



MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 5, 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 Usha Reddi and Commissioners Linda Morse, Michael L. Dodson, Wynn Butler, and Karen McCulloh 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, Assistant City Clerk Brenda K. Wolf, 10 staff, and approximately 60 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Reddi led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Reddi proclaimed July 2016, ***Park and Recreation Month***. Eddie Eastes, Director of Parks and Recreation; Randi Clifford, Recreation Director; Susan Adams, Director of the Flint Hills Discovery Center; Casey Smithson, Parks Superintendent; and Tarica Lare, Recreation Supervisor-Humanities, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Reddi opened the public comments.

Kevin Stilley, 2 Oak Valley Drive, Treasurer of the Flint Hills Human Rights Project, Secretary/Treasurer of the Junction City Teddy Bears, and Community Advisor to SAGA (Student Affairs Graduate Association) the LGBT (lesbian, gay, bisexual and transgender) Allies Group on Kansas State University, thanked the Commission and City staff for progress made on adding gender identity and sexual orientation to the City's antidiscrimination ordinance. He suggested moving forward sooner rather than later on the discrimination ordinance.

PUBLIC COMMENTS (CONTINUED)

Michael Lambert, 800 Ratone Street, Human Rights Project Executive Board member, seconded Mr. Stilley's statement. He pointed out the significant event in LGBT rights that happened on Thursday, June 30, 2016, when the Defense Department allowed transgender individuals to openly serve in our country's military for the first time and was pleased to see that the City will be keeping up with the progress of the world.

Mitchell Brenn, 1013 Laramie Street, stated that Warner Park currently has a 9-hole disc golf course, that a Citizen Capital Improvement Program (CIP) request was submitted to complete the course, and asked for guidance on what volunteers can do to make Warner Park a full 18 hole course.

Eddie Eastes, Director of Parks and Recreation, stated that a citizen CIP request to finalize the Warner Park Disc Golf was received and that the Strategic Facility Improvement Plan indicated that a Master Plan for Warner Park be completed so that the additional 9 holes and other associated amenities could all be dealt with at one time. He also stated that the Warner Park Master Plan is in the 2017 CIP.

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

COMMISSIONER COMMENTS

Commissioner McCulloh mentioned it is hot outside. To stay cool, she recommended the public visit the Amazing Dinosaur exhibit at the Flint Hills Discovery Center and enjoy the splash park.

Commissioner Morse stated she recently renewed her membership at the Flint Hills Discovery Center. While doing so, she mentioned that there was a gentleman, who is an architect, visiting with Susan Adams, Director of the Flint Hills Discovery Center, stating that he was very impressed with the Flint Hills Discovery Center. Commissioner Morse also mentioned that the Friends of Peace Memorial Auditorium is hosting an event where Cheryl Collins, Director of the Riley County Historical Museum, will be presenting "65 Years Since the 1951 Flood, What Have We Learned" on July 13, 2016, at 7 p.m., at the City Auditorium (Peace Memorial Auditorium).

Mayor Reddi reminded residents that if they are planning on participating in the primary election in August, that voter registration ends July 12, 2016, and encouraged everyone to check to make sure they are registered to vote. She hoped everyone enjoyed the 4th of July. She also mentioned there are events going on during the month of July and urged the public to take advantage of them.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 21, 2016.

CLAIMS REGISTER NO. 2825

The Commission approved Claims Register No. 2825 authorizing and approving the payment of claims from June 15, 2016, to June 28, 2016, in the amount of \$2,571,995.52.

*

ORDINANCE NO. 7233 – REZONE – NO STONE UNTURNED PUD

The Commission approved Ordinance No. 7233 rezoning the No Stone Unturned PUD, generally located east of the Kimball Avenue/Grand Mere Parkway roundabout, from PUD, JenTre Commercial Planned Unit Development, to PUD, Commercial Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 1*) with the eight (8) conditions of approval recommended by the Manhattan Urban Area Planning Board.

PUBLIC HEARING – LEVY – SPECIAL ASSESSMENTS (GOB 2016-B)

Mayor Reddi opened the public hearing.

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

FIRST READING – LEVY – SPECIAL ASSESSMENTS (GOB 2016-B)

The Commission approved first reading of an ordinance levying special assessments against the benefiting properties in the following seven (7) projects, which have been completed: *Downtown Entertainment District, Unit Three, Lot 5 – Street (ST1212); Northlake Addition, Unit 1 – Sanitary Sewer (SS1311), Street (ST1314), and Water (WA1313); Poyntz Avenue Improvements – Street (ST1203); and The Reserve Addition – Sanitary Sewer (SS1210) and Water (WA1216).*

RESOLUTION NO. 070516-A – SPECIAL EVENT WITH ALCOHOL – RHYTHM AND BREWS

The Commission approved Resolution No. 070516-A authorizing the consumption of alcohol in City Park, within a restricted area, for the Rhythm and Brews Special Event on August 6, 2016.

CHANGE ORDER NO. 1 – WEST ANDERSON AVENUE TRANSPORTATION (ST0810)

The Commission approved Change Order No. 1 for the West Anderson Avenue Transportation project (ST0810), resulting in a net increase in the amount of \$27,670.66.50 (+0.4%) to the contract with Pavers, Inc., of Salina, Kansas.

CONSENT AGENDA (*CONTINUED*)

CHANGE ORDER NO. 1 – 2016 WELL REHABILITATION PROJECT (WA1606)

The Commission approved and authorized the Mayor to execute Change Order No. 1 for the 2016 Well Rehabilitation Project (WA1606), resulting in a net increase in the amount of \$43,710.00 (+147%) to the contract with Alliance Pump & Mechanical Service, Inc., of Independence, Missouri, for additional treatments and repairs required to return City of Manhattan Public Water Supply Wells No. 8 and No. 17 to service.

BOARD APPOINTMENTS

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

Airport Advisory Board

Re-appointment of Karen Rogers, 2028 Arthur Drive, to a three-year At-Large term. Ms. Rogers' term begins immediately, and will expire June 26, 2019.

Appointment of Richard Jankovich, 2021 Somerset Square, to a three-year At-Large term. Mr. Jankovich's term begins immediately, and will expire June 26, 2019.

Convention and Tourism Committee

Appointment of Commissioner Morse, 2118 Spain Drive, to a Commissioner term. Commissioner Morse's term begins immediately.

Flint Hills Metropolitan Planning Organization Policy Board

Appointment of Commissioner Morse, 2118 Spain Drive, to fill the Manhattan City Commissioner permanent position of Mayor Reddi. Commissioner Morse will serve for a term as long as she is a Commissioner and with the consent and approval of the City Commission.

Appointment of Commissioner McCulloh, 1516 Leavenworth, to fill the Manhattan City Commissioner alternate position of Commissioner Morse. Commissioner McCulloh will serve for a term as long as she is a Commissioner and with the consent and approval of the City Commission.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Flint Hills Regional Transit Administration Board

Appointment of Commissioner Morse, 2118 Spain Drive, to fill the Manhattan City Commissioner permanent position of Mayor Reddi. Commissioner Morse will serve for a term as long as she is a Commissioner and with the consent and approval of the City Commission.

Appointment of Commissioner McCulloh, 1516 Leavenworth, to fill the Manhattan City Commissioner alternate position of Commissioner Morse. Commissioner McCulloh will serve for a term as long as she is a Commissioner and with the consent and approval of the City Commission.

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

GENERAL AGENDA

AMENDMENT NOS. 5 AND 6 - PROFESSIONAL SERVICES - CITY AUDITORIUM PEACE MEMORIAL FOYER AND STAGE (SP1206, CIP #RC020P)

Jason Hilgers, Deputy City Manager, presented the item. He then answered questions from the Commission.

Dave Fiser, President, Friends of Peace Memorial Auditorium, 1732 Westbank Way, recognized members of the Friends of Peace Memorial Auditorium and thanked donors. He stated that Friends of Peace Memorial Auditorium are committed to raising \$400,000.00, of which almost over half has been raised so far. He stated that donations can be sent to the Greater Manhattan Community Foundation or made through the website at www.peacememorialauditorium.org. He voiced support for both change orders.

Jim Sharp, Honorary Chair, Friends of Peace Memorial Auditorium, and Veterans Committee Foyer Design Chairman, stated that they have some wonderful designs for the foyer and have started working on the kiosk and what applications could be available on the kiosk. He thanked Commissioners for their service.

GENERAL AGENDA (CONTINUED)

AMENDMENT NOS. 5 AND 6 - PROFESSIONAL SERVICES - CITY AUDITORIUM PEACE MEMORIAL FOYER AND STAGE (SP1206, CIP #RC020P) (CONTINUED)

Mel Borst, 1918 Humboldt Street, highlighted the work that has been completed in the auditorium; the preparation for installation of a limestone sign that is underway and scheduled to be completed in September; the growing use of the auditorium for community entertainment, ceremonies, and education have been promoted, and the necessities that need to be done to the auditorium. He encouraged the Commission to support the change order.

Dave Fiser, President, Friends of Peace Memorial Auditorium, stated this project is good for everyone and needs to move forward. He thanked Bruce McMillan Architects, especially Cameron Tross, for the design work done so far.

After comments from the Commission, Commissioner Morse moved to approve and authorize the Mayor and City Clerk to execute Contract Amendment Nos. 5 and 6 with Bruce McMillan Architects, of Manhattan, Kansas, in the amounts of \$16,900.00 and \$74,900.00, respectively, to generate a final design and bidding documents for the foyer and stage improvements associated with the Peace Memorial Auditorium (SP1206, CIP #RC020P). Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

FIRST CONSIDERATION - ECONOMIC DEVELOPMENT AGREEMENT - MANHATTAN AREA TECHNICAL COLLEGE (MATC)

Trent Armbrust, Director of Business Development and Strategic Initiatives, Manhattan Chamber of Commerce, highlighted work force issues and unemployment figures for Riley County and Manhattan. He stated that MATC is an important part of the work force training by upgrading the quality of employees in this area. He then introduced Jim Genandt.

Jim Genandt, President, Manhattan Area Technical College, stated that MATC is well positioned to help the community but is lacking in capacity. He stated that the new niche is in bio science and bio technology and that the reason for their request is that the college needs to upgrade the capacity to provide science and technology training for bio science and bio technology. The request allows MATC to gain space on its campus so that changes can be made in the program in how equipment, laboratory space and personnel are provided.

Jason Hilgers, Deputy City Manager, provided information to the Commission on the current Economic Development Agreement with MATC, which included a repayable loan and a forgivable loan, and the two Amendments, and on the new request. He then answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

FIRST CONSIDERATION - ECONOMIC DEVELOPMENT AGREEMENT - MANHATTAN AREA TECHNICAL COLLEGE (MATC) (CONTINUED)

Jim Genandt, President, Manhattan Area Technical College, responded to questions from the Commission. He thanked the Chamber of Commerce for working with MATC.

Jason Hilgers, Deputy City Manager, clarified direction from the Commission to redefine performance measures for the current \$291,000.00 forgivable loan and to add similar performance measures to the requested \$300,000.00 economic development loan.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

After discussion, Commissioner Butler moved to schedule July 19, 2016, as the date for a final determination on an economic development fund grant for Manhattan Area Technical College. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - AMEND - NOISE ORDINANCE

Kiel Mangus, Assistant City Manager, presented the item. He highlighted the changes between the current noise ordinance and the proposed noise ordinance.

Kiel Mangus, Assistant City Manager, and Katharine Jackson, City Attorney, answered questions from the Commission.

Mayor Reddi opened the public comments.

Gina Scroggs, Executive Director, Downtown Manhattan, Inc., 3207 Valleydale Drive, mentioned concerns with the proposed noise ordinance with regards to events that are being planned or currently happening in the Downtown Business District and at certain businesses. She asked for clarification as to which property line or boundary is proposed for Downtown.

Kiel Mangus, Assistant City Manager, provided clarification to questions asked by Gina Scroggs.

Jeremy Platt, 2217 Hillview Drive, Attorney, 417 Poyntz Avenue, pointed out sections of the proposed ordinance that needed to be addressed or clarified. He stated that the ordinance needs to be fair to all businesses and asked what device was going to be used to measure decibels.

GENERAL AGENDA (CONTINUED)

FIRST READING - AMEND - NOISE ORDINANCE (CONTINUED)

Kiel Mangus, Assistant City Manager, and Katharine Jackson, City Attorney, addressed questions and comments from Mr. Platt and the Commission.

At 9:30 p.m., the Commission took a short break.

Traci Taylor, 3423 Anderson Avenue, Economic Development Consultant, Aggieville Business Association, asked the Commission to table the item. She stated that there are sections of the ordinance that needed to be clearly defined and invited the Commission and Riley County Police Department to visit Aggieville to look at the decibel levels and the reasonableness of the decibel levels for use in the ordinance. She then answered a question from the Commission.

At the request of the Commission, Katharine Jackson, City Attorney, stated how the City tried to make the proposed noise ordinance clear.

Rusty Wilson, 3108 Cindella Drive, owner of Rusty's and Kites in Aggieville, provided background information as to events held at his establishments since 1989 and stated that he sells entertainment to his customers. He stated that currently when a ticket is issued for violation of the noise ordinance, the manager is ticketed versus the owner of the establishment and that should be looked at.

Ryan Bramhall, 4408 Leone Circle, owner of Tubby's Sports Bar and Pat's in Aggieville, and President, Aggieville Business Association Board, provided an example of how hard it would be for a police officer to determine which business in Aggieville would be guilty of a noise violation if there was a complaint. He suggested making the ordinance fair to all the businesses in Aggieville and to look at some type of a warning for noise violations.

Ryan Platt, The Hat, 740 Leyden Ridge Circle, stated that he was concerned with the proposed noise ordinance and boundary, especially since his business is six feet from the edge of the Aggieville boundary. He commented that the proposed ordinance could have an economic impact to the community. He asked that a reasonable decibel level be considered and for a compromise that works for everybody.

Brad Hartenstein, 2911 Marlatt Avenue, Executive Officer, Flint Hills Area Builders Association, stated his concerns with the proposed noise ordinance in regards to limitation of construction and other types businesses to only 7 a.m. – 8 p.m.

Fred Hasler, 223 N. 14th Street, voiced his concerns with the unreasonable level of noise generated from Aggieville in the residential area.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - AMEND - NOISE ORDINANCE (*CONTINUED*)

Charly Pottorf, Wildcat Tree Service, stated his concerns with the hours proposed in the ordinance and the need for respect to be shown to those who work outside since the weather dictates when they can work.

Jarrod Willich, 723 Fairman Drive, owner of construction businesses, stated that he has received complaints from individuals in new residential areas when his company is doing construction and the need for consideration for construction businesses. He voiced his frustration regarding the proposed ordinance and thought that there were more important things that needed to be dealt with in the city.

Gina Scroggs, Executive Director, Downtown Manhattan, Inc., 3207 Valleydale Drive, asked for clarification if special event permits would be exempt from the proposed noise ordinance.

Kiel Mangus, Assistant City Manager, stated that special event permits would be exempt.

Ryan Bramhall, 4408 Leone Circle, owner of Tubby's Sports Bar and Pat's in Aggieville, and President, Aggieville Business Association Board, asked for clarification regarding the special event permit for Fake Patty's Day.

Kiel Mangus provided clarification on special event permits.

Neil Horton, 3629 Vanesta Drive, Bayer Construction, voiced his concerns regarding the time restraints and the decibel levels for the equipment used by construction companies. He suggested that there should be exemptions for emergencies and that normal business practices be permitted.

Bill Muir, 2040 Shirley Lane, stated his frustration over the years with trash trucks in residential areas picking up trash in the early morning. He suggested that the decibel levels be researched more and that the use of jail time for the first offense of a noise violation be removed from the ordinance. He suggested that the noise ordinance be considered once the college students return for the fall semester and to use Big 12 cities for comparison.

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

After discussion and Commission comments, Commissioner Butler moved to table the item. Commissioner Morse seconded the motion. On a roll call vote, motion carried 4-1 with Commissioner McCulloh voting against.

GENERAL AGENDA (CONTINUED)

2017 BUDGET REQUEST - CHAMBER OF COMMERCE – FORT RILEY PROMOTION AND ECONOMIC DEVELOPMENT

Lyle Butler, President, Manhattan Area Chamber of Commerce, highlighted the economic development funding sources and funding trends. He then introduced Janet Nichols.

Janet Nichols, Military Community Liaison, Manhattan Area Chamber of Commerce, highlighted awards received, and events and ceremonies with the community and Fort Riley.

Lyle Butler, President, Manhattan Area Chamber of Commerce, highlighted the Core Initiatives for Advantage Manhattan Campaign.

John Pagen, Vice President and Economic Development Director, Manhattan Area Chamber of Commerce, presented the projected number of jobs and payroll and operating budgets to be created by the National Bio and Agro-Defense Facility (NBAF), the labor force statistics of the Top 16 Kansas Cities by population, the dollar amount of retail sales in Manhattan, information on the Retire to the Flint Hills program, information of the 2016 Leadership Manhattan class, and recent accolades received by the city of Manhattan.

Trent Armbrust, Director of Business Development and Strategic Initiatives, Manhattan Area Chamber of Commerce, showed a video of Tallgrass Brewery that was funded by the Kansas Department of Commerce, highlighted two new businesses in town-Live Watch and Vets First Choice, and provided an update on the Manhattan Business Park and tenants located in the Kansas Entrepreneurial Center (KEC).

Lyle Butler, President, Manhattan Area Chamber of Commerce, highlighted a recent visit to current location of NBAF on Plum Island, and provided the mission of the Knowledge-Based Economic Development (KBED) and its partners and affiliates. He stated that CivicPlus won the 2016 Governor's Award of Excellence recently. He then answered questions from the Commission.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

Since this item is a discussion item, no motion was required.

ADJOURNMENT

At 11:30 p.m. the Commission adjourned.


Brenda K. Wolf, CMC, Assistant City Clerk

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: PUD, JenTre Commercial Planned Unit Development

TO: PUD, No Stone Unturned Commercial Planned Unit Development

OWNERS: No Stone Unturned Foundation – Dina Clark, Executive Director

APPLICANT: SMH Consultants – Jeff Hancock, P.E.

DATE OF NEIGHBORHOOD MEETING: November 19, 2015

DATE OF PUBLIC NOTICE PUBLICATION: March 24, 2016

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

LEGAL DESCRIPTION: Lot 2, JenTre PUD, Unit 1 and a tract of land in the North half of the Northwest Quarter of Section 10, Township 10 South, Range 07 East.

LOCATION: Generally located east of the Kimball Avenue/Grand Mere Parkway roundabout.

AREA: 517,928 square feet (11.89 acres)

PROPOSED USES: The application documents state that the proposed uses located in the Planned Unit Development will consist of medical offices to include, but not limited to: No Stone Unturned pediatric and developmental care services; corporate offices for Mathis Rehab Centers, LLC; outpatient orthopedic physical and occupational therapy; intensive outpatient counseling services for youth, young adults and adults; inpatient crisis center for youth, young adults and adults; a clinical research center, and medical specialty services, such as primary medical care, oncology and pharmacy.

Attachment No. 1

Dr. Jeff Mathis, of the No Stone Unturned Foundation provided a complete description of the crisis center and clinical research center (*See attached*). The crisis center is listed in the application materials because it was anticipated that it would be most readily understood. The description of the use explains that it will be a short stay (2 -3 days) inpatient counseling center for youth and young adults. According to Dr. Mathis, the “crisis center” is part of a 3-part approach to helping provide psychiatric and behavioral therapy services to children and young adults. Following the short-term stay at the “crisis center,” services would be stepped down to an intensive out-patient service, followed up by less intensive out-patient counseling.

Dr. Mathis also describes the clinical research organization as a “phase 1 or phase 2a clinical trial facility for early development medication focused on cancer and psychotropic medications. Some of the services will be on an out-patient basis, and some will involve stays between a few days and a month.” Dr. Mathis states that this facility should be viewed as a medical research facility.

A complete description of the medical services is listed in the application materials.

The application materials state that business hours will range from part-time hours to 24-hour services for the crisis center and the clinical research organization.

PROPOSED BUILDINGS AND STRUCTURES:

Six (6) new buildings are proposed on the vacant site. These buildings include:

Corporate Office	1 Level	4,000 square feet
Adult Outpatient Counseling Center	1 Level	5,000 square feet
Clinical Research Organization	2 Levels	28,000 square feet
Crisis Center	1 Level	8,000 square feet
Medical Wellness Center and Mathis Rehabilitation	2 Levels	20,000 square feet
No Stone Unturned Foundation	2 Levels	25,600 square feet

Only the No Stone Unturned Foundation building has detailed floor and building design plans. The application documents show a split-level building using modern architectural design. The exterior design includes metal wall panels, perforated metal wall panels or wood looking metal panels, translucent wall panels and glass walls. The building will be 28 feet tall, measured from the lower floor grade to the building parapet. The floor plan shows several offices, therapy rooms, class rooms and conference rooms on the first floor and a therapy pool and vacant space reserved for future expansions on the second floor.

Attachment No. 1

The No Stone Unturned Foundation Building and off-street parking, driving aisles and landscaping directly to the west, south and east of the building will be constructed in the first phase.

The following phase(s) will include the other 5 buildings and the adjacent off-street parking spaces and landscaping. The site screening fence on the east side of the property will be installed with the eastern off-street parking lot is constructed.

The buildings and adjacent parking spaces and landscaping on Lots 2 – 6 will require a PUD Amendment be approved before they are built.

PROPOSED LOT COVERAGE

Use	Square Feet	Percentage
Buildings	54,213	10.8%
Paved Area (Parking & Driveways)	134,613	26.8%
Landscaped Areas/Open Space	314,261	62.4%
Total Impervious	188,826	37.6

PROPOSED SIGNS

A wall sign and mural is proposed on the west side of the building measuring 23.5 ft by 1.5 ft (35.25 square feet in area). A mural/logo is proposed on the east and west building façade. The two murals could be considered art by definition of the Sign Regulations.

A pylon sign is proposed on the south side of the entrance to the site. The pylon sign will be on an 8 foot tall limestone base. Extending from the base will be a 4 foot by 8 foot internally illuminated sign face that will list the business/medical campus name. A back lit metal sculpture is proposed to be mounted on the sign base.

Signage for the other buildings will generally consist of wall signage and directional signage to be proposed at the time those buildings is considered through the amendment process.

PROPOSED LIGHTING:

Twelve (12) foot tall light poles are proposed throughout the off-street parking lot. Based on the site lighting plan, illumination of the site should not migrate off of the site onto adjacent properties. The Zoning Regulations requires that all lighting of the site be fully shielded to cut off lights at the property line.

SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

- 1. LANDSCAPING:** The application plan shows extensive landscaping throughout the site. The landscaping plan shows a mix of deciduous and evergreen trees, shrubs, ornamental grasses and perennial plants across the site.

Extensive retaining walls are proposed on the site to address the significant grade changes from southwest to the northeast. A large stance of trees is located on the southern property line, adjacent to the residential properties. The applicant has stated that these existing trees will remain, as possible to provide a vegetative buffer.

A conditional of approval is that a landscape performance agreement be executed for each phase of the development.

- 2. SCREENING:** The Preliminary Development Plans shows a fence along the east side of the parking lot, which is set back approximately 60 feet from the east property line. The preliminary design of the fence shows stone veneer columns with wood or steel frames and wood screening elements. The purpose is to screen the site from adjacent residential properties to the east.

Three (3) trash dumpster enclosures are proposed across the site, each proposed with a different phase of the development. The architectural plans show the enclosures to be 5 feet tall with stone veneer walls and a metal and wood gate.

As stated in the landscaping section, a large stance of trees is located on the southern property line, adjacent to the residential properties. The applicant has stated that these existing trees will remain, as possible to provide a vegetative buffer between the site and the adjacent properties.

- 3. DRAINAGE:** The site was originally part of the JenTre PUD, approved in 1999, which was a commercial development consisting of business and professional offices, a restaurant and a floral shop. A drainage plan was developed for the original JenTre PUD that consisted of a 0.57 acre wet retention basin. This basin was constructed with the first phase of the JenTre PUD. The normal water depth of the basin is 4 feet and takes into account for periodic siltation. The following is the hydrology data for the detention from the 1999 drainage study.

Storm Frequency (Years)	Water Elevation (feet)	Post-Development Outflow (cfs)	Pre-development Outflow (cfs)
2	1153.49	25.8	29.1
10	1155.27	47.1	87.3
100	1156.88	60.0	134.7
Probable Maximum Precipitation	1162.17	1185	

The design of the wet retention basin was to be less than the pre-development stormwater runoff conditions and meet the City’s stormwater management requirements at that time.

The applicant has reviewed the original drainage plan and determined that the approximately 14 acre JenTre PUD site was to have about 50% impervious area. The applicant calculated that the No Stone Unturned PUD site plan has an impervious area of about 48%. It is concluded that the original drainage plan for the site is adequate to manage the stormwater runoff for both the existing developments of the JenTre PUD and the proposed development of the No Stone Unturned PUD and meet the City’s stormwater management requirements.

The City Engineer has reviewed the stormwater management analysis conducted by the applicant and agrees with its findings.

4. CIRCULATION:

Traffic Study

A traffic study was conducted by SMH Consultants, dated February, 2016 and revised March 30, 2016 (*traffic study is attached*). The study states that Kimball Avenue have a average daily traffic (ADT) volume of 5,967 vehicles and Grand Mere Parkway has a ADT volume of 1,265 vehicles. The roundabout intersection of Kimball Avenue and Grand Mere Parkway has a level of service (LOS) A in the 3 directions of the roundabout that are functioning. The traffic study also analyzed the LOS at the intersection of Kimball Avenue and Vanesta Drive. All legs of this intersection has a LOS of C or better

The Preliminary Development Plan shows the site being accessed from the roundabout. The No Stone Unturned Foundation building will be the first phase of the development. This medical office building is anticipated to generate a total of 940 daily trips. Ninety-three (93) trips are anticipated in the AM peak hour and 105 trips in the PM peak hour. The total build out of the development with all 6 medical, business and professional offices is anticipated to generate 3,288 daily trips; 315 trips in the AM peak hour and 395 in the PM peak hour.

Attachment No. 1

Using the existing traffic data at the 2 intersections and the trips anticipated to be generated by the first phase and full build out of the development, none of the LOS for the intersections will change. The roundabout intersection will continue to function with a LOS of A for all legs. The signalized intersection a Vanesta Drive and Kimball Avenue will continue to perform at a LOS of C or greater for each movement.

The City Engineer has reviewed the traffic analysis and accepts its findings (*see memorandum*). In the City Engineer's memorandum, he notes that the existing roundabout is not designed properly to handle an increase in traffic volume along Kimball Avenue and Grand Mere Parkway that is anticipated in the future. The memorandum states "As proposed, the PUD has minimal impacts of the Kimball corridor or the intersections of GMP/Kimball or Kimball/Vanesta intersections. The existing and future issues with both of these intersections are due to the Kimball corridor traffic volumes."

The Public Works Department has programmed into the City's Capital Improvement Program (CIP) the hiring of a consultant to study this stretch of Kimball Avenue and apply for applicable grants in 2017. A design project for the Kimball Avenue Corridor is scheduled in the CIP for 2020, with construction of the roadway improvements programmed in the 2021 CIP.

Off-street Parking

The applicant has stated that a total of 107 employees will work at the various offices on the medical campus.

A total of 90,600 square of floor area is proposed in the medical and professional office campus. The Zoning Regulations allows for areas devoted to storage, hallways, bathrooms, mechanical rooms, etc. to not be included in the total floor area when calculating off-street parking requirements. It can be assumed that the proposed building will have approximately 15% of the total floor area devoted to these areas. Based on this and the parking requirements for medical clinics, a total of 424 off-street parking spaces are required for the medical campus. 425 off-street parking spaces are provided on the Preliminary Development Plan.

Bicycle and Pedestrian Access

Internal sidewalks are provided throughout the site to serve the buildings and off-street parking lots. A pedestrian route is being proposed from the site to a sidewalk that is being proposed along Kimball Avenue. The applicant proposes to construct this public sidewalk from Berkshire Circle to the pedestrian tunnel to the north of the roundabout on Kimball Avenue. A condition of approval is proposed by City Administration that would require the construction of this sidewalk as proposed, including connecting to the existing sidewalk on the south side of Berkshire Circle.

Attachment No. 1

The original JenTre PUD had proposed a sidewalk connection to an existing sidewalk network in the Wyndham Heights neighborhood. There is an existing sidewalk to the southeast of the site where this connect was to be made. Because of the extreme grades of the site and the need for large retaining walls, this connection is unfeasible. Additionally, neighbors who attended the pre-application neighborhood meeting stated they were not in favor of the sidewalk connection, as originally proposed.

5. **OPEN SPACE AND COMMON AREA:** Other than the building site, the development will consist of common area owned and maintained by the business association for the campus. Various open spaces are shown on the site plan between the buildings. These areas are not programmed for specific uses, such as parks.
6. **CHARACTER OF THE NEIGHBORHOOD:** The character of the neighborhood can be classified as single-family detached homes, business offices and single-family attached homes. To the south and east of the site are the Wyndham Heights and Little Kitten neighborhoods. To the north of the site is the first phase of the JenTre PUD, which consists of 3 office buildings. Further to the north is the Grand Mere Village commercial area. To the northeast is the Westbank Townhomes, consisting of 2- and 3-unit single-family attached homes. To the west is the open space associated with the entrance of the Grand Mere neighborhoods.

**THIRTEEN MATTERS TO BE CONSIDERED WHEN CHANGING
ZONING DISTRICTS**

1. **EXISTING USE:** The site is vacant land that was originally approved for 5 businesses, including a restaurant. The land is currently overgrown with mature trees.
2. **PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is tree covered with a significant change in grade from the southwest to the northeast. A wet retention basin is located on the northeast corner of the site and serves as the stormwater structure for the site and the adjacent commercial property to the north.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Business offices in the JenTre PUD; JenTre Commercial Planned Unit Development.

SOUTH: Large lot single-family detached homes; R, Single-Family Residential District.

EAST: Single-family detached homes; R District.

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WEST: Kimball Avenue (ROW width varies), open space associated with Grant Mere neighborhood entrance; R-2, Two-Family Residential District and R District.

4. CHARACTER OF THE NEIGHBORHOOD: See above under **CHARACTER OF THE NEIGHBORHOOD.**

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is currently zoned PUD for the JenTre Commercial Planned Unit Development. The site was to be the second and future phases of the commercial development. The first phase is to the north of the site and consists of 3 business offices. A Final Development Plan for the second phase was approved on April 3, 2000. The Final Development Plan consisted of 4 office buildings and a dine-in restaurant.

Section 9-107, Abandonment or Failure to Proceed, dictates the procedure for dealing with PUD's that are abandoned. Basically, if construction on a development with an approved Final Development Plan does not begin within 18 months of the original approval or extensions are not granted, the MUAPB can revoke the Final Development and begin considering rezoning the development. These efforts were not done by the property owner or City. The site is not suitable under its current zoning district.

5. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Nearby properties are a mix of single-family detached homes, single-family attached homes and business offices. The uses proposed in the rezoning to Planned Unit Development District are medical uses and business and professional office uses. The previous PUD, that has been abandoned, was approved with similar uses office uses, as a well as a restaurant and retail floral shop.

The proposed PUD will increase traffic, noise and light compared to the current tree covered, vacant ground. The site is approximately 25 to 30 feet below the residential properties to the south. The grading plan for the Preliminary Development Plan shows the development will be at similar grade to the properties to the east.

The applicant has shown a 7 foot tall sight-obscuring fence and a 7 foot tall retaining wall on the east side of the parking lot, which is approximately 60 feet from the east property line.

The applicant has stated that they will work to preserve as many trees along the southern property line as possible to provide screening for the adjacent property owners. These property owners are also several feet above the development.

The traffic study has shown that the trips generated from the site will be adequate for the adjacent roundabout and area street networks. The issues with the traffic flow in the area are more to do with an inadequately designed roundabout, rather than the amount of traffic from the site or the surrounding uses.

Considering these factors, the proposed rezoning and Preliminary Development Plan should have minimum impacts on adjacent properties.

6. CONFORMANCE WITH COMPREHENSIVE PLAN:

The Northwest Future Land Use Map of the Manhattan Area 2035 Comprehensive Plan shows the rezoning site as Office-Research Park (OR). The policies for this land use category is as followed:

OFFICE/RESEARCH (OR)

OR-1: Characteristics

The Office/Research designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development facilities, educational facilities, or supporting services in a planned setting. Ancillary commercial services and medium to high density residential may be incorporated in appropriate settings. Office/Research developments may be incorporated into a master planned neighborhood, as part of the KSU Campus, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, or bioscience or agricultural research, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply. The Poyntz Avenue Corridor, located between 17th Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.

OR-2: Location

Office/Research facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access. Multi-modal access should be considered in the location of employment areas.

OR-3: Site Layout and Design

Integrate Office/Research developments into the surrounding context, whether multiple buildings as part of a planned campus, or stand-alone buildings integrated as part of the urban or suburban fabric.

OR-4: Unified Character

Encourage a unified character for larger Office/Research developments achieved through the use of similar or complementary elements, such as materials, signage, landscaping and screening, and other site layout details.

OR-5: Common Areas

Provide plazas, courtyards, patios, quads, and other common outdoor gathering spaces for employees and visitors as part of standalone Office/Research developments. Provide access to adjacent trails or parks where applicable.

OR-6: Multimodal Connectivity

Ensure Office/Research development 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 services, and existing or planned transit.

Provide clear, direct pedestrian linkages to and between building entrances, outdoor gathering spaces, parking areas, and transit stops.

OR-7: Outdoor Storage

Contain the functions of Office/Research facilities within buildings to the extent feasible. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.

The proposed rezoning conforms to the Comprehensive Plan.

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

- | | |
|--------------------|--|
| November 7, 1997 | Board of Riley County Commissioners approves Preliminary Development Plan of the Wildcat and Colbert Hills PUD |
| August 14, 1997 | Board of Riley County Commissioners approves the Final Development Plan |
| June 1, 1998 | Manhattan Urban Area Planning Board recommends approval of annexation of a 14.3 acre tract described as Grand Mere Tract IV. |
| June 16, 1998 | City Commission approves first reading of annexation. |
| September 10, 1998 | Manhattan Urban Area Planning Board recommends approval of rezoning of Tract IV to R-2 District. |

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- October 6, 1998 City Commission approves second reading of rezoning of Tract IV.
- November 17, 1998 City Commission approves second reading of annexation and rezoning of Tract IV.
- October 4, 1999 Manhattan Urban Area Planning Board considers rezoning of Tract IV from R-2, Two-Family Residential District to PUD, Commercial Planned Unit Development District for JenTre PUD. Planning Board also considers Comprehensive Plan amendment from RLM to OFF. Public hearings tabled to November 1, 1999.
- November 1, 1999 Manhattan Urban Area Planning Board recommends approval of JenTre PUD and Comprehensive Plan amendment.
- November 16, 1999 City Commission approves first reading of amendment to Comprehensive Land Use Plan and to rezoning to PUD.
- December 7, 1999 City Commission considers approving Ordinance No. 6113 and Ordinance No. 6114.
- April 3, 2000 Manhattan Urban Area Planning Board approves the Final Development Plan of the JenTre PUD and the Final Plat of JenTre PUD, Unit 1

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

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

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

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

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: There appears to be no gain to the public that denial would accomplish. Public utilities and fire and emergency service protection can adequately serve the site. Through the use of adequate landscape screen, the proposed PUD should not cause adverse impacts on nearby properties. Denial of the request may be a hardship to the owner.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public water, sanitary sewer, streets and pedestrian sidewalks are, or will be, available to serve the development. There are known issues with low water pressure for the homes on Berkshire Circle, directly south of the proposed development. The low water pressure issue on Berkshire Circle is unrelated to the proposed development and is primarily due to the Berkshire neighborhood being situated at a very high topographic elevation within the water distribution system serving this area. The Public Works Department has modeled the likely water demands for the No Stone Unturned development and potential impacts on neighboring properties. The proposed development has a lower topographic elevation and Public Works staff anticipates that the normal operating pressures to be over 50 psi, which is well within acceptable range for domestic water distribution system.

Furthermore, the modeling shows that there should not likely be adverse effects on the Berkshire Circle neighborhood as a result of the development. Separately from the proposed development, Public Works is currently proposing a water improvements project within the 2017 Capital Improvement Program that would resolve the known low water pressure issues associated with the Berkshire Circle neighborhood.

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 noise sensitive land uses which includes offices providing nursing services and/or overnight stays, 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.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning from PUD, JenTre Commercial Planned Unit Development to PUD, No Stone Unturned Commercial Planned Unit Development, with the following conditions of approval:

1. Permitted Uses shall include: business and professional offices; medical offices, counseling and clinics, including in-patient counseling and treatment; medical clinical research facility including inpatient treatment; as described in the application documents.

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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. The entrance sign and building signage associated with the No Stone Unturned Foundation shall be allowed as proposed.
5. Exempt signage shall include signage described in Article VI, Section 6-102(A)(2)(a), (b), (c), (e), (g), (h), (i), (j), (k), (l), and (m).
6. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 2, 3, 4, 5, and 6.
7. A minimum 5 foot wide sidewalk shall be installed along Kimball Avenue from the south side of Berkshire Circle to connect to the pedestrian tunnel to the north of the site entrance, as shown on the Preliminary Development Plan. The sidewalk design shall be approved by the City Engineer.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the No Stone Unturned PUD from PUD, JenTre Commercial Planned Unit Development, to PUD, No Stone Unturned Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of No Stone Unturned PUD from PUD, JenTre Commercial Planned Unit Development, to PUD, No Stone Unturned Commercial Planned Unit Development District,, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of No Stone Unturned PUD from PUD, JenTre Commercial Planned Unit Development, to PUD, No Stone Unturned Commercial Planned Unit Development District, based on the findings in the staff report, with the seven (7) conditions recommended by City Administration.

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

DATE: April 13, 2016

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