

MINUTES
CITY COMMISSION MEETING
TUESDAY, NOVEMBER 20, 2007
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Tom Phillips and Commissioners Mark Hatesohl, Bob Strawn, Bruce Snead, and James E. Sherow were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government Representative Hillary Green, 11 staff, and approximately 33 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Phillips led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Phillips proclaimed November 26, 2007, to December 1, 2007, ***Manhattan HIV/AIDS Awareness Week***. Matt Combes, Chair, World Aids Day Planning Committee; Mel Pooler, Chair, Regional Aids Project; Kevin Stilley, Secretary/Treasurer, Junction City Teddy Bears; Daba Gedafa, President, African Student Union; Duane Kiefer, Open and Affirming Deacon of First Congregational Church; Mary Ray, PFLAG Member; and Zach Ozbun, Kansas State Sexual Health Awareness Peer Educator, were in attendance to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Strawn encouraged citizens to be engaged with the downtown redevelopment process and to visit with the City Commissioners and the Manhattan Urban Area Planning Board members regarding the upcoming decisions that will be made on downtown redevelopment.

COMMISSIONER COMMENTS (*CONTINUED*)

Mayor Phillips welcomed Hillary Green, Youth in Government representative. He invited the community to attend the Mayor's Spirit of the Holiday Lighted Parade and Tree Lighting Ceremony on Friday, November 30. He also extended an invitation for citizens to enjoy the community Flint Hills Breadbasket Thanksgiving Day meal and fellowship this Thursday, November 22, 2007, at the Manhattan East campus.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 6, 2007.

CLAIMS REGISTER NO. 2563

The Commission approved Claims Register No. 2563 authorizing and approving the payment of claims from October 31, 2007, to November 13, 2007, in the amount of \$1,384,197.97.

LICENSE – TREE MAINTENANCE

The Commission approved a Tree Maintenance license for calendar year 2007 for Tree Design, 255 Ridge Drive, and Growing Concerns, Inc., 2880 Zeandale Road.

FINAL PLAT – SOUTHWIND LOFTS ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Southwind Lofts Addition, a Residential Planned Unit Development, located at 230 Shuss Road, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FIRST READING – REPEAL – MISCELLANEOUS AMUSEMENT LICENSES

The Commission approved first reading of an ordinance repealing Sections 19-30 to 19-33, 19-35, 19-43, and 19-47 of the Code of Ordinances, related to the licensing of Amusement Devices, Billiard and Pool Halls, Bowling Alleys, Dance License, Jukeboxes, Skating Rinks, and Theatres.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6673 – REZONE – BOYS AND GIRLS CLUB

The Commission approved Ordinance No. 6673 rezoning Lots 569-570, Ward 1, located generally on the northwest corner of South 5th Street and Pierre Street, from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to C-4, Central Business District, based on the findings in the Staff Report. (*See Attachment No. 1*)

ORDINANCE NO. 6674 – VACATE ROAD RIGHT-OF-WAY – GILLESPIE DRIVE

The Commission approved Ordinance No. 6674 vacating all of Gillespie Drive road right-of-way in Lot 1, Wesley Addition and establishing an eight foot (8') utility easement along the south eight feet (8') of said right-of-way on Lot 1, Wesley Addition, City of Manhattan, Riley County, Kansas.

* **FIRST READING – REPEAL – WAL-MART TRANSPORTATION DEVELOPMENT DISTRICT**

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

The Commission approved first reading of an ordinance repealing a half-cent sales tax for the Wal-Mart Transportation Development District.

RESOLUTION NO. 112007-B – HAWTHORNE WOODS ADDITION – STREET IMPROVEMENTS (ST0715)

The Commission found the petition sufficient and approved Resolution No. 112007-B finding the project advisable and authorizing construction for Hawthorne Woods Addition Street Improvements (ST0715).

RESOLUTION NO. 112007-C – HAWTHORNE WOODS ADDITION – HUDSON TRAIL IMPROVEMENTS (ST0715)

The Commission found the petition sufficient and approved Resolution No. 112007-C finding the project advisable and authorizing construction for Hawthorne Woods Addition Hudson Trail Improvements (ST0715).

RESOLUTION NO. 112007-D – HAWTHORNE WOODS ADDITION – SANITARY SEWER IMPROVEMENTS (SS0711)

The Commission found the petition sufficient and approved Resolution No. 112007-D finding the project advisable and authorizing construction for Hawthorne Woods Addition Sanitary Sewer Improvements (SS0711).

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 112007-E – HAWTHORNE WOODS ADDITION – WATER IMPROVEMENTS (WA0709)

The Commission found the petition sufficient and approved Resolution No. 112007-E finding the project advisable and authorizing construction for Hawthorne Woods Addition Water Improvements (WA0709).

AGREEMENT – ENGINEERING SERVICES – HAWTHORNE WOODS ADDITION IMPROVEMENTS (ST0715, SS0711, WA0709)

The Commission authorized the Mayor and City Clerk to execute an agreement with BG Consultants, of Manhattan, Kansas, to perform engineering services for these improvements.

* PURCHASE AGREEMENT – LIVE FIRE TRAINING STRUCTURE

Jerry Snyder, Director of Fire Services, responded to questions from the Commission regarding the training facility.

The Commission accepted the quotes and awarded a Purchase Agreement Live Fire Training Structure to the low bidder, Southwest Mobile, Inc., of Phoenix, Arizona, in the amount of \$179,380.00.

RESOLUTION NO. 112007-A – LIVE FIRE TRAINING STRUCTURE

The Commission approved Resolution No. 112007-A authorizing financing in an amount not to exceed \$260,000.00 in general obligation bonds for a Live Fire Training Structure.

AGREEMENT – ENGINEERING SERVICES – WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION PROJECT

The Commission authorized the Mayor and City Clerk to execute an agreement with Carollo Engineers, of Overland Park, Kansas, for engineering services for the Wastewater Treatment Plant Upgrade and Expansion Project.

* PURCHASE – GPS REFERENCE STATION

The Commission authorized City Administration to purchase the GPS Reference Station from Laser Specialist, Inc., of Olathe, Kansas, in the amount of \$42,826.96.

* AGREEMENT – SALE OF REAL ESTATE – 402 BLUEMONT AVENUE

Debbie Nuss, 1419 Humboldt Street, spoke on behalf of the Manhattan/Riley County Preservation Alliance regarding the acquisition of property at 402 Bluemont Avenue. She urged the City to follow appropriate guidelines, preserve the other historic properties near the intersection, and asked the Commission to utilize the Historic Resources Board.

CONSENT AGENDA (*CONTINUED*)

* **AGREEMENT – SALE OF REAL ESTATE – 402 BLUEMONT AVENUE
(*CONTINUED*)**

Kathy Dzewaltowski, 1715 Laramie Street, voiced concern for the demolition and process of three historic homes near the intersection project of Fourth Street and Bluemont Street.

Ron Fehr, City Manager, responded to questions regarding the process that was used for the acquisition of property at 402 Bluemont Avenue and discussed the option of possibly moving the houses.

The Commission approved the agreement for sale of real estate for the acquisition of property at 402 Bluemont Avenue and authorized the Mayor and City Clerk to sign the agreement on behalf of the City.

Dee R. Ross, 2304 Brockman Street, voiced concern for the changes and extension for Dial to perform on the north project area of the downtown redevelopment. He stated the roundabout proposed will destroy historic homes and asked why a GPS reference station is needed in Manhattan.

Ron Fehr, City Manager, and Dale Houdeshell, Director of Public Works, provided additional information on the GPS reference station and on the City intersection project at Fourth Street and Bluemont Street.

After discussion, Commissioner Hatesohl moved to approve the consent agenda, as read. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

**FIRST READING – REZONE - SILO TOWNHOMES RESIDENTIAL PLANNED
UNIT DEVELOPMENT**

Eric Cattell, Assistant Director for Planning, presented the item and answered questions from the Commission.

Tracy Anderson, Co-Applicant, answered questions from the Commissioners.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - SILO TOWNHOMES RESIDENTIAL PLANNED UNIT DEVELOPMENT (CONTINUED)

After discussion, Commissioner Sherow moved to approve first reading of an ordinance rezoning Silo Townhomes Residential Planned Unit Development, generally located at 2729 Casement Road, from R-1, Single-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the five conditions of approval recommended by the Planning Board. (*See Attachment No. 2*) Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

ECONOMIC DEVELOPMENT APPLICATION - MEADOWLARK HILLS RETIREMENT COMMUNITY

Commissioner Strawn announced that he would not be participating on the item because his daughter-in-law is employed by Meadowlark Hills.

Brian Williams, Management Assistant, presented the item.

Jeff Chapman, Director of Marketing and Public Relations and Executive Director of the Meadowlark Hills Foundation, thanked the Commission for the positive feedback received during the first discussion of this project and informed the Commission that an escrow account would be established by the Trust Company of Manhattan.

After discussion, Commissioner Hatesohl moved to authorize City Administration to finalize and the Mayor and City Clerk to execute an Economic Development Incentives Agreement with Manhattan Retirement Foundation, Inc., d/b/a Meadowlark Hills, based upon the outline of incentives that includes a traditional loan, forgivable loan, and annual performance measures. Commissioner Snead seconded the motion. On a roll call vote, motion carried 4-0.

RESOLUTION NO. 112007-F - MEMORANDUM OF AGREEMENT WITH LOCAL 2275 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS; FIRST READING - 2008 SALARY ORDINANCE

Cathy Harnes, Director of Human Resources, presented the item and answered questions from the Commission.

Tim Davenport, Vice President, Local 2275 of the International Associations of Firefighters, informed the Commission that this has been a long process and the completion of the memorandum of agreement has been successful.

Ron Fehr, City Manager, stated that he appreciated the Local Firefighters Union and thanked the team for exhibiting good leadership.

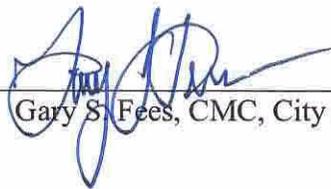
GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 112007-F - MEMORANDUM OF AGREEMENT WITH LOCAL 2275 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS; FIRST READING - 2008 SALARY ORDINANCE (CONTINUED)

After discussion, Commissioner Snead moved to approve Resolution No. 112007-F adopting changes within the Memorandum of Agreement with Local 2275 of the International Association of Firefighters, and first reading of the 2008 Salary Ordinance to establish a new range of salaries for City employees. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:15 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY TO RELOCATE THE BOYS AND GIRLS CLUB OF MANHATTAN

FROM: R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District.

TO: C-4, Central Business District.

APPLICANT: Boys & Girls Club of Manhattan Inc.

ADDRESS: 305 S. 4th Street.

OWNERS: City of Manhattan.

ADDRESS: 1101 Poyntz Avenue.

LOCATION: NW corner of South 5th Street and Pierre Street. Lots 569 and 570, Ward 1.

AREA: 15,000 square feet.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, September 24, 2007.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, October 15, 2007.

CITY COMMISSION: Tuesday, November 6, 2007.

EXISTING USE: Municipal parking lot constructed of asphalt and containing 41 off-street parking spaces. The City Commission purchased the two lots in early 1969 to provide public off-street parking in the area of South 5th Street and Pierre Street. The parking lot was constructed some time after early 1969.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is a corner lot, 100 feet in width, east to west, along Pierre Street, and 150 feet in length, north to south, along South 5th Street. Access is from two (2) curb cuts off Pierre Street and the public alley along the north property line. There is no green space within the parking lot; however, the adjoining rights-of-ways have grass islands with two (2) large mature trees along South 5th Street and one (1) large mature tree on Pierre Street. Concrete sidewalks abut both street frontages. The lot is relatively flat and drains to the streets and the alley. The site is located in a 500 Year Flood Plain, which is not regulated for flood plain requirements.

SURROUNDING LAND USE AND ZONING:

(1) NORTH: Public alley, single-and two family and multiple-family dwellings, Houston Street, public parking lot, office building, bank and Poyntz Avenue; R-M/TNO District and C-4 District.

(2) SOUTH: Pierre Street, multiple-family dwelling, two-family and single family dwellings, nonprofit social service agency (Big Brothers/Big Sisters), Colorado Street, service commercial and mixed use; R-M/TNO District, C-5, Highway Service Commercial and PUD.

(3) EAST: South 5th Street, municipal parking lot, commercial, fraternal and professional office uses, multiple family dwelling; C-4 District and PUD.

(4) WEST: Multiple-family, single-family and two-family dwellings; R-M/TNO District.

GENERAL NEIGHBORHOOD CHARACTER: The site is a corner lot at the intersection of Pierre Street and S. 5th Street, which serves as a boundary and separates commercial uses from the medium density neighborhood. Commercial and mixed uses, however, extend west of South 5th Street further to the north and south of the site. The immediate character of the neighborhood around the site is a combination of single-family to multiple family dwellings, off-street parking, public facilities, churches and commercial uses.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is a municipally owned off-street parking lot and a permitted use in the district, subject to the provisions for municipally owned and operated public facilities of the Manhattan Zoning Regulations (Article III, General Provisions, Section 3-412, State of Municipally Owned and Operated Public Utilities and Facilities). The site is also suitable for uses in the R-M/TNO District.

Additionally, the site is under contract to be sold to the Boys and Girls Club, which must relocate from its current location in the C-4 District due to the South Redevelopment Project.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: An increase in light, noise, and traffic can be expected, but should not be inconsistent with the same characteristics associated with the neighborhood, in which there is a mixture of single-family through multiple-family, commercial, public parks, churches and public facilities. The proposed use is youth related activity and should not adversely affect the use of nearby properties.

Attachment No. 1

Pierre Street and South 5th Street traffic volumes are a mixture of residential and commercial trips. Access to the site is from an alley off South 5th Street and from curb cuts off Pierre Street. Vehicular traffic is expected to increase with the use, but not unlike traffic volumes along both streets due to the site's location adjacent to the C-4 District.

The C-4 District allows a much broader range of commercial retail and service commercial uses that may have an adverse affect on the residential character of the neighborhood to the north, south and west of the site. (*Note: the applicant proposes to place a restrictive covenant on the property, which will restrict the uses of the property to: Boys & Girls Club of Manhattan; Churches, chapels temples and synagogues; and, Group Day Care Center, which would require a Conditional Use Permit prior to that use being established. The covenant will be enforceable by the City.*) Limiting the uses as proposed, through the self-imposed covenant, is not inconsistent with typical school and church, or similar youth activities in neighborhoods. Impacts on adjacent streets and intersections should, as described above, should be minimal. Off-street parking is available to the east in a municipal parking lot. In addition, the covenant provides minimum 8 foot north and west side yard setbacks from the adjoining residential district, a setback requirement of the C-4 District, as well as a 15 foot front yard setback along Pierre Street, which is generally consistent with several dwellings fronting on Pierre Street and TNO District recommendations. Additionally, a 6 foot fence will need to be provided along the west boundary line, as required by the C-4 District.

The site is within 500 feet of four (4) historic properties, which could potentially be impacted by the project. The Historic Resources Board reviewed the project on September 4, 2007 and found that it, "Meets the Standards and Guidelines for Evaluating the Effect of projects on Environs and will not encroach upon, damage or destroy any listed historic property or environs." (See *attached letter to State Historic Preservation Officer and other supporting documents.*)

CONFORMANCE WITH COMPREHENSIVE PLAN: The Comprehensive Plan (*attachment*) indicates the site should develop with RMH, Residential Medium to High Density uses, at a density range of from 11 to 19 dwelling units per net acre. The RMH category suggests a density range of 11 to 19 dwelling units per net acre. The proposed rezoning may be considered an infill project and appropriate for the location. The Plan indicates that the proposed site is to the west of the CBD, Central Business District. CBD land uses include a full range of retail and professional service activities. The CBD would be implemented by the C-4, Central Business District. The Plan also encourages infill development on underutilized sites.

Attachment No. 1

Policy characteristics of the RMH category suggest that a mix of residential and nonresidential uses may coexist in the same area if compatible, in scale and harmony with the neighborhood where the uses will locate.

Chapter 4, Land Use and Growth Management, Policy RMH 1: Characteristics

The Residential Medium/High Density designation shall 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 in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

The rezoning may be considered an Infill project for an underutilized public off-street parking lot. Applicable policies include:

Chapter 4, Land Use and Growth Management, Policy GM 9: Infill and Redevelopment

Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area. For additional policies related to infill and redevelopment, refer to the Land Use Policies below and to Chapter 9, Housing and Neighborhoods.

Chapter 9, Housing and Neighborhoods, Policy HN 5: Promote Infill and Redevelopment

The City and County should encourage infill development and redevelopment on vacant or underutilized parcels where infrastructure and services are readily available and where it would foster the stabilization or revitalization of an existing area. Infill and redevelopment should be sensitive to the established character of the surrounding neighborhood. Infill means the development of new housing or other buildings on scattered vacant sites in a built-up area. Redevelopment means the replacement or reconstruction of buildings that are in substandard physical condition, or that do not make effective use of the land on which they are located. If properly designed, infill and redevelopment can serve an important role in achieving quality mixed use neighborhoods.

As an infill project, the proposed rezoning generally conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site is part of the original town plat.

1926-1965 B, Second Dwelling House District
1965-1969 B, Multiple Family Dwelling District
1969-1987 R-3, Multiple-Family Residential District
1987-2003 R-M, Four-Family Residential District
December 16, 2003- Present R-M, Four Family Residential District with TNO District

The City acquired the two lots in 1969 for off-street parking. The parking lot was built around that same time period.

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 C-4 District is the primary commercial center of the community and is designed to provide for a broad range of retail shopping facilities, services, and cultural activities (*C-4 District regulations attached*). The proposed covenant will, however, limit the uses allowed on the site to be more consistent with similar activities in a residential neighborhood..

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 health, safety and welfare that denial would accomplish, compared to the hardship to the applicant that has to move from its current location in the South Redevelopment Area.

Attachment No. 1

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public streets, sanitary sewer and water are available to serve the site. There are sidewalks along Pierre Street and South 5th Street. A public alley is available for access for off-street parking to serve the site.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Lots 569 and 570, Ward 1 from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to C-4 Central Business District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lots 569 and 570, Ward 1 from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to C-4 Central Business 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 Lots 569 and 570, Ward 1 from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to C-4 Central Business District, based on the findings in the Staff Report .

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: October 10, 2007

07104

STAFF REPORT

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

BACKGROUND

FROM: R-1, Single Family Residential District.

TO: PUD, Residential Planned Unit Development.

OWNER/APPLICANT: MOD 3, LLC – Tracy Anderson, President.

ADDRESS: 116 E. J. Frick Drive, Manhattan, KS.

DATE OF PUBLIC NOTICE PUBLICATION: October 15, 2007.

DATE OF PUBLIC HEARING: PLANNING BOARD: November 5, 2007
CITY COMMISSION: November 20, 2007

LOCATION: 2729 Casement Road, an approximate two (2) acre tract of land generally located 850 feet south of the intersection of Casement Road and Marlatt Avenue.

AREA: 2.22 acres (96,702 square feet).

PROPOSED USES: Attached residential townhomes and common open spaces located adjacent to a proposed travel easement (Silo Place) which will provide access to the fourteen (14) townhomes. Residential townhomes will be the permitted use in the proposed PUD. Each townhome will be privately owned. The common areas throughout the subject site will be maintained by a Home Owners Association which the applicant proposes with the Planned Unit Development.

PROPOSED BUILDINGS AND STRUCTURES: The proposed PUD will contain four (4) separate buildings that will have a total of fourteen (14) single-family townhomes (on Lot 302, Brookfield Addition, Unit Eight) to the west of Casement Road. According to the Zoning Regulations, the structures are classified as multi-family dwelling units. However, each structure will be constructed as townhomes so that each unit can be sold independently. Lots 1 and 4 will each contain four townhome units. Lots 2 and 3 will contain three townhomes units. Each townhome will be two-stories, have three (3)

Attachment No. 2

bedrooms and a two-car attached garage facing the street. Several options have been provided by the applicants in terms of exterior building materials. The siding materials will be any one or a combination of the following: stucco, metal wall panels, cement fiber, Masonite, vinyl or wood lap siding. The applicant has stated that the color pallet of the exterior will be any option from the manufacture, with the exception of extremely vibrant colors, e.g. hot pink, neon green, electric blue, etc. The roofing will be a standing-seem metal roof and may be galvanized or painted with any color option provided by the manufacturer. The front façade of each unit will include a panel of five (5) windows above the garage and an optional second-story deck and railing above the unit's front door. A window is also proposed on the second floor above the unit's entrance. Three different window design options are proposed, including a circle, tall rectangle or conventional square window. The rear façade will consist of two large bay windows on the ground floor and second story windows. At the rear of each dwelling unit will be an 8' x 13' concrete patio. No screening is proposed for the concrete patio, but approximately five (5) feet of the patio will be recessed into the structure. The side facades will consist of small windows and similar siding to the front and rear façades. Each living unit will have approximately 1,550 square feet of living area, an approximate 400 square foot two-car garage, and be 32 feet, 6 inches in height. Exterior lighting will be residential in scale, downcast and shaded and be located on the front and rear façade. No street lights are proposed on Silo Place. No signs are proposed.

Each living unit will be served by a front driveway that measure approximately 17 feet wide and 18 feet 6 inches in length along Silo Place. Lots 1 and 4 will be approximately 4,600 square feet in area and Lots 2 and 3 will be 3,400 square feet in area. The total lot coverage of the PUD will be approximately 15.1%. Each lot will have frontage along Silo Place, and the back yards on the north and west will abut single-family and two-family residential lots in Brookfield Addition, Unit Eight, rear yards to the south will abut the Marlatt Drainage ditch.

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Residential Structures	0.33 acres / 14,578 square feet	15.11%
Driveway & Sidewalks	0.13 acres / 5,564 square feet	5.77%
Open Space / Landscaping	1.47 acres / 63,925 square feet	66.25%
Travel Easement	0.29 acres / 12,422 square feet	12.87%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
None proposed		

PROPOSED LIGHTING: No street lighting is proposed along Silo Place. Residential lighting is proposed on the front and rear façade of each town home and should be shaded, full cut-off and downcast.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The applicant has proposed a variety of deciduous and evergreen trees, shrubs, perennials and native grasses to create a xeriscape environment throughout the property. According to the applicant, using native and hearty plants, grasses and trees will reduce the need for irrigation and maintenance. Clusters of landscaping are proposed at the entrance to the development and between each unit's driveways. The northern and western property lines will use a combination of small and medium sized ornamental grasses to create the boundary of the development (please see attached landscape plan).

2. SCREENING: The applicant has proposed the use of small and medium sized ornamental grasses to create a landscape area that will provide screening between the subject property and adjacent properties. The screening will be 24 to 36 inches in height once the planting is established.

All open off-street parking areas containing more than six parking spaces and are located within twenty-five (25) feet of adjacent residential properties shall provide sight obscuring screening of not less than six (6) feet in height between the parking and the adjacent properties. The applicant has proposed dense ornamental evergreens (5 – 6 feet tall) to screen the northern parking area off of Silo Place. Adequate screening is a minimum of six (6) feet in height and designed to completely screen the parking area and vehicular movements using the parking spaces.

Dumpsters are not proposed for trash service. The applicant has stated that individual trash service will be used for the development.

3. DRAINAGE: A majority of the property will drain to the south into the Marlatt Ditch, which will then drain to the Big Blue River. The applicants have proposed that the storm water onsite will flow to the Silo Place roadway and then channeled to a concrete flume at the south end of Silo Place. The remaining northern portion of the site will direct storm water to a ten (10) foot drainage easement located to the west of the subject site, which

will then drain into the Marlatt Ditch. A Stormwater Drainage Impact analysis was conducted by Sloan, Meier and Hancock and was submitted with the proposed PUD application. The City Engineer (attachment) has reviewed the analysis report and accepts the findings without exception.

4. CIRCULATION: The townhomes will be internally accessed by a proposed travel easement, Silo Place, which will connect to Casement Road, an arterial road east of the property. Silo Place is a 25 foot wide paved street within a 32.50 foot Travel Easement. The Travel Easement will be privately owned and maintained by the Home Owners Association. No parking will be allowed on Silo Place except for designated areas. A proposed 5 foot sidewalk will be located along the west and north side of Silo Place. The northern sidewalk will connect to a sidewalk to the east that is proposed to be constructed in 2010 with the Casement Road Capital Improvement Project.

As a multi-family dwelling structure with three bedrooms in each unit, 3.5 off-street parking stalls are required per unit. Two spaces are provided in the proposed garage and an additional two spaces are provided in the driveway in front of each unit. The applicant has proposed an additional 14 parking spaces along the north – south portion of Silo Place for a total of 70 proposed off-street parking spaces. The development is required to have 49 off-street parking spaces. The applicant has proposed a surplus of parking to accommodate guests and the potential for additional parking needs for each unit. The proposed number of parking spaces is adequate for the proposed development.

A Traffic impact Study was prepared by Sloan-Meier-Hancock, reviewed and accepted by the City Engineer (attachment). Minimal impact on the surrounding street network is expected.

5. OPEN SPACE AND COMMON AREA: Approximately 66% of the subject site is dedicated to landscaped or open space. Approximately 39,300 square feet of the property (41.9% of the property) is dedicated as a drainage easement for the Marlatt Ditch and will be maintained by the City of Manhattan. The remaining portion of the open space (approximately 24,600 square feet) will be maintained by the Home Owners Association.

6. CHARACTER OF THE NEIGHBORHOOD: The subject site is located in an area with a mix of residential and agriculture uses. Directly to the north of the property are single-family attached homes within Brookfield Addition, Unit Eight. Properties directly to the west and south of the subject property are single-family detached homes. To the east of the subject property is Casement Road and cropland. Structures proposed to be erected on the site will be single-family townhomes, generally reflective of the single-family character of the surrounding residential neighborhoods.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Vacant farm house and accessory building, zoned R-1, Single-Family Residential District.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The subject property is relatively flat and gently slopes to the south into the Marlatt Ditch drainage channel. The site currently has a vacant farm house, a brick grain silo, concrete pads where outbuildings once sat and a number of mature trees. Drainage for the site and surrounding area is diverted to the 141 foot wide Marlatt Drainage Ditch, located at the south end of the subject site. This dedicated drainage easement has restricted the development of the entire lot.

3. SURROUNDING LAND USE AND ZONING:

- (a.) **NORTH:** Brookfield Addition, Unit Eight, single-family attached homes, R-2 District.
- (b.) **SOUTH:** Brookfield Addition, Unit Five, single-family detached homes, R-1 District.
- (c.) **EAST:** Casement Road and cropland, G-1, General Agriculture District.
- (d.) **WEST:** Brookfield Addition, Unit Eight, single-family detached homes, R-1 District.

4. CHARACTER OF THE NEIGHBORHOOD: See above

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Currently, located on the property is a vacant single-family home associated with a farming operation. The existing use is suitable with the current R-1 zoning district.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Minimal impacts are anticipated on nearby properties. The increases in light, noise and traffic associated with the low density single-family PUD is consistent with the character of the neighborhood. Properties located to the south and west of the proposed PUD are zoned R-1, and consist of single-family homes. Properties to the north of the subject site are zoned R-2, and consist of two-family dwelling units. Traffic from the proposed development will be isolated to Casement Road. No traffic will be directed to residential streets in adjacent subdivisions. Lighting will be downcast and full cutoff to reduce light impacts on nearby property. Because of the compact design of the

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development, the structure and patios on Lot 1A-1D have a rear yard setback as close as 16 feet 8 inches and 13 feet 9 inches, respectively, from the northern property line. Lot 2A-2C and 3A-3C have a rear yard setback of 24 feet to the western property line for the buildings and 20 feet for patios. Minimum rear yard setback for a residential building is 25 feet. The proximity of the structures on Lots 1, 2 and 3 warrant adequate screening of the rear patio areas to minimize any negative impacts caused by the more intense development. The applicants have provided 24 inch to 36 inch tall landscaped areas that should screen and/or buffer the subject property from adjacent properties

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Northeast Planning Area of the Comprehensive Plan shows the property to be developed as Residential Medium/High Density (RMH).

RESIDENTIAL MEDIUM/HIGH DENSITY (RMH)

RMH 1: Characteristics

The Residential Medium/High Density designation shall 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 in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

The proposed townhomes and open spaces meet the characteristics of the Residential Medium/High Density uses.

RMH 2: Appropriate Density Range

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

The proposed density is 7.78 dwelling units per net acre. Although the proposed development does not meet the density range for medium to high residential neighborhoods, the compact design, dictated by the unbuildable area dedicated to the Marlatt Drainage Ditch, resembles a higher density development.

The proposed PUD generally conforms to the Comprehensive Plan

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The single-family house and outbuildings have been in place for an unknown length of time.

- March 6, 2006 Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Brookfield Addition, Unit Eight, from G-1, General Agricultural District, to R-1, Single-Family Residential District, and R-2, Two-Family Residential District, and tabled Preliminary Plat to March 20, 2006.
- March 20, 2006 Manhattan Urban Area Planning Board approves Preliminary Plat of the Brookfield Addition, Unit Eight.
- March 28, 2006 City Commission approves first reading of annexation and rezoning of Brookfield Addition, Unit Eight.
- April 4, 2006: City Commission approves Ordinance Nos. 6532 and 6533 annexing and rezoning Brookfield Addition, Unit Eight to R-1, Single-Family Residential District, and R-2, Two-Family Residential District.
- May 15, 2006 Manhattan Urban Area Planning Board approves the Final Plat of Brookfield Addition, Unit Eight.
- June 6, 2006 City Commission accepts easements and rights-of-way as shown on the Final Plat of Brookfield Addition, Unit Eight.
- May 7, 2007 Manhattan Urban Area Planning Board recommends approval of the rezoning of the subject property from R-1, Single-Family Residential District to PUD, Commercial Planned Unit Development for the proposed Brookline Self Storage development.
- June 5, 2007 The applicant withdrew the rezoning application for the proposed Brookline Self Storage development.

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

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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 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 INDIVIDUAL OWNER: There appears to be no relative gain to the public that denial would accomplish in comparison to the hardship to the owner

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public utilities and facilities are available to serve the site. Utility releases have been provided by private companies.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of Silo Townhomes from R-1, Single-Family Residential District to PUD, Residential Planned Unit Development District, with the following conditions:

1. Permitted uses shall include fourteen (14) residential townhome units.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. Exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2), of the Manhattan Zoning Regulations shall be permitted.
4. All landscaping and irrigation shall be maintained in good condition.
5. All lighting shall be downcast and full cut-off design.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Silo Townhomes from R-1, Single-Family Residential District to PUD, Residential Planned Unit Development stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Silo Townhomes from R-1, Single-Family Residential District to PUD, Residential Planned Unit Development 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 Silo Townhomes from R-1, Single-Family Residential District to PUD, Residential Planned Unit Development, based on the findings in the staff report, with the five (5) conditions recommended by City Administration.

PREPARED BY: Chad Bunger

DATE: November 1, 2007