



MINUTES
CITY COMMISSION MEETING
TUESDAY, APRIL 21, 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 Commissioners-elect Linda Morse and Michael L. Dodson, 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 90 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Butler led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Butler proclaimed April 24, 2015, ***Arbor Day***. J. David Mattox, Forestry Supervisor, City of Manhattan, was present to receive the proclamation.

Mayor Butler proclaimed May 1, 2015, ***Financial Planning Day***. Cole Foster and Mariah Bausch, Co-Presidents, Financial Planning Association, Kansas State University, were present to receive the proclamation.

Mayor Butler proclaimed May 9, 2015, ***Letter Carrier Food Drive Day***. Fred Stork, Food Drive Coordinator, Branch 1018 National Association of Letter Carriers, was present to receive the proclamation.

Mayor Butler proclaimed May 2015, ***Manhattan Bike Month***. Dave Colburn, Committee Member, Bicycle Advisory Committee, and Joey Lightner, Intern/Bicycle Coordinator, City of Manhattan Public Works, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Jankovich distributed pieces of ribbon from the ribbon cutting event held at the Manhattan Regional Airport in March 2015 for the completion of the Airport Terminal, Phase I, project. He thanked those that participated in the Airport project and looked forward to the successful completion of Phase II. He also expressed his appreciation to those that contributed to the Fort Riley Listening Session presentation.

Commissioner Reddi encouraged the community to attend an African Cultural event hosted by the African Student Union at City Auditorium on April 25, 2015, from 4:00 p.m. to 8:00 p.m., and the Flint Hills Festival on Sunday, April 26, 2015, from 12:00 (noon) to 6:00 p.m., at the Flint Hills Discovery Center. She also highlighted the Rotary Peace Forum hosted by the Rotary Club of Manhattan and the Manhattan Konza Rotary Club to be held on May 9, 2015, from 11:30 a.m. to 1:30 p.m., at the Four Points by Sheraton Hotel. She encouraged those interested to contact her for additional information.

Commissioner McCulloh recognized her family and grandchildren in attendance.

Mayor Butler highlighted the Greater Manhattan Community Foundation Grow Green Match Day event on April 22, 2015, from 7:00 a.m. to 7:00 p.m. He encouraged those interested in supporting nonprofit groups and receiving a match of 50 percent to contact the Community Foundation on Wednesday, April 22, 2015, at the Colony Square atrium or make your financial contributions online via the Community Foundation website.

MINUTES

Commissioner McCulloh moved to approve the minutes of the City Commission Meeting held on April 7, 2015. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

RE-ORGANIZATION

Mayor Butler provided several highlights and accomplishments during his term as Mayor. He expressed his appreciation for the support received from his wife, Mary Ann and for her assistance in decorating the fire truck for the annual Mayor's parade. He also thanked his fellow Commissioners and City staff for a team effort to accomplish many important goals during the year.

Commissioner Jankovich acknowledged and thanked his children, his parents, and especially his wife, Caroline, for their support and sacrifices that were made. He also recognized his campaign crew for their great work, his fellow Commissioners, and the

RE-ORGANIZATION (CONTINUED)

citizens of Manhattan during his tenure as a City Commissioner. He highlighted the efforts of the Wildcat Creek Working Group in making changes to reduce flooding hazards within the city, the Manhattan Regional Airport, and the many projects that have been completed or are in the process of making positive impacts for the community. He wished the new Commissioners well and thanked City staff for their efforts, guidance, and patience. Finally, he stated that he is truly humbled to have had the honor and opportunity to serve as City Commissioner and has gained a greater respect for the city and what makes us special.

Commissioner Matta thanked City Manager Ron Fehr, City staff, and the citizens of Manhattan. He stated that when he ran for City Commission four years ago, it was his desire to be forthcoming during his tenure on the Commission and to ensure that the public knew where he stood on important issues. He encouraged the new Commissioners to trust the people of Manhattan and to remember that government that governs best, governs least.

Gary Fees, City Clerk, administered the Oath of Office to Commissioners-elect Linda Morse, Michael L. Dodson, and Wynn Butler.

Gary Fees, City Clerk, called for the election of the new Mayor. Commissioner Usha Reddi moved that Commissioner Karen McCulloh be appointed to serve as Mayor until the second legislative meeting in April 2016. Commissioner Linda Morse seconded the motion. On vote, motion carried 5-0.

Newly elected Mayor Karen McCulloh called for the election of the new Mayor Pro-Tem. Commissioner Linda Morse moved that Commissioner Usha Reddi be appointed to serve as Mayor Pro-Tem until the second legislative meeting in April 2016. Commissioner Michael Dodson seconded the motion. On vote, motion carried 5-0.

Newly elected Mayor Karen McCulloh and City Manager Ron Fehr recognized Wynn Butler with a plaque and framed photos commemorating his term as Mayor and presented Commissioners Richard Jankovich and John Matta with plaques, framed photos, and engraved candy dishes to their spouses commemorating their terms in office.

Newly elected Mayor Karen McCulloh thanked everyone for coming and welcomed incoming Commissioners Linda Morse and Michael Dodson as well as Commissioners Usha Reddi and Wynn Butler. She highlighted significant achievements, initiatives, and perspectives for the upcoming year. She also addressed concerns with the current state fiscal situation, but voiced the need for Manhattan to stay positive, to build community

RE-ORGANIZATION (CONTINUED)

engagement, to focus on the safety and general welfare of the community, and the need for greater community involvement. She stated that local government in Manhattan is responsive, efficient, and proactive. Finally she looked forward to working with the Commission, City staff, and the citizens of Manhattan.

At 7:46 p.m., the Commission took a brief recess.

CONSENT AGENDA

(* denotes those items discussed)

CLAIMS REGISTER NO. 2790

The Commission approved Claims Register No. 2790 authorizing and approving the payment of claims from April 1, 2015, to April 14, 2015, in the amount of \$4,518,010.25.

LICENSE

The Commission approved an annual Cereal Malt Beverages Off-Premises License for Hy-Vee #1398, 601 3rd Place.

FINAL PLAT – MERCY REGIONAL HEALTH CENTER

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Mercy Regional Health Center, a Commercial Planned Unit Development, generally located to the southwest of the intersection of Kimball Avenue and College Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 7133 – REZONE – COURTYARDS AT LHM PUD

The Commission approved Ordinance No. 7133 rezoning the Courtyards at LMH PUD, generally located southwest of the intersection of Miller Parkway and Loma Ridge Drive, from R-3/AO, Multiple-Family Residential District with Airport Overlay District, to PUD/AO, Residential Planned Unit Development with Airport Overlay District, based on the findings in the Staff Report with the seven (7) conditions of approval recommended by the Manhattan Urban Area Planning Board (*See Attachment No. 1*).

FIRST READING – INSTALL STOP SIGN – TAMARAK DRIVE AND ARBOR DRIVE

The Commission approved first reading of an ordinance authorizing the installation of a southbound stop sign at the east intersection of Tamarak Drive and Arbor Drive.

CONSENT AGENDA (CONTINUED)

FIRST READING – NO PARKING ZONE – HILLVIEW DRIVE

The Commission approved first reading of an ordinance designating a “No Parking Zone” from the north side of Hillview Drive beginning at the Intersection with College Avenue, proceeding to a point 145 feet west of the centerline of College Avenue along the north curb line.

KDOT APPLICATION – GEOMETRIC IMPROVEMENT PROGRAM – KIMBALL AVENUE AND TUTTLE CREEK BOULEVARD INTERSECTION

The Commission authorized City Administration to complete and submit an application to the Kansas Department of Transportation for the Geometric Improvement Program for intersection improvements at U.S. 24/Tuttle Creek Boulevard and Kimball Avenue for fiscal year 2018.

AGREEMENT – PROFESSIONAL SERVICES – WATERSHED ANALYSIS, PHASE II, DOWNTOWN WATERSHEDS (SM1405, CIP #SW058P)

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$174,540 with AMEC Foster Wheeler Environment and Infrastructure, Inc., of Topeka, Kansas, for professional services for the Watershed Analysis, Phase II, Stormwater Downtown Watersheds (SM1405, CIP # SW058P).

AWARD CONTRACT – CURED-IN-PLACE PIPE SEWER LINING PROJECT (SS1504)

The Commission awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$382,392.67 with Insituform Technologies USA, LLC, of Chesterfield, Missouri, for the 2015 Cured-in-Place-Pipe Sewer Lining Project (SS1504).

AWARD CONTRACT – SANITARY SEWER MANHOLE REHABILITATION PROJECT (SS1503)

The Commission awarded and authorized the Mayor and City Clerk to execute a contract in the amount of \$53,800 with Mayer Specialty Services, LLC, of Goddard, Kansas, for the Sanitary Sewer Manhole Rehabilitation Project (SS1503).

* AWARD CONTRACT – STREET MAINTENANCE ASPHALT PROJECT (ST1506)

Rob Ott, Director of Public Works, responded to questions from the Commission regarding parking restrictions on the street, pavement restriping, and safety considerations. He also provided information on efforts to better educate bicyclists and motorists on the use of bike routes and sharing the road.

CONSENT AGENDA (CONTINUED)

* **AWARD CONTRACT – STREET MAINTENANCE ASPHALT PROJECT (ST1506) (CONTINUED)**

The Commission awarded and authorized the Mayor and City Clerk to execute a construction contract in the total amount of \$423,820 (\$275,393 for Part A-Westwood Road, Sunset Avenue, and 14th Street; \$135,825 for Part B-Mill and Overlay on Dickens Avenue; and \$12,600 for Part C-Kimball Avenue Pavement Marking) to Shilling Construction Co., Inc., of Manhattan, Kansas, for the Asphalt Street Maintenance (ST1506) project.

AWARD CONTRACT – STREET MAINTENANCE CONCRETE PANEL REPLACEMENT PROJECT (ST1505)

The Commission awarded and authorized the Mayor and City Clerk to execute a construction contract to Pavers, Inc., of Salina, Kansas, in the amount \$346,787.16, for the Concrete Street Maintenance project (ST1505).

AWARD CONTRACT – SCENIC MEADOWS, UNIT 3, PHASE 3 – STREET IMPROVEMENTS (ST1421)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$419,234.50; awarded a construction contract in the amount of \$359,163.38 to Kolde Construction Company, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for Scenic Meadows, Unit 3, Phase 3, Street Improvements (ST1421).

AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 1525 NICHOLS STREET

The Commission accepted the bids for 1525 Nichols Street and awarded the bid to Ben Kitchens Painting Co., Inc., of Junction City, Kansas; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owners for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 2428 CHAROLAIS LANE

The Commission accepted the bids for 2428 Charolais Lane and awarded the bid to Economy Carpentry Painting & Concrete, of Manhattan, Kansas; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owners for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

CONSENT AGENDA (CONTINUED)

AGREEMENT – USE OF PRIVATE FUNDS – FLINT HILLS BREADBASKET IMPROVEMENTS PROJECT (CD1415)

The Commission authorized the Mayor and City Clerk to execute an agreement with the Flint Hills Breadbasket for the use of \$7,699.00 in private funds provided by the Flint Hills Breadbasket (CD1415).

CHANGE ORDER NO. 1 - FLINT HILLS BREADBASKET IMPROVEMENTS PROJECT (CD1415)

The Commission authorized the Mayor and City Clerk to execute Change Order No. 1 resulting in a net increase in the amount of \$19,346.00 to the contract with Ron Fowles Construction, of Manhattan, Kansas, for Bid Alternate No. 1 (fan installation and electrical modifications in the warehouse for preserving shelf stable foods) for the Flint Hills Breadbasket Improvements Project (CD1415).

CHANGE ORDER NO. 2 – INTERLACHEN ADDITION, UNIT 2 – SANITARY SEWER IMPROVEMENTS (SS1318)

The Commission approved Change Order No. 2 for the Interlachen Addition, Unit 2, Sanitary Sewer Improvements project (SS1318), resulting in a net increase in the amount of \$44,707.21 (+2.46%) to the contract with J&K Contracting, LC, of Junction City, Kansas, for the additional sanitary sewer infrastructure.

CHANGE ORDER NO. 23 – 2012-2013 WATER AND SANITARY SEWER IMPROVEMENTS PROJECT (WA1309)

The Commission approved Change Order No. 23 for the 2012-2013 Water and Sanitary Sewer Improvements project (WA1309) for the water main replacement on Westwood Road, resulting in a net increase in the amount of \$88,880.00 (+4.7%) to the contract with J&K Contracting, LC, of Junction City, Kansas.

After discussion and comments from the Commission, Commissioner Reddi moved to approve the consent agenda. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING - AMEND PRELIMINARY DEVELOPMENT PLAN - TRAILS AT MANHATTAN, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He stated that the Manhattan Urban Area Planning Board unanimously approved the item and provided an update on the revised memorandum and proposed motion. He then responded to questions from the Commission regarding the proposed pond, whether or not a fence is proposed to be constructed around the pond, and provided additional information on the number of bedroom units and parking ratios.

Rob Ott, Director of Public Works, responded to questions from the Commission regarding safety concerns due to a lack of a fence provided in the plans around the detention pond. He provided examples of other ponds and wet detention basins in the community that do not have fences around the ponds and detention basins.

Eric Cattell, Assistant Director for Planning, provided clarification on the flood map and presented a map of subject area.

Mayor McCulloh opened the public comments.

Hugh Jarrett, Lindsay Management, representing the Applicant, informed the Commission that they were planning to include a fence between the pond and the apartment buildings and stated that the insurance company will require that. He provided additional information on the number of parking stalls and ratio of units. He stated that this ratio is working well at other locations for the company. He then responded to questions from the Commission about working with Flint Hills ATA Bus for transportation needs of the tenants.

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

After further discussion and comments from the Commission, Commissioner Reddi moved to accept the recommendation of the Planning Board with the understanding that a clerical error exists as to the number of dwelling units in documents previously submitted; modified and amended the clerical error to the accurate number of units as set forth in the currently Corrected Staff Report, subject to a 2/3 majority vote of this Governing Body as authorized by KSA 12-757; and approved first reading of an ordinance amending Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and approving the Final Development Plan, to be known as The Links at Manhattan Residential Planned Unit Development, generally located 1,000 feet to the west of the intersection of Casement Road and Marlatt Avenue on the north side of Marlatt Avenue, based on the findings in the Corrected Staff Report (*See Attachment No. 2*), with the ten conditions as corrected, and adding an eleventh condition as follows:

GENERAL AGENDA (CONTINUED)

FIRST READING - AMEND PRELIMINARY DEVELOPMENT PLAN - TRAILS AT MANHATTAN, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT (CONTINUED)

11. A fence shall be provided around the retention/detention containment pond.

Commissioner Butler seconded the motion, with the additional requirement for a fence to be included around the containment pond.

Commissioner Morse stated that she was a former member of the Manhattan Urban Area Planning Board and had heard the information and facts on the zoning matter previously presented; that the facts she considered voting in favor of or against recommending the zoning action as a board member of the Planning Board are the same in her new decision to vote on the zoning action item as a newly elected Commissioner; and that she believes her new decision is being made impartially even though she had heard some or all the facts previously as a former member of the Planning Board and asked that her statement be included as part of the official record and, stated that her decision is based on the facts presented to the City Commission this evening and is impartial.

After concurrence on the additional condition, on a roll call vote, motion carried 5-0.

FIRST READING - AMEND FINAL DEVELOPMENT PLAN - LOT 1, MANHATTAN PLAZA COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD)

Eric Cattell, Assistant Director for Planning, presented the item and responded to questions from the Commission.

Jeff Berg, Linden Street Real Estate Partners, responded to questions from the Commission regarding the traffic flow and accommodations for parking. He also provided clarification that the owner of the land is Home Depot and they are selling a portion of the land to them for the development.

Eric Cattell, Assistant Director for Planning, responded to additional questions from the Commission regarding the traffic flow impact and entrance off Seth Child.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

GENERAL AGENDA (CONTINUED)

FIRST READING – AMEND FINAL DEVELOPMENT PLAN - LOT 1,
MANHATTAN PLAZA COMMERCIAL PLANNED UNIT DEVELOPMENT
(PUD) (CONTINUED)

After discussion and comments from the Commission regarding the item, Commissioner Reddi moved to approve first reading of an ordinance amending Ordinance No. 6263 and the approved Final Development Plan of Lot 1, Manhattan Plaza Commercial Planned Unit Development, generally located east of Seth Child Road, north of the Riley County Law Enforcement Center, based on the findings in the Staff Report, subject to the three (3) conditions recommended by the Planning Board (*See Attachment No. 3*). Commissioner Dodson seconded the motion.

Commissioner Morse stated that she was a former member of the Manhattan Urban Area Planning Board and had heard much of the same information and facts on the zoning matter previously presented; that the facts she considered voting in favor of or against recommending the zoning action as a board member of the Planning Board are the same in her new decision to vote on the zoning action item as a newly elected Commissioner; and that she believes her new decision is being made impartially even though she had already heard some or all the facts previously as a former member of the Planning Board and asked that her statement be included as part of the official record and, stated that her decision is based on the facts presented to the City Commission this evening and is impartial.

On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:36 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

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

BACKGROUND

FROM: R-3/AO, Multiple-Family Residential District and Airport Overlay District

TO: The Courtyard at LMH PUD, Residential Planned Unit Development and AO, Airport Overlay District.

OWNERS: Perfection Signature Properties, LLC

APPLICANT: MKEC Engineering

DATE OF NEIGHBORHOOD MEETING: January 14, 2015

DATE OF PUBLIC NOTICE PUBLICATION: March 2, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: March 23, 2015

CITY COMMISSION: April 6, 2015

LEGAL DESCRIPTION: Lots 13 – 28, Lee Mill Heights, Unit 8 and the rights-of-way of Laussac Circle and Leyden Circle.

LOCATION: Generally located to the southwest of the intersection of Miller Parkway and Loma Ridge Drive, or 150 northwest of the intersection of Lochenshire Drive and Miller Parkway.

AREA: 8.78 acres (382,456 square feet)

PROPOSED USES: Twenty-four (24) single-family detached dwellings on individual lots. The development is described as a “zero lot line patio home development.” Zero lot line developments are laid out so that homes are spaced closer than typical, in this case at least ten (10) feet from each home (a minimum of 5 feet from the side property line), and designed so that each home has a private courtyard located near the rear of the home. See Figure 1 for a visual example of the development’s design.



Figure 1

PROPOSED BUILDINGS AND STRUCTURES: As previously mentioned, the proposed development is designed as “zero lot line patio homes.” The premise of the development design is to have narrow side yard setbacks (5 feet from the side property line) to maximize developable areas. Near the rear of each house is a private courtyard, including indoor, covered and outdoor space that is adjacent to a blank wall of the adjoining home.

The proposed develop is created to allow individual property owners the ability to select one (1) of seven (7) home designs. The applicant describes the home designs as “European County theme.” Each design has variations of the entry way to the home and exterior materials and floor plans. The exterior material pallet ranges from limestone veneer, lap siding and/or vinyl rough split shake siding.

The homes range in size from approximately 1,170 square feet in area up to approximately 3,300 square feet in area, depending on home design options, such as den/office, covered patio or a 4-season sitting room. Each home is a two-bedroom, two-bathroom, and 2-car design with variations of the size and location of kitchen, living rooms, courtyard area and the optional living spaces, such as the den/office area. Depending on the lot configuration, some homes may have a 3-car garage.

Attachment No. 1

The proposed lots range in size from 7,316 square feet (0.17 acres) to 41,866 square feet (0.96 acres). The lots backing onto Miller Parkway will be slab on grade construction, with the option of an above ground storm shelter. The lots to the south of the proposed Lichen Lane may have walkout basements to take advantage of the existing grades in that area.

The proposed Residential PUD is being designed to provide home buyers the maximum flexibility possible to pick a home model and create the outdoor space to their liking.

PROPOSED LOT COVERAGE

Use	Square Feet	Percentage
Building	83,402	24.89%
Lots 1 – 12		36.9%
Lots 13 – 24		18.7%
Street ROW	45,422	11.9 %
Private Yard Area	252,136	65.9%
Open Space (Reserve A, B, & C)	1,496	0.39%

PROPOSED SIGNS

The proposed development will have 2 sign at the main entrance at the intersection of Lichen Lane and Miller Parkway. A 16 foot x 3 foot (48 square foot) externally illuminated sign consisting of pin mounted lettering on a limestone slab measured at approximately 20 foot by 10 foot (200 square feet) is proposed in Tract B. This sign will be in a landscape area with a low stone planter wall and surrounded by landscaping.

The second sign will be in Tract A and will consist of a 1.5 foot x 1.5 foot (3 square foot) externally illuminated sign hanging from a limestone column. The column will be approximately 8 feet tall. According to the application documents, the sign and column is to be landscaped with native grasses. The location of the sign has been reviewed to ensure that it will not cause any traffic issues due created by obstructing the line of sight for vehicles, bicycles and pedestrians.

In addition to the proposed signs, the City Administration is recommending that the signage allowed for low density residential districts in Section 6-201 and the applicable exempt signage listed in Section 6-102(A)(2) be permitted (see attached). The proposed PUD essentially consists of single-family detached homes, so City Administration proposes to regulate signage accordingly.

PROPOSED LIGHTING: The application documents state that “The PUD proposes similar street lighting fixtures as implemented by surrounding single-family developments. It is anticipated that there will be only one street light along Lichen Lane. In addition to the street light, the proposed signage at the entrance to the development will use external lighting.

SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

- 1. LANDSCAPING:** Landscaping will consist of trees and shrubs along Miller Parkway to screen the development from the adjacent collector street and the adjacent neighborhoods from the proposed development. The landscape screening will consist of deciduous shade trees, ornamental deciduous, evergreen trees and bushes. The City’s Park and Recreation Department has reviewed the landscape plan and finds its design and proposed plant materials acceptable.

The proposed development is to consist of owner-occupied single-family detached homes. The design of the lot and the home, with the private courtyard area allows for home owners to landscape their property to their preferences. Considering this unique factor of the development, City Administration has not requested landscaping plans for these private areas. The application materials show sample designs, but they should not be considered as the final landscaping plan.

A Condition of Approval is that a landscape performance will be required at the time development. Because of the unique conditions of the owner-occupied areas, the landscape agreement will be only for the areas along Miller Parkway and the landscape areas in Tract A, B & C at the intersection of Miller Parkway and Lichen Lane.

- 2. SCREENING:** As previously described, a mix of deciduous and evergreen trees and bushes will be used to screen the proposed development from the traffic along Miller Parkway and provide a landscape buffer from the adjacent homes in the area.

Screening of the private courtyards for individual homes will occur through the design of the zero-lot line development. The blank wall of the adjacent property will define and screen the private courtyard from the neighbor and the rest of the area.

The storing or screening of individual trash containers will be done in a manner similar to other single-family homes throughout the City.

Attachment No. 1

- 3. DRAINAGE:** The subject site drains to the south into the Eureka Valley Floodplain, which in turn drains to the Kansas River.

The subject site was originally Lot 24, Lee Mill Heights Addition, Unit Four, which was preliminary platted in 2007 as part of Lee Mills Heights, Phase Two preliminary plat. Most recently the development area was replatted to be Lots 13 – 28, Lee Mill Heights, Unit Eight.

Schwab-Eaton, P.A. conducted a drainage study for the approved preliminary plat of Lee Mill Heights, Phase Two (2007 document attached). The area associated with the preliminary plat was included in the original and revised drainage study of Lee Mill Heights, Phase Two. The drainage plan for this area was to collect stormwater runoff in a detention basin to the southeast that was created with the Grand Bluff at Mill Pointe subdivision.

The originally plat Lot 24 was intended for a multiple-family development, but no development plans was ever publicly presented. The developer did create a restricted covenant that limited the number of dwelling on the original lot to be no more than 11 dwelling units per net acre. The final plat of Lee Mill Heights Addition, Unit Eight created 16 single-family lots and 2 cul-de-sacs in this area, with an overall residential density of 2.35 dwelling units per net acre. The proposed development creates 24 single-family detached homes in a development pattern that is new to Manhattan. The net density of the proposed development is 3.1 dwelling units per net acre.

The proposed development and modifications to the layout of the streets, lots and easements do not alter the findings of the initial drainage studies. The stormwater runoff will still go to the existing detention basin to the southeast. The City Stormwater Engineer (memo attached dated March 18, 2015) has reviewed the proposed development and accepts the findings in the drainage report and proposed stormwater drainage plan. The Stormwater Engineer has commented that existing storm sewer pipes within the development will need to be approved to reduce the effects of erosion. Water quality best management practice requirements will be required to be addressed at the time of the Final Development Plan of the PUD.

- 4. CIRCULATION:** Access to the proposed development will occur on a new local residential street, Lichen Lane. Lichen Lane is shown to be a 31 foot wide street within a 50 foot wide right-of-way. The new local residential street will intersect with Miller Parkway to the east and Loma Ridge Drive to the west. Both street intersections are aligned with adjacent streets. Access onto Miller Parkway will be prohibited.

Off-street Parking: The building plans for the proposed single-family development shows two-car wide driveway leading to two-car attached garages for each home. The Off-street parking requirements of the Zoning Regulations for single-family dwellings require at least 2 off-street parking spaces for each dwelling. The proposed development meets the minimum parking requirements for the development type.

Pedestrian and Bicycle Access: A 5 foot wide sidewalk is proposed on the south side of Lichen Lane. The preliminary development plans also shows a 5 foot wide sidewalk along the east side of Loma Ridge Drive. This sidewalk will provide a pedestrian connection to the new City park area to the southwest of the development. A sidewalk exists on both sides of Miller Parkway. The sidewalks proposed with the development will connect to the existing sidewalks on Miller Parkway.

Bicycle lanes are present along both sides of Miller Parkway. Bicycle facilities are not required along local residential streets. No bicycle lanes are proposed along Lichen Lane or Loma Ridge Drive.

The applicant has submitted a traffic analysis comparing the traffic anticipated to be generated from the site based on a multiple-family development with the limit of 11 dwelling units per net acre (as originally envisioned and planned for the development) to the proposed development of 24 single-family homes. The applicant's analysis found that the original multiple-family development would generate 645 trips ends per average weekday and 39 trip ends in the peak P.M. hour. The proposed single-family development would generate 6.63 trip ends per average weekday and 15 trips during the peak P.M. hour. The analysis concluded that "the proposed development would have much less traffic impact than a higher density multi-family development that could be built under the existing zoning."

The Director of Public Works has reviewed the development plans and the traffic analysis and accepts its findings (*see attached memo*). The Director is not requiring any additional development requirements or restrictions.

- 5. OPEN SPACE AND COMMON AREA:** Three reserved areas are proposed at the intersection of Miller Parkway and Lichen Lane. These reserved areas are common areas dedicated to landing and signage for the development. The improvements in these areas will be the responsibility of the Home Owners Association of the development.

- 6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood can be characterized as a developing residential area of the city with a majority of the property being single-family detached homes. There are single-family attached dwelling and multiple-family dwellings designed as townhomes to the north and east of the subject site. The single-family residential lots range from 8,700 square feet to 29,000 square feet in area, with the average lot size being around 20,000 square feet.

THIRTEEN MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

- 1. EXISTING USE:** Undeveloped land that has been platted for 16 single-family detached homes.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The subject site is typical Flint Hills land form, with native grasses. The subject site is to the southwest of Miller Parkway. The area immediately adjacent to the Miller Parkway significantly slopes to the southwest to a natural ravine where it drains to the Eureka Valley floodplain. The site is in the Conical Zone of the Manhattan Airport.
- 3. SURROUNDING LAND USE AND ZONING:**

NORTH: Miller Parkway right-of-way, Single-family homes in Lee Mill Heights Additions, Units Four, Seven and Eight; R-1, Single-Family Residential District

SOUTH: Agricultural and steep slope; AG, Agricultural District.

EAST: Single-family homes in Lee Mill Heights Additions, Units Four; R-1, Single-Family Residential District

WEST: Single-family homes in Lee Mill Heights Additions, Units Seven; R-1, Single-Family Residential 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 subject site is currently zoned R-3, Multiple-Family Residential District and was platted into 16 single-family residential lots in 2012. The current lot configuration complies with the R-3 District.

- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The subject site is in a growth area of the City. Increase in light, noise and traffic are expected, which will be similar to that generated by the surrounding single-family residents.

The proposed PUD creates a single-family detached development with design characteristics currently unique to Manhattan, but has been created in other areas of Kansas. The design of each home creates narrow side yard setbacks (5 feet from the side property line) to maximize developable areas. Near the rear of each house is a private courtyard, including indoor, covered and outdoor space that is adjacent to a blank wall of the adjoining home. The purpose of the rezoning request to Residential Planned Unit Development is to allow for an efficient way to approve the development design. The PUD also provides assurance that the public landscaping will be installed as proposed. The alternative to the PUD process would be to have each property apply to the Board of Zoning Appeals to reduce the minimum side yard setback of the Zoning District.

The proposed use of the rezoning request is identical the surrounding neighborhood. The unique development characteristics of the single-family development should not be detrimental to the surrounding residential properties.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The subject site is shown on the March, 2015 Manhattan Urban Area Comprehensive Plan Future Land Use Map in the Southwest Planning Area as Residential Low to Medium (RLM) Density. A large portion of the site is in the conical zone of the Manhattan Regional Airport. The AO District will be added as an Overlay District with the rezoning to those parts within the conical zone. (note: the 2003 Comprehensive Plan shows the subject site as RLM density also)

RLM policies include:

RLM-1: Characteristics

The Residential Low to 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 policies for 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 to Medium Density designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM-3: Location

Residential Low to Medium Density neighborhoods typically should be located where they have convenient access to and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including parks, schools, shopping areas, transit 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 recreational activities. The Residential Low to Medium Density designation includes most established neighborhoods outside of the core area as well as future residential growth areas to the west and east.

RLM-4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of architectural styles is strongly encouraged in all new development, particularly when a single housing type (e.g., detached single-family) is prevalent.

The proposed development creates 24 single-family detached lots on the 8.78 acre subject site. The net residential density is 3.1 dwelling units per net acres. The proposed development reaches RLM policy #4 by creating a new style of single-family residential development to the predominately traditional single-family detached homes. The proposed rezoning conforms to the Comprehensive Plan.

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

- | | |
|---------------|---|
| May 21, 2007 | MUAPB holds public hearing and considers annexation, rezoning and Preliminary Plat of Lee Mill Heights Addition Unit Four. MUAPB recommends approval of annexation and rezonings (R-1/AO, R-3/AO and R-3), and approves Preliminary Plat with conditions. |
| June 19, 2007 | City Commission approves first reading of ordinances annexing and rezoning Lee Mill Heights, Unit Four. |
| July 3, 2007 | City Commission approves Ordinance No. 6629 and 6630 annexing and rezoning Lee Mill Heights, Unit Four. |
| July 16, 2007 | MUAPB approves the Final Plat of Lee Mill Heights Addition, Unit Four, on a vote of 5-0. |

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- October 16, 2007 City Commission accepts the easements and rights-of-ways as shown on the Final Plat of Lee Mill Heights Addition, Unit Four.
- February 23, 2012 MUAPB holds public hearing approves the Preliminary Plat of Lee Mill Heights Addition Unit Eight, which consists of Lots 1 and 24, Lee Mill Heights, Unit Four.
- April 16, 2012 MUAPB approves the Final Plat of Lee Mill Heights Addition, Unit Eight, on a vote of 5-0.
- May 1, 2012 City Commission accepts the easements and rights-of-ways as shown on the Final Plat of Lee Mill Heights Addition, Unit Eight.

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

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

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

Through the PUD rezoning process, the intent and purpose of the Zoning Regulations are met. The PUD provides for the efficient land use that is also in harmony with the area's residential density. The PUD process also offers conditions to the development that will protect the health, safety and general welfare of the community and protect property values. Subject to the conditions of approval, the proposed amendment 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. Traffic increases can be adequately handled by Marlatt Avenue and pedestrian safety is accommodated. Public utilities and facilities can be extended to adequately serve the subdivision, and most importantly, fire and emergency service protection. 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 currently available to serve the development.

12. OTHER APPLICABLE FACTORS:

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of The Courtyards at LMH Residential Planned Unit Development from R-3/AO, Multiple-Family Residential District and Airport Overlay District to PUD/AO, Residential Planned Unit Development and Airport Overlay District, with the following conditions of approval:

- 1) The Permitted Use shall be Single-Family Residential.
- 2) A maximum of 24 total single-family detached dwelling units shall be allowed.
- 3) Signage on Tracts A, B and C as proposed in the application documents shall be allowed.
- 4) Signage for low to medium density residential districts as described in Article VI, Section 6-201 shall be permitted.
- 5) Exempt signage shall include signage described in Article VI, Section 6-102(A)(2)(a), (b), (c), (e), (i), (k), and (l).
- 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.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of The Courtyards at LMH Residential Planned Unit Development from R-3/AO, Multiple-Family Residential District and Airport Overlay District to PUD/AO, Residential Planned Unit Development and Airport Overlay District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of The Courtyards at LMH Residential Planned Unit Development from R-3/AO, Multiple-Family Residential District and Airport Overlay District to PUD/AO, Residential Planned Unit Development and Airport Overlay District, 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.

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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 Courtyards at LMH Residential Planned Unit Development from R-3/AO, Multiple-Family Residential District and Airport Overlay District to PUD/AO, Residential Planned Unit Development and Airport Overlay District, based on the findings in the staff report, with the seven (7) conditions recommended by City Administration.

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

DATE: March 11, 2015

**CORRECTED STAFF REPORT
AMENDMENT OF THE TRAILS AT MANHATTAN, RESIDENTIAL PLANNED
UNIT DEVELOPMENT DISTRICT (PUD) AND ORDINANCE NO. 7094**

REQUEST: The applicant/owner has requested an amendment of the Trails at Manhattan, Residential Planned Unit Development District (PUD) and Ordinance No. 7094, to allow a redesign of the proposed multiple-family apartment complex, consisting of 29 apartment buildings for a total of 614 dwelling units, accessory clubhouse with outdoor swimming pool, Foot-golf course, other recreation facilities and accessory parking lots. The PUD amendment will be in the form of a Final Development Plan. A separate Final Plat, The Links at Manhattan PUD plats the unplatted tract into one Lot and dedicates utility easements, drainage easements and Marlatt Avenue right-of-way (see separate Final Plat staff memorandum).

The proposed Final Development Plan renames The Trails at Manhattan PUD to The Links at Manhattan PUD.

BACKGROUND

APPLICANT: Blew & Associates, PA
524 W. Sycamore, Suite 4, Fayetteville, AR 72703

OWNER: The Links at Manhattan
PO Box 13000, Fayetteville, AR 72703

LOCATION: Generally located 1,000 feet to the west of the intersection of Casement Road and Marlatt Avenue on the north side of Marlatt Avenue.

AREA: Approximately 37.60 acres. 1.36 acres of the area is proposed to be dedicated as Marlatt Avenue right-of-way.

DATE OF NEIGHBORHOOD MEETING: June 26, 2014

DATE OF PUBLIC NOTICE PUBLICATION: July 28, 2014

DATE OF PUBLIC HEARING: PLANNING BOARD: August 18, 2014
CITY COMMISSION: September 2, 2014

EXISTING PUD

Ordinance

Ordinance No. 7094 was adopted by the City Commission on September 16, 2014 and rezoned The Trails at Manhattan Residential Planned Unit Development from County G-1, General Agricultural District, and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development District.

Conditions of Approval

1. The Permitted Use shall be Multiple-Family Residential.
2. A maximum of 722 total dwelling units shall be allowed.
3. A maximum of 480, one-bedroom; 241, two-bedroom; and 1, three-bedroom dwelling units shall be allowed.
4. The lowest enclosed floors of all structures in the development shall be at least 1,022 feet. *This condition was created to ensure that the proposed development was adequately protected from flooding on the Big Blue River and meet the City's new Floodplain Regulations.*
5. A private cross-access easement shall be filed between the applicant and the two (2) adjacent single-family residential property owners before the application of the Final Development Plan and Final Plat that outlines the long-term agreement for the shared driveway on the western side of the development. *The Preliminary Development Plan site plan showed a shared driveway between the development site and the two (2) adjacent single-family homes to the west of the site. The shared driveway was done in response to the City's requirements for driveways and streets intersecting an arterial street be no closer than 500 feet to each other. The condition was created to ensure that the site was developed as proposed to meeting the requirement.*
6. An agreement outlining the on-going maintenance responsibility and enforcement rights of the City for the drainage easements and detention areas shall be created and approved by the City prior to completion the Final Development Plan and Final Plat.
7. A minimum 6-foot-tall sight-obscuring fence shall be constructed along the western property line and a fence on the east perimeter of the site.
8. Prior to issuance of a building permit for the 30th building of the proposed development, a study of the downstream capacity constraints of the Casement Interceptor Sanitary Sewer shall be provided by the property owner and approved by City Administration. *Future sewer capacity for the Casement Interceptor Sanitary Sewer infrastructure was a concern of the Public Works Department. At this time, capacity is present for the proposed development. Because the*

redesign site plan reduced the number of buildings that would require sanitary sewer service to 30, The Public Works Department has asked to remove this condition of approval.

9. Additional bike racks shall be provided in areas adjacent to apartment buildings and shall be shown on Final Development Plans.
10. 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.
11. All landscaping and irrigation shall be maintained in good condition.
12. The proposed walking trail or other type of ADA accessible sidewalk shall be extended to the edges of the development along Marlatt Avenue.
13. An eastbound left turn lane on Marlatt Avenue shall be provided at the western entrance and the design shall be submitted with the Final Development Plan for review and approval by the City. *The Preliminary Development Plan showed a main entrance onto Marlatt Avenue on the west side of the proposed development. Due to the amount of traffic and level of service of the proposed intersection, a left turn lane was proposed. The revised development plan eliminates this entrance and shifts the intersection to the east.*
14. The design of the pedestrian/bicycle crossing of Marlatt Avenue shall be submitted with the Final Development Plan for review and approval by the City.
15. A complete site illumination study shall be provided with the Final Development Plan.

PROPOSED AMENDMENT

Approved Development Plan

The applicant has completely redesigned the layout of the site. The original site consisted of 40 apartment buildings with 18 one-bedroom and two-bedroom units in each building. The total number of dwelling units was 720. A two-story clubhouse, with fitness room, office space, meeting space and other related amenities on the first floor and a two-bedroom and a three-bedroom dwelling unit on the second floor. Additional improvements include an outdoor swimming pool and accessory building for mechanical equipment and restrooms, recreation area, signage, surface parking, and landscaping. Other structures that are tentatively proposed are a mailbox pavilion for the housing of the mailboxes for the entire development, storage buildings and cabana. A large retention/detention basin was proposed on the west property line, generally in the middle of the development. This basin was to address stormwater detention requirements on the site and in the area, as well as being a source for fill material to elevate the site.

Proposed Amendment

The applicant has proposed a new site plan that reduces the total number of apartment buildings and dwelling units; adds a Foot-golf course around the perimeter of the site; consolidates the entrance into the development to the eastern edge of the development; and moves the retention/detention basin to the northern edge of the site. The revised site plan for the development is significant enough to require an amendment to the approved Planned Unit Development. Some of the conditions of approval are being revised or eliminated because of the redesign of the development (see page 14 below).

The new site plan shows 29 apartment buildings for a total of 614 dwelling units (349 two-bedroom units and 264 one-bedroom units) and a two-story clubhouse, with fitness room, office space, meeting space and other related amenities on the first floor and a two-bedroom and a three-bedroom dwelling unit on the second floor (Total of 614 dwelling units). Additional improvements include an outdoor swimming pool and accessory building for mechanical equipment and restrooms, recreation area, signage, surface parking, and landscaping. Other structures that are tentatively proposed are a mailbox pavilion for the housing of the mailboxes for the entire development, storage buildings and cabana.

A new amenity is being proposed around the perimeter of the development. The applicant has proposed a 9-hole Foot-golf course. The Foot-golf course will provide a recreational amenity to the tenants of the development, landscaping buffers to adjacent properties and provide additional space for stormwater management. The Foot-golf areas are depressions in the site and are being used for fill materials for the buildings. This area is being considered as dry detention basins for stormwater management and water quality measures.

The proposal to have a shared driveway with the single-family homes to the west became infeasible, so a redesigned entrance to the development is proposed. The new design is to create a divided entrance/exit for the site near the east property line. The site plan shows that both the entrance and exit would have 2 driving lanes for appropriate through and turning movements. The entering traffic would have a through lane to travel to the northern buildings and a left turn lane to the apartments on the southern side of the development. The exiting traffic will have a dedicated left and right turn lane for movements onto Marlatt Avenue. Improvements on Marlatt Avenue are being proposed to provide appropriate acceleration and deceleration lanes within the Marlatt Avenue right-of-way.

The other significant change to the site plan is the location, size and depth of the stormwater retention/detention basin. The basin has moved to the extreme north of the site. The basin is shown to be 50 feet deep with a bank slope of 3:1. A main purpose of the basin will be to provide onsite fill material to elevate the buildings to the minimum required elevation of 1022 feet. The basin will also manage the stormwater runoff from the site as well as runoff that drains from the adjacent properties to the northwest. In addition to the site draining to the basin, the Foot-golf area will also be used to manage stormwater runoff. More information on the drainage plan for the development is provided below.

Proposed Buildings, Structures, and Phasing

Apartment Buildings

Four (4) different building models are proposed for the development. The site plan references them as “Custom Deluxe III,” “Custom Deluxe III Big Boy,” “Classic Deluxe IV,” or “Classic Deluxe IV Big Boy.” The development will consist of:

Building Design	# of Buildings	# of Unit Types	Unit Types
Custom Deluxe III	6	6	1-bedroom
		12	2-bedrooms
Custom Deluxe III Big Boy	12	12	1-bedroom
		12	2-bedrooms
Classic Deluxe IV	8	6	1-bedroom
		12	2-bedrooms
Classic Deluxe IV Big Boy	3	12	1-bedroom
		12	2-bedrooms

Custom Deluxe III Building Design

The “*Custom Deluxe III*” building plans are 3-stories, approximately 42 feet in height. Each building will have a footprint of approximately 7,100 square feet. The building will house 12 two-bedroom units and 6 one-bedroom units. The one-bedroom units will have a kitchen, 1 bathroom and living room. The two-bedroom units will have a kitchen, 2 bathrooms and a living room. Stairwells on both the front and rear of the building will provide access to the upper floors of the development. The upper floors will have a balcony. The first floors will have a patio. The exterior materials of the building will be brick and hardi-board lap siding and composite material roofing.

Attachment No. 2

Custom Deluxe III Big Boy

The *Custom Deluxe III Big Boy* building plans are 3-stories, approximately 42 feet in height. Each building will have a footprint of approximately 8,800 square feet. The building type will house 12 two-bedroom units and 12 one-bedroom units. All units will have a kitchen, 1 bathroom and living room. Stairwells on both the front and rear of the building will provide access to the upper floors of the development. The exterior materials of the building will be brick and hardi-board lap siding and composite material roofing.

Classic Deluxe IV

The "*Custom Deluxe III* building plans are 3-stories, approximately 38 feet in height. Each building will have a footprint of approximately 5,600 square feet. The building will house 12 two-bedroom units and 6 one-bedroom units. The one-bedroom units will have a kitchen, 1 bathroom and living room. The two-bedroom units will have a kitchen, 2 bathrooms and a living room. Stairwells on both the front and rear of the building will provide access to the upper floors of the development. No balconies or patios are proposed with this building design. The exterior materials of the building will be brick and hardi-board lap siding and composite material roofing.

Classic Deluxe IV Big Boy

The *Custom Deluxe III Big Boy* building plans are 3-stories, approximately 38 feet in height. Each building will have a footprint of approximately 6,900 square feet. The building type will house 12 two-bedroom units and 12 one-bedroom units. All units will have a kitchen, 1 bathroom and living room. Stairwells on both the front and rear of the building will provide access to the upper floors of the development. No balconies or patios are proposed with this building design. The exterior materials of the building will be brick and hardi-board lap siding and composite material roofing.

Clubhouse

The clubhouse is two (2) stories tall (approximately 46 feet in height), with a footprint of approximately 5,800 square feet in area. The first floor will include a fitness room, business center, office and meeting spaces, a kitchen, two (2) tanning bedrooms and four (4) bathrooms. The second floor will consist of a two-bedroom dwelling unit, with a kitchen, two (2) bathrooms and a living room, and a three-bedroom dwelling unit with a kitchen, master bathroom, and a second bathroom and utility room. Both of these units will have balconies at the rear of the building.

Other Buildings

Other buildings proposed in the development include a mailbox pavilion, storage building, cabana and pool building, which include the mechanical equipment for the pools, restrooms and vending machines for the pool and recreation area. The site plan does not specifically show the location of these various structures. The details of these other structures are below.

Building	Height	Footprint	Materials
Mailbox pavilion	~17.5 feet	~ 270 sq. ft.	Brick, EIFS and composition roofing
Storage building	~ 18 feet	~ 1870 sq. ft.	Brick and composition roofing
Cabana	~ 15.5 feet	~ 620 sq. ft.	Brick, EIFS and composition roofing
Pool building	~ 14.5 feet	~ 2600 sq. ft.	Brick, EIFS and composition roofing

PROPOSED SIGN:

The application shows one (1) permanent double-faced sign on a brick veneer wall proposed in the median between the entrance and exit roadways for the development on Marlatt Avenue. The sign will be approximately four (4) feet tall by twenty-three (23) feet wide (total of 92 square feet in area) and include the development name and phone number. The application shows the sign to be externally illuminated. The brick wall where the sign is to be located is approximately forty (40) feet long and five (5) feet tall. The end caps of the walls will be approximately seven (7) feet tall and have decorative lights located on top of the caps.

Exempt signage shall be permitted as described in Article VI, Section 6-102(A)(2) (a),(b),(c),(g),(h),(i),(j),(l), (m), and (n) of the Manhattan Zoning Regulations.

PROPOSED LIGHTING:

The site plan shows light poles along the parking lots throughout the development. There will be typical residential building lighting. The Zoning Regulations requires that all lighting be shielded and fully cut off.

**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 intent of the PUD is to provide multiple-family apartment buildings and provide off-street parking at a ratio of approximately 1 parking space per bedroom. The overall intensity and density of the development has decreased. The approved Preliminary Development Plan showed 722 dwelling units in 40 apartment buildings, with a net density of 19.9 dwelling units per net acre. The proposed Final Development Plan shows 614 dwelling units in 29 apartment buildings for a net density of 16.9 dwelling units per net acre.

The approved Preliminary Development Plan provided off-street parking at a ratio of 1.01 parking spaces per bedroom. The Planning Board determined that the off-street parking that was provided was sufficient. Nine hundred and sixty four (963) bedrooms are proposed in the 614 dwelling units. One thousand and four (1,004) parking spaces are showing on the site. This results in an off-street parking ratio of approximately 1.04 spaces per bedroom.

The other elements of the proposed revisions to the site plan include a Foot-golf course and changes to the location of the retention/detention basin and access points to the development on Marlatt Avenue. The Foot-golf course will add to the amount of landscape and open space area, as well as an added amenity to the development. The Public Works Department approves of the location and new retention/drainage basin shown in the revised site plan. Both the Fire Department and the Public Works Department approve of the location and configuration of the new access point to the development.

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The proposed amendment is made necessary because of changes to the development, which requires a new layout. The change in the size, depth and location of the retention/detention basin is the result of the condition of approval that all buildings need to be at least 1022 feet in elevation to protect against the risk of flooding from the Big Blue River. The proposed basin is being used for fill material to elevate the building in addition to the stormwater benefits.

The change in the location and design of the access point to the development is because a private cross-easement between the developer and the 2 neighboring single-family homes to the west could not be agreed upon to create the shared driveway. Without the private cross-easement, the City was unwilling to allow the location of the western driveway into the development because it did not meet the access management standard of having at least 500 feet of separation from driveways or road intersections along an arterial road (Section 10-207(B)(2)).

These two factors, in part, created the re-design of the overall site plan.

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON. The proposed changes to the site plan are related to the need to elevate the proposed building higher to protect against the flood risks from the Big Blue River and the need to meet the access management standards of the Subdivision Regulations and the Manhattan Area Transportation Strategy. The Manhattan

Fire Department and the Public Works Department have reviewed the proposed access point to the development and approve of the location and design (see Circulation information below). Both of these standards are to protect the general health, safety and welfare and do not confer a special benefit to any person.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: Landscaping is functional for the site and consists of deciduous trees, bushes and shrubs and grass yard areas. The proposed Foot-golf course provides grass open throughout the site as an active recreational area. The trees, shrubs and bushes are dispersed throughout the development. Significant plant materials are proposed along Marlatt Avenue and the west property line to buffer the development from the roadway and screen/buffer the development, including its parking lot from the adjacent single-family homes to the west. The application materials state that the proposed landscaping will be irrigated by underground sprinklers. The applicant will be responsible for maintenance of landscaped areas.

2. SCREENING: Deciduous trees, shrubs and bushes are proposed to be planted along Marlatt Avenue and west property line to buffer the parking. The applicant has proposed a six (6) foot tall sight-obscuring fence be constructed on the west side of the development to reduce any potential negative impacts on existing residential properties. The MUAPB agreed to not require site-obscuring screening on the north and east property lines to meet the wishes of the neighboring property owner to the north and east. Trash dumpsters shown throughout the development are shown to be screened by a six (6) foot tall brick enclosure with solid screening gates.

The proposed swimming pool is to be enclosed by a five (5) foot tall wrought iron looking fence. This area is also to be buffered by deciduous shrubs and bushes.

3. DRAINAGE: The northern portion of the development is a natural drainage area from properties to the west. The development shows that the inflow of the stormwater runoff will enter the retention/detention basin at the northern edge of the property. This water will first go into an approximately 10 foot deep sedimentation basin to address water quality issues. From there, the water will flow into the larger basin. The outflow of the basin is on the east property line and consists of a 5 foot deep, concrete lined drainage channel to flow to the southeast corner of the property where it will go under Marlatt Avenue via a stormwater sewer pipe and drain into the Marlatt Ditch.

The basin is shown to be approximately 50 feet deep. Due to ground water levels, it can be expected that this basin will have a significant amount of water in it on a regular basis, and thus limit its amount of storage for stormwater. It can safely be assumed that the ground water level will be below 1015 feet, leaving approximately 5 feet of freeboard to manage the stormwater from the properties to the west.

The stormwater runoff from the development will be managed using the large retention/detention basin and two (2) dry detention basins that are the Foot-golf course areas in the center of the development and along the south, east and west property lines. Area inlets and underground stormwater pipes will direct stormwater runoff to these dry detention basins where the water will be detained until it drains to the channel lined ditch on the east property line or to the south towards Marlatt Ditch.

A drainage study was conducted by Blew & Associates, P.A., dated January, 2014. The drainage study analyzed the pre- vs. post-development conditions for the surrounding area and the proposed drainage basins on the site. The analysis conducted that the peak runoff for the 2-year, 10-year and 100-year storms were all decreased by the proposed drainage system.

State of Project Site	Storm Event		
	2 – year	10-year	100-year
Total Post	72.18 cfs	150.08 cfs	373.09 cfs
Total Pre	73.85 cfs	154.29 cfs	383.75 cfs
<i>Net</i>	<i>-1.67 cfs</i>	<i>-4.21 cfs</i>	<i>-10.66 cfs</i>

The City’s Stormwater Engineer has reviewed the drainage study and accepts its findings (*see attached memo*). The Stormwater Engineer is requiring that analysis of the stormwater quality will need to be performed using the City’s Post construction BMP manual (available online) to determine that the extended wet detention basin is functioning correctly. More detail including calculations will need to be provided on the design of the wet detention basin, following the post construction BMP design manual. City Administration is recommending a condition of approval that this analysis be provided before the Final Plat will be filed and before any building permits will be issued.

4. CIRCULATION: The internal circulation plan provides for safe, convenient and efficient movement of motorists and pedestrians. Two (2) curb cuts on to Marlatt Avenue, an arterial street were originally proposed. The western curb cut was shown to be a shared driveway with the adjacent neighbors to the west to meet the minimum requirements of Section 10-207(2)(b) of the Manhattan Subdivision Regulations and Manhattan Area Transportation Strategies, which requires a minimum of 500 feet of separation between driveways or street intersections on to the arterial roadway. The applicants have stated that this shared driveway is not able to be created.

Attachment No. 2

The new access plan is to create one (1) access point on the east side of the site to provide for ingress and egress of the site. Internal access is by parking drives, which are shown as Travel Easements, which are to be maintained by the applicant. The Final Development Plan shows that both the entrance and exit drives will consist of 2-lanes to provide for effective movement. The entering traffic would have a through lane to travel to the northern buildings and a left turn lane to the apartments on the southern side of the development. The exiting traffic will have a dedicated left and right turn lane for movements onto Marlatt Avenue. Improvements on Marlatt Avenue are being proposed to provide a dedicated left turn lane into the development. The improvements on Marlatt Avenue will also include a pedestrian refuge island in the middle of Marlatt Avenue near the left turn lane

The Traffic Study for the proposed PUD was prepared by Peters & Associates Engineers, Inc., dated March 9, 2015 (*see attachment*). The study determined that a total of approximately 314 new vehicle trips would be generated by the proposed development in the AM peak hour and approximately 381 new vehicle trips would be generated in the PM peak hour.

The Study also considered the projected traffic conditions for twenty (20) years in the future. Using the complete build-out of the PUD project and a two (2%) percent per year growth rate, the traffic study found that the current road network, including intersections would be adequate to handle the proposed development and community growth.

The Study concluded that the proposed development in its initial completion would not degrade the existing level of service at the existing intersections at Marlatt Avenue and Tuttle Creek Boulevard or Marlatt Avenue and Casement Road. The traffic study stated that although it was not warranted, a left-turn lane on Marlatt Avenue into the site is recommended at the access point to provide a safe turning movement into the development and to not impede eastbound through traffic on Marlatt Avenue.

The proposed Preliminary Development Plan shows approximately 70 feet of additional right-of-way on the north side of Marlatt Avenue to be dedicated to the City to construct such street improvements.

The City Engineer has reviewed the development plan and traffic study and accepts the findings of the traffic study, which concludes that trips generated by the development will not negatively impact the level of service of the roadway and area interactions. The City Engineer also accepts the recommendation that a left-turn lane be provided for the east board traffic at the western access into the site.

Pedestrian and Bicycle Access

Pedestrian traffic is accommodated within the proposed development by sidewalks from the parking lots to the various apartments and accessory buildings. An eight (8) foot wide walking trail was shown on the approved Preliminary Development Plan. This walking trail has been removed and replaced with the Foot-golf course for an active recreational amenity. Sidewalks are provided to the various parts of the Foot-golf course.

Pedestrian crosswalks across Marlatt Avenue are proposed on the east and west sides of the development to provide pedestrian access to an existing sidewalk on the south side of Marlatt Avenue. No sidewalk is currently located on the north side of Marlatt Avenue. At the time of the approval of the Preliminary and Final Plats of the Northwing Addition to the west, it was assumed that the street improvements of Marlatt Avenue by Riley County would include a sidewalk along the north side of Marlatt Avenue. However, that sidewalk was not constructed. To begin the pedestrian infrastructure on the north side of Marlatt Avenue, City Administration is recommending that an ADA accessible sidewalk be extended to the edges of the development so that future developments can connect to it and complete the sidewalk network along the north side of Marlatt Avenue in the area. Other existing sidewalk gaps in the area will be completed when new development or redevelopment occurs.

Off-Street Parking.

The Manhattan Zoning Regulations for multiple-family dwellings base the required number of parking spaces on bedrooms per dwelling unit (one bedroom units – 2 spaces per unit; two bedroom units – 3 spaces per unit; and three bedroom units - 3.5 spaces per unit). Based on these requirements, the proposed PUD would need to provide a minimum of 1,584 off-street parking spaces (264-one bedroom units (528 spaces); 351-two bedroom units (1053 spaces); 1-three bedroom units (3.5 spaces)). The applicant has proposed 1,004 total off-street parking spaces, equivalent to 1.04 parking spaces per bedroom, which appears to be adequate to serve the mixture of bedroom types and tenant mix in the proposed PUD.

The original Preliminary Development Plan has an equivalent parking ratio of 1.01 parking spaces per bedroom.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: The applicant has made provisions for the continuity, preservation, care, conservation and maintenance of all open space within the PUD. The applicant is proposing a 9-hole Foot-golf course along the edge of the development. The golf course is an active recreational area and provides landscape space and open areas to the multiple-family residential development.

A large active recreation area is proposed on the southern portion of the development, which includes a swimming pool, playground, tennis court, basketball court and putting green. A schematic of the playground and pool structure is provided (*see attached*). This active recreation area will be controlled and maintained by the owner.

6. CHARACTER OF THE NEIGHBORHOOD: The area can be characterized as a growth corridor of the City with single-family, two-family and multiple-family residential developments to the west of the site and south of Marlatt Avenue. Nelson's Landing subdivision, a Riley County development, consists of small-lot mobile home, modular, and single-family residential structures, located immediately to the west. Farther to the west is the Northwing Addition, a City single-family development in its early stages of being constructed. Further to the west are the Tuttle Creek Residences PUD apartment complex development, and the Colonial Gardens Manufactured Home Park. To the south of Marlatt Avenue is the Brookfield Neighborhood, which consists of single-family and two-family homes. The Eisenhower Middle School and sports complex is located to the southeast.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Undeveloped row crop land.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is typical Big Blue River Valley agriculture land, which is generally flat. The irregular shaped site has a natural drainage channel collecting stormwater from the northwest and directing the runoff to the southeast corner of site, where it empties into the Marlatt Ditch to the south, and eventually drains to the Big Blue River.

A portion of the site, generally along the natural drainage channel, is shown on the preliminary FEMA Flood Insurance Rate Maps as the 1% Annual Chance Floodplain. The City's Future Condition Flood Model is also present along the natural channel. The FEMA base flood elevation is 1019 feet in the southeast and 1020 in the northwest.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Agricultural land; County Ag, General Agriculture District

SOUTH: Marlatt Avenue, a minor arterial road with varying right-of-way width, the Brookfield neighborhood, consisting of single-family detached, single-family attached and two-family dwellings; R-2, Two-Family Residential District; and R-1, Single-Family Residential District.

EAST: Row crop agricultural land and single-family homes in rural Riley County; County Ag District and SF-2, Single-Family District, and SF-4, Single-Family District

WEST: Single-family homes in the Nelson's Landing Neighborhood, vacant industrial land and the Northwing Neighborhood; County SF-2 District, D-2, Light Industrial District and City R-1, Single-Family Residential District.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site was rezoned from County AG, General Agriculture, and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development on September 16, 2014. The approved rezoning and Preliminary Development Plan was for a similar multiple-family apartment complex. Pending a Final Development Plan, the site is suitable for use of the current zoning.

Because of conditions of approval for the PUD, the developer has altered the apartment complex layout to meet the conditions of approval or to eliminate the need for the condition of approval.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed amendment to the PUD reduced the overall number of dwelling units, as well as total number of bedrooms. The approved PUD had 722 dwelling units. The proposed amendment will have 614 dwelling units.

The proposed Final Development Plan shows that the apartment buildings will be more towards the center of the site, with the proposed Foot-golf course and stormwater basins to be along the perimeter. Compared to the original site plan, the Final Development Plan provides more open space and landscape areas between the adjacent properties and the dwelling units.

The MUAPB approved the original rezoning and Preliminary Development Plan on August 18, 2014. The revised site plan shown in the Final Development Plan will have less of an impact on nearby properties that originally proposed.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The new 2015 Manhattan Urban Area Comprehensive Plan Future Land Use Map shows the site as Residential High Density. The 2003 Comprehensive Plan showed the area as Residential Low to Medium Density. At the time of annexation and rezoning, the Trails at Manhattan PUD was found in conformance with the Comprehensive Plan.

The proposed amendment conforms to the Comprehensive Plan.

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

- August 18, 2014 Manhattan Urban Area Planning Board recommends approval of the annexation of the approximate 36.4 acre Trails at Manhattan PUD; and recommends approval of the rezoning of the Trails at Manhattan PUD, from County AG, General Agriculture and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development District, with fifteen (15) conditions of approval.
- September 2, 2014 City Commission approves first reading of ordinances annexing and rezoning the Trails at Manhattan PUD, from County AG, General Agriculture and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development District.
- September 16, 2014 City Commission approves Ordinance Nos. 7093 and 7094 annexing and rezoning the Trails at Manhattan PUD, from County AG, General Agriculture and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development District.

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

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

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. Public utilities and facilities can be extended to adequately serve the subdivision, and most importantly, fire and emergency service protection. 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 currently available to serve the development.

As with the original proposal of the multiple-family development, the Assistant Director of Public Works for Water and Wastewater has reviewed the preliminary development plans and had concerns on the availability of sanitary sewer capacity in the Casement Interceptor Sewer that will serve the site. The Casement Interceptor Sewer is a large capacity sewer line that collects sewer from the “area roughly north of Kimball Avenue from Seth Child Avenue to Tuttle Creek Boulevard, as well as all areas east of Tuttle Creek Boulevard north of McCall Road.” Through a preliminary sanitary sewer analysis, using the best data available of existing conditions and the assumptions for proposed development, it was determined that adequate capacity is available downstream to serve the proposed development.

A condition of approval was approved requiring that the downstream sanitary sewer shall be further studied for capacity constraints prior to the beginning of the second phase of the development, which is shown on the Preliminary Development Plan as the construction of the 30th apartment building. Because the proposed Final Development Plan on has 30 buildings shown, the Public Works Department has asked to remove this condition of approval.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: City Administration recommends approval of the proposed amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and the approval of the Final Development Plan, to be known as The Links and Manhattan Residential Planned Unit Development, based on the findings in the Staff Report, subject to the following conditions of approval:

1. Replace Condition 2 of Ordinance No. 7094 with the following: A maximum of 614 total dwelling units shall be allowed.
2. Replace Condition 3 of Ordinance No. 7094 with the following: A maximum of 264, one-bedroom; 349, two-bedroom; and 1, three-bedroom dwelling units shall be allowed.
3. Eliminate Condition 5 of Ordinance No. 7094 because it is not needed with the proposed site plan.
4. Eliminate Condition 8 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
5. Eliminate Condition 9 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.

Attachment No. 2

6. Replace Condition 12 of Ordinance No. 7094 with the following: An ADA compliant sidewalk shall be provided along the north side Marlatt Avenue to the east and west edges of the property.
7. Replace Condition 13 of Ordinance No. 7094 with the following: An eastbound left turn lane on Marlatt Avenue shall be provided as proposed.
8. Eliminate Condition 14 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
9. Eliminate Condition 15 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
10. Signs shall be provided as proposed in the application documents, and shall allow for Exempt signage shall be permitted as described in Article VI, Section 6-102(A)(2) (a),(b),(c),(g),(h),(i),(j),(l) (m) and (n), of the Manhattan Zoning Regulations.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and approval of the Final Development Plan for The Trails at Manhattan Residential Planned Unit Development, based on the findings in the Staff Report, subject to the ten (10) conditions of approval.
2. Recommend approval of the proposed amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and modify the proposed Final Development Plan and any conditions of approval, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation.
3. Recommend denial of the proposed amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, stating the specific reasons for denial.
4. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and approval of the Final Development Plan for The Links at Manhattan Residential Planned Unit Development, based on the findings in the Staff Report, subject to the ten (10) conditions of approval recommended by City Administration.

Attachment No. 2

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

DATE: Revised April 20, 2015

15007}SR}PUDAmendment}LinksatManhattan_FinalDevelopmentPlanRev.

AN AMENDMENT OF ORDINANCE NO. 6263 AND THE APPROVED FINAL DEVELOPMENT PLAN OF LOT 1, MANHATTAN PLAZA COMMERCIAL PLANNED UNIT DEVELOPMENT

APPLICANT: Davidson Architectural and Engineering on behalf of Linden Street Real Estate Partners, LLC

OWNER: HD Development of Maryland, Inc.–Kim Koenig

APPLICANT’S ADDRESS: The applicant’s address is 4301 Indian Creek Pkwy, Overland Park, KS 66207

OWNER’S ADDRESS: The owner’s address is 2455 Paces Ferry Rd. C-19, Atlanta, GA 30339

REQUEST: The applicant/owner has requested an amendment of Ordinance No. 6263, and the approved Final Development Plan for Lot 1, Manhattan Plaza Commercial Planned Unit Development, for a proposed Mattress Firm store which will be located in the southwest corner of the off-street parking lot to the east of the K-113 (Seth Child Road) eastern frontage road. Other site improvements related to the store including, but not limited to, off-street parking, signs, landscaping, lighting and other improvements. The amendment is in the form of a Final Development Plan.

LOCATION: Generally located east of Seth Child Road, north of the Riley County Law Enforcement Center, south of Town West Shopping Center, Westar Energy and Kansas Gas Service.

LEGAL DESCRIPTION: Lot 1, Manhattan Plaza, an Addition to the City of Manhattan, Riley County, Kansas.

AREA: 20.4 acres

DATE OF NEIGHBORHOOD MEETING: February 17, 2015.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, March 16, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 6, 2015.
CITY COMMISSION: Tuesday, May 5, 2015.

EXISTING PUD

Ordinance No.

Lot 1 is subject to Ordinance No. 6263, adopted May 7, 2002 with the following condition of approval:

1. 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.
2. All landscaping and irrigation shall be maintained in good condition.
3. All necessary permits shall be obtained, prior to the issuance of a building permit.
4. Prior to the development of proposed Lot 2, an amendment of the PUD shall be submitted and will need to be approved, prior to issuing any necessary permits. *Approved*
5. Permitted uses shall include: a Home Depot and outdoor garden center on Lot 1, and all the permitted and conditional uses of the C-2, Neighborhood Shopping District, on Lot 2.
6. Except as noted herein, signs shall be provided as proposed in the revised application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1), (2), (4), (7) and (8); and Section 6-104 (B) (2); and, Section 6-104 (D) (1), of the Manhattan Zoning Regulations. The pole sign shall be architecturally enclosed in a manner similar to the pole sign at the adjacent Town West Shopping Center PUD. *See Article VI, Section 6 -102 (A)(2) under the amended sign regulations for exempt signage.*
7. Outdoor sales display shall be limited to those designated areas: adjacent to the garden sales, in front of the store, and in the southeast part of the off-street parking lot, as shown on the revised Preliminary Plan documents.
8. Outdoor seasonal garden sales (located outside of the permanent fenced garden center) shall be limited to a period from March 1st to Labor Day weekend of each year and shall be limited to the area designated on the revised Preliminary Plan documents.
9. Outdoor sales display in front of the building shall be allowed year round, and may include food vendors as a part of a promotional event.

Permitted Uses

Permitted Uses in the PUD include Home Depot and the associated outdoor garden center on Lot 1, and all of the Permitted and Conditional Uses of the C-2, Neighborhood Shopping District, on Lot 2.

PROPOSED AMENDMENT

Proposed Use and Building: The proposed use associated with Mattress Firm generally includes retail sales of furniture and related accessories, which is consistent with the C-2 District as a permitted use. The proposed building is a single story, approximately 27-foot tall at its highest point, commercial building constructed of primarily EIFS with areas of split face masonry unit block walls and fabric awnings above the entrances and windows of the store front. The building generally consists of shades of tan with deep coal accents and red awnings. The proposed footprint of the structure is 4,510 square feet, which is primarily retail showroom space. The new building is proposed to be developed in the southwest corner of Home Depot's existing off-street parking, which will serve the new retail customers and tenants. In addition to the proposed single-tenant retail building, minor site improvements are proposed. A sidewalk leading to the proposed development is to be constructed along the existing southern entrance to Home Depot off of frontage road. A portion of the existing parking lot will be replaced. According to the submitted documents, there are possible future plans to replate a 25,912 square foot area associated with the new retail pad site. No Final Plat has been submitted at this time.

PROPOSED SIGNS: Proposed signage for the new single-tenant retail building is in the form of internally illuminated channel letter wall signs (Mattress Firm) located on the north, south, east and west elevations, each measuring approximately 200 square feet. Based on the general guidance for PUD's, the C-2 District sign regulations, a sign no greater than 30% of the façade is allowed up to 200 square feet. Façade areas range from 1,294 square feet for the north and south elevations to 2,151 square feet for the east elevation. The proposed wall signs are within the general guidance for PUD's.

Exempt signs will be added to allow those types of signs described in Article VI, Section 6 -102(A)(2). These signs generally include governmental flags, address numerals, directional signs, seasonal lights and decorations, real estate and construction signs, and political signs.

PROPOSED LIGHTING: The existing parking lot lighting does not change. The parking lot lighting is shaded and generally downcast.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

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 intent and purpose of the PUD is to allow Home Depot and the associated outdoor garden center on Lot 1, and all of the Permitted and Conditional Uses of the C-2, Neighborhood Shopping District, on Lot 2. The amendment is necessary because the Final Plan did not envision retail pad sites within the PUD. The amendment reflects an efficient development pattern consistent with the intent and purpose of the PUD, which is for uses allowed in the C-2 District. The proposed development preserves the character of Lot 1 as a commercial lot.

The applicant states, in part, “The proposed pad site development for Mattress Firm is retail in nature and aligns with the entire PUD, which includes the existing Home Depot to the north, and PetSmart to the south. Commercial development on this site was intended with the existing PUD, so the proposed use is consistent with the development character of the district.”

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The applicant indicates that the amendments are necessary because, “The proposed pad site development for Mattress Firm has can fit within the existing Lot 1, Manhattan Plaza to create a Third Lot (*To create a separate lot, a Final Plat must be approved and filed. No Final Plat has been submitted at this time*). The previous use from the original PUD is additional parking for Home Depot, so the amendment is moving forward to more closely align with the intended purpose of a PUD by increasing density on the site.”

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The proposed amendment results in a relative gain to the public. The applicant indicates that, “The proposed pad site development of Mattress Firm completes the development within the existing PUD area. The project increases the density on Lot 1 and utilizes existing infrastructure and vehicular access to the site. Additionally, the development of the proposed Mattress Firm would increase the amount of permeable area on the site, increase the amount of vegetation and create a new pedestrian connection to the development.”

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

Attachment No. 3

1. LANDSCAPING: A variety of deciduous shade, ornamental and evergreen trees as well as grass lawns, evergreen and deciduous shrubs are shown on the landscape plan. Irrigation is in the form of an underground sprinkling system.

2. SCREENING: A trash enclosure is located along the north façade of the building and will be constructed of masonry walls approximately six (6) feet in height with galvanized steel gates, as described on the Final Development Plan drawings and plans.

3. DRAINAGE: The site currently drains to the southeast into a large ravine connecting with Wildcat Creek. The proposed site development maintains the same general pattern of runoff, as the majority of the existing off-street parking area will be maintained. The application site plans shows that stormwater will be collected within the off-street parking lot by area inlets and directed, via underground stormwater infrastructure, to Wildcat Creek.

4. CIRCULATION: Public Access. The proposed internal circulation plan provides for safe, convenient and efficient movement of goods, motorists, bicyclists, and pedestrians, and reduces conflicts between motorists and pedestrians. Existing access to the subject site is from K-113 (Seth Child Road) eastern frontage Road. A sidewalk exists along the Frontage Road, providing access for pedestrians and bicyclists. A five (5) foot-wide sidewalk is proposed to connect to the existing sidewalk along the northern side of the entry drive providing pedestrian access for the new retail outbuilding and the existing businesses within the PUD.

Traffic. A Trip Generation Comparison was submitted and accepted by the City Engineer in 2013 when PetSmart was developed on Lot 2 of Manhattan Plaza PUD. The traffic generation for PetSmart was compared to the original analysis that was completed for the PUD in 2002, which considered a drive-in restaurant on Lot 2. The results showed the PetSmart generating fewer peak hour trips than a fast food restaurant. Additional traffic studies were not warranted for the proposed Mattress Firm use.

Off-Street Parking. The proposed site plan shows a total of 489 off-street parking spaces currently located on Lot 1. Thirty-Three (33) off-street spaces will be lost during the development of the proposed Mattress Firm site. An additional thirty-five (35) parking spaces are utilized by Home Depot for seasonal outdoor display areas, leaving a total of 419 off-street parking spaces. Based off of the minimum requirements for retail stores (1 space / 250 sq. ft.), Home Depot requires 380 spaces (95,000 sq. ft. / 250 = 380). Mattress Firm warrants 19 spaces (4,510 sq. ft. / 250 = 19), totaling 399 required off-street parking spaces. According to the site plan, the possible replated lot associated with the Mattress Firm building would include 43 off-street parking spaces. The proposed off-street parking is adequate for the retail use.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: There is no common area other than the shared off-street parking lot. Landscaped space is primarily perimeter space along abutting streets and internal landscape islands. Due to the redevelopment of the existing off-street parking lot, the impervious surface area is decreased by 1,965 square feet.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is characterized by highway commercial development along the east side of Seth Child Road from the Seth Child Road/Wildcat Creek overpass to the Town West Shopping Center, which is immediately north of the site. Along the east side of Seth Child Road, commercial development extends eastward from Seth Child Road to the Linear Park Trail. A veterinary out-patient clinic and PetSmart store are to the immediate south. Further south is the Riley County Law Enforcement Center. The area to the west of Seth Child Road is a shopping center.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The site consists of a Home Depot store with associated outdoor garden center and a large off-street parking lot area within the approved PUD.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is east of and adjacent to the Seth Child Road frontage road. The site has a consistent slope running from the northwest to the east, southeast and drains to a large and deep natural ravine along the southern edge of Lot 2, Manhattan Plaza PUD.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Home Depot, strip shopping center, bank, real estate, business and professional offices, public utility; PUD, I-3, Light Industrial District, and, C-2, Neighborhood Shopping District.

(b.) SOUTH: Veterinary out-patient clinic, PetSmart and Riley County Law Enforcement Center; C-5 and R, Single Family Residential Districts.

(c.) EAST: Linear Trail, undeveloped land, Community Special Flood Hazard Area, Wildcat Creek; R, Single Family Residential District.

(d.) WEST: Seth Child Road, Seth Childs Commons; PUD.

4. CHARACTER OF THE NEIGHBORHOOD: See No. 6 above, **CHARACTER OF THE NEIGHBORHOOD.**

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The PUD allows for the Home Depot and the associated outdoor garden center on Lot 1, and all of the Permitted and Conditional Uses of the C-2, Neighborhood Shopping District, on Lot 2. The proposed Mattress Firm is suitably for the current PUD.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed commercial development of the site is consistent with the commercial nature of the area along the east and west sides of Seth Child Road. Minor increases in light, noise and traffic should be expected, because the site is currently utilized as off-street parking, but should not adversely affect adjoining commercial properties to the north and south or the municipal facility (Riley County Law Enforcement Center) to the south at the dead-end of the frontage road.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is designated as CC, Community Commercial, a designation intended to provide for a mix of retail and commercial services in a concentrated and unified setting. Applicable CC policies (*in italics*) of the Comprehensive Plan include:

COMMUNITY COMMERCIAL (CC)

CC 1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC 2: Location

Community Commercial Centers should be located at the intersection of one or more major arterial streets. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as

“big-box” stores) shall only be permitted in areas of the City where adequate access and services can be provided.

CC 3: Size

Typically require a site of between 10 and 30 acres.

CC 4: Unified Site Design

A unified site layout and design character (buildings, landscaping, signage, pedestrian and vehicular circulation) shall be required and established for the center to guide current and future phases of development. Building and site design should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.

CC 5: Architectural Character

Community Commercial Centers shall be required to meet a basic level of architectural detailing, compatibility of scale with surrounding areas, pedestrian and bicycle access, and mitigation of negative visual impacts such as large building walls, parking areas, and service and loading areas. While these requirements apply to all community commercial development, they are particularly important to consider for larger footprint retail buildings, or “big-box” stores. A basic level of architectural detailing shall include, but not be limited to, the following:

- Façade and exterior wall plane projections or recesses;*
 - Arcades, display windows, entry areas, awnings, or other features along facades facing public streets;*
 - Building facades with a variety of detail features (materials, colors, and patterns);*
- and*
- High quality building materials.*

CC 6: Organization of Uses

Community commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Within each activity center or node, complementary uses should be clustered within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses. Isolated single store developments are strongly discouraged.

CC 7: Parking Design and Layout

Uninterrupted expanses of parking should be avoided. Parking areas should be broken into smaller blocks divided by landscaping and pedestrian walkways. Parking areas should be distributed between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible.

CC 8: Circulation and Access

Clear, direct pedestrian connections should be provided through parking areas to building entrances and to surrounding neighborhoods or streets. Integrate main entrances or driveways with the surrounding street network to provide clear connections between uses....

The existing PUD and proposed amendment conform to the Comprehensive Plan.

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

February 20, 1968	Annexation.
1968-1969	E, Light Industrial District.
1969-2002	R District (unplatted portion of the site).
1978-2002	C-5 District (platted portion of the site).
December 6, 1982	Preliminary Plat approved by Manhattan Urban Area Planning Board.
June 6, 1983	Final Plat of Johns No. 1 Addition, Lots 1-8, approved by Manhattan Urban Area Planning Board.
March 4, 2002	Manhattan Urban Area Planning Board conducts a public hearing to consider the rezoning for a Home Depot from C-5, Highway Service Commercial District, and R, Single-Family Residential District, to Commercial Planned Unit Development. The Board tables the public hearing to the April 1, 2002, Planning Board meeting for architectural changes to the building.
April 1, 2002	Manhattan Urban Area Planning Board conducts a public hearing and recommends approval of the rezoning 6-0.

Attachment No. 3

- April 16, 2002 City Commission approves first reading of an ordinance rezoning the 20.4 tract of land to PUD, Commercial Planned Unit Development for a Home Depot.
- May 7, 2002 City Commission approves Ordinance No. 6263, rezoning the 20.4 tract of land to PUD, Commercial Planned Unit Development for a Home Depot.
- May 20, 2002 Manhattan Urban Area Planning Board approves Final Development Plan & Final Plat Manhattan Plaza.
- May 21, 2002 City Commission accepts easements and rights-of-way as shown on the Final Plat of Manhattan Plaza.
- May 20, 2013 Manhattan Urban Area Planning Board recommends approval of amending Ordinance No. 6263 and approving the Final Development Plan of Lot 2, Manhattan Plaza Commercial Planned Unit Development.
- June 4, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6263 and approving the Final Development Plan of Lot 2, Manhattan Plaza Commercial Planned Unit Development for a PetSmart store.
- June 18, 2013 City Commission approves Ordinance No. 7009 amending Ordinance No. 6263 and approving the Final Development Plan of Lot 2, Manhattan Plaza 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 maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed amendments are consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD 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 adverse affects on the public and no relative gain would be accomplished by denial. Denial of the amendment would be a hardship on the owner because no adverse effects on the public are expected.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public sewer and water are available to serve the new pad site development.

12. OTHER APPLICABLE FACTORS: There are no other applicable factors.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the amendment and the Final Development Plan of Lot 1, Manhattan Plaza Commercial Planned Unit Development for a proposed Mattress Firm store, with the following conditions:

1. 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.
2. All landscaping and irrigation shall be maintained in good condition.
3. 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).

ALTERNATIVES:

1. Recommend approval of the proposed amendment and the Final Development Plan of Lot 1, Manhattan Plaza Commercial Planned Unit Development, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed amendment and the Final Development Plan of Lot 1, Manhattan Plaza Commercial Planned Unit Development, 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 amendment, stating the specific reasons for denial.
4. Table the proposed amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment and the Final Development Plan of Lot 1, Manhattan Plaza Commercial Planned Unit Development, based on the findings in the Staff Report, with the three conditions recommended by City Administration.

PREPARED BY: Chase Johnson, Planner

DATE: April 29, 2015

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