



MINUTES
CITY COMMISSION MEETING
TUESDAY, MARCH 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, Richard B. Jankovich, and John Matta were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, Assistant City Attorney Bryant Parker, City Clerk Gary S. Fees, 8 staff, and approximately 65 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Butler led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Butler proclaimed March 16-22, 2015, ***Brain Awareness Week***. Molly Myers, President, Little Apple Pilot Club, was present to receive the proclamation.

Mayor Butler proclaimed March 2015, ***American Red Cross Month***. Melissa Linenberger and Claudia Fracchiolla, Manhattan Disaster Volunteers, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

COMMISSIONER COMMENTS

Commissioner Matta congratulated all the participants and youth scholarship winners competing in the Flint Hills Tea Party Educational Fund YES for Liberty Scholarship Bee. He stated that Chandler Huddleston from Rolla High School received first place. The second place winner was Laura Nicolae of Washburn Rural High School and the third place winner was Sean Grossnickle of Gardner Edgerton High School.

Commissioner Reddi announced that the Manhattan Public Library had a great book sale on Saturday, February 28, 2015, and thanked everyone that participated. She stated that voter registration continues through March 17, 2015, and that advanced voting begins March 18, 2015. She also informed the community that the Manhattan Chamber of Commerce will be hosting a candidate forum for the City Commission and USD 383 School Board candidates on Saturday, March 7, 2015, at 7:30 a.m., at the Sunset Zoo Nature Exploration Center. Finally, she encouraged those participating in Fake Patty's Day on Saturday, March 7, 2015, to enjoy Manhattan and to be responsible, obey the laws, and be safe.

Commissioner McCulloh encouraged those participating in Fake Patty's Day to be mindful of the surrounding neighborhoods and residents living near Aggieville. She also asked that those enjoying the event to be safe.

Mayor Butler expressed his appreciation to those individuals and agencies working to make Fake Patty's Day a safe and fun event. He highlighted the Snow Partners program and recent snow removal efforts by the City's Public Works Department.

Kiel Mangus, Assistant City Manager, provided additional information on the new City's Snow Partners volunteer program that provides assistance with snow removal to those needing help in Manhattan. He stated that additional information about the program and for volunteers to sign up can be found on the City's website at www.cityofmhk.com/snowpartners.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, February 17, 2015.

CLAIMS REGISTER NOS. 2784 AND 2785

The Commission approved Claims Register Nos. 2784 and 2785 authorizing and approving the payment of claims from February 11, 2015, to February 24, 2015, in the amount of \$380,127.04 and \$1,645,613.70, respectively.

CONSENT AGENDA (CONTINUED)

LICENSE

The Commission approved an annual Cereal Malt Beverages On-Premises License for JP's Sports Grill, Building 5 – Jardine Terrace.

ORDINANCE NO. 7126 – AMEND FINAL DEVELOPMENT PLAN – BLUEMONT/NORTH MANHATTAN HOTEL PUD

The Commission approved Ordinance No. 7126 amending Ordinance No. 6972 and the Final Development Plan of the Bluemont/N. Manhattan Hotel Commercial PUD, located at 1212 Bluemont Avenue, as proposed, based on the findings in the Staff Report (*See Attachment No. 1*), with the five conditions of approval.

ORDINANCE NO. 7127 – ANNEX – BALTUSROL ADDITION

The Commission approved Ordinance No. 7127 annexing the proposed Baltusrol Addition, an approximate 10-acre tract of land generally located 1,500 feet north of Grand Mere Parkway and Colbert Hills Drive, on the west side of the future extension of Grand Mere Parkway, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

ORDINANCE NO. 7128 – REZONE – BALTUSROL ADDITION

The Commission approved Ordinance No. 7128 rezoning the proposed Baltusrol Addition, from County R-PUD, Residential Planned Unit Development District, to R-1, Single-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 2*) and the recommendation of the Planning Board.

FIRST READING – REASSESS SPECIAL ASSESSMENTS – GRAND OLD CHICAGO ADDITION

The Commission approved first reading of A Home Rule Ordinance of the City of Manhattan, Kansas authorizing the reassessment and/or re-levy of certain special assessments applicable to the Grand Old Chicago Addition located in the city and amending and supplementing Ordinance No. 6686 of the City.

PUBLIC HEARING – VACATE UTILITY EASEMENT – 1718 THOMAS CIRCLE

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

FIRST READING – VACATE UTILITY EASEMENT – 1718 THOMAS CIRCLE

The Commission approved first reading of an ordinance vacating a utility easement at 1718 Thomas Circle, Lot R-4, Ball Addition, Unit One.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – CDBG FLINT HILLS BREADBASKET IMPROVEMENTS (CD1415)

The Commission accepted the Architect's Opinion of Probable Cost in the amount of \$90,000.00, and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$63,353.00 to Ron Fowles Construction, Inc., of Manhattan, Kansas, for the base bid in the amount of \$57,400.00, Alternate No. 2 in the amount of \$753.00 for the removal of deteriorated duct work, and Alternate No. 3 in the amount of \$5,200.00 for floor tile and base installation for the CDBG Flint Hills Breadbasket Improvements (CD1415).

CONTRACT AMENDMENT NO. 1 – CONSTRUCTION ADMINISTRATION SERVICES - CDBG FLINT HILLS BREADBASKET IMPROVEMENTS (CD1415)

The Commission authorized the City Manager and City Clerk to execute Contract Amendment No. 1 extending the Architect's Contract with Bruce McMillan Architects, of Manhattan, Kansas, to include construction administration services in an amount not to exceed \$5,000.00 for the CDBG Flint Hills Breadbasket Improvements Project (CD1415).

ACCEPT – 2015 FEDERAL FUNDS EXCHANGE

The Commission authorized City Administration to accept the Federal Funds exchange in the amount of \$608,588.72 for future transportation projects.

CONTRACT – ANIMAL SHELTER SERVICES – CITY OF WESTMORELAND

The Commission authorized the Mayor and City Clerk to execute a contract with the City of Westmoreland to allow the City of Westmoreland 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 Westmoreland.

AIRPORT LEASE AGREEMENT – HEARTLAND AVIATION

The Commission authorized the Mayor and City Clerk to execute an Airport Lease Agreement with Heartland Aviation, Inc., at the Manhattan Regional Airport.

EMPLOYMENT AGREEMENT – CITY MANAGER RONALD R. FEHR

The Commission authorized the Mayor and City Clerk to execute a modified Employment Agreement between the City of Manhattan and City Manager Ronald R. Fehr, retroactive to the first pay period of 2015.

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS

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

Arts and Humanities Advisory Board

Re-appointment of Shelly Richardson, 1719 Leavenworth Street, to a three-year term. Ms. Richardson's term will begin April 1, 2015, and will expire March 31, 2018.

Cemetery Board

Appointment of Gil Cloud, 3004 Tonga Street, to fill the unexpired term of Larry Fry. Mr. Cloud's term begins immediately, and will expire December 31, 2015.

Housing Authority Board of Commissioners

Re-appointment of Ida Jane Leupold, 301 Brookvalley Drive, to a four-year Resident term. Ms. Leupold's term will begin March 4, 2015, and will expire March 3, 2019.

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

GENERAL AGENDA

AGREEMENT - FLINT HILLS DISCOVERY CENTER NAMING OPPORTUNITY

Fred Goss, Flint Hills Discovery Center Director, introduced the item.

Bruce Snead, President, Flint Hills Discovery Center Foundation, recognized the Flint Hills Discovery Foundation Board members and Advisory Board members present. He provided background information on establishing the Foundation for the Flint Hills Discovery Center and key financing components for the Discovery Center. He read a brief quote from Trip Advisor citing a recent visitors' experience at the Discovery Center, expressed his appreciation to the anonymous donors, and requested approval from the Commission to support the naming opportunity request.

GENERAL AGENDA (CONTINUED)

AGREEMENT - FLINT HILLS DISCOVERY CENTER NAMING OPPORTUNITY (CONTINUED)

After congratulations were expressed from the Commissioners to Bruce Snead and to the members of the Discovery Center Foundation, Bruce Snead, President, Flint Hills Discovery Center Foundation, responded to questions from the Commission. He provided additional information on the naming opportunity gift of \$750,000.00 and payment schedule.

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 accept the naming opportunity gift as offered and authorize City Administration to finalize and the Mayor and City Clerk to execute an agreement with the donors for the naming opportunity at the Flint Hills Discovery Center. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

REQUEST FOR FUNDING - KANSAS STATE UNIVERSITY GOLF COURSE MANAGEMENT & RESEARCH FOUNDATION – COLBERT HILLS GOLF COURSE

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted the proposed grant agreement; potential sources of grant funds including the use of the Water Fund, the City/University Fund, and the Bond and Interest Fund; the annual evaluations that would occur; and presented five possible payment scenarios. He then responded to questions from the Commission regarding the proposed Agreement, potential funding sources identified, and the City/University Fund.

Mayor Butler opened the public comments.

Bill Frost, Attorney, representing Colbert Hills, presented additional information on their request for assistance. He stated that one of the justifications presented to the Commission at the January 20, 2015, City Commission Meeting is that Colbert Hills paid for a disproportionate amount of the cost of Grand Mere Parkway. He stated that the golf course was assessed half the cost and the City-At-Large paid for the other half, while the entire Grand Mere Development was not assessed. He provided additional information on the request and expressed his gratitude to the Commission for considering their request and appreciated City staff's efforts to come up with the proposed financing mechanism. He asked the Commission to favorably consider this request.

GENERAL AGENDA (CONTINUED)

REQUEST FOR FUNDING - KANSAS STATE UNIVERSITY GOLF COURSE MANAGEMENT & RESEARCH FOUNDATION – COLBERT HILLS GOLF COURSE (CONTINUED)

Richard Hill, 3513 Stagecoach Circle, informed the Commission that ultimately the money is coming directly from the taxpayer to fund this request and stated that he was not in support of the proposal. He provided information on his family business as a landlord and property owner. He stated that the City has not offered him benefits on his past assessments. He also stated that this is a Foundation and is in competition with private businesses.

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

Ron Fehr, City Manager, responded to questions from the Commission and provided information on the percentage split for Grand Mere Parkway.

Rob Ott, Director of Public Works, provided additional background information on Grand Mere Parkway and percentage splits for this and other special assessments.

Ron Fehr, City Manager, and Jason Hilgers, Deputy City Manager, responded to questions from the Commission regarding the use of water and consideration given to other similar class group of water users.

After discussion and comments from the Commission, Ron Fehr, City Manager, responded to additional questions from the Commission.

Bryant Parker, Assistant City Attorney, provided clarification on the definition of disproportionate regarding the item. He then responded to questions from the Commission.

Ron Fehr, City Manager, responded to additional questions from the Commission regarding the potential use of the Bond and Interest Fund.

After additional comments from the Commission regarding possible funding sources being considered and the request from Colbert Hills, there was a consensus to not use water rates or the Bond and Interest Fund.

After further discussion of the Commission, Commissioner Jankovich moved to approve and authorize the Mayor and City Clerk to execute a Grant Agreement with the Colbert Hills Foundation utilizing only the City/University Funds at a minimum of \$30,000 to be negotiated with the fund managers or between the City and University Fund, whatever that amount is. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

APPROPRIATION OF REVENUES - QUALITY OF LIFE SALES TAX; AGREEMENT - DESIGN SERVICES - CITY PARK POOL PARKING LOT (CP1501)

Kiel Mangus, Assistant City Manager, provided background information on the item and on the request for appropriation of revenues from Quality of Life Sales Tax. He also presented an aerial diagram of the City Park Pool area and the proposed parking lot design. He then responded to questions from the Commission regarding the number of parking spaces this would provide and the opportunity to better define parking spaces.

Ron Fehr, City Manager, provided clarification on the original parking lot and on the improvements that were made when the aquatics facility was built. He stated what is being proposed would be a replacement of the current parking area.

Kiel Mangus, Assistant City Manager, provided information on the Quality of Life bond issue and sunset provision options. He also highlighted the financing section in the City Commission Agenda memorandum.

Mayor Butler opened the public comments.

Richard Hill, 3513 Stagecoach Circle, informed the Commission that what is being proposed is proper spending of funds raised. He voiced support to place excess funds received into a sinking fund to be used to maintain the current facilities and equipment.

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

After additional discussion and comments from the City Commission, Commissioner Jankovich moved to appropriate and approve the expenditure of \$1.25 million of Excess Funds from the Quality of Life Sales Tax for City Park, Northview, and CiCo pool projects; and authorize City Administration to finalize and the Mayor and City Clerk to execute an engineering services design contract in the amount of \$42,323.00 with SMH Consultants, of Manhattan, Kansas, for the City Park Pool Parking Lot Improvements Project, Phase I (CP1501). Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

DISCUSSION - DISPOSITION AND REQUIREMENTS OF NONCONFORMING SIGNS

Karen Davis, Director of Community Development, introduced the item.

GENERAL AGENDA (*CONTINUED*)

DISCUSSION - DISPOSITION AND REQUIREMENTS OF NONCONFORMING SIGNS (*CONTINUED*)

Chad Bunger, Senior Planner, presented background information on the item and amortization provisions in the Sign Regulations. He highlighted the sign permit research that was conducted by City Administration; discussed projecting signs in the C-3, Aggieville Business District, and the C-4, Central Business District; talked about wall signs on single-family and duplex rental units; discussed separation distance for off-site advertising signs (billboards); discussed blinking, flashing, or traveling lights on signs; and discussed the new Sign Regulations amortization requirement to bring nonconforming signs into compliance within five years.

Eric Cattell, Assistant Director for Planning, highlighted alternatives and options for the Commission to address nonconforming signage. The options presented included 1) maintaining the existing five year amortization provision; 2) amending Article VI to establish a process with the Board of Zoning Appeals; 3) amending or repealing specific sections of Article VI that create the nonconforming signs; and 4) repealing the five year amortization provisions for nonconforming signs. He then responded to questions from the Commission and provided clarification on the five year amortization provisions.

Chad Bunger, Senior Planner, and Eric Cattell, Assistant Director for Planning, provided additional information on the amortization provision.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding removing the amortization provision except for neighborhood residential districts. He also discussed the current zoning regulations for nonconformities and explained the conditional use process.

Bryant Parker, Assistant City Attorney, responded to questions from the Commission regarding low density residential sign regulations. He stated that it would be possible to draft language in an ordinance if the City Commission desires to apply requirements to only residential districts.

After discussion and comments from the Commission, there was general support from the Commission to repeal the five year amortization and go back to the previous policy and apply the former process allowing legally nonconforming signs to remain indefinitely in a grandfathered status, providing that the sign is not substantially altered or damaged.

Eric Cattell, Assistant Director for Planning, provided clarification on proposed amendments to Article VI and the desire of the Commission to leave the five year provisions in low density residential districts of the community.

GENERAL AGENDA (*CONTINUED*)

DISCUSSION - DISPOSITION AND REQUIREMENTS OF NONCONFORMING SIGNS (*CONTINUED*)

Bryant Parker, Assistant City Attorney, responded to questions from the Commission. He outlined the process required to bring the item back to the Commission and the desire to bring back one ordinance for the Commission to consider.

Chad Bunger, Senior Planner, informed the Commission of concerns expressed from business owners regarding signage and receiving questions if their signs are nonconforming or not. He provided clarification on the districts and previous signage permitted by the City of Manhattan.

Mayor Butler opened the public comments.

Lyle Butler, President, Manhattan Area Chamber of Commerce, informed the City Commission that the five year amortization was the big concern expressed by business owners. He stated that Chad Bunger and Eric Cattell presented to the Chamber and to business groups, but failed to focus on the five year amortization. He voiced his appreciation to the City Staff for their work and to the City Commission on their support of the business community to address and repeal the five year amortization.

Gina Scroggs, Executive Director, Downtown Manhattan Inc., voiced her appreciation to modernize and streamline the application and permitting process. She stated that the City needs to repeal the five year amortization and continue to allow the signs Downtown that have been there for decades.

Layton Thomas, Thomas Outdoor Advertising, provided a handout to the Commission with business signs that would potentially be impacted and concerns that he has received from business owners regarding the five year amortization. He informed the Commission that this proposal is going back on something that has already been given. He stated that if the sign was allowed in its infancy, it should be able to remain in the future. He requested that this provision be repealed across the board.

Jeff Levin, Co-owner, Varney's, and owner of a car wash, informed the Commission that he appreciates the Commissioners work and provided information on the Varney's sign in Aggieville. He stated that a lot of local business owners have made significant investments in their business signs and are very nervous.

Bart Thomas, Thomas Signs, provided background information on his billboards meeting current codes and discussed the investment that his company has made in Manhattan. He informed the Commission that the city is being promoted on seven billboards throughout the state to draw people to Manhattan.

GENERAL AGENDA (CONTINUED)

DISCUSSION - DISPOSITION AND REQUIREMENTS OF NONCONFORMING SIGNS (CONTINUED)

Richard Hill, 3513 Stagecoach Circle, informed the Commission that his business relies on having yard signs to rent their duplex complexes in Manhattan. He stated that when their property is rented, the yard sign comes down. He also said that signs posted to the side of rental properties are not needed and did not understand why they are allowed.

Mary Jo Shaney, White Goss Attorneys At Law, 4510 Belleview, Kansas City, Missouri, representing Thomas Outdoor Advertising, spoke on the legalities of the sign amortization provisions in the City's sign ordinance. She presented legal perspectives on the matter and urged the Commission, on behalf of Thomas Outdoor Advertising, to repeal the amortization provisions in the current ordinance.

Rob Stitt, President, Community First National Bank, provided background information on the two bank facilities and improvements that have been made, specifically, the Seth Child facility. He voiced concerns and opposition to the unintended consequences of the five year amortization provisions for nonconforming signs. He questioned what was going on in local government with these changes to the sign provision laws and the process that has worked for years. Finally, he stated that the regulations of the five year rule is unnecessary, overreaching, punitive to those doing the right thing, and dumb. He asked the Commission to go back to the grandfather status. He also commented that signage has little to do with renting a property, and always is about location and upkeep.

Mayor Butler stated that the Commission has reached a consensus to try and rectify the five year amortization that was previously approved and City staff will bring back the item with options based on statements made by the Commission and the public.

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

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

ADJOURNMENT

At 9:40 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

AN AMENDMENT OF ORDINANCE NO. 6972 AND THE FINAL DEVELOPMENT PLAN OF THE BLUEMONT & N. MANHATTAN HOTEL PUD; AND APPROVE THE REVISED FINAL DEVELOPMENT PLAN OF CAMPUS BRIDGE LOFTS RESIDENTIAL PUD.

BACKGROUND

APPLICANT: SSC, agent for US Cellular – Justin Anderson

OWNER: Excel Group, LLC – Andrew Suber

ADDRESS: 1212 Bluemont Avenue (Bluemont/N. Manhattan Hotel); and 820 N. Manhattan Avenue (Campus Bridge Lofts)

LOCATION: Lot 1, Bluemont & N. Manhattan Addition and Lots 781 – 784, Ward 3

AREA: Bluemont Hotel – 45,161 square feet (1.04 acres)
Campus Bridge Lofts – 13,583 square feet (0.52 acres)

DATE OF PUBLIC NOTICE PUBLICATION: December 30, 2014

DATE OF PUBLIC HEARING: PLANNING BOARD: January 22, 2015
CITY COMMISSION: February 17, 2015

The applicant has proposed to install telecommunication antennas and accessory equipment on the Bluemont Hotel and locate accessory ground equipment on the Campus Bridge Lofts condominiums to the north of the alley. The proposal requires an amendment to the PUD Ordinance No. 6972 and Final Development Plan for the Bluemont & N. Manhattan Hotel Commercial PUD. The Campus Bridge Lofts PUD ordinance already identifies telecom facilities as a permitted use. The Final Development Plan of this development needs to be amended to accommodate the ground equipment for the proposed telecom facilities.

EXISTING PUD

Bluemont and N. Manhattan Hotel PUD – Ordinance No. 6972

Conditions of Approval

Attachment No. 1

1. The Permitted Uses shall include all of the Permitted Uses of the C-3, Aggieville Business District, excluding Automobile Service Stations, Bed and Breakfast Homes, Bed and Breakfast Inns, Carpet and Rug Stores, Laundry Establishments, Miniature Golf Courses, Pet Grooming Shops, and Taverns.
2. The two (2) separate ground floor commercial spaces, as shown on the first floor plans, and conversion of ground floor space to separate commercial space such as, but not limited to, the model room and model suite, shall not be included within the licensed premises for alcoholic liquor or cereal malt beverage sales.
3. Signage shall be limited to signs proposed in the application documents.
4. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5).
5. Landscaping shall be maintained in good condition.
6. A landscape performance agreement shall be approved, prior to issuance of a building permit.
7. Prior to issuance of any occupancy certificate for the property, the alley shall be repaved according to City specifications, from N. Manhattan Avenue to N. 12 Street. The applicant shall ensure that such repaving is completed either by initiating the benefit district process, or by another mechanism in which the applicant assumes primary financial responsibility for the repaving.
8. The applicant shall secure an agreement with the adjacent property owner of the Campus Bridge Lofts PUD to the north to share the trash dumpster.

Campus Bridge Lofts PUD – Ordinance No. 6436

Conditions of Approval

1. Permitted uses shall include a multiple-family residential building and telecommunications facilities.
2. A maximum of seventy-four (74) bedrooms shall be permitted.
3. Telecommunications facilities may include any cables, wires, lines, wave guides, antennas and any other equipment or facilities, including cabinets that house telecommunications providers' equipment, associated with the transmission or reception of communications which a provider would locate or install on the apartment building.
4. Telecommunications facilities shall be of a stealth design, which includes a method of designing, constructing, and/or locating any telecommunications facility to blend in with the character and environment of the area in which it is located, and to enhance compatibility with adjacent land uses by minimizing visual impacts by either: (1) being concealed and virtually invisible to the

Attachment No. 1

observer, such as an antenna located behind louvers or architectural screening on a building, or placed inside the building; or (2) camouflaged through design, placement and coloration to blend in with its surroundings, or integrated into architectural elements of the building, to such an extent that it is indistinguishable by the casual observer from the building or the surroundings in which it is placed, such as panel antennas that are colored and located to match the architecture of the building.

5. The off-street parking areas may include controlled access if determined to be necessary. Prior to installation of any access control, City Administration and emergency providers shall review and approve the controlled access.
6. 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.
7. All landscaping and irrigation shall be maintained in good condition.
8. Street trees located in the public right-of-way adjacent to the site shall be preserved or replaced, as per requirements of the City Forester.
9. Additional landscaping shall be provided in parking lot entry islands.
10. Signs shall include a ground sign and exempt signage described in Article VI, Section 6-104 (A)(1), (2), (4), (5), (7) and (8); and, Section 6-104 (B)(2).

PROPOSED AMENDMENT

The applicant has proposed to install telecommunication antennas on the north, west and south walls of the hotel building, along with conduit and accessory equipment on the north side of the existing building and on the roof top. Two (2), eight (8) foot tall antennas will be located on each of the three (3) facades of the building. The antennas on the south and west facades will be approximately three (3) feet below the top of the parapet and will use screening material to match the building's limestone façade as stealth measures. The antennas on the north façade will be located two (2) feet below the roof line and painted to match the stucco wall as stealth measures. Conduit and accessory equipment will be disguised as downspouts and/or painted to match the building materials. City Administration has recommended a condition of approval to require that the antennas, conduits and accessory equipment on the hotel property use stealth measures, as proposed, to match the façade's building materials or painted to match the buildings materials.

The antennas on the hotel will be connected to ground equipment on the adjacent property to the north of the alley. The wires, etc. will be run underneath the public alleyway via conduits to the equipment to be located to the north of the existing trash dumpster located along the alleyway on the adjacent property. A public right-of-way permit is required to allow the conduit and equipment under the public alleyway (which is a right-of-way). City Administration has recommended a condition of approval that the public right-of-way permit shall be completed and approved before any building or electrical permits will be issued for the telecommunications installation.

Attachment No. 1

The proposed ground equipment will consist of cabinets mounted on ground mounted stands. The area for the ground equipment will be approximately seventeen (17) feet wide and nine (9) deep. The application site plan states that the ground equipment is to be enclosed by a new fence that will match the existing fence surrounding the trash dumpster. The existing trash dumpster enclosure consists of a split faced, limestone block wall with a metal gate. City Administration recommends a condition of approval that the ground equipment screening be constructed of the same split-faced, limestone block material to match the existing enclosure.

As previously described, the Bluemont and N. Manhattan Hotel Commercial PUD does not currently allow telecommunication facilities. The Campus Bridge Lofts Residential PUD does allow telecommunication facilities (cellular equipment). The proposed development requires an amendment to Ordinance No. 6972 and the Final Development Plan of Bluemont and N. Manhattan Hotel Commercial PUD, along with a revised Final Development Plan for the Campus Bridge Lots Residential PUD where the ground equipment will be placed.

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 approved Bluemont and N. Manhattan Hotel Commercial PUD and promotes the preservation of the PUD. The PUD allows for most of the land uses found in the adjacent C-3, Aggieville Business District, with the exception of a few incompatible or impractical land uses. Telecommunication facilities are permitted in the C-3 District if stealth measures are taken and the proposed facility meets required separation from historic properties or residential districts. Telecommunication facilities are a Conditional Use in the C-3 District if stealth measures are not taken or it does not meet the required distances from the historic properties or residential districts.

The entire PUD is preserved by the use of the stealth measures to blend or hide the proposed antennas and accessory equipment on the building. If properly done, the equipment will not be noticeable by the public.

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 Campus Bridge Lofts Residential PUD to the north allows for stealth telecommunication facilities; however the Bluemont and N. Manhattan Hotel PUD does not allow them. With the construction of the Bluemont Hotel, telecommunication equipment cannot be placed on the south side of the seven-story condominium building to serve cellular users in Aggieville and the neighborhoods to the south, because the hotel masks the coverage. The proposed amendment is necessary to meet the demand for improved coverage for cellular service in Aggieville and residential districts in the area.

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 general public who use cellular service should see a benefit in convenience and general welfare from the increase in capacity from the telecommunication provider. The granting of the proposed amendment is not seen as a special benefit solely for the applicant or the property owners.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: The hotel site is largely impervious surfaces with the building, off-street parking garage and sidewalks. The telecommunication equipment will be located entirely on the building.

The landscaping for the Campus Bridge Lofts PUD will largely go unchanged. The location of the ground equipment is where the buildings HVAC equipment currently is located. This existing equipment will be located in an area to the west in a graveled landscape bed along the alley. No significant decrease to the amount landscape space will occur.

2. SCREENING: The telecommunication antennas on the hotel will be screened and/or painted in a stealth manner to match the building materials.

A note on the application site plans states that the ground equipment at the Campus Bridge Lofts site will be screened by a sight-obscuring fence that matches the existing fence. The proposed fence will enclose the ground equipment, with the exception of the area immediately adjacent to the electrical meters located on the existing building. This area must be remained open to allow access to the meters. A main gate is to be provided on the east side of the ground equipment compound to give access from the adjacent off-street parking lot. The existing trash dumpster enclosure is a split-faced, limestone block wall.

Attachment No. 1

City Administration recommends a condition of approval that the ground equipment be screened by a limestone block wall to match the existing enclosure.

3. DRAINAGE: No changes to the drainage pattern of the two (2) sites will occur as a result of the proposed development.

4. CIRCULATION: No changes to the circulation pattern or parking counts will occur from the proposed development.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: No changes in the amount of open space/landscaped spaces will occur from the proposed development.

6. CHARACTER OF THE NEIGHBORHOOD: The area contains a mixture of commercial properties to the south in the Aggieville Business District, and single-family, two-family and multiple-family rental units to the north and east. The Kansas State University campus is to the west.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: A mixed-use commercial hotel building; and an apartment/condominium building.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Both properties are completely built upon as permitted in the respective approved Planned Unit Developments.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** Vattier Street, a local residential street, single-family, two-family and multiple-family rental units; R-3/M-FRO, Multiple-Family Residential District and Multi-Family Redevelopment Overlay District.

(b.) **SOUTH:** Bluemont Avenue, a five-lane, divided minor arterial street, commercial properties in the C-3, Aggieville Business District.

(c.) **EAST:** Single-family, two-family and multiple-family rental units; R-3/M-FRO Districts.

(d.) **WEST:** Manhattan Avenue, a two-lane collector street that is divided in proximity to the site and Kansas State University campus, U, University District.

Attachment No. 1

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Both sites are completely built as approved through the PUD process.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed telecommunication facilities on the two (2) sites should not adversely impact adjacent properties. The proposed antennas and accessory equipment will be visually screened by stealth measures. The proposed ground equipment will be within a walled enclosure to conceal the equipment. The proposed equipment will not generate additional vehicular traffic above and beyond what the uses of the two (2) properties already generate. No other impacts are anticipated.

Please note that the Telecommunication Act of 1996 sets five (5) limitations on state or local authority in regards to regulating wireless telecommunications facilities. The Act of 1996 amended Title 47 of the United States Code (U.S.C.) Section 332(c)(7)(B)(iv) is as follows:

“No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions”.

7. CONFORMANCE WITH COMPREHENSIVE PLAN

THE PROPOSED AMENDMENT CONFORMS TO THE COMPREHENSIVE PLAN. THE CAMPUS BRIDGE LOFTS PUD WAS APPROVED TO ALLOW TELECOMMUNICATION FACILITIES. THE BLUEMONT AND N. MANHATTAN HOTEL PUD ALLOWS FOR MOST USES OF THE C-3 COMMERCIAL DISTRICT, BUT DID NOT SPECIFICALLY INCLUDE TELECOMMUNICATION FACILITIES AS A PERMITTED USE. ALLOWING SUCH A USE GENERALLY CONFORMS TO THE COMPREHENSIVE PLAN’S POLICIES.

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

Bluemont and N. Manhattan Hotel PUD

- June 18, 2012 Manhattan Urban Area Planning Board, on a vote of 6-0, recommends approval of the proposed rezoning of the Bluemont and N. Manhattan Hotel PUD at 800 and 810 N. Manhattan Avenue, and 1222 and 1224 Bluemont Avenue,, from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the nine conditions.
- July 10, 2012 Applicant withdraws rezoning application to expand project and reapply.
- September 17, 2012 Manhattan Urban Area Planning Board recommends approval of a proposed rezoning of the Bluemont and N. Manhattan Hotel PUD at 800 and 810 N. Manhattan Avenue, and 1212, 1222, and 1224 Bluemont Avenue, from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to Commercial PUD with eight conditions.
- October 2, 2012 City Commission approves first reading of an ordinance rezoning the proposed Bluemont and N. Manhattan Hotel PUD, generally located on the northeast corner of Bluemont Avenue and North Manhattan Avenue, from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial Planned Unit Development District.
- October 16, 2012 City Commission approves Ordinance No. 6972 rezoning the Bluemont and N. Manhattan Hotel PUD, generally located on the northeast corner of Bluemont Avenue and North Manhattan Avenue, from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial Planned Unit Development District.
- December 17, 2012 Manhattan Urban Area Planning Board approves the Final Plat and Final Development Plan of the Bluemont & N. Manhattan Hotel Commercial Planned Unit Development.

Attachment No. 1

January 8, 2013 City Commission accepts rights-of-way and easements of the Bluemont & N. Manhattan Hotel Addition, a Commercial Planned Unit Development.

August, 2014 Construction of the hotel was completed

Campus Bridge Lofts PUD

1926-1965 B, Second Dwelling House District

1965-1969 B-1, Multiple Family Dwelling District

1969-1987 R-3, Multiple-Family Residential District and UO, University Overlay District

1986-2004 R-M, Four-Family Residential District and UO District

September 4, 2003 Manhattan Urban Area Planning Board conducts public hearing on the advertised Phase 4 Expanded Redevelopment Area, consisting of Sub Areas A-E. The proposed PUD site was within the area designated as Sub Area A, and was proposed to be rezoned from R-M/UO, Four-Family Residential District with University Overlay, to R-3/UO/M-FRO, Multiple-Family Residential District with University Overlay and Multi-Family Redevelopment Overlay District. The Planning Board recommended approval of the rezoning on a vote of 5-2.

October 7, 2003 City Commission overrides the Planning Board and accepts the request from the Aggieville Business Association to not rezone five of the blocks under consideration. The proposed PUD site was within the five-block area and remained R-M/UO District.

September 9, 2004 Manhattan Urban Area Planning Board conducts a public hearing to consider the rezoning of Campus Bridge Lofts from R-M/UO District to Residential Planned Unit Development. After discussion, the Planning Board tabled the public hearing to the October 4, 2004, Planning Board meeting.

September 28, 2004 The Aggieville-Campus Edge Study is presented to the Manhattan Urban Area Planning Board and City Commission at a Joint Work Session.

Attachment No. 1

- October 4, 2004 Manhattan Urban Area Planning Board continues a public hearing to consider the rezoning of Campus Bridge and recommends approval of the rezoning.
- October 18, 2004 City Commission approves first reading of the rezoning of Campus Bridge Lofts from R-M/UO District to Residential Planned Unit Development.
- November 2, 2004 City Commission approves Ordinance No. 6436 rezoning Campus Bridge Lofts Planned Unit Development.

The construction of the apartment building was completed in 2007.

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

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

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial of the request would accomplish compared to the hardship imposed to the applicant. The proposal provides adequate screening and stealth measures of all equipment, limiting any visual adverse impacts and improves cellar service in the area. No other adverse impacts are anticipated by the project.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities and services are provided. Before building and/or electrical permits can be approved, the public right-of-way permit shall be applied for and approved, to cross under the alleyway for the location of conduits and cables between the two (2) sites.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: City Administration recommends approval of the amendment of Ordinance No. 6972 and the Final Development Plan of the Bluemont and N. Manhattan Hotel Commercial PUD; and the revised Final Development Plan of the Campus Bridge Lofts PUD, located at 1212 Bluemont Avenue and 820 N. Manhattan Avenue, respectively, subject to the following conditions:

1. Permitted Uses of the Bluemont and N. Manhattan Hotel PUD shall include the addition of Telecommunication Facilities.
2. The proposed telecommunication facilities shall use stealth measures to match the façades and colors of the building as proposed.
3. The enclosure for the proposed ground equipment at Campus Bridge Lofts shall be constructed using same masonry materials as the adjacent trash enclosure.
4. Future telecommunication facilities, beyond that proposed in the current amendment application, must be submitted for approval through a revision to the Final Development Plan, to ensure that the antennas and associated equipment use adequate stealth measures and that the location of any ground equipment is properly screened.
5. Signs shall be provided as previously approved, and shall allow for exempt signage as described in Article VI, Section 6-102(A)(2) (a),(b),(c),(g),(h),(i),(j),(l) and (m), of the Manhattan Zoning Regulations.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 6972 and the Final Development Plan of the Bluemont and N. Manhattan Hotel PUD; and the revised Final Development Plan of the Campus Bridge Lofts PUD, located at 1212 Bluemont Avenue and 820 N. Manhattan Avenue, based on the findings in the Staff Report with conditions of approval.
2. Recommend denial of the proposed amendment of Ordinance No. 6972 and the Final Development Plan of the Bluemont and N. Manhattan Hotel PUD, and the revised Final Development Plan of the Campus Bridge Lofts PUD, located at 1212 Bluemont Avenue and 820 N. Manhattan Avenue, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

Attachment No. 1

POSSIBLE MOTIONS:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6972 and the Final Development Plan of the Bluemont and N. Manhattan Hotel PUD, located at 1212 Bluemont Avenue; and, approves the revised Final Development Plan of the Campus Bridge Lofts PUD, located at 820 N. Manhattan Avenue; based on the findings in the Staff Report, subject to the five (5) conditions of approval recommended by City Administration.

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

DATE: January 12, 2015

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STAFF REPORT

ON AN APPLICATION TO REZONE: An approximately 10-acre tract of land to be known as the Baltusrol Addition.

FROM: County R-PUD, Residential Planned Unit Development District.

TO: R-1, Single-Family Residential District.

APPLICANT: SMH Consultants – Jeff Hancock

ADDRESS: 4201B Anderson Avenue, Suite 2, Manhattan, KS 66503

OWNERS: Fieldhouse Development – Zachary J. Burton

ADDRESS: 2914 Tobacco Road, Manhattan, KS 66503

LOCATION: Generally located 1,500 feet north of the intersection of Grand Mere Parkway and Colbert Hills Drive, on the west side of the future extension of Grand Mere Parkway. The area proposed to be annexed is to be known as the Baltusrol Addition.

AREA: Approximately 10-acres.

DATE OF NEIGHBORHOOD MEETING: December 11, 2014

DATE OF PUBLIC NOTICE PUBLICATION: January 12, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: February 2, 2015

CITY COMMISSION: February 17, 2015

The applicant is also requesting annexation into the City of Manhattan and has proposed a Preliminary Plat of the Baltusrol Addition, which will create a total of twenty-six (26) single-family lots.

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

- 1. EXISTING USE:** Open and undeveloped tract of land in Grand Mere, a master planned golf course community.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Open range land with native grass cover. The site is an irregular shaped tract with a prominent ridge line generally to the west of the site. The site drains generally to the east and southeast, which ultimately drain to Little Kitten Creek. The site is mostly native grass with tree cover along the natural ravines.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Undeveloped land in the Grand Mere Master Plan Community and vacant rangeland; County Residential Planned Unit Development and County Ag, Agricultural District.

SOUTH: Colbert Hills Golf Course and the Pinehurst and Turnberry Neighborhoods of Grand Mere; R-S, Single-Family Residential Suburban District and R, Single-Family Residential District, and R-2, Two-Family Residential District.

EAST: Extension of Grand Mere Parkway, a major collector road, Colbert Hills Golf Course and single-family lots in the Muirfield Neighborhood of Grand Mere; R-S District and R-1, Single-Family Residential District.

WEST: Rural range land in Riley County; County Ag, Agricultural District.

4. GENERAL NEIGHBORHOOD CHARACTER: The general area is a mixture of undeveloped land, land recently platted and in the early stages of development, Colbert Hills Golf Course and rural range land.

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 Manhattan Urban Area Comprehensive Plan, which currently recommend “Single Family Homes” and low to medium residential and medium to high residential density related to the “Elder Care”, respectively. Development in Grand Mere is progressing to ensure attractive and orderly neighborhoods in response to market demand. The Bartusrol Addition, site is suitable for the proposed rezoning to the R-1 District.

- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezoning to R-1, Single-Family Residential District is compatible with surrounding properties. An increase in light, noise and traffic is expected, however these increases should cause minimal impact on the adjacent golf course and residential properties. The proposed Preliminary Plat of the Bartusrol Addition shows single-family lots that range from 0.22 acres to 0.51 acres in lot area. The proposed lots are similar to the single-family lots found throughout the Grand Mere Development and are proposed to have homes similar in character to the existing homes in the neighborhood.

To ensure compatibility within Grand Mere, private 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 policy statement below under Grand Mere Community Master Plan, Part III.*) 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.

The applicant held a neighborhood meeting on December 11, 2014. According to the meeting report, no one attended the meeting.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:**
THE Baltusrol Addition IS SHOWN ON THE FUTURE LAND USE MAP IN THE NORTHWEST PLANNING AREA AS PARTIALLY IN THE RESIDENTIAL LOW/MEDIUM DENSITY, RLM, DESIGNATED AREA AND PARTIALLY IN THE RESIDENTIAL MEDIUM/HIGH DENSITY, RMH, DESIGNATED AREA (SEE ATTACHED FUTURE LAND USE MAP AND GRAND MERE MASTER PLAN MAP). THE REASON FOR THE SPLIT IN RESIDENTIAL DENSITY AREAS IS BECAUSE OF THE ORIGINAL PLANNED PATH OF THE EXTENSION OF GRAND MERE PARKWAY. THE DELINEATING LINE BETWEEN THE TWO (2) PLANNING AREAS WAS TO BE THE ROADWAY. THE COMPLETED ROUTE FOR GRAND MERE PARKWAY IS IMMEDIATELY TO THE EAST OF THE ANNEXATION AND REZONING SITE. THE PROPOSED PRELIMINARY PLAT SHOWS THE SITE WILL BE DEVELOPED AS A SINGLE-FAMILY DETACHED DEVELOPMENT.

THE MOST APPLICABLE DESIGNATION IS THE RESIDENTIAL LOW/MEDIUM DENSITY, RLM, DESIGNATED AREA. RESIDENTIAL LOW/MEDIUM DENSITY, 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.

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

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

RMH 2: Appropriate Density Range

Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.

RMH 3: Location

Residential Medium/High Density neighborhoods should be located close to arterial streets and be bounded by collector streets where possible, with a direct connection to work, shopping, and leisure activities.

RMH 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged.

Grand Mere Community Master Plan

The Grand Mere Community Master Plan was originally adopted in April 2000 and is included as a part 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. The Master Plan map shows the site as Single Family #6, a 6.2 acre tract designated RLM (Residential Low to Medium density) and a small portion of the site as Elder care #1, a 42.0 acre tract designated as Residential Medium to High density (RMH). Based on the proposed Preliminary Plat and details of the Grand Mere Parkway, as explained above, the most applicable density designation is RLM density (*see below under Residential Types for the RLM description*).

Applicable policies (*in italics*) for Grand Mere, a Master Planned Golf Course Community 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

Attachment No. 2

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.

The Baltusrol Addition is mostly designated as Single-Family #6, which is most fitting for the proposed development. The remaining designation of the Preliminary Plat site is Elder Care #1. The different residential types are described as:

Residential Types:

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.

Based on the proposed Preliminary Plat and the proposed single family homes, the density in the Baltusrol Addition, would be 0.33 dwelling units per net acre. The Comprehensive Plan suggests that a density range of less than one (1) to eleven (11) dwelling units per net acre is appropriate in the RLM category, and the Grand Mere Plan suggests a range of one (1) to twenty (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 BALTUSROL ADDITION, TO R-1, Single-Family Residential District CONFORMS TO THE POLICIES OF THE Grand Mere Community Master Plan, and the Manhattan Urban Area Comprehensive Plan.

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 because proposed lot sizes conform to the minimum requirements of the R-1 District. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

The R-1, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 7,500 square feet. The Preliminary Plat shows lots ranging from approximately 9,406 square feet in area up to 22,322 square feet in area, with the majority of lot sizes being approximately 17,00 square feet in area. The proposed lots conform to the requirements of the proposed R-1 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 of the rezoning would accomplish. No expected adverse impacts on the public health, safety and welfare are anticipated as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat is 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, as it conforms to the adopted Comprehensive Plan.
- 11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the site.
- 12. OTHER APPLICABLE FACTORS:** None
- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of the Baltusrol Addition, an approximate 10-acre tract of land, generally located 1,500 feet north of the intersection of Grand Mere Parkway and Colbert Hills Drive, on the west side of the future extension of Grand Mere Parkway, from County R-PUD, Residential Planned Unit Development District, to R-1, Single- Family Residential District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Baltusrol Addition, from County R-PUD, Residential Planned Unit Development District, to R-1, Single-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 the Baltusrol Addition, an approximate 10-acre tract of land, generally located 1,500 feet north of the intersection of Grand Mere Parkway and Colbert Hills Drive, on the west side of the future extension of Grand Mere Parkway, from County R-PUD, Residential Planned Unit Development District, to R-1, Single- Family Residential District based on the findings in the Staff Report.

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

DATE: January 26, 2015

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