

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, APRIL 1, 2008***  
***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, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 12 staff, and approximately 8 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Phillips led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Phillips proclaimed April 2008, ***Fair Housing Month***. JoAnn Sutton, Executive Director, Manhattan Housing Authority, and Karen Davis, Director of Community Development, and Larry Hackney, Human Resources Specialist and Human Relations Office, City of Manhattan, were present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Phillips opened the public comments.

Hearing no comments, Mayor Phillips closed the public comments.

**COMMISSIONER COMMENTS**

Commissioner Strawn requested that a written statement provided by Dee R. Ross, 2304 Brockman Street, regarding financial information that was discussed last week, be copied and provided to each City Commissioner. He then informed his fellow Commissioners and the community that he and his wife, Julia, were celebrating their 41<sup>st</sup> Wedding Anniversary.

## COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Snead informed the community that the City would be hosting a public meeting to discuss how Manhattan can be a more bicycle friendly community. He stated the meeting would be held on Thursday, April 3, 2008, at 5:30 p.m., in the City Commission Room, City Hall, 1101 Poyntz Avenue, and encouraged those interested to attend and share their views with the City Engineer.

## CONSENT AGENDA

(\* denotes those items discussed)

### \* MINUTES

Commissioner Strawn requested that his comments on page five of the minutes from the March 18, 2008, City Commission meeting regarding the Flint Hills Discovery Center Museum Consulting Services be amended to ask the consultant to tell us that the Discovery Center has merit, if it can attract 70,000 to 100,000 visitors annually, and if it will be revenue neutral with the support from the community.

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, March 18, 2008.

### CLAIMS REGISTER NOS. 2577 and 2578

The Commission approved Claims Register Nos. 2577 authorizing and approving the payment of claims from March 12, 2008, to March 25, 2008, in the amounts of \$199,248.13 and \$6,734,683.02, respectively.

### ORDINANCE NO. 6690 – REZONE – MANHATTAN MEDICAL CENTER ADDITION

The Commission approved Ordinance No. 6690 rezoning Lots 3, 4, 9, 10 and 11, University Acres Addition and Lot 6, North Timberlane Addition, generally located south of Claflin Road and north of Buena Vista Drive from R, Single-Family Residential District, to C-1, Restricted Business District, based on the findings in the Staff Report. (*See Attachment No. 1*)

### FINAL PLAT – MANHATTAN MEDICAL CENTER ADDITION, UNIT II

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Manhattan Medical Center Addition, Unit II, generally located 380 feet east of Hylton Heights Road and north of Buena Vista Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 6691 – INDUSTRIAL REVENUE BONDS – BROOKFIELD RESIDENCES

The Commission approved Ordinance No. 6691 issuing Industrial Revenue Bonds financing to Manhattan Housing Investors, L.C., for the construction of 112 affordable tax-credit residential units located in Brookfield Addition, Unit 5.

### FIRST READING – NO PARKING/ONE WAY – BRIANNA COURT CIRCLE

The Commission approved first reading of an ordinance removing parking along the inside of the Brianna Court circle and designating as “One Way” the counter clockwise route around the subdivision.

### FIRST READING – AMEND – RETAIL SALE OF FIREWORKS

The Commission approved first reading of an ordinance amending Section 13-52 of the Code of Ordinances relating to retail sale of fireworks.

### RESOLUTION NO. 040108-A – PETITION – SILO TOWNHOMES – STORMWATER IMPROVEMENTS (SM0805 )

The Commission found the petition sufficient and approved Resolution No. 040108-A finding the project advisable and authorizing construction for Silo Townhomes Stormwater Improvements (SM0805).

### RESOLUTION NO. 040108-B – PETITION – SILO TOWNHOMES - STREET IMPROVEMENTS (ST0808)

The Commission found the petition sufficient and approve Resolution No. 040108-B, 040108-C, 040108-D, and 040108-E finding the project advisable and authorizing construction for Silo Townhomes Street Improvements (ST0808).

### RESOLUTION NO. 040108-C – PETITION – SILO TOWNHOMES – SANITARY SEWER IMPROVEMENTS (SS0803)

The Commission found the petition sufficient and approved Resolution No. 040108-B, 040108-C, 040108-D, and 040108-E finding the project advisable and authorizing construction for Silo Townhomes Sanitary Sewer Improvements (SS0803).

### RESOLUTION NO. 040108-D – PETITION – SILO TOWNHOMES - WATER IMPROVEMENTS (WA0802)

The Commission found the petition sufficient and approved Resolution No. 040108-B finding the project advisable and authorizing construction for Silo Townhomes Water Improvements (WA0802).

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – ENGINEERING SERVICES – SILO TOWNHOMES IMPROVEMENTS (SM0805, ST0808, SS0803, WA0802)

The Commission authorized the Mayor and City Clerk to execute an agreement with Sloan Meier Hancock, Engineers-Surveyors, P.A., of Manhattan, Kansas, to perform engineering services for Silo Townhomes Stormwater (SM0805), Street (ST0808), Sanitary Sewer (SS0803), and Water (WA0802) Improvements.

\* **RESOLUTION NO. 040108-E – AWARD CONSTRUCTION – CLAFLIN ROAD AND SUNSET AVENUE/JARVIS DRIVE INTERSECTION (ST0601)**

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

The Commission approved Resolution No. 040108-E authorizing the Mayor and City Clerk to execute the Construction Engineering Agreement with Kansas Department of Transportation and approved the award of a contract for improvements of the intersection and financing for the Claflin Road and Sunset Avenue/Jarvis Drive Intersection (ST0601).

### REQUEST FOR PROPOSALS – EAST MILLER RANCH SANITARY SEWER INTERCEPTOR PROJECT (SS0810)

The Commission authorized City Administration to solicit proposals for the design of east Miller Ranch Sanitary Sewer Interceptor Project (SS0810) and appointed Mayor Phillips to serve on the Selection Committee.

\* **REQUEST FOR PROPOSALS – WEST ANDERSON TRANSPORTATION EXPANSION PROJECT (ST0810)**

Rob Ott, City Engineer, and Ron Fehr, City Manager, provided additional information on the item and answered questions from the Commission.

Mayor Phillips stated that after visiting with the City Attorney about a potential conflict of interest with his wife's business located on the south side of Anderson Avenue and from a legal perspective, he does not have a conflict of interest.

The Commission authorized City Administration to solicit proposals for the design of the west Anderson Transportation Expansion Project (ST0810) and appointed Commissioner Hatesohl to serve on the Selection Committee.

## CONSENT AGENDA (CONTINUED)

\* **AWARD CONTRACT – STREET MAINTENANCE, PHASE 1-RECLAMITE (ST0809)**

Rob Ott, City Engineer, and Dale Houdeshell, Director of Public Works, responded to questions from the Commission regarding the equipment needed to apply the reclamite and life cycle costs associated if the City were to purchase this type of equipment.

The Commission accepted the quote in the amount of \$18,550.00 and authorized the Mayor and City Clerk to execute a contract with Proseal, Inc., of El Dorado, Kansas. Street Maintenance, Phase 1-Reclamite Project (ST0809).

**AWARD CONTRACT – CURED-IN-PLACE SEWER LINING PROJECT (SS0805)**

The Commission accepted the lowest responsive bid in the amount of \$20.69 per linear foot for 8-inch sewer pipe and awarded a contract with Utility Maintenance Contractors, of Wichita, Kansas, for the Cured-in-Place Pipe Sewer Lining Project (SS0805).

**AGREEMENT – SANITARY SEWER MANHOLE REHABILITATION PROJECT (SS0804)**

The Commission authorized the Mayor and City Clerk to execute an agreement to a maximum of \$50,000.00 with Ace Pipe Cleaning, of Kansas City, Missouri, for the Sanitary Sewer Manhole Rehabilitation Project (SS0804).

\* **RESOLUTION NO. 040108-F – US-24 CORRIDOR MANAGEMENT STUDY**

Ron Fehr, City Manager, provided additional information regarding the cost share percentages for the project.

The Commission approved Resolution No. 040108-F authorizing the Mayor and City Clerk to execute the joint funding agreement with KDOT, Pottawatomie County, and the other local sponsors for the US-24 Corridor Management Study to be performed by HWS Consulting Group, Inc., of Manhattan, Kansas, with the City share to be a maximum of \$35,000.00.

**AGREEMENT – DOWNTOWN FARMERS MARKET OF MANHATTAN, INC.**

The Commission authorized the Mayor and City Clerk to execute an agreement with the Downtown Farmer's Market of Manhattan, Inc., for the use of the City's public parking lot at the corner of 5<sup>th</sup> Street and Humboldt Street.

## CONSENT AGENDA (CONTINUED)

### APPLICATION - 2008 FIREFIGHTERS GRANT

The Commission authorized City Administration to proceed with the Federal Emergency Management Agency/U.S. Fire Administration 2008 Assistance to Firefighters Grant application with 20% funding coming from the Fire Equipment Reserve Fund to fund the purchase of 17 self contained breathing apparatus.

### AIRPORT USE AGREEMENT AND LEASE – GREAT LAKES AVIATION, LTD.

The Commission authorized the Mayor and City Clerk to execute the Airport Use Agreement with Great Lakes Aviation, Ltd., of Cheyenne, Wyoming.

### PASSENGER FACILITY CHARGE

The Commission authorized the Mayor to sign, for submission to the Federal Aviation Administration, the Notice of Intent to Impose and Use a Passenger Facility Charge at the Manhattan Regional Airport.

### CONFLICT OF INTEREST – HOUSING REHABILITATION PROJECT – 1151 MEADOWBROOK LANE

The Commission authorized the Mayor to request that the Kansas Housing Resources Corporation grant an exception to the Conflict of Interest requirements in order to process a Housing Rehabilitation application from Michael and Elaine Schlegel, 1151 Meadowbrook Lane, and authorized City Administration to procure services from a qualified Inspector.

### BOARD APPOINTMENTS

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

#### *Library Board*

Appointment of Bill Lansdowne, 1617 Baltimore Terrace, to fill the unexpired term of Gerry Walton. Mr. Lansdowne's term begins immediately and will expire April 30, 2011.

#### *Riley County-Manhattan Health Board*

Appointment of Doug Kinney, 2902 Tatarax Drive, to fill the unexpired Citizen term of Doreen Shanteau. Mr. Kinney's term begins immediately and will expire January 31, 2009.

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### *Special Alcohol Funds Advisory Committee*

Appointment of Yvonne Lacy, 2011 Anderson Avenue, to fill the unexpired term of Amy Gross. Ms. Lacy's term begins immediately and will expire December 31, 2009.

Appointment of Bria Taddiken, 420 Colorado Street, Apt. 1c, to fill the unexpired term of Brian London. Ms. Taddiken's term begins immediately and will expire December 31, 2009.

After discussion, Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Sherow seconded the motion.

Commissioner Strawn asked that the minutes from the March 18, 2008, City Commission be amended to reflect his comments made earlier on the item. The amendment was agreeable with the Commission.

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

## GENERAL AGENDA

### FIRST READING – AMEND - OBSTRUCTION OF CITY RIGHTS-OF-WAY AND THE TEMPORARY USE OF THE SIDEWALKS AND PUBLIC PLAZAS FOR DISPLAY AND SIDEWALK CAFÉS

Commissioner Sherow recused himself from the item and stated that his daughter, Lisa Hamer, is the Assistant to the Director of Downtown Manhattan, Inc. (DMI), and that DMI would be making a presentation on the item.

Katharine Jackson, Assistant City Attorney, presented the item. She then answered questions from the Commission regarding merchandising and frequency of use.

Belinda Snyder, President, Aggieville Business Association, provided background information on the request and stated that one of the items that was discussed were having sign boards on the sidewalks. She then responded to questions from the Commission.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – AMEND - OBSTRUCTION OF CITY RIGHTS-OF-WAY AND THE TEMPORARY USE OF THE SIDEWALKS AND PUBLIC PLAZAS FOR DISPLAY AND SIDEWALK CAFÉS (CONTINUED)

Katharine Jackson, Assistant City Attorney, provided additional information regarding the use on game days, special events, and for retailers to have greater flexibility to do so more frequently if they choose.

Lisa Hamer, Administrative Assistant, Downtown Manhattan, Inc., informed the Commission that sidewalk dining will be valuable to downtown and asked the Commission for positive review of the proposed ordinance.

After discussion, Commissioner Snead moved to approve of first reading of an ordinance amending Sections 4-2 and 30-1 and Article IV of Chapter 30 of the Code of Ordinances relating to the obstruction and temporary use of city street, alleys, sidewalks, public places, public plazas, and right-of-ways. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 4-0.

### FIRST READING – REZONE - STONE POINTE TOWNHOMES PLANNED UNIT DEVELOPMENT

Commissioner Sherow returned to the dais.

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission regarding the Airport Overlay and how it works for the proposed development.

Dale Houdeshell, Director of Public Works, provided additional information on the item and discussed the entrance to the development.

Rob Ott, City Engineer, responded to questions from the Commission regarding drainage concerns, retaining walls, stormwater requirements, erosion control plan, and sustainability for the long term viability of the infrastructure.

Eric Cattell, Assistant Director for Planning, responded to questions about the Comprehensive Plan and comments made from members of the Manhattan Urban Area Planning Board regarding additional landscape along Scenic Drive.

Mark Bachamp, representing Schultz Development, provided a topography map of the area. He then responded to questions from the Commission regarding the project phasing, efforts to prevent siltation, view of the development off Scenic Drive, screening with evergreens, and future left turn lanes off Scenic Drive into the development.

GENERAL AGENDA (CONTINUED)

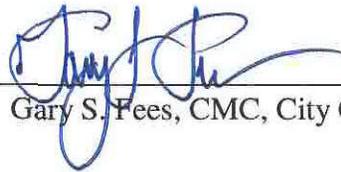
FIRST READING – REZONE - STONE POINTE TOWNHOMES PLANNED UNIT DEVELOPMENT (CONTINUED)

Tim Schultz, Schultz Development, provided additional information on their efforts to make the site work for the development.

After discussion, Commissioner Strawn moved to approve first reading of an ordinance rezoning Stone Pointe Townhomes Residential Planned Unit Development, generally located southeast of the intersection of Scenic Drive and Highland Ridge Drive, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District, based on the findings in the Staff Report, with the five conditions recommended by the Manhattan Urban Area Planning Board (*See Attachment No. 2*). Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:25 p.m. the Commission adjourned.



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Gary S. Fees, CMC, City Clerk

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY** An approximate 1.68 acre tract of land consisting of Lots 3, 4, 9, 10, and 11, University Acres Addition and Lot 6, North Timberlane Addition.

**FROM:** R, Single-Family Residential District

**TO:** C-1, Restricted Business District

**APPLICANT:** Manhattan Medical Center – Rick G. Fulton, President

**ADDRESS:** 1133 College Avenue, Manhattan, KS 66502

**OWNERS:** Manhattan Medical Center (Lots 3, 9, 10 and 11, University Acres Addition and Lot 6, North Timberlane Addition);  
Jane W. Wasson Trust and Clyde E. Wasson Trust (Lot 4, University Acres Addition).

**ADDRESS:** 1133 College Avenue, Manhattan, KS 66502; and 2407 Buena Vista Drive, Manhattan, KS 66502.

**LOCATION:** Lots 9, 10 and 11, University Acres Addition are generally located south of Claflin Road, and are approximately 380 feet east of Hylton Heights Road. Lots 3 and 4, University Acres Addition and Lot 6, North Timberlane Addition are generally located north of Buena Vista Drive and are approximately 150 feet north of the intersection of Buena Vista Drive and Rebecca Road.

**AREA:** 1.68 Acres

**DATE OF PUBLIC NOTICE PUBLICATION:** January 14, 2008

**DATE OF PUBLIC HEARING: PLANNING BOARD:** February 4, 2008  
*(Tabled at the request of the applicant to March 3, 2008)*

**CITY COMMISSION:** March 17, 2008

**EXISTING USE:** Two vacant residential lots, two residential lots with two-family dwellings unit on each lot, and two residential lots with single-family dwellings on each lot.

*Attachment No. 1*

The applicant has submitted a Replat of Lots 3, 4, 9, 10, and 11, University Acres Addition, Lot 6, North Timberlane Addition and Lot 4, Manhattan Medical Center P.U.D. The Replat will combine all of these lots into one lot, vacate and establish easements and restrict access to existing and proposed driveways along Claflin Road and Buena Vista Drive. The Final Plat also creates no access along the entire front property line of existing Lot 6. The Replat will be known as the Final Plat the Manhattan Medical Center, Unit II.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site consists of six residential lots, all of which slope to the southeast into a drainage channel located further to the southeast. There are two vacant lots located in the site; Lot 11, University Acres Addition (vacant) is a large residential lot that had the residential dwelling demolished in July, 2007 and is now a grassy, open space. Lot 6, North Timberlane Addition (vacant) is an unimproved, nonconforming triangular shaped lot east of Buena Vista Drive and north of an undeveloped, unnamed, public right-of-way that leads into the Manhattan Medical Center property to the east. There are several mature trees and open grassy areas on the property. The residential lots south of Claflin Road (Lots 9 and 10, University Acres Addition) consist of nonconforming, two-family dwelling units. Each of these duplex lots share a driveway and curb cut to gain access to Claflin Road, with the exception of the east dwelling unit on Lot 10, University Acres Addition, which has its own driveway and curb cut. The residential lots north of Buena Vista Drive (Lots 3 and 4, University Acres Addition) contain two-story, single-family homes with attached garages that gain direct access to Buena Vista Drive from separate driveways and curb cuts.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** An approximate 70 foot wide collector street right-of-way (Claflin Road), commercial office, Kansas State University Forestry property, and multi-family residential units; C-1, U and PUD Districts.
- (2) **SOUTH:** An approximate 60 foot wide local, residential street right-of-way (Buena Vista Drive), single-family dwelling units; R District.
- (3) **EAST:** Medical office complex set out in individual buildings in a campus setting; C-1 and PUD Districts.
- (4) **WEST:** Single-Family residential dwelling units and religious center/church; R District.

*Attachment No. 1*

**GENERAL NEIGHBORHOOD CHARACTER:** The neighborhood is characterized by a mixture of low density, single-family and high density, multi-family residential uses, a religious center and church, commercial and medical offices and university uses. The high density residential uses are to the northwest in a residential PUD consisting of apartments that was approved in May, 1990. The low density, single-family dwellings are concentrated to the south and southwest of the subject area. These dwellings are a mixture of single-story and two-story homes built in the 1960's. The commercial office uses in the neighborhood include the Manhattan Medical Center complex to the east and a real estate office to the north. The Kansas Forest Service is located to the north of the subject area. The existing uses within the rezoning site and surrounding neighborhood have been present for many years.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The single-family dwellings on Lots 3 and 4, University Acres Addition and the vacant Lot 11, University Acres Addition are generally suitable for the permitted uses in the R, Single-Family Residential District. The two-family dwellings on Lots 9 and 10, University Acres Addition are nonconforming uses in the R, Single-Family Residential District, subject to the requirements for Nonconforming Uses, Article VIII, of the Zoning Regulations. These two-family dwellings were built in 1963 and were a permitted use in the "A" Single and Two Family Dwelling District from 1965 to 1968. Lot 6, North Timberlane Addition is an unimproved, nonconforming lot in terms of lot depth, lot width, and lot area for the R District (Section 4-102 (C)) and is subject to the requirements for Nonconforming Uses, Article VIII, of the Zoning Regulations. This lot could not be developed in its existing configuration. While the lots along the south side of Claflin Road are all generally suitable for uses in the R District, there is some concern about having multiple private drives from these lots onto the busy Claflin Road corridor, which can pose a turning movement hazard.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:**

The C-1, Restricted Commercial District is intended to be compatible with adjacent residential districts. An increase in traffic, light and noise can be expected with the proposed rezoning and would be consistent with the character of the Claflin Road corridor. The proposed rezoning of the residential lots along Buena Vista Drive (Lots 3 & 4, University Acres Addition and Lot 6, North Timberlane Addition) encroaches upon an established residential neighborhood, particularly if access to the site could be gained from Buena Vista Drive, a local residential street. The permitted uses in the C-1 District include banks and financial institutions (including drive-in types), mortuaries and funeral homes, cultural facilities and business and professional offices. The traffic generated by these uses would be incompatible with the surrounding residential neighborhood and the local residential street.

*Attachment No. 1*

However, the applicant has proposed a restrictive covenant which would restrict the use of the land to business and professional offices, churches, chapels, temples, synagogues, cultural facilities and government buildings along Buena Vista Drive. The restrictive covenant also eliminates access to Buena Vista Drive once the residential dwellings were removed. The covenant would be enforceable by the City Commission and can only be altered or removed by the owner and written consent of the City Commission. Limiting access and future uses on the property through the self-imposed covenant will reduce the potential for adverse impacts on the neighborhood, while allowing expansion of the Manhattan Medical Center campus along Claflin Road.

The C-1 District requires sight obscuring screening of not less than six (6) feet in height to be provided along the entire length of all property lines that share a common boundary with property, except public rights-of-ways, in a residential district. The C-1 District requires that exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street. The applicant has stated that parking lot lighting will utilize a timer to turn-off the lights from 10:00 pm to 6:00 am. The exterior lights on the proposed building will remain on for security purposes. The C-1 District also limits storage activities associated with a business or professional use to be limited to storage that supports the daily activities occurring within the business or professional office environment. These use limitations and self-imposed restrictive covenant would minimize the affects caused by the rezoning on the surrounding properties.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map for the Northwest Planning Area designates the site as Residential Low/Medium Density (RLM). The RLM category policies include the following:

***RESIDENTIAL LOW/MEDIUM DENSITY (RLM)***

***RLM 1: Characteristics***

*The Residential Low/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 the policies on 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/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.*

***RLM 3: Location***

*Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, 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 leisure activities.*

The background and intent of the Commercial policy section of the Comprehensive Plan state:

*“The City contains numerous commercial areas that provide the necessary goods and services for residents of the community and region as well as visitors. Commercial developments must be located and designed to balance market opportunities with access and location. In addition, the location and design of commercial areas must be incorporated into surrounding areas, rather than altering the character of surrounding neighborhoods. While the Downtown, or Central Core District, will remain the primary focus of regional commercial activity for the community and region, a variety of other community and neighborhood scale commercial centers will be distributed throughout the community to provide for the day-to-day needs of residents.”*

The subject lots on Claflin Road abut office and professional uses to the north and east, and similar professional offices farther to the west along Hylton Heights Road and Claflin Road. It is anticipated that this RLM area could be redeveloped to office/research park uses and be compatible with the Comprehensive Plan.

Rezoning the subject lots that gain direct access on Buena Vista Road would encroach into a residential neighborhood that has been established since the 1960's. However, the applicants have proposed a restrictive covenant that would limit the uses and prohibit access onto Buena Vista Drive. The self-imposed covenant reduces the potential that the character of the surrounding neighborhood would be altered by developing the lots to office or business uses. Therefore the rezoning generally conforms to the intent of the policies associated with the Comprehensive Plan's Commercial section.

The Land Use and Growth Management chapter of the Comprehensive Plan provides the following policies regarding the Office/Research Park (OFF/RP) category, which most closely matches the proposed C-1 District:

**OR 1: Characteristics**

*The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, “campus-like” setting. Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17th Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.*

**OR 2: Location**

*Office/Research Park facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access.*

**OR 3: Site Layout and Design**

*Office/Research Park developments should be organized in a planned, “campus-like” setting that is heavily landscaped. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces.*

**OR 5: Unified Architectural Character**

*Buildings within an Office/Research Park setting should have a unified architectural character achieved through the use of similar elements, such as rooflines, materials, colors, signage, landscaping and screening and other architectural and site layout details.*

**OR 6: Common Areas**

*Plazas and other common outdoor gathering spaces should be provided as part of the “campus” environment. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces, such as quads, courtyards, patios, or seating areas for employees and visitors.*

**OR 7: Circulation and Access**

*Building entrances, outdoor gathering spaces, and parking areas shall be linked with clear, direct pedestrian walkways.*

**OR 8: Outdoor Storage**

*The functions of an Office/Research Park facility should generally be completely contained within buildings. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.*

The proposed rezoning generally conforms to the Comprehensive Plan.

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

- |                 |   |
|-----------------|---|
| 1953            | City Commission accepts easements and rights-of-way as shown on the Final Plat of North Timberlane Addition.                                      |
| 1954            | North Timberlane Addition was annexed into the City and zoned "A" First Dwelling House.   |
| 1959            | City Commission accepts easements and rights-of-way as shown on the Final Plat of University Acres Addition.                                      |
| 1961            | University Acres Addition was annexed into the city and zoned "A" First Dwelling House District.  |
| 1964 – 1965     | The entire subject area was rezoned from "A" First Dwelling House to "A-A" Single Family Dwelling District.                                       |
| 1965 – 1968     | Lots 3, 4, 9, 10, and 11, University Acres Addition, Lot 6, North Timberlane Addition was rezoned to "A" Single and Two-Family Dwelling District. |
| 1969 – Present: | The entire subject area was rezoned to R, Single-Family Residential District.   |

Lot 6, North Timberlane Addition has been vacant since it was platted in 1953.

Lot 11, University Acres Addition has been vacant since July, 2007.

**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-1, Restricted Business District is designed to provide for non-retail commercial, and business and professional activities adjacent to arterial and collector streets. This district is intended to be compatible with adjacent residential districts.

*Attachment No. 1*

The minimum lot area in the C-1 District is 15,000 square feet. Individually, only two (2) Lots (Lot 3 & 11, University Acres Addition) meet the minimum lot area for the C-1 District. The applicant has proposed to replat all of the subject area to be rezoned, along with Lot 4 of the Manhattan Medical Center P.U.D., into one large lot, totaling 356,068 square feet (8.17 acres) in area.

The self-imposed restrictive covenant will prohibit the follow uses permitted in the C-1 District: business and professional offices, churches, chapels, temples, synagogues, cultural facilities and government buildings. Conditional uses may be considered subject to a public hearing, notification to surrounding owners and consideration and approval or denial by the Manhattan Board of Zoning Appeals prior to issuance of a building permit.

The C-1 District requires sight obscuring screening of not less than six (6) feet in height to be provided along the entire length of all property lines that share a common boundary with property in a residential district and exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street. The zoning district limits storage activities associated with a business or professional use to be limited to storage that supports the daily activities occurring within the business or professional office environment.

If the Final Plat is approved, the proposed rezoning of the entire subject area will be consistent with the intent and purpose of the C-1 District.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** With the self-imposed restrictive covenant, there appears to be no gain to the public health, safety and welfare that denial would accomplish, compared to the hardship to the applicant if the request to Rezone was denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The site can be adequately served with existing public utilities and services.

**SUCH ADDITIONAL MATTERS AS MAY APPLY IN INDIVIDUAL CIRCUMSTANCES:** The self-imposed restrictive covenant limits land uses on the site and removes future access to Buena Vista Drive once the two houses are removed, thus reducing potential impact on the Buena Vista neighborhood.

*Attachment No. 1*

**STAFF COMMENTS:** The applicant has submitted a Final Plat of the Manhattan Medical Center, Unit II, a Replat of Lots 3, 4, 9, 10, and 11, University Acres Addition, Lot 6, North Timberlane Addition and Lot 4, Manhattan Medical Center P.U.D. The approval of the Final Plat is conditional upon the final approval of the Rezoning request by the City Commission.

City Administration recommends approval of the proposed rezoning of Lots 3, 4, 9, 10 and 11, University Acres Addition and Lot 6, North Timberlane Addition from R, Single-Family Residential District to C-1, Restricted Business District, as it generally conforms with the Comprehensive Plan and access to the site will be from Claflin Road and not through the adjacent neighborhood.

### **ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Lots 3, 4, 9, 10 and 11, University Acres Addition and Lot 6, North Timberlane Addition from R, Single-Family Residential District to C-1, Restricted 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 3, 4, 9, 10 and 11, University Acres Addition and Lot 6, North Timberlane Addition from R, Single-Family Residential District to C-1, Restricted Business District, based on the findings in the Staff Report.

**PREPARED BY:** Chad Bunger, Planner

**DATE:** February 25, 2008

## **STAFF REPORT**

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

#### **BACKGROUND**

**FROM:** R-3, Multiple-Family Residential District and AO, Airport Overlay District.

**TO:** PUD, Residential Planned Unit Development District and AO, Airport Overlay District.

**OWNER/APPLICANT:** Stone Crest Land Company, LLC-Tom Farr.

**ADDRESS:** 1213 Hylton Heights Road, Manhattan, KS 66502.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, February 25, 2008.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, March 17, 2008.  
**CITY COMMISSION:** Tuesday, April 1, 2008.

**LOCATION:** Generally located along the east side of Scenic Drive, northeast of the intersection of Scenic Drive and Powercat Place, and southeast of the intersection of Scenic Drive and Highland Ridge Drive.

**AREA:** 14.13 acres, which includes all of Lot 166, Stone Pointe Addition, Unit Two and a portion of existing Scenic Park Court right-of-way generally located at the south end of the cul-de-sac turnaround, which will be vacated.

**PROPOSED USES:** Permitted uses include four-family and six-family single-family attached residential townhomes, common area, a small playground, public right-of-way, utility, drainage and travel easements. In addition, Tracts A and B in Stone Pointe Unit Two, which consist of entry islands on either side of the Stone Crest entrance off N. Scenic Drive, will be owned and maintained by the Stone Pointe Home Association; however, those two tracts are not included in the PUD.

*Attachment No. 2*

**PROPOSED BUILDINGS AND STRUCTURES:** Residential buildings consist of fifteen 4-plex and six 6-plex buildings, a total of 96 dwelling units. Each unit is a two-story, three bedroom dwelling with two and one-half bathrooms, living room, kitchen and dining room. Each unit has a two car enclosed garage with a driveway for two additional cars. Building heights are approximately 28 feet from grade to roof peak. Exterior materials are vinyl siding with first floor brick accent on the front and architectural roof shingles. Colors are in a range from earth tone colors such as brown, beige, and grey to muted shades such as red, blue and green. Each unit has a first floor covered rear patio.

Building setbacks from property lines along internal streets vary from 13 feet to 25 feet. Building minimum front yard setback off N. Scenic Drive is a minimum 25 feet with buildings below grade of N. Scenic Drive. The majority of buildings are set back greater than 25 feet off N. Scenic Drive right-of-way, or the PUD boundary, with buildings in the development generally no closer than 65 feet from the eastern edge of the improved N. Scenic Drive pavement.

Proposed residential density is approximately 7.66 dwelling units per net acre. (*Note: a restrictive covenant on Lot 166 was filed by the owner prior to annexation and rezoning in September 2006 with Stone Pointe Addition, Unit Two, which limits net density limits maximum residential density to 19 dwelling units per net acre.*)

The target market is primarily the military due to the site's location along N. Scenic Drive.

**PROPOSED LOT COVERAGE**

<i><b>USE</b></i>	<u><b>Acres/Square Feet</b></u>	<u><b>Percentage</b></u>
Buildings	128,619	20.9%
Travel Easement	17,885	2.9%
Right-of-way	52,449	8.5%
Driveways	70,030	11.4%
<i>Sidewalks</i>	10,016	1.6%
Playground	1,254	.2%
Landscape/Open Space/Common Area	335,797	54.5%

## **PROPOSED SIGNS**

<b><u>Type</u></b>	<b><u>Dimensions</u></b>	<b><u>Lighting</u></b>
Two Ground entry	5 feet in height by 8 feet in width	Unlit

Each ground entry sign is shown as an irregular shaped limestone slab, which will be placed on a concrete base. One sign is proposed in the entry island off Stone Crest Drive and the second at the Scenic Park Lane entry. Both signs will be maintained by the Homes Association.

**PROPOSED LIGHTING:** Standard Westar street light poles will be in public streets. Residential lights standard residential front door and porch lights (see building elevation).

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

**1. LANDSCAPING:** The site will be landscaped with a mixture of deciduous, ornamental, and evergreen trees, primarily along streets and at entrances to the PUD. Areas around the dwelling units will be seeded. Landscape planting beds are proposed at the exterior fronts of dwellings. Underground irrigation will be provided to maintain these areas. In addition, two retaining wall spaces will be landscape with honeysuckle and juniper shrubs and evergreen trees. Tracts A and B in Stone Pointe Addition, Unit Two, will be landscaped and owned and maintained by the Home Association. Common areas in the PUD that outside of lots will be seeded with grass. The Home Association will maintain landscaping and common area spaces.

**2. SCREENING:** A six foot cedar fence will screen the rear of buildings from the proposed playground. No other screening is proposed. A limited number of dwelling units have the back of the building facing N. Scenic Drive, all of which are below grade of the street and setback from the street at least 65 feet. Given the physical conditions, screening of the backs of buildings is not proposed or recommended. No dumpsters are proposed and units will have individual trash pickup. Proposed Stone Pointe Declarations prohibit storage except within the dwelling or garage, and within the garage in such manner as not to prohibit its use for parking (page 32, 21-7 (i) Storage).

**3. DRAINAGE:** The tract drains to the north to a detention basin in the northeast corner of existing Lot 166, which has been graded and contoured to serve as a detention basin. The storm water then drains to the north through natural ravines through adjacent property to drainage easements in Stone Pointe Addition and eventually to Wildcat Creek. Internal

*Attachment No. 2*

drainage is conveyed by sheet flow and storm sewer pipes and inlets to the detention basin. The farm pond, now a drainage basin, in the northeast corner of the site was set out in a drainage and conservation easement on the Final Plat of Stone Pointe Addition, Unit Two. The conservation easement allows for the alteration of contours and removal of vegetation for public improvements, such as the drainage basin. The PUD notes the basin as a detention easement. The City Engineer reviewed the drainage analysis previously submitted with the Stone Pointe Preliminary Plat and a new analysis is not required with the PUD (see attached 2008 memo from City Engineer).

**4. CIRCULATION:** Internal circulation is safe and efficient. Access at the south end of the PUD is an extension of platted street, Stone Crest Drive, which also intersects with N. Scenic Drive. The south part of the site will be accessed from proposed Scenic Park Lane and Scenic Park Place, a Travel Easement. Turnarounds are provided off each end of the Travel Easement for large vehicles including fire trucks. The Fire Department reviewed and accepted the turnarounds.

Sidewalk will be provided on one side of all streets, except on the southern part of Scenic Park Place due to driveways and slope. A pedestrian sidewalk connects from the southern buildings off Scenic Crest Place to Stone Crest Court. Sidewalk will need to be provided along Scenic Drive when the street is built to an urban section, if sidewalk is required.

Off-street parking is proposed to provide four parking spaces per unit, two in the garage and two on the driveway for each three bedroom unit, which should be adequate for the townhome units. Proposed Stone Pointe Declarations prohibit garage space to be used for any purpose other than parking vehicles, except storage is allowed within the garage in such manner as not to prohibit its use for parking (page 31 (21.7 (c), Parking on Streets and page 32, 21-7 (i) Storage).

The City Engineer reviewed the traffic analysis previously submitted with the Stone Pointe Preliminary Plat and a new analysis is not required with the PUD as traffic issues were adequately addressed in 2006 (see attached 2008 memo from City Engineer). The Preliminary Plat was approved with the following conditions (*italicized comments from City Engineer*):

1. The developer shall be required to satisfy all design requirements for the transportation improvements for Highland Drive South (Scenic Park Court) and 4-Plex entrance located north future Miller Parkway. Access permits will be needed from Riley County Public Works Department because this route is still under their jurisdiction. Intersection and stopping sight distance calculations and field measurements for both locations should be forwarded to Riley County Engineer for

*Attachment No. 2*

- review and approval. (*The main intersection of Highland Drive South is under construction for new turn lanes and will be completed this summer of 2008.*)
2. The platting of the location of the intersection of Miller Parkway & Scenic Drive should only be shown as **conceptual only**. There are multiple aspects that have not been studied for this intersection. Miller Parkway is scheduled for design in 2007 and will be an important connection of collector and arterial street. *Not applicable in this phase of the development.*)
  3. The intersection of Highland Drive South should be constructed as three lane section for the first 100 feet after the radii point from Scenic Drive. There should be one lane for inbound traffic off Scenic Drive and there should be two lanes for outbound traffic (Left Lane & Shared Through/Right Lane) onto Scenic Drive. *The intersection was designed and is now under construction as the required three lanes and will be completed this summer of 2008.*)

The City Engineer notes that parking should be prohibited along the east side of proposed Stone Crest Way, a new public right-of-way due to the driveways on the west side and the narrower street width. Parking will be allowed on the west side of the street.

**5. OPEN SPACE AND COMMON AREA:** Each residential building and a portion of the surrounding yard will be platted as individual lots. The remainder of the PUD is common area/open space and a travel easement, which will be owned and maintained by a Home Association.

**6. CHARACTER OF THE NEIGHBORHOOD:** The area is characterized as a developing growth corridor of the City with single-family, two-family and multiple-family residential development to the north, as well as a large undeveloped tract, which remains in Riley County. Highland Meadows Additions are to the northwest and are single-family, two-family and multiple-family residential development. Development occurring in the Lee Mill Heights and Miller Ranch areas can be expected to grow towards the site. Street connections from Lee Mill Heights and Miller Ranch with Stone Pointe at its very southern part, south of the PUD, will accommodate future access to other parts of the City.

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

**1. EXISTING USE:** The site is a platted multiple family residential lot, which has been graded and contoured, primarily in the northern part of the site.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Streets are rough graded and sanitary sewer and water lines are extended towards the south part of the site. The detention basin has been graded. The southernmost part of the site remains typical Flinthills landform. The site slopes downhill from the south to the north and drains generally to the north-northeast to Wildcat Creek.

The site is within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site. Future uses (structures and trees), which are within the limits of the Conical Zone may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (*see below under CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE for further information concerning the AO District*).

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

(a.) **NORTH:** Single-family dwelling, agricultural wooded and rural home site, and undeveloped Stone Pointe Addition; G-1 District, and R-1/AO District.

(b.) **SOUTH:** an undeveloped C-2, Neighborhood Shopping District with AO District preliminarily platted as one commercial lot.

(c.) **EAST:** an undeveloped R-3/AO District preliminarily platted as two lots.

(d.) **WEST:** N. Scenic Drive, agricultural and rural single-family dwellings; G-1 District and A-5, Single Family Residential District.

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

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** As currently zoned and platted, Lot 166 is suitable for one multiple family residential building subject to the Zoning Regulations.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site is in a growth corridor of the City. Increases in light, noise and traffic are expected, which should be similar to the same affects generated by Highland Meadows and Stone Pointe subdivisions. The rezoning to PUD was anticipated with the rezoning to R-3/AO District in 2006. The note "Future PUD" is shown on Lot 166 on the approved Preliminary Plat.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The proposed site is shown on the Future Land Use map in the Southwest Planning Area as a combination of Residential Medium High Density (RMH), and Preserved Open Space. The site is also located in the Miller Ranch Special Planning Area and is in the Conical Zone of the Manhattan Regional Airport. The AO, Airport Overlay District will be added as an overlay district to the specific portions of Stone Pointe Addition that are affected by the Conical Zone.

Residential designations: Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or four-plexes 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 existing R-3 District would allow no more than 19 dwelling units per net acre. The applicant filed restrictive covenant with Stone Pointe Addition, Unit Two in 2006, which limits net density to no more than 19 dwelling units per net acre, which is the upper limit of the RMH category. The proposed net density in Stone Pointe Townhomes is 7.66 dwelling units per net acre, which is below the RMH density and more consistent with a low density development. The Plan would suggest a higher density as appropriate, but terrain plays a large factor is limiting density to the recommended range of 11 to 19 units per net acre.

Applicable policies to The Miller Ranch Special Planning Area include:

**MR 5: Views from Scenic Drive**

*Development, including signage, should be set back from Scenic Drive to protect views and existing vegetation. The master plan for Miller Ranch should incorporate a buffer zone or overlay area along Scenic Drive designed to protect views, existing vegetation, and other important attributes of the area's scenic quality. Development of a neighborhood center, as described in MR 4, should occur east of the Scenic Drive buffer or overlay and be sited in a manner that minimizes visual impact on the Scenic Drive Corridor.*

**MR 7: Airport Airspace Regulations**

*Development shall be consistent with established airspace regulations for the Manhattan Regional Airport and the Airport Master Plan.*

The proposed rezoning conforms to the Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The chronology below describes all of Stone Pointe Addition, Unit Two, to include the proposed PUD (Lot 166).

- July 17, 2006 Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Stone Pointe Addition, Unit Two, from G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- August 15, 2006 City Commission approves first reading of annexation and rezoning to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- September 5, 2006 City Commission approves Ordinance Nos. 6564 and 6564 annexing and rezoning Stone Pointe Unit Two, to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- November 6, 2006 Manhattan Urban Area Planning Board approves Preliminary Plat of Stone Pointe Addition, Unit Two.
- December 19, 2006 Manhattan Urban Area Planning Board approves Final Plat of Stone Pointe Addition, Unit Two.
- January 9, 2007 City Commission accepts easements and right -of-way as shown on the Final Plat of Stone Pointe Addition, Unit Two.

**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.

*Attachment No. 2*

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.

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

The AO District “is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by the facility to the region. The district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport's operation or the public welfare.”

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone.

**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, which denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The site is within the Urban Service Area and can be served by public improvements, including street, water, fire service and sanitary sewer.

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS AND RECOMMENDATION:**

City Administration recommends approval of the proposed rezoning of the Stone Pointe Townhomes Residential Planned Unit Development from R-3, Multiple-Family Residential District and AO, Airport Overlay District, to PUD, Residential Planned Unit Development District and AO, Airport Overlay District, with the conditions:

1. Permitted uses shall include ninety six (96) 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. Two ground entry signs and 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. No parking shall be allowed along the entire length of the east side of the Stone Crest Way right-of-way driving lane and shall be appropriately signed as No Parking.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the Stone Pointe Townhomes Residential Planned Unit Development from R-3, Multiple-Family Residential District and AO, Airport Overlay District, to PUD, Residential Planned Unit Development District and AO, Airport Overlay District stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of the Stone Pointe Townhomes Residential Planned Unit Development from R-3, Multiple-Family Residential District and AO, Airport Overlay District, to PUD, Residential Planned Unit Development District and AO, Airport Overlay 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 the Stone Pointe Townhomes Residential Planned Unit Development from R-3, Multiple-Family Residential District and AO, Airport Overlay District, to PUD, Residential Planned Unit Development District and AO, Airport Overlay District, based on the findings in the staff report, with the five (5) conditions recommended by City Administration.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** March 12, 2008