



MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 20, 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, City Clerk Gary S. Fees, 8 staff, and approximately 55 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Reddi led the Commission in the Pledge of Allegiance.

RECOGNITION

Mayor Reddi recognized recent USD 383 award recipients. Those recognized were Janae Haskell, Adult Educator of the Year; Kristi Timm, Shaner Math Award; Stephanie Chitwood, Master Teacher; John Wolters, Elementary Teacher of the Year; Stephanie Hegarty, Secondary Teacher of the Year; Krista Russell, Substitute Teacher of the Year; Bobbie Wooten, Transportation Employee of the Year; Beth Cramer, Professional/Technology Employee of the Year; Martina Butler, Food Service Employee of the Year; Marc Wherrell, Custodial/Maintenance/Warehouse/Security Employee of the Year; Karin Yunk, ParaProfessional/Teacher Aide of the Year; Dorothy Claussen, Bob Srack Excellence in Teaching Award for Elementary; and Nate McClendon, Bob Srack Excellence in Teaching Award for Secondary.

PROCLAMATIONS

Mayor Reddi proclaimed October 9-15, 2016, ***Fire Prevention Week***. Captain Keith Habbart, Public Education Team Leader, and Rick Stillwagon, Fire Marshal, City of Manhattan, were present to receive the proclamation.

PROCLAMATIONS (CONTINUED)

Mayor Reddi proclaimed and recognized *Military and Veteran Caregivers*. Janet Nichols, Military Community Liaison, Manhattan Chamber of Commerce; Briana Nelson-Goff, PhD, Director, Institute for the Health and Security of Military Families; Carolyn Tolliver-Lee, Family Advocacy Program Specialist, Fort Riley; Allyson Bowers, Emeritus Fellow, Elizabeth Dole Foundation and Manhattan Veteran's Family Caregivers Support Network Founder; Sara Devine, Caregiver; and Christine Benne, Caregiver, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner McCulloh encouraged everyone to see the new exhibit "Going Home: Hidden Histories of the Flint Hills" which opens at the Flint Hills Discovery Center beginning September 23, 2016.

Mayor Reddi informed the community that there is information on the City's website regarding the Street Maintenance Sales Tax item and the educational open houses that are available for citizens to attend. She also encouraged citizens to register to vote if haven't already done so and to view the Riley County election website for additional information and important advanced voting and election deadlines.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 6, 2016.

CLAIMS REGISTER NO. 2830

The Commission approved Claims Register No. 2830 authorizing and approving the payment of claims from August 31, 2016, to September 13, 2016, in the amount of \$5,880,808.83.

LICENSE

The Commission approved a Merchant Guard Agency License for calendar year 2016 for PBP Management Group, Inc., 2102 East 21st Street, Suite C, Wichita, Kansas.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7243 - ESTABLISH - BLUEVILLE NURSERY SUBDIVISION TRANSPORTATION DEVELOPMENT DISTRICT (TDD)

The Commission approved Ordinance No. 7243 establishing the Blueville Nursery Subdivision Transportation Development District (TDD).

ORDINANCE NO. 7244 - AMEND - LOT 4, MCCALL LANDING PUD

The Commission approved Ordinance No. 7244 amending Ordinance No. 6745 and the Preliminary Development Plan of Lot 4, McCall Landing Commercial Planned Unit Development, generally located northeast of the intersection of McCall Road and Landing Place, to be known as the Final Development Plan of Lot 4, McCall Landing Commercial Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 1*), with the one condition of approval recommended by the Manhattan Urban Area Planning Board.

ORDINANCE NO. 7245 - AMEND - GREENBRIAR PUD

The Commission approved Ordinance No. 7245 amending Ordinance Nos. 4581 and 7203 and the Final Development Plan of the Greenbriar Residential Planned Unit Development, generally located at 2420 Greenbriar Drive, as proposed, based on the findings in the Staff Report (*See Attachment No. 2*), subject to the two (2) conditions of approval as recommended by the Planning Board.

ORDINANCE NO. 7246 - ANNEX - CITY-OWNED LAND ASSOCIATED WITH THE WASTEWATER TREATMENT PLANT, THE MANHATTAN LEVEE SYSTEM AND THE RAW WATER WELLS

The Commission approved Ordinance No. 7246 annexing 188.24 acres of City-owned land associated with the Wastewater Treatment Plant, the Manhattan Levee System and the raw water wells, generally located along the Blue and Kansas Rivers, U.S. Highway 24, and the Linear Trail, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

ORDINANCE NO. 7247 - REZONE - CITY-OWNED LAND ASSOCIATED WITH THE WASTEWATER TREATMENT PLANT, THE MANHATTAN LEVEE SYSTEM AND THE RAW WATER WELLS

The Commission approved Ordinance No. 7247 rezoning City-owned land associated with the Wastewater Treatment Plant, the Manhattan Levee System and the raw water wells, from Riley County AG, Agriculture District, and Pottawatomie County A1, Agriculture District, to I-3, Light Industrial District, based on the findings in the Staff Report (*See Attachment No. 3*) and the recommendation of the Planning Board.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7248 - 2017 SALARIES

The Commission approved Ordinance No. 7248 establishing a new range of salaries for 2017 for City employees.

RESOLUTION NO. 092016-A - AMEND - MEMORANDUM OF AGREEMENT WITH LOCAL 2275 OF INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

The Commission approved Resolution No. 092016-A adopting changes to Article 7 – Wages, which will extend from December 18, 2016, through December 31, 2017, in the Memorandum of Agreement, with Local 2275 of the International Association of Firefighters.

CHARTER ORDINANCE NO. 56 - AMEND - STORMWATER RATES

The Commission approved Charter Ordinance No. 56 increasing stormwater rates 3%, effective January 1, 2017.

FIRST READING - REAPPORTION SPECIALS - NO STONE UNTURNED (JENTRE)

The Commission approved first reading of an ordinance authorizing the reassessment and relevying of the special assessments for the No Stone Unturned PUD.

RESOLUTION NO. 092016-B - PETITION - LEGACY RIDGE ADDITION - SANITARY SEWER IMPROVEMENTS (SS1627)

The Commission found the petition sufficient, and approved Resolution No. 092016-B, finding the project advisable and authorizing construction for Legacy Ridge Addition Sanitary Sewer (SS1627) Improvements.

RESOLUTION NO. 092016-C - PETITION - LEGACY RIDGE ADDITION - WATER IMPROVEMENTS (WA1624)

The Commission found the petition sufficient, and approved Resolution No. 092016-C, finding the project advisable and authorizing construction for Legacy Ridge Addition Water (WA1624) Improvements.

RESOLUTION NO. 092016-D - PETITION - LEGACY RIDGE ADDITION - STREET IMPROVEMENTS (ST1616)

The Commission found the petition sufficient, and approved Resolution No. 092016-D, finding the project advisable and authorizing construction for Legacy Ridge Addition Street (ST1616) Improvements.

CONSENT AGENDA (CONTINUED)

AGREEMENT - ENGINEERING SERVICES - LEGACY RIDGE ADDITION - SANITARY SEWER (SS1627), WATER (WA1624), AND STREET (ST1616)

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$49,932.10 with SMH Consultants, of Manhattan, Kansas, to perform professional services for the Legacy Ridge Addition Sanitary Sewer (SS1627), Water (WA1624), and Street (ST1616) improvements.

REQUEST FOR QUALIFICATIONS - K-113 CORRIDOR STUDY (ST1507, CIP #EN090P)

The Commission authorized City Administration to seek qualifications for professional services to develop a K-113 Corridor Study (ST1507, CIP#EN090P) and appointed Commissioner Dodson to serve on the Selection Committee.

REQUEST FOR QUALIFICATIONS - DOUGLASS COMMUNITY CENTER ARCHITECTURAL AND ELECTRICAL RENOVATIONS (CD1617)

The Commission authorized City Administration to solicit professional architectural and engineering services for the Douglass Community Center Architectural and Electrical Renovations (CD1617) through the Request For Qualifications process.

CHANGE ORDER NO. 23 - AIRPORT TERMINAL EXPANSION, PHASE II (AIP 46, CIP #AP035P)

The Commission approved and authorized the Mayor and City Clerk to execute Change Order No. 23 for the Airport Terminal Expansion, Phase II, project (AIP 46, CIP# AP035P), resulting in an increase in the amount of \$33,480.00 to the Phase II contract with The Weitz Company, LLC, of Lenexa, Kansas.

AGREEMENT - PROFESSIONAL SERVICES - ALLEN ROAD SANITARY SEWER (SS1612, CIP #WW003P), WATER (WA1613, CIP #WA132P), AND STORMWATER (SM1612, CIP #SW071P) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement for professional services in an amount not to exceed \$52,975.00, with Olsson Associates, Inc., of Manhattan, Kansas, for the Allen Road Sanitary Sewer (SS1612, CIP #WW003P), Water (WA1613, CIP #WA132P), and Stormwater (SM1612, CIP #SW071P) Improvements.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT - LEDGESTONE RIDGE, UNIT TWO - SANITARY SEWER (SS1623), WATER (WA1628), STREET (ST1620), AND TRAIL (SW1601); LEDGE STONE - WATER (WA1623) AND STREET (ST1615) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,571,200.00; awarded a construction contract in the amount of \$1,245,277.20 to Larson Construction, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Ledge Stone Ridge, Unit Two – Sanitary Sewer (SS1623), Water (WA1628), Street (ST1620), and Trail (SW1601) and Ledge Stone – Water (WA1623) and Street (ST1615) Improvements.

AGREEMENT/RESOLUTION NO. 092016-E - KDOT - COLLEGE AVENUE AND CLAFLIN ROAD INTERSECTION IMPROVEMENTS (ST1501)

The Commission approved Resolution No. 092016-E authorizing the Mayor and City Clerk to execute City-State Agreement No. 340-16 for the College Avenue and Claflin Road Intersection Improvements (ST1501) project, and directed the Public Works Department to proceed in a manner that will facilitate construction of improvements once KDOT informs the City to proceed.

AGREEMENT - JOINT FUNDING - RIVER GAUGES

The Commission approved and authorized the Mayor to execute a Joint Funding Agreement with the United States Geological Survey for the costs of four river gauges along Wildcat Creek and the Kansas River from October 1, 2016, to September 30, 2017.

AGREEMENT - FHDC EXHIBIT - RAINFOREST ADVENTURE

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an agreement in the amount of \$30,000.00 with Minotaur Mazes, of Seattle, Washington, for the exhibition of *Rainforest Adventure* at the Flint Hills Discovery Center for the period of January 27, 2018, through April, 29, 2018.

PURCHASE - HEAT PUMP REPLACEMENT AND RELATED COMPONENTS (CIP #BM009E)

The Commission authorized the purchase of heat pumps and related components (CIP #BM009E) in an amount not to exceed \$23,716.00 from Thermal Comfort Air, Inc., of Manhattan, Kansas, to be paid from the General Fund.

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS

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

Bicycle and Pedestrian Advisory Committee

Appointment of Jonathan Eden, 1627 Laramie Street, Apartment 2, to a three-year At-Large term. Mr. Eden's term begins immediately and will expire October 31, 2019.

Historic Resources Board

Appointment of Kevin West, 321 N. 16th Street, to a three-year History term. Mr. West's term begins immediately and will expire April 30, 2019.

Social Services Advisory Board

Appointment of Hannah Kleopfer, 4620 Eureka Drive, to a three-year term. Ms. Kleopfer's term begins immediately and will expire June 30, 2019.

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

GENERAL AGENDA

HAZARD MITIGATION FUNDS APPLICATION - PURCHASE PROPERTIES (921 VILLAGE DRIVE, 939 VILLAGE DRIVE, AND 100 DIX DRIVE)

Karen Davis, Director of Community Development, provided an overview of the item. She highlighted information regarding the project budget for the hazard mitigation grant application and presented a site map of the three proposed properties. She then responded to questions from the Commission regarding the application submittal and timeline.

Rob Ott, Director of Public Works, responded to questions from the Commission. He also provided an update on the flood mitigation efforts and benefits of the CiCo Park infrastructure improvements.

Ron Fehr, City Manager, provided additional information on the item and responded to questions from the Commission.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

GENERAL AGENDA (CONTINUED)

HAZARD MITIGATION FUNDS APPLICATION - PURCHASE PROPERTIES (921 VILLAGE DRIVE, 939 VILLAGE DRIVE, AND 100 DIX DRIVE) (CONTINUED)

After discussion, Commissioner Morse moved to authorize the Mayor and City Clerk to sign an application for Hazard Mitigation Funds to purchase three properties located at 921 Village Drive, 939 Village Drive, and 100 Dix Drive. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

AGREEMENTS - RILEY COUNTY POLICE DEPARTMENT - WORKER'S COMPENSATION SELF-INSURANCE

Brad Schoen, Director, Riley County Police Department, provided an overview of the item. He highlighted the discussions and considerations that have occurred to date with the Riley County Law Enforcement Board, the City of Manhattan, Riley County, and the State of Kansas. He then responded to questions from the Commission regarding the Guaranty Agreement with the State of Kansas and the opportunity to achieve future savings with a self-funded program.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

After discussion and additional comments from the Commission, Commissioner McCulloh moved to approve Resolution No. 092016-F authorizing the Mayor and City Clerk to execute a Guaranty Agreement with the State of Kansas and authorize the Mayor and City Clerk to execute a Funding Agreement with Riley County and RCPD Law Board for a self-funded Worker's Compensation Insurance Program for RCPD. Commissioner Butler seconded the motion.

Ron Fehr, City Manager, responded to questions from the Commission. He reiterated the opportunity for potential savings in the future for the City of Manhattan and Riley County.

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

FIRST READING – AMEND – NOISE ORDINANCE

Commissioner Morse moved to remove the item from the table. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

Kiel Mangus, Assistant City Manager, presented an overview of the item. He highlighted the current noise ordinance and the proposed noise ordinance that would focus on a new reasonableness standard, decibel level limits, rules on amplified sound, and elimination of

GENERAL AGENDA (CONTINUED)

FIRST READING – AMEND – NOISE ORDINANCE (CONTINUED)

the noise permit. He presented a proposed noise boundary map for Aggieville and Downtown. He also presented information on construction noise, garbage collection noise, lawn care noise, and proposed fines. He then responded to questions from the Commission regarding decibel measurements and reasonableness standards.

Mayor Reddi opened the public comments.

Ryan Bramhall, owner of Tubby's Sports Bar, informed the Commission that Mayor Reddi, Commissioner Dodson, Assistant City Manager Mangus, and Riley County Police Department's Captain Kyle walked through Aggieville the evening of Friday, September 16, 2016. He said they discovered that the noise was not as bad as expected. He stated that live music can be an issue and difficult to control if there isn't a sound person in control all the time. He asked that consideration be given to issuing a warning.

Kiel Mangus, Assistant City Manager, provided additional information on the item. He thanked Captain Kyle for his help in the process and creation of the proposed ordinance.

Captain Josh Kyle, Riley County Police Department (RCPD), provided data on the number of noise complaints received in relationship to the number of warnings and citations issued. He discussed the process involved when RCPD receives a noise complaint and the enforcement aspect of the ordinance by police officers.

Ed Park, 3015 Shaffer Street, thanked City officials for addressing the problem of noise. He informed the Commission that every Monday morning at 4:00 a.m., he is awoken by a trash truck picking up refuse at nearby businesses close to his home. He asked that consideration be given to address his concerns.

Kiel Mangus, Assistant City Manager, stated that trash trucks are exempt in commercial areas and discussed the reasonableness standard factor. He then responded to questions from the Commission about talking with the refuse company to see if they would consider changing the route as a possible option.

Ed Park, 3015 Shaffer Street, responded to questions from the Commission and stated that he did not know who the refuse company is.

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

GENERAL AGENDA (CONTINUED)

FIRST READING – AMEND – NOISE ORDINANCE (CONTINUED)

After discussion and comments from the Commission, Commissioner McCulloh moved to approve first reading of an ordinance amending Sections 22-54 through 22-58 and Sections 6-24 and 21-12 of the Code of Ordinances of the City of Manhattan, Kansas, relating to Noise. Commissioner Dodson seconded the motion.

After further comments from the Commission, on a roll call vote, motion carried 5-0.

ECONOMIC DEVELOPMENT ANNUAL REPORT FOR 2015

Hillary Badger, Assistant Director of Finance, introduced the item.

Courtney Kramer, Financial Analyst, presented an overview of the item. She highlighted the Fund history for the 1994 half-cent citywide sales tax (MEDOFAB), the 2002 half-cent Riley County “Roads and Jobs” sales tax (RICOED), and the 2012 renewal of the half-cent Riley County sales tax; the 2015 report highlights; company news and notes; economic development forecast and graphical information; individual company accountability reports; and provided an update on infrastructure projects and future amounts committed and future funds available.

Hillary Badger, Assistant Director of Finance, provided additional information on the item and the accountability reports.

Ron Fehr, City Manager, responded to questions from the Commission. He provided additional information and clarification on Manhattan Holdings, LLC; the fund commitment for infrastructure and site improvements for the National Bio and Agro-Defense Facility; and discussed the North Campus Corridor Plan.

Courtney Kramer, Financial Analyst, provided additional information on the accountability reports and compliance percentages. She also presented an overview of the process to be considered for economic development funds.

Ron Fehr, City Manager, responded to additional questions about Manhattan Holdings, LLC, and provided information on the initial investment made by the City of Manhattan and the returns the City has received from their initial investment.

Courtney Kramer, Financial Analyst, and Ron Fehr, City Manager, responded to questions from the Commission regarding tracking of job numbers for the Kansas State University Institute for Commercialization (KSUIC).

Jason Hilgers, Deputy City Manager, and Ron Fehr, City Manager, responded to questions from the Commission regarding wages, reporting of jobs and employment associated with KSUIC.

GENERAL AGENDA (CONTINUED)

ECONOMIC DEVELOPMENT ANNUAL REPORT FOR 2015 (CONTINUED)

Mayor Reddi opened the public comments.

Lyle Butler, CEO/President, Manhattan Area Chamber of Commerce, responded to questions from the Commission regarding the Chamber's position that internet sales tax needs to be charged so that there is not an unfair advantage over the brick and mortar retailers. He discussed workforce issues and regional plans to benefit the region. He provided historical and current information on the activities at the Kansas Entrepreneurial Center (KEC) and encouraged the Commissioners to contact him if they were interested in seeing the KEC facility. He also provided an overview of the recent Chamber trip to Fayetteville, Arkansas, and the partnerships they developed.

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

Ron Fehr, City Manager, provided additional information on the report and clarification on items for future reporting.

There was no formal action taken by the Commission on the item.

ADJOURNMENT

At 9:34 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

REQUEST: The applicant/owner has requested an amendment of Ordinance No. 6745 and the approved Preliminary Development Plan of Lot 4, McCall Landing Commercial Planned Unit Development to construct an approximate 2,635 square foot commercial building for a Panda Express Gourmet Chinese restaurant with drive-thru. The amendment is in the form of a Final Development Plan.

The amendment is necessary because the proposed restaurant is on a vacant lot that was approved with the Preliminary Development Plan. Other than the permitted uses that would be allowed on Lot 4, none of the information required to be submitted with a PUD application such as building and floor plans, landscaping, signs, lighting, off-street parking and similar information, was provided. The original applicant had no tenant for Lot 4. Condition 11, Ordinance 6745 (below under EXISTING PUD), was added to insure the PUD requirements are considered, prior to development of Lot 4.

APPLICANT: Klover Architects on behalf of the developer, Panda Restaurant Group

APPLICANT'S ADDRESS: 10955 Lowell Avenue, Suite 700, Overland Park, KS

DEVELOPER: Panda Restaurant Group

DEVELOPER'S ADDRESS: 1683 Walnut Grove Avenue, Rosemead, CA

OWNER: Dreiling Real Estate, LLC – Dave Dreiling

OWNER'S ADDRESS: 520 McCall Road, Manhattan, KS

LEGAL DESCRIPTION: Lot 4, a McCall Landing Commercial Planned Unit Development, to the City of Manhattan, KS.

LOCATION: Lot 4 is located northeast of the intersection of McCall Road and Landing Place.

AREA: 53,134 square feet (1.22 acres)

DATE OF NEIGHBORHOOD MEETING: June 22, 2016.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, July 25, 2016.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, August 18, 2016.
CITY COMMISSION: Tuesday, September 6, 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.
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.

Attachment No. 1

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

Proposed Use and Building: The proposed rectangular shaped building has an approximate gross floor area of 2,635square feet, The site plan depicts a single lane drive-thru stacking lane approximately 275 feet in length on the west side of the building. Menu and order boards are associated with the drive-thru lane.

The one story building is approximately 24-feet tall to the parapet wall roofline. Exterior materials are primarily EFIS (Exterior Insulation and Finish System), wood looking composite materials, and a dry-stacked stone wainscot. Aluminum canopies will be installed over the doors and drive-thru windows and as architectural accents. The entrances to the restaurant are on the east sides of the building and the drive-thru pickup window on the southwest side of the building. Parapet walls screen roof equipment.

PROPOSED SIGNS: Proposed signs consist of wall signs and one skirted pole sign.

Four (4) internally illuminated wall signs are proposed on each façade. The wall sign on the south and west façades will be approximately 49 square feet in area. The east façade will have a wall sign that will be approximately 65 square feet in area. The north façade will have a wall sign that is approximately 40 square feet in area.

The skirted pole sign is 30-feet tall, with a sign that is approximately which total 197 square feet in area. The pole sign is located south of the drive-thru lane and will be approximately 13 feet from the McCall Road right-of-way/southern property line. The sign is in a lawn area. Both types of sign conform to the requirements of the C-2 District and PUD ordinance.

Exempt sign sections changed since adoption of the PUD ordinance (Condition No. 10). Revised exempt signage citation is updated with the amendment, as described in Article VI, Section 6-104 (A)(2)(b), (c), (e), (h), (i), (j), (l) of the Manhattan Zoning Regulations.

PROPOSED LIGHTING: Proposed parking lot lights are full-cutoff fixtures on metal poles. Building lights will accent entrances and provide general security and are 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.

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 approved site, building and other improvements were not shown on the approved Preliminary Development Plan for Lot 4, which relied on market driven demand for the site. Condition # 11 of Ordinance No. 6745 “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.”

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 and anticipates commercial development by one or more businesses on Lot 4.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: Landscaping is a combination of grass areas, deciduous shade trees and deciduous shrubs in parking lots islands, the drive-thru lane along McCall Road, with the balance grass lawns, all of which will be maintained by in-ground sprinklers.

2. SCREENING: One trash dumpster area is proposed on the south side of McCall Place north of the restaurant. The trash dumpster space will be enclosed with six foot tall composite wood fence.

3. DRAINAGE: A Drainage Study, dated October 3, 2008, was submitted by Schwab-Eaton, P.A. with the Preliminary Development Plan. The PUD is designed to drain, in part, to the south and southeast through on-site storm sewer improvements to storm sewer improvements associated with McCall Road. The majority of the PUD, due to the size of the Menards' site, drains to a detention basin on the east side of PUD, then to McCall Road storm water improvements. The City Engineer reviewed and accepted the 2008 drainage study. Minor changes were made to the drainage plan in 2010 when Menards was built.

The Final Development Plan shows that stormwater runoff will be directed to area/curb inlets in the parking lot and driving aisles and then sent to the existing underground stormwater sewer system along McCall Road, which is directly south of the subject site.

BHC Rhodes, submitted an updated Overall Stormwater Compliance Report (*attachment dated June 29, 2016*) summarizing the analysis. The BHC Rhodes consultants compared the amount of impervious surfaces originally assumed for the subject site in the 2008 Schwab-Eaton study to the proposed site plan in the Final Development Plan. The analysis uses "CN" values, which is a coefficient that signifies the runoff potential for the site based on landcover. The 2008 drainage study had an assumed post-construction CN value of 93.42. The stormwater improvements on McCall Road and the surrounding areas were designed and built, in part, to this runoff potential. The proposed development for the Panda Express restaurant has a CN value of 93.10, which is nearly identical to the runoff potential originally assumed for the site.

The Manhattan Public Works Department reviewed and accepts the stormwater management plan and Overall Stormwater Compliance Report with no comments. The surrounding stormwater infrastructure was designed and built to accommodate a development pattern similar to what is being proposed.

4. CIRCULATION: As proposed, vehicle and pedestrian access are safe and efficient.

Overall PUD Circulation

The McCall Landing PUD is accessed off McCall Road from a series of travel easements. Carlson Place is at the center of the PUD connecting to a signalized intersection with McCall Road. McCullough Place is on the east side of the PUD with a right-in right-out at its intersection with McCall Road. Landing Place is on the west side of the PUD and intersects McCall Road at the southwest corner of Lot 4, and is a right-in right-out. McCall Place is an east to west travel easement north of Lots 1, 3, and 4, and the south and Lot 2 (Menards). A travel easement within the Abbott Landing Commercial PUD is located to the west of the site and connects to Landing Place. The Preliminary PUD shows a travel easement extending east of McCullough Place and Lot 1 to connect to the east. Both projected travel easements to east and west properties are intended to create an internal street, or reverse frontage road, to reduce curb cuts onto McCall Road.

Internal Access

Access to Lot 4 will be from Landing Place and McCall Place and a private cross-easement across the lot to the east (Pizza Ranch). A private cross-easement has been drafted and agreed to in principle to allow a driving aisle to be created between the subject site and Pizza Ranch. This agreement will be finalized once the land is purchased from the current owner.

The proposed driving aisle across the Pizza Ranch property will eliminate 4 off-street parking spaces from the existing restaurant. Pizza Ranch was approved with 92 spaces, based on the actual seating count and the maximum number of employees working during a shift. The Pizza Ranch restaurant has been in operation since 2014. It appears that there is adequate parking available for existing restaurant. Elimination of the 4 spaces should not create a lack of off-street parking for the business. Additionally, Pizza Ranch willing entered into the agreement with the developer of the Panda Express restaurant.

If the cross-easement agreement is not completed, the area on the Pizza Ranch site will be unchanged. The corresponding area on the Panda Express site will most likely be converted to a landscape area. A revised landscape plan will be required at the time of a building permit if this agreement is not executed.

Internal circulation is to the front of the store from driving aisles connecting to the curb cut on McCall Place, a right-in/right out only intersection with Landing Place and through the Pizza Ranch site. The drive-thru stacking aisle for the drive-thru window is along the north and west sides of the building.

Sidewalks and Pedestrian Circulation

A sidewalk was constructed along the east side of Carlson Place and along both sides of McCall Road with a 10-foot wide sidewalk on the north side of McCall for pedestrian and bicyclists. A pedestrian connection from the McCall Road sidewalk connects the restaurant sidewalk to the street sidewalk.

Sidewalk will be constructed on the south side of McCall Place with the development of Lot 4.

A bike rack is shown off the sidewalk connection along McCall Road near the McCall Road sidewalk.

Off-street Parking

The proposed number of off-street parking is based on the requirements for a restaurant, which requires one parking space per three persons based on design occupancy, and one parking space per employee based on the maximum employee shift. The applicant's design occupancy is noted at 82 persons plus 8 employees on the maximum shift. Based on these two totals, 30 off-street parking spaces are required. Forty-six (46) off-street parking spaces are shown on the Final Development Plan. The parking proposed for the development is adequate based on the minimum requirements.

Traffic Study

The original Traffic Impact Study, dated January 2008, Revised October 2008, was submitted by Schwab-Eaton P.A and accepted by the Public Works Department. The developer's consultant, BHC Rhodes analyzed the assumed trips generated by the vacant subject site and the lot that is now Pizza Ranch (Lot 3) (*see attached*). Pizza Ranch was anticipated to be a drive-thru restaurant in the 2008 Traffic Impact Study. The subject site was anticipated to be a bank with a drive-thru in the original traffic study. The BHC Rhodes study found that the actual trips generated by the 2 lots will be less than what was originally anticipated for the vacant within the development.

McCall Road was, in part, designed and constructed with these development patterns and anticipated trips to be generated by the uses.

The Manhattan Public Works Department has reviewed the traffic analysis by BHC Rhodes and accepts its finds with no comments.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: Approximately 22% of Lot 4 is open landscaped space.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is a mixture of highway commercial and industrial uses. The areas along McCall Road are transitioning from a historically industrial area, to a retail commercial corridor. Large box retail stores are located to north and southwest. Drive-thru restaurants are located along the five (5) lane minor arterial. There are also a number of strip mall type retail centers in the immediate area. To the north of the development, along Hayes Drive and Levee Drive and predominately industrial and office uses.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Lot 4 is a vacant commercial tract of land approved with the Preliminary PUD.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Grass covered tract located in the 0.2% Annual Chance Floodplain (500 year floodplain). The site is protected by the Manhattan Levee System.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Menards home improvement store, City water well fields, Levee Drive; Commercial PUD and I-2 District.

(b.) SOUTH: McCall Road, vacant retail store, GTM manufacturing and retail store, research facilities, car wash, self storage facilities, automobile sales and service; C-5, Highway Service Commercial District and I-2 District.

(c.) EAST: Pizza Ranch restaurant, K-State Super store and commercial building with drive-n restaurant, McCall Pattern Company, Future Kansas State Federal Credit Union; Commercial PUD and I-2 District.

(d.) WEST: Vacant lot, Orschlen's Farm and Ranch store and drive-thru restaurants associated with the Abbott's Landing Development and the USD 383 transportation center; Commercial PUD and I-2 District.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for commercial development subject to the requirements of the Manhattan Zoning Regulations, Article IX, Planned Unit Development Districts, and Ordinance No. 6745.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Lot 4 is in a commercial growth corridor and its development as a commercial site should be compatible with the surrounding neighborhood. Minimal impact on property along the corridor is expected. The proposed development is consistent with the commercial character of the approved PUD.

Fifty foot well head protection zones around City well heads are along the northern boundary of the PUD, and extend partially in the PUD but do not extend near Lot 4. No underground liquid fuel storage tanks will be allowed in the PUD. No underground liquid storage is proposed with Lot 4 development.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: Lot 4 is in the Northeast Planning Area of the Future Land Use Map of the Manhattan Area 2035 Comprehensive Plan. The site is shown as Community Commercial (CC) on the map. The Future Land Use Map reflects the existing commercial zoning of the site. The proposed PUD Amendment conforms with the Manhattan Urban Area Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The zoning history lists all development to date in McCall Landing PUD.

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.

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- 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.
- 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.

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- 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.
- 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.

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- April 18, 2016 Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the 2.56 acre tract of land at the northwest corner the McCall Pattern Company property from I-2, Industrial Park District, to PUD, McCall Landing Commercial Planned Unit Development; and, amending Ordinance No. 6745 and the Final Development Plan of Lot 2, McCall Landing Commercial PUD, with two conditions of approval.
- May 3, 2016 City Commission approves first reading of an ordinance rezoning a 2.56 acre tract of land generally located at the northwest corner the McCall Pattern Company property as proposed; and, amending Ordinance No. 6745 and the Final Development Plan of Lot 2, McCall Landing Commercial PUD.
- May 17, 2016 City Commission approves Ordinance No. 7211 rezoning a 2.56 acre tract of land generally located at the northwest corner the McCall Pattern property from I-2, Industrial Park District, to McCall Landing Commercial Planned Unit Development; and, amending Ordinance No. 6745 and the Final Development Plan of Lot 2, McCall Landing Commercial PUD, based on the findings in the Staff Report, subject to the two (2) conditions of approval recommended by the Planning Board.

Lot 4 has remained vacant since annexation in 1968.

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 amendment conforms to the approved PUD and the uses permitted in McCall Landing Commercial PUD.

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. McCall Road was upgraded to a five lane urban section with curb and gutter, sidewalks, storm sewer improvements

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and traffic signal at Carlson Place and McCall Road. The amendment creates no adverse impact on the public improvements or public that is served by those improvements.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: LOT 4 CAN BE SERVED BY PUBLIC IMPROVEMENTS, INCLUDING STREET, WATER, FIRE SERVICE AND SANITARY SEWER. MCCALL ROAD WAS UPGRADED TO A FIVE LANE ARTERIAL STREET, WHICH CONSISTS OF FOUR THROUGH LANES, A CENTER TURN LANE, CURB AND GUTTER, STORM WATER IMPROVEMENTS AND SIDEWALKS ON BOTH SIDES OF THE STREET. THE IMPROVEMENTS WERE MADE TO SERVE THE MCCALL LANDING PUD AND GROWTH IN THE MCCALL ROAD CORRIDOR.

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

13. STAFF COMMENTS: All conditions of approval, not in conflict with Ordinance No. 6745 remain in effect. City Administration recommends approval of a proposed amendment of Ordinance No. 6745 and the approved Preliminary Development Plan of Lot 4, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 4, McCall Landing Commercial Planned Unit Development for the proposed Panda Express Gourmet Chinese drive-thru restaurant, with the following condition of approval:

1. Exempt sign sections changed since adoption of the PUD ordinance (Condition No. 10). Revised exempt signage citation is updated with the amendment, as described in Article VI, Section 6-104 (A)(2)(b), (c), (e), (h), (i), (j), (l) of the Manhattan Zoning Regulations.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 6745 and the approved Preliminary Development Plan of Lot 4, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 4, McCall Landing Commercial Planned Unit Development, stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of Ordinance No. 6745 and the approved Preliminary Development Plan of Lot 4, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 4, 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.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed Ordinance No. 6745 and the approved Preliminary Development Plan of Lot 4, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 4, McCall Landing Commercial Planned Unit Development Panda Express Gourmet Chinese drive-thru restaurant, based on the findings in the Staff Report, subject to one condition of approval recommended by City Administration.

PREPARED BY: Chad Bunger, AICP, Senior Planner.

DATE: August 5, 2016.

STAFF REPORT

AN AMENDMENT OF ORDINANCE NOs. 4581 AND 7203 OF THE GREENBRIAR RESIDENTIAL PLANNED UNIT DEVELOPMENT TO ALLOW FOR MORE DWELLING UNITS AND BEDROOMS THAN ORIGINALLY PERMITTED IN THE APPROVED AND RECENTLY AMENDED PUD. THE PUD AMENDMENT IS IN THE FORM OF A FINAL DEVELOPMENT PLAN.

BACKGROUND

APPLICANT/OWNER: Woodway Investors, LLC

ADDRESS: 2420 Greenbriar Drive

LOCATION: Generally located to the northwest of the intersection of Kimball Avenue and College Avenue.

AREA: 5.45 acres

DATE OF NEIGHBORHOOD MEETING: Tuesday, June 14, 2016

DATE OF PUBLIC NOTICE PUBLICATION: Monday, July 1, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, August 1, 2016
CITY COMMISSION: Tuesday, September 9, 2016

EXISTING PUD

Ordinance

Ordinance No. 4581 was approved on June 20, 1989 to rezone the site from R to PUD to allow for a multi-family development, known as the Woodway Apartments.

Conditions of Approval

1. Provisions shall be made for all necessary sanitary sewer improvements including the lift station and force main to the point of connection at Hobbs and College Avenue with costs to be born by the applicant or any subsequent owner and that the lift station shall be located adjacent to the east entry off of College Avenue.
2. The applicant or any subsequent owner shall participate in the benefit district to be established at some time in the future when a northern interceptor sewer line is constructed.

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3. Provision of a deceleration lane on the north side of Kimball Avenue for the south entrance shall be constructed according to the standards of the City Engineering Division with all costs born by the applicant or any subsequent owner.
4. The provision of a minimum 5 foot wide sidewalks along Kimball and College Avenues shall be provided by the applicant or any subsequent owner. The sidewalk along College Avenue shall be in a pedestrian easement or on the street right-of-way.
5. The building as shown on the site plan in the northwest corner of the site shall be removed and four additional dwelling units may be added to Building A in the eastern most part of the site for a total of 84 dwelling units and the maximum number of bedrooms shall be limited to 210.
6. The permitted use shall be limited to multi-family housing. The total occupancy shall be limited to 250 tenants for the PUD.
7. The total number of off-street parking places shall be no less than 300 as proposed to provide adequate tenant and guest parking.
8. The PUD owner and management shall utilize a parking sticker system whereby each licensed tenant having a vehicle on the site receives one (1) parking sticker to attach to their vehicle. To further help monitoring of unauthorized vehicles by the management, the stickers shall be numbered 1 through 250 and new stickers issued each semester.
9. An additional fire hydrant shall be provided at the east entry drive.
10. Security for the performance of the landscaping requirements, as described herein and as shown on the preliminary development plan shall be provided pursuant to an agreement between the developer and the City.
11. If the carports are not provided along the south row of parking, landscaped berms shall be utilized in addition to the trees shown on the plan.
12. All landscaping, signage and lighting shall be provided as proposed and maintained in good condition.
13. A grove of trees of any variety shall be planted in the area where the building was removed at the northwest corner to discourage that area being used as an open recreational area. Additional screening shall be provided along the north and west property lines by planting an additional row of 7 to 8 foot tall Scotch Pines with 8 feet between the two rows of pines and each tree planted approximately 10 to 12 feet apart within a row to give a staggered effect. In addition, Winter Honeysuckle shall be planted between the trees to provide immediate screening until the trees mature.
14. The general residential character of the buildings shall be maintained.

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15. The owners shall provide an on-site management team consisting of one (1) full time manager, an assistant manager and a maintenance person.

On April 5, 2016, the Greenbriar PUD was amended because it was discovered that additional bedrooms had been constructed by a previous and were currently being used, thus violating Conditions 5 and 6 of the original PUD ordinance. The purpose of the April, 2016 PUD Amendment was to bring the property into conformance so that the apartment complex could be sold with a clear title to the current owner.

The conditions of approval for Ordinance No. 7203, approved on April 5, 2016 are:

1. Modify Condition No. 5 to increase the number of bedrooms to 278, as requested by the applicant.
2. Modify Condition No. 6 to increase the total occupancy from 250 to 278 occupants.
3. Eliminate Condition No. 8, as the parking sticker system is unneeded.

PROPOSED AMENDMENT

The Greenbriar Residential Planned Unit Development was approved with Condition No. 5, which stated:

5. The building as shown on the site plan in the northwest corner of the site shall be removed and four additional dwelling units may be added to Building A in the eastern most part of the site for a total of 84 dwelling units and the maximum number of bedrooms shall be limited to 210.

The PUD was subsequently amended in April, 2016 because it was discovered that additional rooms that were originally considered a “study” had been used as a bedroom consistently since the original development of the PUD. The proposed amendment was to bring the current use into conformance with the PUD so that the property could be sold with a clear title. Seventy-six (76) apartment units had the additional rooms. The approved amendment added 76 bedrooms to the PUD, creating the final number of bedrooms for the PUD at 286.

Under the new ownership of the apartment complex, it was discovered that additional dwelling units were constructed in Building C, located in the center of the development, directly north of the entrance to the apartment complex that is off of Kimball Avenue. A 2-bedroom “model apartment unit” had been historically rented for consistent occupancy.

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The model apartment unit was presented as a marketing tool for the development and was not approved for a dwelling. A “leasing and manager’s office” and “community room” as shown on the originally approved Final Development Plans was converted to apartment units. The “community space” is now a 2-bedroom unit and the “leasing and manager’s office” is now a 1-bedroom unit. In addition to these changes, the area originally shown to be “lawn, storage and maintenance/maintenance office” was converted to the primary management/leasing office for the development.

The applicant is requesting to Amend the PUD and the Final Development Plan to increase the total number of dwelling units to 87 apartments and to increase the total number of bedrooms to 291.

No changes to the buildings exteriors, landscaping or site plan is proposed.

PROPOSED SIGN:

The on-site signage will not change and is consistent with the Final Development Agreement. There is an internally illuminated monument sign measuring 6 feet by 6 feet located at the entrance on Kimball

PROPOSED LIGHTING: The lighting will not change with the proposed amendment.

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

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The amendment is consistent with the intent and purpose of the original PUD to provide multi-family living. The proposed amendment preserves the multi-family character in a desirable residential area of Manhattan.

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 Condition No. 5 of Ordinance No. 4581 and Conditions No. 1 and 2 of Ordinance No. 7203 were not adhered to. According to the application documents, “The spaces in question have been used as rental apartments and as the management/leasing office consistently since the original development of the PUD, notwithstanding their designation for other uses in the original Development Plan.”

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The applicant states “The proposed amendment will benefit the general public in that it will make proper and authorized the historical actual total occupancy of the apartment complex located in the PUD. To deny the proposed amendment would render (3) apartment units containing a total of five (5) bedrooms technically impermissible, thereby reducing the available inventory of quality, affordable off-campus housing.”

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: There will be no changes to the landscaping agreement. The site is already landscaped according to the original Final Development Plan. Landscaping on site currently includes trees along the periphery of the site, somewhat screening the apartments along Kimball Avenue and College Avenue. There is also sufficient green space and landscaping within the site.

2. SCREENING: No additional screening is required.

3. DRAINAGE: There will be no changes to the drainage requirements as there is not an increase in impermeable surface or a reduction in open space.

4. CIRCULATION: Access to the site’s off-street parking lot is off of both Kimball Avenue and College Avenue. Internal streets connect the apartment buildings

Pedestrian Access. There are sidewalks along the north side of Kimball and along the west side of College Avenue, which runs alongside the east side of the development. Both of these sidewalks provide access to the site.

Traffic. There is likely to be little to no traffic increase as a result of the proposed amendment. If the rooms have been consistently used as bedrooms, there are likely to be the same number of tenants and visitors as there has been in the past.

Off-Street Parking. The number of parking spaces is consistent with Condition No. 7 of Ordinance No. 4581, stating there should be no fewer than 300 off street parking spaces on the site. There are currently 92 carports, 8 handicapped spaces and 200 open spaces, a total of 300 spaces.

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From a series of memos prior to the approval of the ordinance and the Final Development Plan, and a memo dated May 23, 1989 from the City's Planning Department it can be concluded that as the development was primarily intended to serve students, providing additional guest parking would offset neighborhood impacts from the increase in density. The memo states that with a limited number of 250 tenants, 300 parking spaces would allow for a sufficient amount of guest parking.

With the increased number of bedrooms and in conformance with Article 7-103, Off-street Parking Requirements of the Zoning Regulations, the proposed amendment requires a total number of 311 parking spaces. Following today's off-street parking regulations, an additional 8 spaces would be required. However, since there have been no complaints regarding the parking on this site, or spill-over parking experienced as a result, the existing off-street parking is sufficient to address demand and requiring 8 stalls be added to the site at this point in time would not produce a significant benefit.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: There is landscaped space within the site and a pool located on the east side of the site.

6. CHARACTER OF THE NEIGHBORHOOD: The proposed PUD Amendment is consistent with the character of the neighborhood. Its proximity to the university and hospital make it a desirable area to live. This amendment maintains the multi-family nature of the property and brings the property into compliance.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The site consists of 8 multi-family residential structures. The units vary from one to four bedrooms and were constructed in the early 1990s.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is located at a busy intersection near the hospital, the campus and many residential properties. It is generally flat with existing multi-family residential structures and mature trees.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** The area to the north is primarily multi-family residential consisting of the University Crossing Apartments PUD. There is single family housing further to the north, zoned R-1, Single Family Residential.

(b.) **SOUTH:** Located on the south side of Kimball Avenue is the Manhattan Surgical hospital and the Via Christi Hospital, also zoned PUD.

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(c.) EAST: To the east of the site across College Avenue and Kimball Ave the area is zoned U, University, consisting of agriculture land at the northeast corner of the intersection and the K-State football stadium at the southeast corner of the intersection.

(d.) WEST: The area to the west is zoned R, Single Family Residential. The Peace Lutheran Church is located directly west to the subject site. Further west is College Hill School and single family neighborhoods.

4. GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood is a mix of residential, hospital/medical, religious and University uses. The residential units are both single-family and multi-family dwellings, varying from owner occupied to renter occupied. The neighborhood also has several commercial uses (hospital and surgical center), the football stadium, and a childcare center. The site's location serves as a higher density residential buffer between lower density residential uses and university related uses.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The current zoning of the site as a PUD is suitable for this multiple-building apartment development. The area is primarily composed of either residential development or PUDs.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: No detrimental effects are anticipated as a result of the proposed amendment, as the site is compatible with surrounding zoning and land uses. The site has also been in existence for over two decades without any negative effects.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE NORTHWEST PLANNING AREA. THE AREA IS DESIGNATED AS RESIDENTIAL HIGH DENSITY IN THE COMPREHENSIVE PLAN AND THE PUD'S USE AND THE PROPOSED AMENDMENT CONFORMS TO THE PLAN.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The area was zone R, Single-Family Residential prior to being zoned as a PUD with the passing of Ordinance No. 4581 on June 20, 1989

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.

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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 amendment is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. Denial would prohibit the use of the 3 dwelling units that have apparently been in use in this since the development was first constructed. It is apparent that these dwellings have been used without any adverse impacts, due to the ample parking.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The site has adequate public services, sanitary sewer, water, sidewalks, and public streets.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: City Administration recommends approval of the proposed amendment to allow the studies identified in the original PUD to be used as bedrooms, with the following conditions of approval:

1. Modify Condition No. 5 of Ordinance 4581 to increase the number of dwelling units to 87 and to increase the number of bedrooms to 291, as requested by the applicant.
2. Modify Condition No. 6 to increase the total occupancy from 250 to 291 occupants.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance Nos. 4581 and 7203 and the approved Final Development Plan stating the basis for such recommendation.
2. Recommend approval of the proposed amendment of Ordinance Nos. 4581 and 7203 and the approved Final Development Plan and modify the conditions and any other portions of the proposed PUD amendment to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.

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3. Recommend denial of the proposed amendment of Ordinance Nos. 4581 and 7203 and the approved Final Development Plan, stating the basis for such recommendation.
4. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance Nos. 4581 and 7203 and the approved Final Development Plan of the Greenbriar Residential Planned Unit Development, based on the findings in the Staff Report, with two (2) conditions of approval.

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

DATE: July 19, 2016

16017}SR}WoodwayApts}GreenbriarPUDAmendment

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: Riley County AG, Agriculture District
Pottawatomie County, A1, Agriculture District

TO: I-3, Light Industrial District

APPLICANT/OWNERS: City of Manhattan – Ron Fehr, City Manager

ADDRESS: 1101 Poyntz Avenue, Manhattan, KS

LEGAL DESCRIPTION: A tract of land located in the Northeast Quarter of Section 17, the Northwest Quarter of Section 16, Section 8, and the West Half of Section 9, all in Township 10 South, Range 8 East in Riley and Pottawatomie County, Kansas

LOCATION: generally located along U.S. Highway 24 and the Linear Trail area.

AREA: 185.14 acres

DATE OF NEIGHBORHOOD MEETING: June 2, 2016

DATE OF PUBLIC NOTICE PUBLICATION: July 11, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: August 1, 2016

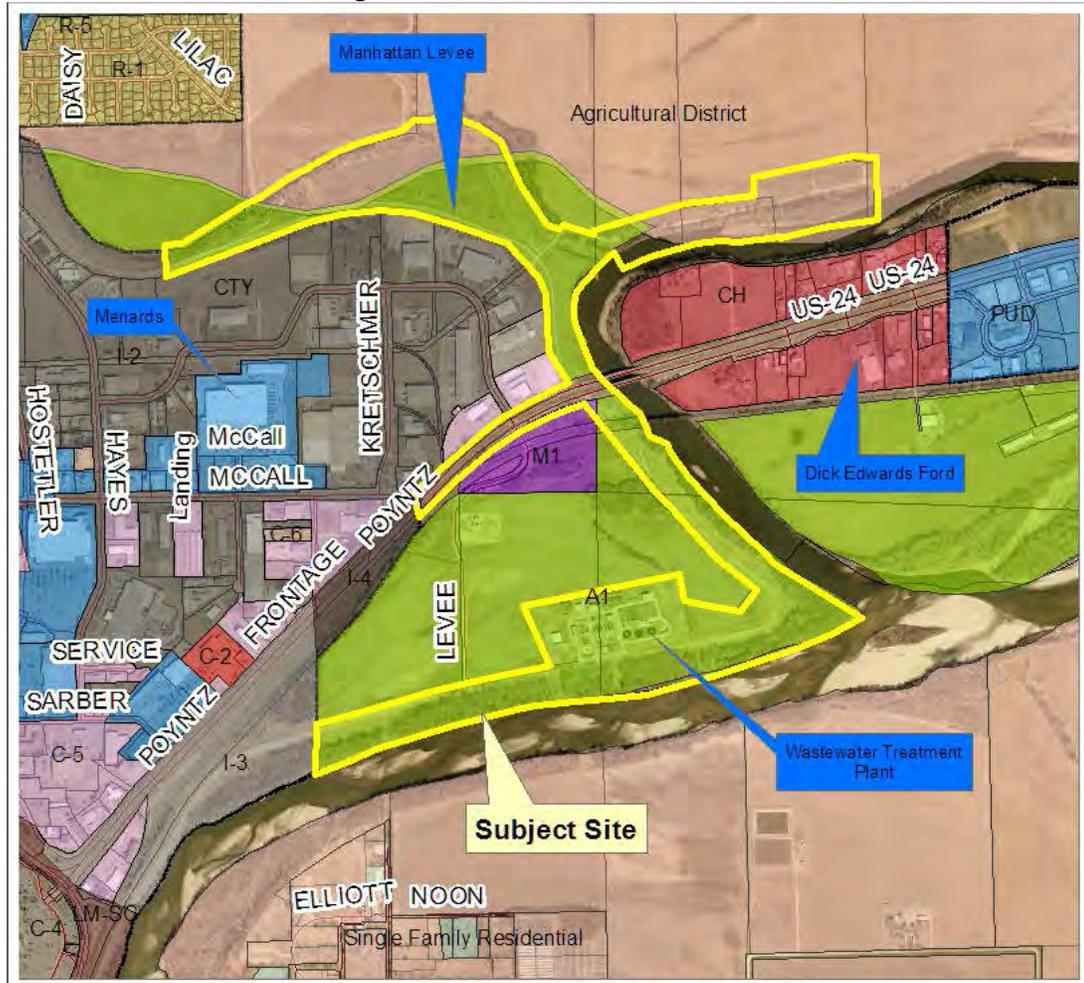
CITY COMMISSION: September 9, 2016

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

- 1. EXISTING USE:** City's Waste Water Treatment Plant and vacant land associated with the Manhattan Levee System.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The land associated with the Manhattan Levee System, which is a man-made flood protection structure designed protects parts of the City from the flood risks from the Blue River and Kansas River. The Linear Trail is located on the Levee. The land associated with the Waste Water Treatment Plant is generally flat and is adjacent to the Manhattan Levee System.

3. SURROUNDING LAND USE AND ZONING:

A variety of land uses and City, Riley County and Pottawatomie County zoning districts surround the rezoning site. See the map below to gain an understanding of the various land uses and zoning districts in the area.



Manhattan Zoning

- R-1
- R-2
- R-5
- C-2
- C-5
- C-6
- I-2
- I-3
- I-4
- LM-SC
- PUD

Riley Co. Zoning

- Agricultural District
- CPUD
- Highway Business
- Mobile Home Park
- Single Family Residential
- University

Pottawatomie Co. Zoning

- A1
- CH
- M1
- rezoning site
- City Boundary



1,000 500 0 Feet



Attachment No. 3

- 4. GENERAL NEIGHBORHOOD CHARACTER:** The area surrounding the subject site is a wide mix of commercial, industrial, residential and agricultural uses. The land adjacent to the Waste Water Treatment Center is generally agriculture land uses for row crops.

The land surrounding the levee system is commercial and industrial corridors along U.S. Highway 24 and McCall Road, vacant agricultural land in the Big Blue River Floodplain and the established residential neighborhood in the Dix and Northview Neighborhoods.

- 5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently located in rural Pottawatomie and Riley County and zoned Pottawatomie County, A1, Agriculture District and Riley County AG, Agriculture District.

The existing use conforms to the current zoning district in Riley County.

- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** No changes to the existing use is proposed at this time. The City is requesting the annexation and rezoning so that the City owner property is within the City's jurisdiction, which increase response times for emergency services, such a police and fire. No development is proposed on the subject site. The land will stay devoted to flood protection and for the treatment of waste water for the City and surrounding areas.

The applicant held a neighborhood meeting on June 2, 2016. No one attended the meeting.

The proposed rezoning should not adversely impact the nearby properties.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The unplatted City owned land where the Waste Water Treatment Plan is shown on the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan as Public/Semi-Public. The area devoted to the Manhattan Levee System and Linear Trail is designated as Preserved Open Space with Special Floodway Overflow Area designations. No specific land use policies are established for these 3 land categories.

Chapter 4: Preserve and Enhance Natural Resources and Promote Resiliency establishes policies and goals to creating and maintaining open space for the preservation of environmentally sensitive areas and to make the communities more resilient. No developments are proposed for the subject site at this time. The land is owned by the City, who is devoted to maintaining the existing open space and trails

Attachment No. 3

along the levee system, as well as the on-going maintenance of the waste water treatment plant and the levee system to provide the required utility and flood protection.

The proposed annexation of subject site conforms to the policy of the Manhattan Urban Area Comprehensive Plan.

- 8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The Manhattan Levee System was completed in 1964 and has been maintained by the City ever since.

The Waste Water Treatment Plan was first constructed in 1974 by the City, with frequent facility updates. The most recent facility expansion and update was completed in 2013.

- 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. The I-3 District designed to allow manufacturing, processing, assembly, and nonretail service activities. The rezoning site generally conforms to the requirements of the I-3 District.

- 10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. There are no expected adverse affects on the public health, safety and welfare as a result of the rezoning. The purpose of the rezoning is to improve public safety by bringing the 2 public infrastructure facilities into the City's jurisdiction so that emergency response times by Riley County Police Department, Manhattan Fire Department and other agencies are improved.

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

- 12. OTHER APPLICABLE FACTORS:** None.

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of City of Manhattan owned property associated with the Wastewater Treatment Plant and the Manhattan Levee System from Riley County AG, Agriculture District and Pottawatomie County, A1, Agriculture District to I-3, Light Industrial District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of City of Manhattan owned property associated with the Wastewater Treatment Plant and the Manhattan Levee System from Riley County AG, Agriculture District and Pottawatomie County, A1, Agriculture District to I-3, Light Industrial 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 City of Manhattan owned property associated with the Wastewater Treatment Plant and the Manhattan Levee System from Riley County AG, Agriculture District and Pottawatomie County, A1, Agriculture District to I-3, Light Industrial District, based on the findings in the Staff Report.

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

DATE: July 21, 2016