



MINUTES
CITY COMMISSION MEETING
TUESDAY, OCTOBER 21, 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, and Richard B. Jankovich 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, 9 staff, and approximately 20 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Butler led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Butler proclaimed November 11, 2014, ***Veterans Day***. Dave Ekart, President, Flint Hills Veteran's Coalition, was present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Reddi informed the community that citizens can vote in advance, in person, or on Election Day. She stated there is a sample ballot and additional election information on the Riley County Election website. She voiced her support for the Kansas City Royals playing in the first game of the World Series tonight.

Commissioner McCulloh invited the community to attend a Soup Supper at the Riley County Senior Center on Thursday, October 23, 2014, from 5:00 p.m. to 6:30 p.m. to enjoy delicious soups from local restaurants and participate in a silent auction. She stated that Jim Sharp's presentation and discussion on his book "Sgt. of the Guard at Nuremberg" on Saturday, October 11, 2014, was fascinating and encouraged everyone to see the prison door from Nuremberg and view the new exhibit, "Flint Hills Forces: The Shaping of Manhattan, Fort Riley and Kansas State University", at the Flint Hills Discovery Center.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, October 7, 2014.

CLAIMS REGISTER NO. 2772

The Commission approved Claims Register No. 2772 authorizing and approving the payment of claims from October 1, 2014, to October 14, 2014, in the amount of \$5,275,491.23.

LICENSE

The Commission approved annual Cereal Malt Beverages On-Premises License for Happy Valley, 2307 Tuttle Creek Boulevard.

FINAL PLAT – TURNBERRY ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Turnberry Addition, generally located northeast of the intersection of Grand Mere Parkway and Colbert Hills Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – MERION ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Merion Addition, generally located southwest of the intersection of Player's Terrace and Bellerive Drive, along the west side of Colbert Hills Golf Course, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 7096 – VACATE RIGHT-OF-WAY – SOUTH 8TH AND SOUTH 9TH STREET (HOWIE'S RECYCLING)

The Commission approved Ordinance No. 7096 vacating portions of South 9th Street from Fort Riley Boulevard to Fair Lane; vacating South 8th Street from Fair Lane to the Union Pacific Railroad right-of-way; and establishing a utility easement of said vacated public right-of-way.

* **ORDINANCE NO. 7097 – REZONE – MERCY REGIONAL HEALTH CENTER**

Commissioner Jankovich stated that he would be abstaining from this item due to a business conflict of interest.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 7097 – REZONE – MERCY REGIONAL HEALTH CENTER (CONTINUED)**

The Commission approved Ordinance No. 7097 rezoning the Mercy Regional Health Center, generally located southwest of the intersection of Kimball Avenue and College Avenue, from R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 1*) with the 12 conditions as recommended by the Manhattan Urban Area Planning Board.

ORDINANCE NO. 7098 – 2015 SERVICE FEES – AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT

The Commission approved Ordinance No. 7098 continuing the establishment of the Aggieville Business Improvement District, amending the boundaries, increasing the number of members from six to seven, and increasing and levying Business Improvement Service Fees for 2015 on businesses located within the Aggieville Business Improvement District.

ORDINANCE NO. 7099 – 2015 SERVICE FEES – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

The Commission approved Ordinance No. 7099 levying Business Improvement Service Fees for 2015 on businesses located within the Downtown Business Improvement District.

ORDINANCE NO. 7100 – REASSESS/RELEVY SPECIAL ASSESSMENTS – COLBERT HILLS, UNIT FOUR

The Commission approved Ordinance No. 7100 reassessing and/or re-levying special assessments applicable to the Colbert Hills, Unit Four, Addition.

ORDINANCE NO. 7101 – REASSES/RELEVY SPECIAL ASSESSMENTS – STONE VALLEY, UNIT 2

The Commission approved Ordinance No. 7101 reassessing and/or re-levying special assessments applicable to the Stone Valley, Unit 2, Addition.

ORDINANCE NO. 7102 – NAME FRONTAGE ROAD – FORT RILEY LANE

The Commission approved Ordinance No. 7102 authorizing the naming of an existing frontage road along the south side of Fort Riley Boulevard from South Delaware Avenue to the western end of the frontage road and designating it “Fort Riley Lane.”

CONSENT AGENDA (CONTINUED)

FIRST READING – RENAME STREET – TECHNOLOGY CIRCLE TO DRY HOP CIRCLE

The Commission approved first reading of ordinance authorizing the renaming of Technology Circle and designating it “Dry Hop Circle.”

RESOLUTION NO. 102114-A – SET BOND SALE DATE; FIRST READING – ISSUE GENERAL OBLIGATION BONDS SERIES 2014-C

The Commission approved Resolution No. 102114-A setting November 18, 2014, as the date to sell \$3,940,000.00 in general obligation bonds (Series 2014-C) and first reading of an ordinance issuing \$3,940,000.00 in general obligation bonds.

RESOLUTION NO. 102114-B – DISPOSAL OF ASSETS

The Commission approved Resolution No. 102114-B authorizing the disposal of three City vehicles as surplus property.

* **RESOLUTION NO. 102114-C – PETITION – GRAND MERE PARKWAY EXTENSION, PHASE 1 (ST1411)**

Commissioner Jankovich stated that he would be abstaining from this item due to a business conflict of interest.

The Commission found the petition sufficient; approved Resolution No. 102114-C finding the project advisable and authorizing construction; and authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$107,727.50 with SMH Consultants, of Manhattan, Kansas, to perform professional services for the Extension of Grand Mere Parkway, Phase 1 improvements (ST1411).

ADDENDUM – AIRPORT TERMINAL EXPANSION, PHASE TWO (CIP #AP040P, AIP 46)

The Commission authorized the Mayor and City Clerk to execute the Addendum to the construction contract with The Weitz Company, LLC, of Lenexa, Kansas, for Phase Two of the Passenger Terminal (CIP #AP040P, AIP 46) at the Manhattan Regional Airport.

AWARD CONTRACT – ENCLAVE ADDITION – SANITARY SEWER (SS1411), STREET (ST1410), AND WATER (WA1409) IMPROVEMENTS

The Commission accepted the Engineer’s Opinion of Probable Cost in the amount of \$887,859.90; awarded a construction contract in the amount of \$566,494.00 to Larson Construction, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Enclave Addition Sanitary Sewer (SS1411), Street (ST1410), and Water (WA1409) Improvements.

CONSENT AGENDA (CONTINUED)

REJECT BIDS – 17TH STREET AND YUMA STREET INTERSECTION IMPROVEMENTS (CD1313, ST1322)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$160,893.00; rejected all bids; and authorized City Administration to rebid the 17th and Yuma Streets Intersection Improvements Project (CD1313, ST1322) at a later date.

AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 2521 BROCKMAN STREET

The Commission accepted bids for 2521 Brockman Street; awarded the bid to the lowest responsible bidder; authorized the Mayor and City Clerk to enter into agreements with the contractor, Ben Kitchens Painting Co., Inc., of Junction City, Kansas, in the amount of \$23,980.00, and property owner for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

After discussion, Commissioner McCulloh moved to approve the consent agenda. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 4-0, with the exception of Item G, ORDINANCE NO. 7097 – REZONE – MERCY REGIONAL HEALTH CENTER, and Item O, RESOLUTION NO. 102114-C – PETITION – GRAND MERE PARKWAY EXTENSION, PHASE 1 (ST1411), which carried 3-0-1, with Commissioner Jankovich abstaining on both items.

GENERAL AGENDA

FIRST READING - REZONE - ABBOTT LANDING SHOPPING CENTER PUD

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

Rob Ott, Director of Public Works, responded to questions from the Commission regarding the proposed rezoning site map, street routes, traffic concerns, and drainage.

Eric Cattell, Assistant Director for Planning, responded to additional questions related to the drainage report, current storage units, and the proposed rezoning.

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

GENERAL AGENDA (CONTINUED)

FIRST READING - REZONE - ABBOTT LANDING SHOPPING CENTER PUD (CONTINUED)

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance rezoning the Abbott Landing Shopping Center, generally located northeast of McCall Road and Hayes Drive, from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 2*) with the 15 conditions as recommended by the Manhattan Urban Area Planning Board. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 4-0.

FIRST READING - AMEND - MANHATTAN CROSSING PLANNED UNIT DEVELOPMENT (PUD)

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission regarding signage, area improvements for water drainage, and proposed sidewalks.

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance amending Ordinance No. 7005 and the Final Development Plan of Manhattan Crossing Planned Unit Development, generally located northeast of the Tuttle Creek Boulevard Frontage Road and Sarber Lane, based on the findings in the Staff Report (*See Attachment No. 3*), subject to the three (3) conditions of approval recommended by the Planning Board. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 4-0.

FIRST READING - FRANCHISE AGREEMENT - IDEATEK

Jason Hilgers, Deputy City Manager, provided an overview of the proposed franchise agreement, highlighted a map showing the proposed locations to install Distributed Antenna Systems (DAS), and presented background information on the request. He then responded to questions from the Commission regarding discussions with other cities and similar agreements with IdeaTek.

Jill Droge, Director of Sales and Marketing, IdeaTek, provided additional information on the item and informed the Commission that this is fairly new technology. She stated that the poles are just starting to go up in other communities and the feedback from other communities has been very good.

GENERAL AGENDA (CONTINUED)

FIRST READING - FRANCHISE AGREEMENT – IDEATEK (CONTINUED)

Jason Hilgers, Deputy City Manager, responded to questions from the Commission and provided additional information on the length of the franchise agreement.

Jill Droge, Director of Sales and Marketing, IdeaTek, provided additional information on the item and responded to questions from the Commission regarding their company, roaming agreements, and infrastructure to be installed. She stated that their company would work with the City Engineer to ensure proper placement of the system and would use existing poles, when possible, and would need to install new poles in some areas.

Jason Hilgers, Deputy City Manager, informed the Commission that an analysis would be conducted in the field regarding using existing or installing new poles. He provided additional information on the City's desire to keep the connections underground, when possible. He also provided additional information on the total number of poles and on the franchise agreement.

Jill Droge, Director of Sales and Marketing, IdeaTek, stated that they would communicate with property owners and have created door hanger notifications in other communities. She responded to additional questions from the Commission and stated that their company would be responsible for any repairs or replacements.

Mayor Butler opened the public comments.

Evan Parsons, 3005 Shane Creek Lane, voiced concern about poles in the alleys and asked if there are plans to use existing poles to feed towers.

Jill Droge, Director of Sales and Marketing, IdeaTek, stated that their company would use existing poles where they can and would take the least disruptive option.

Evan Parsons, 3005 Shane Creek Lane, asked if the City has enough clout to stop the use of overhead lines if IdeaTek decides it's easier to go overhead, rather than install underground lines.

Jason Hilgers, Deputy City Manager, informed the Commission that the City Engineer and the City Forester would work with IdeaTek to create a feasible alternative that provides adequate service for IdeaTek, while ensuring the least amount of infringement on the neighborhood. He then responded to additional questions regarding the franchise agreement and pole permitting process.

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

GENERAL AGENDA (*CONTINUED*)

FIRST READING - FRANCHISE AGREEMENT – IDEATEK (*CONTINUED*)

After additional discussion and comments from the Commission, Commissioner McCulloh moved to approve first reading of an ordinance authorizing a competitive infrastructure provider and telecommunications services franchise with IdeaTek Telcom, LLC. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 4-0.

ADDENDUM AND RECOMMENDED PROJECTS - CITY/UNIVERSITY

Kiel Mangus, Assistant City Manager, presented an overview of the item. He highlighted the two new steps to be incorporated in the City/University Agreement; discussed the length of time and date changes proposed; and provided an overview of the recommended City/University projects, including the North Manhattan Avenue Improvements and the City Park/Aggieville Parking Lot project.

Rob Ott, Director of Public Works, provided information on the North Manhattan Avenue Improvements planned and project timeline. He then responded to questions from the Commission.

Ron Fehr, City Manager, provided additional information on the North Manhattan Avenue project and future project funding.

Kiel Mangus, Assistant City Manager, provided clarification on the multi-year funding anticipated for the North Manhattan Avenue project. He provided additional information on the City Park/Aggieville Parking Lot project and stated that this project would also address drainage issues in the area. He then responded to questions from the Commission regarding broken glass and the need for additional trash cans in the area.

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

After additional discussion and comments from the Commission, Commissioner Reddi moved to approve the City/University Fund First Addendum, authorize City Administration to finalize and the Mayor and City Clerk to execute the First Addendum, and approve the recommendation of City projects totaling \$355,000.00 in the City/University Special Projects Fund to Kansas State University. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA (CONTINUED)

DISCUSSION ITEM: DESIGN - WEST ANDERSON AVENUE IMPROVEMENTS (ST0810)

Rob Ott, Director of Public Works, presented an overview and background information on the proposed West Anderson Transportation Expansion Project from Anneberg Park to Scenic Drive. He highlighted the scope of improvements to be completed, traffic analysis considerations, proposed project phasing, construction costs estimates and additional funding expenditures, additional tasks to be completed, pending development considerations for the northeast corner of Kimball Avenue/Scenic Drive and Anderson Avenue and requests, right-of-way areas identified by BG Consultants, potential funding options to consider, and additional considerations and recommendations. He then responded to questions regarding proposed and existing sidewalks, approximate project construction costs and timeline, potential funding options to consider, and provided past examples of benefit districts used for Shuss Road and McCall Road improvements. He stated that BG Consultants recommendation was to install a traffic signal at Anderson Avenue and Scenic Drive.

Ron Fehr, City Manager, and Rob Ott, Director of Public Works, provided considerations and processes that could be used to create a benefit district. They also discussed possible funding sources and stated that state funds for geometric improvements would not be eligible at this intersection.

Tom Bennett, BG Consultants, provided background information on the study conducted earlier by BG Consultants for the West Anderson Avenue alignment. He responded to questions from the Commission and stated that at the time of the study, roundabouts were not so well thought of and the recommendation was to have a signalized intersection at Scenic Drive and Anderson Avenue. He informed the Commission that perhaps a roundabout could be looked at again as a possible alternative at this location.

Rob Ott, Director of Public Works, responded to additional questions from the Commission. He stated that a lot of the right-of-way was acquired by the Riley County Engineer in the 1980's.

Mayor Butler opened the public comments.

Keith Westervelt, Chief Executive Officer (CEO)/President, Blueville Nursery, Inc., provided background information about his company and number of employees. He stated that Blueville Nursery is not in the city limits, that the City is missing additional sales tax revenue from his business, and that the other three corners of this intersection at Kimball Avenue/Scenic Drive and Anderson Avenue are in the city limits. He informed

GENERAL AGENDA (CONTINUED)

DISCUSSION ITEM: DESIGN - WEST ANDERSON AVENUE IMPROVEMENTS (ST0810) (CONTINUED)

the Commission that their current second driveway is not lined up with Anderson Avenue and voiced concern for safety at this location. He stated that he would be willing to discuss being annexed into the city, provided that the City widens Anderson Avenue in front of his business due to safety considerations.

Neil Horton, Scenic Crossings, LLC, property owner in the northeast corner of the future development area, asked the Commission to consider vacating a portion of the excess right-of-way in the northeast quadrant of the intersection of Anderson Avenue and Kimball Avenue/Scenic Drive for the future development and to put this portion of land back on the tax rolls. He informed the Commission that he was aware of the design work completed earlier by BG Consultants and discussed the importance of preparing for growth at this intersection. He stated that he would present official information later this year or the first of the year on the proposed development. He encouraged the Commission to become more familiar with options presented from engineers and to move forward with a decision on a parallel basis.

Rod Harmes, 101 Waterbridge Road, informed the Commission that he uses the Anneberg entrance to access his property. He stated that there have been a lot of fender bender accidents at the Anneberg Park entry and that the area has experienced significant increases in traffic. He stated that time is of the essence and encouraged the Commission to move this project forward.

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

After discussion and comments from the Commission, Rob Ott, Director of Public Works, responded to questions from the Commission. He provided additional information on new and proposed development in the area, design standards, funding options, right-of-way, and recommended that BG Consultants be engaged to provide updated information for the Commission.

Ron Fehr, City Manager, stated that additional analysis would need to be completed with assistance from a paid consultant to further evaluate and design the intersection, right-of-way, and updated project information.

After additional discussion and comments from the Commission, Ron Fehr, City Manager, and Rob Ott, Director of Public Works, informed the Commission that based on feedback received, Public Works staff would work on providing concept sketches, and would bring the item back to a future work session.

GENERAL AGENDA (CONTINUED)

**DISCUSSION ITEM: DESIGN - WEST ANDERSON AVENUE IMPROVEMENTS
(ST0810) (CONTINUED)**

As this was a discussion item, no formal action was taken on the item.

ADJOURNMENT

At 9:25 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: R-1, Single-Family Residential District

TO: PUD, Commercial Planned Unit Development

The PUD is referred to as the Mercy Regional Health Center

OWNERS/APPLICANT: Mercy Regional Health Center, Inc. – John Broberg, Senior Administrator

DATE OF NEIGHBORHOOD MEETING: July, 17, 2014

DATE OF PUBLIC NOTICE PUBLICATION: August 25, 2014

DATE OF PUBLIC HEARING: PLANNING BOARD: September 15, 2014
CITY COMMISSION: October 7, 2014

LEGAL DESCRIPTION: The site is an unplatted tract in Section 12, Township 10 South, Range 7 East.

LOCATION: Generally located to the southwest of the intersection of Kimball Avenue and College Avenue

AREA: Twenty-one (21) acres.

PROPOSED USES: Hospital, administrative building, helicopter landing pad, ambulatory surgical center and a new medical office building. No changes to the existing hospital or ambulatory surgical center are proposed. The application materials state that the new medical office building is anticipated to conduct business during the hours of 7:00 am to 7:00 pm, Monday through Friday. An Urgent Care Service may be open later in the evening during the week and over the weekend. Approximately 140 employees are anticipated to work in the new building.

PROPOSED BUILDINGS AND STRUCTURES: The PUD includes the existing Mercy Regional Hospital and a storage building, and Manhattan Surgical Center, the existing air ambulance helicopter landing pad, off-street parking lots and landscaping.

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The existing hospital is a three-story cast concrete structure on the southern half of the site with a footprint of approximately 121,000 square feet in area. There is also a one-story, 1,200 square foot storage building located to the west of the main hospital building. The hospital and surrounding site improvements were approved through a Conditional Use by the Board of Zoning Appeals, the most recent being in May, 2000 for the eastern addition. A variance was also approved at that time to allow for the building to exceed the maximum thirty-five foot building height limit. The building is approximately forty-five (45) feet tall. A Variance was also approved to allow more and larger signs for the hospital than what would be allowed in the current R-1, Single-Family Residential District.

The Manhattan Surgical Center is a one-story structure on the northeast corner of the site with a footprint of approximately 33,000 square feet. A Conditional Use was approved in 1999 to construct the Manhattan Surgical Center, with additional Conditional Use approvals in 2007 and 2009 to allow for building expansions.

A proposed medical office building with 70,000 square foot of floor area is to be constructed on the northwest corner of the site where the former St. Joseph Retirement and Nursing Home was located. The new building will be three (3) stories in height and constructed of precast concrete and metal accent panels. All three (3) floors will be office space to be finished by the various medical practice tenants. The entrance to the building will face south towards the new and existing off-street parking lot.

The application documents state that, due to existing power poles and lines, the building may be reduced in size and location. The applicant is pursuing burying and/or relocating these existing lines along Kimball Avenue. If this cannot occur, the building will need to be reduced in size and moved south to be away from the existing power poles and lines. The decision will be finalized prior to submitting for the Final Development Plans. The request to rezone the site to PUD, Commercial Planned Unit Development and the review of the Preliminary Development Plan is based on a new medical office building with a floor area of 70,000 square feet.

Two-Hundred Ninety-Eight (298) parking stalls are to be created with the proposed medical office building. With this additional parking, eight-hundred forty-five (845) off-street parking stalls will be located on the site. A note on the PUD site plan states that the PUD site has an existing agreement with Kansas State University to share 250 parking stalls in the football stadium parking lot to the east of the PUD site during non-game days. These parking spaces are not included in the site parking calculation.

PROPOSED LOT COVERAGE

Use	Square Feet	Percentage
Building	181,387	20.6%
Paved Area (Parking, Driveways & Sidewalks)	431,917	49.0%
Landscape & Manicured Lawn Area	268,740.8	30.4%
Total Open Space		30.4%
Total Impervious		69.6%

EXISTING SIGNS

In April 2000, the applicant was granted a Variance to allow an increase in the maximum gross surface area of identification signs for the Mercy Regional Hospital. The sign on the north façade was approved at one-hundred sixty (160) square feet, and the sign on the east façade was approved at one-hundred twenty (120) square feet. According to the application materials, the existing signs on the hospital building have a gross surface area of two-hundred fifty-two (252) square feet. New signage for the hospital has been proposed with the PUD proposal below.

The current signage for the Manhattan Surgical Hospital includes an approximate fifty-nine (59) square foot, internally illuminated wall sign above the main entrance and two (2), forty (2) square foot externally illuminated signs installed on a limestone walls. A Variance was approved in May, 2003 to allow the wall sign on the building and to allow it to be fifty-nine (59) square feet. No new signage is proposed on the Manhattan Surgical Hospital site.

PROPOSED SIGNS

Internally illuminated wall signs are proposed on the north, east and south sides of the medical office building.

North side

Sign	Dimensions	Total Area (sq. ft.)
Via Christi Health & Logo	30'-6" x 5'-9"	176
Medical Office Building	41'-3" x 2'-6"	103

East side

Sign	Dimensions	Total Area
Via Christi Health	24'-11' x 2'	50
Via Christi Logo	7'-2" x 10'	72

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South side

Sign	Dimensions	Total Area
Via Christi Health & Logo	20'-8" x 6'-7"	136
Medical Office Building	27'-9" x 2'-1"	183
2423 Kimball Ave	21'-2" x 1'-9"	37

Internally illuminated wall signs are proposed on the north and east sides of the existing hospital building. The corporate logo is to be approximately eight (8) feet wide by eleven (11) feet tall for a total of eighty-eight (88) square feet in area. The letter is to be approximately fifty-five (55) feet wide by four (4) feet tall for a total of two hundred and twenty (220) feet in area. The total square footage of each sign is approximately three-hundred (300) square feet. As listed above, the current signage is approximately two-hundred fifty (250) square feet in area, which exceeds the approved Variance. It is apparent that the size of the current signs matches the character and scale of the building without detracting from the development or the surrounding properties. The artist rendering of the proposed signs appear to cause similar minimal effects on the site or the surrounding properties, including the residential properties to the south and west.

The application materials also show a new skirted pylon sign to replace an existing monument sign at the site entrance off of College Avenue. The proposed monument sign will be fourteen (14) feet tall and approximately seven (7) feet wide. The top third of the sign will have the medical campus logo (6'-7" x 3' = 20 square feet) with a 6'-3" x 3'-5" (21 square foot) electronic message center. The notes on the signage plan sheet states that the electronic message center will be a fully functional video screen with the message duration being 8 to 10 seconds long. The electronic message center will have a full brightness NIT rating of 10,000 and a night NIT rating of 750. The minimum day time brightness will have a NIT rating of 5,000 to be visible in full sunlight conditions. The sign will feature a fully automated dimming feature to adjust the light output to day and night time hours.

The City of Manhattan is nearing the completion of the process to amend the Sign Regulations, which will, in part, allow for electronic and digital signs in Manhattan. The proposed Sign Regulations designate three (3) different sign types – electronic changeable copy signs, digital graphic signs and digital animated signs. The proposed sign would most closely align with the digital animated sign, which the drafted Sign Regulations only allows in the C-3, Aggieville Business District only during special events with the approval of a Conditional Use by the Board of Zoning Appeals.

Hospitals and other institutional uses, such as schools and churches in Residential Districts are envisioned, in the drafted Sign Regulations to have electronic changeable copy signs through the Conditional Use process with the Board of Zoning Appeals. The electronic changeable copy would have a static display of letters and numbers with minimum

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message duration of sixty (60) seconds and no movement or special effects during the display of the message or in the transition from one (1) message to the next.

The PUD rezoning process allows for such variation of the standard zoning regulations if the proposal meets the objectives of a Planned Unit Development District and the standards for rezoning property in the City of Manhattan. A scrolling electronic message center is currently located at the football entrance on Kimball Avenue. The location of the sign is along a minor arterial street where no residential properties are immediately located near the sign. Immediately to the east is the large off-street parking lot of the football and baseball stadiums. The closest residential property is over seven-hundred feet to the south of the proposed digital sign location and will be screened by the existing hospital building. Considering the proposed and existing uses and the surrounding properties, City Administration recommends that the proposed digital sign be limited to the display characteristics associated with a digital graphic sign, which is defined as:

“A sign utilizing LED (light emitting diode), LCD (liquid crystal display), plasma, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change a static image only as a “slide show” (series of images).

The applicable use limitation for this sign type is:

“The sign message shall remain static for a period of not less than sixty (60) seconds. The transition from one (1) message to the next shall be direct and immediate, without any special effects including but not limited to, dissolving, fading, scrolling, starbursts and wiping, which shall be prohibited.

The proposed sign meets all other use limitations and characteristics for the digital graphic sign.

PROPOSED LIGHTING: Off-street parking lot lighting and accent lighting of hospital and surgical center are present.

New LED light fixtures are to be mounted on twenty-five (25) foot tall poles to illuminate the off-street parking lot for the medical office building. The application materials state the proposed light fixtures can be directed to limit light spillage onto adjacent properties. The Zoning Regulations requires that all lighting be shielded and fully cut off.

The new medical office building will include lighting at the entries, general security lighting and building façade lighting.

SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The landscaping for the majority of the PUD site will not change. The site in large part has grass lawn areas, evergreen and deciduous trees in the parking lot and along the roadways, and ornamental perennial plants, shrubs and grasses at the foundations of the buildings.

The landscaping proposed for the new medical office building will be similar in character. Deciduous trees are proposed along the Kimball Avenue and the main driveway leading into the PUD site. Deciduous trees will also be installed in landscape islands in the off-street parking lot. Around the foundation of the building are to be ornamental bushes, grasses and perennial plants. Bushes and upright ornamental plants are shown on the landscaping plan along a portion of the west property line between the PUD site and adjacent properties. It appears that these plantings are to provide a visual buffer of the parking lot for the adjacent neighbors.

2. SCREENING: Outdoor public gathering areas, trash dumpsters and mechanical equipment are screened from six (6) foot tall walls and screening fences. The western and southern borders of the PUD site are sporadically screened with bushes and shrubs and wooden privacy fences. The fences appear to be located on the adjacent residential properties and not on the PUD site. Although there is not consistent screening of the existing developments on the site for the adjacent properties, it does not appear to adversely impact the nearby neighbors.

The proposed medical office building and new off-street parking lot will screen the west property line by a six (6) foot tall privacy fence and landscaping, consisting of upright evergreens and deciduous bushes. Trash dumpsters located to the east of the new building is to be screened precast concrete walls that will match the building and medal gates.

3. DRAINAGE: Schwab-Eaton, P.A. has submitted a drainage study for the proposed development. In 1999, a drainage study was completed for the construction of the Manhattan Surgical Center and major improvements to the hospital. The drainage study made certain assumptions for the hospital improvements because they were only in the planning stages at that time. The drainage study at that time also took into account the impervious surfaces and stormwater runoff for former retirement center. The stormwater management facilities for the PUD site consists of a wet retention basin with freeboard storage and a dry detention basin adjacent to the retention basin for temporary storage and controlled releases during the designed storm events.

The proposed medical office building will utilize these same retention and detention basins. Area inlets will collect stormwater from the building and off-street parking lot and direct the stormwater runoff via underground pipes to the basins to the east of the new building.

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The submitted drainage study basically re-evaluated the 1999 drainage study to determine if the new developments would have an adverse impact on the site and downstream properties along Kimball Avenue and College Avenue. The submitted drainage study references the Pre-1999 (SWMMP) conditions or Storm Water Management and Master Plan for the design storms. This is the outflow of the area before the detention and retention ponds were constructed with the Manhattan Surgical Center. The follow chart shows the comparison of stormwater runoff rates for the area.

	2-Year	% Change	10-Year	% Change	100-Year	% Change
Pre-1999 (SWMMP)	47 cfs	-	79 cfs		128 cfs	
Existing Conditions	23.4 cfs	-50%	37.3 cfs	-53%	55.2 cfs	-57%
Proposed Conditions	24.3 cfs	4%	38.9 cfs	4%	56.1 cfs	2%

The drainage study concludes that “due to the effectiveness of the existing retention/detention pond, the impact of the proposed development will essentially be unfelt downstream. The pond has a significant buffering factor on incoming flows. Under proposed conditions, the peak discharges have a minor increase, but based on SWMMP flows, the discharges remain significantly below the discharges that existed before the pond was developed in 1999.

The drainage study also notes the pond’s benefits of water quality management due to a wetland area that has occurred naturally in location of the pond. The reports concludes that “modifications to the pond geometrics in an effort to make a minor reduction to the release rates will potentially create other unintended problems due to the system disruption and disturbance of the ground surface.”

The City Stormwater Engineer has reviewed the drainage report and “finds that the development has met the detention requirement as required by the current detention standards.” The City Stormwater Engineer also reviewed the post-construction best management practices intended to improve stormwater water quality. The proposed BMP system will include BMP Snouts (pretreatment devices at the area inlets) and the existing wet retention basin. The City Stormwater Engineer has accepted the post-construction BMP plan to improve water quality. Because wet retention basin is being used for stormwater quality improvements and control, City Administration is requiring a restrictive covenant be filed for the drainage easement to define maintenance requirements of the wet retention basin and BMP snouts. A condition of approval has been recommended to address this requirement and will be handled at the time of the Final Development Plan and Final Plat.

4. CIRCULATION: Vehicle access to the site will be from the surrounding street system and an existing curb cut onto Kimball Avenue for the existing internal driveway network through the PUD site. Access to the proposed off-street parking lot will be from a new intersection of the internal driveway is proposed immediately across the driveway at the Manhattan Surgical Center and the existing off-street parking lot driving aisles to the south of the site. An existing curb cut on Kimball Avenue that is to the west of the main Kimball Avenue entrance to the site will be removed with this development.

A traffic impact study was conducted by Schwab-Eaton, P.A. for the PUD site, including the proposed medical office building. The traffic impact study listed the City's traffic counts from 2013 on Kimball Avenue and College Avenue. According to the traffic impact study, the new 70,000 square foot medical office building would generate an additional 161 trips in the AM peak hours and 206 trips in the PM peak hours.

Due to the traffic volume of Kimball Avenue and College Avenue and the amount of trips generated by the medical office building, the traffic impact study devoted a considerable amount of analysis to the function of the intersection of Kimball Avenue and College Avenue and the intersection of Kimball Avenue and the northern entrance into the PUD site (considered to be the prime access point for the medical office building) and the Woodway Apartment entrance, immediate opposite from the PUD site entrance.

The analysis found that the existing conditions to and from the site, the Woodway apartment entrance and the intersection of Kimball Avenue and College Avenue are adequate, but improvements to the intersection should occur to add right turn lanes on the eastbound and northbound approaches. If these improvements were to occur, the level of service (LOS) at the Kimball Avenue/College Avenue intersection would improve.

The traffic impact study concludes that:

- The additional traffic of the medical office building does not adversely impact the current LOS of the Kimball Avenue/College Avenue intersection, but minor increases in delay times of the movements would occur.
- Under current conditions with the addition of the traffic from the new medical office building, the entrances to the PUD site and entrance to the apartments to the north function well, except for the left turning movement onto Kimball Avenue.
- Regardless of the additional traffic from the medical office building, the LOS of Kimball Avenue/College Avenue intersection will degrade without improvements to configuration of the intersection.
- The future traffic from the PUD with the medical office building has a "slightly negative impact on the intersection of Kimball and College Avenues, but the intersection was already suffering from capacity issues for left turns prior to the addition of the medical office building traffic."

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- The additional traffic from the medical office building in the future remains to be problematic for the left turn movement onto Kimball Avenue from the northern driveway from site. The queue length for the left turn movement out of the site will increase, but should not increase to a point that would impact the internal intersections to the medical office building and Manhattan Surgical Center.

The traffic impact study provided a number of recommendations for improvements to area intersections. The recommendations are:

- Near-future improvements to the intersection of Kimball Avenue and College Avenue should include the addition of right-turn lanes to the eastbound and northbound approaches in order to meet current MATS recommendations. Turning movement counts should be evaluated annually to determine when the westbound approach also meets criteria for a dedicated right-turn lane.
- The City of Manhattan should review the effect of adding double left turn lanes to the westbound and southbound approaches to the Kimball/College Avenue intersection, which already operate at LOS D during the AM peak hour, and will operate at LOS F with very little additional background traffic increases.
- While no noticeable delays to through traffic were modeled by the eastbound Kimball traffic turning right into the north site entrance, counts should be taken at this location following construction and occupancy of the Medical Office Building to determine if it meets the 100 vehicle threshold for a dedicated right-turn lane.
- Left turns out of the north entrance to the MOB will be difficult due to the volume of through traffic on Kimball during peak hours. Typically, traffic in parking lots will choose the least restrictive path, and it is likely in this case that drivers will choose to use the east entrance and turn left onto northbound College Avenue and then left at the Kimball/College intersection rather than wait excessively to turn left at the north entrance. An additional traffic study following completion and occupancy of the MOB should be performed to determine the validity of the directional distributions assumed in this study.

The City's Traffic Engineer has reviewed the Traffic Impact Study (*see attached memo*) and accepts the finding and recommendations. The Traffic Engineer recommends that possible mitigation tactics should be reviewed with the applicant to design the development to improve the area's intersection at acceptable levels to reduce safety concerns. This review will occur during the Final Development Plan process. As stated in the Traffic Impact Study, the City Engineer agrees with the need for a right-turn lane on Kimball Avenue into the site is requiring and be constructed at that the time of the new development on the site. A condition of approval is recommended for this requirement. Finally, the Traffic Engineer is recommending that an auxiliary left turn lane on Kimball Avenue and College Avenue be reviewed to determine if such a lane is necessary for operations and safety. A condition of approval has been proposed for this recommendation also.

Pedestrian and Bicycle Access

Sidewalks are found along Kimball Avenue and College Avenue and internal to the PUD site to provide pedestrian access to the existing and medical office buildings.

Bike racks are shown on the Preliminary Development Plans on the west side of the proposed medical office building.

Off-Street Parking

As previously stated, eight-hundred forty-five (845) off-street parking stalls are proposed to be located on the site. Two-hundred ninety-eight (298) of those stalls are to be created with the proposed medical office building. A note on the PUD site plan states that the PUD site has an existing agreement with Kansas State University to share 250 parking stalls in the football stadium parking lot to the east of the PUD site during non-game days. These parking spaces are not included in the site parking calculation.

The existing off-street parking design was originally approved with the first Conditional Use Permit and subsequent Conditional Use Permits, the latest being in 2009 with the expansion of the Manhattan Surgical Center. With the agreement to provide an addition 250 off-street parking on University property, it appears that the off-street parking is adequate for the existing development.

Based on the gross square footage of 70,000 square feet for the proposed medical office building and using the dental clinics and medical clinics parking standard from Article VII of the Zoning Regulation (5.5 parking spaces per 1000 square feet of net floor area), the new building would be required to have three-hundred and eighty-five (385) parking spaces. This calculation is based on gross square footage. Article VII allows for the spaces, such as hallways, storage, stairwells, elevators, bathrooms and mechanical rooms to be excluded from the parking requirement calculations. If a conservative estimate of fifteen (15%) of the total gross area of the building would be devoted to these spaces, the total parking requirement would be three-hundred and twenty-eight (328).

The applicant has used a parking to building floor area ratio of 4.5 spaces per 1000 square feet of floor area, which would require 315 off-street parking spaces. According to the application documents, remaining spaces would be shared in the existing off-street parking lot.

Considering the existing developments, the parking agreement with the University and the proposed campus setting of medical office buildings, the off-street parking appears to be adequate. No on-street parking on adjacent congested streets should occur from the existing and proposed developments.

5. OPEN SPACE AND COMMON AREA: Open space on the site is limited to manicured grass lawn areas around the buildings, along the roadways and in the parking lot islands. There are outdoor opens areas adjacent to the existing and proposed buildings for patients, visitors and staff, but the space is generally limited.

6. CHARACTER OF THE NEIGHBORHOOD: The surrounding neighborhood can be characterized by a mix of single-family homes, most of which are rental units, multiple-family apartment complexes, the hospital and surgical center and the Kansas State University Sports Complex. The single-family homes are generally located on small lots to the south and west of the site. The apartment complexes are located to the north, across Kimball Avenue.

THIRTEEN MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Existing Mercy Regional Hospital with air ambulance helicopter landing pad and off-street parking lots, existing Manhattan Surgical Center and off-street parking lots and a vacant lot that was the former location of the St. Joseph Retirement Center and Nursing Home.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The PUD site gradually slopes from the west to the east. The majority of stormwater runoff is directed to the northeast corner of the site to an existing retention/detention pond. The site is bounded by Kimball Avenue to the north and College Avenue to the east and single-family homes to the west and south. Both streets are four-lane minor arterial roadways.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Kimball Avenue, a four-lane, minor arterial street, multiple-family apartment complexes, Peace Lutheran Church and single-family homes; Manhattan Apartments (Woodway Apartments) Residential PUD, University Commons Residential PUD and R, Single-Family Residential District.

SOUTH: Single-Family Homes and vacant lot owned by Mercy Regional Health Center; R, Single-Family Residential District and Commercial PUD.

EAST: College Avenue, a four-lane minor arterial roadway and the Kansas State Sports Complex; R-1, Single-Family Residential District, R District and U, University District.

WEST: Single-Family Homes; R District

4. **CHARACTER OF THE NEIGHBORHOOD:** See above under Review Criteria for Planned Unit Development, number 6.
5. **SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The hospital and similar medical offices can be reviewed and approved by the Board of Zoning Appeals as a Conditional Use Permit. The existing hospital and surgical center were approved through the Conditional Use process as recently as 2000 and 2009, respectfully. Considering the complexity of the development and the potential for the need for a variety of Exceptions and Variances; the request to rezone the site to PUD, Commercial Planned Unit Development District was recommended. The ability for the public to review the current and future development plans are similar public hearings for the Conditional Use and PUD. The site and its existing and proposed uses are suitable under the current zoning district, but does not provide the flexibility and efficiencies, nor control over development issues that a PUD can provide.
6. **COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The area to the south and west is zoned R, Single-Family Residential District and consists of single-family homes, most of which are rental units. The hospital was originally built as the Saint Mary's Hospital in 1958. In 1996, the Mercy Regional Health Center was established. A Conditional Use was approved in 2000 to allow for an expansion that generally created today's building footprint. The Manhattan Surgical Center was approved through a Conditional Use by the Board of Zoning Appeals in 1999 to construct the building. Until recently, the generally area where the new medical office building will be located was the former St. Joseph Retirement Center and Nursing Home. The building had been vacant for a number of years. It is apparent that the existing medical uses of the PUD site have not adversely impacted adjacent properties, particularly the residential properties to the south and west.

The proposed rezoning to PUD and the Preliminary Development Plan to construct a medical office building will increase the amount of noise, light and traffic to the area, compared to the existing vacant land. The proposed building will be three-stories tall (46 feet tall at the roof line). The building is setback approximately twenty-five (25) feet from the Kimball Avenue property line and seventy-eight (78) feet from the west property line. The distance between the building and the adjacent residential properties to the west should be adequate to mitigate any issue with the building height.

New off-street property is located as close as nine (9) feet to the west property line. The installation of the six (6) foot tall privacy fence and/or vegetation buffers should mitigation any adverse impacts on the adjacent residential neighbors.

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The new site lighting plans shows light poles to illuminate the off-street parking lot. These lights are required to be fully shielded to cutoff the light at least the property line.

As part of the process to request a rezoning, the applicant held a neighborhood meeting on July 17, 2014. According to the meeting minutes, nine (9) adjacent property owners were present, along with the applicant and support staff. Several meeting attendees submitted written comments, all of which showed support for the project. Additional comments were made about property that the applicant owns, but is not related to the PUD rezoning site, as well of concerns for traffic congestion at the Kimball Avenue entrance (*see attached meeting summary and participant comment sheets*).

As previously stated, the existing and proposed uses should not adversely impact the surrounding neighbors. It appears that the applicant have taken appropriate measures to address any specific site design issues that could negatively impact the neighborhood. The site is generally compatible with nearby properties.

7. CONFORMANCE WITH THE COMPREHENSIVE PLAN: The rezoning site is shown on the Northwest Future Land Use Map as a Public/Semi-Public designation. The list of primary uses for this designation is: schools, government offices, community centers, fire stations, airport, libraries, hospitals, cemeteries, churches and other places of workshop. The proposed rezoning to PUD, Commercial Planned Unit Development meets the intent of the Comprehensive Plan. The existing and proposed uses are hospitals or uses that are customarily found at a hospital or on a campus-like hospital setting.

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

The hospital was originally built in 1958 as the St. Mary's Hospital. The St. Joseph Retirement Center and Nursing Home was built in 1968.

July 18, 1961	Annexed into the City (Ordinance No. 2216) and zone "A-A," Single-Family Residential District.
1970 - 1986	Rezoned to R, Single-Family Residential District
1987 - Present	Rezoned to R-1, Single-Family Residential District
1999	Board of Zoning Appeals approves the Conditional Use to allow for the construction of the Manhattan Surgical Center.
May, 2000	Board of Zoning Appeals approves the Conditional Use to allow for the addition to the Mercy Regional Hospital buildings.

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- 2007 Board of Zoning Appeals approves the Conditional Use to allow for the addition to the Manhattan Surgical Center.
- July, 2009 Board of Zoning Appeals approves the Conditional Use to allow for the addition to the Manhattan Surgical Center.
- 2012 Former St. Joseph Retirement Center and Nursing Home was demolished. This are of the rezoning site has remained vacant since.

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 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.

Subject to the conditions of approval, the proposed PUD is consistent with the Zoning Regulations.

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

There appears to be no gain to the public that denial would accomplish. Public utilities and fire and emergency service protection can adequately serve the site. The proposed PUD will not cause adverse impacts on nearby properties. Denial of the request may be a hardship to the owner.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

Adequate public water, sanitary sewer, streets and pedestrian sidewalks are, or will be, available to serve the development.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of the Mercy Regional Health Center PUD from R-1, Single-Family Residential District to PUD, Commercial Planned Unit District, with the following conditions of approval:

1. The Permitted Uses shall be Hospitals, Outpatient Surgical Center, and Medical Offices.
2. A minimum six (6) foot tall sight-obscuring fence shall be constructed along the western property line of the new office building and its associated parking lot.
3. 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.
4. All landscaping and irrigation shall be maintained in good condition.
5. Light poles shall be provided as described in the application documents. Exterior building lighting shall be provided as proposed and be of a cut-off design, so as to not cast direct light or glare onto public streets or adjacent property.
6. Ground Signs shall be permitted and constructed as proposed.
7. Wall signs shall be permitted as proposed.
8. Two (2) pylon signs shall be permitted on the site as shown on the Preliminary Development Plan. The digital portion of the pylon sign proposed on College Avenue shall be limited to a Digital Graphic Sign, as follows:
 - a. Digital Graphic Sign. A sign utilizing LED (light emitting diode), LCD (liquid crystal display), plasma, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change a static image only as a “slide show” (series of images).
 - b. Duration of Message and Transitions. The sign message shall remain static for a period of not less than sixty (60) seconds. The transition from one (1) message to the next shall be direct and immediate, without any special effects including but not limited to, dissolving, fading, scrolling, starbursts and wiping, which shall be prohibited.
 - c. Image Characteristics. Digital Graphic Signs shall have a pitch of not greater than twenty (20) millimeters between each pixel.
 - d. Luminance. Between sunrise and sunset the maximum luminance shall be five thousand (5,000) nits and between sunset and sunrise the maximum luminance shall be five hundred (500) nits. All signs with a digital display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement.

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9. An agreement outlining the owner's on-going maintenance responsibility and enforcement rights of the City for the detention areas and stormwater infrastructure shall be created and approved by the City prior to completion the Final Development Plan and Final Plat.
10. An eastbound right-turn lane on Kimball Avenue into the PUD site shall be installed at the time of construction for the new medical office building
11. The need for left-turn lanes on Kimball Avenue and College Avenue into the site shall be evaluated by the applicant's engineer at the time of the Final Development Plan to determine if the road improvements are warranted to improve safety and efficiency of traffic.
12. Exempt signage shall be permitted as described in Article VI, Section 6-104 (A)(1),(2),(3),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids, banners and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Mercy Regional Health Center PUD from R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the twelve (12) conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of the Mercy Regional Health Center PUD from R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

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POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Mercy Regional Health Center PUD from R-1, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the twelve (12) conditions recommended by City Administration.

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

DATE: September 11, 2014

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STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: I-2, Industrial Park District.

TO: PUD, Commercial Planned Unit Development

OWNERS: McCall Inc. – Tom Abbott, President

APPLICANT: Renaissance Infrastructure Consulting (RCI) - Chip Corcoran,

DATE OF NEIGHBORHOOD MEETING: August 13, 2014

DATE OF PUBLIC NOTICE PUBLICATION: September 15, 2014

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

LEGAL DESCRIPTION: Unplatted tracts in Section 8, Township 10 South, Range 8 East (*see attached legal description for full details*)

LOCATION: Generally located to the northeast of the intersection of McCall Road and Hayes Drive.

AREA: 7.82 acres (340,709 square feet)

PROPOSED USES: Permitted and Conditional Uses of the C-2, Neighborhood Shopping District and C-5, Highway Service Commercial District, except convenience Stores including gasoline sales, Sexually Oriented Businesses, School, and Outdoor Movie Theatres. The proposed uses shown with the Preliminary Development Plan are two (2) restaurants with drive-thru windows, a home and farm retail store, and a stand-alone ATM.

PROPOSED BUILDINGS AND STRUCTURES: Five (5) individual lots are to be developed within the Planned Unit Development. These lots will gain access from either McCall Road or proposed travel easements within the development site. As a reminder, travel easements are privately owned and maintained travelways for the public to use. The

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names of the travel easements have not been provided at this time because they are waiting approval from the Pottawatomie County Emergency Management Office and Manhattan Fire Department. For the purposes of this staff report, the travel easements will be referenced in the following ways:

Travel Easement A: East/west travel way between Hayes Drive and Landing Place (a travel easement on the property to the east.

Travel Easement B: North/South travel way between McCall Road and Travel Easement A.

Travel Easement C: Small easement near the right in/right out intersection between Lots 2 and 3.

Lot 1 - Orschlens Farm and Home store: A new 32,375 square foot Orschlens Farm and Home store and a 19,679 square foot fenced in, outdoor storage area is proposed on Lot 1. The outdoor storage area will be enclosed with an eight (8) foot tall metal fence system and a sight obscuring mesh. The building will be approximately twenty-four (24) feet tall. The building's front door will be to the south and will also include the business' tire shop area. The south and west facades will have a stucco finish and a five (5) foot, eight (8) inch tall, brick wainscot. The north and west façade will have metal panel siding. These two (2) facades will generally not be seen by the public. The north façade is the back of the building and is adjacent to the neighboring industrial property. The west façade will be concealed by the sight-obscuring fence.

The site plan shows two (2) permanent outdoor display areas for the businesses larger products, such as lawn mowers, etc. The first is a 600 square foot area on the sidewalk in front of the southwest corner of the enclosed storage area. This area will be required to maintain the appropriate ADA access to ensure pedestrians can use the sidewalk. The second area is a 950 square foot area in a landscape island on the southwest corner of the lot.

A 5,400 square foot seasonal outdoor area is shown to the south of the building within an off-street parking area is shown. The seasonal display area would utilize thirty (30) off-street parking spaces. The site plan shows 156 parking spaces on the lot. The proposed use and building size requires a minimum of 111 parking spaces. Temporary using the thirty (30) parking spaces should not create an issue for the businesses within the development or surrounding developments. City Administration recommends a time limit from March 1st to October 31st for this area to display seasonal products such as plants and landscaping materials.

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Lot 1 will gain access from Travel Easement A, which intersects with Landing Place to the east on the Menards development and Hayes Drive to the west. Travel Easement B also intersections Travel Easement A to provide access to McCall Road.

Lot 2 – Burger King Drive-thru Restaurant: A new 3,000 square foot Burger King drive-thru restaurant is proposed on Lot 2. The building design is the latest corporate design with brick, stucco, exterior ceramic tiles and metal panel accent elements. The application materials show the building will be approximately twenty (20) feet tall. Entrance doors will face to the south and east on the lot. The drive-thru windows will face the west.

The lot will gain access from Travel Easement C that intersects with McCall Road, a five (5) lane minor arterial street, and the proposed Travel Easement A to the north of the lot, which intersects with Hayes Drive, a minor arterial street. The travel easement that intersects with McCall Road is shown to be limited to only right-in from McCall Road and right-out of the site.

Lot 3 – Arby’s Drive-thru Restaurant: A new 3,200 square foot Arby’s drive-thru restaurant is proposed on Lot 3. The corporate design of the building includes EFIS, lap siding, with brick wainscot around the building and an architectural tower. The building will be twenty-three (23) feet to the top of the architectural element. The main entrance to the building will be to the east and the drive-thru windows located on the west side of the building. Lot 2 will also gain access from Travel Easement C off of McCall Road and the Travel Easement A from Hayes Drive.

Lots 4 & 5: No buildings or structures are currently proposed on Lots 4 and 5. Due to the layout of Lot 4, it is apparent that an ATM or other small drive-thru kiosk will be developed on the lot. Any future developments of these lots will be required to go through a PUD amendment prior to or concurrently with the Final Development Plan.

PROPOSED LOT COVERAGE

Use	Square Feet	Percentage
Building	37,675	11.1%
Paved Area (Parking & Driveways)	189,286	55.6%
Total Open Space	113,748	33.3%
Total Impervious	226,961	66.7%

PROPOSED SIGNAGE

Each of the proposed businesses on Lots 1 – 3, show individual wall signs on the respective buildings and pylon signs on McCall Road. No signage has been proposed for the future development on Lots 4 & 5. The review of these future developments, including signage will occur through future PUD amendments and Final Development Plan process.

Lot 1 - Orscheln Farm and Home Store

Location	Type	Size	Area (sq. ft.)
South – “Tire Shop”	Wall sign	8’ x 4’-6”	36
South – “Orscheln Farm & Home”	Internally Illuminated Wall	42’ x 2’-10”	110

A twenty-five (25) foot tall pylon sign is proposed at the southeast corner of the Lot 5. The pylon sign will have metal clad skirting to cover the support structure. Two (2) individual signs are proposed: a 6 foot by 12 foot (72 square foot) internally illuminated cabinet sign and an 8 foot by 4 foot (32 square foot) internally illuminated changeable copy sign. The pylon sign will be located within a sign easement that is located thirty-two (32) feet from the McCall Road front property line and twenty-one (21) feet from the east property line.

Lot 2 – Burger King Drive-thru Restaurant

Location	Type	Size	Area (sq. ft.)
East – “Taste is King”	Internally Illuminated Wall	8’ x 1’	8
East – “Burger King” circle	Internally Illuminated Wall	3’ radius	28.27
East – “Home of the Whopper”	Internally Illuminated Wall	24’-7” x 1’ 2”	26.68
East – “Merchandise sign area”	Temporary Sign	11’ x 5’	55
West – “Burger King” circle	Internally Illuminated Wall	3’ radius	28.27
West – “Merchandise sign area”	Temporary Sign	11’ x 5’	55
North – “Burger King” circle	Internally Illuminated Wall	3’ radius	28.27

A monument sign is proposed near the corner of McCall and Hayes Drive. The monument sign is shown to be six (6) feet tall and six (6) foot wide on an architectural base with a 12.5 square foot Burger King circle sign. The sign is shown to be nine (9) feet from the McCall Road front property line and forty-one (41) feet from the Hayes Drive front property line.

Lot 3 – Arby’s Drive-thru Restaurant

Location	Type	Size	Area (sq. ft.)
South – Arby’s logo	Internally Illuminated Wall	6’ -6” x 6’	39
East – Arby’s lettering	Internally Illuminated Wall	2’ -6” x 7’ -6”	18.15
West – Arby’s lettering	Internally Illuminated Wall	2’ -6” x 7’ -6”	18.15

The Arby’s pylon sign is near the intersection of McCall Road and the Travel Easement C. The brick sign base is shown to be 11 feet, 3 inches wide and 8 feet tall. Two (2) signs are proposed on the brick sign base: a 6 foot, 10 inch by 4 foot, 10 inch (33 square feet) Arby’s logo sign; and a 3 foot, 4 inch by 6 foot, 9 inch (22 square feet) digital graphic sign. The sign is to be located six (6) feet from McCall Road front property line and approximately fifteen (15) feet from the edge of Travel Easement C. City Administration recommends that the proposed digital sign be limited to the display characteristics associated with a Digital Graphic Sign, which is defined as:

“A sign utilizing LED (light emitting diode), LCD (liquid crystal display), plasma, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change a static image only as a “slide show” (series of images).

PROPOSED LIGHTING:

LED lights on twenty-five (25) foot tall light poles are proposed to illuminate the site. Exterior lights on the three (3) buildings are also proposed to illuminate the area and to accent architectural features on the buildings. The lighting will be fully shaded and cut off at the property lines.

SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The Landscape Plan for the proposed development consists of deciduous trees on the edge of the off-street parking areas, shrubs and grasses, and lawn areas. Underground irrigation will be provided to maintain these areas.

2. SCREENING: Trash dumpster enclosures for the proposed development are shown on the application site plans. The application materials state that the trash dumpster enclosures will be constructed with masonry walls and a metal gate, and will be a minimum of six (6) feet in height. The trash enclosures will be painted to compliment the structures the enclosure is associated with. The details of the trash dumpster enclosures shall be provided with the Final Development Plan.

The outdoor storage area to the west of the Orscheln building is to be enclosed by an eight (8) foot tall, ornamental metal fence and a metal mesh material to obscure the materials displayed and stored in this area from the parking lot and adjacent areas.

3. DRAINAGE: The site is currently built with self-storage units and concrete and gravel parking lots and travelways. No on-site stormwater detention or underground stormwater infrastructure currently exists. The stormwater generally sheet flows to the south and is collected in the stormwater sewer system along McCall Road and the open ditch along Hayes Drive.

The proposal development will use curb and gutters to direct stormwater runoff to area inlets in the off-street parking lots and travelways. The stormwater sewer system will then direct the stormwater to existing stormwater infrastructure along McCall Road or Hayes Drive. The open ditch along Hayes Drive is to be replaced with a reinforced concrete pipe and the ditch will be filled in. The open ditch will remain along adjacent properties to the north.

The City's Stormwater Engineer, Shane Swope, has reviewed the proposal and the drainage study. Because the site is currently built out and is mostly impervious surface, stormwater detention is not required. The Stormwater Engineer is requiring that an applicant analyze if post-construction best management practices for stormwater quality are required for the proposed development. This development is required with the Final Development Plan. City Administration has recommended a condition of approval regarding this.

4. CIRCULATION: The development gains access from McCall Road to the south, Hayes Drive to the west and Landing Place to the east, a dedicated travel easement platted with the McCall Landing PUD. Thirty-six (36) foot wide travel easements cross the development site to connect to these adjacent roads and travel easement. The actual road way within these travel easements will be thirty (30) feet wide. Travel Easement B is a public travel way from McCall Road to the north into the site. Travel Easement A intersects Travel Easement B, is a thirty-six (36) foot wide travel easement and utility easement, that provides the east and west public travel way and connects to Hayes Drive and Landing Place. Travel Easement C is a small travel easement within the off-street parking lot for the two (2) restaurants at the right-in/right-out intersection with McCall Road. This travel easement provides access to Lots 2 and 3. The names of the proposed travel easements have not be approved by the Pottawatomie County Emergency Management Office or the Manhattan Fire Department to ensure that the proposed street names will not conflict with existing street names in the area. These names will need to be approved prior to approval of the Final Development Plan.

Attachment No. 2

Trek Design Group provided a Traffic Impact Study for the proposed development (*see attached*). The Traffic Impact Study analyzed the traffic generated from the proposed farm and home retail store, two (2) drive-thru restaurants, a bank with drive-up window, a small specialty retail shop and the automated teller machine. The ATM was not included in the analysis because it was determined that it did not specifically generate vehicular traffic; rather it was a convenience for the other proposed uses. No specific plans have been presented for the bank and retail specialty store. A linear 2% annual growth factor was used to predict the 20 year traffic volumes for the City. The Traffic Study notes that the “McCall Road corridor is a very dynamic corridor with many different types of traffic and fluctuating land usage. The global 2% growth rate as applied in the study is not necessarily indicative of what is occurring or will occur on the corridor.”

The Traffic Impact Study analyzed the location and sight distances for the proposed intersection, trip generation and trip distribution of the proposed and assumed uses, and the level of service of the nearby signalized intersections. The study determined that the site, with its proposed and assumed uses, would generate 393 total trips in the A.M. Peak Hour and 397 trips in the P.M. Peak Hour. The detailed trip distribution to and from the site and assignment of the traffic to different intersections on the site and the signalized intersection level of service analysis can be found, in its entirety, in the attached study.

The Traffic Impact Study concludes that the roadway and traffic signals work at an acceptable level of service under existing conditions with the new trips added to the road network. All of the proposed intersections should function well, with the exception of the left turning movement, or east bound turning traffic, from the middle intersection on McCall Road. This intersection turning movement will have an “F” level of service. The study states that this issue “is an onsite issue and does not affect progression on McCall Road. The Level of Service F is common on side streets accessing major corridors.

The study showed a considerable drop in the level of service along the corridor under the future growth conditions, but again, noted concerns that the 2% linear growth projection for traffic volumes in the area may not be an appropriate analysis. The loss in the level of service along the corridor is an issue for the City as a whole, and is not caused by the added trips from this development.

Finally, the Traffic Impact Study noted that the entrances to the site are less than desirable, due to the distance from existing intersections, but are limited by the size of the property. “All other aspects of the development fall into constraints outlined in the Manhattan Area Transportation Strategy. The proposed use of the property fits the area and the added trips have little effect on the existing network.

Attachment No. 2

The proposed site plan shows an existing curb cut on McCall Road is to remain on proposed Lot 5. This curb cut was not addressed in Traffic Impact Study and would not meet any of the intersection spacing requirements along a minor arterial road. As proposed, Lot 5 has access to the east, west and north via existing and proposed travel easements.

The City's Traffic Engineer, Peter Clark, has reviewed the development and the Traffic Impact Study conducted by the applicant's consultant. The Traffic Engineer Staff accepts this recommendation with only the minor driveway modifications as necessary changes to the proposed development. No auxiliary turn lanes are required for the development. The Traffic Engineer determined that the middle intersection that is anticipated to have an "F" level of service for the left turning movement has alternatives for drivers to use to get to their destination, including the signalized intersections at McCall Road and Carlson Road or McCall Road and Hayes Drive, thus not requiring any additional improvements. The Traffic Engineer recommends all other existing access points to this development along McCall Road and Hayes Drive are to be removed as part of this development. The traffic study has indicated that the development will function properly with the four access points indicated and no other access points are necessary. Any additional access points, including existing curb cuts, would not meet the City's access management criteria and will not be allowed in the final development plan.

City Administration is recommending that the existing curb cut on McCall Road for Lot 5 be removed and no access be provided along the public street rights-of-way for Lots 2, 3, 4 and 5, with the exception of proposed travel easement areas.

Off-Street Parking

Two-hundred and twenty (220) off-street parking spaces are shown on Lots 1 – 3. No spaces are proposed for Lot 4. Lot 5 is designated for future development. The off-street parking for Lot 5 will be reviewed during a future PUD Amendment and Final Development Plan for this lot.

One-hundred and forty-nine (156) parking stalls are shown for the Orscheln store on Lot 1. Based on the square footage of the building, excluding hallways, storage, restrooms, etc., the building and the use is required to provide a minimum of 111 off-street parking spaces (1 parking space for 250 square feet of floor area).

Restaurants are required to provide at least one (1) parking space for each three (3) customers based upon the maximum design occupancy. In addition, there shall be one (1) parking space for each employee as related to the work shift when the maximum number of employees is present. Burger King has a design occupancy load of sixty (60) occupants in the dining/waiting room (20 parking spaces required) and seven (7) employees during a shift. A minimum of twenty-seven (27) parking spaces are required with this proposed use. Twenty-Eight (28) parking spaces are shown for the Burger King on Lot 3.

Arby's has a design occupancy of seventy (70) occupants in the dining waiting room and outdoor seating area (23 parking spaces required) and eight (8) employees during a shift. A minimum of thirty-two (32) parking spaces are required with this proposed use. Forty-three (43) parking spaces are shown on Lot 2 for the Arby's restaurant.

The amount of parking provided for the proposed development appears to be sufficient.

Bicycle & Pedestrian

A sidewalk is present along McCall Road, immediately to the south of the site. The open ditch to the west of the site is proposed to be filled in. A sidewalk will be placed in this area to being the pedestrian connection to the north along Hayes Drive along the west edge of the PUD. The open ditch will remain off-site on properties to the north, until the area is redeveloped or the City improves the roadway to fill in the ditch and create an urban section with curb, gutters and sidewalks. Sidewalks should be provided internal to the PUD site from the adjacent sidewalks along McCall Road and Hayes Drive. City Administration is recommending a condition of approval that this sidewalk network be provided with the Final Development Plan.

Bicycle racks are provided at the three proposed buildings.

5. OPEN SPACE AND COMMON AREA: Open space consists of lawn areas. Lot 5 will remain as open space until a development is proposed.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is a mixture of highway commercial and industrial uses. The areas along McCall Road are transitioning from a historically industrial area, to a retail commercial corridor. Large box retail stores are located to east and southwest. Drive-thru restaurants are located along the five (5) lane minor arterial. There are also a number of strip mall type retail centers in the immediate area. To the north of the site, along Hayes Drive and Levee Drive and predominately industrial and office uses.

THIRTEEN MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Self-storage buildings and business office.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is relatively flat and gradually slopes to the south towards McCall Road. An open drainage ditch is to the west of the site along Hayes Drive. The current site is nearly 100% developed with impervious surfaces, including buildings and concrete and gravel off-street parking lots.

3. SURROUNDING LAND USE AND ZONING:

NORTH: USD 383 busing facility and district kitchen, industrial business; I-2, Industrial Park District.

SOUTH: McCall Road, a 5-lane minor arterial road, Wal-mart retail store, automotive repair shop and retail strip center, industrial machine shop, fitness center, car wash, drive-thru restaurant, self-storage units and industrial research office; Wal-Mart Super Center PUD, C-5, Highway Service Commercial District and I-2 District.

EAST: Vacant commercial lot, restaurant, Menards home improvement store and retail strip center; McCall Landing PUD, Commercial Planned Unit Development.

WEST: Hayes Drive, a 2-lane local street, drive-thru restaurants, industrial research office, hotel, industrial businesses; McCall Cats PUD; C-6, Heavy Commercial District, I-2

4. CHARACTER OF THE NEIGHBORHOOD: See above under “6. CHARACTER OF THE NEIGHBORHOOD”.

6. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The current zoning district is I-2, Industrial Park District, which the current use on the site of self-storage units and related business offices is determined to be a permitted use.

The proposed use for restaurants and retail stores are not allowed as primary permitted or conditional uses in the I-2 District. The proposed development requires a rezoning to a retail commercial zoning district, such as the proposed PUD.

8. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND

EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The surrounding area is transitioning from an industrial area to an area concentrated with drive-thru restaurants and retail stores, some of which are big box type retail stores. The proposed development will be consistent with surrounding uses and should not adversely impact adjacent properties.

The applicant held a neighborhood meeting on August 13, 2014. According to the meeting notes, no one attended the meeting.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is in the Northeast Planning Area of the Future Land Use Map of the Comprehensive Plan. The site is shown as Industrial (IND) on the map. The proposed rezoning would implement a development generally consistent with the policies applicable to all commercial development, as well as policies applicable to the Community Commercial category, set out below after the policies of the IND category.

Policies of the IND category include:

Employment: Industrial and Office

BACKGROUND AND INTENT

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

INDUSTRIAL (IND)

I 1: Characteristics

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

I 2: Location

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

I 3: Screening

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

Commercial policies include:

Commercial

BACKGROUND AND INTENT

The City contains numerous commercial areas that provide the necessary goods and services for residents of the community and region as well as visitors. Commercial developments must be located and designed to balance market opportunities with access and location. In addition, the location and design of commercial areas must be incorporated into surrounding areas, rather than altering the character of surrounding neighborhoods. While the Downtown, or Central Core District, will remain the primary focus of regional commercial activity for the community and region, a variety of other community and neighborhood scale commercial centers will be distributed throughout the community to provide for the day-to-day needs of residents.

COMMERCIAL- ALL CATEGORIES

C 1: Designate Commercial Areas According to Their Role and Function in the Region

To provide a variety of commercial services to the community, three commercial designations are provided, depending on the center's scale, purpose, location, and intensity of use. These include the Central Core District, Community Commercial, and Neighborhood Commercial.

C 2: Distribution of Commercial Services

Commercial centers should be distributed throughout the community to provide ease of access for all residents and minimize the need for cross-town vehicle trips.

C 3: Locate All Commercial Uses in Activity Centers

Commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Development of distinct commercial nodes will help preserve the residential character of many of the major street corridors throughout the community and help prevent the negative impacts caused by multiple access points along a corridor. Commercial activities, when grouped in cohesive centers or nodes, result in more viable areas compared to scattered or isolated single use commercial sites. Activity centers, or nodes, provide a variety of services in a

concentrated location to promote “one-stop shopping” and minimize the need for multiple vehicle trips. Each center has a limited number of vehicle access points to minimize impacts on surrounding uses and maintain an efficient traffic flow to and from the site. Uses are typically clustered on larger sites near the intersection of two major streets rather than being developed in linear, “strip” configurations along major street corridors. Linear development patterns, particularly when parcels provide a single use and are developed independently, can require multiple access points and lead to disruption of traffic flow on adjacent streets. Although lot sizes and/or configurations in some areas may warrant the use of a more linear development pattern, it is generally discouraged.

C4: Include a Mix of Uses in New and Redeveloped Commercial Areas

New development and redevelopment should include a mix of uses of different types and sizes, creating a diversity of activity and avoiding large, single-use buildings and dominating parking areas.

C5: Promote a High Quality Urban Environment

The physical design of commercial development areas shall promote a high quality urban environment, as expressed by site layout, building materials and design, landscaping, parking area design, and pedestrian-oriented facilities, such as through use of design guidelines.

COMMUNITY COMMERCIAL (CC)

CC 1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC 2: Location

Community Commercial Centers should be located at the intersection of one or more major arterial streets. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as “big-box” stores) shall only be permitted in areas of the City where adequate access and services can be provided.

CC 3: Size

Typically require a site of between 10 and 30 acres.

CC 4: Unified Site Design

A unified site layout and design character (buildings, landscaping, signage, pedestrian and vehicular circulation) shall be required and established for the center to guide current and future phases of development. Building and site design should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.

CC 5: Architectural Character

Community Commercial Centers shall be required to meet a basic level of architectural detailing, compatibility of scale with surrounding areas, pedestrian and bicycle access, and mitigation of negative visual impacts such as large building walls, parking areas, and service and loading areas. While these requirements apply to all community commercial development, they are particularly important to consider for larger footprint retail buildings, or “big-box” stores. A basic level of architectural detailing shall include, but not be limited to, the following:

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

CC 6: Organization of Uses

Community commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Within each activity center or node, complementary uses should be clustered within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses. Isolated single store developments are strongly discouraged.

CC 7: Parking Design and Layout

Uninterrupted expanses of parking should be avoided. Parking areas should be broken into smaller blocks divided by landscaping and pedestrian walkways. Parking areas should be distributed between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible.

CC 8: Circulation and Access

Clear, direct pedestrian connections should be provided through parking areas to building entrances and to surrounding neighborhoods or streets. Integrate main entrances or driveways with the surrounding street network to provide clear.

Chapter 8: Mobility and Transportation Options

BACKGROUND AND INTENT

Mobility, efficiency and safety are important components of a transportation system. Current and future mobility needs will be addressed through appropriate land use decisions as guided by the Comprehensive Plan.

GOALS AND GUIDING PRINCIPLES

Goal #1:

Ensure that new development patterns facilitate safety, connectivity, and mobility for all modes of transportation in established and developing areas of the community.

Guiding Principles:

- *Plan for a balanced, multi-modal transportation system of streets, sidewalks, bikeways and future public transit to meet the current and future mobility needs of the community.*
- *Promote street patterns that provide maximum safety and mobility for all modes of transportation, while preserving neighborhood integrity.*
- *Promote greater connectivity between different neighborhoods and commercial areas by providing appropriate access for automobiles, bicycles and pedestrians.*

POLICIES

MO 2: Multi-Modal Transportation System

The City and County shall continue to work towards the development of an integrated, multi-modal transportation system for Manhattan. New development shall be designed to eliminate conflicts between motor vehicle, bicycle, and pedestrian users, and provide safe and convenient access to and between residential neighborhoods, schools, employment and service centers, and recreational uses.

MO 3: Establish Interconnected Neighborhood Street and Sidewalk Patterns

Neighborhood streets and sidewalks in both new and existing areas shall form an interconnected network, including vehicular, bicycle, and pedestrian routes within and between neighborhoods, in order to connect neighborhoods together and with other parts of the community and region. In particular, direct walkway and bicycle routes to schools, parks, employment and service centers, and other community facilities should be provided.

MTO 4: Accessible, Pedestrian-Friendly Development

Future commercial and residential projects in the Urban Service Area Boundary shall be planned to ensure that sites and land uses are readily accessible to all modes—pedestrians, bicycles, autos, and future public transit.

The proposed PUD is in a commercial growth corridor, which has experienced commercial development along an arterial street corridor, McCall Road. The proposed PUD is in general conformance to the Comprehensive Plan.

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

1968	Annexation and rezoning to I-3, Light Industrial District.
1969-Present	Rezoned from I-3 District, to I-2, Industrial Park 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 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.

Attachment No. 2

The proposed PUD is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

The current Flood Insurance Rate Maps shows this site to be in the Zone AH Floodplain, which is a floodplain designated for shallow, ponding flood conditions. This flood zone requires the building's lowest floors to be elevated or flood proofed water tight to one foot above the Base Flood Elevation, which is 1008 feet NGVD.

The Preliminary Flood Insurance Rate Maps, which are to be adopted and become effective by March 16, 2015 shows the site to be in the Flood Zone X (Protected By Levee). This flood zone is a moderate to low risk flood zone and is for informational purposes only. There are no regulatory requirements with this flood zone. Depending on when the buildings are constructed will depend on if the buildings will be required to be elevated or floodproofed above to one (1) foot above the base flood elevation.

Subject to the conditions of approval, proposed revised Abbott Landing Shopping Center PUD is consistent with the Zoning Regulations.

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

There appears to be no relative gain to the public, which denial would accomplish. No adverse impacts to the public are expected, subject to conditions of approval. Therefore, there may be a hardship to the applicant if the rezoning is denied.

15. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

The Public Works Department – Utilities and Traffic Divisions have reviewed the proposal. Public utilities and the street network are sufficient to service the site.

16. OTHER APPLICABLE FACTORS: None.

17. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of Abbott Landing Shopping Center, Commercial PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, with the conditions:

1. Permitted uses shall include permitted uses in the C-2, Neighborhood Shopping District and C-5, Highway Service Commercial District, except that Convenience Stores with gasoline sales, Sexually Oriented Businesses shall be prohibited.

Attachment No. 2

2. Outdoor display, storage and sales on Lot 1 shall be limited to the outside sidewalk area along the south side of the Orschlen's building, the landscape space on the southwest corner of the lot, the parking field in front of the building and in the fenced enclosure, as shown on the application documents.
3. The 5,400 square foot temporary outdoor seasonal storage/display area as shown on Lot 1 shall be permitted from March 1st to October 31st of each year, and shall be limited to seasonal products such as plants and landscaping materials.
4. Sidewalks shall be provided internally to the PUD site and connect to adjacent sidewalks in the McCall Road and Hayes Drive rights-of-way.
5. 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.
6. All landscaping and irrigation shall be maintained in good condition.
7. Light poles shall be provided as described in the application documents and shall be full cutoff design. Building lighting shall not cast direct light onto public or private streets or adjacent property and shall be full cut-off design.
8. Signage for shall be constructed as proposed consisting of wall signs and pylon signs.
9. The digital portion of the Arby's pylon sign proposed on McCall Road shall be limited to a Digital Graphic Sign, as follows:
 - a. Digital Graphic Sign. A sign utilizing LED (light emitting diode), LCD (liquid crystal display), plasma, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change a static image only as a "slide show" (series of images).
 - b. Duration of Message and Transitions. The sign message shall remain static for a period of not less than sixty (60) seconds. The transition from one (1) message to the next shall be direct and immediate, without any special effects including but not limited to, dissolving, fading, scrolling, starbursts and wiping, which shall be prohibited.
 - c. Image Characteristics. Digital Graphic Signs shall have a pitch of not greater than twenty (20) millimeters between each pixel.
 - d. Luminance. Between sunrise and sunset the maximum luminance shall be five thousand (5,000) nits and between sunset and sunrise the maximum luminance shall be five hundred (500) nits. All signs with a digital display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement.
10. Temporary banner signs should be limited to no more than two (2) banner sign per lot. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.

Attachment No. 2

11. Prior to the development of Lots 4 and 5, an amendment of the PUD shall be submitted and approved, prior to issuance of any necessary permits.
12. Names of the Travel Easements shall be approved by City and Pottawatomie County Administration with the application for the Final Development Plan.
13. The existing curb cut on Lot 5 shall be eliminated.
14. No access shall be provided along McCall Road and Hayes Drive, with the exception of the proposed travel easement areas.
15. An analysis of post-construction best management practices for stormwater quality shall be conducted by the applicant at the time of application for the Final Development Plan.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Abbott Landing Shopping Center PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Abbott Landing Shopping Center PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. 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 Abbott Landing Shopping Center PUD, generally located to the northeast of the intersection of McCall Road and Hayes Drive, from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the fifteen (15) conditions of approval recommended by City Administration.

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

DATE: September 30, 2014

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AMENDMENT OF A COMMERCIAL PLANNED UNIT DEVELOPMENT

APPLICANT: Chip Corcoran, Renaissance Infrastructure Consulting on behalf of the owner.

OWNER: Project Manhattan, LLC.

APPLICANT ADDRESS: 1138 W. Cambridge Circle Drive, Kansas City, KS 66103

OWNER ADDRESS: 1707 N. Waterfront Parkway, Wichita, KS 67206.

REQUEST: Amend Ordinance No. 7005 and the Final Development Plan of Manhattan Crossing Planned Unit Development (PUD) to add a retail outbuilding which will be located in the southwest corner of the off-street parking lot to the east of the Frontage Road. Additional modifications include, but are not limited to, the existing retail building, the off-street parking lot, landscaping, signs, and other improvements. The amendment is in the form of a Final Development Plan.

LEGAL DESCRIPTION: Lot 2, Manhattan Crossing Planned Unit Development, A Replat of Lot 1, Wal-Mart Addition Unit 2, City of Manhattan, Pottawatomie County, Kansas.

LOCATION: Generally located northeast of the intersection of Tuttle Creek Boulevard Frontage Road and Sarber Lane, at 606 Tuttle Creek Boulevard, and 620-632 Tuttle Creek Boulevard. Existing businesses on the site include Staples, Hobby Lobby, Hastings, Dollar Tree, H & R Block, Midland Medical, Chick-fil-A, and Tad's Tropical Sno.

AREA: 10.15 Acres.

DATE OF NEIGHBORHOOD MEETING: August 13, 2014.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, September 15, 2014.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, October 6, 2014.

CITY COMMISSION: Tuesday, October 21, 2014.

EXISTING PUD

Ordinance

The existing PUD has been amended on a number of occasions for a variety of changes including signs and site plan modifications since the adoption of Ordinance No. 4630, on February 20, 1990, and thereafter (see Number 8 below **ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED**). Ordinance No. 4993, adopted October 15, 1996, allowed the pole sign in the southwestern corner of the PUD. Ordinance No. 6146, adopted June 20, 2000, was associated with Wal-Mart and allowed outdoor seasonal sales in the off-street parking lot. Ordinance No. 6426, adopted August 17, 2004, allowed for the development of Tad's Tropical Sno in the southwest corner of the off-street parking lot. Ordinance No. 7005, adopted June 4, 2013, allowed for the addition of Drive-In Establishments as a Permitted Use in the PUD for the development of a Chick-fil-A restaurant located in the northwest part of the off-street parking lot with additional modifications to the site plan in the form of a Final Development Plan. In addition, the associated Final Development Plan renamed the Wal-Mart PUD to Manhattan Crossing PUD.

Permitted Uses

All of the Permitted Uses of the C-2, Neighborhood Shopping District, plus tire and battery auto service center (see Ordinance No. 4630, condition 1) are allowed in the existing PUD. Drive-in establishments are allowed in the existing PUD after an amendment was approved in 2013 (see Ordinance No.7005).

PROPOSED AMENDMENT

PROPOSED USE AND BUILDING: The proposed new multi-tenant retail building adjacent to the east side of Tuttle Creek Boulevard Frontage Road is a one-story building, approximately thirty-three (33) feet tall at its highest point, with total lot coverage of 7,500 square feet. Tad's Tropical Sno will be razed and replaced by the proposed building. Exterior materials are primarily EIFS, with prairie stone on the lower section of the façade and fabric awnings above the entrances and windows to the store fronts. Interior customer access is located on the north side of the building with the existing off-street parking serving the new retail customers and tenants. Approximately 15 to 20 part-time or full-time employees are anticipated to be added with the proposed square footage.

The proposed multi-tenant building site location is at an elevation of approximately 1,006 feet. Due to the location in the 100 Year Flood Plain, the lowest enclosed floor must be at 1,009 feet or above. The proposed finished floor elevation is shown at 1,009.25 feet, and will require approximately 3 feet of fill to elevate the building.

In addition to the proposed multi-tenant retail building, minor alterations are proposed to the existing retail center. Approximately 9,100 square feet of the existing main commercial building will be removed of the southern end in order to increase the functionality of the space. Improved access for deliveries and additional parking will result from the modifications.

PROPOSED SIGNS: Proposed signage for the new multi-tenant retail building are in the form of wall signs on the north, east, and west building façade elevations, ranging from approximately 95 square feet in area up to 176 square feet in area.

A new multi-tenant pylon sign is proposed to be located in the southwest corner of the subject property, measuring approximately 29 feet tall from the driveway grade. The proposed pylon sign is like-kind to the existing main entrance sign located along Frontage Road. The proposed sign includes halo internally illuminated letters identifying the name of the center and tenants. Overall sign dimensions are approximately 23 feet by 14 feet per side, or 322 square feet, with tenant letter spaces less than 3 feet in height by less than 14 feet in length. The sign will be in a landscaped base mounted on a 6 foot tall cottonwood stone base with matching stone accents on the west side of the sign (see elevations).

Exempt signs will be added to the allow for those types of signs described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5) (attached). These signs generally include governmental flags, address numerals, directional signs, seasonal lights and decorations, real estate and construction signs, and political signs.

PROPOSED LIGHTING: Existing parking lot and building lights do not change. Illumination for the new multi-tenant retail building will consist of two (2) types of lighting. On the north, east and west side of the building, full cut-off wall mounted lighting is proposed to be located under the awnings. The south side of the building is proposed to include aluminum painted diffused 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 PUD was amended recently to allow a drive-in restaurant in an outbuilding located in the northwest part of the site. Previously, the PUD was amended to allow an outbuilding in the southwest part of the site for a restaurant

without a drive-in window, Tads Tropical Sno. The proposed multi-tenant retail building is proposed to be sited in the same general location as the existing outbuilding in the southwest corner of the site. The amendment reflects an efficient development pattern consistent with the intent and purpose of the PUD, which is for uses allowed in the C-2 District.

The applicant states, in part, “the amendment is necessary because the Final Plan did not envision outbuildings on outlots. Condition No. 1, Ordinance No. 4630, dated February 20, 1990, indicates that all permitted uses of C-2, Neighborhood Shopping District are proposed as a permitted use in the PUD. The proposed amendment provides for additional retail opportunities and customers within the PUD and does not adversely impact the existing development within the PUD.”

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The applicant indicates that the amendments are necessary because, “The existing PUD provides an opportunity for a new business to be located on site, supporting the overall use, efficiency and viability of the shopping center. Additionally, outbuildings are common in large shopping centers and would otherwise be allowed if the site were not a PUD and was zoned C-2 District, for example.”

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: A relative gain to the public should result from the addition of a five (5) foot concrete sidewalk proposed to be located on the south side of the site along Sarber Lane. Currently there is no pedestrian connection along Sarber Lane and the sidewalk addition will help with the overall pedestrian connectivity between developments.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: A revised landscaping plan for the overall PUD was added with the amendment approved in 2013. Additional landscaping is proposed around the new multi-tenant building, which is described on the Final Development Plan drawings and plans.

Irrigation consists of underground sprinklers. Landscaping is maintained by the property owner.

2. SCREENING: Trash containers for the new multi-tenant building will be screened by an eight (8) foot prairie stone wall enclosure and metal gate painted to match the building façade, as described on the Final Development Plan drawings and plans.

3. DRAINAGE: The site currently drains to the southwest corner of the parking lot. The proposed design of the new building will alter the existing drainage pattern in the parking lot, as approximately 3 feet of fill is needed in order for the lowest enclosed floor to be at or above the required elevation of 1,009 feet. Two (2) curb inlets and a junction box are being proposed with the outbuilding addition in order to compensate for the alteration to the existing drainage pattern. The site will drain into the area inlets and then to Sarber Lane, where it will be collected by the public stormwater system.

In 2013, AMEC Engineering was retained by Renaissance Infrastructure Consultants to analyze the floodplain impact associated with the development of the Chick-fil-A Restaurant. The results found that the development would not change the mapped static water surface elevation of 1008 feet. City Staff reviewed and accepted the results of that 2013 report for the past development and it was determined that additional drainage studies are not required for the new proposed multi-tenant building.

4. CIRCULATION:

Public Access. The current internal circulation plan provides for safe, convenient and efficient movement of goods, motorists, bicyclists, and pedestrians, and reduces conflicts between motorists and pedestrians. A sidewalk exists along the Tuttle Creek Boulevard Frontage Road, providing access for pedestrians and bicyclists. A five (5) foot sidewalk and retaining wall is proposed along Sarber Lane to accommodate pedestrian access for the new multi-tenant building and existing businesses within the PUD.

Existing access to the subject site is from three (3) abutting streets and associated curb cuts: A total of three (3) curb cuts along the Tuttle Creek Boulevard Frontage Road; Two (2) curb cuts off Sarber Lane; and, One (1) curb cut off Hayes Drive. Proposed modifications to the southern curb cut along Tuttle Creek Boulevard Frontage Road redirects ingress and egress to the north, in order to accommodate for grading associated with the new multi-tenant building. Minor modifications to the parking layout are proposed, as described on the Final Development Plan drawings and plans. No other changes to existing access are proposed along any other abutting street. Additional traffic studies are not required for the proposed multi-tenant building

Traffic. In 2012, a Traffic Impact Analysis was prepared by the applicant's consultant, Renaissance Infrastructure Consulting and accepted by the City Engineer. Recent site improvements have been made that were associated with the amendment to the PUD for the development of a Chick-fil-A Restaurant. These improvements include closing the

northwestern two-way curb cuts along the Tuttle Creek Boulevard Frontage Road and modification to internal circulation. Additional traffic studies are not required for the proposed multi-tenant building.

Off-Street Parking. The Manhattan Zoning Regulations require at least 5.5 off-street parking spaces per 1,000 square feet of floor area. Gross floor area of the existing shopping center is noted on Sheet 1 of 4 at 142,946 square feet including the proposed multi-tenant building. The Manhattan Zoning Regulations allow computation of floor area for determining off-street parking requirements to deduct space devoted to storage, hallways, stairwells, elevators, bathrooms or mechanical rooms from the gross floor area. Commercial spaces vary as occupants change; consequently net floor area can change dependent on the occupancy. The net floor area of the proposed multi-tenant building is 117,454 square feet.

The proposed site plan, Sheet 1 of 4, shows 540 proposed off-street parking spaces. The existing condition site plan, Sheet 2 of 4, shows 558 off-street parking spaces with a net loss of 18 off-street parking spaces based on proposed and existing conditions. Based on the existing net floor area, 646 (645.99) off-street parking spaces would be required ($117,454/1,000 \times 5.5$), or 106 more spaces than currently exists. This is a proposed ratio of 4.6 parking spaces per 1,000 square feet of net floor area. If the off-street parking demand was calculated by utilizing the proposed gross square footage of 142,946, a ratio of 3.8 (3.78) parking spaces per 1,000 square feet of floor area would be produced. This proportion is similar to the existing off-street parking ratio of 3.8 parking spaces per 1,000 square feet of floor area for the PUD.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: There is no common area other than the shared off-street parking lot. Landscaped space is primarily perimeter space along abutting streets and internal landscape islands.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is characterized as a commercial/industrial area, with commercial retail and service/commercial activities dominating the area to the south and north of the site between Hayes Drive and the Frontage Road and industrial and commercial services to the east of Hayes Drive. The area to the west of the site is a major street corridor.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The existing use is a commercial shopping center with buildings located on the eastern side of the property, one drive-thru establishment generally located in the northwest corner of the site, one out building generally in the southwest corner of the site, and off-street parking on the western side of the site. Historically, the site was the location of a Wal-Mart store, which was replaced by a Super Wal-Mart to the north of the

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subject site; and Dillon's grocery store, which was replaced by a Dillon's grocery store to the south of the subject site. The PUD is currently occupied by a range of commercial retail and service commercial uses.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is generally flat with slopes to the west/southwest and is a developed commercial site consisting primarily with roof and asphalt paving and perimeter landscaping and landscape islands.

Currently, Lots 1 and 2 of Manhattan Crossing Planned Unit Development are in the 100 Year (1%) Flood Plain (Flood Insurance Rate Map FIRM) Number 20161C0366E, effective date November 19, 2003, Zone AH, flood depths of 1 to 3 feet usually from ponding. The Base Flood Elevation (BFE) is 1008 National Geodetic Vertical datum (NGVD) feet. The proposed preliminary FIRM modifies the 1% zone to AE, Base Flood Elevations determined. The map change reduces the amount of area of Lot 2 that is affected by the 1% Flood, to an area west of the existing commercial buildings extending out to the frontage road; which includes the area of the proposed multi-tenant building. The proposed BFE for the site is 1008 feet.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Commercial strip center and Super Wal-Mart; PUD.

(b.) SOUTH: Sarber Lane, hotel, grocery store, restaurants, and other service commercial uses; C-5, Highway Service Commercial District.

(c.) EAST: Hayes Drive, auto related service commercial, vacant K-Mart building; C-5, and PUD.

(d.) WEST: K-177 Tuttle Creek Boulevard and frontage road, Manhattan Marketplace; C-5, and PUD.

4. GENERAL NEIGHBORHOOD CHARACTER: See No. 6 above, **CHARACTER OF THE NEIGHBORHOOD.**

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The PUD is zoned and suitable for the existing uses, all of which are a Permitted Use in the C-2 District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed amendment is compatible with nearby properties because the PUD is in a highway service commercial environment accessed from three (3) streets. The surrounding area is zoned to serve the motoring public in a manner consistent with higher traffic volumes. Some added light and minimal noise is expected with the additional multi-tenant retail building. The proposed amendments are no different than those in the service commercial character of the area.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is designated as CC, Community Commercial, a designation intended to provide for a mix of retail and commercial services in a concentrated and unified setting. 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 existing PUD and proposed amendment conform to the Comprehensive Plan.

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

1969	Annexation/Zoned C-5, Service Commercial District and I-2, Industrial Park District
1971	Original Wal-Mart PUD established
1982	Planning Board approved Final Plat, Wal-Mart Addition
1990	Major expansion of Wal-Mart and establishment of new revised Wal-Mart Planned Unit Development (Ordinance No. 4630)
1991	Planning Board approved Wal-Mart Add., Unit 2 (<i>As-built replat</i>)
1993	Amend Wal-Mart PUD signage plan (Ord. No. 4828)
1996	Amend Wal-Mart PUD signage plan (Ord. No. 4993)
July 7, 1997	Planning Board recommends approval of building expansion for a Staples Office Store
Aug. 19, 1997	City Commission approves Ord. No. 5054 expansion for Staples
June 5, 2000	Planning Board recommends approval of an increase of outdoor storage for seasonal sales of landscape materials and a reduction of the required number of parking spaces during the 4 month display period.
June 20, 2000	City Commission approves first reading of the amendment to increase of outdoor storage for seasonal sales of landscape materials and a reduction of the required number of parking spaces during the 4 month display period.
July 11, 2000	City Commission approves Ordinance No. 6146.
July 19, 2004	Planning Board recommends approval of an amendment to allow "Tad's Tropical Sno" outbuilding in the southern part of the parking lot.
Aug. 3, 2004	City Commission approves first reading of amendment for Tad's Tropical Sno.
Aug. 17, 2004	City Commission approves Ordinance No. 6426 amendment for Tad's Tropical Sno.
May 6, 2013	Manhattan Urban Area Planning Board holds public hearing and recommends approval (6-0) to amend the Wal-Mart Planned Unit Development and approve the Final Development Plan of Manhattan Crossing PUD, based on the findings in the revised Staff Report, with the five conditions of approval, as modified and recommended by the Manhattan Urban Area Planning Board.
May 21, 2013	City Commission approves first reading of an ordinance amending the Wal-Mart Planned Unit Development and approval of the Final Development Plan of Manhattan Crossing PUD.

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- June 4, 2013 City Commission approves Ordinance No. 7005 amending the Wal-Mart Planned Unit Development and approving the Final Development Plan of Manhattan Crossing PUD, generally located northeast of the intersection of Tuttle Creek Boulevard Frontage Road and Sarber Lane, based on the findings in the revised Staff Report, with the five conditions of approval.
- Feb. 20, 2014 Manhattan Urban Area Planning Board approves Final Plat of Manhattan Crossing Planned Unit Development.
- March 25, 2014 City Commission accepts easements and rights-of-way as shown on the Final Plat of Manhattan Crossing Planned Unit Development.

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

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

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no adverse affects on the public and no relative gain would be accomplished by denial. Denial of the amendment 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 sewer and water are available to serve the business.

12. OTHER APPLICABLE FACTORS: There are no other applicable factors.

13. STAFF COMMENTS: City Administration recommends approval of the proposed amendment of the Manhattan Crossing Planned Unit Development, and approval of the Final Development Plan of Manhattan Crossing, subject to the following conditions of approval:

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1. Landscaping and underground irrigation shall be maintained in good condition.
2. A Landscape Performance Agreement between the applicant and City shall be approved, prior to issuance of a building permit.
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 amendment of the Final Development Plan of Manhattan Crossing Planned Unit Development and Ordinance No. 7005, based on the findings in the Staff Report, with the conditions of approval recommended by City Administration.
2. Recommend denial of the proposed amendment of the Final Development Plan of Manhattan Crossing Planned Unit Development and Ordinance No. 7005, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of the Final Development Plan of Manhattan Crossing Planned Unit Development and Ordinance No. 7005, based on the findings in the Staff Report, subject to the three (3) conditions of approval recommended by City Administration.

PREPARED BY: Chase Johnson, Planner

DATE: October 29, 2014

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