Attachment No. 2

The proposed amendment, rezoning and Final Development create a building addition to include a drive-in window and driving lane. The proposal is consistent with the existing commercial development established by the PUD. Drive-in restaurants are a permitted use in the PUD. The area proposed to be rezoned and included into the site with the Final Plat of Seth Child Commons, Unit Three will provide the appropriate space for the driving lane and building 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 relative gain to the public that denial would accomplish. Minimal impact on the public is expected as a result of traffic and storm water. Transportation and storm water proposals are consistent with the policies of the City. Denial of the amendment and rezoning would be a hardship on the owner because no adverse effects on the public are expected.

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

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: All provisions of Ordinance No. 6282 that are not in conflict with this amendment shall remain in force. Condition 5, in Ordinance No. 6282, is proposed to be modified regarding exempt signage due to updating of the sign provisions for exempt signage since 2009 when the PUD was approved.

City Administration recommends approval of the proposed rezoning of the 5,208 square foot (.12 acre) tract of land, generally located along the north side of Panera Bread, from R, Single-Family Residential District, to PUD, Seth Child Commons Commercial Planned Unit Development, based on the findings in the Staff Report.

City Administration also recommends approval of the proposed amendment of Ordinance No. 6282 and the approved Preliminary Development Plan of Lot 4, Seth Child Commons; and, approval of the Final Development Plan to be known as Lot 1, Seth Child Commons, Unit Three, Commercial Planned Unit Development, based on the findings in the Staff Report, subject to the following conditions:

1. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
2. All landscaping and irrigation shall be maintained in good condition.

Attachment No. 2

3. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5), of the Manhattan Zoning Regulations.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the 5,208 square foot (.12 acre) tract of land, from R, Single-Family Residential District, to PUD; and approval of the proposed amendment of Ordinance No. 6282 and the approved Preliminary Development Plan of Lot 4, Seth Child Commons; and, approval of the Final Development Plan to be known as Lot 1, Seth Child Commons, Unit Three, Commercial Planned Unit Development stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning of the 5,208 square foot (.12 acre) tract of land, from R, Single-Family Residential District, to PUD; and denial of the proposed amendment of Ordinance No, 6282 and the approved Preliminary Development Plan of Lot 4, Seth Child Commons; and, denial of the Final Development Plan to be known as Lot 1, Seth Child Commons, Unit Three, Commercial Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTIONS:

The Planning Board recommends approval of the proposed rezoning of the 5,208 square foot (.12 acre) tract of land, generally located along the north side of Panera Bread, from R, Single-Family Residential District, to PUD, Seth Child Commons Commercial Planned Unit Development, based on the findings in the Staff Report; and,

Recommends approval of the proposed amendment of Ordinance No. 6282 and the approved Preliminary Development Plan of Lot 4, Seth Child Commons; and, approval of the Final Development Plan to be known as Lot 1, Seth Child Commons, Unit Three, Commercial Planned Unit Development, based on the findings in the Staff Report, subject to the three conditions of approval listed in the Staff Report.

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

DATE: March 27, 2014

STAFF REPORT

ON AN APPLICATION TO REZONE: An approximately 9.7 acre tract of land to be known as the Enclave Addition, Unit One.

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

TO: R, Single-Family Residential District.

APPLICANT: SMH Consultants – Jeffrey Hancock

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

OWNERS: ENCLAVE HOLDINGS, LLC – KAIL KATZENMEIER

ADDRESS: 330 Poyntz Avenue, Suite 210, Manhattan, KS 66502

LOCATION: Generally located along the east side of Grand Mere Parkway, and east of the intersection of Grand Mere Parkway and Bellerive Terrace.

AREA: Approximately 9.7 acres

DATE OF NEIGHBORHOOD MEETING: February 18, 2014

DATE OF PUBLIC NOTICE PUBLICATION: March 31, 2014

DATE OF PUBLIC HEARING: PLANNING BOARD: April 21, 2014
CITY COMMISSION: May 6, 2014

The applicant is also requesting annexation into the City of Manhattan and has proposed a Preliminary Plat of the Enclave Addition, Unit One, which will create a total of eleven (11) single-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 with two (2) natural ravines present on the north and south borders of the development. The site drains generally northeast to these ravines, which ultimately drain to Little Kitten Creek. The site is mostly native grass with tree cover along the natural ravines.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Undeveloped land in a future Grand Mere neighborhood, open space and Colbert Hills Golf Course; County R-PUD, Residential Planned Unit Development and R-S, Single-Family Residential Suburban District.

SOUTH: Undeveloped land in a future Grand Mere neighborhood and large lot, single-family homes in the Heartland Neighborhood of Grand Mere; County R-PUD and R, Single-Family Residential District.

EAST: Large lot, single-family homes in the Heartland Neighborhood of Grand Mere; R, Single-Family Residential District.

WEST: Single-family attached dwellings and single-family detached homes in the Bellerive Neighborhood of Grand Mere; R-2, Two-Family Residential District and R-3, Multiple-Family Residential District.

4. GENERAL NEIGHBORHOOD CHARACTER: The general area is a mixture of undeveloped land, land recently platted and in the early stages of development, and Colbert Hills Golf Course.

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 yet 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 low to medium residential density, respectively. Development in Grand Mere is progressing to ensure attractive and orderly neighborhoods in response to market demand. The Enclave Addition, Unit One, site is suitable for the proposed rezoning to the R District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning to R, Single-Family Residential District is compatible with surrounding properties. An increase in light, noise and traffic is expected, however these increases should cause minimal impact on adjacent residential properties. The proposed Preliminary Plat of the Enclave Addition, Unit One, shows single-family lots that range from 0.66 acres to 0.96 acres in lot area. The proposed lots are similar to the single-family lots found in the Heartland Neighborhood to the south and east of the site and are proposed to have homes similar in character to the existing homes in the neighborhood.

To ensure compatibility within Grand Mere, private 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 February 18, 2014. According to the meeting report, one (1) neighbor attended the meeting and raised questions regarding the project's location of street, utilities and stormwater management.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

The Enclave Addition, Unit One, is shown on the Future Land Use Map in the Northwest Planning Area as Residential Low/Medium Density, RLM and Residential Medium/High Density, RMH. Approximately the western half of the tract is in the RMH designation.

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.

APPLICABLE RMH POLICIES (IN ITALICS) OF THE COMPREHENSIVE PLAN INCLUDE:

RMH 1: Characteristics

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

RMH 2: Appropriate Density Range

Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.

RMH 3: Location

Residential Medium/High Density neighborhoods should be located close to arterial streets and be bounded by collector streets where possible, with a direct connection to work, shopping, and leisure activities.

RMH 4: Variety of Housing Styles

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

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 be Villa #2, a 13.8 acre tract designated RLM (Residential Low to Medium) (see below under Residential Types for the RLM description).

Applicable policies (*in italics*) for Grand Mere, a Master Planned Golf Course Community 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,

Attachment No. 3

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.

The Enclave Addition, Unit One, is designated as Villas #2. The different residential types are described as:

Residential Types:

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 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.

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.

Based on the proposed Preliminary Plat and the proposed single family homes, the density in the Enclave Addition, Unit One, would be 0.78 dwelling units per net acre. The Comprehensive Plan suggests that a density range of less than one, to eleven 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.

THE PROPOSED REZONING OF THE ENCLAVE ADDITION, Unit One, TO R, Single-Family Residential District 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 because proposed lot sizes conform to the minimum requirements of the R District. 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.

The R, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. The Preliminary Plat shows lots ranging from approximately 28,450 square feet in area up to 41,922 square feet in area, with the majority of lot sizes between 28,450 square feet in area to 32,619 square feet in area. The proposed lots conform to the requirements of the proposed R District.

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 would accomplish. No expected adverse impacts on the public health, safety and welfare are anticipated as a result of the rezoning. 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 rezoning is denied, as it conforms to the adopted Comprehensive Plan.

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

12. OTHER APPLICABLE FACTORS: None

- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of the Enclave Addition, Unit One, an approximate 9.7-acre tract of land, generally located along the east side of Grand Mere Parkway, from County **R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**, to R, Single-Family Residential District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Enclave Addition, Unit One, from County R-PUD, Residential Planned Unit Development District, to R, Single-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 Enclave Addition, Unit One, an approximate 9.7-acre tract of land, generally located along the east side of Grand Mere Parkway from County R-PUD, Residential Planned Unit Development District, to R, Single-Family Residential District based on the findings in the Staff Report.

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

DATE: April 9, 2014

CB/vr

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