



MINUTES
CITY COMMISSION MEETING
TUESDAY, AUGUST 5, 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, Assistant City Manager Kiel Mangus, City Attorney Bill Raymond, City Clerk Gary S. Fees, 11 staff, and approximately 30 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Butler led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Butler opened the public comments.

Sylvia Beeman, 1744 Leavenworth Street, spokesperson, Biosecurity for the Heartland, voiced her concerns regarding the safety and security of the National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kansas. She informed the Commission that this group was organized in 2008 to ensure that the NBAF would be built with the utmost regard for safety, health, and economic well-being of our public. She urged the Commission to acknowledge the seriousness of the risks associated with biohazard research that would take place at NBAF and advocate for adequate safety measures to protect our community from the possibility of biohazard release. She then provided additional concerns regarding NBAF and government entities safeguarding our well-being. She asked if our city government will become knowledgeable about the risks our community faces if an NBAF becomes operational here and will our community be effective and pro-active guardians of the safety, health, and economic well-being of our community.

Mayor Butler responded to the concerns expressed and stated that many of the items mentioned have been addressed with officials from the Department of Homeland Security. He stated that the decision has been made to build a facility here and the focus needs to make absolutely certain that security is addressed. He informed Ms. Beeman that the City

PUBLIC COMMENTS (CONTINUED)

has also established a separate water line to address issues with monitoring devices and thanked her for expressing her concerns.

Sylvia Beeman, 1744 Leavenworth Street, spokesperson, Biosecurity for the Heartland, provided additional information on the topic. She expressed concerns with people working in the labs and becoming fatigued and complacent in working with dangerous materials and the potential accidents that can occur as a result of this.

Mayor Butler stated that he was optimistic that the planners in charge of NBAF will make absolutely certain that they are vigilant with security and safety issues. He also stated that NBAF is here and it is not an issue to make it go away, but an issue to make it work.

Commissioner McCulloh acknowledged the danger of bio-hazard lab and materials. She stated that we have a local emergency planning committee that meets monthly to discuss concerns and issues. She expressed her appreciation to Ms. Beeman for her suggestions and for reminding us of the concerns and issues to be considered.

Ron Fehr, City Manager, stated that the City's local share is a \$5 million commitment for NBAF. He informed the public that City staff is involved as first responders and personnel at the wastewater and water treatment plant facilities are developing protocols.

Commissioner Matta expressed his appreciation to take the time to research this item and to speak about the issue. He stated that we have more heightened awareness of this as commissioners and thanked Ms. Beeman for expressing her opinion.

Michael Lambert, 800 Ratone Street, Executive Board, Flint Hills Human Rights Project, informed the Commission that he wanted to put in a good word to include lesbians, gays, and transsexuals in the City's hiring and employment non-discrimination clause. He stated that it would be best to have this explicitly stated in the City's policy.

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

COMMISSIONER COMMENTS

Commissioner Jankovich informed the community that the Manhattan Konza Rotary Club would be holding their Fourth Annual Manhattan Water Matters Day on Saturday, August 9, 2014, from 1:00 p.m. to 5:00 p.m., at City Park Pool. He encouraged everyone to attend and to learn about the importance of water, water production, and to enjoy the day at the pool.

COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Reddi thanked Patrick McLaughlin and his team for the recent Everybody Counts efforts. She stated that a lot of people came for school supplies and stressed the need for food in our community. She informed the community that school for Manhattan-Ogden USD 383 starts next week and wished parents and children a good academic year and a good week before school starts.

Commissioner McCulloh reminded drivers to be careful as a new school year begins. She stated that August 1 through 7 is National Breastfeeding Week and encouraged citizens and businesses to recognize the week and to contact the Riley County Health Department for additional information.

Mayor Butler stated that the Manhattan Area 2035 Plan is ongoing and encouraged the public to participate and provide their input using the online survey on the website before the August 13, 2014, deadline.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

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

CLAIMS REGISTER NO. 2767

The Commission approved Claims Register No. 2767 authorizing and approving the payment of claims from July 9, 2014, to July 29, 2014, in the amount of \$4,162,737.17.

LICENSE

The Commission approved an annual Cereal Malt Beverages Off-Premises License for Hy-Vee C-Store, 206 Leavenworth Street.

FINAL PLAT – ENCLAVE ADDITION, UNIT ONE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Enclave Addition, Unit One, generally located along the east side of Grand Mere Parkway and east of the intersection of Grand Mere Parkway and Bellerive Terrace, based on conformance with the Manhattan Urban Area Subdivision Regulations.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 080514-A – KDOT AGREEMENT – KIMBALL AVENUE/K-113 INTERCHANGE (ST1401)

The Commission approved Resolution No. 080514-A authorizing the Mayor and City Clerk to execute Agreement No. 435-14 with the Kansas Department of Transportation for the Kimball Avenue and K-113 Interchange Improvements project (ST1401).

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NEGOTIATE CONTRACT – PARK AND RECREATION STRATEGIC FACILITY PLAN

Commissioner Reddi wanted to ensure that the item and motion reflected the inclusion of recreation and recreation facilities.

Mayor Butler concurred and stated that a long-term goal of the Commission is to look at the Parks and Recreation planning and facility improvements that will best serve our citizens.

The Commission approved the recommendation from the Parks and Recreation Advisory Board and authorized City Administration to negotiate a scope of services and contract with RDG Planning and Design, of Des Moines, Iowa, to define improvements desired to enhance recreation areas/athletic facilities and to help determine the general make up of a new indoor recreation/athletic facility or facilities.

AGREEMENT – ENGINEERING SERVICES – CITY PARK POOL PARKING AND PEDESTRIAN IMPROVEMENTS (CP1401)

The Commission authorized City Administration to negotiate and the Mayor and City Clerk to execute an agreement with SMH Consultants, P.A., of Manhattan, Kansas, for preliminary design services and analysis of parking and pedestrian improvements around City Park Pool (CP1401).

CHANGE ORDER NO. 1 – 2014 STREET MAINTENANCE-ASHPALT (ST1405)

The Commission approved Change Order No. 1 for the 2014 Asphalt Street Maintenance project (ST1405), resulting in a net increase in the amount of \$310,223.20 (+70.3%) to the contract with Shilling Construction, Inc., of Manhattan, Kansas.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 080514-B – REVISED PETITION – GRAND LUXE ADDITION – WATER IMPROVEMENTS (WA1407)

The Commission found the revised petition sufficient and approved Resolution No. 080514-B finding the project advisable, authorizing construction, and rescinding Resolution No. 061714-C for the Grand Luxe Addition Water Improvements (WA1407).

AWARD CONTRACT – GRAND LUXE ADDITION – SANITARY SEWER (SS1408), STREET (ST1407), AND WATER (WA1407) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$607,747.00; awarded a construction contract in the amount of \$542,222.50 to Manhattan Trenching, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Grand Luxe Addition Sanitary Sewer (SS1408) and Water (WA1407) improvement projects.

RESOLUTION NO. 080514-C – REVISED PETITION – INTERLACHEN ADDITION – WATER IMPROVEMENTS (WA1321)

The Commission found the revised petition sufficient and approved Resolution No. 080514-C finding the project advisable, authorizing construction, and rescinding Resolution No. 012114-C for the Interlachen Addition Water Improvement project (WA1321).

RESOLUTION NO. 080514-D – REVISED PETITION – INTERLACHEN ADDITION – SANITARY SEWER IMPROVEMENTS (SS1318)

The Commission found the revised petition sufficient and approved Resolution No. 080514-D finding the project advisable, authorizing construction, and rescinding Resolution No. 012114-A for the Interlachen Addition Sanitary Sewer Improvement project (SS1318).

AWARD CONTRACT – INTERLACHEN ADDITION – SANITARY SEWER (SS1318), STREET (ST1325), AND WATER (WA1321) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,940,144.75; awarded a construction contract in the amount of \$1,819,147.52 to J&K Contracting, L.C., of Junction City, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Interlachen Addition Sanitary Sewer (SS1318), Street (ST1325), and Water (WA1321) Improvement projects.

CONSENT AGENDA (CONTINUED)

DEVELOPMENT AGREEMENT – 1200 BLOCK ALLEY BETWEEN BLUEMONT AVENUE AND VATTIER STREET/NORTH MANHATTAN AVENUE AND 12TH STREET (BLUEMONT HOTEL) (ST1324)

The Commission authorized City Administration to finalize and the City Manager to execute the Development Agreement with Excel Group, LLC, to allow the construction of an alley from North Manhattan Avenue to 12th Street north of Bluemont Avenue to proceed.

AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 526 FREMONT STREET

The Commission accepted the bids for 526 Fremont Street; awarded the bid to the lowest responsible bidder; authorized the Mayor and City Clerk to enter into an agreement with the contractor Economy Carpentry, Painting, and Concrete, of Manhattan, Kansas, in the amount of \$13,825.00 for 526 Fremont Street and with the property owner for expenditure of Community Development Block Grant (CDBG) Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 2400 GALLOWAY DRIVE

The Commission accepted the bids for 2400 Galloway Drive; awarded the bid to the lowest responsible bidder; authorized the Mayor and City Clerk to enter into an agreement with the contractor Economy Carpentry, Painting, and Concrete, of Manhattan, Kansas, in the amount of \$8,800.00 for 2400 Galloway Drive and with the property owner for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

AGREEMENT – ENGINEERING SERVICES – AGGIEVILLE PARKING GARAGE STUDY (SP1412)

The Commission authorized City Administration to negotiate and finalize, and the Mayor to execute, an agreement with Bartlett & West, of Manhattan, Kansas, for preliminary design services and analysis of a parking garage in Aggieville Business District (SP1412).

AGREEMENT – ENGINEERING SERVICES – DOWNTOWN PARKING GARAGE STUDY (SP1413)

The Commission authorized City Administration to negotiate and finalize, and the Mayor to execute, an agreement with Bartlett & West, of Manhattan, Kansas, for preliminary design services and analysis of a parking garage in Downtown Business District (SP1413).

CONSENT AGENDA (CONTINUED)

GRANT AGREEMENT/PUBLIC SERVICES AGREEMENT – CDBG YEAR FIVE

The Commission authorized the Mayor to execute the Community Development Block Grant 2014 Fifth Program Year Grant Agreement and the Public Services Agreements with Sunflower CASA, Sunflower CASA – Stepping Stones, Housing Credit Counseling, and Shepherd’s Crossing once finalized.

BOARD APPOINTMENTS

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

Airport Advisory Board

Appointment of Doug Vogelsang, 102 North Ritter Road, Junction City, to a three-year Junction City term. Mr. Vogelsang’s term begins immediately, and will expire June 26, 2017.

Social Services Advisory Board

Appointment of Barbara Murphy, 3123 College Avenue, to a three-year term. Ms. Murphy’s term begins immediately, and will expire June 30, 2017.

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

GENERAL AGENDA

PUBLIC HEARING - ADOPT - 2015 CITY BUDGET, 2015-2020 CAPITAL IMPROVEMENT PROGRAM

Ron Fehr, City Manager, introduced the item and provided background information on the five work sessions held previously on the 2015 Budget.

Hillary Badger, Assistant Director of Finance, presented an overview and map of the growth experienced in the City of Manhattan; the 2015 assessed valuation and tax base for 2014 and 2015; the new improvements for 2015; the United States Department of Labor Bureau of Labor Statistics and Consumer Price Index; the 2015 proposed City Budget; the Bond and Interest Fund and revenues; the current outstanding City debt; significant Capital Improvement Items (CIP) for 2015; highlights of the General Fund; the new position requests for 2015; the proposed property taxes levied and mill levy for 2015; the

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - ADOPT - 2015 CITY BUDGET, 2015-2020 CAPITAL IMPROVEMENT PROGRAM (CONTINUED)

changes made since the fifth City Commission Work Session; and the recommended actions for the Commission to consider. She then responded to questions from the Commission regarding the General Fund projected and the actual 2014 Budget.

Ron Fehr, City Manager, provided an update on the year-to-date sales tax collections and on the current and proposed 2015 City Budget.

After discussion and comments from the Commission, Ron Fehr, City Manager, responded to questions from the Commission regarding the Capital Improvement Program and items proposed to be funded with funds available in the Economic Development Fund. He also provided clarification on the proposed mounted paint striper that would replace an existing striper and stated that it would not include new personnel.

Mayor Butler opened the public hearing.

Hearing no comments, Mayor Butler closed the public hearing.

FIRST READING - ADOPT - 2015 CITY BUDGET, 2015-2020 CAPITAL IMPROVEMENT PROGRAM

Mayor Butler reminded citizens that they can contact the City Commission via the City's website with comments regarding the 2015 City Budget.

Ron Fehr, City Manager, responded to questions from the Commission.

After further discussion and comments from the Commission, Commissioner Jankovich moved to approve first reading of the 2015 City Budget ordinance. Commissioner McCulloh seconded the motion.

After additional discussion and comments from the Commission, on a roll call vote, motion carried 3-2, with Mayor Butler and Commissioner Matta voting against the motion.

Mayor Butler expressed that he wanted to discuss several items in the 2015 Budget and requested that the Commission consider further reductions without doing any harm to core City functions. He requested that the Commission revisit and consider repairing the Zodiac boat in the Fire Department's budget, eliminate the proposed storage facility at the Traffic Shop from the Public Works budget, and reduce the travel budget. Specifically, he requested that the Commission consider a reduction in travel by \$4,000.00 and limit the

GENERAL AGENDA (*CONTINUED*)

FIRST READING - ADOPT - 2015 CITY BUDGET, 2015-2020 CAPITAL IMPROVEMENT PROGRAM (*CONTINUED*)

Commissioners travel to three conferences per year with a member of the Commission and a member of City staff attending and, eliminate travel funds for the Commission to attend the annual Chamber Leader's Retreat in Overland Park.

After further discussion, Commissioner Matta moved to amend the 2015 Budget and reduce the Budget by the cost of the storage unit (MTOF Mezzanine) and the Zodiac boat. Mayor Butler seconded the motion.

Ron Fehr, City Manager, responded to questions from the Commission regarding the needs and condition of the Zodiac boat.

Scott French, Director of Fire Services, provided an update on the current condition and status of the Zodiac boat. He stated that the Zodiac boat is currently out-of-service due to safety concerns. He then responded to questions from the Commission regarding the condition of the 1994 boat, discussed the costs associated with repairing the boat, highlighted the availability of trained personnel at the Fire Department, discussed the recent drowning at Pillsbury Crossing, and highlighted the cooperation between emergency response agencies in the region that share equipment and leverage the expertise of trained personnel.

After further discussion and clarification, Commissioner Matta amended his original motion based on new information regarding the current condition of the Zodiac boat and moved to delete the storage facility only (MTOF Mezzanine at \$30,000.00) and to leave the Zodiac boat in the budget. Mayor Butler concurred with the amendment and seconded the amended motion. On a roll call vote, the motion carried 4-1, with Commissioner McCulloh voting against the motion.

The Commission discussed the 2015 proposed travel budget for the City Commission and the overall 2015 travel budget.

Ron Fehr, City Manager, responded to questions from the Commission regarding travel budgets and the desire expressed by the Commission for flexibility within the line items in the travel budget. He then provided further clarification on the travel budget.

After considerable discussion regarding the travel budget, the Commission voiced their views regarding Commission travel, highlighted the merits in attending national conferences, discussed the need for flexibility to attend specific conferences and important meetings, and discussed a reduction to the overall City travel budget by \$4,000.00 and allow the City Manager to review and decide the total travel budget allocations and reductions.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - ADOPT - 2015 CITY BUDGET, 2015-2020 CAPITAL IMPROVEMENT PROGRAM (*CONTINUED*)

Commissioner Matta moved to amend the 2015 City Budget to reduce the travel budget by \$4,000.00. Mayor Butler seconded the motion.

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

FIRST READING – INCREASE STORMWATER RATES

Ron Fehr, City Manager, provided an overview of the item and responded to questions from the Commission.

Mayor Butler opened the item for public comments. Hearing none, Mayor Butler closed the public comment period.

After discussion, Commissioner Jankovich moved to approve an increase to stormwater fees, and first reading of a Charter Ordinance increasing stormwater rates effective January 1, 2015. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - MERION ADDITION

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission regarding the requested rezoning and provided additional information from the drainage reports for the development.

Brian Johnson, City Engineer, provided clarification on the drainage and water runoff concerns expressed by the Commission for this specific site. He stated that the entire area is master planned with detention and is still a net overall deduct for the entire area.

Jerry Petty, Project Director, Grand Mere Development, informed the Commission that the entire area has been master planned, so that the net effect to all the receiving waters are better off than they were before this is done. He also provided additional information on the location of the detention pond and the design for the development area. He reiterated that the net amount in the area is less than it would have been otherwise and then responded to questions from the Commission.

Melody Sexton, 3664 Everett Drive, informed the Commission that she understood the net amount, but wanted to know when they build this area out will there be more water runoff than there is now.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - MERION ADDITION (CONTINUED)

Brian Johnson, City Engineer, stated that the total effect would result in a total net deduct in the amount of stormwater going into Wildcat Creek. He stated that the area was designed for urban runoff with oversized detention ponds, which are completely dry right now.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve first reading of an ordinance rezoning the Merion Addition, generally located west of the end of Players Terrace, from R-S, Single-Family Residential Suburban District, to R-3, Multiple-Family Residential District, and R-1, Single-Family Residential District, based on the findings in the Staff Reports (*See Attachment Nos. 1 and 2*). Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

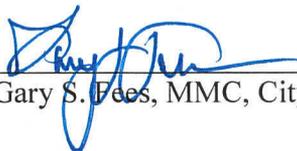
FIRST READING - AMEND MANHATTAN ZONING REGULATIONS - ARTICLE IV, DISTRICT REGULATIONS - ADD HOSPITALS AS A CONDITIONAL USE IN THE C-1, RESTRICTED BUSINESS DISTRICT

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

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance amending Article IV of the Manhattan Zoning Regulations, to add hospitals as a Conditional Use in the C-1, Restricted Business District, based on the findings in the Staff Memorandum (*See Attachment No. 3*). Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:58 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

The proposed Merion Addition is to consist of thirty (30) single-family lots and three (3) multiple-family lots.

FROM: R-S, Single-Family Residential Suburban District

TO: R-3, Multiple-Family Residential District

APPLICANT: SMH Consultants – Jeff Hancock on behalf of the owners; Fieldhouse Development, Inc. – Zac Burton

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

OWNERS: Fieldhouse Development, Inc. – Zac Burton

ADDRESS: 3120 Seth Child Road, Manhattan, KS 66503

LEGAL DESCRIPTION: Generally a tract of land consisting of Lots 6 and 7, The Reserve Addition (*see attached legal description for full details*). For the purpose of the request, the subject site shall be referred to as Tract I. (Tract II will refer to a request to rezone an area to R-1, Single-Family Residential District)

LOCATION: Generally located southwest of the intersection of Player's Terrace and Bellerive Drive, along the west side of Colbert Hills Golf Course.

AREA: 6.57 acres

DATE OF NEIGHBORHOOD MEETING: May 8, 2014

DATE OF PUBLIC NOTICE PUBLICATION: June 16, 2014

DATE OF PUBLIC HEARING: PLANNING BOARD: July 7, 2014
CITY COMMISSION: August 5, 2014

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Vacant land rezoned to R-S, Single-Family Residential Suburban District and proposed to be developed as multi-family residential lots for three apartment buildings.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Open pasture with native grass cover on the flatter portions and heavily wooded steeply sloped ravines, at up to a 30 percent grade. Tract I is an irregular shaped area bounded on the east and north by the Colbert Hills Golf Course. Open range land and pasture in Riley County adjoins the west sides of Tract I. To the south of Tract I is the remaining area of the proposed Merion Addition, which will consist of single-family lots. Tract I naturally drains to the west and south, and eventually to Wildcat Creek. Please refer to the Preliminary Plat of Merion Addition for the proposed drainage plan.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Colbert Hills Golf Course and Riley County range land; R-S District and County G-1, General Agriculture District.

SOUTH: The Reserve Addition, a low density single-family development. Lots 4 and 5 are proposed to be rezoned to R-1, Single-Family Residential District and developed into single-family homes), R-S District.

EAST: Colbert Hills Golf Course and developing multiple-family and two-family dwellings; R-S District, R-3, Multiple-Family Residential District, and R-2, Two-Family Residential District.

WEST: Riley County range land: G-1 District.

4. GENERAL NEIGHBORHOOD CHARACTER: Tract I abuts the western edge of the Colbert Hills Golf Course. To the south of Tract I, will be single-family homes proposed with the concurrent R-1 zoning request for Tract II of the Merion Addition. The general character of the neighborhood is a mixture of the golf course and a developing multiple-family, two-family and single-family density residential neighborhoods within the Grand Mere Master Community.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site was rezoned to R-S District and preliminary platted in September, 2012. The Final Plat of The Reserve was approved in December, 2012 to create seven (7) large lot, single-family homes. Tract I is suitable under its current zoning district of R-S, Single-Family Residential Suburban District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The current zoning district is R-S, Single-Family Residential Suburban District, which allows for single-family detached dwellings on a minimum lot area of 20,000 square feet.

Attachment No. 1

The applicant has proposed to replat Lots 4 – 7, The Reserve to be known as Merion Addition. The proposed replat will redesign the layout of the lots and public rights-of-way. The proposed rezoning to R-3, Multiple-Family Residential District will occur on the northern edge of the proposed development. The remaining area is to be concurrently rezoned to R-1, Single-Family Residential District.

The proposed rezoning to R-3 District permits single-family detached, single-family attached and multiple-family residential uses. The minimum lot area for a multiple-family dwelling is 1,000 square feet per dwelling unit, but not less than 6,000 square feet in area. Details of the R-3 District's requirements can be found in the Zoning Regulations (*See attached*). The proposed lots in the Preliminary Plat of Merion Addition that are to be rezoned to the R-3 District range in lot area from 1.77 acres to 2.25 acres. The application materials states that each of the proposed lots will be developed with an 18-unit apartment building. The note on the Preliminary Plat states that the net density of this area will be approximately 2.05 dwelling units per net acre.

The surrounding neighborhood is a mixture of the rural range land, Colbert Hills Golf Course, multiple-family dwellings, including two (2) apartment buildings, four-family dwellings, single-family attached and single-family detached homes, some of which are on large, estate lots. The large estate lots are located to the south of the proposed Merion Addition and will be separated from the R-3 District area by the area to be rezoned to R-1 District, as well as steep ravines. The R-1 District is to consist of single-family detached homes.

The area will also be required to conform to the private Grand Mere architectural guidelines and design standards. A private design review committee is responsible for enforcement of the Grande Mere guidelines and standards (*see policy statement below under Comprehensive 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 Community Master Plan policies, which was adopted as a part of the Manhattan Urban Area Comprehensive Plan.

As required by the rezoning application process, a neighborhood meeting was conducted by the applicant on May 18, 2014. The meeting summary stated that one (1) person was in attendance and “expressed concerns about the integrity and existing barbed wire fence that abuts the proposed project and making sure the fence remains intact to control livestock.” The meeting attendee also “expressed concerns about the potential for property owners to trespass on his property and ‘throw things over the fence’ like grass clippings” as well his plan to continue burning the pasture as needed to control the health of his pastures. Please see the meeting minutes for complete details.

Attachment No. 1

As with any new greenfield urban development, an increase in traffic, noise and light can be expected; however it will be similar in nature to the development directly to the east. Drainage is being addressed through the Grand Mere master drainage plan. The proposed development will have no vehicular access to the properties to the west.

The proposed rezoning for the area from R-S District to R-3 District will be generally compatible with nearby properties and should not have any detrimental effects on these nearby properties.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

The proposed Merion Addition is shown on the future land use map in the northwest planning area of the Manhattan Urban Area Comprehensive Plan as residential low/medium density, RLM. Applicable RLM policies (*in italics*) of the Comprehensive Plan include:

Residential Low/Medium Density (RLM)

RLM 1: Characteristics

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

RLM 2: Appropriate Density Range

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

RLM 3: Location

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

Grand Mere Community Master Plan

The Grand Mere Community Master Plan was originally adopted in April 2000 and was incorporated into the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the entirety of Grand Mere, which identifies Tract I as Single Family #3, 20.3 acres, see below under Residential Types for the RLM description.

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

Grand Mere, a Master Planned Golf Course Community

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

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public, and peripheral residential villages as large lot or low density residential products that create an overall density (1.5 du/ac) for the site, consistent with the surrounding neighborhoods. All housing types shall belong to the Master Homes Association, which will be responsible for enforcing the covenants and restrictions, and maintaining the common grounds.

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

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

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

A. Residential Neighborhoods

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

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Residential Types: The Merion Addition, including the site to be rezoned to R-3 District is designated as Single Family # 3, Single Family (RLM), in the Grand Mere Master Plan. RLM is described as:

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

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

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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

M. Current School District Boundaries

The school district boundary between Manhattan U.S.D. 383 and Riley County U.S.D. 378 divides Grand Mere into east and west jurisdictions crossing the property beginning at the S.W. Corner of Section 3-10-7 and continuing north to the N.W. Corner of Section 3-10-7.

THE DESIGNATION OF THE SITE ON THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IS SIMILAR TO THE GRAND MERE COMMUNITY MASTER PLAN, CREATED IN 2000. THE AREA WAS ANNEXED AND ZONED TO R-S DISTRICT AND PLATTED FOR LARGE LOT SINGLE-FAMILY HOMES IN 2012.

TRACT I OF THE PROPOSED PRELIMINARY PLAT OF THE MERION ADDITION THAT IS TO BE REZONED TO R-3 DISTRICT HAS A NET DENSITY OF 2.05 DWELLING UNITS PER NET ACRE. THE OVERALL DENSITY OF THE PROPOSED RESIDENTIAL DEVELOPMENT IS TO BE 0.80 DWELLING UNITS PER NET ACRE (SEE R-1 DISTRICT REZONING FOR DETAILS OF THAT REQUEST).

THE GRAND MERE MASTER PLAN ENVISIONS A MIX OF HOUSING TYPES WITHIN THE MASTER PLANNED COMMUNITY. THE DENSITY RANGE FOR THE NEIGHBORHOOD MASTER PLAN IS 1 – 20 DWELLING UNITS PER NET ACRE. THE MASTER PLAN STATES THAT “Higher density residential, as well as small lot single-family opportunities are integrated into the community along

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Grand Mere Parkway, rather than isolated or located along the site's edges." The proposed R-3 area is located near the edge of Grand Mere, but is adjacent to other R-3 District zoned areas and is in relative proximity to Grand Mere Parkway. As stated in the Grand Mere Master Plan and implemented throughout the existing developments, a high quality architectural design that is implemented through the master neighborhood association, which reviews the design of each home and apartment building.

The Manhattan Urban Area Comprehensive Plan states in RLM Policy #1 "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." Although this development is not being implemented using a planned unit development zoning, it is accomplishing a mixture of residential uses that provides significant open space to remain consistent within the RLM density range of 1 – 11 dwelling units per net acre. In addition, the proposed R-3 District is in close proximity to existing multiple family apartment buildings that were constructed in the Bellerive Addition to the east, in an area that was identified in both the Comprehensive Plan and the Grand Mere Master Plan as an appropriate area for higher density multi-family uses.

The proposed rezoning of Tract 1 in the Merion Addition to the R-3 District generally **CONFORMS TO THE POLICIES OF** 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 (<i>Grand Mere</i>), County R-PUD. |
| August 14, 1997 | Riley County Commission approved Final Development Plan. |
| August 6, 2012 | Manhattan Urban Area Planning Board considered annexation and held the public hearings to consider the rezoning of the PROPOSED THE RESERVE ADDITION, FROM County R-PUD, Residential Planned Unit Development District, to R-S, Single-Family Residential Suburban District, and recommended approval of annexation and rezoning as proposed. The Board also held a public hearing on the Preliminary Plat of The Reserve Addition and approved the Plat. |

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- August 21, 2012 City Commission approves first reading of ordinances annexing and rezoning **THE RESERVE ADDITION, FROM** County R-PUD, Residential Planned Unit Development District, to R-S, Single-Family Residential Suburban District.
- September 4, 2012 City Commission approves Ordinance Nos. 6963 and 6964 annexing and rezoning **THE RESERVE ADDITION, FROM** County R-PUD, Residential Planned Unit Development District, to R-S, Single-Family Residential Suburban District.
- October 15, 2012 Manhattan Urban Area Planning Board approves the Final Plat of The Reserve Addition.
- December 18, 2012 City Commission accepts easements and rights-of-way as shown on The Reserve Addition and authorizes execution of restrictive covenant on the travel easements.

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 the proposed lot sizes conform to the minimum requirements of the R-3 District. The R-3 District is designed to provide for multiple-family development at a density no greater than one (1) dwelling unit per 1,000 square feet. Tract I of the Merion Addition consists of three (3) multiple-family lots, proposed to have 18-unit apartment buildings constructed on them. These lots will range from approximately 1.77 acres (77,239 square feet) to 2.5 acres (97,923 square feet) in size. The net density of these lots is to be 2.05 dwelling units per net acre.

In addition, the proposed Preliminary Plat of the Merion Addition identifies easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations. These easements will be implemented through the Final Plat process proceeding after the rezoning and Preliminary Plat process is complete.

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

There appears to be no gain to the public that denial of the rezoning of the subject site would accomplish. There is no adverse affects expected on the public health, safety and welfare as a result of

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the rezoning. A separate application was submitted for approval of a Preliminary Plat of the Merion Addition, which is a replat of a portion of The Reserve Addition. The Plat will conform to the proposed rezoning request. It may be a hardship upon the owner if the rezoning is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available. These factors along with the storm water drainage plan for the area are specifically addressed in the Preliminary Plat of the Merion Addition (*See Preliminary Plat staff report*).

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Tract I from R-S, Single-Family Residential Suburban District, to R-3, Multiple-Family Residential District based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Tract I from R-S, Single-Family Residential Suburban District to R-3, Multiple-Family Residential District stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the 6.57 acre Tract I in the proposed Merion Addition from R-S, Single-Family Residential Suburban District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report.

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

DATE: June 18, 2014

CB/vr
14024}SR}MerionAdd}RStoR3.docx

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

The proposed Merion Addition is to consist of thirty (30) single-family lots and three (3) multiple-family lots.

FROM: R-S, Single-Family Residential Suburban District

TO: R-1, Single-Family Residential District

APPLICANT: SMH Consultants – Jeff Hancock on behalf of the owners; Fieldhouse Development, Inc. – Zac Burton

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

OWNERS: Fieldhouse Development, Inc. – Zac Burton

ADDRESS: 3120 Seth Child Road, Manhattan, KS 66503

LEGAL DESCRIPTION: Generally, a tract of land consisting of Lots 4 and 5, The Reserve Addition (*see attached legal description for full details*). For the purpose of the request, the subject site shall be referred to as Tract II. (Tract I will refer to a concurrent request to rezone an area to R-3, Multiple-Family Residential District)

LOCATION: Generally located southwest of the intersection of Player's Terrace and Bellerive Drive, along the west side of Colbert Hills Golf Course.

AREA: 22.83 acres

DATE OF NEIGHBORHOOD MEETING: May 8, 2014

DATE OF PUBLIC NOTICE PUBLICATION: June 16, 2014

DATE OF PUBLIC HEARING: PLANNING BOARD: July 7, 2014
CITY COMMISSION: August 5, 2014

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Vacant land originally rezoned to R-S, Single-Family Residential Suburban District and proposed to be developed as large, single-family residential lots.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Open pasture with native grass cover on the flatter portions and heavily wooded steeply sloped ravines, at up to a 30 percent grade. Tract II is an irregular shaped area bounded on the north by land within the proposed development and on the east by the Colbert Hills Golf Course. Open range land and pasture in Riley County adjoins the west sides of Tract II. To the south of Tract II are the portions of the approved Reserve Addition, which will remain unchanged from the original rezoning and Final Plat, consisting of three (3) large single family lots gaining access from Purple Astor Place, off Grand Mere Parkway. Tract II naturally drains to the west and south, eventually to Wildcat Creek. Please refer to the Preliminary Plat of Merion Addition for the proposed drainage plan.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Vacant land within the proposed development, Colbert Hills Golf Course and Riley County range land; R-S District and County G-1, General Agriculture District.

SOUTH: The Reserve Addition, a low density single-family development (Lots 1-3) and Riley County range land; R-S District and County G-1, District.

EAST: Colbert Hills Golf Course and developing multiple-family, two-family and single-family dwellings; R-S District and R-3, Multiple-Family Residential District, and R-2, Two-Family Residential District.

WEST: Riley County range land: County G-1, District.

4. GENERAL NEIGHBORHOOD CHARACTER: Tract II abuts the western edge of the Colbert Hills Golf Course. The general character of the neighborhood is a mixture of golf course and a developing multiple-family, two-family and single-family density residential neighborhood within a comprehensively planned neighborhood in the City.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site was rezoned to R-S District and preliminary platted in September, 2012. The Final Plat of The Reserve was approved in December, 2012 to create seven (7) large lot, single-family homes. Tract II is suitable under its current zoning district of R-S, Single-Family Residential Suburban District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The current zoning district is R-S, Single-Family Residential Suburban District, which allows for single-family detached dwellings on a minimum lot area of 20,000 square feet.

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The applicant has proposed to replat Lots 4 – 7, The Reserve, to be known as Merion Addition. The proposed replat will redesign the layout of the lots and public rights-of-way, and is proposed to be rezoned to R-1, Single-Family Residential District. The proposed concurrent rezoning to R-3, Multiple-Family Residential District will occur on the northern edge of the proposed development.

The proposed rezoning to R-1 District permits single-family detached homes. The minimum lot area for a single-family dwelling is 6,500 square feet per dwelling unit. Details of the R-1 District's requirements can be found in the Zoning Regulations (*See attached*). The proposed lots in the Preliminary Plat of Merion Addition that are to be rezoned to the R-1 District range in lot area from 0.35 acres to 2.38 acres. The note on the Preliminary Plat states that the net density of this area will be approximately 0.675 dwelling units per net acre.

The surrounding neighborhood is a mixture of the rural range land, Colbert Hills Golf Course, multiple-family dwellings, including two (2) apartment buildings, four-family dwellings, single-family attached and single-family detached homes, some of which are on large, estate lots. The large estate lots are located to the south of the proposed Merion Addition.

The area will also be required to conform to the private Grand Mere architectural guidelines and design standards. A private design review committee is responsible for enforcement of the Grande Mere guidelines and standards (*see policy statement below under Comprehensive 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 Community Master Plan policies, which was adopted as a part of the Manhattan Urban Area Comprehensive Plan.

As required by the rezoning application process, a neighborhood meeting was conducted by the applicant on May 18, 2014. The meeting summary stated that one (1) person was in attendance and “expressed concerns about the integrity and existing barbed wire fence that abuts the proposed project and making sure the fence remains intact to control livestock.” The meeting attendee also “expressed concerns about the potential for property owners to trespass on his property and ‘throw things over the fence’ like grass clippings” and his plan to continue burning the pasture as needed to control the health of his pastures.

As with any new greenfield urban development, an increase in traffic, noise and light can be expected; however it will be similar in nature to the development directly to the east. Drainage is being addressed through the Grand Mere master drainage plan. The proposed development will have no vehicular access to the properties to the west.

The proposed rezoning for the area from R-S District to R-1 District will be compatible with nearby properties and should not have any detrimental effects on these nearby properties.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

The Merion Addition is shown on the future land use map in the northwest planning area as Residential Low/Medium Density, RLM. Applicable RLM policies (*in italics*) of the Comprehensive Plan include:

Residential Low/Medium Density (RLM)

RLM 1: Characteristics

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

RLM 2: Appropriate Density Range

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

RLM 3: Location

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

Grand Mere Community Master Plan

The Grand Mere Community Master Plan was originally adopted in April 2000 and was incorporated into the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the entirety of Grand Mere, which identifies Tract II as Single Family #3, 20.3 acres, see below under Residential Types for the RLM description.

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

Grand Mere, a Master Planned Golf Course Community

PROJECT INTENT

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

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

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

5 KEY DESIGN CONCEPTS

1. Create a high quality residential community

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

2. Integrate the Natural Environment

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

3. Offer a Variety of Residential Living

Offer a wide range of residential products and lot types to address the market demands of the well informed and upscale consumer. An integrated community of many housing types will help to provide an interesting streetscape, a quality neighborhood texture, and a sustainable development.

4. Create a Pedestrian/Bicycle System

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

III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY

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

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

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

Throughout the plan, connecting open space systems, sidewalks and bike trails provide pedestrian connections between residential neighborhoods, public amenities and the neighborhood services. These are planned connections to occur in a variety of types and

locations. As each phase of development is planned in detail, the specific pedestrian connections will be part of each village plat and relate back to the overall Circulation Parks & Open Space Plan.

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

A. Residential Neighborhoods

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

Residential Types: The Merion Addition, including the site to be rezoned to R-3 District is designated as Single Family # 3, Single Family (RLM), in the Grand Mere Master Plan. RLM is described as:

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

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

M. Current School District Boundaries

The school district boundary between Manhattan U.S.D. 383 and Riley County U.S.D. 378 divides Grand Mere into east and west jurisdictions crossing the property beginning at the S.W. Corner of Section 3-10-7 and continuing north to the N.W. Corner of Section 3-10-7.

The designation of the site on the Future Land Use map of the Comprehensive Plan is similar to the Grand Mere Community Master Plan, created in 2000. The area was annexed and zoned to R-S District and platted for large lot single-family homes in 2012.

Tract II of the proposed preliminary plat of the Merion Addition has a net density of 0.675 dwelling units per net acre. The overall density of the proposed residential development is to be 0.80 dwelling units per net acre (*See concurrent R-3 District rezoning staff report for details of that request*). The Comprehensive Plan suggests that less than one, up 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 Merion Addition conforms to the policies of the Grand Mere Community Master Plan and the Manhattan Urban Area Comprehensive Plan.

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

- | | |
|-----------------|---|
| August 7, 1997 | Riley County Commission approved Preliminary Development Plan of Colbert Hills and The Wildcat PUD (<i>Grand Mere</i>), County R-PUD. |
| August 14, 1997 | Riley County Commission approved Final Development Plan. |
| August 6, 2012 | Manhattan Urban Area Planning Board considered annexation and held the public hearings to consider the rezoning of the |

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proposed The Reserve Addition, from County R-PUD, Residential Planned Unit Development District, to R-S, Single-Family Residential Suburban District, and recommended approval of annexation and rezoning as proposed. The Board also held a public hearing on the Preliminary Plat of The Reserve Addition and approved the Plat.

- August 21, 2012 City Commission approves first reading of ordinances annexing and rezoning The Reserve Addition, from County R-PUD, Residential Planned Unit Development District, to R-S, Single-Family Residential Suburban District.
- September 4, 2012 City Commission approves Ordinance Nos. 6963 and 6964 annexing and rezoning The Reserve Addition, from County R-PUD, Residential Planned Unit Development District, to R-S, Single-Family Residential Suburban District.
- October 15, 2012 Manhattan Urban Area Planning Board approves the Final Plat of The Reserve Addition.
- December 18, 2012 City Commission accepts easements and rights-of-way as shown on The Reserve Addition and authorizes execution of restrictive covenant on the travel easements.

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 the proposed lot sizes conform to the minimum requirements of the R-1 District. The R-1 District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet.

Tract II of the Merion Addition consists of thirty (30) single-family lots. These lots will range from approximately 0.35 acres (15,421 square feet) to 2.38 acres (103,575 square feet) in size. The net density of these lots is to be 0.675 dwelling units per net acre.

In addition, the proposed Preliminary Plat of the Merion Addition identifies easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations. These easements will be implemented through the Final Plat process proceeding after the rezoning and Preliminary Plat process is complete.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial of the rezoning of the subject site would accomplish. No expected adverse affects on the public health, safety and welfare as a result of the rezoning. A separate application was submitted for approval of a Preliminary Plat of the Merion Addition, which is a replat of The Reserve. The Plat will conform to the proposed rezoning request. It may be a hardship upon the owner if the rezoning is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available. These factors along with the storm water drainage plan for the area are specifically addressed in the Preliminary Plat of the Merion Addition (*See Preliminary Plat staff report*).

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Tract II from R-S, Single-Family Residential Suburban District, to R-1, Single-Family Residential District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Tract II from R-S, Single-Family Residential Suburban District, to R-1, Single-Family Residential District stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the 22.83 acre Tract II in the proposed Merion Addition from R-S, Single-Family Residential Suburban District, to R-1, Single-Family Residential District, based on the findings in the Staff Report.

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

DATE: June 25, 2014

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INTER-OFFICE MEMORANDUM

DATE: July 9, 2014

TO: Manhattan Urban Area Planning Board

MEETING DATE: July 21, 2014

FROM: Chad Bunger, AICP, CFM, Senior Planner

RE: Amend Manhattan Zoning Regulations, Article IV, District Regulations, to Add Hospital as a Conditional Use in the C-1, Restricted Business District.

BACKGROUND

Action Pact Design, on behalf of Jeff Mathis, contacted City Administration about establishing a hospital at 720 Poyntz Avenue, devoted to inpatient care of young adults with mental health issues (*see attached letter and application information*). According to the application documents, the proposal is to renovate/rehabilitate the existing structures at the property to establish an outpatient professional office for psychiatrists and psychologist in the main house (nearest Poyntz Avenue) and an inpatient treatment facility that would be a licensed hospital for up to three patients on a short-term basis in the carriage house (northeast structure). The existing garage (northwest structure) would remain for storage.

An outpatient doctor's office is a Permitted Use in the C-1 District as a Business and Professional Office. However, a Hospital, with inpatient care is not a Permitted or Conditional Use in the C-1 District. City Administration recommended a text amendment to add Hospitals as a Conditional Use in the C-1 District.

The term Hospital is defined in the Manhattan Zoning Regulations as follows:

“HOSPITAL: A public or private institution primarily designed, intended or used for inpatient health services, including medical or surgical care to persons suffering illness, and injury and disease.”

Hospitals are a Permitted Use in the I-5, Business Park District and a Conditional Use in the R-1, Single-Family Residential District; R-2, Two-Family Residential District; R-3, Multiple-Family Residential District; and the R-4, General Residential District. Currently, the two hospitals in Manhattan are located in the R-1 District (Via Christi) and the R-3 District (Lafene Student Health at Mercy Health Center).

As noted above, hospitals are not a permitted in the C-1, Restricted Business District; however, outpatient medical offices are permitted under the term Business and Professional Offices which are defined as: “The office of an engineer, dentist, doctor, attorney, real-estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.”

AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS

When a proposed amendment results in a change to the text of the Zoning Regulations, the report from the Planning Staff shall contain a statement as to the nature and effect of the proposed amendment, and determinations as to the following issues.

1. WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS

The general 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 protect property values.

The intent of the C-1 District is to provide for non-retail commercial, and business and professional activities adjacent to arterial and collector streets. This district is intended to be compatible with adjacent residential districts (*C-1 District regulations attached*).

The proposed text amendment is consistent with the intent and purpose of the C-1 District. Both of the existing hospitals are located within a residential district through a Conditional Use Permit. The C-1 District is intended to be compatible with adjacent residential districts. Logically, if a hospital is appropriate through the Conditional Use process in a residential district, it would be similarly appropriate to occur through a Conditional Use process in the adjacent C-1 District, which already allows doctors offices.

There does not appear to be any essential characteristic about a hospital, which would adversely affect Permitted or Conditional Uses or property values within the C-1 District. The Conditional Use process will require a site specific review of a specific hospital proposal, through a public hearing process in which nearby property owners are noticed of

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the hearing, so that their concerns can be heard. The Board of Zoning Appeals must make written findings of fact regarding the following seven (7) standards when considering a Condition Use:

- (A) The proposed conditional use complies with all applicable provisions of these regulations, including lot size requirements, bulk regulations, use limitations, and performance standards.
- (B) The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- (C) The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - (1) The location, nature and height of buildings, structures, walls and fences on the site, and
 - (2) The nature and extent of landscaping and screening on the site.
- (D) Off-street parking and loading areas will be provided in accordance with the standards set forth in Article VII of these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
- (E) Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- (F) Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
- (G) Any other standards for conditional uses that are specifically identified in these regulations.

In granting a Conditional Use, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards, and to carry out the general purpose and intent of the Zoning Regulations. Failure to comply with all of the conditions, safeguards and restrictions placed on a Conditional Use constitutes a violation of the Zoning Regulation and the Conditional Use Permit.

2. AREAS WHICH ARE MOST LIKELY TO BE DIRECTLY AFFECTED BY SUCH CHANGE AND IN WHAT WAY THEY WILL BE AFFECTED

The C-1 District is found throughout the city. The largest C-1 District is found along Poyntz Avenue, generally from 6th Street, to 17th Street. Other C-1 Districts can be found sporadically along arterial and collector streets.

In addition to the properties being affected by the proposed text amendment to the C-1 District, adjacent residential districts could be affected. The review and approval process of the Conditional Use by the Board of Zoning Appeals should mitigate any adverse impacts that may affect adjacent residential and commercial properties. Generally the Board of Zoning Appeals evaluates the impact on adjacent properties by reviewing the size and location of the proposed use, parking requirements, landscaping and screening as per the Conditional Use standards noted above.

No adverse impacts are anticipated on any of the C-1 Districts that will not be fully evaluated through the Conditional Use process.

3. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN THE AREAS AND ZONING DISTRICTS AFFECTED, OR IN THE CITY PLANNING AREA, GENERALLY, AND IF SO, THE NATURE OF SUCH CHANGED OR CHANGING CONDITIONS

The proposed location of the applicant's mental health hospital cannot be accommodated by the C-1 District because it is not currently listed as a Permitted or Conditional Use in the District. Generally, there have not been changes in the zoning district and surrounding areas, but rather the desire of the applicant to utilize a specific property in the proposed manner to address a community need.

4. WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICY AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY

Attachment No. 3

The Comprehensive Plan identifies areas zoned C-1 District as the Office-Research Park (OFF/RP) category, which is generally located along arterial and collector streets. The land uses in the OFF/RP category are described as “high quality employment facilities for uses such as office headquarters, research and development facilities, and educational facilities, as well as locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations.” The policies of the OFF/RP designation generally refer to campus like settings with open spaces and common spaces. The policies do recognize that the C-1 District in the Poyntz Avenue Corridor from 17th Street to Juliette Avenue has special characteristics for business uses.

A hospital would match the land uses intended for the OFF/RP designation and the location of all current C-1 Districts are along arterial or collector streets. The proposed text amendment to add Hospitals as a Conditional Use to the C-1 District is in conformance with the policies of the Comprehensive Plan.

ALTERNATIVES

It appears the MUAPB has the following alternatives concerning the issue at hand. The board may:

1. Recommend approval of the proposed amendment to the City Commission, based on the reasons in the Staff Memorandum.
2. Recommend denial of the proposed amendment to the City Commission, based on specific reasons.
3. Modify the proposed amendment and forward the modifications, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, and provide further direction to City Administration and the applicant.

RECOMMENDATION

City Administration recommends approval of the amendment to the Manhattan Zoning Regulations to amend Article IV, District Regulations, to add hospitals as a Conditional Use to the C-1, Restricted Business District, based on the reasons in the Staff Memorandum.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board recommends approval of the amendment to the Manhattan Zoning Regulations to amend Article IV, District Regulations, to add hospitals as a Conditional Use to the C-1, Restricted Business District, based on the findings in the Staff Memorandum.

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