



***MINUTES  
CITY COMMISSION MEETING  
TUESDAY, NOVEMBER 18, 2014  
7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Wynn Butler and Commissioners Karen McCulloh, Usha Reddi, Richard B. Jankovich, and John Matta were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, Assistant City Attorney Bryant Parker, City Clerk Gary S. Fees, 9 staff, and approximately 22 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Butler led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Butler proclaimed November 29, 2014, *Small Business Saturday*. Susan Doughty, 14\*19 Mercantile; Lindsey Hufnagel, The Boutique; and Lyle Butler, President, and Trent Armbrust, Economic Development, Manhattan Area Chamber of Commerce, were present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Reddi encouraged people to attend the K-State Football Watch Party on November 20, 2014, from 5:00 p.m. to 11:00 p.m., at the Flint Hills Discovery Center to watch the Wildcats play the West Virginia Mountaineers. She reminded citizens that the annual Community Thanksgiving dinner would be held at Old Chicago this year and encouraged everyone to attend and if possible, to make a monetary or food donation for this effort. She stated that the Festival of Lights would be on Friday, November 28, 2014, at the Blue Earth Plaza and encouraged everyone to shop locally and to enjoy the great businesses that are in the community.

## COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner McCulloh encouraged everyone to get their flu shots and to make sure their immunizations are up-to-date.

Mayor Butler invited the community to be a part of the Mayor's Christmas Spirit of the Holidays Lighted Parade starting at 5:30 p.m., on Friday, December 5, 2014, and to participate in the Mayor's Holiday Food and Fund Drive to assist the Flint Hills Breadbasket. He highlighted the six different parade categories and encouraged those interested in being in the parade to submit their entries by November 21, 2014, on the Downtown Manhattan, Inc. (DMI) or the City of Manhattan websites.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 4, 2014.

### CLAIMS REGISTER NO. 2774

The Commission approved Claims Register No. 2774 authorizing and approving the payment of claims from October 29, 2014, to November 10, 2014, in the amount of \$4,671,760.47.

### LICENSES

The Commission approved a **Tree Maintenance License** for calendar year 2015 for Blueville Nursery, Inc., 4539 Anderson Avenue; Eager Beavers Landscaping, 3755 Hodges Lane, Saint George, Kansas; Greentouch Lawn and Tree Service, 3530 SE 21<sup>st</sup> Street, Topeka, Kansas; Tree Man-MHK, 2104 Fox Meadows; an annual **Cereal Malt Beverages Off-Premises License** for Walgreens #12814, 2719 Anderson Avenue; Walgreens #07060, 325 Bluemont Avenue; and an annual **Cereal Malt Beverages On-Premises License** for K-State Student Union Recreation, 908 K-State Student Union; Tuttle Creek Pizza Hut, 1005 Hostetler Drive; and Westloop Pizza Hut, 2931 Claflin Road.

### FINAL PLAT – MUIRFIELD ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Muirfield Addition, generally located 1,300 feet northeast of the intersection of Grand Mere Parkway and Colbert Hills Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

## CONSENT AGENDA (CONTINUED)

\* **ORDINANCE NO. 7107 – ISSUE - GENERAL OBLIGATION BOND SERIES 2014-C**

Ron Fehr, City Manager, provided an update on the results of the Bond Sale held earlier in the day.

The Commission approved Ordinance No. 7107 issuing \$3,940,000.00 in general obligation bonds (Series 2014-C) to finance the following 15 special assessment projects: *Bellerive Addition – Sanitary Sewer (SS1119); Lee Mill Heights Addition, Unit Seven – Sanitary Sewer (SS1117), Street (ST1110), and Water (WA1112); Lee Mill Heights Addition, Unit Eight – Sanitary Sewer (SS11306), Street (ST1307), and Water (WA1306); Miller Ranch Addition, Unit Five – Sanitary Sewer (SS1209), Street (ST1211), and Water (WA1214); Prairie Lakes Addition, Unit Six – Sanitary Sewer (SS1207), Street (ST1209), and Water (WA1208); and Scenic Meadows, Unit Three, Phase Two – Sanitary Sewer (SS1004) and Water (WA1004)* and one (1) capital project (*Bluemont Corridor Improvements Project (ST1103)*).

**RESOLUTION NO. 111814-A – DELIVERY OF BONDS – GENERAL OBLIGATION BOND SERIES 2014-C**

The Commission approved Resolution No. 111814-A authorizing delivery of the Series 2014-C bonds to the low bidder, Robert W. Baird & Co., Inc., of Milwaukee, Wisconsin.

\* **RESOLUTION NO. 111814-B – ISSUE – TEMPORARY NOTE SERIES NO. 2014-05**

Ron Fehr, City Manager, provided an update on the results of the Temporary Note Sale held earlier in the day.

The Commission approved accepting the best bid for selling the notes from UMB Bank, N.A., of Kansas City, Missouri, and approved Resolution No. 111814-B issuing Temporary Note Series No. 2014-05 in the amount of \$6,010,000.00 to finance the following special assessment projects: *Bellerive Addition – Street (ST1112) and Water (WA1113); Enclave Addition – Sanitary Sewer (SS1411), Street (ST1410), and Water (WA1409); Grand Luxe Addition – Sanitary Sewer (SS1408), Street (ST1407), and Water (WA1407); Interlachen Addition – Sanitary Sewer (SS1318), Street (ST1325), and Water (WA1321); Lee Mill Heights Addition, Unit Nine – Sanitary Sewer (SS1412), Street (ST1413), and Water (WA1410); and Stone Valley Addition, Unit Two – Sanitary Sewer (SS1413), Street (ST1413), and Water (WA1411)*.

## CONSENT AGENDA (CONTINUED)

### FIRST READING – INCREASE WATER RATES

The Commission approved first reading of an ordinance amending applicable sections of Chapter 32 of the Code of Ordinances to increase water rates by 5% as recommended, and adopting water rates for the Blue Township Water District, effective January 1, 2015.

### FIRST READING – INCREASE SANITARY SEWER RATES

The Commission approved first reading of an ordinance amending applicable sections of Chapter 32 of the Code of Ordinances to increase sewer rates by 3% as recommended, effective January 1, 2015.

### FIRST READING – NO PARKING ZONE – NORTH DELAWARE AVENUE

The Commission approved first reading of an ordinance designating a “No Parking Zone” from the south side of North Delaware Avenue beginning 500 feet east of the center of Sunset Avenue, proceeding 80 feet east, then 80 feet south on the west side of North Delaware Avenue.

### FIRST READING – ADOPT – 2014 STANDARD TRAFFIC ORDINANCE

The Commission approved first reading of an ordinance incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2014.

### AWARD CONTRACT – KIMBALL AVENUE/K-113 INTERCHANGE IMPROVEMENT (ST1401)

The Commission authorized the Mayor and City Clerk to execute the Authority to Award Contracts in the amount of \$525,451.28, and Commitment of City Funds in the amount of \$52,545.13 representing a 10% local share of the Kimball Avenue and K-113 Interchange Improvement project (ST1401) to be administered by KDOT.

### AGREEMENT – ENGINEERING SERVICES – FRANK ANNEBERG PARK IMPROVEMENTS (CP1405)

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$114,560.00 with Olsson Associates, of Manhattan, Kansas, for design and bidding services for Frank Anneberg Park improvements (CP1405) to include synthetic turf infields at Twin Oaks Complex (CIP #RC031P), synthetic turf on one soccer field (CIP #RC033P), and sports lighting at Twin Oaks fields 1-4 and soccer fields 1 and 2 (CIP #CP157P).

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – GRAND MERE PARKWAY EXTENSION, PHASE 1 (ST1411)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,862,897.50; awarded a construction contract in the amount of \$1,385,835.55 to Bayer Construction., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Extension of Grand Mere Parkway, Phase 1 (ST1411).

### INTERLOCAL AGREEMENT – KANSAS STATE UNIVERSITY FIBER OPTIC COMMUNICATIONS INFRASTRUCTURE

The Commission authorized the Mayor and City Clerk to execute an Interlocal Agreement with Kansas State University to expand the operation and capabilities of the City's Intelligent Transportation Systems (ITS) and to provide access to video feeds to assist with the safe and orderly flow of traffic through the use of the University's fiber optic communications infrastructure.

### PUBLIC HEARING – AMEND – CDBG CITIZEN PARTICIPATION PLAN

Mayor Butler opened the public hearing.

Hearing no comments, Mayor Butler closed the public hearing.

### AMEND – CDBG CITIZEN PARTICIPATION PLAN

The Commission approved the following Community Development Block Grant (CDBG) Citizen Participation Plan amendments:

- In Section C under the *Substantial Amendments*, Number 3, “thirty percent (30%)” is increased to “forty percent (40%)”
- a statement regarding Federal Emergency Or Disaster Declarations has been added.
- The entire section on *Minor Amendments* has been added to identify events that represent minor changes to an approved Annual Plan That will not require a substantial amendment.
- Multiple references to the Section 108 Loan Guarantee Program (Section 108) have been added to the document in order to be in compliance with 24 CFR 570.704(A) (2), if this funding source is utilized.

## CONSENT AGENDA (CONTINUED)

### OUTSIDE CITY SEWER AGREEMENT – 4810 SKYWAY DRIVE (BRIGGS)

The Commission authorized the Mayor and City Clerk to execute an agreement with Russell Kent Briggs, Trustee of the Russell Kent Briggs Trust, for an outside city limits sanitary sewer service connection for the office space and automotive service and sales center located at 4810 Skyway Drive, Riley County, Kansas.

### \* BOARD APPOINTMENTS

Gary Fees, City Clerk, and Ron Fehr, City Manager, announced the names of the individuals proposed by Mayor Butler to various boards and committees and also provided clarification that the proposed appointment to the Riley County Law Board would be discussed during the end of the General Agenda, Item D.2.

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

#### *Bicycle Advisory Committee*

Re-appointment of Seth Scobee, 1001 South Seth Child Road, to a three-year Riley County Police Department term. Mr. Scobee's term begins immediately, and will expire October 31, 2017.

#### *Board of Zoning Appeals*

Re-appointment of Connie Hamilton, 120 Longview Drive, to a three-year term. Ms. Hamilton's term will begin January 1, 2015, and will expire December 31, 2017.

#### *Cemetery Board*

Appointment of Mike Carlson, 116 North Dartmouth Drive, to a three-year term. Mr. Carlson's term will begin January 1, 2015, and will expire December 31, 2017.

#### *Flint Hills Discovery Center Advisory Board*

Appointment of Rose Bacon, 1181 Four Mile Road, Council Grove, to fill the unexpired term of Thomas Warner. Ms. Bacon's term begins immediately and will expire January 31, 2017.

## CONSENT AGENDA (*CONTINUED*)

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

## GENERAL AGENDA

### FIRST READING - AMEND PRELIMINARY DEVELOPMENT PLAN - MANHATTAN MEDICAL CENTER PLANNED UNIT DEVELOPMENT

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission regarding the proposed signage and adjacent C-1 buildings.

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. 6451 and the Preliminary Development Plan of the Manhattan Medical Center Commercial PUD, generally located southwest of the intersection of College Avenue and Claflin Road, to allow the proposed signage, based on the findings in the Staff Report with the one condition (*See Attachment No. 1*). Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READINGS - AMEND ARTICLE VI – SIGNS OF THE MANHATTAN ZONING REGULATIONS; PERMIT – PLACEMENT AND MAINTENANCE OF SUBDIVISION AND DEVELOPMENT SIGNS IN THE CITY’S RIGHTS-OF-WAY; AMEND – PERMIT FOR TEMPORARY USE OF A SIDEWALK SIGN – CITY SIDEWALK OR PUBLIC PLAZA; AND AMEND SIGN PERMIT FEES

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted the process utilized and proposed revisions; digital sign policy, operations and safety issues; digital sign types; current and proposed Residential Districts; current and proposed C-1, Restricted Business District; current and proposed C-2, Neighborhood Shopping District; current and proposed C-3, Aggieville Business District; current and proposed C-4, Central Business District; current and proposed C-5, Highway Service Commercial District; current and proposed LM-SC, Light Manufacturing – Service Commercial District; Industrial Districts; Planned Unit Developments; University District; specific signs and sidewalk signs; off-site advertising signs; other topics; proposed sign application fees; and outlined the process, implementation, and recommendation. He then responded to questions from the Commission regarding signage requirements and enforcement.

## GENERAL AGENDA (CONTINUED)

### FIRST READINGS - AMEND ARTICLE VI – SIGNS OF THE MANHATTAN ZONING REGULATIONS; PERMIT – PLACEMENT AND MAINTENANCE OF SUBDIVISION AND DEVELOPMENT SIGNS IN THE CITY’S RIGHTS-OF-WAY; AMEND – PERMIT FOR TEMPORARY USE OF A SIDEWALK SIGN – CITY SIDEWALK OR PUBLIC PLAZA; AND AMEND SIGN PERMIT FEES (CONTINUED)

Bryant Parker, Assistant City Attorney, responded to questions from the Commission regarding compliance issues.

Mayor Butler opened the public comments.

Josh Adrian, 3508 Churchill Street, informed the Commission that he was thankful for the new ordinances; however, he voiced concern with the time period on temporary signs. He asked the Commission to consider eliminating the time period and informed the Commission that they do not lease all their apartments in 120 days and large signs are critical to advertise their leases. He also voiced concern with the proposed monument signs and stated that their apartment complex on College Avenue has a giant limestone sign that has been there for ten years and will need to be removed in five years according to this proposal.

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

Ron Fehr, City Manager, responded to questions from the Commission and provided clarification on the possible actions for the Commission to address each item individually or combine all four items together in one action item.

After discussion and comments from the Commission, Commissioner Jankovich moved to: 1) approve first reading of an ordinance amending Article VI – Signs of the Manhattan Zoning Regulations, as proposed, based on the findings in the Staff Memorandum (*See Attachment No. 2*) and the recommendation of the Planning Board; 2) approve first reading of an ordinance adding Article X to Chapter 30 of the Code of Ordinances, relating to the issuance of a permit for the installation and maintenance of subdivision and development signs in the City rights-of-way; 3) approve first reading of an ordinance amending Sections 30-110 through 30-113 of the Code of Ordinances, relating to the issuance of a permit for the temporary use of a city sidewalk or public plaza for the placement of a sidewalk sign; and finally, 4) approve first reading of an ordinance amending Section 8-271 of the Code of Ordinances, relating to the fees for issuance of sign permits required by the Manhattan Zoning Regulations. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### PUBLIC HEARING - MUNICIPAL FACILITY REVIEW - EXPANSION OF CITY HALL FOR THE PARKS AND RECREATION OFFICES

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission regarding the Municipal Facility Review process, zoning, and proposed parking.

Ron Fehr, City Manager, provided additional information on the Municipal Facilities Review process used for the expansion of City Hall for the Parks and Recreation offices.

Cameron Tross, Bruce McMillan Architects, responded to questions from the Commission regarding the number of proposed parking spaces and designated Americans with Disabilities Act (ADA) parking spaces.

Mayor Butler opened the public hearing.

Randi Dale, 2416 Rogers Boulevard, voiced concern with the lack of available parking for evening events held in City Auditorium and access to the Auditorium. She asked if additional parking stalls could be installed near the Fire Department.

Mayor Butler stated that the architect has accomplished about all that can be done for additional parking and did not want to see anymore green space removed. He stated that for noon meetings and large events, parking at City Pool can be used and walk to City Hall.

Commissioner McCulloh stated that for a special event in the Auditorium you could do valet parking with the help from a fraternity or be dropped off at the door.

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

### FIRST READING - MUNICIPAL FACILITY REVIEW - EXPANSION OF CITY HALL FOR THE PARKS AND RECREATION OFFICES

Commissioner Matta stated that he did not think that this extensive of an expansion project was necessary to serve the public interests, particularly, the front end of the building. He stated that there are other alternatives and could not support this ordinance.

After discussion and comments from the Commission, Commissioner McCulloh moved that the City Commission find by a preponderance of the evidence that the public interests to be served by the proposed City Hall expansion outweigh the impacts upon legitimate community interests; and, approve first reading of an ordinance authorizing the proposed Municipal Facility City Hall expansion, located at 1101 Poyntz Avenue, based on the findings in the Staff Report (*See Attachment No. 3*), with the one condition of approval. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Matta voting against the motion.

## GENERAL AGENDA (CONTINUED)

### POLICY - CITY COMMISSION APPOINTMENTS TO THE RILEY COUNTY LAW BOARD

Mayor Butler presented an overview of the item and highlighted the history of the Riley County Law Enforcement Board; the responsibilities of the Law Board; State Statute KSA 19-4427; the intent of the Statute; the current composition of the Law Board; the elected Law Board members; Policy Resolution No. 091906-A and how the Resolution changes the original Statute; and discussed key points and options for consideration.

Jason Hilgers, Deputy City Manager, provided clarification on the language in the State Statute that states that no member of the Law Board may be removed by the City Commission unless there is “just cause.” He informed the Commission that they are not able to remove someone at their discretion, but could if “cause” is determined based on the conduct and/or character of the appointee.

Bryant Parker, Assistant City Attorney, responded to questions from the Commission. He provided additional information on appointments to the Riley County Law Board and cited a Kansas Supreme Court case regarding appointments to the Law Board.

After discussion and comments from the Commission, Mayor Butler reiterated several key points to be considered. He stated that he plans on nominating at least one non-elected member to the Law Board and has chosen an individual, Craig Beardsley, who is more than qualified for the position. He said that proper oversight and focus on the budget are key factors to be on the Law Board. He stated that the Commission should repeal the current Policy Resolution and follow State Statute.

Commissioner Matta stated that he would support a qualified Citizen At-Large candidate as recommended by the Mayor. He voiced support to repeal the current Resolution and go with State Statute.

Commissioner McCulloh provided background information on the Law Board and discussed past representation that served on the Law Board. She stated that she sees the move to rescind the Policy Resolution as more politics and did not want that to be the case. She also stated that as a Law Board member and as a Commissioner, it is vitally important to know the significance of the Riley County Police Department (RCPD) budget and what the ramifications and impact will be on the City and County budgets.

Commissioner Reddi voiced concern that without the current Resolution, it could prevent future Commissioners from having a chance to participate on the Law Board, especially, if they receive a two-year term as a Commissioner versus a four-year term.

Mayor Butler stated that the current Resolution is binding on the Commission and future Commissioners. He reiterated that he wanted to see the Resolution rescinded.

## GENERAL AGENDA (*CONTINUED*)

### POLICY - CITY COMMISSION APPOINTMENTS TO THE RILEY COUNTY LAW BOARD (*CONTINUED*)

After discussion and comments from the Commission, Bernie Hayen, Director of Finance, responded to questions from the Commission regarding the funding percentages provided by the City of Manhattan and Riley County for RCPD.

Mayor Butler opened the public comments.

Randi Dale, 2416 Rogers Boulevard, informed the Commission that she was impressed with how complicated the process of appointments to the Law Board were and thanked the Commission for their research. She voiced concern for representation for those living in northern Riley County. She stated that her preference would be to appoint an individual that is not a City Commissioner in order to provide another view and appreciated the need to understand budgeting.

Brian Niehoff, 3508 Woods Court, asked about the difficulty with the overlapping period and if there is a legal reason why the Law Board term limits do not go to April instead of stopping in January.

Ron Fehr, City Manager, stated that is the way the State Statute is written and generally follows the sheriff and county statutes.

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

Commissioner Jankovich stated that the timing of the Law Board appointments is a fundamental issue and if history follows suit, Commissioner Reddi will make the next appointments to the Law Board. He emphasized the importance for Law Board members to be able to understand the budget, provide oversight, and know the responsibilities to serve on the Law Board. He stated that in considering all the factors, he was leaning toward going back with the State Statute. He also recommended that there be slate of appointments to the Law Board at the same time and then make the appointments during a legislative meeting in December 2014.

After additional discussion and comments from the Commission, Mayor Butler moved to rescind the current Law Board Appointment Policy Resolution No. 091906-A. Commissioner Matta seconded the motion. On a roll call vote, motion carried 3-2, with Commissioners McCulloh and Reddi voting against the motion.

## GENERAL AGENDA (CONTINUED)

### APPOINTMENT - RILEY COUNTY LAW BOARD

Mayor Butler discussed the proposed appointment of Craig Beardsley, 1209 Hudson Avenue, to a two-year Citizen At-Large term beginning January 1, 2015, and expiring December 31, 2016, to the Riley County Law Enforcement Board. He provided information on Mr. Beardsley's qualifications and his reasons for making the recommendation for him to serve on the Law Board as a Citizen At-Large appointment.

After discussion by the Commission regarding Mr. Beardsley's qualifications and appointment process to the Law Board, several Commissioners requested putting a slate of appointments together and then make all the appointments at the same time.

After additional discussion and comments from the Commission, Commissioner Jankovich moved to table the item until the Tuesday, December 2, 2014, City Commission meeting. Commissioner Reddi seconded the motion.

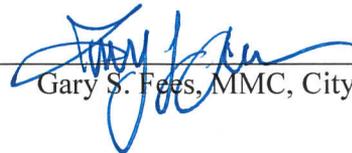
Ron Fehr, City Manager, provided clarification on the item and stated that the item would be on the next City Commission legislative meeting agenda.

After further comments from the Commission and clarification on the motion to table the item until the December 2, 2014, City Commission meeting, on a roll call vote, the motion carried 4-1, with Commissioner Matta voting against the motion.

Mayor Butler requested that City Commissioners interested in serving on the Law Board submit their interest forms to be considered.

### ADJOURNMENT

At 9:13 p.m., the Commission adjourned.

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

## **STAFF REPORT**

### **AN AMENDMENT OF ORDINANCE NO. 6451 AND THE APPROVED PRELIMINARY DEVELOPMENT PLAN OF THE MANHATTAN MEDICAL CENTER PLANNED UNIT DEVELOPMENT.**

**REQUEST:** The applicant/owner has requested the amendment to Ordinance No. 6451 and the Preliminary Development Plan to install new directional signs throughout the medical office development. The amendment is in the form of a Final Development Plan

## **BACKGROUND**

**APPLICANT/OWNER:** Manhattan Medical Center – Bob Dieball, Manager

**ADDRESS:** 1133 College Avenue

**LOCATION:** Lots 1, 2 and 3 Final Plat Phase 1 for Manhattan Medical Center PUD

**AREA:** 364,298 square feet (8.36 acres)

**DATE OF PUBLIC NOTICE PUBLICATION:** October 13, 2014

**DATE OF PUBLIC HEARING: PLANNING BOARD:** November 3, 2014

**CITY COMMISSION:** November 17, 2014

## **EXISTING PUD**

### **Ordinance No. 3999 and Ordinance No. 6451, Permitted Uses and Conditions of Approval**

Ordinance No. 3999 rezoned the site from C-1, Restricted Business District to the Manhattan Medical Center PUD in August, 1982. The Ordinance references the application documents for permitted uses and development plans. The permitted uses are “medical center complex, pharmacy and optical dispensary.”

Internal documents show that an amendment to Ordinance No. 3999 was initiated to allow several directional signs throughout the PUD to direct patrons to various buildings in 1984. The signs were to be approximately 4 feet tall and 4 feet wide. Eight (8) signs in total were to be installed in various locations on the site. No records of the amendment every being approved can be found. The signs have generally been installed on the site as proposed in 1984

*Attachment No. 1*

In January, 2005, Ordinance No. 6451 was approved, amending Ordinance No. 3999 and the Final Development Plan was amended to allow for two (2) buildings on the site, a physical therapy clinic and a maintenance building expansion along with new parking lot areas and landscaping associated with the new development. The ordinance was approved with the following conditions of approval:

1. Construction shall be limited to the new physical therapy building and maintenance building expansion and modification to the off-street parking lot.
2. 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.
3. All landscaping and irrigation shall be maintained in good condition.
4. The building exterior of the physical therapy building shall include at least fifty (50) percent brick.

**PROPOSED AMENDMENT**

The applicant/owner has proposed to erect new directional signage throughout the Manhattan Medical Center. The Manhattan Medical Center is situated in 2 zoning district; the PUD, established in 1982 and the western portion, including Buildings E and G, which was rezoned to C-1, Restricted Business District in 2008.

The proposed signs will be 7 foot, 8 inches tall and 9 feet, 4 inches wide. The pylon support structures will be constructed of limestone. The 1 foot by 1 foot (1 square foot) building identification (i.e. Building E) will be placed on the support structures. The remainder of the sign will identify the various doctor offices in the building in 5 inch tall by 6 foot wide metal signs. The office identification area will be approximately 49 square feet. The signs are proposed to be externally illuminated.

A total of 10 of these signs are proposed near internal traffic ways in the PUD site (2 signs for each building within the PUD site). The location of the sign varies across the site to provide the best location to guide visitors and clients of the Manhattan Medical Center to the various doctor offices. The application site plan shows a site as close as 38 feet from the College Avenue front property line and 100 feet from the Claflin Road front property line.

The number of the signs on the C-1 District site requires approval of a Variance by the Board of Zoning Appeals. This item will be heard by the Board of Zoning Appeals on November 12, 2014.

In addition to the proposed identification signs, City Administration is proposing to allow the following exempt sign described in Article VI, Section 6-104 (A)(1),(2),(3), (4),(5), (7), and (9); and, Section 6-104 (B)(2) and B(5), of the Manhattan Zoning Regulations. The original PUD ordinance, nor the PUD amendment addressed these type of signs.

## **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 application documents state “The original PUD identified the development goals of the Manhattan Medical Center complex. The aforementioned proposal to incorporate new identification signs is consistent with the existing PUD’s intent and purpose. The ground mounted signs will be placed throughout the site to maximize visibility and directly related to the building(s) identified. The sign size has been determined based on the interchangeable nature of the complex and maintaining architectural compatibility.” The proposed amendment meets the intent and purpose of the approved PUD and promotes efficient use of the development.

**2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** The proposed amendment is necessary because internal documents shows that the current signs were approved through a PUD amendment process that specified the size and character of the signs. The proposed signs are substantially larger than the previously approved signs.

The need for the new signs is to better identify the various doctor offices in the medical center complex. The application documents state “The number of professional offices within the MMC is variant as its businesses relocate, grow, and change ownership. Locating specific buildings within the site can be difficult in its current state. Guests must come into the site without a knowledge of building and level location. The landscaping surrounding the Medical Center has reached its mature growth over the years and seasonally masks specific landmarks and way-finding attributes of the site.”

**3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The proposed amendment will improve public health, safety and convenience to the general public, as it is intended to improve the ability to find a specific doctor office within the large complex. These new signs will reduce confusion while driving through the medical center’s parking lot, which would improve traffic and pedestrian safety.

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

- 1. LANDSCAPING:** The site has mature landscaping throughout, including manicured lawns, trees, bushes and foundation plantings. No significant changes are proposed with this development.
- 2. SCREENING:** The site currently screens itself from the adjacent residential property to the south by a tall row of bushes and shrubs. The vegetation is dense and adequately screens the adjacent property from the site. No changes to the screening are proposed.
- 3. DRAINAGE:** The site generally drains to the southwest towards a large ravine that ultimately drains into Wildcat Creek. No changes are proposed to the site that would impact the drainage on the site or in the immediate area.
- 4. CIRCULATION:** The circulation patterns throughout the Manhattan Medical Center parking lot are established. The location of the proposed signs appears to avoid visual conflicts with vehicular and pedestrian traffic. The final placement of the signs should be evaluated by the applicant to ensure that vision clearance is maintained to avoid conflicts with vehicle traffic and pedestrian traffic.
- 5. OPEN SPACE/LANDSCAPED AND COMMON AREA:** No changes to the open space or commons are proposed.
- 6. CHARACTER OF THE NEIGHBORHOOD:** The character of the surrounding neighborhood is a mix of residential uses to the south, east and west and multiple-family residential and offices to the north. A portion of the Manhattan Medical Center is located to the west in the C-1 District.

Single-family homes, some of which are rental units, are located to the east, south and west. The Trinity United Presbyterian Church is located to the east. To the north are several multiple-family apartment complexes, a bank with drive-thru, the Kansas Forestry Department and a professional office building.

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

- 1. EXISTING USE:** Manhattan Medical Center, including a variety of doctor offices, health professional offices and support services.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site generally slopes from the north to the southwest towards a steep ravine that ultimately ends near Anderson Avenue. The steep ravine, which is heavily wooded, drains the site and adjacent properties to Wildcat Creek. The site is generally built out with structures, parking lots and mature landscaping. No significant changes are proposed with the proposed amendment.

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

- (a.) **NORTH:** Multiple-family apartment complexes, bank with drive-thru, Kansas State Forestry Department; Southwind Capital PUD, Chase Manhattan PUD, University District
- (b.) **SOUTH:** Single-family homes; R, Single-Family Residential District.
- (c.) **EAST:** Single-family homes and a church; R, District and Hummel Estates PUD
- (d.) **WEST:** Manhattan Medical Center Complex, single-family homes; C-1, Restricted Business District and R District.

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

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently zone PUD for the Manhattan Medical Center. No changes to the permitted uses are proposed. The need for the PUD amendment is due to the number and size of the proposed identification signs. The existing use and site improvements comply with the PUD.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed amendment should not adversely impact adjacent properties. The location of the signs is internal to the existing development. The closest sign to the residential property to the south is approximately 95 feet away. This area is also heavily landscaped with mature trees and bushes, which adequately buffers the site from the residential areas. The closest sign to the residential properties to the east is over 95 feet and is separated by College Avenue.

In addition to the distance of the signs to the neighboring, the signs are to be externally illuminated, which should also reduce any potential for adverse impacts.

*Attachment No. 1*

As part of the application process, the applicants held a neighborhood meeting on August 28<sup>th</sup>. According to the neighborhood meeting report, no one attended the meeting. Two (2) people did contact the applicant after the meeting date to ask questions and provide feedback. The meeting report did state that the individual meetings were positive.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Northwest Planning Area Future Land Use Map shows the site as Office-Research Park designation. This is compatible with the current zoning and use of the Manhattan Medical Center site. **THE PROPOSED AMENDMENT CONFORMS TO THE COMPREHENSIVE PLAN.**

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

October 19, 1982      City Commission approves Ordinance No. 3999 establishing the Manhattan Medical Center PUD.

December 6, 2004      Manhattan Urban Area Planning Board recommends approval of an amendment of the PUD on a vote of 5-0.

December 21, 2004      City Commission approves first reading of an amendment of the PUD.

January 4, 2005      City Commission approves Ordinance No. 6451 amending the PUD to add the new physical therapy building and an addition to the maintenance shop.

**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 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.

*Attachment No. 1*

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public, which denial would accomplish. The proposed amendment will result in a relative gain to the public health, safety and general welfare. The proposal is to install larger building and office identification signs to will lessen confusion for clients and guests to the doctor offices and professional health offices. This will improve vehicular and pedestrian traffic safety. The signs should have no adverse impacts on adjacent properties, as described above.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: PUBLIC FACILITIES CURRENTLY SERVE THE SITE. NO CHANGES TO THE BUILDINGS OR SITE PLANS ARE PROPOSED THAT WILL ALTER THE EXISTING PUBLIC UTILITY SERVICES.**

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

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed amendment of Ordinance No. 6451 and the approved Preliminary Development Plan of the Manhattan Medical Center Commercial PUD, subject to the one (1) condition of approval:

1. 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),(3), (4),(5), (7), and (9); and, Section 6-104 (B)(2) and B(5), of the Manhattan Zoning Regulations.

**ALTERNATIVES:**

1. Recommend approval of the proposed amendment of Ordinance No. 6451 and the approved Preliminary Development Plan of the Manhattan Medical Center Commercial PUD stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of Ordinance No. 6451 and the approved Preliminary Development Plan of the Manhattan Medical Center Commercial PUD, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

*Attachment No. 1*

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6451 and the approved Preliminary Development Plan of the Manhattan Medical Center Commercial PUD, based on the findings in the Staff Report, subject to the one (1) conditions of approval recommended by City Administration.

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

**DATE:** October, 27, 2014

14035}SR}ManhattanMedicalCenter\_PUD\_Amendment.docx



## **INTER-OFFICE MEMORANDUM**

**DATE:** October 23, 2014

**TO:** Manhattan Urban Area Planning Board

**MEETING DATE:** November 3, 2014

**FROM:** Chad Bunger, AICP, CFM, Senior Planner

**RE:** Amend Manhattan Zoning Regulations for a Complete Revision of Article VI – Signs.

### **BACKGROUND**

Article VI of the Manhattan’s Zoning Regulations addresses all types of signs and commercial speech on private property within the city. At the direction of the city Commission, City Administration has updated the signage provisions in Article VI to allow for more modern sign options, including digital and electronic signs. In addition to addressing the sign modernization issue, City Administration has also updated and clarified sections that have had issues in the past, as well as to reflect legal directives established by the courts that require sign regulations to be more “content neutral” with regard to the message being conveyed on a sign.

Key updates include: (1) Administrative Provisions and (2) District Regulations, which specify when, where, and how a sign can be installed or constructed, without referring to the message displayed, and (3) Electronic/Digital signs. The proposed regulations are intended to be as clear and understandable as possible, and provide the minimum necessary regulation needed to allow the intended audience signs to see and read the message.

#### **Administrative Provisions.**

Administrative Provisions establish Purpose and Objective statements; definitions, including modernizing sign code language; standards and formulas for determining sign area and height; enforcement; prohibited signs; non-conforming signs; and, appeals such

as Variances or Exceptions, which would be considered by the Manhattan Board of Zoning Appeals.

The Administrative section consists of provisions that make it clear that the regulations are intended to protect speech and be “content neutral” with respect to the commercial or non-commercial message. There may be several minor exceptions such as “For Sale” and “For Lease” signs, subdivision identification signs allowed at residential, commercial and industrial subdivision entrances and others. Additionally, the regulations will generally allow for substitution of messages to insure there is no inadvertent favoring of commercial speech over noncommercial speech, or one form of noncommercial speech over another form of noncommercial speech.

*District Regulations.*

The District Regulations within Article VI specify the permitted sign types, such as wall, monument (ground), pylon (pole) signs, and temporary signs, as well as number of signs allowed; setbacks; size; heights; and spacing; and if off-premise signs (billboards) are permitted. The updates to the district regulations are to implement the directives of the City Commission and hopefully make reading and implementing the Sign Regulations easier for property and business owners, sign contractors and City Administration.

*Electronic, Digital and Dynamic Signs.*

A significant portion of the update to Article VI focused on researching if electronic, digital and dynamic signs would be appropriate for Manhattan, and if so, what regulations should be implemented to minimize any adverse impacts. Through discussions with focus groups, and previous work sessions with the Planning Board and City Commission, it was determined that these types of signs would be appropriate with adequate regulations for the size, location, brightness and operational parameters, and that Manhattan should proceed cautiously towards allowing them.

City Administration researched sign regulations from similar sized cities in Kansas, current and former Big XII cities, and larger metropolitan cities to address the topic. From the research, three (3) different sign types were established, based on their functionality and impacts on surrounding properties, as follows:

- Electronic Changeable Copy Signs
- Digital Graphic Signs
- Digital Animated Signs

Depending on a specific zoning district’s characteristics and perceived adverse impacts, these sign types are either prohibited, allowed through a conditional use permit, or permitted by right. Specific use limitations have also been proposed to further mitigate impacts that may occur from the operation of these digital sign types.

As previously described, the proposed changes are a complete revision to all sections of the Article VI. The draft regulations are attached.

### **AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS**

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

### **WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS**

The intent of the Manhattan Zoning Regulations is to protect the public health, safety and general welfare and to protect property values. Article VI is designed to provide for protected free speech and to regulate the time, place and manner of commercial speech, (i.e. The location, size, placement and certain features and characteristics of signs), to ensure that the public can identify businesses and services, avoid traffic hazards, reduce visual clutter and confusion along roadways, prevent hazards to life and property, protect property values, and to ensure continued attractiveness of Manhattan.

Through the various provisions and use limitations within each zoning district, the intents and purposes stated above are addressed. The proposed amendments are consistent with the intent and purpose of the Manhattan Zoning Regulations and are drafted to accommodate modern sign types, correct administrative issues, and address content neutrality concerns.

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

The proposed amendment to Article VI would apply equally throughout the city to all residential, commercial, and industrial zones, planned unit development districts, and university districts, with the exception of Kansas State University due to the annexation agreement.

City Administration carefully considered the impacts that the proposed amendments may have on residential, commercial and industrial areas around the city. The proposed regulations allow for modern signs, such as digital and electronic signs, and corrected administrative issues and omissions to various sign provisions in the district regulations and use limitations. The modifications to the administrative provisions are intended to make Article VI more consistent and user friendly, while maintaining content neutrality in

enforcing the regulations. Attention was also given to try to reduce the number of existing signs the might become nonconforming due to the proposed regulations.

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

The entire city will be subject to the new regulations, which will replace the existing regulations. The proposed amendment to the Zoning Regulations is a complete revision of Article VI – signs, that addresses the time, place and manner of sign displays on all private property throughout the city, as well as display of signs on City property.

In residential districts, the proposed regulations address the need for residents to display political speech, advertise “for sale” or “for lease” of property, and provide notification of home occupations.

The proposed regulations allow commercial and some industrial districts to use newer sign technologies, such as digital and electronic signs to advertise their business, services and products. In large part, the regulations for commercial and industrial areas not substantially changed. Rather the district regulations were re-organized to make the regulations more consistent and user friendly.

Sign regulations for the U, University District were added to address signage needs for the properties zoned in the University District, including the Manhattan Area Technical College and Flint Hills Job Corps Center.

The regulations for off-premise advertising signs (i.e. Billboards) on changed the spacing requirement to match the 800 feet used by Riley County.

The administrative section of Article VI was revised to address content neutrality, the sign permit process and enforcement issues, which affect all properties in the city.

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

The proposed amendment to Article VI was drafted in response to direction from the City Commission and the community to include modern sign types, including digital and electronic signs and more options for temporary signage. The proposed amendment allows various types of digital and electronic signs in commercial districts and some industrial districts, as well as for institutional uses in residential districts, subject to approval by the

*Attachment No. 2*

Board of Zoning Appeals. The inclusion of digital and electronic signs is dependent on the districts intent and characteristics of the area, including traffic speeds and volumes, general aesthetics and perceived signage needs.

The proposed amendment also addresses administrative and procedural issues that make it clear that the regulations are intended to protect speech and be content neutral with respect to the commercial or non-commercial message. There may be several minor exceptions such as “for sale” and “for lease” signs, subdivision identification signs in the public right-of-way at residential, commercial and industrial subdivision entrances and others. Additionally, the regulations will generally allow for substitution of messages to insure there is no inadvertent favoring of commercial speech over noncommercial speech, or one form of noncommercial speech over another form of noncommercial speech.

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

The Zoning Regulations help implement the Comprehensive Plan and its goals, objectives, and policies. The Comprehensive Plan is more general in nature and does not specify administrative site planning and construction details such as those addressed by the proposed amendments. However, the proposed amendments ensure that the general policies in the Comprehensive Plan are implemented consistent with legal requirements.

**ALTERNATIVES**

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

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

**RECOMMENDATION**

City Administration recommends approval of the amendment to the Manhattan Zoning Regulations to completely revise Article VI, signs, based on the findings in the Staff Memorandum.

*Attachment No. 2*

**POSSIBLE MOTION**

The Manhattan Urban Area Planning Board recommends approval of the amendment to the Manhattan Zoning Regulations to completely revise Article VI, signs, based on the findings in the Staff Memorandum.

CB/vr  
14132}MUAPB}AmendArt.VI\_Signs.Docx

**STAFF REPORT  
STATE OR MUNICIPAL FACILITY REVIEW**

**APPLICANT:** City of Manhattan – Ron R. Fehr, City Manager

**ADDRESS:** City Hall, 1101 Poyntz Avenue

**LEGAL DESCRIPTION:** Lots 568 – 583, Ward 5

**LOCATION:** Manhattan City Hall, 1101 Poyntz Avenue

**AREA:** 124,581 square feet (2.86 acres)

**DATE OF NEIGHBORHOOD MEETING:** September 4, 2014

**DATE OF PUBLIC NOTICE PUBLICATION:** October 13, 2014

*Note: The item was originally was advertised in the Manhattan Mercury on September 29<sup>th</sup>, but do to an error in the public notice to area property owners, the item was re-advertised on October 13<sup>th</sup>.)*

**DATE OF PUBLIC HEARING: PLANNING BOARD:** November 3, 2014

**CITY COMMISSION:** November 18, 2014

---

*At the conclusion of the hearing, the Manhattan Urban Area Planning Board shall forward its recommendation to the Governing Body. Such recommendation shall include all factors and reasons the Board relies upon to support such recommendation. In arriving at such recommendation, the Planning Board shall balance the public interests to be served by the construction or expansion of the utility or facility, as opposed to the impact upon interests intended to be protected by the Zoning Regulations. In balancing such interests, the Planning Board shall consider factors, such as:*

---

**MUNICIPAL FACILITY PROCESS:**

The Municipal Facility Review process is outlined in Section 3-412 of the Manhattan Zoning Regulations (attached), which indicates, in part, that: “Any public utility, or facility, owned and operated by either the State or a Municipality is hereby authorized as a permitted use in any zoning district, subject to the remaining provisions of this section.”

If a utility or facility is specifically listed in a zoning district as a permitted or conditional use, the municipality can follow the requirements set out in Article IV, District Regulations, or follow the provisions of Section 3-412. If the utility or facility is not set out in a zoning district in which it is proposed, the utility or facility must follow the provisions of Section 3-412.

The process requires that both the Manhattan Urban Area Planning Board and the City Commission hold public hearings on the proposal. This process is not a rezoning action, but a process whereby the Planning Board and the City Commission consider the proposal by balancing the public interests to be served by a proposed Municipal Utility or Facility, as opposed to the impact upon public interests intended to be protected by the Zoning Regulations. In performing this balancing test and evaluating a proposed facility, the Planning Board and City Commission must consider the factors listed under the Staff Report headings.

The City Commission is not bound by the recommendations of the Planning Board, nor is it obligated to return the matter to the Planning Board for reconsideration, unless the City Commission chooses to do so. If the City Commission approves the request, it does so by adoption of an ordinance, following a public hearing.

**EXISTING USE:**

The existing use of the site is the Manhattan City Hall. The three-story limestone, brick, metal paneling and stucco structure is approximately 43,200 square feet in area. The original building was constructed in 1955, with a major building expansion in 1998. City Hall includes offices for various City departments, the City Commission Room, a Fire Station with living quarters and the City Auditorium, including gymnasium and stage. The basement of the structure includes various storage areas under the administrative wing and locker rooms for the gymnasium.

The setback of the existing building is as follows:

- Approximately nineteen (19) feet from the Poyntz Avenue property line.
- Twenty-four (24) feet from the S. 11<sup>th</sup> Street property line.
- Forty-eight (48) feet from Houston Street property line.
- Fifty-two (52) feet from S. 12<sup>th</sup> Street property line.

A total of 179 parking spaces are located at City Hall. Fifty-two (52) off-street parking spaces are found in the parking lot to the north of Houston Street. This parking lot gains access off of S. 11<sup>th</sup> Street. The remaining 75 parking spaces are angled or parallel spaces located immediately around the perimeter of the City Hall property, along Houston Street, S. 12<sup>th</sup> Street and Poyntz Avenue (*see site plan*).

*Attachment No. 3*

Landscaping in the form of manicured grass lawns, deciduous trees, shrubs and foundation plantings are present throughout the site. A large lawn area with mature trees is present to the south and west side of the existing building. A row of approximately 8 foot tall viburnum bushes are located along Houston Street to screen the existing off-street parking lot. Deciduous trees and bushes are located in a large landscape island in the center of the off-street parking lot.

The subject site is in two zoning districts: the C-1, Restricted Business District (northern half of the site), and the R-1/TNO Single-Family Residential District with Traditional Neighborhood Overlay District (southern half of the site). The majority of the building lies in the C-1 District, with the entire off-street parking lot in the R-1/TNO Districts. When a lot is held in one ownership in two zoning districts at the time of adoption of the current Zoning Regulations, the entire lot is construed to be in the majority district. Because the site is half and half in each zoning district, the Municipal Facility process is all the more appropriate. The last City Hall expansion was approved through the Municipal Facility Process on September 2, 1997, by Ordinance No. 5062, which authorized the expansion of City Hall as a permitted use in the zoning districts, with the following conditions of approval:

- a. The hedge used to screen the southern edge of the parking lot shall consist of a species that will provide year-round screening. The eastern 30 feet of this hedge shall be trimmed and maintained at no more than 30 inches in height to maintain the vision clearance triangle at the intersection of 11<sup>th</sup> and Houston Streets. Additional low plantings along the eastern edge of the site could help buffer the parking from the neighborhood to the east; and,
- b. If possible, the existing “cobra head” parking lot lighting shall be replaced with directional lighting that will help prevent glare onto surrounding properties; and,
- c. An adequate level of storm drainage improvements shall be provided, as per the Stormwater Management Master Plan, to address the degree of identified impact.

Construction on the City Hall expansion began in 1997 and was completed on October 1, 1998.

**PROPOSED USE:**

The City of Manhattan is proposing to construct a building expansion to increase the amount of office space in City Hall to provide permanent office space for the Parks and Recreation Department, relocate existing offices to improve the office environment, and create additional meeting rooms, storage areas and other facilities, such as restrooms and break rooms. New mechanical equipment and a screening wall are proposed on the south side of the auditorium.

*Attachment No. 3*

The Park and Recreation staff is currently located in a building in City Park. Due to limited office space and the desire to increase staff and customer service effectiveness efficiencies, the City has proposed to relocated the staff and expand City Hall.

**Building and Site**

The proposed expansion is a one-story, 6,789 square foot addition on the north side of the office portion of the building. The expansion will be to the east of the main pedestrian entrance to City Hall on Poyntz Avenue. The expansion will include 13 offices, 2 conference rooms, office cubicles, open work space, rest rooms and a break room. The expansion will connect to the existing lobby in City Hall. As previously mentioned, the offices will be for Park and Recreation staff and also relocation of the City Attorney's office, which is currently, located in the general area of the building expansion.

The building addition will be approximately 111 feet wide, 67 feet deep and approximately 12 feet tall. The building will be set back 4 feet, 10 inches from the front property line along Poyntz Avenue. The exterior materials for the addition will be brick that matches the existing structure and windows.

A new 15 foot tall screening wall is proposed to enclose the new HVAC system equipment to the south of the City Auditorium. The enclosure area will be approximately 33 feet wide and 37 feet deep. The new wall will be approximately 48 feet from the Houston Street property line and 76 feet from the S. 12<sup>th</sup> Street property line. This screening wall will match the existing screening wall that conceals existing HVAC equipment.

The fire station has a drive-thru truck bay, with an entrance to the south of the building, near the off-street parking lot, and exits onto Poyntz Avenue. The internal parking configuration is proposed to change to remove the separate curb cut leading to the fire station's truck bay, relocate five (5) off-street parking spaces to the southeast corner of the fire station and widen the driveway to the truck bay entrance. This will improve fire truck access to the fire station. The five (5) relocated parking spaces will be approximately two (2) feet from the S. 11<sup>th</sup> Street property line. No other site alterations are proposed in the off-street parking lot.

**Landscaping**

The site consists of manicured lawn areas, mature deciduous trees, foundation plantings, bushes, shrubs and landscape beds throughout the site. A row of tall viburnum bushes is located to the south of the off-street parking lot to provide a screening barrier for adjacent residential properties.

Approximately 46.6% of the site currently consists of landscaped areas and sidewalks (other than building, parking lot and driveway). The proposed expansion will reduce the landscape area to 42.1%. The total footprint, or maximum lot coverage, of the existing and proposed building will be approximately 57.8% of the site.

The new angled parking spaces proposed along S. 12<sup>th</sup> Street will remove some existing landscape islands and mature trees (*see site plan*).

**On-Street and Off-Street Parking**

The site currently has fifty-two (52) off-street parking spaces located in the parking lot to the rear of the building. The parking lot is used for city vehicle storage, employee parking, customer parking and handicapped parking. One-hundred and twenty-seven (127) parking spaces are located immediately adjacent to the perimeter of the site along Poyntz Avenue, S. 12<sup>th</sup> Street or Houston Street. The spaces are either angled or parallel parking spaces located along the edge of the site on the streets. Other than along Poyntz Avenue, parking is available on the other side of these streets and is routinely used by visitors to City Hall, City employees and the surrounding neighborhood. There are currently a total of 179 parking spaces on the site or immediately adjacent to the site.

Based on the parking ratios in the Zoning Regulations, the facility would require approximately the following number of spaces, assuming all of the offices, commission room and the auditorium were being fully used simultaneously.

**Existing Building Parking Requirements**

Administrative/office area:	~60
City Commission Room:	~62
Auditorium/Gymnasium	<u>~393</u>
	~515

**Proposed Building Parking Requirements**

Administrative/office area:	~92
City Commission Room:	~62
Auditorium/Gymnasium	<u>~393</u>
	~547

The proposed site plan shows 13 new angled, on-street parking stalls will be created (4 spaces on Houston Street and 9 spaces on S. 12<sup>th</sup> Street). This would increase the available parking on the site or adjacent thereto, to 192 spaces.

Recently, the Public Works Department initiated the practice of requiring employees who have an office at City Hall and use department vehicles throughout the day, to park their personal vehicle at the Traffic Shop at S. 11<sup>th</sup> and El Paso and drive the City vehicle to City Hall. This has reduced the number of vehicles parked at City Hall for employees.

Eddie Eastes, Director of Parks and Recreation, submitted an Inter-office Memorandum that outlines a similar parking practice of requiring Park and Recreation staff to park off-site if a City vehicle is being used (*see attached*). Eastes also describes how buses and vans for group trips and tours (i.e. youth camps and other functions) will park and load at alternative locations, other than City Hall, such as the City Park Pool parking lot.

Based on past parking demand and the proposed parking practices by the Parks and Recreation Department and other City Departments, there is adequate parking for daily operations at City Hall and most night time activities. On those few occasions throughout the year when large events are scheduled in the auditorium, overflow parking will occur in the neighborhood on surrounding streets and the available parking in City Park.

### **Lighting**

The off-street parking lot is illuminated by 2 existing light poles and wall mounted lights. No changes to the parking lot lighting are proposed. The rest of the building has wall mounted lights and accent lights surrounding the building. The new addition will have similar lights to illuminate entrances and for architectural features.

## **PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:**

### **Public Utilities and Services**

The site is relatively flat with existing public and private utilities servicing the site. The proposed addition will not require any public or private service lines to be relocated.

Stormwater runoff from the building addition will be directed to Poyntz Avenue, where it will be collected by the City's stormwater sewer infrastructure. Because of the size of the proposed addition and the disturbed area being less than 0.50 acres, a drainage report was not required and no detention or post-construction best management practices are necessary.

Some stormwater ponding in the gutters along Houston Street, S. 11<sup>th</sup> and S. 12<sup>th</sup> Street is a known issue. However, due to the significant cost, this issue is not proposed to be addressed with the building addition, which will not add to the existing condition.

## **THE NATURE AND SCOPE OF THE MUNICIPALITY OR STATE AGENCY:**

The City of Manhattan is a city of the first class with a population of approximately 56,000. The City provides a full range of municipal level services within ten (10) departments, including: the City Manager's Office, Community Development, Parks and Recreation, Finance, Airport, Public Works, Utilities, Legal Department, Fire Services and Human Resources.

**THE FUNCTION OF THE UTILITY OR FACILITY:**

The existing City Hall facility provides the overall administrative services, management and public meeting functions for Manhattan. The auditorium/gymnasium wing provides for some of the indoor recreational needs of the community and the Fire Department Substation serves the southeastern portion of the community. The proposed addition to City Hall is intended to provide improved service to the citizens of Manhattan, through expanded and more efficient and effective public meeting space and administrative office space.

The majority of Parks and Recreation staff is currently located in a building in City Park. Due to limited office space and the desire to increase staff and customer service effectiveness and efficiencies, the City has proposed to relocate the staff and expand City Hall. The proposal will increase the amount of office space in City Hall to provide permanent office space for the Parks and Recreation Department, relocate existing offices to improve the office environment, create additional meeting rooms, storage areas and other facilities, such as restrooms and break rooms.

Thirteen (13) additional diagonal on-street parking are proposed on Houston Street and S. 12<sup>th</sup> Street, which are proposed to maintain parking availability and reduce congestion on adjacent streets and in the parking lot. The proposed reconfigured parking spaces and driveway access to the rear of the fire station will provide easier access for the fire trucks to the fire station.

**THE EXTENT OF THE PUBLIC INTEREST TO BE SERVED BY THE UTILITY OR FACILITY:**

The proposed expansion of City Hall will serve the entire population of the community, through the consolidation of administrative offices and governmental functions which will occur in the facility in order to provide the full range of municipal services and programs which touch the lives of every citizen. The proposed renovation and expansion is intended to increase the efficiency and effectiveness of both the facility and the organization in its mission to serve the needs of the community.

**THE EFFECT THAT REGULATION OF THE CONSTRUCTION, OR EXPANSION, EITHER BY THE IMPOSITION OF REQUIREMENTS NECESSARY TO MITIGATE IMPACTS OR BY A COMPLETE DENIAL, WILL HAVE UPON THE MUNICIPALITY'S, OR STATE AGENCY'S, ABILITY TO EFFICIENTLY, ECONOMICALLY AND PRUDENTLY MEET THE PUBLIC INTERESTS THEY ARE SERVING:**

The subject site is in two zoning districts: C-1, Restricted Business District, and R-1/TNO, Single-Family Residential District with Traditional Neighborhood Overlay District. The majority of the building lies in the C-1 District, with the entire off-street parking lot in the R-1/TNO District. City Hall is a permitted use in the C-1 District as a governmental building. The off-street parking is accessory to the City Hall and on the same zoning lot and is considered a permitted accessory use to the City Hall.

*Attachment No. 3*

The proposed building addition on the north side of the property does not conform to the minimum required front yard setback of 25 feet from the Poyntz Avenue property line. The proposed building setback from this front property line is 4 feet, 10 inches. Denial of the request will have a negative impact on the City's public interest to improve service to the citizens of Manhattan, through expanded and more efficient and effective public meeting, customer service and administrative office space. The proposal will increase the amount of office space in City Hall to provide permanent office space for the Parks and Recreation Department, and improve customer service and staff efficiencies.

The current City Hall footprint, which was expanded in 1998, has a building setback of approximately 20 feet, measured to the roof overhang, from the front property line along Poyntz Avenue. A significant portion of the front façade of City Hall varies, with the current setback as far as 70 feet. Requiring the minimum 25 foot front yard setback for the C-1 District would not allow for adequate office space. The site does have open space to the southwest of the building that could accommodate the size of the building. However, this would remove a significant amount of open space near the existing neighborhood. Placing the building addition in this general area would also remove it from existing office spaces and customer service areas, eliminating the intent of the efficiencies of the proposed building addition.

Maximum lot coverage in the C-1 District is 30% and the proposed addition is 57.8%. The current lot coverage is 53.4%. The site is already above the maximum lot coverage of the C-1 District. The expansion is based on the need to relocate the Parks and Recreation Department and increase efficiencies in customer service, which exceed current floor space. A denial of increasing the lot coverage would prohibit the City of Manhattan from meeting the intent and purpose for the building expansion.

Based on the off-street parking requirement calculated from the 1997 Municipal Facility Review, the current layout of the building, including the administrative offices, City Commission Room and Auditorium would be required to have 515 off-street parking spaces. The proposal would be required to have 547 off-street parking spaces. The proposed site plan and a count of the existing on-street parking shows 192 parking spaces are available on the site and surrounding City Hall. Based on day-to-day operations of City Hall and taking into account the off-site employee parking requirement by Public Works and the Parks and Recreation Departments, as previously mentioned, adequate parking is available. On the few occasions where large and/or concurrent activities are occurring at City Hall, ample parking is available in the surrounding area and at City Park, across the street.

A denial of the Municipal Facility Review based on not meeting minimum required off-street parking standards for City Hall would prohibit the City to adequately provide more efficient customer service to its citizens and visitors.

**THE IMPACT THAT CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY WILL HAVE UPON THE LEGITIMATE INTERESTS OF THAT PORTION OF THE COMMUNITY IN WHICH IT IS PROPOSED TO BE LOCATED:**

City Hall is located in a neighborhood with a mix of uses. Along Poyntz Avenue are commercial, residential and public uses. To the south of the site are primarily residential uses. To the west are a business and professional office, single-family, two-family and multiple-family residential uses and a church. To the north is City Park. To the east are business and professional offices, residential uses, a church and the Manhattan 9<sup>th</sup> Grade Center School.

Because the site has been utilized for the City Hall/Municipal Auditorium/Fire Substation functions for the past 42 years, it is not anticipated that the proposed improvements will have a substantial adverse impact on the interests of the surrounding neighborhood.

The reduction in the required building setback along Poyntz Avenue should not impact the adjacent properties. The building addition will generally be in the middle of the block, furthest away from the residential and commercial uses. Placing the proposed addition in other open space areas of the site would most likely adversely impact the adjacent residential properties. It would place the building closer to the established residential neighborhood and reduce the existing green space in these areas.

The relocation of five (5) off-street parking spaces to be two (2) feet from the property line along S. 11<sup>th</sup> Street should not be a significant impact on adjacent properties. The area is currently a driveway for the fire station. Off-street parking spaces on the site and in the immediate area are approximately 5 to 8 feet from the S. 11<sup>th</sup> Street property line. Lastly, the parking spaces will generally face an existing parking lot to the east of the site or the mid-block alley.

Not approving a reduction in off-street parking, based on the full, simultaneously used space of all of the functions of City Hall, appears to be unreasonable, given the alternative. To provide parking for 547 cars would take approximately two full city blocks. It is neither practical, nor desirable to build parking for simultaneous use of all building space to accommodate the ultimate parking demand that might occur several times per year. Full occupancy of the auditorium requires approximately 393 parking spaces and it is most heavily used in the evening, after normal business hours. Recognizing that this demand can normally be discounted, leaves a demand for 154 stalls by the administrative/office space and City Commission Room. Recognizing that most Commission and Advisory Board meetings occur at night, leaves a demand for approximately 92 parking stalls during normal business hours. The proposed site provides approximately 192 parking spaces, in and around the site, to serve parking demand during normal business hours.

*Attachment No. 3*

The proposed parking plan, combining off-street and on-street parking, provides adequate space for the daily operations of the facility and for most night time activities. City Departments have made the practice to reduce demand by two (2) vehicles per employee by requiring those who routinely drive City vehicles throughout the day to park at the Traffic Shop or other off-site locations.

On those few occasions throughout the year when large events are scheduled concurrently in the auditorium and City Commission Room, overflow parking will occur in the neighborhood on surrounding streets. This is unavoidable and is unchanged from current conditions. When large events are scheduled in the auditorium during normal business hours, it has been the practice of the City to have employees park across the street in City Park to make more parking available to the public. The addition of Parks and Recreation offices at City Hall will not add to or alter the current demand in evening hours when concurrent events are scheduled in the auditorium and the City Commission Room.

As part of the application process, a neighborhood meeting was held on September 4, 2014. According to the meeting summary, 5 neighbors were in attendance. Their concerns included preserving the current open space, parking in the area and stormwater drainage and Houston Street. It appears that the proposal addresses most of these concerns. Due to the amount of work and expense required to address the stormwater drainage issues, which includes correcting grading on the streets and underground stormwater infrastructure, it is not included with the proposal.

**Historical Review**

City Administration sought input from the Historical Resources Board on the proposed addition on September 22, 2014. The meeting minutes are attached. Questions were raised on the noise of the proposed HVAC equipment and the screening of that equipment, and the general building design. The Historic Resource Board did not conduct a full historic review, as the site is currently not listed on the National Registry of Historic Places.

It appears that the proposed building expansion and site improvements should not adversely impact the adjacent neighbors.

**IF THE OWNER OF THE UTILITY OR FACILITY IS THE CITY OF MANHATTAN, AND IF THE FACILITY OR UTILITY IS OF A TYPE EMBRACED WITHIN THE COMPREHENSIVE PLAN, WHETHER OR NOT IT IS IN CONFORMITY WITH THAT PLAN:**

The adopted Comprehensive Plan shows the entire block on which City Hall is located as appropriate for *Public/Semi-Public* land uses, and recognizes the block as the City Hall site (*see attached Comprehensive Plan Map*). The proposed expansion is in conformance with the Comprehensive Plan.

**OTHER FACTORS AS THE PLANNING BOARD DEEMS APPROPRIATE AND RELEVANT:**

In addition to the factors addressed above, the Manhattan Urban Area Planning Board may consider any other factors which it deems appropriate and relevant to its consideration of the proposed expansion of City Hall.

**STAFF RECOMMENDATION:** City Administration recommends approval of the proposed expansion of City Hall at 1101 Poyntz Avenue to provide additional office and meeting space for the Park and Recreation Department, with the following condition of approval:

1. Exterior building lighting shall be shielded to minimize glare on adjacent properties.

---

*The Planning Board shall not recommend approval of the request unless it determines, by a preponderance of the evidence, that the public interests to be served by the construction or expansion of the utility or facility outweigh any impact upon legitimate community interests, as such impact is mitigated by any requirements of the Planning Board.*

*If the Planning Board recommends approval, they shall also recommend any requirements or conditions they deem necessary to mitigate impacts caused by such use. Such requirements or conditions may include, but are not limited to, any bulk, or other requirements, which would have otherwise been applicable within the zoning district in which the proposed use is to be placed.*

---

**ALTERNATIVES**

It appears the Planning Board has the following alternatives concerning the issue at hand. The Board may:

1. Hold a public hearing on the proposal and, following the hearing, recommend approval of a proposed expansion of City Hall, based on the findings in the staff report, with the one (1) condition of approval recommended by City Administration.
2. Hold a public hearing on the proposal and, following the hearing, recommend denial of the proposed expansion of City Hall, for specifically stated reasons.

3. Hold a public hearing on the proposal and, following the hearing, modify the site plan and/or conditions of approval, to meet the needs as perceived by the Planning Board, and establish such conditions, if any, as deemed necessary to mitigate any impacts created by the proposed expansion of City Hall.
4. Table the public hearing of a proposed expansion of City Hall for specifically stated reasons and provide further direction to City Administration.

## **RECOMMENDATION**

City Administration recommends that the Planning Board:

1. Hold a public hearing on the proposed expansion of City Hall.
2. Determine by a preponderance of the evidence, that the public interests to be served by the proposed expansion of City Hall, outweigh the impacts upon the legitimate community interests, as mitigated by requirements of the Planning Board; and,
3. Recommend approval of the proposed expansion of City Hall, with the one (1) condition of approval recommended by City Administration. This recommendation is based on the findings in the Staff Report.

## **POSSIBLE MOTION**

The Manhattan Urban Area Planning Board finds by a preponderance of the evidence that the public interests to be served by the proposed Municipal Facility, outweigh the impacts upon the legitimate community interests and recommends approval of a proposed expansion of City Hall, as proposed, based on the findings in the Staff Report, with the one (1) condition of approval recommended by City Administration.

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

**DATE:** October 22, 2014