



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, AUGUST 18, 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 Karen McCulloh and Commissioners Usha Reddi, Linda Morse, Michael L. Dodson, and Wynn Butler were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, Interim City Attorney Katharine Jackson, City Clerk Gary S. Fees, 8 staff, and approximately 55 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor McCulloh led the Commission in the Pledge of Allegiance.

**PRESENTATION**

Presentation of a check from a Kansas Health Foundation Healthy Living Grant through the Greater Manhattan Community Foundation. Vern Henricks, President and Chief Executive Officer, Greater Manhattan Community Foundation; and Jessica Fiscus, Community Health Educator, Riley County Health Department, presented the check to Mayor McCulloh.

**COMMISSIONER COMMENTS**

Commissioner Dodson informed the community that Manhattan recently received an honor as being selected as one of the very best college towns in America and stated this is something to be very proud of. He emphasized the importance of safety with children going back to school and encouraged bicyclist safety when riding on public streets. He also highlighted the recent notice in *The Manhattan Mercury* regarding real estate tax delinquencies, with over 1,400 delinquent properties and voiced concern that these delinquencies do not do the budgets any good for the City of Manhattan, for Riley County, or for USD 383. He recognized that sometimes people have financial difficulties, but with over 1,400 delinquencies listed, it is apparent that many are not paying their property taxes on time like the vast majority of citizens do in Manhattan.

## COMMISSIONER COMMENTS (CONTINUED)

Commissioner Morse agreed with Commissioner Dodson and stated that the appropriate thing to do is to pay your property taxes and to find ways that motivate people to pay on a timely basis. She provided information on the upcoming events associated with Purple Power Play on Poyntz, to be held on September 3 and 4, 2015, at City Park, and encouraged the community to enjoy the event. She also announced the Sunflower Fair in Salina on September 22, 2015, at the Bicentennial Center. She stated that the Sunflower Fair is sponsored by the North Central Flint Hills Area Agency on Aging and includes workshops, exhibitors and something for everyone, and encouraged anyone interested to register and attend.

Commissioner Reddi voiced her concerns with several local businesses that are going out of business and encouraged citizens to support the local businesses that contribute to the community. She reminded citizens that City Pool would be open until Labor Day and to enjoy the pool with twilight hours available from 6:00 p.m. to 8:00 p.m. during the week and from 1:00 p.m. to 5:00 p.m. on weekends. She also highlighted two informational meetings focused on the Wildcat Creek Watershed Resiliency Project, with meetings to be held on August 26, 2015, at Riley County and on August 27, 2015, in the City Commission Room at City Hall. She informed the community that additional information can be found on the City's website. Finally, she stated that today was the first day of school for USD 383 and wished everyone a great school year.

Mayor McCulloh encouraged citizens to drive carefully with children going back to school. She expressed her appreciation to Commissioners Dodson and Morse for highlighting the tax delinquencies recently listed in the newspaper. She stated that the delinquencies have created budgeting issues by those that have not paid their property taxes in a timely manner. She informed the community that the pools are open and to get out and swim.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, August 4, 2015.

### CLAIMS REGISTER NO. 2798

The Commission approved Claims Register No. 2798 authorizing and approving the payment of claims from July 29, 2015, to August 11, 2015, in the amount of \$4,041,418.92.

## CONSENT AGENDA (CONTINUED)

### LICENSE

The Commission approved an annual Cereal Malt Beverages Off-Premises License for Short Stop #26, 8207 Southport Drive.

### FINAL PLAT - LEE MILL HEIGHTS, UNIT TEN

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Lee Mill Heights, Unit Ten, generally located to the west of the dead-end of Miller Parkway on the south side of the arterial roadway, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT - WOODLAND HILLS ADDITION, UNIT EIGHT

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Woodland Hills Addition, Unit Eight, generally located to the north of the intersection of Bentwood Drive and Kingwood Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

\* **ORDINANCE NO. 7154 - ADOPT - 2016 BUDGET**

Commissioner Butler requested that this item be moved to the end of the General Agenda.

Tim Davenport, President, Manhattan Kansas Firefighters, Local 2275, inquired about the City Budget and asked if he can provide his comments now or wait until later.

Mayor McCulloh asked that his comments wait until the item is discussed.

\* **RESOLUTION NO. 081815-A - APPROVE - 2016-2021 CAPITAL IMPROVEMENT PROGRAM**

Commissioner Butler requested that this item be moved to the end of the General Agenda.

\* **ORDINANCE NO 7155 - AMEND - 2015 CITY-UNIVERSITY FUND BUDGET**

Commissioner Butler requested that this item be moved to the end of the General Agenda.

\* **RESOLUTION NO. 081815-B - RENTAL FEES - FLINT HILLS DISCOVERY CENTER**

Commissioner Butler requested that this item be moved to the end of the General Agenda.

## CONSENT AGENDA (CONTINUED)

\* **FIRST READING - 2016 SALARY ORDINANCE**

Commissioner Butler requested that this item be moved to the end of the General Agenda.

**ORDINANCE NO. 7156 - INSTALL YIELD SIGNS - FIRETHORN DRIVE/FIRETHORN COURT AT SILVERLEAF DRIVE/SILVERLEAF CIRCLE**

The Commission approved Ordinance No. 7156 authorizing the installation of yield signs on Firethorn Drive/Court at the east and westbound intersection of Silverleaf Drive/Circle.

**ORDINANCE NO. 7157 - INSTALL STOP SIGN - KEEN STREET AT BLUEHILLS ROAD**

The Commission approved Ordinance No. 7157 authorizing the installation of a stop sign on Keen Street at the eastbound intersection of Bluehills Road.

\* **PUBLIC HEARING - VACATE EASEMENTS - LOTS 57-58, STONE POINTE ADDITION**

Mayor McCulloh opened the public hearing.

Ron Fehr, City Manager, highlighted the item and provided additional detail on the ordinance vacating portions of the drainage and conservation easement.

Hearing no comments, Mayor McCulloh closed the public hearing.

\* **FIRST READING - VACATE EASEMENT - LOTS 57-58, STONE POINTE ADDITION**

The Commission found that based upon stated reasons supported by testimony presented during the public hearing including reasons as stated in the ordinance and Commission memo:

- no private rights will be injured or endangered by the vacation of the portions of the drainage and conservation easement,
- the public will suffer no loss or inconvenience by the vacation of the portions of the drainage and conservation easement, and
- in justice to the petitioners the request of the petitioners ought to be granted;

and approved first reading of an ordinance vacating portions of the drainage and conservation easement on Lots 57 and 58 in Stone Pointe Addition.

## CONSENT AGENDA (CONTINUED)

\* **RESOLUTION NO. 081815-C - ISSUE - TEMPORARY NOTE SERIES 2015-03**

Ron Fehr, City Manager, presented the results of the temporary note sale and bond ratings.

The Commission approved accepting the best bid from Hutchinson, Shockey, Erley & Co., of Chicago, Illinois, for selling the notes, and approved Resolution No. 081815-C issuing Temporary Note Series No. 2015-03 in the amount of \$6,875,000.00 to finance: *Grand Estates Addition – Sanitary Sewer (SS1508), Street (ST1508), and Water (WA1508); Olympic Addition– Sanitary Sewer (SS1415), Street (ST1418), and Water (WA1413); Denison Avenue and Anderson Avenue Sewer Improvements (Central Basin) – Sanitary Sewer (SS1509); 14<sup>th</sup> Street Sewer Improvements (Central Basin) – Sanitary Sewer (SS1510); and Anneberg Park Improvements Project (CP1405).*

\* **RESOLUTION NO. 081815-D - ISSUE - TEMPORARY NOTE SERIES 2015-04**

Ron Fehr, City Manager, presented the results of the temporary note sale and bond ratings.

The Commission approved accepting the best bid from Hutchinson, Shockey, Erley & Co., of Chicago, Illinois, and approved Resolution No. 081815-D issuing Temporary Note Series No. 2015-04 in the amount of \$3,735,000.00 to finance the Airport Terminal Building Expansion Project – Phase 2 (AIP46).

**RESOLUTION NO. 081815-E - ISSUE TEMPORARY NOTES - FIXED BASE OPERATOR FACILITY (AP1501)**

The Commission approved Resolution No. 081815-E authorizing financing in an amount not to exceed \$1,196,016.00 for the Fixed Base Operator Facility at the Manhattan Regional Airport (AP1501).

**RESOLUTION NO. 081815-F - PETITION - LEE MILL HEIGHTS, UNIT TEN - STREET IMPROVEMENTS (ST1509)**

The Commission found the petition sufficient and approved Resolution No. 081815-F finding the project advisable and authorizing construction for Lee Mill Heights Addition, Unit 10, Street Improvements (ST1509).

**RESOLUTION NO. 081815-G - PETITION - LEE MILL HEIGHTS, UNIT TEN - SANITARY SEWER IMPROVEMENTS (SS1512)**

The Commission found the petition sufficient and approved Resolution No. 081815-G finding the project advisable and authorizing construction for Lee Mill Heights Addition, Unit 10, Sanitary Sewer Improvements (SS1512).

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 081815-H - PETITION - LEE MILL HEIGHTS, UNIT 10 - WATER IMPROVEMENTS (WA1512)

The Commission found the petition sufficient and approved Resolution No. 081815-H finding the project advisable and authorizing construction for Lee Mill Heights Addition, Unit 10, Water Improvements (WA1512).

### AGREEMENT - ENGINEERING SERVICES - LEE MILL HEIGHTS, UNIT 10, IMPROVEMENTS (ST1509, SS1512, WA1512)

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$75,639.00 with Schwab-Eaton, of Manhattan, Kansas, to perform professional services for the Lee Mill Heights Addition, Unit 10, Street (ST1509), Sanitary Sewer (SS1512), and Water (WA1512) Improvements project.

### AGREEMENT - DESIGN-BUILD, PHASE 2 SERVICES - WATER AND SEWER MAINTENANCE FACILITY GARAGE (SS1419)

The Commission authorized City Administration to accept the Guaranteed Maximum Price of \$284,340.00 and authorized the Mayor and City Clerk to execute an Agreement with Schultz Construction, Inc., of Manhattan, Kansas, for the Phase 2 Design-Build Services for the Water and Sewer Maintenance Facility Garage (SS1419).

### RESOLUTION NO. 081815-I - ISSUE TEMPORARY NOTES - WATER AND SEWER MAINTENANCE FACILITY GARAGE (SS1419)

The Commission approved Resolution No. 081815-I issuing temporary notes for the Water and Sewer Maintenance Facility Garage (SS1419).

\* **CHANGE ORDER NO. 25 - 2012 AND 2013 WATER SYSTEMS IMPROVEMENTS (WA1308)**

Ron Fehr, City Manager, provided additional information on the item and need for the change order.

The Commission approved As-Built Change Order No. 25, resulting in a net increase in the amount of \$68,437.20 (+3.7%) to the contract with J&K Contracting, LC, of Junction City, Kansas, for the 2012 and 2013 Water System Improvements (WA1308).

\* **RESOLUTION NO. 081815-J - AMEND BONDS - 2012 AND 2013 WATER SYSTEMS (WA1202, WA1308, WA1309)**

Ron Fehr, City Manager, provided additional information on the item.

## CONSENT AGENDA (CONTINUED)

\* **RESOLUTION NO. 081815-J - AMEND BONDS - 2012 AND 2013 WATER SYSTEMS (WA1202, WA1308, WA1309) (CONTINUED)**

The Commission approved Resolution No. 081815-J amending Resolution No. 032514-A, increasing the amount of bonds to be issued to pay for the 2012 and 2013 Water System Improvements (WA1202, WA1308, WA1309).

**AWARD CONTRACT - DOUGLASS CENTER PARKING LOT (CD1414)**

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$22,610.00 for the Base Bid and \$31,895.00 for Bid Alternate No. 2 for a total of \$62,200.00; awarded a construction contract in the amount of \$15,467.52 for the Base Bid and \$39,541.61 for Bid Alternate No. 2, for a total contract amount of \$55,009.13 to Creed Construction, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Douglass Center Parking Lot project (CD1414).

\* **GRANT/AGREEMENTS – 2015 EMERGENCY SOLUTIONS**

The Commission accepted the award of a 2015 Emergency Solutions Grant, and authorized the Mayor and City Clerk to execute contracts with the Kansas Housing Resources Corporation for allocation of the grant and the Manhattan Emergency Shelter, Inc., and The Crisis Center for distribution of the funds.

**BOARD APPOINTMENTS**

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

*Corporate Technology Park Architectural Review Committee*

Re-appointment of Stacy Kohlmeier, 3446 Vanesta Drive, to a three-year term. Ms. Kohlmeier's term begins immediately, and will expire August 15, 2018.

*Parks and Recreation Advisory Board*

Re-appointment of Patricia Hudgins, 3416 Westbaker Street, to a four-year USD 383 term. Ms. Hudgins' term begins immediately, and will expire June 30, 2019.

After discussion, Commissioner Reddi moved to approve the consent agenda and to move Item F, ORDINANCE NO. 7154 – ADOPT – 2016 BUDGET; RESOLUTION NO. 081815-A – APPROVE – 2016-2021 CAPITAL IMPROVEMENT PROGRAM; ORDINANCE NO 7155 – AMEND – 2015 CITY-UNIVERSITY FUND BUDGET; RESOLUTION NO. 081815-B – RENTAL FEES – FLINT HILLS DISCOVERY CENTER; AND FIRST READING – 2016 SALARY ORDINANCE, to the end of the General Agenda. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### FIRST READING - REZONE - SCENIC CROSSING DEVELOPMENT

Eric Cattell, Assistant Director for Planning, presented an overview of the item and an aerial of the subject property. He informed the Commission that the Manhattan Urban Area Planning Board recommended approval as well as City Administration. He then responded to questions from the Commission regarding the easement and necessary intersection improvements.

Rob Ott, Director of Public Works, responded to questions from the Commission and provided clarification on the proposed intersection improvements.

Jason Hilgers, Deputy City Manager, informed the Commission that there is a predevelopment agreement in place and that both the developer and the City have committed a willingness to provide this property as part of the project. He stated that the City will need to enter into a final development agreement.

Rob Ott, Director of Public Works, provided additional information on the intersection improvements and responded to additional questions from the Commission. He stated that he was certain there would be adequate space to give up the proposed right-of-way property.

Ron Fehr, City Manager, provided clarification on the rezoning and the process regarding the final plat.

Eric Cattell, Assistant Director for Planning, provided additional information on the second reading of the rezoning and timeline of the final plat.

Rob Ott, Director of Public Works, responded to questions from the Commission regarding sidewalk connectivity and pedestrian expectations.

Mayor McCulloh opened the public comments.

Jeff Levine, Owner, Varney's Bookstore, informed the Commission that it came to his attention that a comment was made that Varney's Bookstore was closing. He stated that was not true. He reiterated and clarified that they plan to lease a small portion of their building, but do not plan to sell their business nor are they shutting down.

Eileen Hayden, 3833 Kate's Court, urged the Commission to go to Anneberg Park between 5:00 p.m. and 7:00 p.m. to see the heavy traffic and the danger with children trying to cross the street. She stated that it is difficult to cross Anderson Avenue and with the proposed development, there will be additional traffic and a greater need to address pedestrian safety at this dangerous intersection.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - REZONE - SCENIC CROSSING DEVELOPMENT (CONTINUED)

Rich Seidler, Commercial Real Estate Services, provided additional information on the project and expressed his excitement to put a valuable piece of property on the tax rolls in its highest and best use. He stated they are actually downzoning the property from its current zoning and from its first concept. He asked the Commission to follow the recommendation of professional staff and the Manhattan Urban Area Planning Board and to approve this project.

Neil Horton, representing Scenic Crossing Development, informed the Commission that they are ready to move forward and follow through with the predevelopment agreement. He stated that they are ready to proceed with the final plat and start the project in the fall.

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

After further discussion and comments from the Commission, Commissioner Dodson moved to approve first reading of an ordinance rezoning the proposed Scenic Crossing, generally located northeast of the intersection of Kimball Avenue/Scenic Drive and Anderson Avenue, from I-5, Business Park District, to: (Tract 1) R-1, Single-Family Residential District (*See Attachment No. 1*); (Tract 2) R-2, Two-Family Residential District (*See Attachment No. 2*); and (Tract 3) C-2, Neighborhood Shopping District (*See Attachment No. 3*) based on the findings in the Staff Reports, as recommended by the Manhattan Urban Area Planning Board. Commissioner Reddi and Butler seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING - AMEND PRELIMINARY DEVELOPMENT PLAN - LOT 2, MERCY REGIONAL HEALTH CENTER

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He responded to questions from the Commission regarding set-backs, considerations regarding traffic, and potential improvements needed for Kimball Avenue.

Leon Brown, Schwab-Eaton, representing the applicant, responded to questions from the Commission regarding the proposed parking ratio and payment of property taxes that would be paid on the proposed office building.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - AMEND PRELIMINARY DEVELOPMENT PLAN - LOT 2, MERCY REGIONAL HEALTH CENTER (CONTINUED)

After discussion, Commissioner Reddi moved to approve first reading of an ordinance amending Ordinance Nos. 7097 and 7124 and the Preliminary Development Plan of Lot 2, Mercy Regional Health Center PUD, to be known as the Final Development Plan of Lot 2, Via Christi Health Center, generally located southwest of Kimball Avenue and College Avenue, based on the findings in the Staff Report (*See Attachment No. 4*), subject to the three (3) conditions of approval recommended by the Planning Board. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING - AMEND FINAL DEVELOPMENT PLAN - STONE POINTE TOWNHOMES, RESIDENTIAL PUD

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission regarding the size and location of the playground area for children and the amount of greenspace.

Mayor McCulloh opened the public comments.

Tim Schultz, Schultz Construction, provided additional information about the project and plans for greenspace utilizing native grasses.

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

After comments from the Commission expressing their support of the project and appreciation to Tim Schultz and his company for building affordable housing, Commissioner Morse moved to approve first reading of an ordinance amending Ordinance Nos. 6693 and 7049 and a portion of the Final Development Plan of Stone Pointe Townhomes Residential PUD, to be known as the Final Development Plan of Willow Ridge Apartment PUD, generally located at the east end of Stone Crest Court, based on the findings in the Staff Report (*See Attachment No. 5*), subject to the two (2) conditions of approval as recommended by the Planning Board. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

### RESOLUTION NO. 081815-K - CONCUR WITH SALE OF MANHATTAN TOWN CENTER; AMEND - LEASES

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted the proposed mall sale; the lease amendment; the net proceeds realized and not realized in prior years; the parking agreements; the proposed movie theatre construction and outlot improvements; and the potential plans for Urban Retail Properties, LLC, to pursue a future

## GENERAL AGENDA (CONTINUED)

### RESOLUTION NO. 081815-K - CONCUR WITH SALE OF MANHATTAN TOWN CENTER; AMEND - LEASES (CONTINUED)

Transportation Development District to assist with infrastructure improvements and a parking garage. He also provided a summary of the incentives being offered, the return on those incentives, and provided an update on the downtown redevelopment. He then responded to questions from the Commission regarding plans for the outlot improvement and plans and timeline for the deconstruction of the former Sears building.

Paul Motta, Chief Operating Officer, Urban Retail Properties, LLC, provided additional information on the item and request to the City. He also discussed the plans with Carmike Cinema building a new facility in the area of the former Sears building, with 13 screens, including dine-in opportunities and an IMAX. He stated that the IMAX is a game changer for the Manhattan Town Center and will drive traffic from the region to Manhattan. He informed the Commission that Urban Retail Properties, LLC, are committed to this investment and plan to proceed forward in an expedited manner as well as work to ensure their occupancy levels are closer to 100 percent.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission and highlighted the calculations to determine net proceeds.

Paul Motta, Chief Operating Officer, Urban Retail Properties, LLC, responded to additional questions from the Commission regarding the significant investment that will be made for the movie theatres at the Manhattan Town Center and highlighted the proposed amended lease agreement. He stated that a joint public announcement with Carmike was done over the weekend. He provided additional information on the new dine-in offerings that will be available beyond the traditional popcorn and soda.

Allen Raynor, General Manager, Manhattan Town Center, responded to questions from the Commission regarding property taxes and the amended lease request. He stated that the new theater is projecting greater sales than the former Sears store and real estate taxes will increase with the new improvements that are being proposed.

Paul Motta, Chief Operating Officer, Urban Retail Properties, LLC, informed the Commission that Manhattan's continued growth, including federal government investment and the presence of Kansas State University and Fort Riley, gives Manhattan Town Center what it needs to sustain itself. He responded to questions from the Commission and stated that Manhattan Town Center is not going away in his lifetime.

## GENERAL AGENDA (CONTINUED)

### RESOLUTION NO. 081815-K - CONCUR WITH SALE OF MANHATTAN TOWN CENTER; AMEND - LEASES (CONTINUED)

Allen Raynor, General Manager, Manhattan Town Center, and Paul Motta, Chief Operating Officer, Urban Retail Properties, LLC, responded to additional questions from the Commission regarding the ability for individuals and groups to have events at the Mall and the need to pay for liability insurance.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion and comments from the Commission, Commissioner Butler moved to approve Resolution No. 081815-K, consenting to the sale of Manhattan Town Center, and authorizing the Mayor and City Clerk to execute all documents necessary to facilitate such sale; and approve and authorize the Mayor and City Clerk to execute the Lease Amendment for Manhattan Town Center. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

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

### ACCEPT - PARKS AND RECREATION STRATEGIC FACILITY IMPROVEMENT PLAN

Eddie Eastes, Director of Parks and Recreation, introduced the item. He acknowledged and introduced Bruce Snead, Chair, Strategic Improvements Facility Steering Committee, and Ed Klimek, Chair, Parks and Recreation Advisory Board, for their efforts.

Bruce Snead, 810 Pierre Street, Chair, Strategic Improvements Facility Steering Committee, recognized those that served on the Steering Committee and presented an overview of the process, public involvement and needed next steps.

Ed Klimek, Chair, Parks and Recreation Advisory Board, congratulated the Commission on their action of the Manhattan Town Center item and stated that the community is fortunate to have a Mall that works well. He recognized the Parks and Recreation Advisory Board members in attendance and highlighted the recommendations and priorities in the Strategic Facility Improvement Plan. He informed the Commission that representatives from Genesis Health Clubs were present to share what a private organization can do in Manhattan and to consider public-private opportunities. He also stated that City Park needs to be protected and enhanced, and provided the recommendation from the Parks and Recreation Advisory Board that the Commission consider the Strategic Facility Improvement Plan.

## GENERAL AGENDA (*CONTINUED*)

### ACCEPT - PARKS AND RECREATION STRATEGIC FACILITY IMPROVEMENT PLAN (*CONTINUED*)

Eddie Eastes, Director, Parks and Recreation Department, introduced Scott Crawford with RDG Planning and Design.

Scott Crawford, RDG Planning and Design, presented a summary of the Plan and process; provided an overview of the Plan report; highlighted the focus groups sessions, public meetings, and steering committee meetings; reviewed the implementation priorities; discussed the assessment of the current Parks and Recreation facilities; highlighted the statistically valid community survey and key findings; and responded to questions from the Commission. He stated that the Strategic Facility Improvement Plan identified community priorities for future improvements to Manhattan Parks and Recreation facilities. The priorities included 1) the creation of indoor space geographically located to meet unmet needs in the community; 2) improvements to safety and playability of existing field playing surfaces; 3) improve the availability and condition of community parks, trails and neighborhood parks; and 4) the development of new indoor aquatic facilities. He also provided implementation and potential funding strategies.

Eddie Eastes, Director, Parks and Recreation, responded to questions from the Commission about incorporating past planning documents and the need for a feasibility study. He stated that the cost recovery on pools is difficult and the construction and operation of an indoor pool facility would be expensive.

Scott Crawford, RDG Planning and Design, responded to questions from the Commission regarding irrigation systems, synthetic turf versus compacted natural turf, fencing and lighting systems, and expressed concerns with items not meeting ADA (Americans with Disabilities Act) Codes.

After further discussion and comments from the Commission, Eddie Eastes, Director of Parks and Recreation, stated that City Administration can work through the Parks and Recreation Advisory Board to develop a feasibility study proposal and bring to the Commission for approval.

Scott Crawford, RDG Planning and Design, informed the Commission that a feasibility study must be developed with a detailed business plan too. He stated that the overall cost and how to pay for operational costs and address long term maintenance costs are very important considerations.

Mayor McCulloh opened the public comments.

## GENERAL AGENDA (CONTINUED)

### ACCEPT - PARKS AND RECREATION STRATEGIC FACILITY IMPROVEMENT PLAN (CONTINUED)

Greg Ferris, Consultant, Genesis Health Clubs, informed the Commission that he read the entire Parks and Recreation Strategic Facility Improvement Plan. He stated that the cost to Manhattan would be between \$18M and \$30M, without aquatics and not including land and equipment. He stated that other improvement costs to the park system would be \$11.8M and with indoor facilities, costs would exceed \$40M. He informed the Commission that they were here to present what they have planned for Manhattan.

Rodney Steven II, Owner, Genesis Health Clubs, informed the Commission that they are planning to build a new state of the art fitness center at 2704 Allison Avenue. He showed plans for the new facility in Manhattan which would include a gymnasium with an indoor running track, multipurpose rooms for group fitness, a grand slam room for community meetings, an indoor aquatic center, cardio and strength training, indoor tennis, child care, personal training, state of the art equipment, luxurious locker rooms, and parking structure. He highlighted the benefits of Genesis to the Manhattan community and stated that their company will not spend \$7M to \$8M on a new facility if it has to compete with two or three recreational centers and an indoor pool. He recommended that the City of Manhattan not do the feasibility study for a new facility but focus on improving existing facilities and wait for one year to see what Genesis Health Clubs can provide the community before any future considerations in conducting a needs assessment to see if Genesis has met the community needs. He then responded to questions from the Commission regarding their proposed facility in Manhattan.

Eddie Eastes, Director, Parks and Recreation Department, informed the Commission that he did not know how much of the community needs would be met with the proposal from Genesis Health Clubs, but stated that working together would be critical as both move forward.

Scott Munson, 2500 Sunny Circle, asked about Salina and status of their facility. He voiced concern that the big issue of needed gym space is not being addressed.

Gail Urban, 1627 Wyndham Heights Drive, representing the Fieldhouse Project Group, informed the Commission that the Parks and Recreation facility studies date back to 1992. She stated that we can all be successful and that it is time to move this along and put the item on the ballot.

Josh Salmons, 1324 Sharingbrook Drive, informed the Commission that he has three daughters and that the gyms such as Genesis and K-State recreation complex cannot be accessed by everyone. He asked the Commission to help and bring indoor gym spaces that everyone can use.

## GENERAL AGENDA (*CONTINUED*)

### ACCEPT - PARKS AND RECREATION STRATEGIC FACILITY IMPROVEMENT PLAN (*CONTINUED*)

Eileen Hayden, 3833 Kate's Court, with the Manhattan Marlins, stated that the City Park Pool is an unbelievable facility and needs to be enclosed.

Vern Henricks, 2508 Vanesta Drive, voiced concern with waiting at this stage in the game and continuing to put this project off. He informed the Commission that the elementary gyms are not made for basketball practices, discussed the playability issues with the outdoor facilities, and stated the current needs in the community are not being served. He stated that this community can handle what you are talking about and is going forward. He asked the Commission to not be too conservative on this item and delay it, but requested that the item move forward with the community.

Joe Knopp, 104 Oakwood Circle, informed the Commission that the City cannot spend millions toward improving roads and infrastructure if the money is going to new recreational facilities. He asked that existing schools be utilized and that public and private facilities be explored before building new facilities. He wanted the needs of the roads fixed first and stated that he was not sure a feasibility study is needed.

Bruce Snead, 810 Pierre Street, Chair, Strategic Improvements Facility Steering Committee, informed the Commission that he appreciated the discussion and feedback. He stated that the existing City facilities do not have the capacity to meet the needs identified in the Plan and expressed the importance to proceed forward with the feasibility study.

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

After additional discussion and comments from the Commission, Commissioner Dodson moved to accept the Parks and Recreation Strategic Facility Improvement Plan. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

At 10:50 p.m., the Commission took a brief recess.

ITEM REMOVED FROM CONSENT AGENDA

**ORDINANCE NO. 7154 - ADOPT - 2016 BUDGET; RESOLUTION NO. 081815-A - APPROVE - 2016-2021 CAPITAL IMPROVEMENT PROGRAM; ORDINANCE NO 7155 - AMEND - 2015 CITY-UNIVERSITY FUND BUDGET; RESOLUTION NO. 081815-B - RENTAL FEES - FLINT HILLS DISCOVERY CENTER; AND FIRST READING - 2016 SALARY ORDINANCE**

Commissioner Butler voiced concerns with approving the 2016 City Budget without trying to reduce the budget further. He stated that the proposed budget is not a reasonable budget based on the inflation rate and increased property valuations. He wanted to have the City Manager and Department Heads further evaluate the budget, specifically travel budgets, and try to make additional reductions. He highlighted the travel budget purposes and requested that the City Commission travel be listed as a specific line item for greater transparency to see where Commissioners are going and what trips are being taken.

After discussion and comments from the Commission regarding the 2016 Budget and the City Commission travel budget, Mayor McCulloh opened the public comments.

Tim Davenport, President, Manhattan Kansas Firefighters Local Union 2275, informed the Commission that he appreciated the discussions regarding the Cost of Living Adjustment (COLA). He asked that future discussions and collaborations with the Local Union 2275 include an evaluation of the current rank structure, firefighter wages and peer salaries, and considerations to cost of living today. He then responded to questions from the Commission regarding the current step program for firefighters.

Malley Sisson, 2311 Grandview Terrace, informed the Commission that she was taxed out and according to *The Manhattan Mercury*, personal property taxes will be approaching double digits. She voiced concern with Westar utilities increasing and with potential increases in property taxes next year.

Frank Beer, Owner, Manhattan Radio Shack, stated that he was not going out of business and will be changing his business name and expanding. He informed the Commission that his business is approaching a tipping point given the increase in property taxes that he and other businesses pay. He also voiced concerns and provided comments with the increase in property taxes, higher valuations and property taxes that are currently not being paid.

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

Commissioner Butler requested that the City Commission travel budget be listed as a separate line item, so that it is clearly transparent to everyone what is being spent.

Mayor McCulloh stated that there is a consensus of the Commission to do that and can direct City staff to provide a separate line item for Commissioner travel.

ITEM REMOVED FROM CONSENT AGENDA (CONTINUED)

**ORDINANCE NO. 7154 - ADOPT - 2016 BUDGET; RESOLUTION NO. 081815-A - APPROVE - 2016-2021 CAPITAL IMPROVEMENT PROGRAM; ORDINANCE NO 7155 - AMEND - 2015 CITY-UNIVERSITY FUND BUDGET; RESOLUTION NO. 081815-B - RENTAL FEES - FLINT HILLS DISCOVERY CENTER; AND FIRST READING - 2016 SALARY ORDINANCE (CONTINUED)**

After additional discussion and comments from the Commission, Commissioner Reddi moved to approve Ordinance No. 7154 adopting the 2016 City Budget; approve Resolution No. 081815-A approving the 2016-2021 Capital Improvement Program; approve Ordinance No. 7155 amending the 2015 City-University Fund Budget; approve Resolution No. 081815-B setting rental fees for the Flint Hills Discovery Center; and, approve first reading of the 2016 Salary Ordinance. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Ordinance No. 7154 adopting the 2016 City Budget, which carried 4-1, with Commissioner Butler voting against the item.

EXECUTIVE SESSION

At 11:40 p.m., Commissioner Reddi moved to recess into Executive Session until 11:50 p.m. for the purpose of discussion of personnel matters of non-elected personnel. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

At 11:50 p.m., the Commission reconvened with Mayor McCulloh and Commissioners Reddi, Morse, Dodson, and Butler in attendance.

**ADJOURNMENT**

At 11:50 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** I-5, Business Park District

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

**APPLICANT:** Scenic Crossing, LLC – Neil W. Horton, Manager

**ADDRESS:** 3629 Vanesta Drive, Manhattan, KS 66503

**OWNERS/ ADDRESS** Scenic Crossing, LLC – Neil W. Horton, Manager  
3629 Vanesta Drive, Manhattan, KS 66503

City of Manhattan – Ron Fehr, City Manager  
1101 Poyntz Avenue, Manhattan, KS 66502

**LEGAL DESCRIPTION:** An unplatted tract of land in the southwest corner of Section 10, Township 10 South, Range 4 East. For the purposes of the request, the subject site shall be referred to as Tract 1. (Tract 2 will refer to a request to rezone an area to R-2, Two-Family Residential District. Tract 3 will refer to a rezoning request for an area to C-2, Neighborhood Shopping District).

**LOCATION:** Generally located to the northeast of the intersection of Kimball Avenue/Scenic Drive and Anderson Avenue.

**AREA:** Rezoning site: 10.01 acres  
Total subdivision: 24.4 acres

**DATE OF NEIGHBORHOOD MEETING:** April 23, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** July 13, 2015

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 3, 2015  
**CITY COMMISSION:** August 18, 2015

*The Rezoning request is part of a larger development that includes requests to Rezone additional tracts to R-2, Two-Family Residential District, C-2, Neighborhood Commercial District and Preliminary Plat the land. Please refer to those Staff Reports for additional information.*

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

**1. EXISTING USE:** Vacant land and a 45,513 square foot portion of the Kimball Avenue and Anderson Avenue right-of-way (*The City of Manhattan has agreed to participate in the Rezoning and Preliminary Plat requests. Final Approval of the vacation of the ROW will be finalized by the City Commission*)

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site generally slopes from the northwest to the southeast. The north and east portion of the site is comprised of steep slopes. The remainder of the site is relatively flat.

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

**NORTH:** Large lot, single-family residential neighborhood; R, Single-Family Residential District

**SOUTH:** Anderson Avenue, a two-lane arterial road with a rural cross-section, business professional office development and multiple-family development; C-2, Neighborhood Shopping Center, Stone Creek Commercial PUD, Planned Unit Development District, R-3, Multiple-Family Residential District and Pebblebrook Residential PUD, Planned Unit Development.

**EAST:** Large lot, single-family residential neighborhood; R, Single-Family Residential District

**WEST:** Kimball Avenue, a two-lane arterial road with a rural cross-section; vacant land, two-family neighborhood and multiple-family neighborhood; C-2, Neighborhood Shopping Center, R-2, Two-Family Residential District and Four Winds Residential PUD, Planned Unit Development.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of large lot single-family homes, two-family homes, multiple-family developments and commercial uses. The land surrounding the Kimball Avenue, Anderson Avenue, Scenic Drive intersection is generally vacant.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently zoned I-5, Business Park District, which is designed to encourage administrative, research and assembly activities in a setting that is compatible with surrounding or abutting residential districts. The district should generally be located along major streets and can be used as a transitional zone between residential areas and other districts. The

site meets the minimum lot area, width and length requirements for the district. Although the site exceeds the minimum requirements of the I-5 District, the market demand for such a use may not be available. The site has been zoned I-5 District since 1981 and no development has occurred on the site since that time.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed Preliminary Plat (*see Preliminary Plat Memorandum*) shows the R-1 District properties to be located along the north and east boundaries of the development. In the central portion of the site will be single-family attached dwellings to be rezoned to R-2, Two-Family Residential District. At the corner of Kimball Avenue and Anderson Avenue, the Preliminary Plat shows several large lots to be rezoned to C-2, Neighborhood Commercial District.

An increase in light, noise and traffic is anticipated from the proposed development compared to the current vacant tract. All of the traffic will be onto the adjacent arterial roadways to the south and west. No vehicular connection is proposed into the adjacent neighborhoods. The proposed roadway improvements and traffic analysis is discussed in the Preliminary Plat Memorandum.

The properties most likely impacted by the R-1 District rezoning will be to the north and east. The location of the R-1 District portion of the development is to create a buffer between the existing single-family neighbors to the north and east and the more intense residential and commercial uses to the southwest. A majority of the neighborhoods to the north and east are above the grade of the proposed development. The R-1 District lots of the proposed development range in size from 0.21 acres to .785 acres. The proposed lots will be similar in size and intensity to the adjacent residential lots.

The applicant held a neighborhood meeting on April 23, 2015. According to the meeting summary, 24 people attended the meeting. The majority of the meeting attendees were neighbors from the north and east. Meeting attendees were encouraged to submit comment sheets regarding the proposed Rezoning and Preliminary Plat requests (*see attached*). No meeting attendees specifically opposed the rezoning requests. Several comments were supportive of the proposed development. Others asked questions of a how the development will handle vehicular traffic and the treatment of pedestrian connectivity from the proposed development to the surrounding neighborhoods. These 2 issues are addressed in the Preliminary Plat Memorandum.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is shown on the Southwest Future Land Use map of the 2015 Update to the Comprehensive Plan as Residential Medium to High Density (RMH), with a Future Neighborhood Commercial Center Commercial/Mixed Use designation at the intersection of the Kimball Avenue/Scenic Drive and Anderson Avenue. Policies for the RMH and CMU Future Land Use designations include:

**COMPREHENSIVE PLAN:** The site is shown on the Southwest Future Land Use map of the 2015 Update to the Comprehensive Plan as Residential Medium to High Density (RMH), with a Future Neighborhood Commercial Center Commercial/Mixed Use designation at the intersection of the Kimball Avenue/Scenic Drive and Anderson Avenue. Policies for the NCC and CMU Future Land Use designations include:

***RMH-1: Characteristics***

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

***RMH-2: Appropriate Density Range***

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

***RMH-3: Location***

*Locate Residential Medium to High Density neighborhoods close to an arterial street and bounded by collector streets where possible, with a direct connection to work, shopping, transit, and recreational activities. The Residential Medium to High Density designation includes some of the older neighborhoods in the core area of the City as well as portions of newer planned neighborhoods outside of the core area.*

***RMH-4: Variety of Housing Styles***

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development, particularly when a single housing type (e.g., small-lot single-family or duplexes) is prevalent.*

**CMU-1: Activity Centers**

*Concentrate commercial services and other complementary uses—entertainment, recreation, employment, and residential—within planned activity centers, or compact nodes, that are located throughout the community. This pattern is intended to promote “one-stop shopping,” minimize the need for cross-town vehicle trips, preserve the residential character of many of the major street corridors throughout the community, and help prevent the negative impacts caused by linear strip commercial configurations with multiple access points along a corridor. The general locations of proposed Future Community Commercial or Neighborhood Commercial Centers are identified on the Future Land Use map. The precise location, size, overall mix of uses, and configuration of these centers is intended to be flexible and should be determined as specific developments are proposed considering changing market conditions, surrounding development context, and the need for economic sustainability.*

**CMU-2: Revitalization of Existing Centers**

*Encourage the revitalization and/or redevelopment of underutilized centers over time to take advantage of existing infrastructure and promote the efficient use of available land. Support the integration of a broader mix of uses as part of revitalization efforts, including residential to promote vitality and increase housing options within the community.*

**CMU-3: Promote a High Quality Urban Environment**

*Promote a high quality urban environment in commercial and mixed-use developments, as expressed by site layout, building materials and design, landscaping, parking area design, and pedestrian-oriented facilities, such as through use of design guidelines.*

**CMU-4: Mixed-Use Development**

*Encourage mixed-use development—both vertically and horizontally mixed use, as appropriate, given the surrounding development context and market demand—through the revitalization of aging and/or underutilized centers and corridors as well as part of new commercial/mixed-use centers.*

**CMU-5: Pedestrian Access and Orientation**

*Design Commercial/Mixed-Use sites with an emphasis on the character and safety of the pedestrian realm:*

- *Bring buildings close to the street;*
- *Avoid uninterrupted expanses of parking and organize larger parking lots as a series of smaller blocks divided by landscaping and pedestrian walkways;*
- *Distribute parking areas between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible;*
- *Consider shared parking opportunities; and*
- *Provide clear pedestrian connections with generous sidewalk widths, low-level lighting, and outdoor gathering spaces.*

**CMU-6: Community Facilities**

*Incorporate public plazas, libraries, parks, common areas, and other community facilities, into centers where appropriate to serve the needs of neighborhood residents. Encourage creative approaches to the design of community facilities in centers to reinforce the more compact nature of their surroundings and integrate them with other uses. Support shared use facilities (e.g. library/coffee shop/community meeting rooms) as a means to promote efficiency and increase hours of activity.*

**CMU-7: Multi-Modal Connectivity**

*Ensure Commercial/Mixed-Use areas are served by a system of collector and local streets, as well as sidewalks and pedestrian and bicycle pathways, which provide connectivity to surrounding neighborhoods, adjacent employment areas, and existing or planned transit services.*

The overall proposal for the development is a mixed-use development consisting of commercial lots for a small shopping center and single-family attached and single-family detached lots. The layout of the subdivision creates a stepped reduction of the intensity of uses from the more intense commercial uses near the intersection Anderson Avenue and Kimball Avenue/Scenic Drive to the single-family detached lots near the existing single-family neighborhood to the north and east. The total density of the residential portion of the development is 2.76 dwelling units per acre. The single-family detached portion has a density of 1.99 dwelling units per acre. The single-family attached section of the development has a density of 5.19 dwelling units per acre. The layout is consistent principles of the RMH and CMU. The proposed Rezoning conforms to the Manhattan Area 2035 Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The rezoning site has remained vacant for an undetermined time. The site was annexed into the City in 1981 (Ordinance No. 3872) and rezoned to I-5, Business Park District. According to the applicant, the original plan for the area was for a medical office complex. The most recent activity on the site has a quarry for stone and dirt for construction projects in the area.

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

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

*Attachment No. 1*

The proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations and R-1 District because proposed lot sizes conform to the minimum requirements of the R-1 District for single-family dwelling units. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

The R-1, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. The R-1 District lots shown on the Preliminary Plat range in size from 9,239 square feet to 34,176 square feet. The proposed lots conform to the requirements of the R-1 District.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. There are no expected adverse affects on the public health, safety and welfare as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the rezoning site, subject to approval of the Preliminary Plat of Scenic Crossing.

**12. OTHER APPLICABLE FACTORS:**

*Notice of Potential Impact Due to Military Training FORT RILEY*

**THE CITY OF MANHATTAN AND OTHER SURROUNDING LOCAL GOVERNMENTS HAVE ENTERED INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH FORT RILEY THAT OUTLINES RESPONSIBILITIES BETWEEN MUNICIPALITIES AND FORT RILEY RELATED TO COMMUNICATION ON PLANNING AND DEVELOPMENT ACTIVITIES THAT ARE WITHIN THE “Critical Area” and the Fort Riley “Army Compatible Use Buffer” area. This is a requirement of State statue K.S.A. 12-773 that was passed in 2010. The Critical Area is a combination of several boundaries, including: the most recently identified Land Use Planning Zone (LUPZ) which is a noise impact area associated with explosives and large arms operations/training; the area within one (1) statute mile of the installation boundary; the area within a portion of the helicopter flight**

*Attachment No. 1*

route buffer near the northwest corner of Fort Riley; and, the area between such helicopter flight route buffer and the installation boundary of Fort Riley (*see map*). For proposed developments located within the Critical Area, City Administration is required to notify the Fort for comment. Specifically, City Administration provides the following notifications:

- Provide written notice to the commander of Fort Riley of each development proposal which affects any portion of the Critical Area or any portion of the Fort Riley Army Compatible Use Buffer area outside of the Critical Area to provide the commander of Fort Riley an opportunity to assess any impact and coordinate issues with planning staff.
- Provide a “Notice of Potential Impact” to each individual receiving a construction permit for improvements within the Critical Area, which reads as follows:

“The property for which this permit is issued is situated in an area that may be subjected to conditions resulting from military training at a nearby military installation. Such conditions may include the firing of small and large caliber weapons, the over flight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the use of generators and other accepted and customary military training activities. These activities ordinarily and necessarily produce, noise, dust, smoke and other conditions that may not be compatible with the permitted improvement according to established federal guidelines, state guidelines or both.”

**CITY ADMINISTRATION NOTIFIED FORT RILEY ABOUT THE PROPOSED REZONING AND PRELIMINARY PLAT OF SCENIC CROSSING. THE FORT ENCOURAGES USE OF NOISE DISCLOSURE AND NOISE REDUCTION MEASURES IN HOMES. CITY ADMINISTRATION WILL PROVIDE THE “Notice of Potential Impact” on building permits for this subdivision.**

- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Tract 1 of the proposed Scenic Crossing development from I-5, Business Park District to R-1, Single-Family Residential District, based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Tract 1 of the proposed Scenic Crossing development, from I-5, Business Park District to R-1, Single-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Tract 1 of the proposed Scenic Crossing development from I-5, Business Park District to R-1, Single-Family Residential District, based on the findings in the Staff Report .

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

**DATE:** July 15, 2015

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** I-5, Business Park District

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

**APPLICANT:** Scenic Crossings, LLC – Neil W. Horton, Manager

**ADDRESS:** 3629 Vanesta Drive, Manhattan, KS 66503

**OWNERS/ ADDRESS** Scenic Crossings, LLC – Neil W. Horton, Manager  
3629 Vanesta Drive, Manhattan, KS 66503

City of Manhattan – Ron Fehr, City Manager  
1101 Poyntz Avenue, Manhattan, KS 66502

**LEGAL DESCRIPTION:** An unplatted tract of land in the southwest corner of Section 10, Township 10 South, Range 4 East. For the purposes of the request, the subject site shall be referred to as Tract 2. (Tract 1 will refer to a request to rezone an area to R-1, Single-Family Residential District. Tract 3 will refer to a rezoning request for an area to C-2, Neighborhood Shopping District).

**LOCATION:** Generally located to the northeast of the intersection of Kimball Avenue/Scenic Drive and Anderson Avenue.

**AREA:** Rezoning site: 2.70 acres  
Total subdivision: 24.4 acres

**DATE OF NEIGHBORHOOD MEETING:** April 23, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** July 13, 2015

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 3, 2015  
**CITY COMMISSION:** August 18, 2015

*The Rezoning request is part of a larger development that includes requests to Rezone additional tracts to R-1, Single-Family Residential District, and C-2, Neighborhood Commercial District and Preliminary Plat the land. Please refer to those Staff Reports for additional information.*

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

**1. EXISTING USE:** Vacant land and a 45,513 square foot portion of the Kimball Avenue and Anderson Avenue right-of-way (*The City of Manhattan has agreed to participate in the Rezoning and Preliminary Plat requests. Final Approval of the vacation of the ROW will be finalized by the City Commission*)

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site generally slopes from the northwest to the southeast. The north and east portion of the site is comprised of steep slopes. The remainder of the site is relatively flat.

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

**NORTH:** Large lot, single-family residential neighborhood; R, Single-Family Residential District

**SOUTH:** Anderson Avenue, a two-lane arterial road with a rural cross-section, business professional office development and multiple-family development; C-2, Neighborhood Shopping Center, Stone Creek Commercial PUD, Planned Unit Development District, R-3, Multiple-Family Residential District and Pebblebrook Residential PUD, Planned Unit Development.

**EAST:** Large lot, single-family residential neighborhood; R, Single-Family Residential District

**WEST:** Kimball Avenue, a two-lane arterial road with a rural cross-section; vacant land, two-family neighborhood and multiple-family neighborhood; C-2, Neighborhood Shopping Center, R-2, Two-Family Residential District and Four Winds Residential PUD, Planned Unit Development.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of large lot single-family homes, two-family homes and multiple-family developments and commercial uses. The land surrounding the Kimball Avenue, Anderson Avenue, Scenic Drive intersection is generally vacant.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently zoned I-5, Business Park District, which is designed to encourage administrative, research and assembly activities in a setting that is compatible with surrounding or abutting residential districts. The district should generally be located along major streets and can be used as a transitional zone between residential areas and other districts. The site meets the minimum lot area, width and length requirements for the district. Although the site exceeds the minimum requirements of the I-5 District, the market demand for such a use may not be available. The site has been zoned I-5 District since 1981 and no development has occurred on the site since that time.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed Preliminary Plat (*see Preliminary Plat Memorandum*) shows the R-2 District properties to be located near the center of the development. On the north and east boundaries of the development will be single-family dwellings to be rezoned to R-1, Single-Family Residential District. At the corner of Kimball Avenue and Anderson Avenue, the Preliminary Plat shows several large lots to be rezoned to C-2, Neighborhood Commercial District.

An increase in light, noise and traffic is anticipated from the proposed development compared to the current vacant tract. All of the traffic will be onto the adjacent arterial roadways to the south and west. No vehicular connection is proposed into the adjacent neighborhoods. The proposed roadway improvements and traffic analysis is discussed in the Preliminary Plat Memorandum.

The R-2 District lots are situated in the center of the development to provide a buffer to the single-family residential lots to the north and east from the commercial lots to the south, along Kimball Avenue and Anderson Avenue. The mix of the uses within the proposed development transitions the intensity of use, light, traffic and noise from the major intersection of the 2 arterial streets and the adjacent single-family homes to the north and east. Considering the overall design of the proposed development, the request to rezone the Tract 2 to R-2 District should have minimal impacts on adjacent properties.

The applicant held a neighborhood meeting on April 23, 2015. According to the meeting summary, 24 people attended the meeting. The majority of the meeting attendees were neighbors from the north and east. Meeting attendees were encouraged to submit comment sheets regarding the proposed Rezoning and Preliminary Plat requests (*see attached*). No meeting attendees specifically opposed the rezoning requests. Several comments were supportive of the proposed development. Others asked questions of a how the development will handle vehicular traffic and the treatment of pedestrian connectivity from the proposed development to the surrounding neighborhoods. These 2 issues are addressed in the Preliminary Plat Memorandum.

**7. COMPREHENSIVE PLAN:** The site is shown on the Southwest Future Land Use map of the 2015 Update to the Comprehensive Plan as Residential Medium to High Density (RMH), with a Future Neighborhood Commercial Center Commercial/Mixed Use designation at the intersection of the Kimball Avenue/Scenic Drive and Anderson Avenue. Policies for the RMH and CMU Future Land Use designations include:

***RMH-1: Characteristics***

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

***RMH-2: Appropriate Density Range***

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

***RMH-3: Location***

*Locate Residential Medium to High Density neighborhoods close to an arterial street and bounded by collector streets where possible, with a direct connection to work, shopping, transit, and recreational activities. The Residential Medium to High Density designation includes some of the older neighborhoods in the core area of the City as well as portions of newer planned neighborhoods outside of the core area.*

***RMH-4: Variety of Housing Styles***

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development, particularly when a single housing type (e.g., small-lot single-family or duplexes) is prevalent.*

***CMU-1: Activity Centers***

*Concentrate commercial services and other complementary uses—entertainment, recreation, employment, and residential—within planned activity centers, or compact nodes, that are located throughout the community. This pattern is intended to promote “one-stop shopping,” minimize the need for cross-town vehicle trips, preserve the residential character of many of the major street corridors throughout the community, and help prevent the negative impacts caused by linear strip commercial configurations with*

*multiple access points along a corridor. The general locations of proposed Future Community Commercial or Neighborhood Commercial Centers are identified on the Future Land Use map. The precise location, size, overall mix of uses, and configuration of these centers is intended to be flexible and should be determined as specific developments are proposed considering changing market conditions, surrounding development context, and the need for economic sustainability.*

***CMU-2: Revitalization of Existing Centers***

*Encourage the revitalization and/or redevelopment of underutilized centers over time to take advantage of existing infrastructure and promote the efficient use of available land. Support the integration of a broader mix of uses as part of revitalization efforts, including residential to promote vitality and increase housing options within the community.*

***CMU-3: Promote a High Quality Urban Environment***

*Promote a high quality urban environment in commercial and mixed-use developments, as expressed by site layout, building materials and design, landscaping, parking area design, and pedestrian-oriented facilities, such as through use of design guidelines.*

***CMU-4: Mixed-Use Development***

*Encourage mixed-use development—both vertically and horizontally mixed use, as appropriate, given the surrounding development context and market demand—through the revitalization of aging and/or underutilized centers and corridors as well as part of new commercial/mixed-use centers.*

***CMU-5: Pedestrian Access and Orientation***

*Design Commercial/Mixed-Use sites with an emphasis on the character and safety of the pedestrian realm:*

- Bring buildings close to the street;*
- Avoid uninterrupted expanses of parking and organize larger parking lots as a series of smaller blocks divided by landscaping and pedestrian walkways;*
- Distribute parking areas between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible;*
- Consider shared parking opportunities; and*
- Provide clear pedestrian connections with generous sidewalk widths, low-level lighting, and outdoor gathering spaces.*

**CMU-6: Community Facilities**

*Incorporate public plazas, libraries, parks, common areas, and other community facilities, into centers where appropriate to serve the needs of neighborhood residents. Encourage creative approaches to the design of community facilities in centers to reinforce the more compact nature of their surroundings and integrate them with other uses. Support shared use facilities (e.g. library/coffee shop/community meeting rooms) as a means to promote efficiency and increase hours of activity.*

**CMU-7: Multi-Modal Connectivity**

*Ensure Commercial/Mixed-Use areas are served by a system of collector and local streets, as well as sidewalks and pedestrian and bicycle pathways, which provide connectivity to surrounding neighborhoods, adjacent employment areas, and existing or planned transit services.*

The overall proposal for the development is a mixed-use development consisting of commercial lots for a small shopping center and single-family attached and single-family detached lots. The layout of the subdivision creates a stepped reduction of the intensity of uses from the more intense commercial uses near the intersection Anderson Avenue and Kimball Avenue/Scenic Drive to the single-family detached lots near the existing single-family neighborhood to the north and east. The total density of the residential portion of the development is 2.76 dwelling units per acre. The single-family detached portion has a density of 1.99 dwelling units per acre. The single-family attached section of the development has a density of 5.19 dwelling units per acre. The layout is consistent principles of the RMH and CMU. The proposed Rezoning conforms to the Manhattan Area 2035 Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The rezoning site has remained vacant for an undetermined time. The site was annexed into the City in 1981 (Ordinance No. 3872) and rezoned to I-5, Business Park District. According to the applicant, the original plan for the area was for a medical office complex. The most recent activity on the site has a quarry for stone and dirt for construction projects in the area.

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

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

*Attachment No. 2*

The proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations and R-2 District because proposed lot sizes conform to the minimum requirements of the R-2 District for single-family dwelling units. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

The R-2, Two-Family Residential District is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. The minimum lot area for a single-family detached dwelling is 6,000 square feet. The minimum lot area for a single-family attached dwelling is 3,750 square feet per dwelling unit. Two-family dwellings are required to have a minimum of 7,500 square feet in lot area. The R-1 District lots shown on the Preliminary Plat range in size from 5,100 square feet to 7,600 square feet. The proposed lots conform to the requirements of the R-2 District.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. There are no expected adverse affects on the public health, safety and welfare as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the rezoning site, subject to approval of the Preliminary Plat of Scenic Crossing.

**12. OTHER APPLICABLE FACTORS:**

*Notice of Potential Impact Due to Military Training FORT RILEY*

**THE CITY OF MANHATTAN AND OTHER SURROUNDING LOCAL GOVERNMENTS HAVE ENTERED INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH FORT RILEY THAT OUTLINES RESPONSIBILITIES BETWEEN MUNICIPALITIES AND FORT RILEY RELATED TO COMMUNICATION ON PLANNING AND DEVELOPMENT ACTIVITIES THAT ARE WITHIN THE “Critical Area” and the Fort Riley “Army Compatible Use Buffer” area. This is a requirement of State statute K.S.A. 12-773 that was passed in 2010. The Critical Area is a combination of several boundaries, including: the most recently identified Land Use Planning Zone (LUPZ) which is a noise impact area**

*Attachment No. 2*

associated with explosives and large arms operations/training; the area within one (1) statute mile of the installation boundary; the area within a portion of the helicopter flight route buffer near the northwest corner of Fort Riley; and, the area between such helicopter flight route buffer and the installation boundary of Fort Riley (*see map*). For proposed developments located within the Critical Area, City Administration is required to notify the Fort for comment. Specifically, City Administration provides the following notifications:

- Provide written notice to the commander of Fort Riley of each development proposal which affects any portion of the Critical Area or any portion of the Fort Riley Army Compatible Use Buffer area outside of the Critical Area to provide the commander of Fort Riley an opportunity to assess any impact and coordinate issues with planning staff.
- Provide a “Notice of Potential Impact” to each individual receiving a construction permit for improvements within the Critical Area, which reads as follows:

“The property for which this permit is issued is situated in an area that may be subjected to conditions resulting from military training at a nearby military installation. Such conditions may include the firing of small and large caliber weapons, the over flight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the use of generators and other accepted and customary military training activities. These activities ordinarily and necessarily produce, noise, dust, smoke and other conditions that may not be compatible with the permitted improvement according to established federal guidelines, state guidelines or both.”

**CITY ADMINISTRATION NOTIFIED FORT RILEY ABOUT THE PROPOSED REZONING AND PRELIMINARY PLAT OF SCENIC CROSSING. THE FORT ENCOURAGES USE OF NOISE DISCLOSURE AND NOISE REDUCTION MEASURES IN HOMES. CITY ADMINISTRATION WILL PROVIDE THE “Notice of Potential Impact” on building permits for this subdivision.**

- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Tract 2 of the proposed Scenic Crossing development from I-5, Business Park District to R-2, Two-Family Residential District, based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Tract 2 of the proposed Scenic Crossing development, from I-5, Business Park District to R-2, Two-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Tract 2 of the proposed Scenic Crossing development from I-5, Business Park District to R-2, Two-Family Residential District, based on the findings in the Staff Report.

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

**DATE:** July 15, 2015

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** I-5, Business Park District

**TO:** C-2, Neighborhood Shopping District

**APPLICANT:** Scenic Crossing, LLC – Neil W. Horton, Manager

**ADDRESS:** 3629 Vanesta Drive, Manhattan, KS 66503

**OWNERS/ ADDRESS** Scenic Crossing, LLC – Neil W. Horton, Manager  
3629 Vanesta Drive, Manhattan, KS 66503

City of Manhattan – Ron Fehr, City Manager  
1101 Poyntz Avenue, Manhattan, KS 66502

**LEGAL DESCRIPTION:** An unplatted tract of land in the southwest corner of Section 10, Township 10 South, Range 4 East. For the purposes of the request, the subject site shall be referred to as Tract 3. (Tract 1 will refer to a request to rezone an area to R-1, Single-Family Residential District. Tract 2 will refer to a rezoning request for an area to R-2, Two-Family Residential District).

**LOCATION:** Generally located to the northeast of the intersection of Kimball Avenue/Scenic Drive and Anderson Avenue.

**AREA:** Rezoning site: 11.67 acres  
Total subdivision: 24.4 acres

**DATE OF NEIGHBORHOOD MEETING:** April 23, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** July 13, 2015

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 3, 2015  
**CITY COMMISSION:** August 18, 2015

*The Rezoning request is part of a larger development that includes requests to Rezone additional tracts to R-1, Single-Family Residential District, and R-2, Two-Family Residential District and Preliminary Plat the land. Please refer to those Staff Reports for additional information.*

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

**1. EXISTING USE:** Vacant land and a 45,513 square foot portion of the Kimball Avenue and Anderson Avenue right-of-way (*The City of Manhattan has agreed to participate in the Rezoning and Preliminary Plat requests. Final Approval of the vacation of the ROW will be finalized by the City Commission*)

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site generally slopes from the northwest to the southeast. The north and east portion of the site is comprised of steep slopes. The remainder of the site is relatively flat.

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

**NORTH:** Large lot, single-family residential neighborhood; R, Single-Family Residential District

**SOUTH:** Anderson Avenue, a two-lane arterial road with a rural cross-section, business professional office development and multiple-family development; C-2, Neighborhood Shopping Center, Stone Creek Commercial PUD, Planned Unit Development District, R-3, Multiple-Family Residential District and Pebblebrook Residential PUD, Planned Unit Development.

**EAST:** Large lot, single-family residential neighborhood; R, Single-Family Residential District

**WEST:** Kimball Avenue, a two-lane arterial road with a rural cross-section; vacant land, two-family neighborhood and multiple-family neighborhood; C-2, Neighborhood Shopping Center, R-2, Two-Family Residential District and Four Winds Residential PUD, Planned Unit Development.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of large lot single-family homes, two-family homes and multiple-family developments and commercial uses. The land surrounding the Kimball Avenue, Anderson Avenue, Scenic Drive intersection is generally vacant.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently zoned I-5, Business Park District, which is designed to encourage administrative, research and assembly activities in a setting that is compatible with surrounding or abutting residential districts. The district should generally be located along major streets and can be used as a transitional zone between residential areas and other districts. The

site meets the minimum lot area, width and length requirements for the district. Although the site exceeds the minimum requirements of the I-5 District, the market demand for such a use may not be available. The site has been zoned I-5 District since 1981 and no development has occurred on the site since that time.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed Preliminary Plat (*see Preliminary Plat Memorandum*) shows several large lots at the corner of Kimball Avenue and Anderson Avenue to be C-2 District. No types of uses are proposed for the C-2 zoned lots at this time. On the north and east boundaries of the development will be single-family dwellings to be rezoned to R-1, Single-Family Residential District. The Preliminary Plat shows land near the center of the development to be rezoned to R-2, Two-Family Residential District and to be developed into single-family attached dwellings.

An increase in light, noise and traffic is anticipated from the proposed development compared to the current vacant tract. All of the traffic will be onto the adjacent arterial roadways to the south and west. No vehicular connection is proposed into the adjacent neighborhoods. The proposed roadway improvements and traffic analysis is discussed in the Preliminary Plat Memorandum.

The C-2 District lots are situated near the intersection Kimball Avenue/Scenic Drive and Anderson Avenue. Properties immediately adjacent to major intersection and the location of Tract 3 are zoned for commercial uses. Nearby residential lots in the Wyndham Heights and Greystone Neighborhoods are proposed to be buffered by proposed residential zoned lots in Tract 1 and Tract 2. In addition to the buffering by the lower intensity of the residential uses, a majority of these nearby residential properties are elevated over 20 feet above the C-2 District rezoning site. Rezoning Tract 3 to C-2 District should not adversely impact adjacent properties.

The applicant held a neighborhood meeting on April 23, 2015. According to the meeting summary, 24 people attended the meeting. The majority of the meeting attendees were neighbors from the north and east. Meeting attendees were encouraged to submit comment sheets regarding the proposed Rezoning and Preliminary Plat requests (*see attached*). No meeting attendees specifically opposed the rezoning requests. Several comments were supportive of the proposed development. Others asked questions of a how the development will handle vehicular traffic and the treatment of pedestrian connectivity from the proposed development to the surrounding neighborhoods. These 2 issues are addressed in the Preliminary Plat Memorandum.

**7 COMPREHENSIVE PLAN:** The site is shown on the Southwest Future Land Use map of the 2015 Update to the Comprehensive Plan as Residential Medium to High Density (RMH), with a Future Neighborhood Commercial Center Commercial/Mixed Use designation at the intersection of the Kimball Avenue/Scenic Drive and Anderson Avenue. Policies for the RHM and CMU Future Land Use designations include:

***RMH-1: Characteristics***

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

***RMH-2: Appropriate Density Range***

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

***RMH-3: Location***

*Locate Residential Medium to High Density neighborhoods close to an arterial street and bounded by collector streets where possible, with a direct connection to work, shopping, transit, and recreational activities. The Residential Medium to High Density designation includes some of the older neighborhoods in the core area of the City as well as portions of newer planned neighborhoods outside of the core area.*

***RMH-4: Variety of Housing Styles***

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development, particularly when a single housing type (e.g., small-lot single-family or duplexes) is prevalent.*

***CMU-1: Activity Centers***

*Concentrate commercial services and other complementary uses—entertainment, recreation, employment, and residential—within planned activity centers, or compact nodes, that are located throughout the community. This pattern is intended to promote “one-stop shopping,” minimize the need for cross-town vehicle trips, preserve the residential character of many of the major street corridors throughout the community, and help prevent the negative impacts caused by linear strip commercial configurations with*

*multiple access points along a corridor. The general locations of proposed Future Community Commercial or Neighborhood Commercial Centers are identified on the Future Land Use map. The precise location, size, overall mix of uses, and configuration of these centers is intended to be flexible and should be determined as specific developments are proposed considering changing market conditions, surrounding development context, and the need for economic sustainability.*

***CMU-2: Revitalization of Existing Centers***

*Encourage the revitalization and/or redevelopment of underutilized centers over time to take advantage of existing infrastructure and promote the efficient use of available land. Support the integration of a broader mix of uses as part of revitalization efforts, including residential to promote vitality and increase housing options within the community.*

***CMU-3: Promote a High Quality Urban Environment***

*Promote a high quality urban environment in commercial and mixed-use developments, as expressed by site layout, building materials and design, landscaping, parking area design, and pedestrian-oriented facilities, such as through use of design guidelines.*

***CMU-4: Mixed-Use Development***

*Encourage mixed-use development—both vertically and horizontally mixed use, as appropriate, given the surrounding development context and market demand—through the revitalization of aging and/or underutilized centers and corridors as well as part of new commercial/mixed-use centers.*

***CMU-5: Pedestrian Access and Orientation***

*Design Commercial/Mixed-Use sites with an emphasis on the character and safety of the pedestrian realm:*

- Bring buildings close to the street;*
- Avoid uninterrupted expanses of parking and organize larger parking lots as a series of smaller blocks divided by landscaping and pedestrian walkways;*
- Distribute parking areas between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible;*
- Consider shared parking opportunities; and*
- Provide clear pedestrian connections with generous sidewalk widths, low-level lighting, and outdoor gathering spaces.*

***CMU-6: Community Facilities***

*Incorporate public plazas, libraries, parks, common areas, and other community facilities, into centers where appropriate to serve the needs of neighborhood residents. Encourage creative approaches to the design of community facilities in centers to reinforce the more*

*compact nature of their surroundings and integrate them with other uses. Support shared use facilities (e.g. library/coffee shop/community meeting rooms) as a means to promote efficiency and increase hours of activity.*

**CMU-7: Multi-Modal Connectivity**

*Ensure Commercial/Mixed-Use areas are served by a system of collector and local streets, as well as sidewalks and pedestrian and bicycle pathways, which provide connectivity to surrounding neighborhoods, adjacent employment areas, and existing or planned transit services.*

The overall proposal for the development is a mixed-use development consisting of commercial lots for a small shopping center and single-family attached and single-family detached lots. The layout of the subdivision creates a stepped reduction of the intensity of uses from the more intense commercial uses near the intersection Anderson Avenue and Kimball Avenue/Scenic Drive to the single-family detached lots near the existing single-family neighborhood to the north and east. The total density of the residential portion of the development is 2.76 dwelling units per acre. The single-family detached portion has a density of 1.99 dwelling units per acre. The single-family attached section of the development has a density of 5.19 dwelling units per acre. The layout is consistent principles of the RMH and CMU. The proposed Rezoning conforms to the Manhattan Area 2035 Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The rezoning site has remained vacant for an undetermined time. The site was annexed into the City in 1981 (Ordinance No. 3872) and rezoned to I-5, Business Park District. According to the applicant, the original plan for the area was for a medical office complex. The most recent activity on the site has a quarry for stone and dirt for construction projects in the area.

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

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

The proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations and C-2 District because proposed lot sizes conform to the minimum requirements of the C-2 District for single-family dwelling units. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

C-2, Neighborhood Shopping District is designed to provide a broad range of retail shopping facilities and services located to serve one or more residential areas. The minimum lot area requirement for the C-2 District is 15,000 square feet. The 4 C-2 District lots shown on the Preliminary Plat range in lot size from 36,592 square feet to 222,366 square feet. The proposed lots conform to the requirements of the C-2 District.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. There are no expected adverse affects on the public health, safety and welfare as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the rezoning site, subject to approval of the Preliminary Plat of Scenic Crossing.

**12. OTHER APPLICABLE FACTORS:**

*Notice of Potential Impact Due to Military Training FORT RILEY*

**THE CITY OF MANHATTAN AND OTHER SURROUNDING LOCAL GOVERNMENTS HAVE ENTERED INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH FORT RILEY THAT OUTLINES RESPONSIBILITIES BETWEEN MUNICIPALITIES AND FORT RILEY RELATED TO COMMUNICATION ON PLANNING AND DEVELOPMENT ACTIVITIES THAT ARE WITHIN THE “Critical Area” and the Fort Riley “Army Compatible Use Buffer” area.** This is a requirement of State statute K.S.A. 12-773 that was passed in 2010. The Critical Area is a combination of several boundaries, including: the most recently identified Land Use Planning Zone (LUPZ) which is a noise impact area associated with explosives and large arms operations/training; the area within one (1) statute mile of the installation boundary; the area within a portion of the helicopter flight route buffer near the northwest corner of Fort Riley; and, the area between such helicopter flight route buffer and the installation boundary of Fort Riley (*see map*). For proposed developments located within the Critical Area, City Administration is required to notify the Fort for comment. Specifically, City Administration provides the following notifications:

*Attachment No. 3*

- Provide written notice to the commander of Fort Riley of each development proposal which affects any portion of the Critical Area or any portion of the Fort Riley Army Compatible Use Buffer area outside of the Critical Area to provide the commander of Fort Riley an opportunity to assess any impact and coordinate issues with planning staff.
- Provide a “Notice of Potential Impact” to each individual receiving a construction permit for improvements within the Critical Area, which reads as follows:

“The property for which this permit is issued is situated in an area that may be subjected to conditions resulting from military training at a nearby military installation. Such conditions may include the firing of small and large caliber weapons, the over flight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the use of generators and other accepted and customary military training activities. These activities ordinarily and necessarily produce, noise, dust, smoke and other conditions that may not be compatible with the permitted improvement according to established federal guidelines, state guidelines or both.”

**CITY ADMINISTRATION NOTIFIED FORT RILEY ABOUT THE PROPOSED REZONING AND PRELIMINARY PLAT OF SCENIC CROSSING. THE FORT ENCOURAGES USE OF NOISE DISCLOSURE AND NOISE REDUCTION MEASURES IN HOMES. CITY ADMINISTRATION WILL PROVIDE THE “Notice of Potential Impact” on building permits for this subdivision.**

- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Tract 3 of the proposed Scenic Crossing development from I-5, Business Park District to C-2, Neighborhood Shopping District, based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Tract 3 of the proposed Scenic Crossing development, from I-5, Business Park District to C-2, Neighborhood Shopping District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Tract 3 of the proposed Scenic Crossing development from I-5, Business Park District to C-2, Neighborhood Shopping District, based on the findings in the Staff Report.

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

**DATE:** July 15, 2015

CB/vr  
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## **STAFF REPORT**

**AN AMENDMENT OF ORDINANCE NO. 7097 AND 7124 AND THE APPROVED PRELIMINARY DEVELOPMENT PLAN OF MERCY REGIONAL HEALTH CENTER. THE PUD AMENDMENT IS IN THE FORM OF A FINAL DEVELOPMENT PLAN.**

## **BACKGROUND**

**APPLICANT/OWNER:** Via Christi Hospital Manhattan, Inc. – John Broberg, Senior Administrator

**ADDRESS:** 1823 College Avenue

**LOCATION:** Generally located 450 feet west of the intersection of Kimball Avenue and College Avenue.

**AREA:** PUD Amendment Site – approximately 174,382 square feet (4.0 acres)  
Overall PUD Site – approximately 922,165 square feet (21.1 acres)

**DATE OF NEIGHBORHOOD MEETING:** June 18, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** July 13, 2015

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 3, 2015  
**CITY COMMISSION:** August 18, 2015

## **EXISTING PUD**

### **Existing Ordinances Affecting the Site**

Ordinance No. 7097 was approved on October 21, 2014 to rezone the Mercy Regional Health Center property (currently renamed to Via Christi Hospital) to the PUD, Planned Unit Development. Twelve (12) conditions of approval were established by the PUD Ordinance. These are:

1. The Permitted Uses shall be Hospitals, Outpatient Surgical Center, and Medical Offices.
2. A minimum six (6)-foot-tall sight-obscuring fence shall be constructed along the western property line of the new office building and its associated parking lot.
3. 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.

*Attachment No. 4*

4. All landscaping and irrigation shall be maintained in good condition.
5. Light poles shall be provided as described in the application documents. Exterior building lighting shall be provided as proposed and be of a cut-off design, so as to not cast direct light or glare onto public streets or adjacent property.
6. Ground Signs shall be permitted and constructed as proposed.
7. Wall signs shall be permitted as proposed.
8. Two (2) pylon signs shall be permitted on the site as shown on the Preliminary Development Plan. The digital portion of the pylon sign proposed on College Avenue shall be limited to a Digital Graphic Sign, as follows:
  - a. Digital Graphic Sign. A sign utilizing LED (light emitting diode), LCD (liquid crystal display), plasma, projected images, or any functionally equivalent technology, and which is capable of automated, remote, or computer control to change a static image only as a “slide show” (series of images).
  - b. Duration of Message and Transitions. The sign message shall remain static for a period of not less than 60 seconds. The transition from one (1) message to the next shall be direct and immediate, without any special effects including but not limited to, dissolving, fading, scrolling, starbursts, and wiping, which shall be prohibited.
  - c. Image Characteristics. Digital Graphic Signs shall have a pitch of not greater than 20 millimeters between each pixel.
  - d. Luminance. Between sunrise and sunset the maximum luminance shall be 5,000 nits and between sunset and sunrise the maximum luminance shall be 500 nits. All signs with a digital display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement.
9. An agreement outlining the owner's on-going maintenance responsibility and enforcement rights of the City for the detention areas and stormwater infrastructure shall be created and approved by the City prior to completion the Final Development Plan and Final Plat.
10. An eastbound right turn lane on Kimball Avenue into the PUD site shall be installed at the time of construction for the new medical office building.
11. The need for left turn lanes on Kimball Avenue and College Avenue into the site shall be evaluated by the applicant's engineer at the time of the Final Development Plan to determine if the road improvements are warranted to improve safety and efficiency of traffic.
12. Exempt signage shall be permitted as described in Article VI, Section 6-104 (A)(1),(2),(3),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids, banners, and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.

Ordinance No. 7124 was approved on February 3, 2015 to rezone a tract of land to the south of the hospital property along College Avenue to the Mercy Regional Health Center PUD and amend the approved the Preliminary Development Plan to construct an off-street parking lot. Five (5) conditions were approved the Ordinance, these are:

1. The Permitted Uses shall be Hospitals, Outpatient Surgical Center, and Medical Offices.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Light poles shall be provided as described in the application documents. Exterior building lighting shall be provided as proposed and be of a cut-off design, so as to not cast direct light or glare onto public streets or adjacent property.
5. Exempt signage shall be permitted as described in Article VI, Section 6-102(A)(2) (a),(b),(c),(e),(g),(h),(i),(j),(l) and (m). Temporary sales aids, banners and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.

### **PROPOSED AMENDMENT**

The approved PUD proposed a new 3-story, 70,000 square foot medical office building to be built on the northwest corner of the campus. The building footprint was approximately 23,500 square feet in area and located approximately seventy-nine (79) feet from the west property line.

Two-Hundred Ninety-Eight (298) parking stalls were approved with the proposed medical office building. The proposed off-street parking lot was to be approximately 12 feet from the west property line.

Because of the size and location of the proposed building and the location of the off-street parking lot to the adjacent residential properties, Condition #2, *A minimum six (6)-foot-tall sight-obscuring fence shall be constructed along the western property line of the new office building and its associated parking lot*, was approved.

Schwab – Eaton, P.A. submitted a Traffic Analysis as part of the application for the PUD Rezoning. The analysis found that existing traffic generated by the site, the anticipated traffic generated by the new Medical Office Building and the current traffic on Kimball Avenue and College Avenue would require a center left turn lane on the 2 arterial streets. Because of the concerns for the degrading level of service on the 2 streets, Condition #11

was approved. Condition #11 states: *The need for left turn lanes on Kimball Avenue and College Avenue into the site shall be evaluated by the applicant's engineer at the time of the Final Development Plan to determine if the road improvements are warranted to improve safety and efficiency of traffic.*

The applicant has proposed to significantly reduce the size of the proposed Medical Office Building and associated off-street parking lot (*see details below*). Because of the size and location of the building and off-street parking, the applicant's has requested that Condition #2 be removed from the PUD requirements. Likewise, because of the changes in the size of the building, the applicant would like to remove Condition #11 from the PUD requirements (*see Circulation analysis below*)

**Proposed Buildings**

The applicant has proposed to reduce the size of the Medical Office Building to be located on the northwest corner of the site (former St. Joseph Retirement and Nursing Home location) from 3-stories, to 2-stories. The approved building was 70,000 square feet in total floor area. The proposed building will be approximately 39,500 square feet in floor area. As originally approved, the constructed of new building will be precast concrete and metal accent panels. The building will be office space to be finished by the various medical practice tenants. The entrance to the building will face south towards the new and existing off-street parking lot.

One-Hundred and eighty-four (184) parking stalls are to be created with the proposed medical office building. The original PUD had 298 stalls associated with the approved building.

**PROPOSED LOT COVERAGE**

Use	Originally Approved		Proposed Revisions	
	Square Feet	Percentage	Square Feet	Percentage
Building	181,387	20.6%	180,537	19.6%
Paved Area (Parking, Driveways & Sidewalks)	431,917	49.0%	438,859	47.6%
Landscape & Manicured Lawn Area	268,740.8	30.4%	302,800	32.8%
Total Open Space		30.4%		32.8%
Total Impervious		69.6%		67.2%

**PROPOSED SIGN:**

A comprehensive signage plan for the site was approved with the originally PUD. The signage plan included new pylon signs at the intersections of College Avenue and Kimball Avenue and new and existing signage for the hospital building and the Manhattan Surgical

*Attachment No. 4*

Center building. The pylon sign at the College Avenue entrance was approved with a digital graphic sign.

The Final Development Plans shows internally illuminated wall signs to be located on the north, east and south sides of the medical office building.

*North side*

Sign	Dimensions	Total Area (sq. ft.)
Via Christi Health & Logo	30'-6" x 5'-9"	176
Medical Office Building	41'-3" x 2'-6"	103

*East side*

Sign	Dimensions	Total Area
Via Christi Health	17'-1" x 1'-6"	25.5
Via Christi Logo	6' x 9'-5"	50

*South side*

Sign	Dimensions	Total Area
Via Christi Health & Logo	15'-6" x 4'-10"	76
Medical Office Building	27'-9" x 2'-1"	58
2423	4'-6" x 1'-4"	6

Other signs proposed on the site are considered exempt because there are directional signs for parking, building identification or other public information requirements. Exempt sign requirements set out in Condition 12 above changed since approval of the PUD in 2014. Updated with this amendment are those exempt signs described in Article VI, Section 6-102 (A)(2)(a),(b),(c),(e),(g),(h),(i),(j),(k),(l),(m), of the Manhattan Zoning Regulations (*attached*).

**PROPOSED LIGHTING:** Off-street parking lot lighting and accent lighting of hospital and surgical center are present.

The Final Development Plan shows new LED light fixtures are to be mounted on twenty-five (25) foot tall poles to illuminate the off-street parking lot for the medical office building. The application materials state the proposed light fixtures can be directed to limit light spillage onto adjacent properties. The Zoning Regulations requires that all lighting be shielded and fully cut off.

The new medical office building will include lighting at the entries, general security lighting and building façade lighting.

## **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 PUD was approved for the existing hospital, in/out patient surgical center and a new 3-story, 70,000 square foot Medical Office Building. The proposed PUD Amendment reduces the total size of the proposed Medical Office Building to a 2-story, 39,400 square foot building. The proposed PUD Amendment is consistent with the intent and purpose of the approved PUD.

**2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** The reduction in the building size and off-street parking lot would generally not require a PUD Amendment. However, due to the revision of the site plan and intensity of the use, the applicant has requested that 2 conditions of approval be removed because they believe that the conditions are no longer required. The conditions are:

Condition #2: A minimum six (6)-foot-tall sight-obscuring fence shall be constructed along the western property line of the new office building and its associated parking lot

Condition #11: The need for left turn lanes on Kimball Avenue and College Avenue into the site shall be evaluated by the applicant's engineer at the time of the Final Development Plan to determine if the road improvements are warranted to improve safety and efficiency of traffic.

Analysis of the 2 conditions is below in the description of Screening and Standard #6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS for the screening discussion and description of the Circulation and Traffic Analysis for the turning lane discussion.

**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 PUD Amendment will be a gain to the health safety and general welfare. The revised building and site plans appear to reduce the impact on adjacent property owners and the general public. The proposed PUD Amendment is not special benefit to the applicant.

## **ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT**

**1. LANDSCAPING:** The landscaping proposed for the new medical office building will be similar in character to the existing landscaping with the hospital campus. Deciduous trees are proposed along the Kimball Avenue and the main driveway leading into the PUD site. Deciduous trees will also be installed in landscape islands in the off-street parking lot. Around the foundation of the building are to be ornamental bushes, grasses and perennial plants. Existing bushes and upright vegetation are shown on the landscaping plan along a portion of the west property line between the PUD site and adjacent properties. It appears that these plantings are sufficient to provide a visual buffer of the parking lot for the adjacent neighbors.

**2. SCREENING:** Trash dumpsters located to the east of the new building is to be screened precast concrete walls that will match the building and medal gates.

The originally approved PUD showed the new off-street parking associated with the Medical Office Building to be approximately 12 feet from the west property line, which abuts a several residential properties. Because of the anticipated adverse impacts on the adjacent residents from vehicles in the proposed off-street parking lot, Condition #2 was approved.

The proposed Final Development Plan reduced the number of off-street parking spaces associated with the Medical Office Building and moves the spaces to the east, away from the adjacent homes. The western edge of the new parking lot will be approximately 103 feet from the nearest property line. Dense bushes and vertical vegetation is located on the west property between the PUD and the residential property. Section 7-102(E)(5) requires sight-obscuring screening for off-street parking spaces that are within 25 feet from an adjacent resident district.

Considering the distance between the proposed off-street parking lot and the neighbors and the dense vegetation on the adjoining property line, it appears that the original concern necessitating the sight obscuring screening has been mitigated. City Administration is recommending that Condition #2 be removed.

**3. DRAINAGE:** The original PUD application included a drainage study that basically re-evaluated a previous study for the hospital expansion and Manhattan Surgical Center. At the northeast corner of the site is a wet detention and dry retention basin that handles the majority of the stormwater runoff for the site. The following chart shows the comparison of stormwater runoff rates for the area from the original PUD application.

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	2-Year	% Change	10-Year	% Change	100-Year	% Change
Pre-1999 (SWMMP)	47 cfs	-	79 cfs		128 cfs	
Existing Conditions	23.4 cfs	-50%	37.3 cfs	-53%	55.2 cfs	-57%
Proposed Conditions	24.3 cfs	4%	38.9 cfs	4%	56.1 cfs	2%

The drainage study concludes that “due to the effectiveness of the existing retention/detention pond, the impact of the proposed development will essentially be unfelt downstream. The pond has a significant buffering factor on incoming flows. Under proposed conditions, the peak discharges have a minor increase, but based on SWMMP flows, the discharges remain significantly below the discharges that existed before the pond was developed in 1999.

The drainage study also notes the pond’s benefits of water quality management due to a wetland area that has occurred naturally in location of the pond. The reports concludes that “modifications to the pond geometrics in an effort to make a minor reduction to the release rates will potentially create other unintended problems due to the system disruption and disturbance of the ground surface.”

The PUD Amendment application states “The proposed amendment will reduce impervious surface area resulting in increased available storage in the existing detention pond. The proposed Final Development Plan decreases the sites impervious surface by approximately 2%. The City Stormwater Engineer agrees with the analysis and accepts its findings.

**4. CIRCULATION:** Vehicle access to the site will be from the surrounding street system and an existing curb cut onto Kimball Avenue for the existing internal driveway network through the PUD site. Access to the proposed off-street parking lot will be from a new intersection of the internal driveway that is proposed immediately across the driveway at the Manhattan Surgical Center and the existing off-street parking lot driving aisles to the south of the site. An existing curb cut on Kimball Avenue that is to the west of the main Kimball Avenue entrance to the site will be removed with this development.

Traffic Analysis

The Traffic Impact Study was conducted by Schwab-Eaton, P.A. for the original rezoning of the site to the Mercy Regional Health Center PUD. That traffic study estimated that the new 70,000 square foot Medical Office Building would generate 161 new trips in the A.M. Peak Hour and 206 trips in the P.M. Peak Hour. The increase in trips to the existing roadway network caused several intersection and turning movements associated with the PUD site to function at a less than desired Level of Service. Because of this, 2 conditions of approval were recommended for the PUD. They are:

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1. An eastbound right-turn lane on Kimball Avenue into the PUD site shall be installed at the time of construction for the new medical office building
2. The need for left-turn lanes on Kimball Avenue and College Avenue into the site shall be evaluated by the applicant's engineer at the time of the Final Development Plan to determine if the road improvements are warranted to improve safety and efficiency of traffic.

As part of the PUD Amendment for the smaller Medical Office Building, Schwab-Eaton, P.A. revised the Traffic Impact Study. This study, dated June 8, 2015, the 40,000 square foot Medical Office Building would generate 92 trips in the A.M. Peak Hour and 125 trips in the P.M. Peak Hour. Following analysis of the turning movements into and out of the site and the Level of Service at the area intersections, the Traffic Study concluded the following:

- Under existing conditions for the area, all intersections function adequately, with noticeable delays for left turning movements out of the site onto Kimball Avenue and into the site from Kimball Avenue.
- The additional trips generated by the new Medical Office Building “does not significantly affect the operation of the intersection of Kimball and College Avenue. None of the Levels of Service change, though there are slight increases to total delay on some movements.”
- The new Medical Office Building does not significantly affect the turning movements for the intersections into and out of the site. The left turning movement at the north entrance does not improve.
- Analyzing the future traffic impacts, with a growth rate of 2%, will not adversely impact traffic on Kimball Avenue and College Avenue
- The street network and intersections on Kimball Avenue and College Avenue will require improvements in the area to improve the Level of Service for the intersections in the area.

Following the analysis, the Traffic Study made the following recommendations:

- Near-future improvements to the intersection of Kimball Avenue and College Avenue should include the addition of right-turn lanes to the eastbound and northbound approaches in order to meet current MATS recommendations. Turning movement counts should be evaluated annually to determine when the westbound approach also meets criteria for a dedicated right-turn lane.
- The City of Manhattan should review the effects of adding double left-turn lanes to the westbound and southbound approaches to Kimball/College Avenue intersection, which already operate at a LOS D during the AM peak hour, and will operate at a LOS F with very little additional background traffic increases.
- Left-turns out of the north entrance to the MOD will be difficult due to the volume of through traffic on Kimball Avenue during peak hours. Typically, traffic in parking lots will choose the least restrictive path, and it is likely in this case that

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drivers will choose to use the east entrance and turn left onto northbound College Avenue and then left at the Kimball/College intersection rather than wait excessively to turn left at the north entrance. An additional traffic study following completion and occupancy of the MOB should be performed to determine the validity of the directional distribution assumed in this study.

The City Engineer and City's Traffic Engineer have reviewed the revised Traffic Study and accept the findings for the new site plan (*see Staff Memo*). The Traffic Engineer notes "Though both the entrances of the development onto Kimball and College Avenue perform adequately into the future, the exiting left turn movement, especially at the north entrance onto Kimball Avenue, will perform with a poor level of service with the addition of this development and also in the future. The bottom line is that there will not be sufficient gaps in the thru traffic to allow this movement to operate well. This poor level of service impacts the development site primarily, with queues backing up into the development site, and not on a public roadway. At this time, there is no mechanism in place to force mitigation of this issue within the criteria being used to evaluate this study, though it is acknowledged that it is undesirable."

Furthermore City Administration acknowledges the existing and future need for roadway and intersections in the area and that they should be planned with future Capital Improvement Projects.

City Administration agrees that the proposed entering left-turn volume of vehicles will not trigger the need at this time for an auxiliary left-turn lane on Kimball Avenue at the north entrance. However, the addition of an auxiliary left-turn lane on Kimball Avenue will be required for any further development that should occur on the Mercy Regional development site, and any further revisions to the PUD will fall under the new 2015 MATS criteria for traffic impact studies. A condition of approval related to the future growth has been recommended.

Pedestrian and Bicycle Access

Sidewalks are found along Kimball Avenue and College Avenue and internal to the PUD site to provide pedestrian access to the existing and medical office buildings.

Bike racks are shown on the Preliminary Development Plans on the west side of the proposed medical office building.

Off-Street Parking

The PUD was approved with 845 off-street parking spaces. In February, 2015, the PUD was amended to add 80 new parking stalls in an off-street parking lot south of the hospital building along College Avenue. The total number of approved parking spaces is 925. A

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

Specifically for the Medical Office Building, 298 parking stalls were to be created with the proposed medical office building. The applicant used an off-street parking ratio of 4.5 spaces per 1,000 square feet of office building. According to the application documents, remaining spaces would be shared in the existing off-street parking lot.

Using the same parking ratio for the revised building, a total of 177 spaces would be required. The Final Development Plan shows that 184 spaces will be provided on the site. The total number of parking spaces the hospital campus will be 810 spaces, not counting the 250 spaces in the KSU football stadium parking lot. Adequate parking should be available to the entire hospital campus.

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

**6. CHARACTER OF THE NEIGHBORHOOD:** The proposed PUD Amendment will be a gain to the health safety and general welfare. The revised building and site plans appear to reduce the impact on adjacent property owners and the general public. The proposed PUD Amendment is not special benefit to the applicant.

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

**1. EXISTING USE:** Existing Mercy Regional Hospital with air ambulance helicopter landing pad and off-street parking lots, existing Manhattan Surgical Center and off-street parking lots and a vacant lot that was the former location of the St. Joseph Retirement Center and Nursing Home.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The PUD site gradually slopes from the west to the east. The majority of stormwater runoff is directed to the northeast corner of the site to an existing retention/detention pond. The site is bounded by Kimball Avenue to the north and College Avenue to the east and single-family homes to the west and south. Both streets are four-lane minor arterial roadways.

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

**NORTH:** Kimball Avenue, a four-lane, minor arterial street, multiple-family apartment complexes, Peace Lutheran Church and single-family homes; Manhattan Apartments (Woodway Apartments) Residential PUD, University Commons Residential PUD and R, Single-Family Residential District.

**SOUTH:** Single-Family Homes and vacant lot owned by Mercy Regional Health Center; R, Single-Family Residential District and Commercial PUD.

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

**WEST:** Single-Family Homes; R District

### **4. GENERAL NEIGHBORHOOD CHARACTER:** See above under **6, CHARACTER OF THE NEIGHBORHOOD.**

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The PUD was approved in October, 2014 to include the existing hospital and in/out-patient surgical center and a new Medical Office Building. The proposed PUD Amendment maintains the building design of the Medical Office Building, but decreases the building floor area by approximately over 40%. The site is suitable under its current PUD.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The area to the south and west is zoned R, Single-Family Residential District and consists of single-family homes, most of which are rental units. The hospital was originally built as the Saint Mary's Hospital in 1958. In 1996, the Mercy Regional Health Center was established. A Conditional Use was approved in 2000 to allow for an expansion that generally created today's building footprint. The Manhattan Surgical Center was approved through a Conditional Use by the Board of Zoning Appeals in 1999 to construct the building. Until recently, the generally area where the new medical office building will be located was the former St. Joseph Retirement Center and Nursing Home. The building had been vacant for a number of years. It is apparent that the existing medical uses of the PUD site have not adversely impacted adjacent properties, particularly the residential properties to the south and west.

The proposed rezoning to PUD and the Preliminary Development Plan to construct a medical office building will increase the amount of noise, light and traffic to the area, compared to the existing vacant land. The proposed building has been reduced to a two-story tall building (34 feet tall at the roof line). The building is setback approximately 25 feet from the Kimball Avenue property line and 107 feet from the west property line. The distance between the building and the adjacent residential properties to the west should be adequate to mitigate any issue with the building height.

The original Preliminary Development Plans for the site showed the off-street parking lot approximately 12 feet from the west property abutting homes. Because of the proximity of the parking lot to the homes, The PUD was approved with a condition of approval that required a sight obscuring screening fence to reduce the adverse impacts from the new Medical Office Building onto the neighboring homes. The Final Development Plan shows the parking lot associated with the Medical Office Building to be reduced in size and subsequently moved to the east. The new location is roughly 103 feet from the west property line. The revised site shown on the Final Development Plan adequately mitigates any adverse impacts created by the approved Preliminary Development Plan.

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

As part of the process to request a rezoning, the applicant held a neighborhood meeting on July 18, 2015. According to the meeting minutes, 2 adjacent property owners were present, along with the applicant and support staff. The meeting summary stated that all comments made at the meeting were supportive of the proposed Medical Office Building (*see attached meeting summary*).

As previously stated, the existing and proposed uses should not adversely impact the surrounding neighbors. It appears that the applicant have taken appropriate measures to address any negatively impacts the neighborhood. The site is generally compatible with nearby properties.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The rezoning site is shown on the Northwest Future Land Use Map as a Public/Semi-Public designation. The list of primary uses for this designation is: schools, government offices, community centers, fire stations, airport, libraries, hospitals, cemeteries, churches and other places of workshop. The proposed rezoning to PUD, Commercial Planned Unit Development meets the intent of the Comprehensive Plan. The existing and proposed uses are hospitals or uses that are customarily found at a hospital or on a campus-like hospital setting.

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

July 18, 1961	Annexed into the City (Ordinance No. 2216) and zoned "A-A," Single-Family Residential District.
1970 - 1986	Rezoned to R, Single-Family Residential District
1987 - Present	Rezoned to R-1, Single-Family Residential District
1999	Board of Zoning Appeals approves the Conditional Use to allow for the construction of the Manhattan Surgical Center.
May, 2000	Board of Zoning Appeals approves the Conditional Use to allow for the expansion of Mercy Regional Hospital buildings.
2007	Board of Zoning Appeals approves the Conditional Use to allow for the expansion of the Manhattan Surgical Center.
July, 2009	Board of Zoning Appeals approves the Conditional Use to allow for the expansion of Manhattan Surgical Center.
2012	Former St. Joseph Retirement Center and Nursing Home was demolished.
September 15, 2014	Manhattan Urban Area Planning Board conducts public hearing and recommends approval (7-0) of the rezoning of Mercy Regional Health Center from R-1, Single-Family Residential District, to PUD, Commercial Planned Unit District, based on the findings in the Staff Report with the twelve (12) conditions of approval recommended by City Administration.
October 7, 2014	City Commission approves first reading of an ordinance rezoning Mercy Regional Health Center from R-1, Single-Family Residential District, to PUD, Commercial Planned Unit District.
October 21, 2014	City Commission approves Ordinance No. 7097 rezoning Mercy Regional Health Center from R-1, Single-Family Residential District, to PUD, Commercial Planned Unit District.
January 5, 2015	Manhattan Urban Area Planning Board conducts public hearing and recommends approval (6-0) of the proposed rezoning of the vacant tract northwest of Vaughn Drive and College Avenue from College Avenue Medical Center PUD, to Mercy Regional

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Health Center PUD; and, to amend Ordinance No. 7097 and the Preliminary Development Plan of Mercy Regional Health Center PUD.

January 20, 2015 City Commission approves first reading of an rezoning the vacant tract, generally located northwest of the intersection of College Avenue and Vaughn Drive from College Avenue Medical Center PUD, to Mercy Regional Health Center PUD; and, amending Ordinance No. 7097 and the Preliminary Development Plan of the Mercy Regional Health Center PUD.

February 3, 2015 City Commission approves Ordinance No. 7124 rezoning the vacant 0.95 acre tract of land, generally located northwest of the intersection of College Avenue and Vaughn Drive, from College Avenue Medical Center PUD to Mercy Regional Health Center PUD; and, amending Ordinance No. 7097 and the Preliminary Development Plan of the Mercy Regional Health Center PUD, based on the findings in the Staff Report, subject to the five (5) conditions of approval recommended by the Planning Board.

April 6, 2015 Manhattan Urban Area Planning Board approves the Final Development Plan and the Final Plat of Mercy Regional Health Center, a Commercial Planned Unit Development, based on conformance with the Manhattan Urban Area Subdivision Regulations.

April 21, 2015 City Commission accepts easements and rights-of-way as shown on the Final Plat of the Mercy Regional Health Center, a 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 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.

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 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.

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed Amendment to 7097 and 7124 and the approved Preliminary Development Plan of Lot 2, Mercy Regional Health Center PUD, to be known as the Final Development Plan of Lot 2, Via Christi Health Center, subject to the following conditions:

1. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-102 (A)(2)(a),(b),(c),(e),(g),(h),(i),(j),(k),(l),(m), of the Manhattan Zoning Regulations of the Manhattan Zoning Regulations.
2. Any future amendments to the Via Christi Health Center PUD shall evaluate the need for an auxiliary left-turn lane on Kimball Avenue under the most recent MATS criteria for traffic impact studies.

#### **ALTERNATIVES:**

1. Recommend approval of the proposed amendment of Ordinance No. 7097 and 7124 and the approved Preliminary Development Plan of Lot 2, Mercy Regional Health Center PUD, to be known as the Final Development Plan of Lot 2, Via Christi Health Center stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of Ordinance No7097 and 7124 and the approved Preliminary Development Plan of Lot 2, Mercy Regional Health Center PUD, to be known as the Final Development Plan of Lot 2, Via Christi Health Center, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 7097 and 7124 and the approved Preliminary Development Plan of Lot 2, Mercy Regional Health Center PUD, to be known as the Final Development Plan of Lot 2, Via Christi Health Center, based on the findings in the Staff Report, subject to the 2 conditions of approval recommended by City Administration.

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

**DATE:** July 13, 2015

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## **STAFF REPORT**

**AN AMENDMENT OF ORDINANCE NO. 6693 AND 7049 AND A PORTION OF THE APPROVED FINAL DEVELOPMENT PLAN OF STONE POINTE TOWNHOMES, RESIDENTIAL PUD. A CONCURRENT FINAL PLAT IS ALSO PROPOSED (SEE SEPARATE STAFF MEMORANDUM REGARDING THE FINAL PLAT).**

**The amendment is necessary because the approved 24-townhome dwelling units on Lot 2, Birchwood Villas Addition will be replaced with three (3) multiple-family residential buildings consisting of 42-dwelling units. The amendment is a substantial modification of the approved PUD.**

## **BACKGROUND**

**APPLICANTS:** The applicants are:

- Stone Crest Land Co. LLC – Tim Schultz

**OWNER:** The owner is Stone Crest Land Co. LLC – Tim Schultz.

**ADDRESSES:**

- Stone Crest land Co. LLC, 1213 Hylton Heights Rd., Manhattan, KS 66502
- Excel Development Group, 8551 Lexington Avenue, Lincoln, NE 68505

**LEGAL DESCRIPTION:** Lot 2, Birchwood Villas Addition and all of Tract E, Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development Additions in the City of Manhattan, Riley County, Kansas.

**LOCATION:** The amendment site is generally east of N. Scenic Drive, and southeast of the intersection of Stone Crest Drive and Stone Crest Court.

**AREA:** The area of proposed Lot 1, Willow Ridge Apartments is to be 4.47 acres (194,713.2 square feet).

**DATE OF NEIGHBORHOOD MEETING:** Tuesday, June 16, 2015.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, July 13, 2015.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, August 3, 2015.  
**CITY COMMISSION:** Tuesday, August 11, 2015.

## **EXISTING PUD**

### **Stone Pointe Townhomes PUD Original Ordinance**

Ordinance No. 6693 was approved by the City Commission on April 15, 2008, which created Stone Pointe Townhomes Residential Planned Unit Development. The project history is described below.

### **Conditions of Approval**

The conditions of approval set out in Ordinance No. 6693 include:

1. Permitted uses shall include ninety six (96) residential townhome units.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. Two ground entry signs and exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2), of the Manhattan Zoning Regulations shall be permitted. *See Article VI, Section 6 -102 (A)(2) under the amended sign regulations for exempt signage.*
4. All landscaping and irrigation shall be maintained in good condition.
5. No parking shall be allowed along the entire length of the east side of the Stone Crest Way right-of-way driving lane and shall be appropriately signed as No Parking.

### **Current Zoning**

The current zoning of Stone Pointe Townhomes is PUD, Residential Planned Unit Development District with AO, Airport Overlay District.

The Final Development Plan of the entire Stone Pointe Townhomes PUD was approved June 2, 2008. A total of 96-townhome units were approved with the Final Development Plan.

None of the 24 townhomes on existing Lot 2, Birchwood Villas Addition have been built.

## **PROPOSED AMENDMENT**

The proposed amendment will be known as Willow Ridge Apartments, Residential Planned Unit Development. The proposed amendment will delete 24 future approved townhomes on Lots 12A-16D from the approved PUD and replace the townhomes with three (3) multiple-family residential apartment buildings. Other changes include off-street parking, signage, lighting, landscaping, and other improvements. All of Lot 2, Birchwood Villas Addition and Tract E, Stone Pointe Townhomes, Unit Three are included in the amendment site. The proposed changes are in the form of a Final Development Plan. A Final Plat of the amended PUD is also proposed (*See separate staff memorandum*).

The proposed apartments are affordable rental housing. Application documents indicate, “Tenants will be required to meet either the Low Income Housing Tax Credit or HOME program income levels. Area Median Income at 60 percent or below will be required to qualify for housing.” The Manhattan Area Housing Partnership Inc., the state certified non-profit CHDO (Community Housing Development Organization) will manage the apartment complex. (*For more details see the written application documents.*)

### **Proposed Buildings, Structures, and Phasing**

Proposed Lot 1: The proposed structures include three, 3-story apartment buildings:

The first 16-dwelling unit apartment building has four 1-bedroom dwelling units, six 2-bedroom dwelling units and six 3-bedroom dwelling units. The second building is a 12-dwelling unit apartment building with six 2-bedroom and six 3-bedroom units. The third building is a 14-unit apartment building with six 2-bedroom, six 3-bedroom and two 4-bedroom dwelling units, and 1 maintenance shop area affiliated with the apartment grounds.

All three (3) buildings are sited towards an interior parking lot located at the end of the cul-de-sac along Stone Crest Court. Exterior materials include brick veneer, stone accents, textured fiber-cement siding, decorative cedar wall features, and asphalt roof shingles. (*See sheets A5.1 and A5.2 for elevations*)

Other structures include a six (6) foot tall trash enclosure constructed with brick veneer walls and metal gates to match the apartment buildings, proposed to be located on the north side of the parking lot. Playground space is noted as mulch ground cover with wood playground equipment. A bike rack is adjacent to the 16-unit apartment building.

**Phasing**

Overall construction is scheduled to begin in September 2015. The 16-unit apartment building will be constructed first with anticipated lease-up in May of 2016. The 12-unit building will be constructed next and is scheduled to be completed in May of 2016. The 14-unit building with maintenance shop will be constructed last, scheduled for completion in June of 2016. Drives, sidewalks and parking will be complete by April, 2016, prior to the start of leasing. The playground area and equipment is scheduled to be completed with the first 16-unit apartment building in May of 2016.

**PROPOSED SIGN:** One ground sign is proposed at the off-street parking lot's entrance at the end of Stone Crest Court. The sign is constructed of cast stone supported by stone and brick piers four feet and four inches (4' - 4") tall. The sign face consists of cast stone on which the name of the apartments "Willow Ridge Apartments" will be routed and painted.

**PROPOSED LIGHTING:** Full cut-off parking lot light poles are 20-feet in height. Building lights are also full-cut off to shield light from spilling onto adjacent properties and the public street.

**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 amendment is consistent with the intent and purpose of the original PUD. The intent of the approved PUD is a multiple-family townhome development. The amendment preserves its multi-family character. The application documents indicate the amendment is consistent with the intent and purpose of the approved PUD, which "is a mix of owner occupied and rental units in four-plex townhomes. The amendment continues to provide a choice of housing for those not wishing to purchase or rent a single family home. The three story buildings are similar in heights to the existing Scenic Point Apartments."

**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 amendment is necessary due to changing housing market conditions. The application documents indicate, "Existing sales have been very slow for the townhomes. The steep terrain on the proposed site will drive the cost of townhomes even higher, hurting sales even more. The amendment will allow us to keep the density needed on the site and stay clear of the steep slopes on the east side of the site."

**3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The application documents indicate, “The City of Manhattan would benefit from increased affordable housing. The proposed project would integrate nicely into the housing that is already established in the area.” No special benefit is conferred upon an individual. The amendment creates an opportunity for affordable housing to serve a market demand which benefits the public.

### **ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT**

**1. LANDSCAPING:** Landscaping consists of shade, ornamental and evergreen trees, and irrigated turf around the building to be maintained by underground irrigation. Areas outside the lawn will remain native grass, generally the slopes on the northern and eastern side of Lot 1.

**2. SCREENING:** Trash enclosures will be constructed of brick veneer walls and metal gates to match the proposed apartment buildings.

**3. DRAINAGE:** The site will drain to the east into an existing detention basin constructed as a part of Stone Pointe Townhomes. The applicant’s consultant, Schwab Eaton, submitted a drainage summary (attached), dated June 18, 2015, based on a previous drainage study for the original Stone Point Townhomes concept. The amendment site will drain to an existing detention basin constructed as a part of Independence Place PUD. The consultant’s analysis indicates an improvement to the impervious area resulting in lower expected runoff rates. No additional drainage analysis is required by the City.

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

Public Access. Access to the site’s off-street parking lot is off Stone Crest Court. Internal sidewalks connect the apartment entrances and parking lot to the public sidewalk on the east side of Stone Crest Court.

Traffic. The applicant’s consultant, Schwab Eaton, submitted a letter dated June 17, 2015, which compares the original traffic report for the 24-townhome units to the proposed three (3) multi-family apartment buildings. The findings conclude the apartment buildings in the amendment site will generate four (4) additional trips over the number calculated with the original PUD. The City Engineer has reviewed and accepts the study, and concurs that the proposed change in traffic has an insignificant affect on the surrounding streets.

Off-Street Parking. Using the Manhattan Zoning Regulations parking ratios for 1-bedroom units (2 parking spaces per unit), 2-bedroom units (3 parking spaces per unit), 3-bedroom units (3.5 parking spaces per unit) and 4-bedroom units (4 parking spaces per unit), the 42-unit apartment building would be required to provide a minimum of 133-parking spaces. Eighty-six (86) off-street parking spaces are proposed.

The ratios for apartment units are generally oriented for occupancy of unrelated tenants. Residential PUDs and other apartment buildings approved by the Board of Zoning Appeals have used parking ratios based on bedroom count and dwelling-unit count rather than the Zoning Regulation's ratios. The proposed Willow Ridge Apartments has a combined bedroom count of 102-bedrooms. The proposed complex is family oriented, and requires occupancy approval as described above, and would be managed by the local CHDO. The demand for individual parking spaces may be less for occupancy than family oriented or market rate occupancy.

Based on 86-parking spaces, approximately 2-parking spaces will be provided per dwelling-unit with three (3) parking spaces allocated for full-time employees. According to the applicant, "Manhattan Area Housing Partnership (MAHP) will conduct day-to-day operations on site to include property management of all properties and social service programs the agency currently provides. Proposed employees will include 3 FTE. Potential hours of operation will be Tuesday-Friday 10-3pm and by appointment to meet the needs of residents." The proposed 86-parking spaces are reasonable to serve the proposed affordable housing market. The proposed number of parking spaces should also accommodate management personnel and tenants.

A bike rack is proposed off the parking lot and near the 16-unit apartment building.

**5. OPEN SPACE/LANDSCAPED AND COMMON AREA:** Proposed Lot 1 has 100,084 square feet of open/native seeded space and 39,450 square feet of landscaped space. Landscaping will be maintained by the owner.

**6. CHARACTER OF THE NEIGHBORHOOD:** The general neighborhood is characterized as a developing growth corridor of the City with single-family, two-family and multiple-family residential development to the north. Highland Meadows Additions are to the far northwest and include single-family, two-family, and multiple-family residential development. Birchwood Villa's affordable seniors' residential apartment is located to the west. Development occurring in the Lee Mill Heights and Miller Ranch areas to the southeast will continue to grow towards the PUD. The Miller Parkway street connection to N. Scenic Drive from Lee Mill Heights and Miller Ranch will accommodate future access to other parts of the City for development occurring in the Scenic Drive corridor.

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

**1. EXISTING USE:** The use of the amendment site is a vacant tract of land approved for 24 townhome dwelling units, a public street, and common area.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The graded site slopes and drains to the northeast.

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

(a.) **NORTH:** Stone Pointe townhomes and apartments; Residential PUD.

(b.) **SOUTH:** Future neighborhood shopping; C-2, Neighborhood Shopping District.

(c.) **EAST:** Future Independence Place apartments; PUD.

(d.) **WEST:** Birchwood Villas, N. Scenic Drive, and open range land; Residential PUD and G-1 General Agriculture District.

**4. GENERAL NEIGHBORHOOD CHARACTER:** See above under 6, **CHARACTER OF THE NEIGHBORHOOD.**

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The amendment site is suitable for the approved 24 townhomes and common area.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed amendment is within a multiple-family townhome setting and south of an approved multiple-family apartment development within the Stone Point Townhomes PUD. To the north of Stone Pointe townhomes are Scenic Woods apartments, Stone Pointe apartments are further to the north. Highland Ridge apartments, which have an affordable housing component, are to the northwest of the subject site and west of Scenic Drive. A future commercial neighborhood shopping area is located to south. The proposed development is close to and easily accessed from N. Scenic Drive, a minor north/south arterial. Any expected changes in light, noise, and traffic are not unlike what would exist with the approved 24 townhomes.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE PROPOSED SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE SOUTHWEST PLANNING AREA AS A COMBINATION OF RESIDENTIAL MEDIUM HIGH DENSITY (RMH), AND PRESERVED OPEN SPACE. THE SITE IS ALSO LOCATED IN THE Miller Parkway Corridor Special Planning Area AND IS IN THE**

**CONICAL ZONE OF THE MANHATTAN REGIONAL AIRPORT. THE AO, AIRPORT OVERLAY DISTRICT IS ADDED AS AN OVERLAY DISTRICT TO THE SPECIFIC PORTIONS OF STONE POINTE ADDITION THAT ARE AFFECTED BY THE CONICAL ZONE.**

Residential designations: Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or four-plexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

Other applicable policies to The Miller Parkway Corridor Special Planning Area include:

**MPC-2: Preservation of Drainage Areas**

Incorporate drainage ways, wetlands, and other sensitive natural features into the overall design of neighborhoods as buffers and open space amenities.

**MPC-5: Airport Airspace Regulations**

Ensure development is consistent with established airspace regulations for the Manhattan Regional Airport and the Airport Master Plan.

**THE APPLICANT FILED A RESTRICTIVE COVENANT WITH STONE POINTE ADDITION, UNIT TWO, IN 2006, WHICH LIMITS NET DENSITY TO NO MORE THAN 19 DWELLING UNITS PER NET ACRE, WHICH IS THE UPPER LIMIT OF THE RMH CATEGORY. THE NET DENSITY OF THE APPROVED STONE POINTE TOWNHOMES IS 7.66 DWELLING UNITS PER NET ACRE, WHICH IS BELOW THE RMH DENSITY AND MORE CONSISTENT WITH A LOW DENSITY DEVELOPMENT. THE PROPOSED OVERALL NET DENSITY, AS A RESULT OF THE 42 DWELLING UNITS IS SLIGHTLY MORE THAN APPROVED IN 2008, OR APPROXIMATELY 9.21 DWELLING UNITS PER NET ACRE. THE PROPOSED AMENDMENT CONFORMS TO THE COMPREHENSIVE PLAN.**

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

July 17, 2006                      Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Stone Pointe Addition, Unit Two, from G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay

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- District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- August 15, 2006 City Commission approves first reading of annexation and rezoning to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- September 5, 2006 City Commission approves Ordinance Nos. 6564 and 6564 annexing and rezoning Stone Pointe Unit Two, to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- November 6, 2006 Manhattan Urban Area Planning Board approves Preliminary Plat of Stone Pointe Addition, Unit Two.
- December 19, 2006 Manhattan Urban Area Planning Board approves Final Plat of Stone Pointe Addition, Unit Two.
- January 9, 2007 City Commission accepts easements and right-of-way as shown on the Final Plat of Stone Pointe Addition, Unit Two.
- March 17, 2008 Manhattan Urban Area Planning Board recommends approval of the rezoning of the Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- April 1, 2008 City Commission approves first reading of the rezoning of the Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- April 15, 2008 City Commission approves Ordinance No. 6693 rezoning Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- June 2, 2008 Manhattan Urban Area Planning Board approves the Final Plat and the Final Development Plan of the Stone Pointe Townhomes Residential Planned Unit Development.
- June 17, 2008 City Commission accepts easements and right-of-way as shown on the Final Plat of Stone Pointe Residential Townhomes Planned Unit Development.

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- September 6, 2012 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6693 and the Final Development Plan of Lot 1 and Tract E, Stone Pointe Townhomes, Unit Three, Residential PUD, and approves the Final Plat of Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development.
- October 2, 2012 City Commission approves first reading of an ordinance amending Ordinance No. 6693 and the Final Development Plan of Stone Pointe Townhomes Residential PUD.
- October 16, 2012 City Commission approves Ordinance No. 6971 amending Ordinance No. 6693 and the Final Development Plan of Stone Pointe Townhomes Residential PUD as proposed; and, accepts the easements and rights-of-way as shown on the Final Plat of Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development.
- October 6, 2013 Manhattan urban Area Planning Board tables the Public Hearing to amend Tract Z, Stone Pointe Townhomes PUD for proposed Birchwood Villas.
- October 21, 2013 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6693 and the Final Development Plan of Birchwood Villas Residential PUD, and the Final Plat of the Birchwood Villas Addition.
- November 5, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6693 and the Final Development Plan of Birchwood Villas Residential PUD.
- November 19, 2013 City Commission approves Ordinance No. 7049 amending a portion of the Final Development Plan of Tract Z, Stone Pointe Townhomes, Unit One, Residential PUD, and Ordinance No. 6693, as proposed, to be known as Birchwood Villas, Residential PUD, based on the findings in the Staff Report, with the five conditions recommended by the Manhattan Urban Area Planning Board.
- November 19, 2013 City Commission Accept the easements and rights-of-way, as shown on the Final Plat of Birchwood Villas Addition, Residential Planned Unit Development, based on conformance with the Manhattan Urban Area Subdivision Regulations.
- April 20, 2015 Manhattan Urban Area Planning Board approves the Final Plat of Birchwood Villas Addition, Unit No. 2, Residential Planned Unit Development.
- May 5, 2015 City Commission accepts easements and right-of-way as shown on the Final Plat of Birchwood Villas Addition, Unit No. 2, Residential 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 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.

Subject to the conditions of approval, the proposed amendment is consistent with the Zoning Regulations.

The existing AO District “is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by the facility to the region. The district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport's operation or the public welfare.”

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public, which denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. No adverse impacts to the public are expected. There may be a hardship to the applicant if the amendment is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: THE PROPOSED AMENDMENT CAN BE SERVED BY EXISTING PUBLIC IMPROVEMENTS, INCLUDING STREET, WATER, FIRE SERVICE AND SANITARY SEWER.**

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed amendment of Ordinance No. 6693 and 7049 and a portion of the approved Final Development Plan of Stone Pointe Townhomes Residential Townhomes PUD, to be known as the Final Development Plan of Willow Ridge Apartments Residential Planned Unit Development, subject to the following conditions:

1. Permitted uses shall include 42 multiple-family residential dwelling units.
2. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-102 (A)(2)(a),(b),(c),(e),(g),(h),(i),(j),(k),(l),(m), of the Manhattan Zoning Regulations of the Manhattan Zoning Regulations.

**ALTERNATIVES:**

1. Recommend approval of the proposed amendment of Ordinance No. 6693 and 7049 and a portion of the approved Final Development Plan of Stone Pointe Townhomes Residential Townhomes PUD, to be known as the Final Development Plan of Willow Ridge Apartments Residential Planned Unit Development, stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of Ordinance No. 6693 and 7049 and a portion of the approved Final Development Plan of Stone Pointe Townhomes Residential Townhomes PUD, to be known as the Final Development Plan of Willow Ridge Apartments Residential Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6693 and 7049 and a portion of the approved Final Development Plan of Stone Pointe Townhomes, Residential PUD, to be known as the Final Development Plan of Willow Ridge Apartments Residential Planned Unit Development, based on the findings in the Staff Report, subject to the two (2) conditions of approval recommended by City Administration.

*Attachment No. 5*

**PREPARED BY:** Chase Johnson, Planner

**DATE:** July 21, 2015

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