

***MINUTES
CITY COMMISSION MEETING
TUESDAY, DECEMBER 4, 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 Samantha Adams, 12 staff, and approximately 25 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Phillips led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Phillips opened the public comments.

Dee R. Ross, 2304 Brockman Street, asked questions about the Kansas Entrepreneurial Center (KEC) and National Institute for Strategic Technology Acquisition and Commercialization (NISTAC) and, the profits that are generated from trademarks and patented products from these two entities. He then asked where the money generated goes, if audits are performed for these entities, and what the salaries are of those working at these centers.

Ron Fehr, City Manager, responded to questions raised and provided additional information on the City's relationship with NISTAC and KEC. He informed the Commission that the questions raised would be forwarded to the entities in question.

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

COMMISSIONER COMMENTS

Commissioner Sherow provided clarification on the upcoming trip to visit Warren Theatres and its management in Wichita, Kansas. He provided background information on prior initiatives with Warren Theatres and stated that he would be attending on his own to represent and protect the interests of the entire community.

Mayor Phillips stated that he would also be attending with the group to visit Warren Theatres operation on Friday, December 7, 2007. He stated this trip provides an opportunity to experience if this type of theatre is a good fit for our community and that he didn't see how this trip would cause an adverse situation. He then extended an invitation for any member of the public to join him.

Commissioner Strawn voiced concern for the timing of the trip, given the upcoming Manhattan Marketplace PUD request by Dial Realty. He stated that he held the Commissioners visiting Warren Theatres in the highest regard, but felt the timing was inappropriate.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 20, 2007.

CLAIMS REGISTER NO. 2564

The Commission approved Claims Register No. 2564 authorizing and approving the payment of claims from November 14, 2007, to November 27, 2007, in the amount of \$3,383,021.19.

LICENSES – FIREWORKS DISPLAY AND RENEWALS

The Commission approved the Fireworks Display for December 31, 2007, and renewal applications for Cereal Malt Beverage, Tree Maintenance, and Merchant Guard Agency licenses for calendar year 2008.

FINAL PLAT – BROOKFIELD RESIDENCES ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Brookfield Residences Addition, a Residential Planned Unit Development, generally located south of the Eisenhower Baseball Fields and Walters Drive, and east of the intersection of Donna's Way and Walters Drives, based on conformance with the Manhattan Urban Area Subdivision Regulations.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6675 – REZONE – SILO TOWNHOMES RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD)

The Commission approved Ordinance No. 6675 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. (*Attachment No. 1*)

ORDINANCE NO. 6676 – 2008 SALARIES

The Commission approved 2008 Salary Ordinance No. 6676 to establish a new range of salaries for City employees.

ORDINANCE NO. 6677 – REPEAL – WAL-MART TRANSPORTATION DEVELOPMENT DISTRICT (TDD)

The Commission approved Ordinance No. 6677 repealing a half-cent sales tax for the Wal-Mart Transportation Development District, effective March 31, 2008.

ORDINANCE NO. 6678 – REPEAL – MISCELLANEOUS LICENSES

The Commission approved Ordinance No. 6678 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.

FIRST READING – RENEW FRANCHISE – KANSAS STATE UNIVERSITY CABLE

The Commission approved first reading of an ordinance amending the Code of Ordinances to renew the terms of the franchise with Kansas State University Cable for a period of five years.

FIRST READING – VACATE RIGHT-OF-WAY – SOUTH 17TH STREET

The Commission approved first reading of an ordinance vacating a portion of South 17th Street right-of-way adjacent to 523 South 17th Street.

REJECT BID – MODIFY MIDDLE ISLAND ALONG K-18 (ST0714)

The Commission accepted the Engineer's Estimate in the amount of \$31,246.75 to modify the middle island along K-18 (entrance to Chili's) (ST0714); rejected the bid of \$45,337.50 from Pavers, Inc., of Salina, Kansas; and accepted the decision of the City Administration to include the construction of this project in the 2008 Street Maintenance Program.

CONSENT AGENDA (CONTINUED)

SETTLEMENT AGREEMENT AND LEASE – BUD’S AUTO SERVICE – SOUTH END REDEVELOPMENT DISTRICT

The Commission authorized the Mayor to execute the Settlement Agreement and Lease with Dean and Patricia Conkwright d/b/a Bud’s Auto Service, 301 Colorado Street, located in the South End Redevelopment District.

* BOARD APPOINTMENTS

Mayor Phillips provided background information on the Riley County Law Enforcement Board appointment of a private citizen filling the vacancy of Commissioner Strawn.

Karen Mayse, 3340 Newbury Street, President, Manhattan League of Women Voters, thanked Mayor Phillips for his appointment of Gail Urban to the Riley County Law Enforcement Board and thanked the Commission for their service.

Commissioner Snead expressed support for the nomination of Gail Urban to the Riley County Law Enforcement Board. He then emphasized the importance in having someone with the experience and intimate knowledge of the budget impact and process in relationship to the City of Manhattan.

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

Aggieville Business Improvement District Advisory Board

Re-appointment of Keith Eyestone, 518 South 18th Street, to a three-year term. Mr. Eyestone’s term begins January 1, 2008, and will expire on December 31, 2010.

Band Board

Appointment of Tod Kerstetter, 3349 Effingham Street, to a fill an expired term for Patty Lewis and an additional four-year term. Mr. Kerstetter’s term begins immediately, and will expire on August 31, 2012.

Cemetery Board

Re-appointment of Eric Londeen, 1616 Poyntz Ave., to a three-year term. Mr. London’s term begins January 1, 2008, and will expire on December 31, 2010.

City/University Special Projects Fund Committee

Appointment of Dalton Henry, 1919 Platt Street, to a one-year (Student) term. Mr. Henry’s term begins immediately, and will expire on June 30, 2008.

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS (*CONTINUED*)

Downtown Business Improvement District

Re-appointment of John M. Struve, 825 Davis Drive, to a two-year term. Mr. Struve's term begins January 1, 2008, and will expire on December 31, 2009.

Parks and Recreation Advisory Board

Appointment of DeAnn Waldron, 3412 Westbaker Street, to a four-year term. Ms. Waldron's term begins immediately, and will expire on June 30, 2011.

Riley County Law Enforcement Board

Appointment of Gail Urban, 1627 Wyndham Heights, to fill an unexpired (At-Large) term of Bob Strawn. Ms. Urban's appointment begins immediately, and will expire on December 31, 2008.

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

GENERAL AGENDA

ESSENTIAL AIR SERVICE PROPOSALS

Peter Van Kuren, Airport Director, introduced members from Air Midwest attending the meeting and presented the item. He then answered questions from the Commission and provided an analysis of Air Midwest and Great Lakes for air fares, performance comparisons, and codeshare destinations of the two companies.

Greg Stevens, Air Midwest, answered questions from the Commission regarding early morning flights, connection times, and cancelled flights.

Peter Van Kuren, Airport Director, responded to questions from the Commission regarding the proposals and past concerns with reliability and baggage issues.

Greg Stevens, Air Midwest, provided additional information on its services and plans to better address the needs of Fort Riley and the community. He said that status reports would be provided to the City and was willing to make adjustments to improve the communication on local issues.

GENERAL AGENDA (CONTINUED)

ESSENTIAL AIR SERVICE PROPOSALS (CONTINUED)

After discussion, Commissioner Hatesohl moved to authorize the Mayor to submit a letter to the U.S. Department of Transportation indicating the community's preference for Air Midwest, Inc., as the Essential Air Service provider for the Manhattan Regional Airport. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

2008 CHAMBER OF COMMERCE CONTRACTS AND BUDGETS

Brian Williams, Management Assistant, introduced the item.

Lyle Butler, President, Manhattan Area Chamber of Commerce, provided additional information on the item and introduced members of the Chamber staff present.

John Pagen, Economic Development Director, Manhattan Area Chamber of Commerce, presented an update on Advantage Manhattan 2 strategies, workforce development, new job creation, economic growth, retail sales, ribbon cuttings, Market Manhattan programs, and economic growth and expansion in the community.

Bev Landrum, Military Relations Manager, provided an update to the Commission on activities and events associated with Fort Riley.

Lyle Butler, President, Manhattan Area Chamber of Commerce, answered questions from the Commission regarding the goals of the economic development division of the Chamber and job recruitment efforts.

Karen Hibbard, Director, Manhattan Convention and Visitors Bureau, presented the primary goals of the CVB, including attracting conventions and meetings to Manhattan; increasing tourism for the Manhattan area; attracting visitors through development and promotion of sporting and special events; expanding the tourism base through broader understanding and appreciation for economic impact of tourism industry, and encouraging tourism development and strategies to address future growth. She then answered questions from the Commission regarding facility limitations, the Convention and Visitors Bureau budget for 2008, and return on investment to the community.

Bill Frost, City Attorney, and Ron Fehr, City Manager, provided clarification and responded to questions from the Commission on the transient guest tax.

Lyle Butler, President, Manhattan Area Chamber of Commerce, provided additional information on the proposed visitor's center.

GENERAL AGENDA (CONTINUED)

2008 CHAMBER OF COMMERCE CONTRACTS AND BUDGETS

After discussion, Commissioner Snead moved to authorize the Mayor and City Clerk to execute the 2008 Industrial Promotion, Tourism and Convention, and Fort Riley Promotion contracts with the Manhattan Area Chamber of Commerce. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – AMEND – CEMETERY FEES

Curt Loupe, Director of Parks and Recreation, presented the item.

After discussion, Commissioner Snead moved to approve first reading of an ordinance amending Sections 9-18, 9-23, and 9-28 of the Code of Ordinances providing for fees and charges of cemeteries owned by the City of Manhattan. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

RESOLUTION NOS. 120407-A, B, C – AMEND - PARKS AND RECREATION PROGRAM AND FACILITY FEES

Curt Loupe, Director of Parks and Recreation, presented the item and answered questions from the Commission.

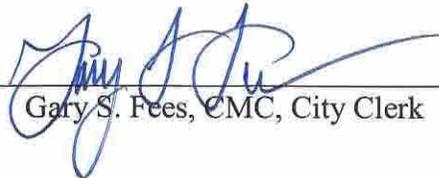
Ron Fehr, City Manager, provided additional information on the item.

Curt Loupe, Director of Parks and Recreation, provided an update to the Commission on the City Park Pool.

After discussion, Commissioner Snead moved to approve Resolution No. 120407-A setting fees for Parks and Recreation programs and facilities, Resolution No. 120407-B setting fees for the Municipal Auditorium and Community Building, and Resolution No. 120407-C setting fees for the Douglass Center. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:55 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

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)

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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

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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.

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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

CB/vr
07105