

CERTIFICATION OF CLERK

I, Brenda K. Wolf, the duly appointed, qualified, and Assistant City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Minutes were duly adopted at a meeting of the City of Manhattan, Kansas, held on the 17th day of February, 2015, and that said Minutes have been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, this 16th day of February, 2015.



Brenda K. Wolf

Brenda K. Wolf, CMC, Assistant City Clerk



***MINUTES
CITY COMMISSION MEETING
TUESDAY, FEBRUARY 3, 2015
7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Wynn Butler and Commissioners Karen McCulloh, Usha Reddi, and Richard B. Jankovich were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Bill Raymond, City Clerk Gary S. Fees, 9 staff, and approximately 14 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Butler led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Butler opened the public comments.

Katy Oestman, Health Educator, Riley County Health Department, informed the community that the Riley County Community Health Improvement Planning Meetings would be held on Sunday, February 8, 2015, from 2:00 p.m. to 3:30 p.m., at the Manhattan Public Library, 629 Poyntz Avenue, and on Thursday, February 12, 2015, from 1:00 p.m. to 2:30 p.m., at the Riley County Health Department, 2030 Tecumseh Road. She encouraged the community to attend and join in the discussion to improve the community's health.

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

COMMISSIONER COMMENTS

Commissioner Jankovich announced that on Monday, February 9, 2015, there will be a Fort Riley Community Listening Session, from 3:30 p.m. to 5:30 p.m., at the Geary County Convention Center in Junction City. He encouraged citizens in the community and the region to fill the Convention Center and offer support for Fort Riley.

Commissioner Reddi informed citizens there would be a Community Fair held at the Manhattan Town Center on February 7, 2015, from 10:00 a.m. to 3:00 p.m., with information on Everybody Counts, participation of non-profit agencies, and free health consultations. She also stated that a community meal would be served from 11:00 a.m. to 1:00 p.m., at the Riley County Seniors Service Center.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, January 20, 2015.

CLAIMS REGISTER NOS. 2780 AND 2781

The Commission approved Claims Register Nos. 2780 and 2781 authorizing and approving the payment of claims from January 14, 2015, to January 27, 2015, in the amount of \$900,490.41 and \$995,884.50, respectively.

LICENSES

The Commission approved a Tree Maintenance License for calendar year 2015 for Capital City Tree Care, Inc., 7920 NW 35th Street, Silver Lake, Kansas; and an annual Cereal Malt Beverages Off-Premises License for Walmart #35, 101 Bluemont Avenue.

ORDINANCE NO. 7123 – AMEND ZONING ORDINANCE – ARTICLE X – FLOODPLAIN REGULATIONS

The Commission approved Ordinance No. 7123 amending Article X – Floodplain of the Manhattan Zoning Regulations, as proposed, including adoption of the new Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM's), based on the findings in the Staff Memorandum (*See Attachment No. 1*) and the recommendation of the Planning Board.

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ORDINANCE NO. 7124 – REZONE – MERCY REGIONAL HEALTH CENTER EMERGENCY DEPARTMENT PARKING SITE

Commissioner Jankovich announced that he had a professional conflict of interest and would be abstaining on the item.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 7124 – REZONE – MERCY REGIONAL HEALTH CENTER EMERGENCY DEPARTMENT PARKING SITE (CONTINUED)**

The Commission approved Ordinance No. 7124 rezoning the vacant 0.95 acre tract of land, generally located northwest of the intersection of College Avenue and Vaughn Drive, from College Avenue Medical Center PUD to Mercy Regional Health Center PUD, and, amending Ordinance No. 7097 and the Preliminary Development Plan of the Mercy Regional Health Center PUD, based on the findings in the Staff Report (*See Attachment No. 2*), subject to the five (5) conditions of approval recommended by the Planning Board.

PUBLIC HEARING – LEVY - SPECIAL ASSESSMENTS (GOB 2015-A)

Mayor Butler opened the public hearing.

Hearing no comments, Mayor Butler closed the public comments.

FIRST READING – LEVY – SPECIAL ASSESSMENTS (GOB 2015-A)

The Commission approved first reading of an ordinance levying special assessments against the benefiting properties in the following three (3) projects, which have been completed: *Western Hills Addition, Unit Fourteen – Sanitary Sewer (SS1208), Street (ST1210), and Water (WA1209)*.

REQUEST FOR QUALIFICATIONS – WATERSHED ANALYSIS, PHASE II – DOWNTOWN WATERSHEDS STUDY (SM1405, CIP #SW058P)

The Commission authorized City Administration to solicit statement of qualifications for engineering services for the Study and appointed Commissioner McCulloh to serve on the Selection Committee for the Watershed Analysis, Phase II – Downtown Watersheds Study (SM1405, CIP #SW058P).

* **AGREEMENT – 2015 CITY-UNIVERSITY PROJECTS**

Ron Fehr, City Manager, responded to questions from the Commission and provided clarification on the projects being funded with City-University Funds.

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an Agreement between the City of Manhattan and Kansas State University to administer City-University Funds in the amount of \$618,000.00 for 2015 projects.

AMENDMENT – FIXED-BASE OPERATOR LEASE

The Commission authorized the Mayor and City Clerk to execute an amendment to the Fixed-Base Operator agreement with Kansas Air Center, Inc., of Manhattan, Kansas, extending the current lease an additional three years and expiring on June 30, 2018.

CONSENT AGENDA (CONTINUED)

PURCHASE – UTILITY CUT PAVEMENT REPAIR PROGRAM– SKID-STEER LOADER (CIP #WA131E)

The Commission authorized the purchase of a Utility Cut Skid-Steer Loader for the Water and Sewer Maintenance Divisions from White Star Machinery (authorized distributor of the Bobcat Company and acting as an agent on behalf of Bobcat Company), of Manhattan, Kansas, in the amount of \$39,749.44, to be paid 50% from the Wastewater Fund and 50% from the Water Fund.

BOARD APPOINTMENTS

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

Aggieville Business Improvement District Advisory Board

Appointment of Brett Allred, 1519 Pierre Street, to a three-year term. Mr. Allred's term begins immediately, and will expire December 31, 2017.

Arts And Humanities Advisory Board

Appointment of Chris Boxberger, 2011 Parkway Drive, to a three-year term. Mr. Boxberger's term will begin April 1, 2015, and will expire March 31, 2018.

Appointment of Livie Olsen, 1500 Colorado Street, to a three-year term. Ms. Olsen's term will begin April 1, 2015, and will expire March 31, 2018.

Cemetery Board

Appointment of Michaeline Reay, 3026 Cherry Hill Road, to a three-year term. Ms. Reay's term begins immediately, and will expire December 31, 2017.

Downtown Business Improvement District Advisory Board

Appointment of Nathan Bergman, 17145 NW 54th Street, Rossville, to a two-year term. Mr. Bergman's term begins immediately, and will expire December 31, 2016.

Appointment of Jeremy Platt, 2217 Hillview Drive, to a two-year term. Mr. Platt's term begins immediately, and will expire December 31, 2016.

Housing Authority Board of Commissioners

Appointment of Livie Olsen, 1500 Colorado Street, to a four-year term. Ms. Olsen's term will begin March 4, 2015, and will expire March 3, 2019.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Human Rights and Services Board

Appointment of Janet Dean, 1832 Concord Lane, to a three-year term. Ms. Dean's term will begin March 10, 2015, and will expire March 9, 2018.

Appointment of Stephanie Morris, 222 South 17th Street to a three-year term. Ms. Morris' term will begin March 10, 2015, and will expire March 9, 2018.

Social Services Advisory Board

Appointment of Eric Martin, 308 Poyntz Avenue, to fill the unexpired term of Teddy Hartke. Mr. Martin's term begins immediately, and will expire June 30, 2015.

After discussion, Commissioner Jankovich moved to approve the consent agenda. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 4-0, with the exception of Item E, ORDINANCE NO. 7124 – REZONE – MERCY REGIONAL HEALTH CENTER EMERGENCY DEPARTMENT PARKING SITE, which carried 3-0-1, with Commissioner Jankovich abstaining on the item.

GENERAL AGENDA

AIR SERVICE AGREEMENT AND MARKETING AGREEMENT – ENHANCED AIR SERVICE WITH AIRLINES

Peter Van Kuren, Airport Director, presented an overview of the item. He highlighted the 2008 Air Service Agreement; the 2012 Air Service Fund; the 2015 Air Service Agreement; the projection of passengers required for an 80 percent load factor; the 2014 MHK (Manhattan) primary catchment area population and map; the benefits of the Air Service Agreement; and provided information on potential hubs with larger regional jets with American Airlines.

Ron Fehr, City Manager, presented additional information on the item and provided information on the 21 city pairs that would benefit Fort Riley.

Peter Van Kuren, Airport Director, provided additional information on the 21 city pair destinations identified by Fort Riley as desirable destinations from the Manhattan Regional Airport. He also recommended that the City finalize the agreements with American Airlines and with the Manhattan Area Chamber of Commerce. He then responded to questions from the Commission regarding the Air Service Agreement and the availability of funds from the State of Kansas.

GENERAL AGENDA (CONTINUED)

AIR SERVICE AGREEMENT AND MARKETING AGREEMENT – ENHANCED AIR SERVICE WITH AIRLINES (CONTINUED)

Ron Fehr, City Manager, provided additional information on the number of boarding's required, the catchment area, and the aggressive marketing campaign that would be needed to help attract customers from the catchment area.

Peter Van Kuren, Airport Director, responded to additional questions from the Commission regarding the marketing plan, the potential benefits of larger aircraft by American Airlines, and the number of seats and price differential for coach versus first class. He also provided information on the passenger projections utilizing MHK and the proposed Air Service Agreement.

After discussion and comments from the Commission regarding the proposed Air Service Agreement and concerns expressed regarding the monthly amount that American Airlines would potentially receive, Ron Fehr, City Manager, responded to questions from the Commission. He also provided additional information and clarification on the performance activity from MHK to DFW (Dallas/Fort Worth) from 2009 to 2014, the marketing agreement, and the opportunity to grow capacity from the region.

Mayor Butler opened the public comments.

Lyle Butler, President, Manhattan Area Chamber of Commerce, informed the Commission about the partnerships that have been created with Kansas State University, City staff, Airport Advisory Board, Fort Riley, and the business community to strengthen the Manhattan Regional Airport. He highlighted the Chamber's role with the Air Service Agreement and Marketing Agreement. He commented about the significant investments and amenities at the Airport and highlighted the advertising provided free of charge by the Chamber to market the Airport. He stated that he believed that this is the right decision to move Manhattan forward and is important for the business community, important to keep Fort Riley strong, and for the future needs with the National Bio and Agro-Defense Facility. He informed the Commission that if the item is approved, the Manhattan Area Chamber of Commerce would work with City staff to make the agreements work.

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

After further discussion and comments from the Commission, Commissioner Jankovich moved to authorize City Administration to finalize and the Mayor and City Clerk to execute an Air Service Agreement with American Airlines, Inc., and the Manhattan Area Chamber of Commerce and a Marketing Agreement with the Manhattan Area Chamber of Commerce. Commissioner Reddi seconded the motion.

GENERAL AGENDA (CONTINUED)

AIR SERVICE AGREEMENT AND MARKETING AGREEMENT – ENHANCED AIR SERVICE WITH AIRLINES (CONTINUED)

After additional discussion and comments from the Commission, on a roll call vote, motion carried 3-1, with Commissioner McCulloh voting against the motion.

FINAL PLAT – INTERLACHEN ADDITION, UNIT TWO

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted the new plat and the revised benefit district amounts for the exterior and interior lots.

Rob Ott, Director of Public Works, provided additional information on the item and informed the Commission that a change order would be needed and will be forwarded to the Commission for action. He reiterated that this is an active construction project and is 100 percent benefit district with no City-At-Large costs.

Jason Hilgers, Deputy City Manager, presented an overview of the action items for the City Commission's consideration.

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

After discussion, Commissioner Jankovich moved to accept the easements and rights-of-way, as shown on the Final Plat of Interlachen Addition, Unit Two, generally located on the west side of Vanesta Drive, approximately 1,000 feet west of the intersection of Little Kitten Avenue and Vanesta Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 4-0.

RESOLUTION NOS. 020315-A, B, C – REVISED PETITIONS – INTERLACHEN ADDITION; RESOLUTION NOS. 020315-D, E, F – PETITIONS – INTERLACHEN ADDITION, UNIT TWO – SANITARY SEWER (SS1318), STREET (ST1325), AND WATER (WA1321) IMPROVEMENTS

Jason Hilgers, Deputy City Manager, provided an overview of the item.

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

GENERAL AGENDA (CONTINUED)

RESOLUTION NOS. 020315-A, B, C – REVISED PETITIONS – INTERLACHEN ADDITION; RESOLUTION NOS. 020315-D, E, F – PETITIONS – INTERLACHEN ADDITION, UNIT TWO – SANITARY SEWER (SS1318), STREET (ST1325), AND WATER (WA1321) IMPROVEMENTS (CONTINUED)

Commissioner Jankovich moved to find the revised petitions sufficient and the improvements requested therein to be advisable; and to approve Resolution Nos. 020315 A thru F for Interlachen Addition (External) and Interlachen Addition, Unit Two (Internal), Sanitary Sewer (SS1318), Street (ST1325), and Water (WA1321) Improvements. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 4-0.

EXECUTIVE SESSION

At 8:10 p.m., Commissioner Jankovich moved to recess into Executive Session until 8:30 p.m., for the purpose of discussions with the City Attorney regarding pending legal matters that need to be confidential and that are deemed privileged in the attorney-client relationship. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 4-0.

At 8:30 p.m., the Commission reconvened with Mayor Butler and Commissioners McCulloh, Reddi, and Jankovich in attendance. Mayor Butler announced the meeting adjourned.

ADJOURNMENT

At 8:30 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk



INTER-OFFICE MEMORANDUM

DATE: December 15, 2014

TO: Manhattan Urban Area Planning Board

MEETING DATE: January 5, 2015

FROM: Chad Bunger, AICP, CFM, Senior Planner

RE: Amend Manhattan Zoning Regulations Revising Article X – Floodplain Regulations, In Its Entirety, Including Adoption Of The Update To The Riley County Flood Insurance Study And Flood Insurance Rate Maps

BACKGROUND

FEMA FLOOD INSURANCE RATE MAPS

THE CITY OF MANHATTAN HAS BEEN PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) SINCE 1982. AS SUCH, THE CITY MUST ADOPT AND MAINTAIN A MINIMUM SET OF FLOODPLAIN REGULATIONS THAT REFERENCE THE FLOOD INSURANCE STUDY (FIS) AND FLOOD INSURANCE RATE MAPS (FIRMS) IN EFFECT FOR THE COMMUNITY AND ESTABLISH DEVELOPMENT STANDARDS FOR PROPERTIES AND EXISTING STRUCTURES IN THE MAPPED FLOODPLAINS. BY PARTICIPATING IN THE NFIP AND ADOPTING FEMA APPROVED FLOODPLAIN REGULATIONS, THE COMMUNITY IS ELIGIBLE FOR FLOOD INSURANCE AND DISASTER ASSISTANCE. IF THE CITY DID NOT PARTICIPATE IN THE NFIP, PROPERTY OWNERS WITH STRUCTURES IN THE 1% ANNUAL CHANCE FLOODPLAIN (COMMONLY REFERRED TO AS THE 100-YEAR FLOODPLAIN) WOULD NOT BE ABLE TO RECEIVE FEDERAL FLOOD INSURANCE AND THE CITY WOULD NOT BE ELIGIBLE FOR SOME FEDERAL FINANCIAL ASSISTANCE PROGRAMS FOLLOWING DISASTERS.

IN 1982, THE FIRST SET OF FIRMS AND THE FIS WERE CREATED FOR THE CITY BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). IN 1984, THE CITY ADOPTED ARTICLE X, FLOODPLAIN REGULATIONS, OF THE MANHATTAN ZONING REGULATIONS, INCORPORATING THE NEW FIRMS AND FIS REPORT AND ESTABLISHING MINIMUM STANDARDS FOR NEW AND EXISTING DEVELOPMENTS IN MAPPED FLOODPLAINS. SINCE THEN, ARTICLE X, FLOODPLAIN REGULATIONS HAVE BEEN AMENDED SEVERAL TIMES TO INCORPORATE NEW REQUIREMENTS BY THE STATE OF KANSAS AND FEMA AND TO REFLECT UPDATES TO THE FIS OR FIRMS. THE LAST AMENDMENT THAT WAS ADOPTED WAS IN 2010 FOR NEW FIRMS THAT INCORPORATED NEWER GROUND ELEVATION FOR THE EAST SIDE OF THE CITY. THESE FIRMS WENT INTO EFFECT ON JULY 6, 2010.

FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAP UPDATES
RECENTLY, FEMA AND THE KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF WATER RESOURCES (DWR) COMPLETED AN UPDATE OF THE FIS AND FIRMS FOR ALL OF RILEY COUNTY AND PORTIONS OF POTTAWATOMIE COUNTY. THE FIRM PANELS UPDATED IN POTTAWATOMIE COUNTY ARE FOR LAND ON THE EAST SIDE OF TUTTLE CREEK RESERVOIR TO THE CONFLUENCE OF THE KANSAS RIVER. TO MAINTAIN IN THE NFIP, THE NEW FIS AND CORRESPONDING FIRM PANELS MUST BE ADOPTED BY THE CITY COMMISSION ON OR BEFORE MARCH 16, 2015. FAILURE TO DO SO WOULD JEOPARDIZE MANHATTAN'S PARTICIPATION IN THE PROGRAM, RISKING A SUBSTANTIAL NUMBER OF HOME AND BUSINESS OWNERS ACCESS TO FLOOD INSURANCE.

THE FIRM PANELS THAT IMPACT PROPERTY IN THE CITY ARE 0334, 0335, 0340, 0342, 0343, 0344, 0351, 0352, 0353, 0354, 0346, 0358, 0359, 0361, 0362, 0364, 0366, 0427, AND 0431. ALL OTHER MAP PANELS OF UPDATED FLOOD STUDY RELATE TO RURAL AREAS IN POTTAWATOMIE COUNTY AND RILEY COUNTY.

HIGHER STANDARD FLOODPLAIN REGULATIONS
AS PREVIOUSLY DESCRIBED, ARTICLE X OF THE MANHATTAN'S ZONING REGULATIONS ADDRESS DEVELOPMENT USE LIMITATIONS FOR PUBLIC AND PRIVATE PROPERTY WITHIN THE CITY LOCATED IN FLOODPLAINS. THERE ARE TWO (2) SEPARATE OVERLAY DISTRICTS ESTABLISHED IN THE FLOODPLAIN REGULATIONS, THE FLOODWAY OVERLAY DISTRICT (FW), AND THE FLOODWAY FRINGE OVERLAY DISTRICT (FF). THE FW DISTRICT REGULATES ALL USES, STRUCTURES AND OTHER

DEVELOPMENT IN THE FEMA MAPPED FLOODWAY. THE FF DISTRICT REGULATES USES, STRUCTURES AND OTHER DEVELOPMENTS ADJACENT TO THE FEMA FLOODWAY. BY IN LARGE, THE CURRENT REGULATIONS IN ARTICLE X REFLECT THE MINIMUM STANDARDS ESTABLISHED BY FEMA AND DWR TO QUALIFY FOR THE NFIP. INDIVIDUAL COMMUNITIES ARE ALLOWED TO ESTABLISH HIGHER FLOODPLAIN REGULATIONS, IF DESIRED.

FOLLOWING FLOOD EVENTS IN 2010 AND 2011, CITIZEN STAKEHOLDERS, INCLUDING VICTIMS OF THE RECENT FLOODS, AND CITY ADMINISTRATION ALONG WITH RILEY COUNTY OFFICIALS BEGAN RESEARCHING HIGHER STANDARD FLOODPLAIN REGULATIONS THAT WOULD BETTER PROTECT NEW DEVELOPMENTS, AS WELL AS, LESSEN FLOOD RISKS FOR EXISTING DEVELOPMENTS. AS A STARTING POINT, LOCAL OFFICIALS AND COMMUNITY STAKEHOLDERS DECIDED UPON CREATING A “COMMUNITY FUTURE CONDITIONS” FLOODPLAIN MAP TO PREDICT WHERE AND HOW DEEP A FLOOD MAY BE IN THE FUTURE. THE COMMUNITY FUTURE CONDITION FLOODPLAIN WAS CREATED USING THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN’S FUTURE LAND USE MAP, BASED ON THE ASSUMPTION THAT ALL FUTURE GROWTH AREAS HAD ALREADY BEEN FULLY DEVELOPED FOR CALCULATING STORMWATER RUNOFF VALUES USED IN FEMA’S FLOOD PREDICTION MODEL FOR A 1% ANNUAL CHANCE FLOOD. THE STANDARD FEMA FLOOD MODEL USES VALUES FOR EXISTING DEVELOPMENTS AT THE TIME THE FLOOD MODEL WAS CREATED (APPROXIMATELY 2012). THE COMMUNITY FUTURE CONDITIONS FLOODPLAIN WAS DEVELOPED ALONG WILDCAT CREEK AND ITS TRIBUTARIES, UP TO AN AREA NEAR KEATS; AND THE MARLATT DITCH WATERSHED. BOTH OF THESE AREAS WERE IDENTIFIED TO BE AREAS WITH HIGH GROWTH POTENTIAL, WHICH NEEDED ADDITIONAL INFORMATION TO PROTECT NEW AND EXISTING DEVELOPMENTS FROM FLOODING. THE FEMA FLOODWAY AND 1% ANNUAL CHANCE FLOODPLAIN (ZONE A, AE, AO & AH) IS SHOWN ON THE FIRMS AS REQUIRED BY FEMA AND THE NFIP. WHERE PRESENT, THE COMMUNITY FUTURE CONDITIONS FLOODPLAIN IS SHOWN ON THE FIRMS AS ZONE X (FUTURE BASE FLOOD) AND GENERALLY REPLACES THE 0.2% ANNUAL CHANCE FLOODPLAIN (SHADED ZONE X). WHERE THE ZONE X (FUTURE BASE FLOOD) IS NOT PRESENT, THE FEMA 0.2% ANNUAL CHANCE FLOODPLAIN IS SHOWN.

COMMUNITY SPECIAL FLOOD HAZARD AREA

The basis for the higher standard Floodplain Regulations is to use the Community Special Flood Hazard Area (CSFHA) to define the area of the floodplain boundary. The definition of the CSFHA is “the land subject to a one (1%) percent or greater chance of flooding in any given year from a Community Base Flood. It includes the FEMA Floodway, Zones A, AE, AH, AO and Zone X (Future Base Flood).” The proposed regulations would include the CSFHA into the FF District.

Flood Protection Elevation

The other element of the higher standard Floodplain Regulations is the Flood Protection Elevation, which regulates what the minimum elevation that a new structure, or improvements or repairs to existing structure, need to be built to. The Flood Protection Elevation is defined as:

The elevation to which all structures located within the Community Special Flood Hazard Area or FEMA Special Flood Hazard Area must be elevated or floodproofed, if non-residential. Where the Community Base Flood Elevation is provided, the elevation shall be that elevation plus one (1) foot of freeboard. Where the Community Base Flood Elevation is not provided, the Flood Protection Elevation shall be the FEMA Base Flood Elevation plus two (2) foot of freeboard.

IN ADDITION TO THESE TWO KEY ELEMENTS TO THE HIGHER STANDARD FLOODPLAIN REGULATIONS, SEVERAL OTHER STANDARDS ARE PROPOSED. THEY INCLUDE: CUMULATIVE SUBSTANTIAL IMPROVEMENT THRESHOLDS, CUMULATIVE SUBSTANTIAL DAMAGE THRESHOLDS, COMPENSATORY STORAGE, AND DRY-LAND ACCESS REQUIREMENTS FOR NEW DEVELOPMENTS. THESE ELEMENTS GENERALLY COINCIDE WITH THE COMMUNITY SPECIAL FLOOD HAZARD AREA AND FLOOD PROTECTION ELEVATION TO ENSURE NEW AND EXISTING DEVELOPMENTS ARE SAFE FROM FLOODS NOW AND IN THE FUTURE, AS WELL AS NOT ADVERSELY IMPACTING ADJACENT PROPERTIES AND STRUCTURES.

CUMULATIVE SUBSTANTIAL IMPROVEMENT

THE MINIMUM NFIP REQUIREMENT IS THAT IF THE COST TO IMPROVE AN EXISTING STRUCTURE IN A FLOODPLAIN EQUALS OR EXCEEDS FIFTY PERCENT (50%) OF THE FAIR MARKET VALUE OF THE STRUCTURE, THE IMPROVEMENT IS CONSIDERED A “SUBSTANTIAL IMPROVEMENT” AND THE ENTIRE STRUCTURE MUST BE BROUGHT INTO COMPLIANCE WITH THE CURRENT REGULATIONS. THE

PROPOSED HIGHER STANDARDS FLOODPLAIN REGULATIONS MAINTAIN THIS REQUIREMENT, AND ADD THE REQUIREMENT THAT WHEN THE TOTAL OF ALL ADDITIONS OR EXPANSIONS TO THE EXISTING STRUCTURE (STARTING THE DAY THE REGULATIONS ARE ADOPTED), EQUALS OR EXCEEDS 50% OF THE FAIR MARKET VALUE OF THE STRUCTURE, THE IMPROVEMENTS ARE CONSIDERED A SUBSTANTIAL IMPROVEMENT.

THE INTENT OF THIS HIGH STANDARD REGULATION IS TO ADDRESS THE POTENTIAL OF A PROPERTY OWNER MAKING SMALL, INCREMENTAL ADDITIONS OR EXPANSIONS TO THEIR HOME OR BUSINESS WITHOUT BRINGING THE STRUCTURE INTO CONFORMANCE WITH THE FLOODPLAIN REGULATIONS.

CUMULATIVE SUBSTANTIAL DAMAGE

THE MINIMUM NFIP REQUIREMENT FOR SUBSTANTIAL DAMAGE IS SIMILAR TO THE SUBSTANTIAL IMPROVEMENT REQUIREMENT, IN THAT THE COST OF REPAIR TO ANY TYPE OF DAMAGE TO A STRUCTURE IN THE FLOODPLAIN THAT EQUALS OR EXCEEDS 50% OF THE FAIR MARKET VALUE, IS SUBSTANTIAL AND MUST CONFORM TO THE FLOODPLAIN REGULATIONS.

THE PROPOSED HIGHER STANDARD FLOODPLAIN REGULATIONS FOR SUBSTANTIAL DAMAGES ALSO STATES THAT FLOOD-RELATED DAMAGE TO AN EXISTING STRUCTURE IN THE CSFHA ON TWO (2) SEPARATE OCCASIONS DURING A TEN (10) YEAR PERIOD, WHERE THE AVERAGE OF EACH EVENT EQUALS OR EXCEEDS TWENTY-FIVE (25%) PERCENT OF THE STRUCTURE'S FAIR MARKET VALUE WILL BE A CONSIDERED SUBSTANTIAL DAMAGE. THE PURPOSE OF THIS HIGHER STANDARD REGULATION IS TO ENSURE THAT NONCONFORMING STRUCTURES THAT RECEIVE REPETITIVE DAMAGE FROM FLOODS ARE REQUIRED TO COME INTO CONFORMANCE, GENERALLY BY ELEVATING THE STRUCTURE.

COMPENSATORY STORAGE

A REPEATED CONCERN FROM THE 2010 AND 2011 FLOOD EVENTS WAS WHAT IMPACT NEW DEVELOPMENT WAS HAVING ON THE FLOODPLAIN AND ADJACENT, EXISTING PROPERTIES. FEMA'S MINIMUM STANDARD FLOODPLAIN REGULATIONS DO NOT FACTOR IN CUMULATIVE FILL OR DEVELOPMENT IN THE FLOODPLAIN TO DETERMINE IMPACT ON ADJACENT PROPERTIES. TO ADDRESS THIS CONCERN, A NEW

CAPACITY OF FLOOD WATER THAT COULD BE LOST FROM ADDING FILL OR OTHER DEVELOPMENT IN THE COMMUNITY SPECIAL FLOOD HAZARD AREA. THE COMPENSATORY STORAGE REQUIREMENT IS:

“Any development, including fill, new construction, substantial improvement or other encroachment within the Community Special Flood Hazard Area shall not result in an increase in the FEMA 1% Annual Chance Flood elevation that is greater than one-tenth of a foot (0.10’), unless compensatory storage is provided. The rise of the flood elevation shall be documented and certified by a registered professional engineer.”

If a rise greater than a tenth of a foot (0.10’) is caused by the fill or other development, compensatory storage is required at a ratio of at least 1.2 times the volume of floodplain storage that was lost or displaced in a riverine floodplain (Zones A, & AE), and at least 1.0 times the volume of floodplain storage lost or displaced in a non-riverine floodplain (Zones AO & AH). Use limitation and application requirements are outlined in the regulations if Compensatory Storage is required.

OTHER REGULATIONS, SUCH AS DRY-LAND ACCESS AND CRITICAL FACILITY STORAGE REQUIREMENTS HAVE ALSO BEEN PROPOSED. THESE ARE RELATIVELY MINOR REQUIREMENTS FOR UNIQUE CONDITIONS.

AS REQUIRED BY THE STATE OF KANSAS AND THE NFIP, THE STATE’S CHIEF ENGINEER, DIVISION OF WATER RESOURCES, KANSAS DEPARTMENT OF AGRICULTURE HAS REVIEWED THE PROPOSED REGULATIONS AND APPROVED THEM ON DECEMBER 23, 2014 (*SEE ATTACHED LETTER*). AS PREVIOUSLY DESCRIBED, THE PROPOSED FLOODPLAIN REGULATIONS (*ATTACHED*) ARE A COMPLETE REVISION OF ARTICLE X.

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 X IS DESIGNED TO promote the public health, safety and general welfare and to minimize flood losses resulting from inundation by the base flood by applying provisions designed to:

- 1) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or cause undue increases in flood heights or velocities.
- 2) Require that uses vulnerable to floods, including public facilities, which serve such uses, be provided with flood protection at the time of initial construction.
- 3) Protect individuals from buying or leasing lands which are unsuited for intended purposes because of flood hazard.
- 4) Minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public.
- 5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

Through the various provisions and use limitations for development in the Community Special Flood Hazard Area, FEMA Special Flood Hazard Area and the Floodway, 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 DEVELOPMENT THAT MINIMIZES LOSSES FROM PERIODIC FLOODS.**

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 X WOULD APPLY TO ALL PROPERTY IN MANHATTAN THAT IS LOCATED WITHIN THE COMMUNITY SPECIAL FLOOD HAZARD AREA, FEMA Special Flood Hazard Area and the Floodway, as shown on the Flood Insurance Rate Maps, dated March 16, 2015.

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 EXISTING DEVELOPMENT TO BE MAINTAINED AS THEY ARE, OR IN LIMITED CASES, IMPROVED UPON OR REPAIRED FROM DAMAGES. IF A SUBSTANTIAL IMPROVEMENT OR REPAIR TO SUBSTANTIAL DAMAGE IS NEEDED, THE EXISTING STRUCTURES WILL BE REQUIRED TO CONFORM TO THE HIGHER STANDARD FLOODPLAIN REGULATIONS, TO LESSEN THE RISK OF FLOODING.

NEW DEVELOPMENT IS ALLOWED IN THE COMMUNITY SPECIAL FLOOD HAZARD AREAS, FOLLOWING THE USE LIMITATIONS DESCRIBED IN ARTICLE X, TO ENSURE THAT IT WILL NOT BE INUNDATED BY FLOODS NOW AND/OR IN THE FUTURE. THE PROPOSED AMENDMENT TO ARTICLE X ALSO PROTECTS EXISTING STRUCTURES AND OTHER DEVELOPMENTS BY REQUIRING COMPENSATORY STORAGE, WHICH PROTECTS THE FLOOD WATER STORAGE BENEFITS THAT FLOODPLAINS NATURALLY PROVIDE.

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

AREAS SHOWN IN THE COMMUNITY SPECIAL FLOOD HAZARD AREA OR THE FEMA SPECIAL FLOOD HAZARD AREAS, AS SHOWN ON THE FLOOD INSURANCE RATE MAPS, WILL BE DIRECTLY AFFECTED BY THE PROPOSED AMENDMENTS TO ARTICLE X. THE PURPOSE IS TO LESSEN THE RISK OF FLOODING FOR EVENTS PREDICTED BY THE FEMA FLOOD MODEL, AS WELL AS THE COMMUNITY'S FLOOD MODEL.

THERE ARE INCREASED COSTS ASSOCIATED WITH THESE HIGHER STANDARDS FOR NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS, AND FLOOD DAMAGE. HOWEVER, CITY ADMINISTRATION BELIEVES THAT THESE COSTS ARE OUTWEIGHED BY THE DECREASE IN FLOOD RISK AND THE LOWER FLOOD INSURANCE PREMIUMS THAT WILL RESULT FROM HAVING A STRUCTURE BETTER PROTECTED FROM FLOODING. IN ADDITION, CITY ADMINISTRATION HAS BEEN TAKING PROACTIVE STEPS TO REDUCE FLOOD INSURANCE COSTS FOR ALL PROPERTY LOCATED IN THE CITY, THROUGH ITS ACTIVITIES AND PARTICIPATION IN THE COMMUNITY RATING SYSTEM (CRS), WHICH HAS RESULTED IN PREMIUM REDUCTION OF TEN (10%) PERCENT. THE

CITY IS UNDERTAKING ADDITIONAL ACTIVITIES TO REACH A PREMIUM REDUCTION OF 15%.

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 X WAS MADE NECESSARY FROM THE PUBLIC'S CONCERN FOR REPETITIVE FLOODING ON WILDCAT CREEK IN 2010 AND 2011. FOLLOWING THESE FLOOD EVENTS, THE COMMUNITY CALLED FOR CHANGES IN THE FLOODPLAIN REGULATIONS. THERE WAS CONCERN THAT THE MINIMUM FEMA STANDARDS DID NOT ADEQUATELY ADDRESS THE GROWTH THAT HAS OCCURRED IN MANHATTAN, NOR ADEQUATELY PROTECT EXISTING STRUCTURES FROM NATURAL AND MAN-MADE CHANGES TO THE FLOODPLAIN. THE CSFHA AND THE RELATED HIGHER STANDARD FLOODPLAIN REGULATIONS ARE A DIRECT RESPONSE TO THESE CONCERNS.

THE PROPOSED AMENDMENTS ARE ALSO NECESSARY TO COMPLY WITH FEMA AND THE STATE'S REQUIREMENT THAT THE NEW FIS AND FIRMS BE ADOPTED, BY REFERENCE, IN THE FLOODPLAIN REGULATIONS. THE UPDATED FIS AND FIRMS MUST BE ADOPTED BY MARCH 16, 2015 TO REMAIN IN GOOD STANDING IN NFIP.

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. THE WILDCAT CREEK FLOODPLAIN MANAGEMENT PLAN WAS CREATED AND ADOPTED AS A PART OF THE COMPREHENSIVE PLAN IN 2013, AS A RESULT OF, AND TO ADDRESS FLOODING CONCERNS IN THE WILDCAT CREEK WATERSHED. THIS PLAN DOES PROVIDE MORE DETAILED RECOMMENDATIONS AND ACTIONS THAT THE COMMUNITY SHOULD TAKE TO REDUCE FLOOD

RISK. THE PROPOSED FLOODPLAIN REGULATIONS ENSURE THAT THE GENERAL POLICIES IN THE COMPREHENSIVE PLAN, INCLUDING THE MORE SPECIFIC WILDCAT CREEK FLOODPLAIN MANAGEMENT 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 AMENDMENTS OF ARTICLE X, FLOODPLAIN REGULATIONS OF THE MANHATTAN ZONING REGULATIONS, TO THE CITY COMMISSION.**
- 2. RECOMMEND DENIAL OF THE PROPOSED AMENDMENTS TO THE CITY COMMISSION.**
- 3. MODIFY THE PROPOSED AMENDMENTS 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 PROPOSED AMENDMENT TO THE MANHATTAN ZONING REGULATIONS TO COMPLETELY REVISE ARTICLE X, FLOODPLAIN REGULATIONS OF THE MANHATTAN ZONING REGULATIONS, BASED ON THE FINDINGS IN THE STAFF MEMORANDUM.

POSSIBLE MOTION

THE MANHATTAN URBAN AREA PLANNING BOARD RECOMMENDS APPROVAL OF THE PROPOSED AMENDMENTS TO THE MANHATTAN ZONING REGULATIONS TO COMPLETELY REVISE ARTICLE X, FLOODPLAIN REGULATIONS, BASED ON THE FINDINGS IN THE STAFF MEMORANDUM.

**CB/VR
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STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT AND AMEND ORDINANCE NO. 7097.

BACKGROUND

FROM: College Avenue Medical Center PUD, Commercial Planned Unit Development

TO: Mercy Regional Health Center PUD, Commercial Planned Unit Development

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

DATE OF NEIGHBORHOOD MEETING: November 16, 2014

DATE OF PUBLIC NOTICE PUBLICATION: December 15, 2014

DATE OF PUBLIC HEARING: PLANNING BOARD: January 5, 2015
CITY COMMISSION: January 20, 2015

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

LOCATION: Generally located to the northwest of the intersection of College Avenue and Vaughn Drive.

AREA: 0.95 acres.

PROPOSED USES: An off-street parking lot associated with the existing Mercy Regional Hospital Emergency Department entrance.

PROPOSED BUILDINGS AND STRUCTURES: The proposal is to rezone the vacant tract to be a part of the Mercy Regional Health Center and amend Ordinance No. 7097 to allow for the proposed off-street parking lot.

The recently approved PUD includes the existing Mercy Regional Hospital and a storage building, and Manhattan Surgical Center, the new 33,000 square foot medical office building, the existing air ambulance helicopter landing pad, off-street parking lots and landscaping. An application has not been made to date for a Final Development Plan for the hospital property.

Attachment No. 2

The proposed use of the site to be added to the Mercy Regional Health Center PUD is an eighty (80) stall off-street parking lot and associated landscaping. The parking lot is intended to be used for the Emergency Department and other hospital departments near the southeast building entrance. The parking lot will gain access from the internal driving aisle on the hospital site. Sidewalks and pedestrian crosswalks are shown on the site to connect to existing sidewalks on the hospital site and to the entrances of the building.

Eight-hundred forty-five (845) off-street parking stalls were approved with the Mercy Regional Health Center PUD Preliminary Development Plan. The proposed Preliminary Development for the off-street parking lot would eliminate one (1) existing parking space to the northeast of the site. If approved, the total off-street parking count for the entire health center site would be 924.

A note on the PUD site plan states that the PUD site has an existing agreement with Kansas State University to share 250 parking stalls in the football stadium parking lot to the east of the PUD site during non-game days. These parking spaces are not included in the site parking calculation.

Note: A small building addition to the Emergency Department is shown on the Preliminary Development Plans. The addition is approximately 2,850 square feet in area. Because of the relatively small size of the addition and the process that the Mercy Regional Health Center PUD is in, City Administration has determined that the Emergency Department addition will be addressed with the Final Development Plans for the overall PUD.

PROPOSED LOT COVERAGE

Use	Square Feet	Percentage
Building	184,170	20.0%
Paved Area (Parking, Driveways & Sidewalks)	458,843	49.8%
Landscape & Manicured Lawn Area	279,184	30.3%
Total Open Space		30.3%
Total Impervious		69.7%

SIGNS: Only directional and regulatory signs are proposed for the rezoning site. Various wall and pylon signs for the existing hospital, surgical center and new medical office building were approved with the Preliminary Development Plan.

PROPOSED LIGHTING: New LED light fixtures are to be mounted on twenty-five (25) foot tall poles to illuminate the new off-street parking lot. The application materials state the proposed light fixtures can be directed to limit light spillage onto adjacent properties. An illumination study was conducted for the site that shows the light from the proposed LED fixtures should not migrate to neighboring properties. The Zoning Regulations requires that all lighting be shielded and fully cut off.

New and existing lighting was approved for the hospital site with the Preliminary Development Plan completed in October, 2014.

SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The application site plan shows that the perimeter of the off-street will be heavily landscaped with deciduous shade trees, evergreen trees, and ornamental trees, upright evergreen trees for screening, shrubs and ornamental grasses. The perimeter of the parking lot, adjacent to the streets, and streets will also be planted with grass.

2. SCREENING: Due to the off-street parking lot being located next to an established residential neighborhood, the applicant has provided significant landscaping around the site. This year-around landscaping will screen the adjacent neighbors from the parking lot and also provide a visual buffer along the streets. No sight-obscuring screening is proposed.

3. DRAINAGE: The off-street parking lot is less than one (1) acre in area. Because of this, a detailed drainage study and post-construction best management study for water quality was not required.

However, the applicant has worked with the City to create a drainage plan for the site that will minimize impacts on adjacent properties. The application site plans shows the stormwater will be collected on the parking lot by area inlets and directed, via underground stormwater infrastructure, to College Avenue. The storm water runoff will flow to the north on College Avenue to the headwaters of the Marlatt Ditch drainage area.

The hospital site has a detention/retention basin on the northeast corner of the site. The City Engineer has determined that the size of the basin accommodates the stormwater runoff from current development and the new medical office building to an appropriate level. The redirected stormwater will not adversely impact the properties downstream on the Marlatt Ditch

The City Engineer prefers this plan over directing the stormwater to the south towards the existing residential neighborhood. The residential neighborhood is in the upper reaches of the Wildcat Creek Watershed.

4. CIRCULATION: Vehicle access to the site will be from the internal driving lane south of the hospital that intersects with College Avenue.

Because of the size and scope of the proposed off-street parking lot and that it does not directly connect to City streets, a traffic analysis was not required by the City's Traffic Engineer. No new buildings or significant expansions are proposed on the hospital site that would create a new traffic demand that would increase traffic to the site.

The proposed parking lot is located to provide more parking for patients and visitors to the emergency department and other departments near the south east entrance.

Pedestrian and Bicycle Access

Sidewalks are found along College Avenue and internal to the PUD site to provide pedestrian access to the existing and medical office buildings. Sidewalks and a pedestrian crosswalk are proposed in the proposed parking to connect to the existing sidewalks on the hospital site.

Bike racks were shown on the Preliminary Development Plans for the hospital site. The number and location of these bike racks will be finalized during the Final Development Plan process.

Off-Street Parking

As previously stated, eight-hundred forty-five (845) off-street parking stalls was approved in the Preliminary Development Plan process on the hospital site. Eighty (80) new off-street parking lots are proposed on the rezoning site. The location of the proposed parking lot will remove one (1) existing parking space from the hospital site. The total off-street parking on the Mercy Regional Health Center campus, including the proposed off-street parking lot will be 924.

A note on the PUD site plan states that the PUD site has an existing agreement with Kansas State University to share 250 parking stalls in the football stadium parking lot to the east of the PUD site during non-game days. These parking spaces are not included in the site parking calculation.

No new buildings or major expansions are proposed that would require additional off-street parking. The proposed parking lot is to provide parking for patients and visitors to the Emergency Department and other hospital departments near the southeast entrance.

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

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

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

THIRTEEN MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: A vacant tract of land owned by the Mercy Regional Health Center. Approved uses of the PUD include Mercy Regional Hospital with air ambulance helicopter landing pad and off-street parking lots, existing Manhattan Surgical Center and off-street parking lots and a vacant lot that was the former location of the St. Joseph Retirement Center and Nursing Home. The recently approved medical office building is to be constructed on the former nursing home site. The Final Development Plan process for that site needs to be complete before a building permit can be issued for the new building.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The rezoning site is generally flat. Stormwater runoff naturally flows to the south toward the residential neighborhood along Vaughn Drive. The site is bounded by the Mercy Regional Health Center to the north, College Avenue to the east and single-family homes to the west and south. Both streets are four-lane minor arterial roadways. Vaughn Drive, a local residential street is immediately to the south of the rezoning site.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Mercy Regional Health Center Campus; Commercial PUD.

SOUTH: Vaughn Drive, a two-lane, local street and single-family homes; R, Single-Family Residential District.

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

WEST: Single-Family Homes; R District

4. CHARACTER OF THE NEIGHBORHOOD: See above under Review Criteria for Planned Unit Development, number 6.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is currently zoned College Avenue Medical Office PUD. The PUD was established in 1991 to construct a two-story medical office building with 9,800 square feet of floor area and an accessory off-street parking lot. A Final Development Plan was never submitted. Several extensions were approved by the MUAPB, with the last one occurring in 2000, expiring in November, 2001.

Section 9-107, Abandonment or Failure to Proceed, dictates the procedure for dealing with PUD's that are abandoned. Basically, if a Final Development Plan is not submitted within two (2) years of the original approval or extensions are not granted, the project is considered abandoned and the MUAPB can proceed with rezoning the site to an appropriate classification. The MUAPB never proceeded with the rezoning process of the site. The site is not suitable under its current zoning district.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The area to the south and west is zoned R, Single-Family Residential District and consists of single-family homes, most of which are rental units. The site has remained vacant since 1991, when the site was rezoned from R, Single-Family Residential District to Commercial PUD for the College Avenue Medical Office.

The proposed rezoning to PUD and the Preliminary Development Plan to construct a parking lot with eighty (80) spaces will increase the amount of noise, light and traffic to the area, compared to the existing vacant land. The applicant has developed a site plan with significant landscaping in the form of deciduous and evergreen trees and shrubs along the west property line that abuts the residential neighborhood and ornamental shrubs and grasses along the south and east property lines along the streets. The proposed landscaping should provide adequate screening of the parking lot for the homes to the west of the site and provide a visual buffer along the street frontages.

Attachment No. 2

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

As part of the process to request a rezoning, the applicant held a neighborhood meeting on November 6, 2014. According to the meeting minutes, nine (9) adjacent property owners were present, along with the applicant and support staff. The meeting minutes state that everyone was generally in favor of the proposal. One meeting attendee had concerns with traffic through the residential neighborhood. Another attendee voiced concerns about the visual impact on the adjacent neighborhood. According to the minutes, both concerns were alleviated once the site plan and landscape was reviewed. (*see attached meeting summary and participant comment sheets*).

It appears that the applicant have taken appropriate measures to address any specific site design issues that could negatively impact the neighborhood. The site is generally compatible with nearby properties.

- 7. CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The rezoning site is shown on the Northwest Future Land Use Map as a Residential Low/Medium designation.

APPLICABLE RLM POLICIES (*IN ITALICS*) OF THE COMPREHENSIVE PLAN INCLUDE:

Residential Low/Medium Density (RLM)

RLM 1: Characteristics

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

RLM 2: Appropriate Density Range

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

RLM 3: Location

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

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 rezoning site has remained vacant since at least 1991, when the original PUD was approved. The site is considered an infill development. 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).*

Considering the infill and redevelopment policy and the rezoning site's history and proximity to the Mercy Regional Health Center; the proposed rezoning appears to conform to the policies of the Comprehensive Plan.

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

The site has been vacant since at least 1991. The area has most recently been used for storage of construction materials related to previous improvements to the Mercy Regional Health Center

July 18, 1961	Annexed into the City (Ordinance No. 2216) and zone "A-A," Single-Family Residential District.
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1970 - 1986	Rezoned to R, Single-Family Residential District
1987 – 1991	R-1, Single-Family Residential District
1991 – Present	College Avenue Medical Center Commercial Planned Unit Development

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

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

The PUD Regulations are intended to provide a 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. Through the use of adequate landscape screen, 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: None

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of the vacant tract, generally located to the northwest of the intersection of College Avenue and Vaughn Drive from College Avenue Medical Center PUD, Commercial Planned Unit Development, to Mercy Regional Health Center PUD, Commercial Planned Unit Development District; and the proposed amendment to Ordinance No. 7097 and the approved Preliminary Development Plans with the following conditions of approval:

Attachment No. 2

1. The Permitted Uses shall be Hospitals, Outpatient Surgical Center, and Medical Offices.
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. Light poles shall be provided as described in the application documents. Exterior building lighting shall be provided as proposed and be of a cut-off design, so as to not cast direct light or glare onto public streets or adjacent property.
5. Exempt signage shall be permitted as described in Article VI, Section 6-102(A)(2) (a),(b),(c),(e),(g),(h),(i),(j),(l)and (m). Temporary sales aids, banners and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the vacant tract, generally located to the northwest of the intersection of College Avenue and Vaughn Drive from College Avenue Medical Center PUD, Commercial Planned Unit Development, to Mercy Regional Health Center PUD, Commercial Planned Unit Development District, and amending Ordinance No. 7097 and the approved Preliminary Development Plan of the Mercy Regional Health Center PUD stating the basis for such recommendation, with the five (5) conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of the vacant tract, generally located to the northwest of the intersection of College Avenue and Vaughn Drive from College Avenue Medical Center PUD, Commercial Planned Unit Development, to Mercy Regional Health Center PUD, Commercial Planned Unit Development District, and amending Ordinance No. 7097 and the approved Preliminary Development Plan of the Mercy Regional Health Center PUD, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the vacant tract, generally located to the northwest of the intersection of College Avenue and Vaughn Drive from College Avenue Medical Center PUD, Commercial Planned Unit Development, to Mercy Regional Health Center PUD, Commercial Planned Unit Development District, and amending Ordinance No. 7097 and the approved Preliminary Development Plan of the Mercy Regional Health Center PUD, based on the findings in the staff report, with the five (5) conditions recommended by City Administration.

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

DATE: December 24, 2014

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