



***MINUTES  
CITY COMMISSION MEETING  
TUESDAY, DECEMBER 16, 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 28 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Butler led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Butler proclaimed December 31, 2014, *Little Apple New Year's Eve Celebration Day*. Aaron Apel, President, Aggieville Business Association, and Owner, Big Poppi Bikes, and Rod Harmes, Executive Director, Aggieville Business Association, were present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Jankovich thanked Mayor Butler and his wife for their efforts in lighting Old Engine One for the Mayor's Christmas Spirit of the Holidays Lighted Parade and firefighters in Station Two for their assistance. He congratulated Battalion Chief Rex Worden on his retirement earlier in the day and also congratulated Captain Dale Hayden on his retirement on Friday, December 19, 2014; with the Manhattan Fire Department. He also announced that a Supplemental Problematic Environmental Assessment with a Listening Tour to discuss Fort Riley's future would be held on Monday, February 9, 2015, from 3:30 p.m. to 6:00 p.m., at the Junction City Conference Center. He stated this Listening Tour is critical to the region and encouraged citizens to attend and participate. He said the Department of the Army and the Department of Defense would be present,

## COMMISSIONER COMMENTS (*CONTINUED*)

with a focus on how the region makes the soldiers lives better and allow Fort Riley to accomplish their mission in the most economical fashion possible. He encouraged those interested or if citizens have comments or ideas, to send those to him via his City of Manhattan email address found on the City's website.

Commissioner Reddi informed the community that the new expansion to the Manhattan Public Library is fantastic and encouraged citizens to enjoy their Library. She stated that the last Tuesday in January 2015 is the filing deadline for candidates considering serving in public office for available positions on the Board of Education and the City Commission. She also encouraged citizens to enjoy the holidays with family and friends and wished everyone safe travels.

Commissioner McCulloh stated that she received two calls regarding the roundabout proposed at Scenic Drive and Anderson Avenue, and encouraged those that called her earlier to contact her for additional information. She informed the community that Sunset Zoo and Flint Hills Discovery Center have many wonderful things to do with your kids. She also extended a lovely holiday and a Happy New Year and healthy 2015.

Mayor Butler reiterated the importance to attend the Supplemental Problematic Environmental Assessment with a Listening Tour to discuss Fort Riley's future on February 9, 2015, in Junction City. He expressed his appreciation to those that helped with the Mayor's Christmas Spirit of the Holidays Lighted Parade, the tree lighting ceremony in Triangle Park with K-State President Schulz, and the many people that attended and enjoyed the event. He encouraged the community to enjoy the ball drop and fireworks festivities planned on New Year's Eve in Aggieville and City Park.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, December 2, 2014.

### CLAIMS REGISTER NO. 2776

The Commission approved Claims Register No. 2776 authorizing and approving the payment of claims from November 26, 2014, to December 9, 2014, in the amount of \$3,539,882.22.

## CONSENT AGENDA (CONTINUED)

### LICENSES

The Commission approved a **Fireworks Display License** for Rainbow Fireworks, Inc, 76 Plum Avenue, Inman, Kansas, for December 31, 2014/January 1, 2015, at midnight for the New Year's Eve celebration; a **Merchant Guard Agency License** for calendar year 2015 for Allied Barton Security Services LLC, 161 Washington Street Suite 600, Conshohocken, Pennsylvania; a **Tree Maintenance License** for calendar year 2015 for Gudenkauf Tree Service, 102 North Street, Seneca, Kansas; and Three Men Tree Service, 255 Ridge Drive; and an annual **Cereal Malt Beverages Off-Premises License** for Ampride, 215 East Poyntz Avenue; Dara's #1, 1816 Claflin Road; Dara's #2, 3270 Kimball Avenue; Dara's #3, 473 East Poyntz Avenue; Dara's #10, 2323 Tuttle Creek Boulevard; Dara's #12, 1701 Anderson Avenue; and Oppy's Service Inc., 605 South 3<sup>rd</sup> Street.

### ORDINANCE NO. 7118 – AMEND FINAL DEVELOPMENT PLAN – PROFESSIONAL PLAN PUD

The Commission approved Ordinance No. 7118 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. 1*) with the one condition of approval.

### ORDINANCE NO. 7119 – ISSUE BONDS – CICO PARK REGIONAL DETENTION BASIN (SM1305)

The Commission approved Ordinance No. 7119 authorizing and providing payment for the CiCo Park Regional Detention (SM1305) project.

\* **PURCHASE AGREEMENT –PUMPER FIRE TRUCK (CIP #FR007E)**

Commissioner Jankovich announced that he had a business relationship regarding the item and would need to abstain.

Commissioner McCulloh stated that the purchase of a new fire pumper truck is a public safety item, which is expensive but is needed.

Mayor Butler provided additional information on the item.

The Commission accepted the recommendation of the Apparatus Committee and Fire Department Staff; authorized City Administration to sell outright the 1995 E-ONE pumper truck; and authorized the Mayor and City Clerk to execute a contract with Pierce Manufacturing Inc, of Appleton, Wisconsin, through Conrad Fire Equipment, of Olathe, Kansas, for the direct purchase of a Pierce PUC (Pierce Ultimate Configuration) Velocity Pumper in the amount of \$610,742.00, utilizing the Houston-Galveston Area Council (H-GAC) buying program.

## CONSENT AGENDA (CONTINUED)

\* **FIRST READING – LEASE PURCHASE AGREEMENT - PUMPER FIRE TRUCK (CIP #FR007E)**

Commissioner Jankovich announced that he had a business relationship regarding the item and would need to abstain.

Commissioner McCulloh stated that the purchase of a new fire pumper truck is a public safety item, which is expensive but is needed.

Mayor Butler provided additional information on the item.

The Commission approved first reading of an ordinance authorizing the Mayor and the City Clerk to enter into a lease purchase agreement with Commerce Bank/Clayton Holdings, for the purpose of acquiring the pumper.

**RESOLUTION NO. 121614-A – CITY BOUNDARY**

The Commission approved Resolution No. 121614-A establishing and defining the boundaries of the city of Manhattan, Kansas, as of December 16, 2014.

\* **RESOLUTION NO. 121614-B – SUPPORT – HOUSING TAX CREDIT - STONE POINTE TOWNHOMES ADDITION (LOT 2, BIRCHWOOD VILLAS ADDITION, PHASE 2)**

Commissioner McCulloh stated that she serves on the Manhattan Area Housing Partnership Committee, but receives no compensation and would participate on the item.

The Commission approved Resolution No. 121614-B indicating the City of Manhattan's support for the Manhattan Area Housing Partnership tax credit application for a 42 unit affordable housing development in Stone Pointe Townhomes Addition (Lot 2, Birchwood Villas Addition, Phase 2).

\* **WAIVE FEES - HOUSING TAX CREDIT - STONE POINTE TOWNHOMES ADDITION (LOT 2, BIRCHWOOD VILLAS ADDITION, PHASE 2)**

The Commission waived building permit and absorbed utility connection fees for a Manhattan Area Housing Partnership tax credit 42 unit affordable housing development in Stone Pointe Townhomes Addition (Lot 2, Birchwood Villas Addition, Phase 2).

## **CONSENT AGENDA (CONTINUED)**

### **RESOLUTION NO. 121614-C – MUIRFIELD ADDITION – STREET IMPROVEMENTS (ST1423)**

The Commission found the petition sufficient and approved Resolution No. 121614-C finding the project advisable and authorizing construction for the Muirfield Addition Street ST1423) Improvements project.

### **RESOLUTION NO. 121614-D – MUIRFIELD ADDITION – SANITARY SEWER IMPROVEMENTS (SS1417, SS1418)**

The Commission found the petition sufficient and approved Resolution No. 121614-D finding the project advisable and authorizing construction for the Muirfield Addition Sanitary Sewer (SS1417, SS1418) Improvements.

### **RESOLUTION NO. 121614-E – MUIRFIELD ADDITION – WATER IMPROVEMENTS (WA1416)**

The Commission found the petition sufficient and approved Resolution No. 121614-E finding the project advisable and authorizing construction for Muirfield Addition Water Improvements (WA1416).

### **AGREEMENT – ENGINEERING SERVICES – MUIRFIELD ADDITION – STREET (ST1423), SANITARY SEWER (SS1417, SS1418), AND WATER (WA1416) IMPROVEMENTS**

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$125,822.50 with SMH Consultants, of Manhattan, Kansas, to perform professional services for the Muirfield Addition Street (ST1423), Sanitary Sewer (SS1417, SS1418), and Water (WA1416) Improvements.

### **CONTRACT AMENDMENT NO. 2 – POYNTZ AVENUE PUMP STATION REINFORCED CONCRETE BOX (SM1309)**

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 2 to the Professional Services Agreement in an amount not to exceed \$27,150.00 with AMEC Environment and Infrastructure, Inc., of Topeka, Kansas, for final mitigation plan design and construction observation services for the Poyntz Avenue Pump Station Reinforced Concrete Box Project (SM1309).

### **CONTRACT AMENDMENT NO. 1 – WATERSHED ANALYSIS, PHASE I, STORMWATER INFRASTRUCTURE GIS MAPPING (SM1205)**

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 1 to the Professional Engineering Service Agreement in an amount not to exceed \$19,970.00 with Bartlett & West, Inc., of Manhattan, Kansas, to add stormwater drainage structures within the Little Kitten watershed basin and to complete the 10<sup>th</sup> watershed within the city of Manhattan core area as part of the Watershed Analysis, Phase I, GIS Stormwater Study (SM1205).

## CONSENT AGENDA (CONTINUED)

### REJECT BID – 14<sup>TH</sup> STREET AND POYNTZ AVENUE SIGNAL UPGRADE (ST1424, CIP #TR007P)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$40,000.00; rejected the bid in the amount of \$108,940.00 from L&S Electric, LLC, of Salina, Kansas; and authorized City Administration to rebid the 14<sup>th</sup> Street and Poyntz Avenue Signal Upgrade (ST1424, CIP #TR007P) project at a later date.

### AWARD CONTRACT – 2014 BIKE BOULEVARD (SP1414)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$52,545.00; rejected the bid in the amount of \$65,371.00 from RM Baril General Contractors, Inc., of Manhattan, Kansas; and awarded and authorized the Mayor and City Clerk to execute a negotiated contract in an amount not to exceed \$31,046.00 with RM Baril General Contractors, Inc., for the 2014 Bike Boulevard (SP1414) project.

### AWARD CONTRACT – BLUEMONT HILL WATERLINE (WA1211)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$452,825.00 (base bid amount of \$497,825.00 less \$45,000.00 for Alternate No. 1); awarded a construction contract in the amount of \$397,541.00 (base bid amount of \$507,941.00 less \$110,400.00 for Alternate No. 1) to Nowak Construction, Co., Inc., of Goddard, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Bluemont Hill Waterline (WA1211) project.

### RESOLUTION NO. 121614-F – ISSUE BONDS - BLUEMONT HILL WATERLINE (WA1211)

The Commission approved Resolution No. 121614-F authorizing and providing payment for the Bluemont Hill Waterline (WA1211) project.

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### AWARD CONTRACT – NORTH MANHATTAN AVENUE IMPROVEMENTS, PHASES I AND II (ST1422, CIP #EN069P)

Commercial McCulloh provided additional information on the item.

Mayor Butler provided additional comments on the item.

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,905,909.00; awarded a construction contract in the amount of \$1,870,470.68 to Pavers, Inc., of Salina, Kansas; and authorized the Mayor and City Clerk to execute the contract for the North Manhattan Avenue Improvements, Phases I and II (ST1422, CIP #EN069P) project.

## CONSENT AGENDA (CONTINUED)

### **RESOLUTION NO. 121614-G – ISSUE BONDS – NORTH MANHATTAN AVENUE IMPROVEMENTS, PHASES I AND II (ST1422, CIP #EN069P)**

The Commission approved Resolution No. 121614-G, authorizing the issuance of temporary notes to pay for the North Manhattan Avenue Improvements, Phases I and II (ST1422, CIP #EN069P) project.

### **AWARD CONTRACT – KIMBALL AVENUE AND SEATON AVENUE STORMWATER IMPROVEMENTS (SM1410)**

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$209,605.00; awarded a construction contract in the amount of \$142,030.00 to J&K Contracting, L.C., of Junction City, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Kimball Avenue and Seaton Avenue Stormwater Improvements (SM1410) project.

\* **AWARD CONTRACT – PARKS AND RECREATION ADMINISTRATION OFFICES AND CITY AUDITORIUM RENOVATION (SP1206, CIP #RC020P)**

Commissioner Jankovich announced that he had a business relationship regarding the item and would need to abstain.

Mayor Butler provided additional information on the item.

The Commission accepted the Architect's Opinion of Probable Cost in the amount of \$2,752,800; awarded a construction contract in the amount of \$2,165,157.00 to Cheney Construction, of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Parks and Recreation Office Expansion and Renovations to City (Peace Memorial) Auditorium (SP1206, CIP #RC020P) project.

\* **AGREEMENT – CONSTRUCTION ADMINISTRATION SERVICES - PARKS AND RECREATION ADMINISTRATION OFFICES AND CITY AUDITORIUM RENOVATION (SP1206)**

Commissioner Jankovich announced that he had a business relationship regarding the item and would need to abstain.

Mayor Butler provided additional information on the item.

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute a construction administration services contract in an amount not to exceed \$66,475.00 with Bruce McMillan Architects, of Manhattan, Kansas, for the Parks and Recreation Office Expansion and Renovations to City (Peace Memorial) Auditorium (SP1206, CIP #RC020P) project.

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 121614-H – ISSUE BONDS - PARKS AND RECREATION OFFICE EXPANSION AND CITY AUDITORIUM RENOVATION (SP1206)

The Commission approved Resolution No. 121614-H issuing up to \$2.85 million in temporary bonds for the Parks and Recreation Office Expansion and Renovations to City (Peace Memorial) Auditorium (SP1206, CIP #RC020P) project.

### AWARD CONTRACT – WATER TREATMENT PLANT CLARIFIER NO. 1 REPAINTING (WA1418, CIP #WA124P)

The Commission awarded a construction contract in the amount of \$157,875.00 to Mongan Painting and Sandblasting, of Cherokee, Iowa, who submitted the lowest qualifying bid; and authorized the Mayor and City Clerk to execute the contract for the Water Treatment Plant Clarifier No. 1 Repainting Project (WA1418, CIP #WA124P) project.

### AWARD CONTRACT – SANITARY SEWER FLUSH TANK ELIMINATION (SS1407, CIP #WW017P)

The Commission awarded a construction contract in the amount of \$61,943.00 (base bid amount of \$67,943.00 less \$6,000.00 for Bid Alternate No. 1) with Josh Connet Excavation, LLC, of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the contract for the 2014 Sanitary Sewer Flush Tank Elimination (SS1407, CIP #WW017P) project.

### ACCEPT – FEDERAL AID SAFETY GRANT OFFER – COLLEGE AVENUE AND CLAFLIN ROAD (ST1501)

The Commission accepted the federal aid safety grant offer from the Kansas Department of Transportation for the intersection of College Avenue (ST1501) and Claflin Road, and directed City Administration to proceed with this project in a manner that will facilitate construction at this intersection to reduce the risk of crashes.

### ACCEPT – FEDERAL AID SAFETY GRANT OFFER – 11<sup>TH</sup> STREET AND POYNTZ AVENUE (ST1502)

The Commission accepted the federal aid safety grant offer from the Kansas Department of Transportation for the intersection of 11<sup>th</sup> Street and Poyntz Avenue (ST1502), and directed City Administration to proceed with this project in a manner that will facilitate construction at this intersection to reduce the risk of crashes.

## CONSENT AGENDA (CONTINUED)

### 2015 CONTRACT – MANHATTAN CENTER FOR THE ARTS

The Commission approved a contract as budgeted in the 2015 City Budget and authorized the Mayor and City Clerk to execute said contract with the Manhattan Center for the Arts.

### 2015 CONTRACT – RILEY HISTORICAL SOCIETY (WOLF HOUSE MUSEUM)

The Commission approved a contract as budgeted in the 2015 City Budget and authorized the Mayor and City Clerk to execute said contract with the Wolf House Museum.

### 2015 CONTRACT – DOWNTOWN MANHATTAN, INC.

The Commission approved a contract as budgeted in the 2015 City Budget and authorized the Mayor and City Clerk to execute said contract with Downtown Manhattan, Inc.

### 2015 CONTRACTS – SOCIAL SERVICES ADVISORY BOARD AGENCIES

The Commission approved a contract as budgeted in the 2015 City Budget and authorized the Mayor and City Clerk to execute said contract with the Social Services Advisory Board agencies (*See Attachment No. 2*).

### 2015 CONTRACTS – SPECIAL ALCOHOL FUNDS AGENCIES

The Commission approved contracts as budgeted in the 2015 City Budget and authorized the Mayor and City Clerk to execute said contracts with the Special Alcohol Funds agencies (*See Attachment No. 3*).

### 2015 CONTRACT – AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT

The Commission authorized the Mayor and City Clerk to execute the 2015 Aggieville Business Improvements District contract.

### 2015 CONTRACT – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

The Commission authorized the Mayor and City Clerk to execute the 2015 Downtown Business Improvements District contract.

## CONSENT AGENDA (CONTINUED)

### CONTRACT – ANIMAL SHELTER SERVICES – CITY OF RILEY, KANSAS

The Commission authorized the Mayor and City Clerk to execute a contract with the City of Riley to allow the City of Riley to deliver dogs and cats from its jurisdiction to the T. Russell Reitz Animal Shelter for acceptance and disposition by the Shelter and to empower the City of Manhattan to accept and dispose of animals delivered to the Shelter by the City of Riley.

### BOARD APPOINTMENTS

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

#### *Bicycle Advisory Committee*

Re-appointment of Joseph Edmunds, 360 Zeandale Road, to a three-year Riley County term. Mr. Edmunds' term begins immediately, and will expire October 31, 2017.

#### *Cemetery Board*

Re-appointment of Larry Pollack, 1841 Fairchild Avenue, to a three-year term. Mr. Pollack's term will begin January 1, 2015, and will expire December 31, 2017.

#### *Downtown Business Improvement District Advisory Board*

Re-appointment of Daniel Crouch, 3304 Pinewood Lane, to a two-year term. Mr. Crouch's term will begin January 1, 2015, and will expire December 31, 2016.

Re-appointment of Kate Danenberg, 2961 Keats Avenue, to a two-year term. Ms. Danenberg's term will begin January 1, 2015, and will expire December 31, 2016.

Re-appointment of Mike Thomason, 3008 Champion Circle, to a two-year term. Mr. Thomason's term will begin January 1, 2015, and will expire December 31, 2016.

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

Re-appointment of John Hund, 32260 Little Fork Road, Paxico, to a three-year term. Mr. Hund's term will begin February 1, 2015, and will expire January 31, 2018.

Re-appointment of Ron Wilson, 2103 Zeandale Road, to a three-year term. Mr. Wilson's term will begin February 1, 2015, and will expire January 31, 2018.

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### Human Rights And Services Board

Appointment of Thomas Kerrigan, 1000 Pierre Street, to fill the unexpired term of Patrick McLaughlin. Mr. Kerrigan's term begins immediately, and will expire March 9, 2015.

- \* Riley County Law Enforcement Board  
Item was moved to the end of the General Agenda at the request of Commissioner Reddi.

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

After discussion and comments from the Commission, Commissioner McCulloh moved to approve the consent agenda. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0 with the exception of Item F, PURCHASE AGREEMENT/FIRST READING –PUMPER FIRE TRUCK (CIP #FR007E), which carried 4-0-1 with Commissioner Jankovich abstaining on the item; with the exception of Item Q, AWARD CONTRACT/CONSTRUCTION ADMINISTRATION SERVICES – PARKS AND RECREATION ADMINISTRATION OFFICES AND CITY AUDITORIUM RENOVATION (SP1206, CIP #RC020P), which carried 3-1-1, with Commissioner Matta voting against the motion and Commissioner Jankovich abstaining on the item; and with Item X.2., BOARD APPOINTMENTS – RILEY COUNTY LAW BOARD, moving to the end of the General Agenda.

## GENERAL AGENDA

### FIRST READING - ANNEX AND REZONE - PINEHURST ADDITION

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

Rob Ott, Director of Public Works, provided additional information on the item and clarification on the award date.

Ron Fehr, City Manager, provided clarification on the item.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - ANNEX AND REZONE - PINEHURST ADDITION (CONTINUED)

Rob Ott, Director of Public Works, and Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on the item.

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance annexing the proposed Pinehurst Addition, an approximate seven acre tract of land, generally located to the west of the intersection of Grand Mere Parkway and Colbert Hills Drive, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and approve first reading of an ordinance rezoning the proposed Pinehurst Addition from County R-PUD, Residential Planned Unit Development District, to R-2, Two-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 4*). Mayor Butler seconded the motion. On a roll call vote, motion carried 5-0.

### 2014 CHAMBER OF COMMERCE YEAR-END REPORTS AND 2015 CONTRACTS

Terry Harts, Chairman, Manhattan Area Chamber of Commerce Board of Directors, introduced the item and provided an overview of the speaker lineup.

John Pagen, Director, Economic Development, Manhattan Area Chamber of Commerce, presented a year-end overview on economic development funding sources and funding trends, strategies for economic development growth, updated efforts to create a corridor focused on global food systems, the State of Indiana Study, labor force statistics, Manhattan retail sales numbers, and annual new building permit values.

Trent Armbrust, Existing Business Manager, Economic Development, Manhattan Area Chamber of Commerce, presented an overview and update on local employer growth. He also provided information on the Riley County/Manhattan E-Community.

Janet Nichols, Military Community Liaison, Manhattan Area Chamber of Commerce, provided an update on the Military Relations Committee and related events. She reiterated the importance to attend the Supplemental Problematic Environmental Assessment Listening Tour to discuss Fort Riley's future on Monday, February 9, 2015, from 3:30 p.m. to 6:00 p.m., at the Junction City Conference Center.

## GENERAL AGENDA (CONTINUED)

### 2014 CHAMBER OF COMMERCE YEAR-END REPORTS AND 2015 CONTRACTS (CONTINUED)

After discussion and comments from the Commission, Lyle Butler, President, Manhattan Area Chamber of Commerce, responded to questions from the Commission and introduced the Manhattan Convention and Visitors Bureau item.

Karen Hibbard, Director, Manhattan Convention and Visitors Bureau (CVB), informed the Commission that Kelly Loub, Chairperson, Manhattan CVB Steering Committee, was unable to attend, but Terry Olson, CVB Steering Committee member, would be presenting.

Terry Olson, CVB Steering Committee member, informed the Commission that 2014 has been a year of transitions. She introduced the CVB quarterly report and the CVB vision and mission statements.

Karen Hibbard, Director, Manhattan Convention and Visitors Bureau (CVB), presented an update on CVB staff changes. She then provided an overview of activity and performance measures for conferences; number of groups hosted; activity and performance measures for leisure, marketing and communications, television marketing, Kansas public radio, email marketing, social media, inquiries/fulfillment, book direct, and website; activity measures for youth sports and special events; and Little Apple Corps. She then responded to questions from the Commission and presented charts showing Manhattans hotel growth showing average rooms occupied; hotel occupancy numbers; hotel average daily rate; hotel revenue per available room; hotel weekly occupancy and top weekend occupancy numbers; total number of hotel rooms; hotel average daily occupancy; and conference center usage.

Terry Olson, CVB Steering Committee member, provided information on the Marketing Manhattan 2015 plan, including measurable goals. She also provided additional information on the CVB budget and budget request for 2015. She informed the Commission that the CVB, CVB Steering Committee, and the Manhattan Area Chamber of Commerce Board of Directors appreciate the partnership with the City of Manhattan.

After additional discussion and comments from the Commission, Karen Hibbard, Director, Manhattan Convention and Visitors Bureau (CVB), and Terry Olson, CVB Steering Committee member, responded to questions from the Commission regarding the importance of measurable goals in 2015; the ability to host large events; the significance of the Manhattan Regional Airport to help attract national and international conferences; the coordination with businesses and restaurants when working with conference planners and attendees; and exploring additional advertising opportunities with the expanded use of social media and use of cell phone apps.

## GENERAL AGENDA (CONTINUED)

### 2014 CHAMBER OF COMMERCE YEAR-END REPORTS AND 2015 CONTRACTS (CONTINUED)

Jason Hilgers, Deputy City Manager, presented an overview of the Economic Development, Fort Riley Promotion, and Tourism and Convention contracts for 2015 with the Manhattan Area Chamber of Commerce. He then responded to questions from the Commission regarding available funds, funding support to the Flint Hills Discovery Center, and the percentage of total sales generated from hotels in the community.

Mayor Butler opened the public comments.

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

After additional discussion and comments from the Commission, Commissioner Jankovich moved to authorize the Mayor and City Clerk to execute the Economic Development, Fort Riley Promotion, and Tourism and Convention contracts for 2015 with the Manhattan Area Chamber of Commerce. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

### ITEM REMOVED FROM CONSENT AGENDA

### BOARD APPOINTMENTS - RILEY COUNTY LAW ENFORCEMENT BOARD

Commissioner Reddi voiced support for one citizen on the Law Board, but wanted three City Commissioners on the Law Board.

Mayor Butler provided an overview of his requested appointments to the Riley County Law Board. He highlighted the Kansas Statute that established the Riley County Law Board and his desire to have two Citizens At-Large appointed to more closely follow the intent of the law. He stated that Commissioner Matta was appointed to a Citizen At-Large position at the December 2, 2014, City Commission meeting and he should remain in that position. He informed the Commission that he would resign his position on the Law Board, providing that Commissioner McCulloh would move from a Citizen At-Large term, which she was appointed to at the December 2, 2014, City Commission meeting, to a City Commissioner term. He stated that this action would allow his original recommended appointee, Craig Beardsley, to be placed in the Citizen At-Large position on the Law Board. He then provided background information and qualifications supporting the recommendation of Craig Beardsley.

**ITEM REMOVED FROM CONSENT AGENDA (CONTINUED)**

**BOARD APPOINTMENTS - RILEY COUNTY LAW ENFORCEMENT BOARD  
(CONTINUED)**

After discussion and comments from the Commission, Bill Raymond, City Attorney, cited case law related to the appointment process for members of the Law Board. He informed the Commission of the action taken during the December 2, 2014, City Commission meeting that fulfilled the select and designate requirement of the Statute regarding Law Board appointments. He stated that there is no authority to administratively move one office holder from one office to another office once a vote has been taken and made of record, thereby, vesting the office holder into the office for the established term. He then responded to questions from the Commission and provided clarification on the item.

After additional discussion and comments from the Commission, Commissioner McCulloh stated the importance in having three elected City Commissioners on the Law Board. She stated that she was opposed to changing her appointment designation from a Citizen At-Large term to a City Commissioner term and that Commissioner Matta could just as easily move to a City Commissioner term.

After further discussion and comments from the Commission, Bill Raymond, City Attorney, responded to questions regarding legal considerations to remove someone from office for cause. He provided additional information and stated that this course of action would require due process.

Commissioner Reddi reiterated her position to have one citizen on the Law Board and voiced support for three City Commissioners on the Law Board.

Commissioner Jankovich provided additional comments on the item. He stated that given the current situation, his preference would be to stay with the appointments that were made during the City Commission meeting on December 2, 2014.

After additional discussion and comments from the Commission, Bill Raymond responded to questions from Mayor Butler regarding the possibility to create a resolution with a provision to enable the Commission to move Law Board appointments administratively. He advised the Commission that legal staff would need to review and research the request if that was the will of the governing body to ensure that it could be done.

After further discussion and comments from the Commission regarding the appointments to the Law Board and options, Bill Raymond, City Attorney, responded to additional questions from the Commission and provided clarification on the appointment process.

Commissioner Matta announced that he was not planning on running for re-election.

**ITEM REMOVED FROM CONSENT AGENDA (CONTINUED)**

**BOARD APPOINTMENTS - RILEY COUNTY LAW ENFORCEMENT BOARD**  
**(CONTINUED)**

After further discussion of the Commission and consideration of options, Commissioner Matta said that this is the Mayor's appointment. He stated that he would resign from the Law Board now if the Mayor wants to appoint Craig Beardsley.

Bill Raymond, City Attorney, provided clarification regarding Commissioner Matta's announcement of his resignation from the Law Board and explained the nomination process to fill the vacancy created by Commissioner Matta for the Citizen-At-Large position on the Law Board.

Commissioner Matta announced his resignation from the Law Board appointment effective January 1, 2015.

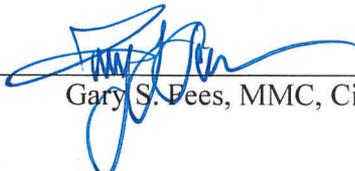
After additional discussion and comments from the Commission, Mayor Butler moved to appoint Craig Beardsley to a two-year Citizen At-Large position, replacing Commissioner John Matta. Commissioner McCulloh seconded the motion. After discussion, on a roll call vote, motion carried 5-0.

Mayor Butler asked if another motion was required for him to withdraw his resignation and remain on the Law Board.

Bill Raymond, City Attorney, stated that an additional motion was not necessary since his resignation on the Law Board was not accepted.

**ADJOURNMENT**

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

  
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Gary S. Fees, MMC, City Clerk

**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.

*Attachment No. 1*

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. 1*

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 23, 2014

CJ  
14037

## Social Services Advisory Board Agencies

*2015*

<i>Basic Human Needs (food, clothing, shelter, transportation)</i>	<i>Requested</i>	<i>Allocated</i>
Crisis Center (intervention/shelter programs)	48,800	48,800
MESI (shelter)	75,600	72,000
Shepherd's Crossing	44,000	44,000
<i>Prevention/Intervention (Youth)</i>		
Big Brothers/Big Sisters	37,000	37,000
Boys and Girls Clubs	30,365	30,365
Sunflower CASA	27,000	27,000
K-State Center for Child Development	40,800	40,800
<i>Prevention/Intervention (Elderly and Disabled)</i>		
Homecare and Hospice	50,000	50,000
Kansas Legal Services	35,000	35,000
<b>Totals</b>	<b>\$ 388,565</b>	<b>\$ 384,965</b>

<b>Special Alcohol 2015 Funding</b>			
	<i>Requested</i>	<b>Approved</b>	<b>Recommendation</b>
Big Brothers/Big Sisters	\$19,000	\$ 19,000	\$ 19,000
Boys and Girls Club	29,802	28,907	28,907
KSU-AODES	38,570	34,713	34,713
Manhattan Emergency Shelter	13,362	13,362	13,362
Pawnee Mental Health	89,811	70,000	70,000
Riley County Youth Court	4,000	4,000	4,000
Riley County Comm. Corrections (Juvenile)	4,000	4,000	4,000
Riley County Comm. Corrections (Adult)	10,000	10,000	10,000
Sunflower CASA	37,800	37,800	37,800
The Restoration Center	60,000	50,000	50,000
UFM	21,000	20,370	20,370
USD#383	184,223	178,696	178,696
	<b>\$ 511,568</b>	<b>\$ 470,848</b>	<b>\$ 470,848</b>

## **STAFF REPORT**

### **ON AN APPLICATION TO REZONE PROPERTY**

The proposed Pinehurst Addition is to consist of twelve (12) single-family attached lots (A & B lots) and four (4) single-family detached lots.

**FROM:** County Residential Planned Unit Development (PUD) District

**TO:** R-2, Two-Family Residential District

**APPLICANT:** SMH Consultants – Jeff Hancock on behalf of the owners

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

**OWNERS:** The Carson Company – Andrew Carson

**ADDRESS:** 2805 Claflin Road, Manhattan, KS 66502

**LEGAL DESCRIPTION:** An unplatted tract in Section 4, Township 10, Range 7 East

**LOCATION:** Generally located immediately to the west of the intersection of Grand Mere Parkway and Colbert Hills Drive (*see attached legal description for full details*).

**AREA:** 7.05 acres

**DATE OF NEIGHBORHOOD MEETING:** October 8, 2014

**DATE OF PUBLIC NOTICE PUBLICATION:** November 10, 2014

**DATE OF PUBLIC HEARING: PLANNING BOARD:** December 1, 2014

**CITY COMMISSION:** December 16, 2014

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

**1. EXISTING USE:** The unplatted tract is currently native grass land.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The irregularly shaped tract is gently sloped and drains to the east towards the Grand Mere Parkway. The western edge of the proposed subdivision is adjacent to a prominent hill top in the area. The site generally drains eastward towards an existing retention basin used for irrigation by the golf course. The basin is at the upper reach of Little Kitten Creek.

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

**NORTH:** Colbert Hills Golf Course; R-S Single-Family Residential District.

**SOUTH:** Vacant land within Grand Mere Master Planned Community and Grand Mere Parkway, a two-lane, collector street; County Residential Planned Unit Development, R-S Single-Family Residential District.

**EAST:** Grand Mere Parkway, Turnberry Addition, a single-family neighborhood and Vacant land within Grand Mere Master Planned Community; R-1, Single-Family Residential District and R-S District.

**WEST:** Vacant land within Grand Mere Master Planned Community and Colbert Hills Golf Course; County Residential Planned Unit Development, R-S Single-Family Residential District.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The general character of the neighborhood is a mixture of the golf course, including the club house, established single-family homes and developing residential neighborhoods within the comprehensively planned neighborhood in the City.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site was rezoned to County R-PUD in 1997. At the time of the rezoning, the golf course developer wanted assurance that when the golf course was annexed that a zoning, specifically the County R-PUD for the golf course, was attached. The rezoning to R-PUD was done primarily for the benefit of the golf course development. Those portions of Grand Mere that are not yet annexed remain County R-PUD. The current County R-PUD predated the Grand Mere Master Plan and the 2003 Manhattan Urban Area Comprehensive Plan, which currently designates the proposed development as a Hotel (General Commercial (GC)) and Single-Family #4 (RLM). The Comprehensive Plan reflects that Grand Mere Master Plan's proposed land use. Development in Grand Mere is progressing to ensure attractive and orderly neighborhoods in response to changing market demand.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezoning to R-2 District is compatible with the surrounding neighborhood with twelve (12) single-family attached lots (A & B Lots), ranging in size from approximately 0.33 acres to 0.50 acres, and four (4) single-family detached lots, ranging in size from .41 acres to 1.20 acres. A minimal increase in light, noise and traffic can be expected, with minimal impact on the surrounding area by the residential lots in the Pinehurst Addition. The proposed subdivision will

be similar in size and character to other single-family developments in the Grand Mere Master Plan Community. The Golf Course is located immediately to the north. To the west and south is undeveloped land within the master planned community. There are currently no existing residential homes in the immediate area. Turnberry Addition and Muirfield Addition are to the east and have been recently approved and will most likely begin infrastructure construction soon. Because of similar types of proposed residential uses in Pinehurst Addition, these existing developments should not be adversely impacted.

To ensure compatibility within Grand Mere, architectural guidelines and design standards provide for building review and approval. A private design review committee is responsible for enforcement of guidelines and standards (*see below III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY below in Grand Mere Master Plan*). The guidelines and standards are private and are not part of the rezoning. The policy statements are mentioned because they are part of the Grand Mere Master Plan policies.

As part of the application process, the applicant held a neighborhood meeting. According to the meeting summary, no one attended the meeting.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:**

The Pinehurst Addition is shown on the Future Land Use Map as Community Commercial, CC, and Residential Low/Medium Density, RLM. The northern third of the rezoning site is designated as CC and the southern two-third as the RLM designation. The CC area is a direct reflection of the Grand Mere Master Plan designating this area for a destination hotel. The developer has chosen to develop the site as residential. The adjacent RLM designation is the appropriate set of land use policies to consider. Applicable RLM policies (*in italics*) in the Comprehensive Plan include:

***Residential Low/Medium Density (RLM)***

***RLM 1: Characteristics***

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

*RLM 2: Appropriate Density Range*

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

*RLM 3: Location*

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

**Grand Mere Community Master Plan**

The Grand Mere Community Master Plan was originally adopted in April 2000 and is included as a specific Land Use Element of the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the entirety of Grand Mere, which notes the area to be Hotel (GC) and a portion of Single-Family #4 45.1 acres (RLM). A significant portion of the Single-Family #4 area is outside of the proposed development. As mentioned above, it is apparent that the market does not support a destination hotel at this location. The applicant has proposed to develop the site within policies of the Single Family (RLM). See below under Residential Types for the Single Family RLM description.

Applicable policies (*in italics*) from the Grand Mere Master Plan include:

***PROJECT INTENT***

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

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

*main focus. Flexibility is built into the land use plan to allow the development to respond to market demand.*

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

## **5 KEY DESIGN CONCEPTS**

### **1. Create a high quality residential community**

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

### **2. Integrate the Natural Environment**

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

### **3. Offer a Variety of Residential Living**

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

### **4. Create a Pedestrian/Bicycle System**

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

*Grand Mere Community Overall Development Plan*

### **III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY**

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

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

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

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

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

### **A. Residential Neighborhoods**

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

**Residential Types:** The developer has proposed a subdivision that meets the description of Single Family RLM, rather than the Villas designation, although both can be considered as single-family developments.

### **Single Family RLM**

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

### **C. Streets and Circulation System**

*Residential streets within Grand Mere are envisioned as a key element of "neighborhood quality," offering a place to walk and play, as well as to drive and park. The streetscape in and along the roads will reflect the quality of the community through the use of signage monumentation and landscaping depending on the location and natural conditions of the space providing strong visual "cues" to better orient drivers to their locations and destinations.*

*When utilizing the approved Manhattan street system standards the hierarchy, street-widths, design speeds, and travel/parking lanes are consistent and will not compromise auto on-street parking, or bike and pedestrian access. The street layout will frame important views and vistas, including buildings, golf course, and natural features. On-street parking is available on all local streets.*

*The Master Planned Community will be accessed from Kimball Avenue and Marlatt Avenue. Additional access points into the Community from surrounding residential streets are shown on the Master Plan.*

***D. Pedestrian and Bicycle Circulation System***

*Connectivity with the City of Manhattan Linear Park Master Plan is our main focus for the overall trails system. A comprehensive pedestrian and bicycle system is proposed for the community to provide access to individual neighborhoods, the Club Facility and Hotel site, commercial services, and open space amenities~ Elements include both off-street and on street bike paths, natural unimproved trails, and a 17.2 acre linear park along Little Kitten Creek. An easement shall be provided for the extension of the Hudson trail northward, along the east property line to northeast corner section 3-10-7. All trail/path systems will be site- specifically designed at the time of construction. Each will be reviewed on a site-by-site basis to ensure sensitive placement and minimum disturbance. This will be coordinated with the Park & Recreation Board and the Parks and Recreation Department.*

***G. Golf Course Development***

*The Grand Mere development drainage and detention system shall be designed to work in concert with the golf course drainage and detention system. The course was designed to meet the environmental goals of the Audubon International Signature Status Program.*

***Bike Paths, Trails and Sidewalks***

*Bike paths, trails and sidewalks are provided along the internal streets and open spaces to provide internal connections between the villages where possible. See the Circulation Parks & Open Space Plan*

***M. Current School District Boundaries***

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

Approximately a third of the site is designated as Community Commercial (CC) by the Manhattan Urban Area Comprehensive Plan and Hotel (GC) by the Grand Mere Master Plan. It was envisioned that a destination hotel would be developed at this site. The developer has determined that the market for such a development is not present and has proposed a single-family residential subdivision. The most appropriate future land use designation in the Comprehensive Plan is Residential Low to Medium Density and Single Family (RLM) in the Grand Mere Master Plan

The density in the Pinehurst Addition is 0.53 dwelling units per net acre. The Comprehensive Plan suggests a density range from less than one, to eleven (11) dwelling units per net acre is appropriate in the RLM category and the Grand Mere Plan suggests a range of 1-20 dwelling units per acre in individual parcels and an overall density in all of Grand Mere of 1.5 units per acre.

The proposed rezoning of the Pinehurst Addition conforms to the policies of the Grand Mere Master Plan and the Manhattan Urban Area Comprehensive Plan, based on the current market realities.

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

- August 7, 1997      Riley County Commission approved Preliminary Development Plan of Colbert Hills and the Wildcat PUD.
- August 14, 1997    Riley County Commission approved Final Development Plan.
- February 7, 2000   Planning Board approves resolution adopting Grand Mere Community Master Plan and amendment of Comprehensive Land Use Plan.
- March 7, 2000      City Commission approved first reading of an ordinance adopting the Grand Mere Community Master Plan.
- April, 2003         Comprehensive Plan adopted. Grand Mere Community Master Plan adopted as a related plan and implementation document.

The tract has remained vacant to date and was range land prior to development of the adjoining golf course and surrounding Grand Mere.

**9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:**

The intent and purpose of the Manhattan Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations and R-2 District because proposed lot sizes shown on the Preliminary Plat of the Pinehurst Addition conform to the minimum requirements of the R-2 District. The R-2 District is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. The proposed R-2 District consists of twelve (12) single-family attached lots (A & B lots), which range from approximately 14,138 square feet to 21,858 square feet in area. The proposed development also includes four (4) single-family detached lots (Lots 7 – 10). These lots range from 21,783 to 53,959 square feet in area. All lots conform to the requirements of the R-2 District.

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

There appears to be no gain to the public that denial would accomplish. No adverse impacts on the public health, safety and welfare are expected as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat and Final Plats are approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available.

**12. OTHER APPLICABLE FACTORS:** None

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of the Pinehurst Addition, approximate 7-acre tract of land, generally located west of the intersection of Grand Mere Parkway and Colbert Hills Drive, from County, Residential Planned Unit Development District, to R-2, Two-Family Residential District, based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the Pinehurst Addition from County R-PUD, Residential Planned Unit Development District, to R-2, Two-Family Residential District, based on the findings in the Staff Report.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Pinehurst Addition, an approximate 7-acre tract of land, generally located west of the intersection of Grand Mere Parkway and Colbert Hills Drive from County R-PUD, Residential Planned Unit Development District, to R-2, Two-Family Residential District based on the findings in the Staff Report.

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

**DATE:** November 10, 2014