



MINUTES
CITY COMMISSION MEETING
TUESDAY, MAY 17, 2016
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, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 14 staff, and approximately 16 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor McCulloh proclaimed May 15-21, 2016, *National Public Works Week*. Rob Ott, Director of Public Works; Randy DeWitt, Assistant Director of Public Works-Water and Wastewater; Brian Johnson, City Engineer; Russell Still, Wastewater Treatment Plant Superintendent; Kenny Henry, Water Treatment Plant Superintendent; Norm Francis, Utility Superintendent; Bill Dickinson, Traffic Superintendent; and Jeff Walters, Street and Fleet Superintendent, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Reddi informed the community that the Flint Hills Festival is Saturday, May 21, 2016, from 11:00 a.m. to 5:00 p.m., at the Blue Earth Plaza and the Flint Hills Discovery Center, and encouraged everyone to attend and enjoy the event. She stated that Parks and Recreation is currently hiring for lifeguards and seasonal recreation activities. She also stated that USD383 school year will end on Wednesday, May 25, 2016.

COMMISSIONER COMMENTS (*CONTINUED*)

Mayor McCulloh stated the Splash Park in City Park is open. She also informed the community that a new exhibit, *Amazing Dinosaurs*, opened at the Flint Hills Discovery Center on Saturday, May 14, 2016, and is really fun. She also encouraged citizens to participate in Manhattan's Bike Month activities during May and to check the City's website for additional information regarding events and times.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 3, 2016.

CLAIMS REGISTER NO. 2822

The Commission approved Claims Register No. 2822 authorizing and approving the payment of claims from April 27, 2016, to May 10, 2016, in the amount of \$3,366,197.24.

ORDINANCE NO. 7210 – ADDITIONAL NO PARKING ANYTIME ZONES

The Commission approved Ordinance No. 7210 amending Chapter 31 of the Code of Ordinances adding “No Parking” to portions of Fremont Street, Bakers Way, Colbert Hills Drive, Michael Road and Little Kitten Avenue as outlined in the ordinance.

ORDINANCE NO. 7211 – REZONE – MCCALL LANDING PUD (MENARD’S EXPANSION)

The Commission approved Ordinance No. 7211 rezoning a 2.56 acre tract of land generally located at the northwest corner of the McCall Pattern property from I-2, Industrial Park District, to McCall Landing Commercial Planned Unit Development; and amended Ordinance No. 6745 and the Final Development Plan of Lot 2, McCall Landing Commercial PUD, based on the findings in the Staff Report (*See Attachment No. 1*), subject to the two (2) conditions of approval recommended by the Planning Board.

FINAL PLAT – MP ADDITION, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the MP Addition, Unit Two, generally located northwest of the intersection of Kretschmer Drive and McCall Road, based on conformance with the Manhattan Urban Area Subdivision Regulations.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7213 – ANNEX – LEGACY RIDGE ADDITION

The Commission approved Ordinance No. 7213 annexing the Legacy Ridge Addition, an approximate 17.89 acre tract of land generally located south of the intersection of Grand Mere Parkway and Mackintosh Court, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

ORDINANCE NO. 7214 – REZONE – LEGACY RIDGE ADDITION

The Commission approved Ordinance No. 7214 rezoning the Legacy Ridge Addition, from County R-PUD, Residential Planned Unit Development District, to R-1, Single-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 2*) and the recommendation of the Planning Board.

ORDINANCE NO. 7215 – ISSUE HEALTH CARE FACILITY REVENUE BONDS – MEADOWLARK HILLS RETIREMENT COMMUNITY

The Commission approved Ordinance No. 7215 issuing approximately \$45 million in Health Care Facility Revenue Bonds, Series No. 2016-A, to refund/refinance the 2007 Series-A and B for Meadowlark Hills Retirement Community.

*

ORDINANCE NO. 7216 – ISSUE – GENERAL OBLIGATION BONDS (SERIES 2016-A)

Ron Fehr, City Manager, presented an overview on the results of the bid opening.

The Commission approved accepting the best bid for selling the notes from FTN Financial Capital Markets, of New York, New York, and Ordinance No. 7216 issuing \$19,845,000.00 in general obligation improvement and refunding bonds (Series 2016-A) to finance the following 17 special assessment projects: *Congressional Addition* – Sanitary Sewer (SS1309), Street (ST1311), and Water (WA1310); *Grand Vista Addition, Unit Three* – Sanitary Sewer (SS1304), Street (ST1304), and Water (WA1304); *Highland Meadows Addition, Unit Seven* – Sanitary Sewer (SS1303), Street (ST1303), and Water (WA1303); *K-State Research Park, Phase II* – Sanitary Sewer (SS1310), Street (ST1312), and Water (WA1311); *Lee Mill Heights Addition, Unit Four and Unit Five* – Sanitary Sewer (SS1313), Street (ST1317), and Water (WA1315); and *Scenic Meadows Addition, Unit Three, Phase Two* – Stormwater (SM1303) and Street (ST1006); and refund general obligation bond Series 2007-C, 2008-A, 2009-A, and 2009-C.

CONSENT AGENDA (CONTINUED)

* **RESOLUTION NO. 051716-A – DELIVERY OF BONDS – GENERAL OBLIGATION BONDS (SERIES 2016-A)**

The Commission approved Resolution No. 051716-A authorizing delivery of the Series 2016-A bonds to the low bidder.

* **RESOLUTION NO. 051716-B – ISSUE – TEMPORARY NOTES (SERIES NO. 2016-02)**

Ron Fehr, City Manager, presented an overview on the results of the bid opening.

The Commission approved accepting the best bid for selling the notes from Hutchinson, Shockey, Erley & Co., of Chicago, Illinois, and approved Resolution No. 051716-B issuing Temporary Note Series No. 2016-02 in the amount of \$7,380,000.00 to finance 14 special assessment projects and five capital projects: ***Baltusrol Addition*** – Sanitary Sewer (SS1514), Street (ST1514), and Water (WA1516); ***Grande Bluffs at Mill Pointe, Unit Four*** – Sanitary Sewer (SS1517), Street (ST1513), and Water (WA1520); ***Miller Parkway/Scenic Drive Intersection*** – Street (ST1512); ***Muirfield Addition, Phase Two*** – Sanitary Sewer (SS1418), Street (ST1423), and Water (WA1416); ***Scenic Crossing Addition, Phase I*** – Stormwater (SM1511); ***The Courtyards at Lee Mill Heights*** – Sanitary Sewer (SS1516), Street (ST1515), and Water (WA1518); ***Airport Road Improvements (Design)*** – Street (ST1408) and Stormwater (SM1403); ***General Aviation/Fixed Base Operator Improvements (Design)*** – Street (AP1401) and Stormwater (SM1408); and ***Wildcat Creek Lift Station Bank Stabilization Project*** – Sanitary Sewer (SS1424).

SUBMIT KDOT APPLICATION – FEDERAL-AID SAFETY GRANT - CLAFLIN CORRIDOR (BETWEEN BROWNING AVENUE AND WESTPORT AVENUE)

The Commission authorized City Administration to submit an application to the Kansas Department of Transportation for the Federal-Aid Safety Grant for the Claflin Corridor, between Browning Avenue and Westport Avenue.

SUBMIT KDOT APPLICATION – FEDERAL-AID SAFETY GRANT - US 24 (TUTTLE CREEK BOULEVARD) AND KIMBALL AVENUE INTERSECTION

The Commission authorized City Administration to submit an application to the Kansas Department of Transportation for the Federal-Aid Safety Grant for the intersection of U.S. 24 and Kimball Avenue.

CONSENT AGENDA (CONTINUED)

AGREEMENT – ENGINEERING SERVICES – 17TH STREET AND POYNTZ AVENUE IMPROVEMENTS (ST1610, CIP #TR049P)

The Commission authorized the Mayor and City Clerk to execute an agreement (for professional services) in an amount not to exceed \$27,000.00, with Alfred Benesch & Co., of Manhattan, Kansas, for the 17th Street and Poyntz Avenue Improvements Project (ST1610, CIP #TR049P).

AGREEMENT – ENGINEERING SERVICES – WEST ANDERSON AVENUE INTERCEPTOR PROJECT (SS1620, CIP #WW026P)

The Commission authorized the Mayor and City Clerk to execute an agreement (for professional services) in an amount not to exceed \$54,993.00, with SMH Consultants, of Manhattan, Kansas, for the West Anderson Avenue Interceptor project (SS1620, CIP #WW026P).

AGREEMENT – ENGINEERING SERVICES – DENISON AVENUE WATERLINE IMPROVEMENTS (WA1612, CIP #WA137P)

The Commission authorized the Mayor and City Clerk to execute an agreement (for professional services) in an amount not to exceed \$50,434.00, with BG Consultants Inc., of Manhattan, Kansas, for the Denison Avenue Waterline Improvements project (WA1612, CIP #WA137P).

AWARD CONTRACT – PINEHURST ADDITION – SANITARY SEWER (SS1619), WATER (WA1617), AND STREET (ST1604) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$944,686.25; awarded a construction contract in the amount of \$798,059.85 to J&K Contracting, LC, of Junction City, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Pinehurst Addition Sanitary Sewer (SS1619), Water (WA1617), and Street (ST1604) Improvements project.

AWARD CONTRACT – SCENIC CROSSING – SANITARY SEWER (SS1603), WATER (WA1602), AND STREET (ST1601) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,244,147.50; awarded a construction contract in the amount of \$913,456.00 to Bayer Construction, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Scenic Crossing Sanitary Sewer (SS1603), Water (WA1602), and Street (ST1601) Improvements project.

CONSENT AGENDA (CONTINUED)

MEMORANDUM OF UNDERSTANDING – MARLATT AVENUE/DENISON AVENUE ROADWAY EXPANSION (ST1612, CIP #EN075P)

The Commission approved the draft Memorandum of Understanding (MOU); authorized City staff to finalize the MOU with Riley County; and authorized the Mayor and City Clerk to execute the final MOU for the Marlatt Avenue/Denison Avenue Roadway Expansion (ST1612, CIP #EN075P) project.

PURCHASE – SEWER EASEMENT MAINTENANCE MACHINE (CIP #WW139E)

The Commission authorized City Administration to purchase one (1) sewer easement maintenance machine (CIP #WW139E) (for the Sewer Maintenance Division) from Key Equipment & Supply Company, of Kansas City, Kansas, in the amount of \$36,460.00 (to be paid from the Wastewater Fund).

BOARD APPOINTMENTS

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

Code Appeals Board

Re-appointment of George Lauppe, 2837 Nevada Street, to a three-year Builder term. Mr. Lauppe's term will begin June 1, 2016, and will expire May 31, 2019.

Library Board

Appointment of Stacy Kohlmeier, 3446 Vanesta Drive, to a four-year term. Ms. Kohlmeier's term begins immediately, and will expire April 30, 2020.

Appointment of Sheila Hochhauser, 115 North 18th Street, to a four-year term. Ms. Hochhauser's term begins immediately, and will expire April 30, 2020.

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

GENERAL AGENDA

FIRST READING - AMEND ZONING REGULATIONS - DAY CARES

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted the proposed amendments and informed the Commission that the Manhattan Urban Area Planning Board unanimously recommended approval of the amendments. He then responded to questions from the Commission regarding changes in the Zoning Regulations for a day care home occupation in which care is given to 12 or fewer children, not related to the operator by blood, marriage, or legal adoption and the current licensing and inspection process.

Scott French, Director of Fire Services, responded to questions from the Commission and provided clarification on the inspection process for home day care.

After comments from the Commission, Ron Fehr, City Manager, provided additional information and clarification on the item. He stated that concerns expressed by the Commission can be addressed at second reading if the Commission desires to do so.

Mayor McCulloh stated that clarification from the Riley County Health Department at second reading would be fine.

Commissioner Morse voiced concern with the increase from 6 to 12 (or fewer) children and the potential impacts in residential neighborhoods. She stated that she would support approval of first reading, providing the Riley County Health Department responds to the questions from the Commission during second reading of the item.

Commissioner Reddi stated that clarification and additional detail needs to be provided at second reading with a representative with the Riley County Health Department before she could support amending the proposed zoning regulations.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion and additional comments from the Commission, Commissioner Dodson moved to approve first reading of an ordinance amending the Manhattan Zoning Regulations Article XVI, Section 16-201 to define Day Care Home, Group Day Care Centers, and Nursery School; and to amend Article V, Use Limitations, as proposed, based on the findings in the Staff Memorandum (*See Attachment No. 3*) and the recommendations of the Manhattan Urban Area Planning Board. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

FIRST READING - AMEND MANHATTAN ZONING REGULATIONS - SIGNS

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted nonconforming revisions, wall signs for institutional uses in residential districts, and photographs of entrance signs to subdivisions. He informed the Commission that the Manhattan Urban Area Planning Board unanimously recommended approval of the item. He then responded to questions from the Commission regarding lighted signs.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion, Commissioner Dodson moved to approve first reading of an ordinance amending Article VI – Signs, and Article V – Home Occupations, of the Manhattan Zoning Regulations, to address the identified follow-up items, based on the findings in the Staff Memorandum (*See Attachment No. 4*) and the recommendation of the Planning Board. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - AMEND SECTION 30-112 OF THE CODE OF ORDINANCES - SIZE OF A SIDEWALK SIGN ALLOWED - TEMPORARY USE OF A CITY SIDEWALK OR PUBLIC PLAZA

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted the proposed amendment and responded to questions from the Commission regarding the definition of maximum sign area, the measurement and size of sign, and the height restrictions.

Scott French, Director of Fire Services, provided additional information regarding the review of the sidewalk signs to ensure that the signs preserves fire and traffic safety, address ingress and egress from structures, and meet requirements with Americans with Disability Act (ADA) required passage along the public sidewalks.

Ron Fehr, City Manager, provided additional information regarding ADA requirements.

Mayor McCulloh opened the public comments.

Gina Scroggs, Executive Director, Downtown Manhattan, Inc., informed the Commission that sandwich board signs have been allowed to grow organically and the signs add an appeal to the Business District. She provided additional information on the current signs in the District and stated that businesses have to go through a strenuous permitting process every year.

Eric Cattell, Assistant Director for Planning, provided additional information regarding the height of several of the current sidewalk signs.

GENERAL AGENDA (CONTINUED)

FIRST READING - AMEND SECTION 30-112 OF THE CODE OF ORDINANCES - SIZE OF A SIDEWALK SIGN ALLOWED - TEMPORARY USE OF A CITY SIDEWALK OR PUBLIC PLAZA (CONTINUED)

After discussion and comments from the Commission, Gina Scroggs, Executive Director, Downtown Manhattan, Inc., stated that she can gather information regarding the current size of the signs and agreed with the need for sign restrictions. She then responded to questions from the Commission.

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

After additional discussion and comments from the Commission, Commissioner Reddi moved to table the item to the end of the agenda [following the discussion item]. Commissioner Morse seconded the motion. On vote, motion carried 5-0.

DISCUSSION – AMEND CHAPTER 22 - NOISE, DISORDERLY CONDUCT AND CRIMINAL TRESPASS

Kiel Mangus, Assistant City Manager, presented an overview of the item. He highlighted events and complaints received from the 2016 Fake Patty's Day; discussed meetings with the Riley County Police Department regarding noise complaints and drunk and disorderly concerns; and provided background information on the current noise ordinance, the noise permit process, and the proposed changes to the noise ordinance. He then responded to questions from the Commission regarding fines for noise violators, proposed noise ordinance and zoning districts, and enforcement provisions.

Katie Jackson, City Attorney, responded to questions from the Commission. She provided information and clarification on the proposed noise ordinance.

Mayor McCulloh opened the public comments.

Brad Schoen, Director, Riley County Police Department (RCPD), provided additional information on the proposed noise ordinance. He stated that RCPD is trying to strike a balance between the bars in Aggieville and the residents. He informed the Commission that he favors a district boundary rather than property lines in Aggieville and provided additional information regarding noise and reasonableness outside the district boundaries.

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

Katie Jackson, City Attorney, responded to questions from the Commission and provided clarification on the meaning of plainly audible.

Kiel Mangus, Assistant City Manager, responded to questions from the Commission and provided information on the special permit process.

GENERAL AGENDA (CONTINUED)

DISCUSSION – AMEND CHAPTER 22 - NOISE, DISORDERLY CONDUCT AND CRIMINAL TRESPASS (CONTINUED)

Katie Jackson, City Attorney, responded to questions from the Commission regarding the proposed zoning districts for the noise ordinance.

Eric Cattell, Assistant Director for Planning, and Kiel Mangus, Assistant City Manager, provided a map of the C-3 Aggieville District.

After discussion and comments from the Commission, Kiel Mangus, Assistant City Manager, responded to questions regarding the proposed fines, the person(s) that would be responsible if a fine is imposed, and provided information on the reliability of using decibel levels. He also provided clarification on the special permit process and use on public rights-of-way areas.

Katie Jackson, City Attorney, provided additional information regarding the proposed noise ordinance penalties and citation process. She also responded to questions regarding noise that is plainly audible from vehicles and enforcement provisions and considerations.

Kiel Mangus, Assistant City Manager, presented the proposed updates for disorderly conduct and criminal trespass. He highlighted the current State law regarding disorderly conduct and responded to questions from the Commission regarding the fourth proposed provision: "while under the influence of drugs or alcohol, engaging in conduct that disrupts, injures or endangers the comfort, health, safety, or peace of others within the city."

After comments from the Commission, Katie Jackson, City Attorney, provided additional information on the proposed fourth provision.

Brad Schoen, Director, RCPD, provided additional information on the proposed fourth provision while under the influence of drugs or alcohol. He stated that this language would be more encompassing than just disorderly conduct to address those individuals that are intoxicated and disrupts, injures or endangers the comfort, health, safety, or peace of others. He then responded to questions from the Commission regarding the proposed ordinance and challenges with those individuals on front yards and going from door-to-door in residential neighborhoods.

After additional comments from the Commission, Kiel Mangus, Assistant City Manager, informed the Commission that the goal is to provide RCPD with better enforcement capabilities and to remain in compliance with State law. He stated that the item would come back to the Commission at a future meeting for first reading.

GENERAL AGENDA (CONTINUED)

DISCUSSION – AMEND CHAPTER 22 - NOISE, DISORDERLY CONDUCT AND CRIMINAL TRESPASS (CONTINUED)

Katie Jackson, City Attorney, informed the Commission that the proposed ordinance would be unique to Manhattan and the City is trying to capture a behavior that is not traditional within the realm of disorderly conduct. She then responded to additional questions from the Commission.

As this was a discussion item only, there was no motion or formal action taken.

ITEM MOVED FROM THE GENERAL AGENDA

FIRST READING - AMEND SECTION 30-112 OF THE CODE OF ORDINANCES - SIZE OF A SIDEWALK SIGN ALLOWED - TEMPORARY USE OF A CITY SIDEWALK OR PUBLIC PLAZA

Commissioner Reddi moved to remove the item from the table [item previously moved from the General Agenda to the end of the Agenda]. Commissioner Morse seconded the motion. On vote, motion carried 5-0.

Gina Scroggs, Executive Director, Downtown Manhattan, Inc., informed the Commission that the three signs in question were made by the same builder and measure at 5 feet half an inch in height and cannot be cut at the legs. She recommended that 66 inches or 5 feet 5 inches be considered to cover those three existing signs and any future signs.

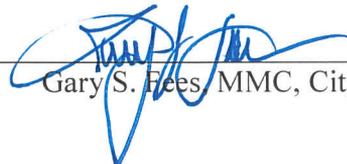
Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After further discussion and comments from the Commission, Commissioner Reddi moved to approve first reading of an ordinance amending Section 30-112 of the Code of Ordinances, as proposed, relating to the allowed size of a sidewalk sign, with the exception of a maximum of nine (9) square feet and no more than five and a-half feet height limitation. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:05 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

REQUEST: The applicant/owner has requested to rezone a 2.56 acre tract of land from I-2, Industrial Park District to the McCall Landing PUD, Commercial Planned Unit Development and amend Ordinance No. 6745 and the approved Final Development Plan of Lot 2, McCall Landing to expand the warehouse area of the Menards Home Improvement Store to include a larger warehouse and enclosed product storage area. The amendment is in the form of a Final Development Plan. The applicant has also requested a Final Plat to subdivide the site related to McCall Landing into 4 separate lots.

BACKGROUND

APPLICANT: Menard, Inc., Scott R. Nuttelman, Real Estate Representative

OWNER: The McCall Pattern Company, Vince Placek, CFO

LOCATION: Generally located approximately 875 feet north of the intersection of McCall Road and McCullough Place

AREA: 111,641 square feet (2.56 acres) to be rezoned to McCall Landing PUD.

DATE OF PUBLIC NOTICE PUBLICATION: March 14, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: April 18, 2016

CITY COMMISSION: May 3, 2016

EXISTING PUD

Ordinance No. 6745, Permitted Uses and Conditions of Approval

Ordinance No. 6745 dated January 6, 2009 is attached. Permitted Uses are set out in Condition No. 1, and all other conditions of approval include:

1. Permitted uses shall include Farm and ranch supply stores such as, but not limited to, Orscheln Farm & Home, with associated outdoor sales, display and storage; Business and professional offices; Restaurants, including drive-in type; Banks and financial institutions, including drive-in type; Convenience stores, without buried storage tanks; Package liquor stores; Retail stores; and, Home improvement centers, including retail sale of general merchandise, lumber yards, landscape and garden products, hardware, appliances and fixtures, carpet, tile and floor coverings, and general home improvement, household and related products, and outdoor sales, display and storage, including lumber yard areas for stores such as, but not limited to, Menards.

Attachment No. 1

2. Outdoor display, storage and sales on Lot 1 shall be limited to the outside sidewalk area along the western side of the Orscheln's building and in the fenced enclosure, as shown on the application documents.
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.
4. All landscaping and irrigation shall be maintained in good condition.
5. Light poles shall be provided as described in the application documents and shall be full cut-off design. Building lighting shall not cast direct light onto public or private streets or adjacent property and shall be full cut-off design.
6. Signage for Lot 1 – Orscheln's shall be constructed as proposed, consisting of wall signs.
7. Signage for Lot 2 and the ground sign on Lot 3 for Menards and other tenants of the PUD shall be constructed as proposed.
8. On all other lots there shall be no more than one (1) pole or ground sign per lot. In addition, pole signs shall have a maximum height of 30 feet above the ground; the total gross surface area of pole and ground signs including reader-boards shall be limited to no more than 1 square foot of sign area per 1 foot of linear street frontage and shall not exceed a maximum 200 square feet in area; all pole signs shall be fully skirted and the skirting and the bases of pole and ground signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and signs shall include a landscaped area around the base.
9. Wall signs on Lots 3 and 4 shall conform to requirements of the C-2, Neighborhood Shopping District of the Manhattan Zoning Regulations.
10. Temporary banner signs shall be limited to no more than one (1) banner sign per lot. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.
11. Prior to the development of Lot 3 and Lot 4, an amendment of the PUD shall be submitted and approved, prior to issuance of any necessary permits.
12. Underground liquid fuel storage tanks shall be prohibited in the PUD, and storage of hazardous materials, chemicals and other pollutants, shall be prohibited in the east half of the warehouse.
13. Well head easements shall be designated "No Structures Zone."
14. A revised drainage plan, consisting of grading and improvements necessary to protect the 50-foot and 100-foot well head areas, shall be submitted with the Final Development Plan. The revised drainage plan shall be approved by the Public Works Department.

PROPOSED AMENDMENT

The proposed amendment is to rezone approximately 2.56 acres from I-2, Industrial Park District to PUD, McCall Landing Commercial Planned Unit Development for an expansion of the Menard's warehouse and outdoor storage space. The rezoning site will be subdivided from the McCall Pattern parent tract for proposed development. The subdivision is part of the MP Addition, Unit Two Final Plat, which also creates 2 new lots for development on McCall Pattern's property.

Proposed Buildings, Structures, and Phasing

The proposed amendment is to construct a 253 foot by 72 foot warehouse structure to be adjoined to the existing warehouse. The warehouse addition will match the existing structure in exterior materials and appearance. The new structure will be approximately 27 feet tall. The structure will be used to store lumber and other building material for purchase.

An approximate 34,000 square foot paved storage yard will be constructed to the south and east of the warehouse addition. The expanded storage yard will be screened by identical wall and fencing material as the existing Menard warehouse area is today.

PROPOSED SIGNS:

No new signage is proposed with the PUD Amendment.

Exempt sign requirements set out in Condition 3 above changed since approval of the PUD in 2008. Updated with this amendment are those exempt signs described in Article VI, Section 6-102 (A)(a), (b), (c), (e), (g), (h), (i), (j), (l), (m) (*attached*).

PROPOSED LIGHTING: Lighting of the warehouse and storage yard area will be identical to the existing storage yard, which includes 30 foot tall light poles and building lights at entrances. As required by the Zoning Regulations, the site lighting is required to be shielded and full cut-off design.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The intent and purpose of the McCall Landing Commercial PUD is to allow a broad range of commercial retail and commercial service uses, including drive-in type restaurants.

The applicant states:

“The proposed amendment is to incorporate additional land to allow the upgrade and expansion of the Menards store, which was the original use for which the McCall Landing PUD was established. The amendment does not change the commercial character or the type of uses allowed nor does it increase the density or intensity of development within the PUD. Allowing reinvestment in the Menards store will help preserve the continued viability of the PUD as a whole.”

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 because the proposed is to expand the site to include approximately 2.56 acres of land adjacent to the Menards Home Store. The proposal requires rezoning the site to the PUD and amend the Final Development Plan to include the larger building and outdoor storage area.

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The amendment will result in a relative gain to the public health, safety, convenience or general welfare because public improvements have been designed and built to accommodate commercial uses and vehicular traffic on improved streets, and pedestrians and bicyclists on sidewalks along McCall Road and on Carlson Place. The proposed amendment has no underground storage tanks associated with it that would adversely impact the water well field areas to the north. No special benefit is granted upon any person as a result of the amendment because the amendment is required before a building permit can be issued for the warehouse addition and larger outdoor storage yard.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: Currently there are 6 conifer trees and 1 deciduous located on the east boundary of the current Menards storage area. The site plan shows that these 7 trees will be located to the east and south of the proposed expansion of the storage yard and warehouse.

2. SCREENING: A 14 foot tall wood screening wall around the storage yard expansion is proposed. This wall will be identical to the existing screening wall.

Attachment No. 1

3. DRAINAGE: A drainage study was completed in 2008 by Schwab-Eaton, P.A. for the original PUD application. The McCall Landing PUD site was constructed as planned to direct stormwater to the south and southeast through on-site storm sewer improvements associated with McCall Road, as well as detention basin on the east side of the development. Menards currents to a lined channel in a drainage easement to the detention basin.

The proposed PUD Amendment will follow this general drainage plan, by creating a new lined drainage channel to the east and south of the new storage yard to collect stormwater runoff and direct it to the existing detention basin on the east side of the development. It has been determined that the existing basin is adequate in size to collect the stormwater runoff from the expanded storage yard. The Public Works Department is requiring that the final design plans for the drainage channel be submitted to the City Engineer for approval prior to construction.

4. CIRCULATION: The site gains access from McCall Road from private travel easements (Carlson Place, McCall Place, Landing Place and McCullough Place). No changes are planned to the circulation patterns in the existing development or parking requirements as part of the PUD Amendment.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: No changes are proposed to the open space of the development.

6. CHARACTER OF THE NEIGHBORHOOD: McCall Road corridor from the intersection of US 24 Highway to the intersection with Tuttle Creek Boulevard is a mix of industrial manufacturing and research uses, and commercial and highway commercial uses.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The rezoning site is vacant industrial land associated with McCall Pattern Company. The request is to rezone this 2.56 acre tract of land to the McCall Landing PUD to allow for expansion of the Menards Home Store site.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The rezoning site is generally flat grass covered area and a portion of an off-street parking lot for the McCall Pattern Company. The site is in the Zone X, Protected by Levee Floodplain, which has no regulatory standards associated with it.

Fifty (50) foot well head protection zones around City well heads are shown along the northern boundary of the existing PUD, and extend partially in the existing PUD and the Menards site. This protection zone is not located on the Rezoning and PUD Amendment site.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** City water well fields, Quaker Oats Manufacturing, Levee Drive: I-2 District.

(b.) **SOUTH:** McCall Pattern Company; I-2 District.

(c.) **EAST:** McCall Pattern Company; I-2 District.

(d.) **WEST:** Menards home improvement store; McCall Landing PUD

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The rezoning site is the rear yard area for McCall Pattern Company. The current zoning district is I-2, Industrial Park District, which the current use is permitted.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The surrounding area is transiting from an industrial area to an area concentrated with drive-thru restaurants and retail stores, some of which are big box type retail stores. The proposed development will be consistent with surrounding uses and should not adversely impact adjacent properties.

The applicant held a neighborhood meeting on January 12, 2016. According to the meeting notes, one person from the public attended the meeting. There were no issues specific to the proposed rezoning and PUD Amendment. The question that was raised had to do with a specific issue in a nearby development.

7. CONFORMANCE WITH COMPREHENSIVE PLAN

THE REZONING SITE IS IN THE SOUTHEAST PLANNING AREA OF THE FUTURE LAND USE MAP OF THE MANHATTAN AREA 2035 COMPREHENSIVE PLAN. The site is shown as Industrial (IND) on the map. The proposed rezoning and PUD Amendment is to expand the Menards Home Improvement Store. The proposed amendment would implement a development generally consistent with the policies applicable to all commercial development, as well as policies applicable to Community Commercial.

The PUD was found to be in general conformance to the Comprehensive Plan in 2009. The amendment is in conformance with the approved PUD and Comprehensive Plan.

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

- | | |
|-------------------|---|
| 1968 | Annexation and rezoning to I-3, Light Industrial District. |
| 1969-2008 | Rezoned from I-3 District, to I-2, Industrial Park District. |
| April 21, 2008 | Manhattan Urban Area Planning Board conducts the public hearing and recommends approval of the proposed rezoning of McCall Landing from I-2, Industrial Park District to PUD, Commercial Planned Unit Development District, with 15 conditions of approval. |
| May 6, 2008 | City Commission approves first reading of an ordinance rezoning McCall Landing from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District. |
| May 20, 2008 | City Commission approves Ordinance No. 6700 rezoning McCall Landing from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District. |
| November 17, 2008 | At the request of the applicant, Manhattan Urban Area Planning Board tables the public hearing of the proposed rezoning of the revised McCall Landing PUD from PUD, Commercial Planned Unit Development District to PUD, Commercial Planned Unit Development District. |
| December 1, 2008 | Manhattan Urban Area Planning Board conducts the public hearing and recommends approval of the proposed rezoning of the revised McCall Landing PUD from PUD, Commercial Planned Unit Development District to PUD, Commercial Planned Unit Development District, with 14 conditions of approval. |
| December 16, 2008 | City Commission approves first reading of an ordinance rezoning the revised McCall Landing PUD from PUD, Commercial Planned Unit Development District to PUD, Commercial Planned Unit Development District. |
| January 6, 2009 | City Commission approves Ordinance No. 6745 rezoning the McCall Landing PUD from PUD, Commercial Planned Unit Development District to a new PUD, Commercial Planned Unit Development District. |

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- April 5, 2010 Manhattan Urban Area Planning Board approves the Final Development Plan (Lot 2 – Menards, and Lots 1, 3 and 4 – future amendments) and Final Plat of the McCall Landing Addition Commercial Planned Unit Development.
- April 20, 2010 City Commission accepts the easements and rights-of-way of the Final Plat of the McCall Landing Addition Commercial Planned Unit Development; and, authorizes the Mayor and City Clerk to execute the Agreement regarding construction and maintenance of the storm water facilities and travel easements.
- August 19, 2013 Manhattan Urban Area Planning Board recommends approval of an ordinance amending Ordinance No. 6745 and the Preliminary Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development.
- September 3, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6745 and the Preliminary Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development.
- September 17, 2013 City Commission approves Ordinance No. 7038 amending Ordinance No. 6745 and the Preliminary Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, based on the findings in the Staff Report, with three conditions of approval.
- October 7, 2013 Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6745 and the Preliminary Development Plan of Lot 3, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 3, McCall Landing Commercial Planned Unit Development, based on the findings in the Staff Report with Condition 1 recommended by City Administration and Condition 2 recommended by the Planning Board.

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- November 5, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6745 and the Preliminary Development Plan of Lot 3, McCall Landing Commercial Planned Unit Development, as proposed.
- November 19, 2013 City Commission approves Ordinance No. 7052 amending Ordinance No. 6745 and the Preliminary Development Plan of Lot 3, McCall Landing Commercial Planned Unit Development, as proposed.
- February 3, 2014 Manhattan Urban Area Planning Board approves Final Plat of McCall Landing, Unit Two, Commercial PUD.
- February 18, 2014 City Commission accepts easements and rights-of-way as shown on the Final Plat of McCall Landing, Unit Two, Commercial PUD.

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

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

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

There appears to be no relative gain to the public, which denial would accomplish. Fifty (50) foot well head protection zones around City well heads are shown along the northern boundary of the existing PUD, and are partially in the existing PUD. These protection zones are not in the rezoning and PUD Amendment Area. However, the proposed development is in close proximity to the well head protection zones. Structures may be allowed in close proximity; however, no underground liquid fuel storage tanks will be allowed in the PUD, and storage of hazardous materials,

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chemicals and other pollutants, will be prohibited in the east half of the warehouse. The concrete base of the warehouse must drain to the south and its northern edge must be curbed to prevent at grade drainage to the north. No adverse impacts to the public are expected, subject to conditions of approval. Therefore, there may be a hardship to the applicant if the rezoning is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The site is within the city and can be served by public improvements, including street, water, fire service and sanitary sewer.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: All conditions of approval, not in conflict with Ordinance No. 6745 remain in effect. City Administration recommends approval of the proposed rezoning of the 2.56 acre tract from I-2, Industrial Park District to PUD, McCall Landing Commercial Planned Unit Development and the proposed amendment of Ordinance No. 6745 and the approved Final Development Plan of Lot 2, McCall Landing Commercial Planned Unit Development, with the following condition of approval:

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)(a), (b), (c), (e), (g), (h), (i), (j), (l), (m) of the Manhattan Zoning Regulations.
2. Amend Condition #12 of Ordinance No. 6745 to read: Underground liquid fuel storage tanks shall be prohibited, and storage of hazardous materials, chemicals and other pollutants, shall be prohibited in the east 415 feet of the completed warehouse.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning and the amendment of Ordinance No. 6745 and the Final Development Plan of Lot 2, McCall Landing Commercial Planned Unit Development, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning and amendment of Ordinance No. 6745 and the Final Development Plan of Lot 2, McCall Landing Commercial Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

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POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the 2.56 acre tract from I-2, Industrial Park District to PUD, McCall Landing Commercial Planned Unit Development and the proposed amendment of Ordinance No. 6745 and the approved Final Development Plan of Lot 2, McCall Landing Commercial Planned Unit Development, based on the findings in the Staff Report, subject to the 2 condition of approval recommended by City Administration.

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

DATE: April 11, 2016

STAFF REPORT

ON AN APPLICATION TO REZONE: An approximately 17.89 acre tract of land to be known as the Legacy Ridge Addition.

FROM: County **R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT.**

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

APPLICANT/OWNERS: LARRY THIERER, THIERER CONSTRUCTION

ADDRESS: 1616 Wyndham Heights Road, Manhattan, KS 66503

LOCATION: Generally located south of the intersection of Grand Mere Parkway and Mackintosh Court.

AREA: Approximately 17.89 acres

DATE OF NEIGHBORHOOD MEETING: February 8, 2016

DATE OF PUBLIC NOTICE PUBLICATION: March 28, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: April 18, 2016
CITY COMMISSION: May 3, 2016

The applicant is also requesting annexation into the City of Manhattan and has proposed a Preliminary Plat of the Legacy Ridge Addition, which will create a total of 17 single-family lots and 2 common tracts.

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

- 1. EXISTING USE:** Open and undeveloped tract of land in Grand Mere, a master planned golf course community.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Open range land with native grass cover. The site is an irregular shaped tract with two (2) natural ravines present on the east and west borders of the development. The site drains generally southwest to these ravines, which ultimately drain to Little Kitten Creek. The site is mostly native grass with tree cover along the natural ravines.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Grand Mere Parkway right-of-way and the Grand Luxe Addition; R-S, Single-Family Residential Suburban District and R, Single-Family Residential District.

SOUTH: Undeveloped land within the City of Manhattan; I-5, Business Park District

EAST: Single-family homes in the Grand Vista subdivision; R, Single-Family Residential District.

WEST: Vacant rangeland in rural Riley County; Riley County AG, General Agriculture.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site was rezoned to County R-PUD in 1997. At the time of the rezoning, the golf course developer wanted assurance that when the golf course was annexed that a zoning, specifically the County R-PUD for the golf course, was attached. The rezoning to R-PUD was done primarily for the benefit of the golf course development. Those portions of Grand Mere that are not yet annexed remain County R-PUD. The current County R-PUD predated the Grand Mere Master Plan and Manhattan Urban Area Comprehensive Plan, which currently recommend “Villas” and low to medium residential density, respectively. Development in Grand Mere is progressing to ensure attractive and orderly neighborhoods in response to market demand. The Legacy Ridge Addition is suitable for the proposed rezoning to the R-1 District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning to R-1, Single-Family Residential District is compatible with surrounding properties. An increase in light, noise and traffic is expected, however these increases should cause minimal impact on adjacent residential properties. The proposed Preliminary Plat of the Legacy Ridge Addition shows single-family lots that range from 0.27 acres to 2.34 acres in lot area. The proposed lots are similar to the single-family lots found in the Grand Luxe and Grand Vista subdivisions to the east and north of the site and are proposed to have homes similar in character to the existing homes in the neighborhood.

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

The applicant held a neighborhood meeting on February 8, 2016. According to the meeting report, 6 neighbors attended the meeting and raised questions regarding the homes proposed in the subdivision.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Legacy Ridge Addition is shown on the Northwest Future Land Use of the Manhattan Area 2035 Comprehensive Plan as Residential Low/Medium Density, RLM. Applicable RLM policies (*in italics*) of the Comprehensive Plan include:

Residential Low/Medium Density (RLM)

RLM 1: Characteristics

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

RLM 2: Appropriate Density Range

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

RLM 3: Location

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

RLM 4: Variety of Housing Styles

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

Grand Mere Community Master Plan

The Grand Mere Community Master Plan was originally adopted in April 2000 and is included as a specific Land Use Element of the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the entirety of Grand Mere. The Master Plan map shows the site to include Villa #4, an 8.4 acre tract designated RLM (Residential Low to Medium) (see below under Residential Types for the RLM description).

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

PROJECT INTENT

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

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

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

5 KEY DESIGN CONCEPTS

1. Create a high quality residential community

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

2. Integrate the Natural Environment

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

3. Offer a Variety of Residential Living

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

4. Create a Pedestrian/Bicycle System

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

Grand Mere Community Overall Development Plan

III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY

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

The overall Grand Mere Project consists of 1,054 (estimated) acres, including the Colbert Hills Golf Course. Rather than dispersing development throughout the entire property, the project purposes to "concentrate" neighborhood development within residential and commercial villages on approximately 543 acres preserving almost 50% of the land as natural open space or golf course. This concept, while proposing a variety of home types and densities, provides large natural open spaces, golf course amenity for the general public, and peripheral residential villages as large lot or low density residential products that create an overall density (1.5 du/ac) for the site,

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consistent with the surrounding neighborhoods. All housing types shall belong to the Master Homes Association, which will be responsible for enforcing the covenants and restrictions, and maintaining the common grounds.

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

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

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

A. Residential Neighborhoods

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

The Villas residential type is described as:

Residential Types:

Villas (RLM)

The villa parcels are located in niches and high quality view areas along the parkway and within the development along the golf course. Villas are single family homes that provide an alternative to the maintenance requirements needed for a typical single family home. The villa concept is an upscale residential product that generally provides master bedroom on the first floor and expansion space either up or down for additional bedrooms or entertainment. Villa Homes Association dues create the revenue to provide maintenance for landscape, snow removal, and in some cases, maintenance of the home.

Golf Course Villas

As part of the Colbert Hills Golf Course Clubhouse complex, villas are planned along the 9th fairway. The villas would occur in a cluster of 10 units in one phase. These homes may be two attached single family dwellings with strong architectural theme and design controls in concert with the proposed golf clubhouse architecture. Private auto courts with off street parking will access the homes.

Grand Mere Villas

These villas will be attached and detached depending on the parcel and market demands. Two and three car garages would be provided. Each village will have its own theme signage and architectural design controls. The villages would be developed in phases of 5 – 15 acres.

C. Streets and Circulation System

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

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

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

D. Pedestrian and Bicycle Circulation System

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

G. Golf Course Development

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

Bike Paths, Trails and Sidewalks

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

The density in the Legacy Ridge Addition is 1.01 dwelling units per net acre. The Comprehensive Plan suggests less than one to eleven dwelling units per net acre is appropriate in the RLM category and the Grand Mere Plan suggests a range of 1-20 dwelling units per acre in individual parcels and an overall density in all of Grand Mere of 1.5 units per acre.

THE PROPOSED ANNEXATION OF THE LEGACY RIDGE ADDITION CONFORMS TO THE POLICIES OF THE Grand Mere Community Master Plan, and the Manhattan Urban Area Comprehensive Plan.

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

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

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

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

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

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

The R-1, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 7,500 square feet. The Preliminary Plat shows lots ranging from approximately 11,789 square feet in area up to 101,978 square feet in area, with the majority of lot sizes between 28,450 square feet in area to 33,231 square feet in area. The proposed lots conform to the requirements of the proposed R-1 District.

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

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the site.

12. OTHER APPLICABLE FACTORS: Fort Riley was notified of this rezoning, due to it being located in the Critical Area. The Fort encourages use of noise disclosure and noise reduction measures in homes, and to take into account potential effects of operational noise of the Fort on activities in the park. City Administration will provide the "Notice of Potential Impact" on building permits for this subdivision and the note appears on the plat.

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of the Legacy Ridge Addition, an approximate 17.89-acre tract of land, generally located south of the intersection of Grand Mere Parkway and Mackintosh Court, from County **R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**, to R-1, Single- Family Residential District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Legacy Ridge Addition, from County **R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**, to R-1, Single- Family Residential District, based on the findings in the Staff Report.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the Legacy Ridge Addition, an approximate 17.89-acre tract of land, generally located south of the intersection of Grand Mere Parkway and Mackintosh Court from County **R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**, to R-1, Single- Family Residential District based on the findings in the Staff Report.

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

DATE: March 28, 2016

CB/vr

16011}SR}LegacyRidge_Rezone_R1



INTER-OFFICE MEMORANDUM

DATE: May 2, 2016

TO: Manhattan Urban Area Planning Board

MEETING DATE: March 21, 2016

FROM: Amelia Lewis, Planning Intern

RE: Amend Article XVI, Construction AND Definitions, Part 2, Definitions, Section 16 201 to define Day Care Home, Group Day Care Centers (Nursery School), and Nursery School; and Article V, Accessory Uses, Temporary Uses, Home Occupations, Part 3, Home Occupations, Section 5-303, Use Limitations.

BACKGROUND

The proposed amendments would change the definition of Day Care Home, Group Day Care Center, and the Use Limitation regarding employees for a Home Occupation.

Manhattan Zoning Regulations prohibit home occupations, a business operated entirely within a residential building or structure, from having employees that do not reside in the dwelling unit, manufactured home or mobile home.

The Zoning Regulations currently permit Day Care Homes with six (6) children or less to occur as an accessory home occupation. Home occupations are allowed in all residential zoning districts and only require authorization if located in a Planned Unit Development. Day Care Centers with seven (7) or more kids require a Conditional Use to be approved.

Day Care Centers are conditional uses in the following districts; RS, R, R-1, R-2, R-M, R-3, R-4, C-1, C-3, C-4, I-1, I-2 and PUD. Conditional uses require a public hearing and determination by the Board of Zoning Appeals. In R-5 and I-5 they are permitted uses, requiring no application with the City.

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The regulation of these child care uses were generally was in line with the State's requirements for many years.

In 2012, the State of Kansas changed their licensing requirements to make all in home day cares to be licensed. There are 2 different types of licenses for day cares in homes: Day Care Homes and Group Day Care Homes. The most significant differences are the number of kids in attendance and employees that are required. A Day Care Home requires one (1) child supervisor and have no more than the (10) kids under 16 years of age. The Group Day Care Home is required to have a minimum of two (2) child supervisors and have no more than twelve (12) kids. The purpose of the amendments is to align City Regulations with State Regulations regarding Day Care and Group Day Care Homes.

Today, there are approximately eighty-four (84) in home day care facilities located in Manhattan according to information from the Kansas Department of Health and Environment (KDHE). City staff conducted research to understand how six other Kansas cities regulate in home day care operations and if their regulations align with the State's. Olathe and Hutchinson both followed the same limitations on the number of kids, with all six cities allowing no more than twelve (12) children. Facilities in Hutchinson, Olathe and Topeka were allowed to operate as home occupations.

AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS

The intent of the amendments is to align City Regulations with State Regulations regarding Day Care and Group Day Care Homes. The following amendments would include the changes:

Article XVI, Construction and Definitions, Part 2, Definitions, Section 16-201 to define Day Care Home, Group Day Care Centers (Nursery School), and Nursery School;

DAY CARE HOME: A home occupation in which care is given to ~~six (6)~~ **twelve (12)** or fewer children, not related to the operator by blood, marriage, or legal adoption.

GROUP DAY CARE CENTERS (NURSERY SCHOOL): A facility which is primarily designed, intended, or used for the providing of care for ~~seven (7)~~ **thirteen (13)** or more children, for part or all of a day, away from the home of the parent or legal guardian.

NURSERY SCHOOL: SEE GROUP DAY CARE CENTER

Article V, Accessory Uses, Temporary Uses, Home Occupations, Part 3, Home Occupations, Section 5-303, Use Limitations.

Section 5-303(e): No person shall be employed by the home occupation, unless they reside in the dwelling unit, manufactured home or mobile home, **with the exception of one (1) additional employee for a Day Care Home who does not reside in the dwelling unit, manufactured home or mobile home.**

Current zoning regulations do not allow for an additional employee associated with home occupations. This change accommodates the state requirement for two (2) supervisors in Group Day Care Home.

WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS

The intent of the Manhattan Zoning Regulations is to protect the public health, safety and general welfare and to protect property values. All in home day care facilities are required to be licensed by the Kansas Department of Health and Environment (KDHE) to ensure the property is up to code. The change in the zoning regulations further advances the State's commitment to protecting the health, safety and welfare of day care establishments while reducing the amount of City staff time that would need to be spent reviewing each property. The eighty-four (84) existing day care homes are and have been operating in Manhattan without any known issues.

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

The amendment removes the conditional use process from in home day care operations as it currently exists in Manhattan Zoning Regulations. The new licensing requirements by the State require a site visit by a member of KDHE and that the home be up to City code standards, ensuring the health and safety of the children. The proposed changes would apply to all residential areas throughout the city including the eighty-four (84) existing in home day cares located in Manhattan.

WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN THE AREAS AND ZONING DISTRICTS AFFECTED, OR IN THE CITY PLANNING AREA, GENERALLY, AND IF SO, THE NATURE OF SUCH CHANGED OR CHANGING CONDITIONS

The proposed amendment is made necessary because of changed conditions in the licensing requirements made by the State of Kansas. These changes were made to further advance and protect the health and safety of residents, especially those in home day care facilities.

WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICY AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY

The Zoning Regulations implement the Comprehensive Plan, its goals, objectives, and policies. The Comprehensive Plan is more general in nature and does not specify Zoning Regulations that should be changed in regard to these issues. However, the proposed amendments ensure that the City is acting to provide and protect for the residents of Manhattan.

ALTERNATIVES

It appears the MUAPB has the following alternatives concerning the issue at hand. The Board may:

1. Recommend approval of the proposed amendment to the City Commission.
2. Recommend denial of the proposed amendment to the City Commission.
3. Modify the proposed amendment and forward the modifications, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends approval of the amendment to the Manhattan Zoning Regulations to amend Article XVI, Construction and Definitions, Part 2, Definitions, Section 16-201 to define Day Care Home, Group Day Care Centers, and Nursery School; and to amend Article V, Accessory Uses, Temporary Uses, Home Occupations, Part 3, Home Occupations, Section 5-303, Use Limitations.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board recommends approval of the amendment to the Manhattan Zoning Regulations to amend Article XVI, Construction and Definitions, Part 2, Definitions, Section 16-201 to define Day Care Home, Group Day Care Centers, and Nursery School; and to amend Article V, Accessory Uses, Temporary Uses, Home Occupations, Part 3, Home Occupations, Section 5-303, Use Limitations based on the findings in the Staff Memorandum.

INTER-OFFICE MEMORANDUM



DATE: April 12, 2016

TO: Manhattan Urban Area Planning Board

MEETING: May 2, 2016

FROM: Eric Cattell, AICP, Assistant Director For Planning

RE: Amend Manhattan Zoning Regulations, Article VI – Signs: Follow-Up Revisions Involving Corrections, Clarification, and Modifications

BACKGROUND

Article VI of the Manhattan Zoning Regulations addresses all types of signs and commercial speech on private property within the city. The sign regulations were extensively rewritten through a two-year community wide process consisting of multiple internal meetings, two separate rounds of community stakeholder meetings, and work sessions conducted by the Manhattan Urban Area Planning Board and City Commission. On December 2, 2014, the City Commission adopted Ordinance No. 7114 amending Article VI and establishing extensively revised definitions and signage provisions designed to modernize the Sign Regulations to address freedom of speech and content neutral issues, incorporating digital technology, streamlining the sign application and permitting process, as well as improving the enforcement process.

Follow-up Revisions. City Administration was aware that follow-up revisions would be necessary to address any oversights, unintended consequences, corrections and/or need for clarification, following adoption of new sign regulations that so extensively revised the previous provisions. Now that the new regulations have been in effect for about 16 months, several “clean-up” items have been identified. There are six (6) proposed amendments as to the Zoning Regulations outlined below to address the identified issues. The first involves revision of the “Nonconforming Signs” section and is a major revision, based on the City Commissions direction following a work session held a year ago. The other revisions are more minor clean-up items. The proposed revisions to Article VI are attached with the proposed language bold underlined, and language that is being eliminated shown as bold struck-through.

Amortization of Nonconforming Signs. In developing the new Sign Regulations in 2013 - 2014, City Administration's intent was to try to minimize the number of nonconforming signs resulting from the new provisions. The majority of permitted sign types, sizes, heights and locations were unchanged or were increased in commercial and industrial districts. As a result, the new regulations also established a five (5) year amortization period for nonconforming signs to be brought into compliance (i.e. Section 6-107 Nonconforming Signs). This amortization provision applies to existing permanent signs that do not conform to the new regulations; signs located on property that was annexed into the city and do not conform; and signs located on property that is rezoned and become nonconforming as a result of the rezoning.

The previous sign regulations were somewhat silent on nonconforming signs, which meant they generally fell under the "nonconforming use" provisions of the Zoning Regulations. If a sign was legally installed under previously applicable rules, it was considered legally nonconforming or "grandfathered" and was allowed to remain as long as the sign was not significantly changed in size, location or other characteristics, or significantly damaged. This is similar to how most legally nonconforming land uses throughout the city are permitted to remain under a "grandfather status" and be maintained indefinitely, as long as they are not expanded or substantially altered or destroyed. Under this "grandfathered" approach, nonconforming signs are eventually removed voluntarily when a new business moves in, the site is redeveloped, or through some other form of attrition.

Following adoption of the new Sign Regulations in December 2014, concerns were expressed by a number of business and property owners specifically about the five (5) year amortization provision. On March 3, 2015, the City Commission held a work session and received extensive community input and discussion about the amortization provision. Based on community input, the majority of the City Commission determined that it would be better to allow nonconforming signs to remain, as was permitted in the previous regulations, and directed City Administration to eliminate the five (5) year amortization period for nonconforming signs when the other follow-up revisions are made.

PROPOSED AMENDMENTS

1. **Section 6-107 Nonconforming Signs:** The proposed revision of Section 6-107 Nonconforming Signs was drafted by the Legal Department and Community Development Department based on the City Commission's direction from the work session (*see pages 11 and 12 of attached revisions*). Under the revised provisions, a legally nonconforming sign may remain indefinitely and can be repaired and maintained in good condition, provided it does not change the sign's dimensions, structure, type of illumination or operational characteristics, or otherwise increase its area. If a legally nonconforming sign is destroyed by an act of God or action not

attributed to the owner, it can be replaced provided the new sign does not change in dimension, structure, type of illumination or operational characteristics, or otherwise increase in area.

Other Revisions: The other proposed revisions are more minor and consist of the following:

2. **Section 6-103 Definitions:** Added definitions for “**Halo Lit and Reverse Channel Lit Signs**” and for “**Institutional Uses Located in Residential Districts**” to address the issue of internally illuminated wall signs for institutional uses (i.e. schools, government, and religious institutions) and Greek Houses and Scholarship Halls associated with Kansas State University and Manhattan Christian College, which are located in residential districts (*see pages 4 and 5 of attached revisions*).

Halo Lit Signs and Reverse Channel Lit Signs. Signs with a hidden internal illumination source located behind individually mounted letters and/or logos having opaque front faces and sides, and clear or no back faces, whereby the illumination is projected onto the mounting surface resulting in a halo effect.

Institutional Uses Located in Residential Districts. A use or uses related to government, schools, and/or religion that are a permitted or conditional use customarily found in residential districts, including Fraternities, Sororities and Scholarship Halls associated with Kansas State University or Manhattan Christian College.

A related revision is also necessary in Section 6-203 (G) (*see page 27 of attached revisions*) under residential districts to allow for these types of internally lit wall signs for institutional uses. Over the years many of the local schools, churches and Greek Houses have been granted exceptions by the Board of Zoning Appeals to allow internally illuminated monument and in some cases wall signs. Halo Lit and Reverse Channel Lit signs are a type of internally illuminated sign that, due to their design are less intrusive in a residential setting. With these signs the light is reflected out of the back of the sign off the wall on which the sign is mounted, instead of illuminating a translucent front face of the sign.

Section 6-110 Specific Standards for Specific Types of Signs: Added back in a provision addressing **Subdivision Identification Signs located on private property** at entrances to developments (*see page 20 of attached revisions*). Larger developments may have identification signs located at their entrance, and due to the street configuration the sign cannot be located within the street right-of-way, such as in an entrance island. This was inadvertently left out of the revised Sign Regulations when the City Code of Ordinances was revised concurrently with the Sign Regulations

in 2014 regarding the process for review and approval of subdivision entrance signs located in the public right-of-way, which are reviewed and approved by the City Engineer.

3. **Section 6-111 Prohibited Signs**: Added some language clarifying that moving signs are not permitted, except for the specific sign types that are listed in the exemptions, based on the recent issue involving Tri-Vision Signs and comments that this section needed clarification (*see page 20 of attached revisions*).
4. **Section 6-212 LM-SC, Light Manufacturing – Service Commercial District**: Clarified that the setback for wall signs in the LM-SC District would follow the setback of the buildings on which they are located (*see page 43 of attached revisions*). The LM-SC District is located along portions of Fort Riley Boulevard between the downtown and approximately 16th Street.
5. **Article V, Section 5-303 Home Occupations**: A correction to the cross reference for signage in Article V for Home Occupations is also necessary as follows, because Nameplate Signs are no longer a defined sign type within the new regulations:

(G) Signage for home occupations shall follow the regulations for Single-Family and Two-Family Dwellings described in Article VI. ~~No sign shall be permitted other than a nameplate sign, as permitted by the applicable regulations in article VI.~~

City Code of Ordinances, Section 30-112 - Temporary Use Permit for Sidewalk Signs: The regulations for sidewalk signs located on public sidewalks in the downtown and Aggieville are in the City Code of Ordinances, not the Zoning Regulations. While modifications to the Code of Ordinances do not fall within the same public hearing process as amendments to the Zoning Regulations, City Administration is also proposing to simplify the sidewalk sign provision to replace the current 28 inch wide by 48 inch tall limitation on the overall dimensions of a sidewalk sign, with a maximum 9 square foot surface area, to provide more flexibility in the dimensions/proportions, while keeping the sign face to a maximum of nine (9) square feet. The signs must still be sized and located to not interfere with ADA (Americans with Disabilities) requirements for access along the sidewalk and ingress and egress from buildings.

The draft amendments were developed over the past 16 months following adoption and implementation of the new regulations and keeping track of issues that arose, and based on the direction provided by the City Commission following its work session regarding the 5-year amortization provision. City Administration has also discussed revision of the sidewalk sign provision in the Code of Ordinances with business representatives. The

proposed revisions were also sent to sign contractors, the Aggieville and Downtown Business Associations, and the Manhattan Area Chamber of Commerce.

AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS

When a proposed amendment results in a change to the text of the Zoning Regulations, the report from the Planning Staff shall contain a statement as to the nature and effect of the proposed amendment, and determinations as to the following issues.

WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS

The intent of the Manhattan Zoning Regulations is to protect the public health, safety and general welfare and to protect property values. Article VI is designed to provide for protected free speech and to regulate the time, place and manner of commercial speech, (i.e. the location, size, placement and certain features and characteristics of signs), to ensure that the public can identify businesses and services, avoid traffic hazards, reduce visual clutter and confusion along roadways, prevent hazards to life and property, protect property values, and to ensure continued attractiveness of Manhattan.

The proposed amendments are consistent with the intent and purpose of the Manhattan Zoning Regulations and are to address specifically identified issues, as explained above, following adoption of the new regulations in December 2014, and to modify the Nonconforming Sign section to remove the 5-year amortization provision, as directed by the City Commission.

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

The proposed amendments generally apply throughout the city to residential, commercial, and industrial districts, Planned Unit Developments, and University Districts, with the exception of Kansas State University due to the annexation agreement.

As noted above, the amendments are clean-up provisions to address specific issues that were identified following approximately 16 months of implementing the new sign regulations. The amendments address oversights, provide clarification and corrections, and modify nonconforming signs as directed by the City Commission.

WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN THE AREAS AND ZONING DISTRICTS AFFECTED, OR IN THE CITY PLANNING AREA, GENERALLY, AND IF SO, THE NATURE OF SUCH CHANGED OR CHANGING CONDITIONS

Attachment No. 4

The proposed amendments were drafted to address the identified issues following the adoption of new regulations in 2014 that were a complete revision of Article VI – Signs. It was recognized at the time of their adoption that there would likely be a need for some follow-up revisions to address any oversights, unintended consequences and need for corrections and/or clarification. In addition the amendment to the Nonconforming Sign section is in response to direction from the City Commission regarding elimination of the 5-year amortization provision for nonconforming signs following its work session in 2015.

WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICY AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY

The Zoning Regulations implement the Comprehensive Plan, its goals, objectives, and policies. The Comprehensive Plan is more general in nature and does not specify administrative site planning and construction details such as those addressed by the proposed amendments. However, the proposed amendments help ensure that the general policies in the Comprehensive Plan are implemented consistent with legal requirements.

ALTERNATIVES

It appears the MUAPB has the following alternatives concerning the issue at hand. The Board may:

1. Recommend approval of the proposed amendments to the City Commission based on the findings in the Staff Memorandum.
2. Recommend denial of the proposed amendments to the City Commission, based on specific reasons.
3. Modify the proposed amendments and forward the modifications, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends approval of the proposed amendments to Article VI Signs, and the correction to Article V Home Occupations, of the Manhattan Zoning Regulations, to address the identified follow-up items, based on the findings in the Staff Memorandum.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board recommends approval of the proposed amendments to Article VI Signs, and the correction to Article V Home Occupations, of the Manhattan Zoning Regulations, to address the identified follow-up items, based on the findings in the Staff Memorandum.

EC

16075}MUAPB}AMEND}ZO}ART-VI-SIGNS

Attachments:

1. Proposed Amendments Article VI Signs