



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, DECEMBER 6, 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, Legal Counsel Bill Frost, City Clerk Gary S. Fees, 9 staff, and approximately 10 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Reddi led the Commission in the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

**COMMISSIONER COMMENTS**

Commissioner McCulloh stated that the Mayor's Christmas Spirit of the Holidays Lighted Parade held Friday, December 2, 2016, was wonderful. She congratulated Mayor Reddi for doing a fantastic job with the parade and the Tree Lighting Ceremony in Triangle Park. She also thanked Commissioner Butler for doing a great job decorating Old Engine One for the City Commissioners.

Commissioner Butler stated that appointments to the Riley County Law Enforcement Board would be made shortly and encouraged interested and qualified citizens to submit an application form to the City of Manhattan and Riley County. He stressed the significance of the Law Board and encouraged citizens interested in serving on the Law Board to submit information and an application to both the City and the County.

## COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Dodson expressed his appreciation for the business leaders and volunteers that provided holiday decorations and developed the Festival of Lights event. He encouraged community members to attend the Pearl Harbor Day program on Wednesday, December 7, 2016, starting at 7:00 p.m., in Peace Memorial Auditorium at City Hall. He stated the Friends of Peace Memorial Auditorium are planning an observance program about Pearl Harbor with a presentation from Commissioner Butler, followed with a program and entertainment.

Commissioner Morse reiterated that she was looking forward to the Pearl Harbor Day events planned and the presentation from Commissioner Butler. She stated it is good to renew knowledge about historic events as a reminder of how we got the freedoms that we have today. She said the Festival of Lights and tree lighting ceremony was spectacular and is a great reason to come to Manhattan this time of year. Finally, she highlighted and voiced her pleasure to support the bicycle and pedestrian trail project for the Knox Lane Multi-Use Trail item that is on this consent agenda.

Mayor Reddi informed the community that approximately 6,000 to 8,000 people were in Manhattan for the Thanksgiving holiday, for the Festival of Lights celebration, and for the Kansas State University and University of Kansas football game. She stated the Flint Hills Breadbasket continues to collect food during the holidays and that a lot of children participated in the Mayor's Christmas Spirit of the Holidays Lighted Parade. She stated that the Flint Hills Discovery Center will be having a balloon drop at 9:00 p.m. on New Year's Eve, which would make a fun family activity and stated there are many other events going on in Manhattan. She said Manhattan is expecting some snow on Wednesday, December 7, 2016, and encouraged those interested in volunteering for the Snow Partners program to contact the City of Manhattan and read about the program on the City's website. She also stated the ice rink is open in City Park and encouraged citizens to shop local.

Mayor Reddi and City Manager Ron Fehr presented Karen Davis, Director of Community Development, with a certificate of recognition and floral arrangement in appreciation for her dedication and service of 35 years with the City of Manhattan as she anticipates her upcoming retirement. She was especially recognized for her steadfast skills in obtaining and administering over \$28.3 million in grants since 1993 and helped citizens rehabilitate over 274 homes in Manhattan.

**CONSENT AGENDA**  
(\* denotes those items discussed)

**MINUTES**

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 15, 2016.

**CLAIMS REGISTER NO. 2835**

The Commission approved Claims Register No. 2835 authorizing and approving the payment of claims from November 9, 2016, to November 29, 2016, in the amount of \$2,794,844.69.

**LICENSES**

The Commission approved a Merchant Guard Agency License for calendar year 2017 for Allied Barton Security Services LLC, 161 Washington Street, Suite 600, Conshohocken, Pennsylvania; Securitas Security Services USA, Inc., 3641 Southwest Plass Avenue, Suite 150, Topeka, Kansas; and VendTech - SGI, LLC, 250 North Rock Road, Suite 360, Wichita, Kansas; a Tree Maintenance License for calendar year 2017 for Gudenkauf Tree Service, Inc., 102 North Street, Seneca, Kansas; KCAT LLC, 22420 Overland Road, Onaga, Kansas; and Out on a Limb Tree and Home Care, 101 East Valley Street, Wamego, Kansas; an annual Cereal Malt Beverages Off-Premises License for Dara's #1, 1816 Claflin Road; Dara's #2, 3270 Kimball Avenue; Dara's #10, 2323 Tuttle Creek Boulevard; Dara's #12, 1701 Anderson Avenue; Dillons #15, 130 Sarber Lane; Kwik Shop #733, 1337 Anderson Avenue; Hop-N-Skip, 2233 Tuttle Creek Boulevard; Shop Quik #11, 3108 Anderson Avenue; Shop Quik #12, 430 Fort Riley Boulevard; Shop Quik #14, 529 Richards Drive; Shop Quik #16, 1127 Bluemont Avenue; Walgreens #07060, 325 Bluemont Avenue; and Walgreens #12814, 2719 Anderson Avenue; and an annual Cereal Malt Beverages On-Premises License for K-State Union Bowling Center, 305 K-State Union, 918 North 17<sup>th</sup> Street; Tuttle Creek Pizza Hut, 1005 Hostetler Drive; and Westloop Pizza Hut, 2931 Claflin Road.

**FINAL PLAT – LEE MILL HEIGHTS, UNIT ELEVEN**

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Lee Mill Heights, Unit Eleven, generally located south of Ladera Circle and west of Ladera Court, based on conformance with the Manhattan Urban Area Subdivision Regulations.

**AGREEMENT – REAPPORTION SPECIALS – LEE MILL HEIGHTS, UNIT ELEVEN**

The Commission authorized the Mayor and City Clerk to execute the Authorization for Reapportionment due to the Lee Mill Heights, Unit Eleven, Final Plat, which changed the City's Tract A Park to Tract B Park.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 7260 – AMEND – WATER RATES

The Commission approved Ordinance No. 7260 amending applicable sections of Chapter 32 of the Code of Ordinances to increase water rates by 3% as recommended, effective January 1, 2017.

### ORDINANCE NO. 7261 – AMEND – SANITARY SEWER RATES

The Commission approved Ordinance No. 7261 amending applicable sections of Chapter 32 of the Code of Ordinances to increase sewer rates by 3% as recommended, effective January 1, 2017.

\* **PUBLIC HEARING/FIRST READING – VACATE – SOUTH 8<sup>TH</sup> STREET, EL PASO LANE TO FORT RILEY BOULEVARD**

Commissioner Dodson requested this be moved to the end of the General Agenda.

### RESOLUTION NO. 120616-A – PARKING EASEMENT AGREEMENT – MANKO WINDOWS

The Commission approved Resolution No. 120616-A approving a parking easement and authorizing the Mayor and City Clerk to execute the Parking Easement Agreement between Manko Window Systems, Inc., and Hays Partners, LLC.

### REQUEST FOR QUALIFICATIONS – SUNSET ZOO MASTER PLAN AND STRATEGIC PLAN (CIP #SZ025P)

The Commission authorized City Administration to seek qualifications for professional services to develop the Sunset Zoo Master Plan and Strategic Plan (CIP #SZ025P).

### NEGOTIATE CONTRACT – K-113 CORRIDOR STUDY (ST1507, CIP #EN090P)

The Commission accepted the recommendation of the Selection Committee, and authorized City Administration to negotiate a professional services contract with Alfred Benesch & Company, of Manhattan, Kansas, for the K-113 Corridor Study (ST1507, CIP #EN090P).

### AWARD AND COMMITMENT OF FUNDS – KNOX LANE MULTI-USE TRAIL (SW1402)

The Commission authorized the Mayor and City Clerk to execute the Authority to Award Contract and Commitment, and authorized the matching payment in the amount of \$96,000.00, to be paid from the Special Street and Highway Fund, the Special Parks and Recreation Fund, and the Sidewalk Fund/General Fund, for the Knox Lane Multi-Use Trail project (SW1402).

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – POLISKA LANE STORM SEWER IMPROVEMENTS (SM1606)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$313,870.00, and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$196,697.60 to J&K Contracting, LLC, of Junction City, Kansas, for the Poliska Lane Storm Sewer Improvements (SM1606).

### FIRST READING – ISSUE TEMPORARY NOTES – POLISKA LANE STORM SEWER IMPROVEMENTS (SM1606)

The Commission approved first reading of an ordinance issuing a temporary note to pay for Poliska Lane Storm Sewer Improvements (SM1606), funded from the Stormwater Fund.

### AWARD CONTRACT – LEGACY RIDGE – STREET (ST1616), WATER (WA1624), AND SANITARY SEWER (SS1627) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$491,174.00; awarded a construction contract in the amount of \$351,969.86 to J&K Contracting, LC, of Junction City, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Legacy Ridge Street (ST1616), Water (WA1624), and Sanitary Sewer (SS1627) Improvements.

### AWARD CONTRACT – MUIRFIELD LANDSCAPING IMPROVEMENTS (SP1614)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$462,674.30; awarded a construction contract in the amount of \$380,346.76 to Blueville Nursery, Inc, of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for the Muirfield Landscaping Improvements (SP1614).

### AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 1211 COLORADO STREET

The Commission accepted the bids for 1211 Colorado Street; awarded the bid in the amount of \$16,468.00 to Ben Kitchens Painting Co., Inc., of Junction City, Kansas; authorized the Mayor and City Clerk to execute agreements with the contractor and property owner for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 3000 SUNNYSIDE DRIVE

The Commission accepted the bids for 3000 Sunnyside Drive; awarded the bid in the amount of \$6,828.00 for 3000 Sunnyside Drive to Ben Kitchens Painting Co., Inc., of Junction City, Kansas; authorized the Mayor and City Clerk to execute agreements with the contractor and property owner for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

### DEVELOPMENT AGREEMENT – INTERLACHEN VILLAS ADDITION, UNIT TWO, PHASE 1 – WATER (WA1629) AND SANITARY SEWER (SS1628) IMPROVEMENTS

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute a Development Agreement for the construction of the public infrastructure by the Developer, PMG Properties, LLC, for the Interlachen Villas Addition, Unit Two, Phase 1, Water (WA1629) and Sanitary Sewer (SS1628) improvements.

\* **CONTRACT – REPAIR/RECONDITION CITY PARK POOL STINGRAY (CP1602)**

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

### BOARD APPOINTMENTS

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

#### *Aggieville Business Improvement District Advisory Board*

Appointment of Stacy Lambert, 1125 Laramie Street, to fill the unexpired term of Brett Allred. Ms. Lambert's term begins immediately and will expire on December 31, 2017.

#### *Bicycle and Pedestrian Advisory Committee*

Appointment of Karen Hawes, 777 Midland Avenue, to a three-year At-Large term. Ms. Hawes' term begins immediately and will expire on October 31, 2019.

#### *City-University Special Projects Fund Committee*

Re-appointment of Gloria Holcombe, 2903 Wayne Drive, to a one-year Faculty term. Ms. Holcombe's term begins immediately, and will expire June 30, 2017.

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### *Downtown Business Improvement District Advisory Board*

Appointment of Jim Hood, 530 S. 3<sup>rd</sup> Street Suite 120, to fill the unexpired term of Jeremy Platt plus a full two-year term. Mr. Hood's term begins immediately, and will expire December 31, 2018.

Appointment of Cory Field, 315 N. 5<sup>th</sup> Street, Apt. 1, to a two-year term. Mr. Field's term will begin January 1, 2017, and will expire December 31, 2018.

#### *Riley County Solid Waste Management Committee*

Recommendation of Casey Smithson, 1101 Poyntz Avenue, to the Riley County Commission to fill the unexpired City of Manhattan term of Jeff Walters.

After comments from the Commission, Commissioner Morse moved to approve the consent agenda, with Item H, PUBLIC HEARING/FIRST READING – VACATE – SOUTH 8<sup>TH</sup> STREET, EL PASO LANE TO FORT RILEY BOULEVARD, and Item R, CONTRACT – REPAIR/RECONDITION CITY PARK POOL STINGRAY (CP1602), being moved to the end of the General Agenda. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### FIRST READING - REZONE - THE PROPOSED GENESIS HEALTH CLUB (FROM PUD, FLINT HILLS HOSPITALITY COMMERCIAL PLANNED UNIT DEVELOPMENT, TO PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT)

Eric Cattel, Assistant Director for Planning, presented an overview of the item. He highlighted the site plan, neighborhood zoning, utility locations, conditions and requirements, and recommendations from the Manhattan Urban Area Planning Board. He then responded to questions from the Commission.

Brian Johnson, City Engineer, and Rob Ott, Director of Public Works, provided information on the diverging diamond intersection planned for the intersection of Seth Child Road and Fort Riley Boulevard with the Kansas Department of Transportation (KDOT). He also responded to questions regarding drainage.

Ron Fehr, City Manager, and Scott French, Director of Fire Services, responded to questions from the Commission regarding the proposed entrance and access to the facility.

## GENERAL AGENDA (*CONTINUED*)

### FIRST READING - REZONE - THE PROPOSED GENESIS HEALTH CLUB (FROM PUD, FLINT HILLS HOSPITALITY COMMERCIAL PLANNED UNIT DEVELOPMENT, TO PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT) (*CONTINUED*)

Eric Cattel, Assistant Director for Planning, responded to additional questions from the Commission and clarified the conditions of approval and the signage requirements.

Brian Johnson, City Engineer, responded to questions from the Commission regarding construction of the sidewalk and the challenges to save as many trees as possible. He also provided information on the detention plan provided by the applicant.

Phil Meyer, Baughman Company, consultant for the applicant, responded to questions from the Commission. He provided clarification and additional information on the challenges associated with the site slopes, storm sewer system and drainage system.

Brian Johnson, City Engineer, provided additional information on the ability to clean the storm sewer system.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

After discussion and comments from the Commission, Commissioner Butler moved to approve first reading of an ordinance rezoning the Genesis Health Club PUD, generally located west of the intersection of Seth Child Road and Allison Avenue, from PUD, Flint Hills Hospitality Commercial Planned Unit Development, to PUD, Commercial Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 1*) with the 15 conditions of approval recommended by the Manhattan Urban Area Planning Board. Commissioner Dodson seconded the motion.

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

### FIRST READING - REZONE - 120 NORTH SCENIC DRIVE (FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH AIRPORT OVERLAY, TO R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH AIRPORT OVERLAY)

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted the site being rezoned and provided the Manhattan Urban Area Planning Board recommendation on the item. He then responded to questions from the Commission regarding the size of the site being rezoned and land uses.

Mayor Reddi opened the public comments.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - REZONE - 120 NORTH SCENIC DRIVE (FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH AIRPORT OVERLAY, TO R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH AIRPORT OVERLAY) (CONTINUED)

Hearing no comments, Mayor Reddi closed the public comments.

After discussion and comments from the Commission, Commissioner Butler moved to approve first reading of an ordinance rezoning 120 North Scenic Drive, from R, Single-Family Residential District with Airport Overlay, to R-1, Single-Family Residential District with Airport Overlay, based on the findings in the Staff Report (*See Attachment No. 2*) and the recommendation of the Planning Board. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

### PUBLIC HEARING - VACATE - PORTION OF 11<sup>TH</sup> STREET, EL PASO LANE TO FORT RILEY BOULEVARD

Brian Johnson, City Engineer, presented an overview of the item. He highlighted background information provided regarding the 2005 Break in Access Study conducted by BG Consultants, highlighted information about the Traffic Operations Facility, presented a map of the proposed vacation, and outlined plans for parking improvements and security fencing. He then responded to questions from the Commission regarding the vacation request, adjoining ownership of parcels, and the estimated costs for security fencing and parking improvements.

Mayor Reddi opened the public hearing.

Hearing no comments, Mayor Reddi closed the public hearing.

### FIRST READING - VACATE - PORTION OF 11<sup>TH</sup> STREET, EL PASO LANE TO FORT RILEY BOULEVARD

After discussion and comments from the Commission, Commissioner McCulloh moved to approve first reading of an ordinance vacating a portion of 11<sup>th</sup> Street from El Paso Lane to Fort Riley Boulevard and that a utility easement within the boundaries of said vacated 11<sup>th</sup> Street is hereby dedicated to the public. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING - LEVY .20% SALES TAX - STREET MAINTENANCE AND SAFE ROUTES TO SCHOOL PROGRAM IMPROVEMENTS

Rob Ott, Director of Public Works, presented an overview of the item. He responded to questions from the Commission and presented a street maintenance map and sales tax funding that would be generated for street maintenance and for the Safe Routes to School Program.

## GENERAL AGENDA (*CONTINUED*)

### FIRST READING - LEVY .20% SALES TAX - STREET MAINTENANCE AND SAFE ROUTES TO SCHOOL PROGRAM IMPROVEMENTS (*CONTINUED*)

Ron Fehr, City Manager, provided additional information on the sales tax increase percentages and implementation plan for the street maintenance program.

After comments from the Commission, Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

Commissioner McCulloh moved to approve first reading of an ordinance levying a sales tax, for a term of 10 years (April 1, 2017, to March 31, 2027), totaling .20% for the purpose of maintaining and reconstructing city streets across the community and construction of improvements identified in the Safe Routes to School Program. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

### *ITEMS REMOVED FROM CONSENT AGENDA*

#### PUBLIC HEARING – VACATE – SOUTH 8<sup>TH</sup> STREET, EL PASO LANE TO FORT RILEY BOULEVARD

Rob Ott, Director of Public Works, presented an overview of the item. He highlighted the site map and responded to questions from the Commission regarding the property owners and request for the vacation.

Brian Johnson, City Engineer, provided additional information on the utility easement and vacation request.

Karen Davis, Director of Community Development, and Rob Ott, Director of Public Works, provided information on past and current zoning of the property in question.

Rob Ott, Director of Public Works, and Ron Fehr, City Manager, responded to questions from the Commission regarding screening of the property and prior actions by the Commission for property along Fort Riley Boulevard.

Mayor Reddi opened the public hearing.

Hearing no comments, Mayor Reddi closed the public hearing.

**ITEMS REMOVED FROM CONSENT AGENDA (CONTINUED)**

**FIRST READING – VACATE – SOUTH 8<sup>TH</sup> STREET, EL PASO LANE TO FORT RILEY BOULEVARD**

Bill Frost, Legal Counsel, provided clarification on the statute that requires the Commission to conduct a public hearing and make a finding that there is no private rights that will be injured or endangered by the vacation and that the public will suffer no loss or inconvenience. He informed the Commission that there are no standard requirements to vacate a street and that it is something that they have complete discretion to do. He suggested that if the Commission desires to make some prerequisite requirements to the vacation, they could do that. He then responded to questions from the Commission.

Ron Fehr, City Manager, stated that there was a comment made by the Commission that there is an assumption that the owner might do some screening; however, the current zoning does not require screening. He reiterated that if the Commission wanted screening they could do that as a prerequisite of the vacation.

After further discussion and comments from the Commission, Commissioner Butler moved to table the item until Howie's Recycling and Trash Service comes back and tells the Commission what they intend to do as far as screening. Commissioner Dodson seconded the motion.

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

**CONTRACT – REPAIR/RECONDITION CITY PARK POOL STINGRAY (CP1602)**

Eddie Eastes, Director of Parks and Recreation, responded to questions from the Commission regarding the use, operation, repair, and re-coating costs associated with the Stingray feature at City Park Pool. He then responded to additional questions from the Commission.

After comments from the Commission, Eddie Eastes, Director of Parks and Recreation, responded to questions from the Commission regarding the recommended repair and reconditioning of the Stingray feature, the potential to repurpose the feature, and the option to not fix the feature and to not have it available for the next pool season.

Ron Fehr, City Manager, provided additional information on the item and current funding source for the repairs. He informed the Commission that future pool equipment funding would likely come from the General Fund after the pool project sales tax funds are depleted. He stated there is also an opportunity to do more marketing of the Stingray feature in the future with possible demonstrations and competitions.

ITEMS REMOVED FROM CONSENT AGENDA (CONTINUED)

**CONTRACT – REPAIR/RECONDITION CITY PARK POOL STINGRAY  
(CP1602) (CONTINUED)**

After additional discussion and comments from the Commission, Commissioner McCulloh moved to authorize the Mayor and City Clerk to execute a contract in the amount of \$100,854.00 with SlideCare, LLC, of Avon Lake, Ohio, for the repair and reconditioning of the Stingray at the City Park Pool. Commissioner Morse seconded the motion.

After further discussion, Eddie Eastes, Director of Parks and Recreation, responded to questions from the Commission and provided additional information on the use of the Stingray feature.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

After additional comments from the Commission, on a roll call vote, motion carried 3-2, with Commissioners Dodson and Butler voting against the motion.

**ADJOURNMENT**

At 9:07 p.m., the Commission adjourned.

  
\_\_\_\_\_  
Gary S. Haes, MMC, City Clerk

**STAFF REPORT**

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

**BACKGROUND**

**FROM:** PUD, Flint Hills Hospitality Commercial Planned Unit Development

**TO:** PUD, Genesis Health Club Commercial Planned Unit Development

**OWNERS:** AFAD, Inc., Russ Briggs

**APPLICANT:** Rodney Steven, Genesis Health Club

**DATE OF NEIGHBORHOOD MEETING:** August 25, 2016

**DATE OF PUBLIC NOTICE PUBLICATION:** October 17, 2016

**DATE OF PUBLIC HEARING: PLANNING BOARD:** November 7, 2016  
**CITY COMMISSION:** December 6, 2016

**LEGAL DESCRIPTION:** Lots 1 and 2, Flint Hills Hospitality Addition and an unplatted tract of land that was vacated K-18/Ft. Riley Boulevard right-of-way

**LOCATION:** Generally located approximately 350 feet to the west of the intersection of Seth Child Road (K-113) and Allison Avenue, on the north side of Allison Avenue

**AREA:** 223,706 square feet (5.14 acres)

**PROPOSED USES:** Genesis Health Club, a 24-hour fitness and health club

*(Note: The existing City of Manhattan's East Stagg Hill Water Booster Pump Station (BPS) is not included in the rezoning request. The municipal facility is on a separate lot that was platted in 2010 with the previous Flint Hills Hospitality PUD. The municipal facility is a potable water pumping station, which boosts water pressures for both the western part of the City and the water tower west of Miller Ranch subdivision. A chlorinating facility is part of the facility to ensure adequate disinfection is maintained in the municipal water system.)*

*Attachment No. 1*

*The location of the pump station building and other site improvements are shown on the PUD application site plans because of the need for City Administration to evaluate impacts of the proposed PUD development on this existing City infrastructure.*

*An existing access easement is provided off Allison Avenue for access to the BPS site. A temporary gravel driveway extends to the station from an existing curb cut located approximately 400 feet of the station to the east off Allison Avenue. The existing access easement was established with the 2010 Final Plat. The temporary gravel driveway will remain in place until adjacent property is developed, at which time access will be obtained from an access easement that will be located within a driving aisle of the proposed off-street parking lot.*

**PROPOSED BUILDINGS AND STRUCTURES:** A two-story health and fitness club is proposed on the site. The building, with a 48,500 square foot building footprint, will house 3 tennis courts, a 5-lane, 25-yard lap swimming pool, strength and conditioning areas, yoga studio, running track, basketball court, childcare center, locker rooms and offices.

The building will have a modern design, with a glass wall face and metal architectural panels on the northern façade (front façade). Metal siding and architectural panels will be used on the east, west and south facades. The tallest portion of the building will be an architectural tower, which will be approximately 50-feet tall. The portion of the building housing the tennis courts will have a roof line at approximately 43-feet.

**PROPOSED LOT COVERAGE**

| <b>Use</b>                       | <b>Square Feet</b> | <b>Percentage</b> |
|----------------------------------|--------------------|-------------------|
| Building                         | 48,500 sq ft       | 22.0%             |
| Paved Area (Parking & Driveways) | 92,700             | 41.0              |
| Total Open Space                 | 82,506             | 37.0              |
| Total Impervious                 | 141,200            | 59.0              |

**PROPOSED SIGNS**

The applicant has proposed a pylon sign at the entrance to the site, a pylon sign on the northwest corner of the development site, and walls signs on the proposed building.

The building wall signs will be internally illuminated and are at the following locations and consist of the following dimensions:

**Location**

East facing façade  
North side of architectural tower  
North building façade  
West facing façade  
South side of architectural tower

**Dimensions**

Circle Business Logo –8’-8” by 9’4” (appr. 62 sq. ft.)  
Circle Business Logo –8’-8” by 9’4” (appr. 62 sq. ft.)  
Business Name – 3’-3” by a total of 94’ wide (282 sq. ft.)  
*(Note: total dimensions include spacing between the words)*  
Circle Business Logo –8’-8” by 9’4” (appr. 62 sq. ft.)  
Circle Business Logo –8’-8” by 9’4” (appr. 62 sq. ft.)

The pylon sign at the site entrance is to be approximately 10-feet tall and 7-feet wide. The business logo will be approximately 6-foot tall by 7-feet wide (approximately 42 square feet in area). The base of the pylon sign will have metal skirting and will be located in a grassy area near the entrance.

The pylon sign at the northwest corner of the development site is to be 30-feet tall and consist of 2 signs. The business logo will be on top of the sign and be approximately 15-foot tall by 13-feet wide (approximately 150 square feet in area). A digital graphic sign is proposed below the business logo. This digital graphic LED sign is proposed to be approximately 15-feet tall and 9-feet for a total of 150 square feet in area. The total area of this pylon sign will be 300-square feet in area. The base of the sign will be a metal skirting.

City Administration has reviewed the proposed signage plan for the development and recommends approval of the wall signs and pylon sign at the entrance to the development as shown in the application materials. City Administration recommends that the north pylon sign for the development follow the sign regulations for the C-5, Highway Service Commercial District (Section 6-208). The Sign Regulations for the C-5 District allows for wall and pylon signs, with a total square footage of all signs on a street frontage not to exceed 4-square feet of each linear foot of street frontage, provided that no sign is larger than 260 square feet in area. The subject site has approximately 1,100 linear feet of frontage along Ft. Riley Boulevard, where a majority of the proposed signage faces. Up to 4,400 square feet of signage is allowed, as long as any sign is not larger than 260 square feet in area. Additionally, the signage regulations for the C-5 District limit digital signs to digital graphic signs or electronic changeable copy signs that are no larger than 32-square feet in area. The sign message for both of these sign types shall remain static for a period of not less than 60-seconds. The digital sign proposed by the applicant for the development is a digital graphic sign, which provides a static display of words and graphics, with no animation during the display of the message or during the transition.

All proposed signs would comply with these sign size regulations, with the exception of the digital graphic sign, which is shown to be 150-square feet in area.

*Attachment No. 1*

The proposed 150-square foot digital sign exceeds the limitations that the Community, Manhattan Urban Area Planning Board and the City Commission agreed upon through the 2-year process to discuss, update and adopt the new Sign Regulations. The City of Manhattan's desire to limit the maximum digital sign size and display characteristics was passed based on concerns over vehicular, pedestrian and bicycle traffic safety and aesthetics. There was specific discussion about prohibiting large digital signs and the desire of the community to proceed cautiously by permitting smaller digital signs. The size and location of the proposed pylon sign with the digital graphic sign could potentially impact the vehicle traffic along Ft. Riley Boulevard (State Highway K-18); a 4-lane divided State Highway. The applicant provided a diagram and discussion that claims that based on vehicular speeds and site distances for Ft. Riley Boulevard, the digital sign would be safe and a larger sign would provide more time to view the content and thus would be safer for the driving public.

This proposed sign's size, location, and design characteristics would also have a detrimental impact on the residential neighborhood to the north, across Ft. Riley Boulevard. The proposed size will be visible from homes along Arbor Drive, which backs on to Ft. Riley Boulevard and will be out of character with the area, including the other commercial businesses on the other quadrants of the interchange of Ft. Riley Boulevard and Seth Child Road (State Highway K-113), and will be out of character with what the community has determined is appropriate for digital signage.

**PROPOSED LIGHTING:** LED lights mounted to 22-foot tall poles are proposed throughout the off-street parking lot. Pedestrian scaled lighting and security lighting will be provided around the building and its entrances. A photometric analysis of the parking lot lighting was provided with the application. This analysis shows that no direct lighting should occur off of the development site. As required by the Zoning Regulations, the site lighting shall be shielded and full cut-off design.

## **SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

1. **LANDSCAPING:** The landscape plan shows a variety of deciduous and evergreen trees, bushes and ornamental grasses, lawn areas and other ground cover throughout the site, including the sites entrance off of Allison Avenue. A significant stances of volunteer deciduous and evergreens have been established over time along Allison Avenue. The applicant states that this tree line will be preserved as best as possible to provide additional landscape cover and offer screening for the neighborhood. The proposed landscape plan is functional for the site.
2. **SCREENING:** A trash dumpster enclosure is located on the west side of the building within the proposed off-street parking lot. A note on the site plan states that the



*Attachment No. 1*

The east sub-basin is 2.26 acres in area and drains to the east towards Seth Child Road, where it enters the stormwater water infrastructure for the state highway, ultimately draining to an open ditch along Ft. Riley Boulevard north of Briggs Auto Center where it is directed to Wildcat Creek.

The applicant’s consultant, Baughman Company, P.A., conducted a drainage plan, dated October, 2016. The drainage plan shows that through grading of the site, the sub-basin on the site will be altered so that the east sub-basin will be decreased to 1.2 acres in area. The west sub-basin will increase to 3.1 acres in area. The drainage plan shows that stormwater runoff will be collected by area inlets throughout the off-street parking lot and directed to underground detention chambers. The western sub-basin will have intermediate small grass depressions within the off-street parking lot before the stormwater runoff reaches the underground detention chambers. These grass basins will provide marginal detention area and provide water quality measures.

Two (2) separate underground detention chamber areas are proposed under the off-street parking lot. Both areas will consist of interconnected half-circle plastic chambers that will collect the stormwater runoff and meter the release of the stormwater runoff to the outflow pipes proposed in the respective sub-basins. The chambers will be backfilled with compacted fill and the off-street parking lots will be constructed overtop of the area. Additional water quality benefits are provided by the underground chamber systems through a number of inlet filters that separate trash, debris and oils from exiting the site and entering the area’s drainage ways. Normally, these underground chambers provide the opportunity for water to percolate into the groundwater. But due to the bedrock on the site, this will not be an option.

The drainage plan analyzed the pre- versus post-development rate of runoff conditions per the City’s drainage policies. The following is the analysis results

| West Sub-Basin |                                |                                 |
|----------------|--------------------------------|---------------------------------|
| Storm Event    | Pre-Development Rate of Runoff | Post-Development Rate of Runoff |
| 2-Year         | 1.8 cfs                        | 1.9 cfs                         |
| 10-Year        | 5.2 cfs                        | 3.0 cfs                         |
| 100-Year       | 13 cfs                         | 5.4 cfs                         |

| East Sub-Basin |                                |                                 |
|----------------|--------------------------------|---------------------------------|
| Storm Event    | Pre-Development Rate of Runoff | Post-Development Rate of Runoff |
| 2-Year         | 1.9 cfs                        | 3.8 cfs                         |
| 10-Year        | 5.7 cfs                        | 6.5 cfs                         |
| 100-Year       | 14 cfs                         | 14 cfs                          |

*Attachment No. 1*

Through the re-grading of the site and the proposed underground detention chambers, the west sub-basin relatively maintains the rate of runoff for the 2-year storm and reduces the rate of runoff for the larger, less frequent storm events.

The proposed drainage plan does increase the rate of runoff to the west towards Ft. Riley Boulevard and Seth Child Road for the 2-year and 10-year storms. The rate of runoff for 100-year storm is maintained. The increase in post-development rate of runoff compared to the pre-development conditions does not conform to the City's stormwater policies (Item No. 10.7 of Amendment 10, City of Manhattan Standard Specifications), which states:

*The stormwater detention requirement has changed for the post development condition on new subdivisions and infill projects that are 0.5 acres or larger. Previously the Stormwater Management Master Plan (SWMMP) established maximum allowable release rates on page 19 for the 2 year, 10 year and 100 year storm events on a per acreage basis. The new criteria for both new subdivisions and infill developments shall provide stormwater detention on site and the post development condition shall have stormwater release rates equal to or less than the predeveloped condition. Developers should continue to have licensed professional engineers prepare drainage studies on all new developments and infill projects to determine the impact and mitigating methods to keep post developed conditions for the 2 year, 10 year, and 100 year storm equal to or less than the pre-developed condition.*

The City Engineer and the City's Stormwater Engineer have reviewed the drainage study for the development (see attached memo). The City Engineer notes that the proposal does not conform to the City's stormwater policy and is requiring that the drainage plan be amended at the time of the submittal of the Final Development Plan to comply with the policy that states that the post-development rate of runoff is equal to or less than the pre-development conditions. The City Engineer is also requiring that with the Final Development Plan, the downstream structures in the KDOT right-of-way are analyzed by the applicant's consultant to ensure that the capacity exists in these structures to handle the added runoff.

Additionally, the City Engineer is requiring a restrictive covenant be created and agreed upon at the time of City Commission's acceptance of easements and right-of-way on the Final Plat that specifies maintenance and inspection of the on-site stormwater infrastructure.

Conditions of approval are proposed by City Administration based on the comments and requirements of the City Engineer.

## StormTech SC-310 Chamber

Designed to meet the most stringent industry performance standards for superior structural integrity while providing designers with a cost-effective method to save valuable land and protect water resources. The StormTech system is designed primarily to be used under parking lots thus maximizing land usage for commercial and municipal applications.



### StormTech SC-310 Chamber (not to scale)

#### Nominal Chamber Specifications

|                         |   |
|-------------------------|---|
| Size (L x W x H)        | 85.4" x 34.0" x 16.0" (2170 x 864 x 406 mm) |
| Chamber Storage         | 14.7 ft <sup>3</sup> (0.42 m <sup>3</sup> ) |
| Min. Installed Storage* | 31.0 ft <sup>3</sup> (0.88 m <sup>3</sup> ) |
| Weight                  | 37.0 lbs (16.8 kg)                          |

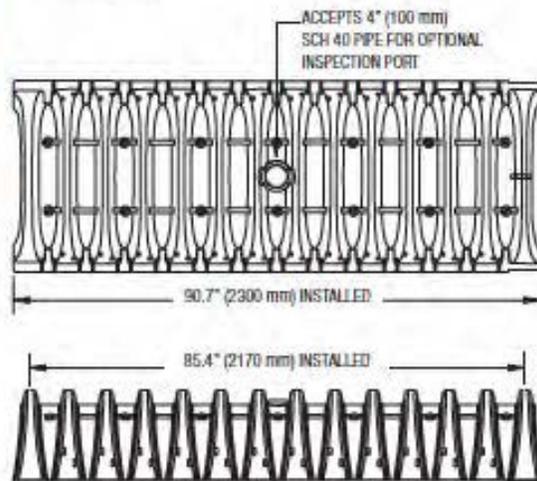
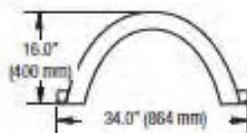
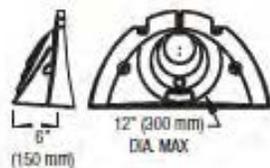
\*Assumes 6" (150 mm) stone above, below and between chambers and 40% stone porosity.

#### Shipping

41 chambers/pallet

108 end caps/pallet

18 pallets/truck



**4. CIRCULATION:**

Access to site is currently a gravel driveway onto Allison Avenue, a minor collector street, which is approximately 60 feet to the west of Ridgewood Drive, a local residential street. The site's access point is to be shifted to the east so that it directly aligns with Ridgewood Drive.

The internal circulation plan provides for safe, convenient and efficient movement of motorists and pedestrians. Internal conflicts between motorists and pedestrians are minimized.

*Traffic Study*

Schwab-Eaton, P.A. originally created a Traffic Impact Study for the proposed development in August, 2015 (see attached). The applicant's current consultant, Baughman Company, P.A. has reviewed the original study and found it to be complete. A total of 211 trips are anticipated to be generated by the proposed health and fitness club on the site in the PM peak hour. The Traffic Impacted Study stated that the focus was on the PM peak hour, as the AM peak house was anticipated to be less than half for the health and fitness club.

The study determined that the Allison Avenue and the surrounding intersections, including the local residential streets, currently have a level of service (LOS) A. The inclusion of the trips generated by the new use will not diminish level of service in the area. The need for left and/or right turn lanes were evaluated for the site's entrance and was determined not to be needed, although the Manhattan Area Transportation Strategies policy states that a left turn lane should be included on all local collector streets at non-residential entrances.

The Traffic Impact Study devoted attention to sight distances at the site entrance on Allison Avenue and found them to be adequate following minimal grading at the entrance.

The City Engineer has reviewed the Traffic Impact Study and accepts its comments.

*Off-Street Parking*

Two-hundred and sixty eight (268) off-street parking spaces are proposed throughout the site.

Off-street parking is based on net floor area, with space such as mechanical rooms, storage and hallways deducted, or the design occupancy of a space, and on different ratios for the separate uses. The proposed floor plans for the combined uses would generally require a total of 219 off-street parking spaces to serve the mix of uses. It is a reasonable assumption that the entire facility will not be at maximum capacity at any

*Attachment No. 1*

period during the hours of operation. In addition, at design occupancy, the health club component would be occupied in some rooms by equipment reducing occupancy and equivalent parking demand.

The total is based the following building uses and area or occupancy calculations:

| Room Use                              | Area         | Occupancy | Requirement             | Parking Sub-total |
|---------------------------------------|--------------|-----------|-------------------------|-------------------|
| Offices                               | 500 sq ft    | 6         | 1 per 300 sq ft         | 2                 |
| Strength, Cardio & Fitness Areas      | 25,155 sq ft | 503       | 1 per 3 occupants       | 168               |
| Basketball Courts                     | 3,015 sq ft  | 60        | 1 space for each player | 20                |
| Swimming Pool Area                    | 3,365 sq ft  | 68        | 1 space per 4 occupants | 17                |
| Tennis Courts                         | 19,170 sq ft | 192       | 4 spaces per court      | 12                |
| <b>Total Minimum Parking Required</b> |              |           |                         | <b>219</b>        |

For the purposes of determining an applicable number, tennis court, basketball courts and the lap swimming pool are considered separately as each is less likely to be occupied at an occupancy rate similar to rooms. In this instance the tennis courts are considered as each having a doubles occupancy or four persons per court. The basketball is considered to have a 5 on 5 person game occurring on each half of the full size court. The pools, for lap swimming and group exercise are considered at one space per four persons as the pools are not equivalent in use to pools for general swimming.

For the health club component, the Manhattan Zoning Regulations would require 1 parking space per three persons based on designated occupancy, or  $503/3=168$  and an occupancy of the pools  $68/4=17$ .

The daycare area is assumed to be for the convenience of parents working out at the health and fitness club and is not considered a standalone day care center. Therefore, the area devoted to this use is not counted towards the total off-street parking requirements.

Based on the requirements of the Manhattan Zoning Regulations, the proposed off-street parking should be adequate to serve the separate uses of the proposed PUD.

*Attachment No. 1*

*Bicycle and Pedestrian Access*

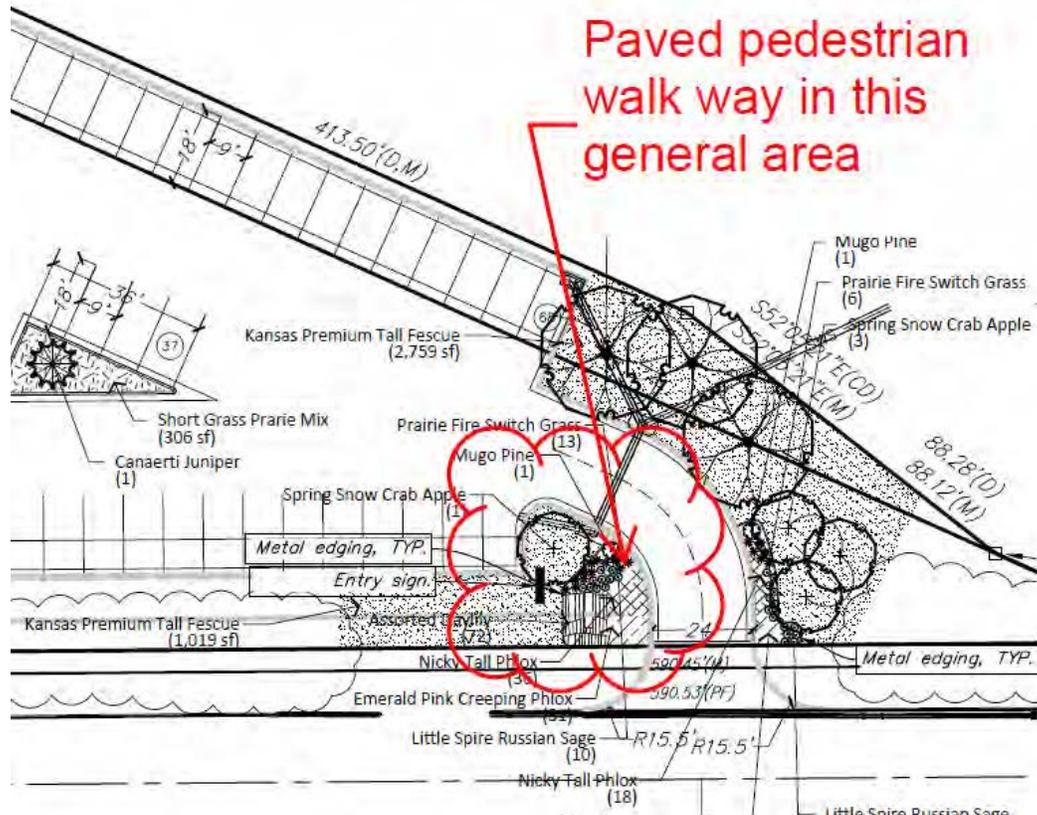
Internal sidewalks are proposed throughout the site to provide clients and guests to the proposed health and fitness club pedestrian friendly routes to the entrances of the building.

Currently, sidewalks do not exist throughout the area. This is primarily due to the era of the existing residential development the south and west of the site. At the time these subdivisions were being developed in the 1960's, 1970's and 1980's sidewalks were not required along arterial, collector or local streets by the City's Subdivision Regulations.

The Preliminary Development Plans do not show a sidewalk in the right-of-way of Allison Avenue. City Administration is recommending that a minimum 5-foot wide sidewalk be installed and maintained by the applicant within the north side of the Allison Avenue road right-of-way from the east side of the development to point where Allison Avenue turns to the south. The installation of the sidewalk will begin to provide a much needed pedestrian connectivity for the area. The required sidewalk will then connect to a new sidewalk that is proposed to be installed with the Ft. Riley Boulevard and Seth Child Road diverging diamond interchange that is to begin construction in 2018. The development of the sidewalk connectivity throughout the residential neighborhoods to the south will most likely occur over time through City infrastructure projects and/or redevelopment projects.

With the sidewalk requirement along Allison Avenue, a paved accessible pedestrian route shall be installed from the public sidewalk at the driveway into the site to provide for a safe pedestrian accessible route to the building.

City Administration recommends a conditional approval addressing both of these sidewalk topics.



5. **OPEN SPACE AND COMMON AREA:** Landscape space reflects the open space on the developable portion of the property. The natural ravine on the west side of the site is also to remain as open space.
6. **CHARACTER OF THE NEIGHBORHOOD:** The site is located in the southwestern quadrant of the major street intersection of Ft. Riley Boulevard and Seth Child Road. Development consists primarily of service commercial on the southeast and northwest corners and a municipal facility (Riley County Police Department) on the northeast corner. The southwest corner consists of the undeveloped PUD site and established low to high density residential neighborhoods.

The southwest corner of the Seth Child Road/Allison Avenue intersection is accessed from Allison Avenue, a minor collector street. Intersecting streets, Canyon Drive and Ridgewood Drive (local streets) serve the single-family and two-family residential neighborhoods to the south of Allison Avenue. Near the intersection of Allison Avenue and Crestwood Drive are several multiple-family developments, some of

*Attachment No. 1*

which are in the Crestwood Apartment complex. Further to the south on Allison Avenue, Dondee Drive and DeHoff Drive is a residential neighborhood with a mix of single-family dwelling and two-family dwellings throughout the neighborhood.

The proposed PUD site is on a prominent elevated plateau above Ft. Riley Boulevard, which is to the north and is very visible from both Ft. Riley Boulevard and Seth Child Road.

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

1. **EXISTING USE:** Vacant ground and Ft. Riley Boulevard ROW that was recently vacated and deeded to the property owner. The Flint Hills Hospitality Commercial PUD was approved for the subject site in 2010 to develop 2 hotels and off-street parking lots. Both tracts have been vacant since annexation.
2. **PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The majority of the site is generally flat except for those portions adjoining Allison Avenue along the southern boundary and the extreme west side of the site. The site is at the same approximate grade as Allison Avenue at the eastern point and approximately 20-feet below grade of Allison Avenue where Allison Avenue turns at a right angle to the south. The northern boundary of the site adjoins Ft. Riley Boulevard right-of-way. The majority of the interior of the site has been graded and there are scattered trees along the southern boundary. There is a large and deep natural and heavily treed ravine on the western edge of the site. The site currently drains to the north and northeast.

Access is from an existing concrete curb cut located approximately 60-feet west of the Ridgewood Drive and curb cut intersection. The current internal access to the Booster Pump Station is via a gravel driveway. The existing curb cut is on a generally flat part of Allison Avenue. The site plan indicates Allison Avenue up to the proposed curb cut directly across from Ridgewood Drive is a 15% grade, which flattens to a 4% grade and inclines to 11% before flattening at the western boundary of the site at the top of the hill.

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

- a) **NORTH:** Ft. Riley Boulevard, off ramp to Seth Child Road and Ft. Riley Boulevard signalized intersection, divided four lane expressway; restaurant and single family dwellings, all north of Ft. Riley Boulevard, and Seth Child Road; R District and PUD.

*Attachment No. 1*

- b) **SOUTH:** Allison Avenue, a 60 foot wide minor collector street, multiple-family, two-family and single-family dwelling units; R-3, Multiple-Family Residential District and R-2, Two-Family Residential District.
  - c) **EAST:** Ft. Riley Boulevard and Seth Child Road signalized intersection; auto dealership, multiple-family dwelling unit, restaurant, and group day care; R-1 District, C-5, Highway Service Commercial District, and C-1, Restricted Business District.
  - d) **WEST:** Single-family residential dwelling units and church; R District.
4. **CHARACTER OF THE NEIGHBORHOOD:** See above under Review Criteria for Planned Unit Development, number 6.
5. **SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site has remained vacant since annexation into the City. In March, 2010, the City Commission approved the Flint Hills Hospitality Commercial PUD to construct 2 hotels, with a total of 159 guest rooms. Ordinance No. 6821 established the Commercial PUD, including the permitted uses hotels and other development standards for the proposed development. The Final Development Plan was approved by the Manhattan Urban Area Planning Board in August, 2010. The development was never constructed and is considered to be abandoned as regulated in Section 9-107 Abandonment or Failure to Proceed.
- Because the development was never constructed, and thus the PUD is considered abandoned, the site is not suitable for its current zoning. To develop upon the site, the property owner would need to request a rezoning or the Planning Board would need to enter into the process to revoke the PUD, as described in Section 9-107(B), which has not occurred to date.
6. **COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in traffic, light and noise can be expected to occur with the proposed health and fitness club. Additional impacts may be expected due to the size and location of the building with respect to nearby residential neighborhoods.

Traffic Light and Noise Impacts

An increase in vehicular traffic will be expected from the proposed development. Based on the Traffic Impact Study for the Genesis Health Club, traffic is anticipated to generate minimal impact on the surrounding street system. Through City Administrations recommendation, pedestrian traffic will be accommodated with new sidewalks along Allison Avenue, which currently do not exist.

*Attachment No. 1*

With respect to light, the PUD application's photometric analysis shows that direct light will be contained on the site. The City's Zoning Regulations require that all lighting of a development be full-cutoff and downcast.

As stated, an increase in noise can be expected. The Genesis Health Club is proposed to operate on a 24-hour basis and activity can be expected throughout the daytime and evening hours and to a lesser extent at night. Noise associated with the location of the health and fitness club to the neighborhood to the south is mitigated due to the distance of the main entrance of building from Allison Avenue, which is to the north of the site. The southern portions of the building will have limited access and outdoor activity associated with the area. The off-street parking along Allison Avenue will be screened by the grade of the street and property, or the existing tree line. As discussed previously, if the existing trees cannot be adequately preserved, landscaping will be required to be installed to provide the needed screening of the site for the adjacent neighborhood.

Size, Location and Character Impacts

The building will be approximately 50-feet to the closest property line that adjoins another property. The building is approximately 43-feet in height along the south property line. The architectural tower on the northeast corner of the building is to be approximately 50 feet tall. The building is proposed to have a finished floor elevation of 1,146 feet. Based on the proposed grade adjacent to the building and street grades, the health and fitness club is approximately 27 feet below Allison Avenue street grade at the eastern point of the building and 19-feet below grade at the western point of the building. In combination with landscaping, distance, angle of the building and elevation grade differences, the height and lighting associated with the building, are not expected to adversely affect residential properties to the south of Allison Avenue.

Minimal impacts are anticipated from the use of the proposed building to the neighborhood to west of the site or to the north of Ft. Riley Boulevard. The proposed pylon sign, with the 150 square foot digital animated sign may adversely impact these neighbors. Distance does separate these 2 neighborhoods from the development site and the pylon sign location. The neighborhood to the west is separated by a tree lined ravine that is approximately 175-feet wide. The Ft. Riley Boulevard separates the development site from the neighborhood to the north, which has a distance of approximately 400-feet. Although there is considerable distance from the homes to the development site and the sign, the neighborhoods are generally on the same grade as the development site. The large, digital sign will be out of character with other commercial uses along Ft. Riley Boulevard and the nearby interchange and with what the community has determined is appropriate for digital signage. Depending on the brightness setting of the digital sign and time of day (day, night, dawn or dusk) the illumination of the sign may be impactful to these neighbors as well.

The applicant held a neighborhood meeting on August 18, 2016. Three (3) neighbors attended the meeting. According to the meeting summary, there were questions about access to the site, drainage and site lighting. The meeting summary indicates that the neighbors in attendance were satisfied with the responses and proposal.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:**

The site is shown on the Southwestern Future Land Use Map as RLM, Low to medium density residential. The RLM policies are as follows:

RLM policies include:

***RLM-1: Characteristics***

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

***RLM-2: Appropriate Density Range***

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

***RLM-3: Location***

*Residential Low to Medium Density neighborhoods typically should be located where they have convenient access to and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including parks, schools, shopping areas, transit and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping, and recreational activities. The Residential Low to Medium Density designation includes most established neighborhoods outside of the core area as well as future residential growth areas to the west and east.*

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

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

*Attachment No. 1*

Low to medium density developments are suggested for the site in the Comprehensive Plan. As noted in the Comprehensive Plan's policies for residential areas, retail services and office activities may be in appropriate, when properly located, scaled and in character with the residential neighborhood. These policy statements should be balanced against the policies for commercial development based on the overall character of the neighborhood.

The proposed PUD is will be a locate large, 24-hour health and fitness club on an elevated site above a major street corridor, at an intersection oriented to commercial developments, which is also immediately adjacent to an established single-family, two-family and multiple-family residential neighborhood. The proposed health and fitness center use generally conforms to policies RLM designation of the Comprehensive Plan in relationship to providing appropriate retail and service commercial uses. While its mass and scale are not the same as the low density residential uses in the neighborhood, its scale is not inconsistent with large multiple-family buildings in the same neighborhood or the commercial uses at the other quadrants of the Ft. Riley Boulevard and Seth Child Road intersection. The building location, height and mass are separated by distance, elevation, screening and building placement to the greatest extent feasible, given the shape of the land. Concerns related to its character and fit are mitigated by distance and natural screening. The overall site's location to a major street intersection lends itself to commercial development oriented towards the motoring public.

The proposed PUD is in general conformance with the Comprehensive Plan.

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

September 10, 2009 Manhattan Urban Area Planning Board tables public hearing for the proposed rezoning of the Flinthills Hospitality PUD to September 21, 2009.

September 21, 2009 Manhattan Urban Area Planning Board tables public hearing for the proposed rezoning of the Flinthills Hospitality PUD to October 19, 2009.

October 19, 2009 Manhattan Urban Area Planning Board tables public hearing for the proposed rezoning of the Flinthills Hospitality PUD to November 2, 2009.

November 2, 2009 Manhattan Urban Area Planning Board holds public hearing and fails to make a recommendation, on a vote of 3-3, on rezoning the proposed Flinthills Hospitality PUD from R-1, Single-Family Residential District, and R, Single-Family Residential

*Attachment No. 1*

- District, to PUD, Commercial Planned Unit Development District.
- November 16, 2009 Protest Petition submitted to City Clerk's Office, subsequently found to surpass the 20% threshold to be valid.
- December 11, 2009 Bucher, Willis & Ratliff Corporation (BWR) Traffic analysis submitted to City.
- February 4, 20210 Email to City from Colin Noble, Flint Hills Hospitality LLC, summarizing events following Planning Board hearing.
- February 16, 2010 City Commission, on a vote of 4-1, overrode the Manhattan Urban Area Planning Board and approved first reading of an ordinance rezoning the Flinthills Hospitality Commercial PUD, based on the findings in the Staff Report and the BWR Traffic Analysis, with the fourteen (14) conditions of approval recommended by City Administration.
- March 23, 2010 City Commission, on a vote of 4-1, overrides the Manhattan Urban Area Planning Board and approves Ordinance No. 6821 rezoning the Flinthills Hospitality Commercial PUD, based on the findings in the Staff Report and the BWR Traffic Analysis, with the fourteen (14) conditions of approval.
- August 2, 2010 Manhattan Urban Area Planning Board approves the Final Development Plan for Lot 1 and Lot 2, Flinthills Hospitality Commercial PUD, and Final Plat of Lots 1-3, Flinthills Hospitality Addition, a Commercial Planned Unit Development, on a vote of 3-2.
- August 17, 2010 City Commission accepts the easements and rights-of-way of the Final Plat of the Flinthills Hospitality Addition, a Commercial Planned Unit Development; and, authorizes the Mayor and City Clerk to execute the Agreements regarding construction and maintenance of the storm water facilities and travel easement.

- 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 proposed PUD would rezone a site that is currently zoned PUD for 2 hotels and accessory signage and off-street parking lots.

Land use and structures within a Planned Unit Development District which, when approved by the Planning Board and Governing Body, may differ in one or more respects from the regulations that are applicable in any other zoning district. The objectives of a Planned Unit Development District shall be to promote progressive development of land and construction by encouraging Planned Unit Developments (PUD's) to achieve: a maximum choice of living environments by allowing a variety of housing and building types; a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns; a more efficient use of land than is generally achieved through conventional development; a development pattern in harmony with land use density, transportation facilities, and community facilities; an environment which provides safe, clean, convenient and necessary residential, commercial, and industrial facilities which will afford greater opportunities for better housing, recreation, shops and industrial plants for all citizens of the community; a development plan which suits the specific needs of the site and takes into account the unique conditions of the property which may require changes of conventional bulk regulations, lot layout, or density; or results in a project that provides greater public benefit than would be provided under conventional zoning; and, a mixture of compatible uses which might not otherwise be permitted in a single district, or which may restrict the range of land uses more than in a single district.

As previously mentioned the current zoning of the site is the Flint Hills Hospitality PUD, which was approved for 2 hotels, a Candlewood Suites and a Holiday Inn Express, accessory off-street parking lots and signage. The 2 buildings were to have approximately 24,000 square feet of lot coverage and be up to 55 feet in height.

Based on the proposed development, the health and fitness club is an appropriate use of the site and consistent with the intent and purpose of the Zoning 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 INDIVIDUAL OWNER:**

There appears to be no relative gain to the public that denial would accomplish. Minimal impact on the public is expected as a result of traffic and storm water. Transportation and storm water proposals are consistent with the policies of the City, based on the conditions of approval. There may be a hardship on the owner if the rezoning is denied because no public adverse impacts are expected.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:**

The City's Stagg Hill Water Booster Pump Station (BPS) is the source of water to the Miller Ranch water tower, which is the sole water storage tank serving the residents and businesses in the Stagg Hill and the Eureka Valley areas, as well as the neighborhoods along Miller Ranch Parkway. The water supply transmission main that feeds the Stagg Hill BPS currently bisects the property, and the location of the proposed Genesis building is directly over this critical piece of water infrastructure. The developer has proposed to relocate the water main to accommodate the proposed building location. The City Commission approved a development agreement with the developer on October 18, 2016, which defines the specific requirements of the relocation and construction of public infrastructure. The design and construction of the relocated main shall be done within strict accordance to all City of Manhattan Standard Specifications and all other requirements placed on the developer in order to ensure that it is completed in a manner that will minimize the risk of a loss of water service to the areas served by the Stagg Hill BPS or other form of system failure. The design of the water main is ongoing and will be subject to approval by the Public Works Department. Construction is anticipated to occur shortly after the planning process is complete. The relocated water main will be located within a Utility Easement as dedicated with the Final Plat.

There are several other important access issues with this project that will have to be addressed. The only access to the City property containing the Stagg Hill BPS is through the property being developed. Future access to the Genesis property will also be the sole access point for the City to maintain the BPS. Public Works will require that the developer provided permanent 24-hour access to the City's property. A Travel and Utility Easement will be provided with the Final Plat that should provide the necessary access. The developer must also be able to provide unrestricted 24-hour access to the BPS site during the construction phase of all PUD site improvements. In addition to providing permanent access to the City, Public Works will require that the developer shall provide permanent security measures, via a gate and/or fencing to restrict access to the BPS site from the general public that visit the Genesis property.

*Attachment No. 1*

Public Works staff strongly feels that construction of the proposed building and other site improvements should not be allowed to commence until the successful relocation of this water main has been completed and the Stagg Hill BPS has been returned to full operational capabilities; however, staff feels that there is no reason at this time for the Planning Board to withhold approval of the rezoning and Preliminary Development Plan.

The Manhattan Fire Department has reviewed the Preliminary Development Plan and has determined that a fire hydrant should be located on the west side of the building. The location of the hydrant is to provide better access for fire apparatus in the unfortunate event of a fire. The hydrant location can be determined with the Final Development Plan.

**12. OTHER APPLICABLE FACTORS:** None

**13. STAFF COMMENTS AND RECOMMENDATION:** City Administration recommends approval of the proposed rezoning of the Genesis Health Club PUD from PUD, Commercial Planned Unit Development to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the following conditions of approval:

1. The Permitted Uses shall include: Health and Fitness Clubs, as described in the application materials and shown on the Preliminary Development Plan.
2. Signage shall be limited to signs proposed in the application, with the exception of the north pylon sign.
3. The north pylon sign shall comply with the C-5, Highway Service Commercial District, where no one (1) sign is larger than 260 square feet and the digital graphic sign shall be no larger than 32 square feet.
4. The digital sign proposed on the north pylon sign shall conform to the use limitations of digital graphic signs, as described in Section 6-110(B).
5. Exempt signage described in Article VI, Section 6-102(A)(2)(a),(b),(c), (e), (h), (i), (j), (l), (m).
6. A tree preservation plan shall be provided with the Final Development for the existing tree line along Allison Avenue to ensure that adequate landscape screening of the site is provided for the neighborhood to the south. If it is determined that the existing trees cannot be preserved, the Final Landscape Plan shall be amended to provide the needed landscape screening.
7. 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.
8. All landscaping and irrigation shall be maintained in good condition.

*Attachment No. 1*

9. The Drainage Plan shall be amended with the Final Development Plan showing that the proposed infrastructure will conform to the City's stormwater policy. The amended drainage report shall also analyze the downstream stormwater infrastructure to ensure adequate capacity is available.
10. A Restrictive Covenant on Real Estate related to maintenance and inspection of the proposed drainage improvements shall be filed with the Final Plat.
11. A minimum 5-foot wide sidewalk be installed, concurrent with the construction of the improvements in the PUD and maintained by the applicant, within the north side of the Allison Avenue right-of-way extending from the eastern edge of the development to the point where Allison Avenue turns to the south.
12. A paved path that provides a safe pedestrian route from the Allison Avenue sidewalk to the site's internal sidewalk shall be provided.
13. A fire hydrant shall be provided on the west side of the building, as per the Manhattan Fire Department's specification.
14. The water transmission main feeding the Stagg Hill Booster Pump Station shall be relocated and operational prior to the issuances of an occupancy permit for the building.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Genesis Health Club PUD from PUD, Commercial Planned Unit Development to PUD, 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 Genesis Health Club PUD from PUD, Commercial Planned Unit Development to PUD, 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 Genesis Health Club PUD from PUD, Commercial Planned Unit Development to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the fourteen (14) conditions recommended by City Administration.

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

**DATE:** November 3, 2016

16023}SR}GenesisHealthClubRezone\_PUD

## **STAFF REPORT**

### **ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** R, Single Family Residential District with Airport Overlay

**TO:** R-1, Single Family Residential District with Airport Overlay

**APPLICANT/OWNER:** Aaron & Heather Tremblay – Autumn Hills, LLC

**ADDRESS:** 7595 Falcon Road, Riley, KS 66531

**LEGAL DESCRIPTION:** Stone Tract No. 1, Lot 1, Acres 2.85

**LOCATION:** The rezoning site is generally located approximately 150 feet south of the intersection of North Scenic Drive and Highland Ridge Drive, along the east side of North Scenic Drive.

**AREA:** The total area of the rezoning site is approximately 124,730 square feet in area, having a total dimensioned area of 350 feet in depth and 392 feet in length on its longest side

**DATE OF NEIGHBORHOOD MEETING:** October 4, 2016

**DATE OF PUBLIC NOTICE PUBLICATION:** October 31, 2016

**DATE OF PUBLIC HEARING: PLANNING BOARD:** November 21, 2016  
**CITY COMMISSION:** December 6, 2016

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

#### **1. EXISTING USE:**

The existing use of 120 North Scenic Drive is a single-family home, built in 1973. The home has an approximate square footage of 2,996. (*Note: Existing use information was obtained from the Riley County GIS web page*)

#### **2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:**

The rezoning site slopes upward toward the north. The east side of the lot in particular features steep slopes. The house is roughly centered within the lot. The home is accessed via a driveway off of North Scenic Drive. The subject site features thick vegetation, particularly on the east side of the lot.

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

**NORTH:** The property directly to the north is an undeveloped portion of the Scenic Woods Planned Unit Development (PUD).

**SOUTH:** The properties to the south include the Stone Pointe Addition Unit 2 Subdivision, zoned R, Single Family Residential District, as well as Stone Pointe Townhomes Residential Planned Unit Development (PUD).

**EAST:** The property located directly to the east is also an undeveloped portion of the Scenic Woods Planned Unit Development (PUD).

**WEST:** To the west of the subject site, across North Scenic Drive, is undeveloped land which is not within the City of Manhattan. It is unincorporated Riley County land zoned AG, Agricultural District.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is primarily residential. The residential uses are predominantly single family homes. However, there are some townhomes located in the Stone Pointe Planned Unit Development. An apartment complex was approved with the Scenic Woods PUD immediately to the north of the subject site. Additionally, the area to the west of Scenic Drive exhibits some rural and agricultural characteristics, particularly

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The rezoning site consists of an approximately 124,730 square foot lot, which conforms to the minimum lot size requirements for a residential lot in the R, Single Family Residential zoning district. The lot is suitable for the uses under the current R, Single Family Residential district standards.

The subject lot comprises the Stone Tract No. 1 addition, which was platted, annexed into the City of Manhattan, and rezoned to R, Single Family Residential District in October 2010. The current zoning of the property is suitable for the current use, which is a single family home. However, the applicants are proposing to convert the single family home into a “Home Plus” facility, which is essentially a small-scale nursing home. Nursing homes are a Conditional Use in the R-1, Single Family Residential District, which is the reason for the rezoning request. The R District does not allow for nursing homes as either a Permitted or Conditional Use. “Home Plus” facilities are licensed by the Kansas Department of Aging and Disability Services, and the facility would house eight (8) seniors, specifically those with Alzheimer’s disease or related dementias.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezoning of the site from R, Single Family Residential to R-1, Single Family Residential, would have little, if any, detrimental effects on nearby properties. The differences between the “R” and “R-1” residential zoning districts are subtle, the primary difference being the density of the two districts. R, Single Family Residential District allows no more than one dwelling unit per 10,000 square feet. R-1, Single Family Residential District allows no more than one dwelling unit per 6,500 square feet, a slightly higher density. Nursing homes are allowed in the R-1 District by approval of a Conditional Use by the Board of Zoning Appeals.

The proposed rezoning, and subsequent conversion of the existing single family house into a “Home Plus” facility, would likely cause a minimal increase in traffic to the area. However, the proposed zoning use of the land and the activities taking place at the site would be consistent with the zoning of surrounding properties. The property directly to the southeast of the subject site annexed into the City and zoned R, Single Family Residential District, in December of 2006.

If the subject property is rezoned as proposed, Autumn Hills, LLC intends apply for a Conditional Use to the Board Zoning Appeals to convert the existing single family house on the site to the “Home Plus” facility. The current owners purchased the property because of the size of the existing home that could be converted into the “Home Plus” facility, while still maintaining the house-like atmosphere.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan identifies the areas east of Scenic Drive as “Residential Medium to High Density” and Preserved Open Space designation. Additionally, the site is within the Conical Zone of the Manhattan Regional Airport, which has a range of density of 11 to 19 dwelling units per net acre. The Plan defines the primary policies regarding Medium to High Density Residential as:

***RMH 1: Characteristics***

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

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

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

***RMH 3: Location***

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

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

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

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

10-4-10: Annexed by City Commission and zoned R, Single Family Residential District.

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

The proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations because the proposed lot size conforms to the minimum requirement of the R-1 District.

The R-1, Single Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 7,500 square feet. The existing single family home sits on a lot of about 124,709 square feet, and the applicants are proposing to convert this home into a small-scale nursing home facility, a Conditional Use in the proposed R-1 zoning 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 would be no apparent gain to the public to the public health, safety, and welfare that would result from the denial for the request of the rezoning. Additionally, there are no anticipated adverse impacts to the public health, safety, and welfare that would result from the proposed rezoning.

*Attachment No. 2*

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available at the subject site. An existing driveway accesses the property from Scenic Drive.

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

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of 120 North Scenic Drive, an approximate 2.85 acre tract of land, from R, Single Family Residential District with Airport Overlay, to R-1, Highway Service Commercial District with Airport Overlay, based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of 120 North Scenic Drive from R, Single Family Residential District, to R-1, Single Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of 120 North Scenic Drive from R, Single Family Residential District with Airport Overlay, to R-1, Single Family Residential District with Airport Overlay, based on the findings in the Staff Report.

**PREPARED BY:** Doug May, Planner

**DATE:** November 21, 2016