



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, DECEMBER 2, 2014***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Wynn Butler and Commissioners Karen McCulloh, Usha Reddi, Richard B. Jankovich, and John Matta were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Bill Raymond, City Clerk Gary S. Fees, 7 staff, and approximately 25 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Butler led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Butler proclaimed December 10, 2014, *Sock It To 'Em Work Day*. Regina Schroeder, Sock Ambassador, was present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

**COMMISSIONER COMMENTS**

Commissioner Jankovich thanked the management and staff at Old Chicago and all the volunteers that helped serve over 200 meals on Thanksgiving Day. He also extended his appreciation to the Whoville, Inc., Group for the excellent Festival of Lights event held at the Blue Earth Plaza on Friday, November 28, 2014.

## COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Reddi voiced her support for the proclamation and the importance for young school children to have socks and warm clothes for the winter. She also reminded citizens to shop locally and enjoy the fantastic shops that Manhattan offers.

Commissioner McCulloh stated that she was out of town for the holidays, but drove by the Whoville Festival of Lights and said it looked great. She also encouraged citizens to shop locally and support smaller businesses and to have a safe December.

Mayor Butler reminded the community to join the fun on Friday, December 5, 2014, for the Mayor's Christmas Spirit of the Holidays Lighted Parade, starting at 5:30 p.m., beginning at the Town Center Mall and concluding in Aggieville at Triangle Park for the lighting of the tree. He encouraged everyone to attend the event and to remember the Flint Hills Breadbasket with your food and monetary donations.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 18, 2014.

### CLAIMS REGISTER NO. 2775

The Commission approved Claims Register No. 2775 authorizing and approving the payment of claims from November 11, 2014, to November 25, 2014, in the amount of \$2,195,937.69.

### LICENSES

The Commission approved a **Merchant Guard Agency License** for calendar year 2015 for G4S Secure Solutions (USA) Inc., 1100 Main Street, Suite 1340, Kansas City, Missouri; and VendTech Enterprise, LLC, 250 N Rock Road, Suite 360, Wichita, Kansas; a **Tree Maintenance License** for calendar year 2015 for Asplundh Tree Expert Company, 10575 Widmer Road, Lenexa, Kansas; Brinker Tree Care, Inc., 2907 Jacque Circle; Don's Stump Removal & Tree Service, 3761 South 33<sup>rd</sup> Street; KCAT LLC, 22420 Overland Road, Onaga, Kansas; and Wright Tree Service, Inc., 5930 Grand Avenue, West Des Moines, Iowa; and an annual **Cereal Malt Beverages Off-Premises License** for Dillons #15, 130 Sarber Lane; Hop-N-Skip Convenience, 2233 Tuttle Creek Boulevard; Kwik Shop #733, 1337 Anderson Avenue; Shop Quik #11, 3108 Anderson Avenue; Shop Quik #12, 430 Fort Riley Boulevard; Shop Quik #14, 529 Richards Drive; and Shop Quik #16, 1127 Bluemont Avenue.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 7108 – MUNICIPAL FACILITY REVIEW – CITY HALL EXPANSION (SP1206)

The Commission found by a preponderance of the evidence that the public interests to be served by the proposed City Hall expansion (SP1206) outweigh the impacts upon legitimate community interests, and approved Ordinance No. 7108 authorizing the proposed Municipal Facility City Hall expansion, located at 1101 Poyntz Avenue, based on the findings in the Staff Report (*See Attachment No. 1*), with the one condition of approval.

### ORDINANCE NO. 7109 – AMEND – WATER RATES

The Commission approved Ordinance No. 7109 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.

### ORDINANCE NO. 7110 – AMEND – SANITARY SEWER RATES

The Commission approved Ordinance No. 7110 amending applicable sections of Chapter 32 of the Code of Ordinances to increase sewer rates by 3% as recommended, effective January 1, 2015.

### ORDINANCE NO. 7111 – AMEND – MANHATTAN MEDICAL CENTER COMMERCIAL PUD

The Commission approved Ordinance No. 7111 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 (*See Attachment No. 2*) with the one condition.

### ORDINANCE NO. 7112 – NO PARKING ZONE – NORTH DELAWARE AVENUE

The Commission approved Ordinance No. 7112 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.

### ORDINANCE NO. 7113 – ADOPT – 2014 STANDARD TRAFFIC ORDINANCE

The Commission approved Ordinance No. 7113 incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2014.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 7114 – AMEND – MANHATTAN ZONING REGULATIONS ARTICLE VI - SIGNS

The Commission approved Ordinance No. 7114, amending Article VI – Signs of the Manhattan Zoning Regulations, as proposed, based on the findings in the Staff Memorandum (*See Attachment No. 3*) and the recommendation of the Planning Board.

### ORDINANCE NO. 7115 – AMEND – SIGN PERMIT FEES

The Commission approved Ordinance No. 7115 amending Section 8-271 of the Code of Ordinances, relating to the fees for issuance of sign permits required by the Manhattan Zoning Regulations.

### ORDINANCE NO. 7116 – AMEND – SIDEWALK AND PUBLIC PLAZA - TEMPORARY SIGN PERMIT

The Commission approved Ordinance No. 7116 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.

### ORDINANCE NO. 7117 – ADOPT – SUBDIVISION AND DEVELOPMENT SIGN PERMIT

The Commission approved Ordinance No. 7117 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.

### RESOLUTION NO. 120214-A – POLICY – STREET BANNER SIGNS

The Commission approved Resolution No. 120214-A establishing a policy concerning street banner signs in the public rights-of-way to promote community-wide special events.

### CONTRACT AMENDMENT NO. 1 – ENGINEERING SERVICES – CENTRAL BASIN SANITARY SEWER IMPROVEMENTS (SS1113, CIP #WW010P)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 1 to the Professional Engineering Service Contract in an amount not to exceed \$39,992.00 with Bartlett & West Engineers, Inc., of Manhattan, Kansas, for the Central Basin Sanitary Sewer Improvements project (SS1113, CIP #WW010P).

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – ENGINEERING SERVICES – EUREKA VALLEY TRANSMISSION WATER MAIN, PHASE II (WA1406, CIP #WA125P)

The Commission authorized the Mayor and City Clerk to execute an agreement for professional engineering services in an amount not to exceed \$452,244.00, with BG Consultants, Inc., of Manhattan, Kansas, for the Eureka Valley Transmission Water Main, Phase II (WA1406, CIP #WA125P) project.

### AWARD CONTRACT – CICO PARK STORMWATER DETENTION BASIN (SM1305)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,181,485.00; awarded a construction contract in the amount of \$803,377.60 to Bayer Construction Co., Inc., of Manhattan, Kansas; authorized the Mayor and City Clerk to execute the contract; and approved first reading of an ordinance authorizing and providing payment for the CiCo Park Stormwater Detention Basin project (SM1305).

### AWARD CONTRACT – 17<sup>TH</sup> STREET AND YUMA STREET INTERSECTION IMPROVEMENT (CD1313, ST1322)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$197,893.00; awarded a construction contract in the amount of \$163,611.60 to T&M Concrete Construction, of Junction City, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the 17<sup>th</sup> and Yuma Streets Intersection Improvement project (CD1313, ST1322).

\* **WESTAR ENERGY GRANT AGREEMENT – PHOTOVOLTAIC SYSTEM – SUNSET ZOO NATURE EXPLORATION CENTER**

Commissioner McCulloh highlighted the item and stated that she was pleased to see a grant from Westar Energy for a photovoltaic unit at the Sunset Zoo's Nature Exploration Center.

The Commission accepted and authorized the Mayor to execute a grant agreement in the amount of \$87,231.00 from Westar Energy, of Topeka, Kansas, for installation and maintenance of a photovoltaic unit at the Sunset Zoo's Nature Exploration Center.

\* **CONTRACT - INSTALLATION/MAINTENANCE - PHOTOVOLTAIC SYSTEM - SUNSET ZOO NATURE EXPLORATION CENTER**

The Commission authorized the Mayor to execute a contract in the amount of \$84,731.00 with Good Energy, of Lawrence, Kansas, for the installation and maintenance of a 10.46KW photovoltaic system.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – LIDAR DATA ACQUISITION SERVICES (CIP #EN040E)

The Commission authorized the Mayor and City Clerk to execute an agreement with Riley County and the vendor selected by the selection committee through the Request for Proposals process for LiDAR data acquisition services (CIP #EN040E).

### SECOND AMENDMENT – ECONOMIC DEVELOPMENT – MANHATTAN AREA TECHNICAL COLLEGE

The Commission approved the request from the Manhattan Area Technical College (MATC) to recalculate the workforce development target to exclude the Medical Laboratory Equipment Technician program, and authorized the Mayor and City Clerk to execute a Second Amendment to the MATC economic development agreement.

### PURCHASE – EXTRICATION TOOLS AND EQUIPMENT (CIP #FR006E)

The Commission authorized the purchase in the amount of \$27,495.00 of extrication tools and related equipment (CIP #FR006E) for the Fire Department from Okie Extrication, of El Reno, Oklahoma, to be paid from the Fire Equipment Reserve Fund.

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

## GENERAL AGENDA

### FIRST READING - AMEND DEVELOPMENT PLAN - PROFESSIONAL PLACE PLANNED UNIT DEVELOPMENT

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission regarding signage and compliance with the new sign ordinance.

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - AMEND DEVELOPMENT PLAN - PROFESSIONAL PLACE PLANNED UNIT DEVELOPMENT (CONTINUED)

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance amending Ordinance No. 6145 and the Final Development Plan of the Professional Place PUD, generally located at 2308 – 2316 Anderson Avenue, to allow the proposed pylon sign, based on the findings in the Staff Report (*See Attachment No. 4*) with the one condition of approval. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING - REZONE - NOOR RESIDENCE PUD

Commissioner Jankovich stated that he had a conflict of interest and recused himself from the item due to a business relationship.

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted the applicants proposed uses; proposed building and structure; Planned Unit Development (PUD) signage; lighting; landscaping and screening; drainage; circulation and parking; neighborhood character and compatibility; conformance with the Comprehensive Plan; and adequacy of public facilities and services. He stated that the Planning Board recommended approval by 7-0 of the proposed rezoning of Noor Residences PUD from R, Single-Family Residential District, to PUD, Mixed-Use Planned Unit Development District, based on the findings in the Staff Report with the ten conditions of approval recommended by City Administration and with two additional conditions as outlined in the Staff memorandum.

Mayor Butler opened the public comments.

Richard Hill, 3513 Stagecoach Circle, voiced concerns with the proposed rezoning. He asked questions about the number of current and proposed parking spaces, the property line between the mosque and the proposed apartment building, and the possibility that if the apartment building was sold in the future if the additional parking would be available for the mosque.

Eric Cattell, Assistant Director for Planning, and Bill Raymond, City Attorney, responded to questions and provided additional information on the proposed rezoning.

Richard Hill, 3513 Stagecoach Circle, voiced concern with the proposed coffee shop not having a bathroom and the potential for the coffee shop area to change its use. He also voiced concern with the size of the proposed apartment building, the number of apartment units, parking on the street and overflow to adjacent private parking lots, and the impact on the neighborhood with single-family homes.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - REZONE - NOOR RESIDENCE PUD (CONTINUED)

Eric Cattell, Assistant Director for Planning, responded to additional questions and provided clarification on the PUD process.

Mary Molt, 1122 Hylton Heights Road, expressed concerns with additional traffic and parking on Hylton Heights Road. She also voiced concerns that the proposed project does not fit with the single-family neighborhood and that parking spaces on the site are being pooled on both lots and is less than what Code would require. She asked about the intent of the coffee shop.

Ben Eckart, 1121 Hylton Heights Road, provided information from the discussion of the item at the Manhattan Urban Area Planning Board meeting and encouraged the Planning Board members and the City Commission to look at the property before making a decision. He voiced concerns with lack of parking along Hylton Heights Road and with the proposed coffee shop. He also stated that KinderCare is not providing off-street parking for their employees and employees are parking along the street.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission and provided clarification on the parking requirements and number of parking stalls for the proposed uses on the site.

Ben Eckart, 1121 Hylton Heights Road, voiced additional concerns about parking availability, especially on Friday's when the mosque meets.

Dolly Anderson, Owner, G&A Real Estate, 1213 Hylton Heights Road, Suite 113, informed the Commission that the mosque has grown in numbers and they are continuing to park in their private parking lot. She also asked if the coffee shop requires a handicap bathroom.

Ian Reekie, Schwab-Eaton, consultant for the applicant, provided additional information on the proposal. He responded to questions from the Commission regarding the proposed number of parking stalls and shared use; occupancy numbers, regulations, and capacity of the mosque; and discussed the concerns raised about a bathroom in the coffee shop. He then showed a site map highlighting the current and proposed parking stalls for the mosque and residential units.

Dolly Anderson, Owner, G&A Real Estate, 1213 Hylton Heights Road, Suite 113, informed the Commission that the applicant has added more parking spaces on the gravel area; however, their patrons continue to use their private parking lot in which they are responsible for maintenance, mowing, and snow removal.

## GENERAL AGENDA (*CONTINUED*)

### FIRST READING - REZONE - NOOR RESIDENCE PUD (*CONTINUED*)

Dr. Hayder Rashee, North American Islamic Trust, Inc., Applicant, provided additional information on the item. He informed the Commission that they have made extensive efforts to resolve the parking issues and have provided additional parking to those attending the mosque.

Mary Molt, 1122 Hylton Heights Road, informed the Commission that this is a single-family neighborhood and not the appropriate place for the proposed development.

Ben Eckart, 1121 Hylton Heights Road, asked the Commission to consider the current parking situation and stated the additional apartment units will only make the parking issues worse.

Mohamad Altamimi, Board of Directors, Islamic Center of Manhattan, provided additional information on the project. He stated the intention is for the good of the community and we are an integral part of the Manhattan community. He informed the Commission that the neighborhood concerns with parking have been considered and that they are working with Schwab-Eaton to do what it takes for this project to be successful.

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

After discussion and comments from the Commission, Ron Fehr, City Manager, responded to questions from the Commission regarding the building permit process and the assessment of property taxes to be determined by Riley County Appraiser and potentially, the Kansas Board of Tax Appeals.

After additional discussion and comments from the Commission regarding the proposed rezoning, Commissioner Matta moved to table the issue. Mayor Butler seconded the motion.

Bill Raymond, City Attorney, provided clarification on the proposed motion and alternatives for the Commission to consider.

After further discussion and clarification, Commissioner Matta amended his motion to table the item to do additional research and to receive further information from the neighbors. Mayor Butler concurred and seconded the amended motion. On a roll call vote, motion failed 2-2, with Commissioners McCulloh and Reddi voting against the motion.

After further discussion and comments from the Commission, Bill Raymond, City Attorney, provided additional clarification on the alternatives for the City Commission. He then responded to questions from the Commission regarding the item.

## GENERAL AGENDA (*CONTINUED*)

### FIRST READING - REZONE - NOOR RESIDENCE PUD (*CONTINUED*)

After additional discussion from the Commission, Commissioner McCulloh moved to approve first reading of an ordinance rezoning the Noor Residences PUD, generally located southeast of the intersection of Claflin Road and Hylton Heights Road, from R, Single-Family Residential District, to PUD, Mixed-Use Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 5*) with the 12 conditions of approval recommended by the Manhattan Urban Area Planning Board. Commissioner Reddi seconded the motion. On a roll call vote, motion failed 2-2, with Mayor Butler and Commissioner Matta voting against the motion.

Ron Fehr, City Manager, provided additional information on the item and the process in which to return the item back to the Manhattan Urban Area Planning Board.

After additional discussion and comments from the Commission, Mayor Butler moved to return the item back to the Manhattan Urban Area Planning Board for further consideration to 1) review the size of the residence, which is currently three stories, and to reduce the size of the residence, 2) relook at the parking and come up with a plan that meets the current Code, and 3) to refine the PUD use so that future expansion for a Phase 2 or modification is severely restricted. Commissioner Matta seconded the motion. On a roll call vote, motion carried 4-0.

At 8:45 p.m., the Commission took a brief recess.

Commissioner Jankovich returned to the dais.

### DISCUSSION - WEST ANDERSON AVENUE TRANSPORTATION PROJECT (*CIP #ST702P*)

Rob Ott, Director of Public Works, presented an overview and background information on the item from discussions with the Commission on October 21, 2014. He presented roundabout options at Scenic Drive and Anderson Avenue intersections, discussed a proposed benefit district for the improvements, presented an interchange concept at Scenic Drive and Anderson Avenue intersection, discussed possible sidewalk and trail expansion, provided estimated construction costs, and discussed potential funding options for the transportation project.

Mayor Butler opened the public comments.

## GENERAL AGENDA (CONTINUED)

### DISCUSSION - WEST ANDERSON AVENUE TRANSPORTATION PROJECT (CIP #ST702P) (CONTINUED)

Neil Horton, 3629 Vanesta Drive, Scenic Crossings, LLC, informed the Commission that he was representing two different properties for future development in the northeast and northwest quadrants of Anderson Avenue and Kimball Avenue/Scenic Drive. He responded to the proposed benefit district and stated that Anneberg Park is a significant generator of traffic for West Anderson Avenue and highlighted other areas that potentially could be included in the benefit district. He also asked the Commission to consider vacating a portion of the excess right-of-way in the northeast quadrant of the intersection at Anderson Avenue and Kimball Avenue/Scenic Drive for future development.

Doug Hinken, 1426 Sharingbrook Drive, co-owner of Stonecreek Family Physicians, informed the Commission that he wanted to see this as a cost effective project and if the roundabout was much more, his preference was a traffic signal. He stated that Anneberg Park is a significant player regarding traffic on West Anderson Avenue and needs to be included in the benefit district, if that is the approach the Commission decides to go with.

Rob Ott, Director of Public Works, provided additional information on the item and discussed cost share scenarios for consideration.

Neil Horton, 3629 Vanesta Drive, Scenic Crossings, LLC, reiterated that the City of Manhattan, specifically, Anneberg Park is a significant property owner and major player creating traffic along West Anderson Avenue.

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

Rob Ott, Director of Public Works, provided traffic counts conducted along West Anderson Avenue. He then responded to questions from the Commission regarding considerations for a traffic light or a roundabout and discussed the opportunity to expand the sidewalk and trail system to accommodate bicyclists and pedestrians.

After further comments from the Commission regarding the intersection options and proposed benefit district, Rob Ott, Director of Public Works, responded to questions from the Commission. He provided additional information on a roundabout or signalized intersection, provided information on maintenance and safety considerations, and clarified the proposed benefit district options to either expand the map, consider not doing the benefit district, or have the improvements all City-At-Large.

After additional discussion and comments from the Commission, Ron Fehr, City Manager, Fehr, provided clarification on the comments received from the Commission and suggested a possible combination of funding sources for the improvements.

## GENERAL AGENDA (CONTINUED)

### DISCUSSION - WEST ANDERSON AVENUE TRANSPORTATION PROJECT (CIP #ST702P) (CONTINUED)

Neil Horton, 3629 Vanesta Drive, Scenic Crossings, LLC, informed the Commission that the timeframe of the proposed development is still vague, but were looking at planning and zoning to occur in the first half of next year and construction beginning in the third or fourth quarter.

Rob Ott, Director of Public Works, and Ron Fehr, City Manager, provided an overview of the comments from the Commission. They stated that City staff would visit with BG Consultants about a design contract and costs for a roundabout; discuss the item further with Keith Westervelt, Chief Executive Officer and President, Blueville Nursery; evaluate potential funding sources for the project; and bring the item back to the Commission for further discussion or action.

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

### BOARD APPOINTMENTS - RILEY COUNTY LAW BOARD

Commissioner Reddi moved to remove the item from the table. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

Mayor Butler provided background information on the make-up of the Riley County Law Board and the appointment process used in following the State Statute. He informed the Commission that he used five criteria in the selection process for the candidates being recommended. The criteria included 1) following the State Statute; 2) selecting the best qualified applicants; 3) making certain the applicants lived in the city limits; 4) maintaining the continuity of City Commission representation; and, 5) maintaining a balance with different viewpoints. He then provided information on the candidates and his recommendations for Craig Beardsley, Joe Knopp, Commissioner Reddi, and himself.

Commissioner Jankovich provided his position on the suggested appointments. He voiced concern with someone from the legal profession on the Law Board and the potential for conflicts of interest. He stated that he could not support the appointment and preferred to appoint the four current City Commissioners, including: Mayor Butler and Commissioners Matta, McCulloh, and Reddi to serve on the Law Board. He reiterated his position to focus on the budget and the importance in having Commissioners on the Law Board that are accountable to the voters and taxpayers.

Commissioner Matta provided additional background information and qualifications in support of Joe Knopp to serve on the Law Board. He stated that Mr. Knopp is extremely qualified to serve on the Law Board and supported his recommendation by Mayor Butler.

## GENERAL AGENDA (CONTINUED)

### BOARD APPOINTMENTS - RILEY COUNTY LAW BOARD (CONTINUED)

Commissioner Reddi informed her fellow Commissioners that she was very disappointed that Commissioner McCulloh was not on the slate of appointments to the Law Board. She stated that Commissioner McCulloh has been on the Law Board as both a City Commissioner and as a County Commissioner and, is very well qualified to serve on the Law Board. She discussed the challenges with this being too political and requested that Commissioner McCulloh be considered for one of the Citizen-At-Large positions. She also voiced a preference to have one citizen serve on the Law Board.

Mayor Butler provided additional information and rationale on his appointment recommendations for the Law Board. He reiterated the importance to follow the State Statute regarding appointments and stressed the importance to control the Riley County Police Department's (RCPD) budget this year.

Commissioner McCulloh voiced her concerns with the recommended appointments to the Law Board and stated that this is the most important Board that the City Commissioners serve on. She stated that the appointment recommendations do not reflect the make-up of Manhattan and that greater diversity on the Law Board is needed. She discussed two citizens that have formerly served on the Law Board, stated that the budget is a consensus document, and highlighted her extensive experience on the Law Board as both a City and County Commissioner.

Commissioner Reddi provided additional information regarding the suggested Board appointments. She stated that she could not accept the recommended slate of candidates unless Commissioner McCulloh was included on the slate.

After additional discussion and comments from the Commission, Mayor Butler opened the public comments.

Jim Sherow, 617 Colorado Street, provided background information on the Riley County Law Board and budget process based on his prior experience serving on the Law Board as a City Commissioner. He stated that ultimately, the elected officials are accountable to the taxpayers and are accountable with the budget process and approval. He informed the Commission that if you want more control on the Law Board budget, you need to appoint those directly responsible to the taxpayers. He provided background information on the legal research that was conducted regarding appointments to the Law Board and stated that City Commissioners are also city residents.

## GENERAL AGENDA (CONTINUED)

### BOARD APPOINTMENTS - RILEY COUNTY LAW BOARD (CONTINUED)

Joe Knopp, 104 Oakwood Circle, informed the Commission that he was not here to lobby for the position and was willing to have his name considered. He provided additional insight in serving on the Law Board and stated that having another attorney on the Law Board would be beneficial. He stated that the Law Board members should report back to the City Commission and discuss the Riley County Police Department's budget as your representatives and reach a consensus with the City Commission.

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

Bill Raymond, City Attorney, responded to questions from the Commission regarding the point of order for a proposed motion that is different from the recommended motion.

After further discussion and comments from the Commission, Commissioner Jankovich moved to approve the following appointments to the Riley County Law Board:

Appointment of Wynn Butler, 3600 Windsong Court, to a two-year City Commissioner term. Commissioner Butler's term will begin January 1, 2015, and will expire December 31, 2016.

Appointment of Usha Reddi, 1801 Westbank Way, to a two-year City Commission (Rotating) term. Commissioner Reddi's term will begin January 1, 2015, and will expire December 31, 2016.

Appointment of John Matta, to a two-year Citizen At-Large term. Commissioner Matta's term will begin January 1, 2015, and will expire December 31, 2016.

Appointment of Karen McCulloh, to a two-year Citizen At-Large term. Commissioner McCulloh's term will begin January 1, 2015, and will expire December 31, 2016.

After additional comments from the Commission, Ron Fehr, City Manager, responded to questions from the Commission and provided clarification on the appointment process, specifically, for the Law Board.

Mayor Butler stated that based on all the discussion about changing the makeup of the Law Board, he wanted to see at least one qualified citizen, specifically Craig Beardsley, to serve on the Law Board and therefore he could not support the motion.

Bill Raymond, City Attorney, provided clarification of the motion and point of order on the process.

GENERAL AGENDA (CONTINUED)

BOARD APPOINTMENTS - RILEY COUNTY LAW BOARD (CONTINUED)

After further discussion, Commissioner Reddi seconded the motion.

After additional comments and clarification of the motion, on a roll call vote, motion carried 3-2, with Mayor Butler and Commissioner Reddi voting against the motion.

ADJOURNMENT

At 10:35 p.m., the Commission adjourned.

  
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Gary S. Fees, MMC, City Clerk

**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 advertised in the Manhattan Mercury on September 29<sup>th</sup>, but due 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

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*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:*

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**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.”

*Attachment No. 1*

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. 1*

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. 1*

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.

*Attachment No. 1*

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.

*Attachment No. 1*

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. 1*

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. 1*

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.

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*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.*

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**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.

*Attachment No. 1*

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

## **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. 2*

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. 2*

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.

**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. 2*

**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. 3*

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. 3*

**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**

**AMENDMENT OF A COMMERCIAL PLANNED UNIT DEVELOPMENT**

**APPLICANT:** JS Sign & Awning LLC on behalf of Jerry Weis, Daniel Dempsey, Manhattan Port Authority LLC, Calvin Emig, and Mike Bean

**OWNER:** Jerry Weis, Daniel Dempsey, Manhattan Port Authority LLC, Calvin Emig, and Mike Bean

**APPLICANT ADDRESS:** 2726 Amherst Ave Suite A, Manhattan, KS 66503

**OWNER ADDRESS:** 2308-2316 Anderson Avenue, Manhattan, KS 66502

**REQUEST:** Amend the signage plan and Ordinance No. 6145 of the Professional Place Planned Unit Development (PUD) to allow one (1) pylon sign at the entryway to the PUD noting the name and address of the complex and a directory of the businesses in the complex.

**LEGAL DESCRIPTION:** Professional Place Planned Unit Development (PUD) Office Park, a replat of Lot 2 Professional Place Addition.

**LOCATION:** Generally located north of Anderson Avenue, east of Bellehaven Road, west of Midland Avenue, and south of College Heights Road; Professional Place Addition, Lots 1, 2, 3, 4, 5 (2308-2316 Anderson Avenue).

**AREA:** 1.427 Acres

**DATE OF NEIGHBORHOOD MEETING:** Thursday, September 11, 2014

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, October 27, 2014

**DATE OF PUBLIC HEARING:** **PLANNING BOARD:** Monday, November 17, 2014

**CITY COMMISSION:** Tuesday, December 2, 2014

## **EXISTING PUD**

### **Ordinance**

Ordinance No. 4310 rezoned the site from C-1, Restricted Business District to the Manhattan Medical Center PUD in May, 1986. The Ordinance approved the original signage plan for the PUD with the following limitations: “signage for identification of building occupants shall consist of no more than one wall sign per business of no more than 20" x 16". In addition, there shall be one ground sign at the entryway to the Planned Unit Development; noting the name and address of the complex.”

In July, 2000, Ordinance No. 6145 was approved, amending Ordinance No. 4310 to allow wall signs larger than the 20 inches by 10 inches and to allow more than one (1) wall sign per business. (*The original application for this amendment proposed a ground sign that included a directory of the businesses within the complex but under mutual agreement was not included in the application at that time.*) The ordinance was approved with the following conditions of approval:

- a. One (1) business directory wall sign shall be permitted to be attached to the exterior of each building within the PUD. Such business directory wall signs shall be no larger than two (2) feet by four (4) feet, in size. The purpose of such signs is to identify the location of each business within the building.
- b. In addition to the business directory wall sign, a maximum of two (2) additional wall signs shall be permitted to be attached to the exterior of each building located on Lots 2, 3, 4 and 5 of the PUD. The total square footage of such additional wall signs shall not exceed thirty two (32) square feet per building.
- c. In addition to the business directory wall sign, a maximum of two (2) additional wall signs shall be permitted to be attached to the exterior of each floor of the building located on Lot 1. The total square footage of such additional wall signs, attached to any floor, shall not exceed thirty two (32) square feet.
- d. One (1) ground sign at the entryway of the PUD, noting the name and address of the complex shall be permitted.
- e. Exempt signs, as set forth in Section 6-104 of the Manhattan Zoning Regulations, except where the specific wording of the exemption set forth in Section 6-104 would exclude the exemption from this PUD, or would be inapplicable to this PUD.
- f. All signs installed shall comply with all ordinances of the City. No sign, except exempt signs, shall be installed until a permit has been issued by the City, authorizing such sign.

### **Permitted Uses**

Ordinance No. 4310 approved specific permitted uses within the PUD. These permitted uses include Banks and financial institutions, Business and Professional Offices provided that any warehouse or storage space associated with such offices shall not exceed 50% of the gross floor area of the principle structure, Governmental buildings, Medical and dental clinics and guidance centers, and Mortuaries and funeral homes.

### **PROPOSED AMENDMENT**

The applicant/owners have proposed to erect a new ground sign located at the entryway of the PUD noting the name, address and businesses within the PUD. The proposed sign will be 21 foot, 10 inches tall and 10 feet wide. The pylon support structures will be constructed of steel poles with aluminum cabinet and polycarbonate sign face materials. The proposed sign will be internally illuminated with a 10 inch reveal between the sign cabinets that will consist of a non-illuminated building address. The name of the PUD "Professional Place" will be located at the top of the pylon sign, measuring approximately 15 square feet in area. The lower sign cabinets will display five business names that measure 2 feet by 8 feet each, totaling approximately 80 square feet. The bottom of the sign will be 6 feet measured from the grade of the existing parking lot. The entire office identification area will be approximately 104 square feet.

The proposed pylon sign is located near a landscaped area within the existing parking lot, adjacent to the building on Lot 1. The application site plan shows the pylon sign sited approximately 25 feet from the Anderson Avenue front property line.

### **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 Professional Place PUD is a complex of five (5) separate buildings that house business and professional offices, all of which were established by Ordinance No. 4310, in May, 1986. The current PUD allows for the proposed pylon sign noting the name and address of the complex and the proposed amendment is to purely include business identification on the pylon sign. The amendment reflects an efficient development pattern consistent with the intent and purpose of 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 proposed amendment is necessary to provide necessary signage and visibility to the community for the business located within the PUD but have no roadside visibility.” The original application for the amendment related to Ordinance No. 6145 proposed a ground sign to include the name of the complex, address and business identification. However, due to the lack of ground sign elevations being submitted it was mutually agreed upon to not include the sign in the application at that time.

**3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The proposed amendment will result in a relative gain to the public health, safety, convenience or general welfare by providing better visual identification of businesses located within the Professional Place PUD. The subject site is elevated and is surrounded by mature vegetation. Approving the proposed amendment would allow for effective signage for the PUD as it would allow traffic along Anderson Avenue to better identify the location of the businesses within the PUD.

### **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:** No changes to the screening are proposed. The site currently screens itself from the adjacent residential property to the East and to the North by a combination of bushes, shrubs and trees. The vegetation is dense and adequately screens the adjacent property from the site.
3. **DRAINAGE:** The site generally drains to the southwest towards Anderson Avenue, where it is collected by the public storm water system. 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 Professional Place PUD parking lot are established. The location of the proposed pylon sign appears to avoid visual conflicts with vehicular and pedestrian traffic. The proposed amendment does not alter circulation or existing parking within the PUD.

5. **OPEN SPACE AND COMMON AREA:** The proposed amendment does not alter existing open space or common areas.
6. **CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is generally characterized by professional offices to the southeast and northwest, a large church to the northwest and single-family residences to the north and south.

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

1. **EXISTING USE:** The Professional Place PUD including a mix of Business and Professional Offices.
2. **PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is slightly elevated, which generally slopes to the southwest and is fully developed with buildings, parking, and mature landscaped areas. No significant changes are proposed with the amendment.
3. **SURROUNDING LAND USE AND ZONING:**
  - a. **NORTH:** Single-family residences and College Heights Baptist Church, R, Single-Family Residential District.
  - b. **NORTHWEST:** Kansas State University Foundation, C-1, Restricted Business District.
  - c. **SOUTH:** Single-family residences, Anderson Avenue, R, Single-Family Residential District; and Dentist office, C-1, Restricted Business District.
  - d. **EAST:** Single-family residences, R, Single-Family Residential District.
  - e. **WEST:** Single-family residences, R, Single-Family Residential District.
4. **GENERAL NEIGHBORHOOD CHARACTER:** The neighborhood is generally characterized by a combination of single-family residences to the north, south, east, and west, a church to the northwest, and professional offices that are zoned C-1, Restricted Business District, to the northwest and south of the PUD.
5. **SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The PUD has been in place since 1986, and is suitable for the uses permitted within the district.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The character of the surrounding area is an older, well-developed single-family neighborhood with large mature trees and landscaped yards. The Professional Place PUD site reflects this character with its landscaping and architecture. The overall site will not change, only the proposed signage for the PUD. The materials and design used for the proposed pylon sign are compatible with the development. Therefore, there should be no detrimental effects to the neighboring properties.

In addition, as part of the application process the applicants held a neighborhood meeting on September 11<sup>th</sup>. According to the neighborhood meeting report, no one attended the meeting besides the applicant.

**6. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Northwest Planning Area Future Land Use Map indicates the site should develop with Residential Low/Medium Density. The Comprehensive Plan states: “The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers.” The PUD generally conforms to the Comprehensive Plan.

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

- |               |  |
|---------------|--|
| 1965          | Zoned “A” - “A”, Single- Family Dwelling District.   |
| 1969          | Rezoned to C-1, Restricted Business District.  |
| 1986          | Rezoned to PUD, Planned Unit Development for business and professional offices (Ordinance No. 4310).                                 |
| June 5, 2000  | Manhattan Urban Area Planning Board recommends approval of a modified amendment to the signage provisions, with modified conditions. |
| June 20, 2000 | City Commission approves first reading of an ordinance to amend the signage provisions.  |
| July 11, 2000 | City Commission considers approval of Ordinance No. 6145, amending the Professional Place PUD’s signage provisions.                  |

**8. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to insure compatibility; and to protect property values. The intent of the PUD regulations is to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed amendment is consistent with the approved PUD, subject to the conditions of approval.

**9. 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.

**10. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public street, sewer, and water are available to serve the site and the proposed use.

**11. OTHER APPLICABLE FACTORS:** None

**12. STAFF COMMENTS:** City Administration recommends approval of the proposed Amendment to Ordinance No. 6145 and the Final Development Plan of the Professional Place PUD, subject to the one (1) condition of approval:

1. One (1) pylon sign at the entryway of the PUD, as proposed, noting the name, address and identification of the businesses within the PUD shall be permitted.

### **ALTERNATIVES:**

1. Recommend approval of the proposed Amendment to Ordinance No. 6145 and the Final Development Plan of the Professional Place Planned Unit Development, and, stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment to Ordinance No. 6145 and the Final Development Plan of the Professional Place Planned Unit Development, stating the specific reasons for denial.

*Attachment No. 4*

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 to Ordinance No. 6145 and the Final Development Plan of the Professional Place Planned Unit Development, based on the findings in the Staff Report, subject to the one (1) conditions of approval recommended by City Administration.

**PREPARED BY:** Chase Johnson, Planner

**DATE:** December 10, 2014

CJ  
14037

**REVISED STAFF REPORT**

**APPLICATION TO REZONE PROPERTY TO PLANNED UNIT  
DEVELOPMENT DISTRICT**

**BACKGROUND**

**FROM:** R, Single-Family Residential District

**TO:** The Noor Residence PUD, Mixed Use Planned Unit Development

**OWNERS/APPLICANT:** North American Islamic Trust, Inc – Dr. Hayder Rashee

**DATE OF NEIGHBORHOOD MEETING:** June 12, 2014

**DATE OF PUBLIC NOTICE PUBLICATION:** July 28, 2014

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 18, 2014

**CITY COMMISSION:** December 2, 2014

*At the August 18, 2014 Planning Board meeting, the item was tabled until October 20, 2014 “to allow the applicant time to develop a revised plan showing Phase One; the building footprint of Phase Two as additional parking; a right-in and right-out on Claflin Road; and a notation of cross easements for the two lots, in addition to the existing nine conditions.*

*The applicant asked that the item be tabled until the November 17<sup>th</sup> Planning Board meeting to complete the revision to the rezoning request and preliminary development plan.*

*This staff report reflects the changes to the proposal as being in italics.*

**LEGAL DESCRIPTION:** Lots 1 and 2, Whitney Addition

**LOCATION:** Generally located to the southeast of the intersection of Claflin Road and Hylton Heights Road.

**AREA:** 1.45 acres, 0.64 acres is to be dedicated as Claflin Road right-of-way.

**PROPOSED USES:** An existing Islamic Mosque and an 13-unit apartment building with an accessory coffee shop/restaurant (not drive-in type) that is approximately 676 square feet.

**PROPOSED BUILDINGS AND STRUCTURES:** The applicant has proposed to maintain the existing Islamic Mosque and construct a new three-story apartment building to the east with an accessory coffee shop/restaurant. The proposal is to create two (2) separate lots, with shared access and off-street parking among both lots. The apartment building will be on Lot 1 and the mosque will be Lot 2.

The existing mosque, located at the corner of Claflin Road and Hylton Heights Road, is one-story above grade with a basement. The mosque has a footprint of approximately 3,600 square feet in area and currently has front door access and off-street parking located to the south of the building. New off-street parking spaces are proposed to the east of the existing mosque.

The proposed apartment building will replace the existing two-story house. The new building will be three-stories (approximately 36 feet) tall *and consist of a total of thirteen (13) dwelling units and an approximate 676 square foot coffee shop/restaurant. The building will consist of the coffee shop in northwest corner of the building on the first floor, 8 one-bedroom units and 3 two-bedroom units and 2 studio apartments. The new building will be "L-shaped" and oriented to the west, with a small courtyard planned south of the proposed building.*

Exterior materials of the new building to be stone, brick, lap siding and architectural asphalt shingles. The paint colors will be mainly grey or beige for the siding and white accent pieces. The front door to each apartment will face the center courtyard. The small coffee shop/restaurant will face west towards the parking. The front of the coffee shop/restaurant will include a metal awning.

Access to the proposed apartment building and the site will include a new *right-in/right-out* driveway off Claflin Road and the existing driveways off Hylton Heights Road. Off-street parking will be located west and south of new building. Other improvements to the site include a new trash dumpster enclosure, an accessory storage shed landscaping and screening. *A cross-easement is shown on the site plan that will allow free access to parking areas on both lots for the tenants and guests to the apartment building and the mosque.*

*A note on the Preliminary Development Plan states "There is a possibility of an addition to the apartment building in the future. Should a future addition be built, it would be constructed south of the proposed building shown. The (14) stall parking lot would be removed to make space for the building addition, and additional parking would potentially be provided through the purchase of neighboring property."*

*The proposed Preliminary Development Plans do not show a second phase to the development, as originally proposed. A building addition, as suggested, would be considered a substantial modification to the PUD, which would require an amendment to the PUD. Likewise, an expansion of the PUD site to include neighboring properties would require rezoning of those properties, in addition to amending the PUD. Both of these actions would require public hearings with the Manhattan Urban Area Planning Board and the City Commission.*

### **PROPOSED LOT COVERAGE**

<b>Use</b>	<b>Square Feet</b>	<b>Percentage</b>
Building	7,213	11.7%
Paved Area (Parking, Driveways & Walkways)	38,164	62.0%
Landscape, Lawns & Open Space	16,166	26.3%
Total Impervious	45,377	73.7%

**PROPOSED SIGNS:** The application includes three (3) signs located on the site. There is an existing monument sign located near the intersection of Claflin Road and Hylton Heights Road identifying the mosque. A new monument sign is proposed near the entrance on Claflin Road to identify the apartment building and coffee shop/restaurant. This sign will be seven (7) feet in width and approximately three (3) feet tall and will be externally illuminated. The materials for the new sign will be a limestone slab with a concrete base. A four (4) square foot wall sign is proposed near the entrance door of the coffee shop/restaurant identifying the commercial space.

**PROPOSED LIGHTING:** Lighting of the site will consist of pole lights illuminating the parking lot. A site illumination study was submitted with the application documents indicating the parking lot lighting will not impact adjacent properties. The Zoning Regulations require “lighting used to illuminate off-street parking areas shall be directed away from residential properties and adjacent public rights-of-way in such a way so as to not to interfere with the residential use or public rights-of-way” (Section 7-102(E)(6)). The proposed lighting shall be shielded to fully cut off the lighting at the property line. *No changes to the original lighting plan has been proposed.*

### **SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

#### **1. LANDSCAPING:**

Landscaping is functional for the site and consists of deciduous trees, shrubs, ornamental grasses, perennial flower beds and grass yard areas. The existing landscaping around the mosque will remain largely unchanged. *The courtyard to the south of the apartment building will be mostly grass yard area with several deciduous trees.* Foundation

plantings for the apartment building will consist of shrubs and ornamental grasses. To the west of the courtyard is the apartment building's mailbox. The landscape plan shows a heavily landscaped area around this mailbox area. The landscaping will include an underground irrigation system. Note #7 of the Landscape Plan states that the maintenance of the landscaping, including the lawn areas will be the requirement of the owner.

Additional deciduous and evergreen trees should be considered to be provided in the southeast corner of the site to provide additional visual buffering of the development from neighboring properties to the south and southeast. This consideration will be addressed with the Final Development Plan for the PUD.

## **2. SCREENING:**

*The trash dumpsters and a new storage shed are proposed to be screened with 7 foot, 4 inch tall brick and EFIS screening walls with a metal screening gate.*

The application documents show a new six (6') foot tall wooden screening fence is to be installed along the east property line of the site. A note on sheet C 3.0 states that the existing neighboring privacy fence along the southern property line shall be protected during the construction. No fence is proposed on the southern boundary of the PUD site. Although this portion of the PUD site is currently screened by the existing fence on the adjoining property to the south, this fence is not on the PUD property nor controlled by the applicant. Because of this, City Administration recommends that a minimum six (6) foot tall, sight-obscuring screening fence be installed on the southern property line of the PUD to ensure that the adjacent properties are adequately screened from the PUD site, should the existing fences fall into disrepair.

## **3. DRAINAGE:**

Schwab-Eaton submitted a Drainage Study, dated July 2, 2014 (*attached*). The drainage study states that: "when comparing the corresponding watersheds between the existing and proposed conditions for the respective design storms, the above results indicate a significant increase in the proposed peak discharge rates. Therefore, storm water detention is proposed to mitigate the increase."

The proposed storm water management plan is to have the site drain to underground storm sewers on the property via curb and gutter and then be collected into two (2), sixty (60) foot long by four (4) foot in diameter pipes buried under the entrance drive from Claflin Road. This underground detention structure will then be connected to the existing storm sewer in Claflin Road and will meter the storm water at a runoff rate that is less than the existing conditions. According to the drainage study the pre- vs. post-development rate of runoff is:

Storm Event	Existing Conditions	Post-Development w/out Detention	Post-Development w/ Detention
2-Year	3.5 cfs	5.0 cfs	3.4 cfs
10-Year	4.7 cfs	6.8 cfs	4.6 cfs
100-Year	6.7 cfs	9.7 cfs	6.4 cfs

The construction and ongoing maintenance of the underground detention structure and storm sewer leading to the structure are the responsibility of the property owner. An Agreement between the City and the property owner shall be completed prior to the filing of the Final Plat allowing the City access to the structure for inspection and maintenance if the property owner fails in its duty to property maintain the structure.

*The revised site plan generally replaces the original southern portion of the apartment building with off-street parking, as suggested by the Planning Board. The amount of impervious surface area is unchanged and thus does not require any substantial changes to the proposed stormwater drainage plan or the analysis.*

The City's Stormwater Engineer has reviewed the proposed stormwater management plan and accepts its findings. The proposed development disturbs less than one (1) acre of land, therefore post-construction best management practices are not required.

#### **4. CIRCULATION:**

The mosque currently has access from Hylton Heights Road to the existing parking lot on the site. These curb cuts will remain to provide western access to the PUD site. The existing house that is to be removed has a driveway onto Claflin Road. That existing access point onto Claflin Road will be closed and a new curb cut will be created farther to the west for a new driveway to provide a northern access to the PUD and the parking lots near the new apartment building *has been designed as a right-in/right-out intersection, as requested by the Planning Board.*

The applicant's consultant, Schwab Eaton, conducted a Traffic Impact Study, dated June 30, 2014 (*see attached*). The study compared the existing peak hour trips to the proposed development's peak hour trips. It should be noted that the peak hour trips for the existing mosque are different than the typical a.m. and p.m. trip times, due to the mosque's unique prayer service times. The Traffic Impact Study identifies the peak hours as follows:

- Weekday a.m. peak hour (6:00 – 7:00 a.m.)
- Weekday p.m. peak hour (7:30 – 8:30 p.m.)
- Friday p.m. peak hour (12:15 – 1:15 p.m.)

*Attachment No. 5*

The following table lists the peak a.m. and p.m. hour trip generations generated by the entire PUD including the apartment building.

Use	Existing A.M. Trips	Proposed A. M. Trips	Existing P.M. Trips	Proposed P. M. Trips
Mosque	6	6	39	39
Single-Family Home (eliminated)	1	-1	1	-1
Apartment Building	- - -	13	- - -	16
Restaurant (coffee shop)	- - -	35	- - -	14
Total	7	53	40	68

*\*\* Please note that the mosque's trip generation does not actually coincide with typical a.m. and p.m. trip generation hours (7:00 – 9:00 am and 4:00 – 6:00 pm respectively).*

The Traffic Impact Study indicated that a modal shift may occur in the trip generation for the mosque as it is assumed that residents of the apartment building will attend the prayer sessions at the mosque. However, this modal split was not factored into the Traffic Impact Study. In addition, the Traffic Impact Study found that the low number of trips generated by the existing and proposed developments did not warrant an improvement to the area road system.

The Study also analyzed the site distance and access spacing based on the minimum City Standards for the proposed site access point onto Claflin Road. The Study found that the new access point meets the minimum site distance and access spacing requirements on Claflin Road, a major collector street.

Pedestrian access is provided internally within the PUD development via sidewalks and crosswalks to the two (2) buildings. A public sidewalk is also proposed on the site along Claflin Road. This sidewalk will be five (5) feet in width. Once constructed, only a small gap in front of an existing duplex to the east of the site will exist. Sidewalks currently exist on the west side of Hylton Heights Road and the north side of Claflin Road.

Bike racks are not shown on the Preliminary Development Plans. Bike racks should be provided and shown on the Final Development Plan.

Attachment No. 5

*The City Traffic Engineer accepted the findings and recommendations of the original development plans and Traffic Impact Study. The revised development plans reduce the number of dwelling units in the proposed apartment building and proportionately the overall trip generated to and from the site. Both the original and revised development proposal meets the City’s minimum traffic standards and policies. The new entrance design as a right-in/right-out has been provided according to the recommendation of the Manhattan Urban Area Planning Board. The City Traffic Engineer has no further comments on the revised development plans (the original memo for the traffic analysis is attached).*

Off-street Parking

The Manhattan Zoning Regulations require the following minimum number of parking stalls for the proposed uses on the site.

Use	Occupancy Number	Parking Requirement
Mosque (w/out fixed seats) 1 space per 3 occupants	278	92
Apartment		
1-bedroom & studio 2 spaces per unit	10	20
2-bedroom 3 spaces per unit	3	9
Restaurant (coffee shop) 1 space per 3 occupants + workers	15	6
Total Parking Stalls		127

*The application documents state that the “future peak” attendance for the mosque’s prayer services could be 180 people, not the designed occupancy of 278, as listed by the Manhattan Fire Department. Considering this statement and using the parking ratio for a mosque without fixed seating, a minimum of 60 parking stalls are required. The site plan shows Lot 2 will have 45 parking spaces associated with the Mosque. Lot 1 has 47 parking spaces shown to the south and west of the proposed parking spaces. The uses of the proposed apartment building and coffee shop will require a minimum of 35 parking spaces. The two lots combined provide 92 parking spaces, 3 spaces less than the minimum required for the proposed uses, using the stated “future peak attendance” capacity of the Mosque.*

*A cross easement is shown and noted on the application site plan. Note #5 states that the condition of mandatory shared parking will “be spelled out in the covenants for the Islamic Center of Manhattan, and the Noor Residence Apartments. These covenants shall be provided with the Final Development Plan to assure that they will be established with the development.*

*As previously mentioned, the applicant noted several factors that they feel are unique to the proposed PUD. These factors are:*

- The apartments are geared toward short-lease tenants, particularly international students and visiting professors, who are less likely to have a personal vehicle and would walk, bicycle or use the ATA bus system.
- The peak demand for the mosque does not coincide with the parking demand for the proposed coffee shop and the apartments.
- The assumption is made that the parking demand of Islamic residents living in the apartment complex who attend the mosque prayer services would be counted twice in the off-street parking requirements. The similar argument is made for the coffee shop parking.

*Based on the information provided, and the planned cross-easement between the two lots, the proposed development should have adequate off-street parking for the proposed uses. On-street parking congestion and conflicts with adjacent properties may currently exist. The Planning Board will need to determine how the proposed uses and off-street parking provided will impact these current off-site conditions.*

*Note: a gravel parking area has been installed, generally in the same location of the southern parking spaces on Lot 1. Off-street parking spaces for Mosques and similar uses are required to be paved with hard surface (asphalt or concrete). Considering that the site is undergoing this rezoning request, which shows this area as permanent paved parking, and the neighbors concern for on-street parking congestion, in part caused by the site; City Administration determined that enforcement of the paving requirements would not occur until after the rezoning request has concluded. If the PUD request is denied, the gravel parking area will need to be paved and striped for parking spaces that meeting the City of Manhattan's parking lot design requirements or returned to its previous condition. If the PUD is approved, the paving must occur with the construction of the apartment building.*

**5. OPEN SPACE AND COMMON AREA:** The applicant has made provisions for the continuity, preservation, care, conservation and maintenance of all open space within the PUD's development plan. Upon installation of landscaping, it will be maintained by the owner and watered by an underground irrigation system. *A landscaped courtyard is proposed to the south of the "L-shaped" apartment building for the resident's use.*

**6. CHARACTER OF THE NEIGHBORHOOD:** The area has a mixture of residential and commercial uses along Claflin Road and Hylton Heights Road. To the south of the site is a single-family residential neighborhood consisting of owner-occupied and rental units. To the north of the site is Claflin Road, the Georgetown Apartment Complex, a multiple-family apartment development with recreation amenities, and the Westport Commons commercial area which consists of business and professional offices. To the

west of the site are business and professional office uses along Hylton Heights Road and retail businesses along Westport Road. To the east is a duplex and the Manhattan Medical Center office complex, and on the north side of Claflin Road is University zoned land for Kansas State Forestry offices and maintenance uses and business and professional offices.

### **THIRTEEN MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS**

**1. EXISTING USE:** The Islamic Mosque and a single-family house.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is rectangular shaped and consists of two (2) lots. The northern portion of the site slopes towards Claflin Road. The remaining area of the site gradually slopes to the southeast. The western lot is mostly fully developed with the Islamic Center Mosque. The eastern lot for the proposed apartment building, consists of a single-family house and grass lawns.

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

**NORTH:** Claflin Road, a four-lane, major collector corridor with varying width of right-of-way; Georgetown Apartment Complex; and business office; R, Single-Family Residential District; PUD, Residential Planned Unit Development; C-1, Restricted Business District.

**SOUTH:** Single-family homes; R, Single-Family Residential District

**EAST:** Non-conforming two-family dwelling; single-family homes (southeast); and the Manhattan Medical Center; R District, C-1 District; PUD.

**WEST:** Business and professional offices and a daycare; C-1 District

**4. CHARACTER OF THE NEIGHBORHOOD:** See above under PUD Criteria Number 6, CHARACTER OF THE NEIGHBORHOOD.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently zoned R, Single-Family Residential District. Both the Islamic Mosque and the single-family house present on the site are permitted and suitable under the current zoning district.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The general area is a mixture of business and professional offices, apartment buildings and single-family homes. The proposed uses are similar to those found throughout the general neighborhood. The application materials state that the apartment building will be marketed to international students at Kansas State University and short-term leases for visiting professors. An increase in light, noise and traffic is expected from the proposed development compared to the existing single-family house and Islamic Mosque.

The properties most impacted by the proposed development may be the single-family homes to the south/southeast. It appears that the applicant has taken appropriate measures to limit any adverse impacts on the surrounding properties. Sight-obscuring screening fences will be provided along the south and east property lines to shield the adjacent neighborhood from vehicle lights.

An illumination study of the proposed off-street parking lights was conducted. The study showed that the proposed lighting will not “bleed” onto adjacent property. The Zoning Regulations require that these lights be shielded to provide full cutoff of light at the property line.

A traffic impact study was conducted that shows the proposed uses should create a minimal increase in trips to and from the site on adjacent streets and should not adversely impact the existing traffic. *With the proposed reduction of total dwelling units on the Lot 1, the increases in trips to and from the site will be reduced proportionately.*

*The amount of off-street parking on the two lots appears to be adequate for the proposed apartment building, coffee shop and mosque, based on the applicant’s statement of “future peak” attendance. A cross easement has been proposed between the two lots to ensure that the shared parking situation will remain for the life of the development. A proposed covenant will be required at the time of the Final Development Plan application to ensure the easement is in place. The applicant’s consultant also conducted a parking analysis that detailed why the shared parking between existing mosque and the proposed apartment building and small coffee shop should be adequate. The analysis is based on the unique condition of the development, including:*

- The apartments are geared toward short-lease tenants, particularly international students and visiting professors, who are less likely to have a personal vehicle and would walk, bicycle or use the ATA bus system,
- The peak demand for the mosque does not coincide with the parking demand for the proposed coffee shop and the apartments.

- The assumption is made that the parking demand of Islamic residents living in the apartment complex who attend the mosque prayer services would be counted twice in the off-street parking requirements. The similar argument is made for the coffee shop parking.

A neighborhood meeting was held on June 12, 2014. According to the meeting summary, thirteen (13) neighbors attended the meeting. The summary states that the concerns by the neighbors included current strains of on-street and off-street parking in the neighborhood during the mosque's prayer services on Fridays, traffic conditions on Claflin Road, the height of the apartment building and the lighting's negative impact from the site on the adjacent properties. (*See attached meeting summary and neighborhood comments*).

**7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE SITE IS SHOWN ON THE FUTURE LAND USE MAP AS RESIDENTIAL LOW/MEDIUM DENSITY (RLM). THE APPLICABLE POLICY STATEMENTS FOR THE RLM DESIGNATION ARE:**

*Residential Low/Medium Density (RLM)*

**RLM 1: Characteristics**

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

**RLM 2: Appropriate Density Range**

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

**RLM 3: Location**

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

#### RLM 4: Variety of Housing Styles

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.*

*The residential component of the proposed PUD on Lot 1 (.734 acres) has a net density of approximately 17.7 dwelling units per acre, which is above the stated density range for the RLM designation (i.e. 1 – 11 dwelling units per net acre). Due to the existing development on the site and the proposed building and off-street parking, adequate open space is not available to keep the residential component within the designated density range.*

The Future Land Use Map for the Comprehensive Plan designated the site and surrounding area based on existing land uses and did not anticipate the transitioning nature of the Claflin Road corridor. Considering the existing condition of the site and that Claflin Road has been transitioning to more intense commercial office uses, the low density residential uses including the house and duplex to the east appear to no longer be the best use for the land along Claflin Road. Claflin Road is a four-lane road, classified as a major collector. Having individual curb cuts for driveways from low density residential uses is not advisable.

Growth Management 9 policy states: *Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area. For additional policies related to infill and redevelopment, refer to the Land Use Policies below and to Chapter 9, Housing and Neighborhoods (see these sections in the Comprehensive Plan).*

The Planned Unit Development process allows for appropriate infill redevelopment to occur with adequate controls to limit impacts on adjacent properties, such as building design, screening and lighting control.

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

The site was annexed and zoned “A-A” Single-Family Dwelling District on August 7, 1962 (Ordinance No. 2269). The site and surrounding properties to the south were zoned R, Single-Family Residential District in 1969 and have remained in that zoning district ever since.

According to the Riley County Appraiser’s Office, the Islamic Mosque was built in 1993. The single-family house was built in 1907.

**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.

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 development plans provide off-street parking that exceeds the combined parking requirements for the proposed uses.* The proposed PUD *should* 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:** The Manhattan Fire Department requires that at least one (1) fire hydrant shall be provided within 150 feet of the fire department connection at the proposed apartment building. The Fire Department also requires that hard surface access for fire access shall be provided on the site before combustible construction begins on the proposed building. These conditions will be addressed at the time of the building permit application.

**13. STAFF COMMENTS AND RECOMMENDATION:**

While a mixed-used apartment building with a small accessory coffee shop/restaurant supported primarily by the surrounding apartment residents, is relatively uncommon in Manhattan, the Comprehensive Plan does promote mixed use neighborhood services in appropriate residential settings. In anticipation of the unfortunate possibility that the coffee shop space might not be viable for the long term, City Administration is recommending a condition that the 676 square foot coffee shop space be allowed to convert to a one-bedroom or two-bedroom dwelling unit, dependent on applicable zoning, building and fire codes. Conversion of the coffee shop space will have a lesser parking demand than the coffee shop, less of an impact on utility demands and would be consistent with the rest of the proposed development.

City Administration recommends approval of the proposed rezoning of the Noor Residence Mixed Use Planned Unit Development from R, Single-Family Residential District to PUD, Mixed Use Planned Unit Development District, with the following conditions of approval:

1. The Permitted Uses shall include a mosque (or other religious institutions) and a *thirteen (13)* unit apartment building with accessory coffee shop/restaurant, no drive-in type.
2. The coffee shop/restaurant shall be limited to 676 square feet in area.
3. The coffee shop/restaurant may be converted to a one-bedroom or two-bedroom dwelling unit subject to applicable zoning, building and fire codes.
4. A sight-obscuring screening fence of not less than six (6) feet in height shall be provided along the *southern and eastern* property line of the PUD.
5. Signage shall be limited to signs proposed in the application documents.
6. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(3),(4),(5), (7) and (9); and, Section 6-104 (B)(2) and (5).
7. Landscaping and irrigation shall be maintained in good condition.
8. A Landscape Performance Agreement shall be approved, prior to issuance of a building permit.

*Attachment No. 5*

9. An Agreement between the City and the property owner shall be completed prior to the filing of the Final Plat, obligating the property owner to construct and maintain the storm water system including the underground storm sewer and detention structure, and allowing the City access to the structure for inspection and maintenance if the property owner fails in its duty to property maintain the storm water system.
10. *Covenants shall be provided at the time of application for the Final Development Plan detailing the cross easement between the two (2) lots for the proposed shared parking.*

### **ALTERNATIVES**

1. Recommend approval of the proposed rezoning of Noor Residence Mixed Use Planned Unit Development from R, Single-Family Residential District, to PUD, Mixed Use Planned Unit Development District, based on the findings in the Staff Report and with the conditions listed in the Staff Report.
2. Modify the proposed PUD and any conditions of approval, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, and recommend approval of the rezoning from R, Single-Family Residential District, to PUD, Mixed Use Planned Unit Development District, as modified by the Board, stating the specific basis for such recommendation.
3. Recommend denial of the proposed rezoning, stating the specific findings for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons and provide further direction to the applicant and/or City Administration.

### **POSSIBLE MOTION**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Noor Residence Mixed Use Planned Unit Development from R, Single-Family Residential District, to PUD, Mixed Use Planned Unit Development District, based on the findings in the Staff Report, with the ten (10) conditions recommended by City Administration.

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

**DATE:** November 5, 2014