

MINUTES
CITY COMMISSION MEETING
TUESDAY, APRIL 15, 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, 10 staff, and approximately 60 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Phillips led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Phillips proclaimed April 26, 2007, ***Arbor Day***. J. David Mattox, Forestry Supervisor, was present to receive the proclamation.

Mayor Phillips proclaimed May 10, 2008, ***Letter Carrier Food Drive Day***. Fred Stork, Food Drive Coordinator, National Letter Carriers Association, was present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Sherow informed the community of an “Art for the Earth” gala planned for April 19, 2008, from 6:30 p.m. to 9:00 p.m., at the Wareham Opera House, sponsored by Gaia Hair Salon, with proceeds going to the Manhattan Community Foundation for environmental projects. He stated that perhaps this would provide a segway for a friends group for the Discovery Center.

Mayor Hatesohl echoed Commissioner Sherow’s comments and stated the gala is a chance for people to come together and move forward in support of the Discovery Center and the Downtown Redevelopment Project.

MINUTES

Commissioner Sherow moved to approve the minutes of the Regular City Commission Meeting held Tuesday, April 1, 2008. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

REORGANIZATION

Mayor Phillips commented on the achievements and opportunities during his term as Mayor.

Gary Fees, City Clerk, called for the election of a new Mayor. Commissioner Strawn moved that Commissioner Mark Hatesohl be appointed to serve as Mayor until the second legislative meeting in April 2009. Commissioner Snead seconded the motion. On vote, motion carried 5-0.

Newly Elected Mayor Mark Hatesohl called for the election of a new Mayor Pro Tem. Commissioner Snead moved that Commissioner Strawn be appointed to serve as Mayor Pro Tem until the second legislative meeting in April 2009. Commissioner Sherow seconded the motion. On vote, motion carried 5-0.

Mayor Hatesohl and City Manager Ron Fehr presented outgoing Mayor Phillips with a plaque commemorating his tenure as Mayor.

Mayor Hatesohl addressed the Commission and the general public with his vision and goals for the next year.

At 7:35 p.m., the Commission took a brief recess.

CONSENT AGENDA

(* denotes those items discussed)

CLAIMS REGISTER NOS. 2579 and 2580

The Commission approved Claims Register No. 2579 and 2580 authorizing and approving the payment of claims from March 26, 2008, to April 8, 2008, in the amounts of \$1,205,630.48 and \$7,109.15, respectively.

LICENSE – TREE MAINTENANCE

The Commission approved a Tree Maintenance license for calendar year 2008 for Wassenberg Stump Removal, 108 2nd Street, of Home, Kansas.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 6692 – AMEND – USE OF CITY RIGHT-OF-WAY**

Doug Stigge, 1202 Moro Street, provided additional comments and voiced concerns with sign boards, space limitations on the sidewalks, and penalties for violating the ordinance.

Katharine Jackson, Assistant City Attorney, responded to questions regarding sign boards, space requirements, and penalties that may occur as a result of violation of the City's ordinance.

The Commission approved Ordinance No. 6692 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.

ORDINANCE NO. 6693 – REZONE – STONE POINTE TOWNHOMES

The Commission approved Ordinance No. 6693 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. 1*)

ORDINANCE NO. 6694 – BRIANNA COURT – NO PARKING AND ONE WAY DESIGNATIONS

The Commission approved Ordinance No. 6694 removing parking along the inside of the Brianna Court circle and designating as "One Way" the counter clockwise route around the subdivision.

ORDINANCE NO. 6695 – AMEND – RETAIL SALE OF FIREWORKS

The Commission approved Ordinance No. 6695 amending Section 13-52 of the Code of Ordinances relating to retail sale of fireworks.

RESOLUTION NO. 041508-A – PETITION – LEE MILL HEIGHTS ADDITION, UNIT FOUR - STORMWATER IMPROVEMENTS (SM0703)

The Commission found the petition sufficient and approved Resolution No. 041508-A finding the project advisable and authorizing construction for Lee Mill Heights Addition, Unit Four, Stormwater Improvements (SM0703).

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 041508-B – PETITION – LEE MILL HEIGHTS ADDITION, UNIT FOUR - STREET IMPROVEMENTS (ST0710)

The Commission found the petition sufficient and approved Resolution No. 041508-B finding the project advisable and authorizing construction for Lee Mill Heights Addition, Unit Four, Street Improvements (ST0710).

RESOLUTION NO. 041508-C – PETITION – LEE MILL HEIGHTS, UNIT FOUR – SANITARY SEWER IMPROVEMENTS (SS0706)

The Commission found the petition sufficient and approved Resolution No. 041508-C finding the project advisable and authorizing construction for Lee Mill Heights Addition, Unit Four, Sanitary Sewer Improvements (SS0706).

RESOLUTION NO. 041508-D – PETITION – LEE MILL HEIGHTS ADDITION, UNIT FOUR - WATER IMPROVEMENTS (WA0706)

The Commission found the petition sufficient and approved Resolution No. 041508-D, finding the project advisable and authorizing construction for Lee Mill Heights Addition, Unit Four, Water Improvements (WA0706).

AGREEMENT – ENGINEERING SERVICES – LEE MILL HEIGHTS ADDITION, UNIT FOUR (SM0703, ST0710, SS0706, WA0706)

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, P.A., of Manhattan, Kansas, to perform engineering services for the stormwater (SM0703), street (ST0710), sanitary sewer (SS0706), and water (WA0706) improvements, of Lee Mill Heights Addition, Unit Four.

RESOLUTION NO. 041508-E – KDOT AGREEMENT – KLINK 1R RESURFACING IMPROVEMENTS ALONG FORT RILEY BOULEVARD (WESTWOOD DRIVE TO WILDCAT CREEK BRIDGE) (ST0812)

The Commission approved Resolution No. 041508-E authorizing the Mayor and City Clerk to execute Agreement No. 45-08 with the Kansas Department of Transportation for the KLINK 1R Resurfacing improvements on Fort Riley Boulevard (K-18) from its intersection with Westwood Drive to the Wildcat Creek Bridge (ST0812) at an estimated cost of \$230,000.00.

* CONTRACT – ARCHITECTURAL SERVICES – CITY PARK PAVILION (CPX04P)

Curt Loupe, Director of Parks and Recreation, provided additional information and answered questions from the Commission.

CONSENT AGENDA (CONTINUED)

* **CONTRACT – ARCHITECTURAL SERVICES – CITY PARK PAVILION (CPX04P) (CONTINUED)**

The Commission approved the selection of Bruce McMillan AIA, Architects, P.A., of Manhattan, Kansas, and approved a contract for professional services with Bruce McMillan AIA, Architects, P.A., of Manhattan, Kansas, in an amount not to exceed \$102,700.00 for the City Park Pavilion Project (CIP # CPX04P).

AMENDMENT – ENGINEERING SERVICES – US 24 AND MARLATT AVENUE (ST0612)

The Commission approved and authorized the Mayor and City Clerk to execute the amendment to the Engineering Services Agreement for the US-24 and Marlatt Avenue Street and Stormwater Drainage Improvements (ST0612) for utility relocation purposes, resulting in a net increase in the amount of \$26,078.00 to the contract with Bartlett and West, Inc., of Manhattan, Kansas.

CHANGE ORDER NO. 1 – CEDAR GLEN – STREET IMPROVEMENTS (ST0618)

The Commission approved Change Order No. 1 for Cedar Glen Street Improvements (ST0618) resulting in a net increase in the amount of \$10,452.00 (+2.57%) to the contract with Paver's Inc., of Salina, Kansas.

* **SET JUST COMPENSATION – WATER TREATMENT PLANT AND WELLFIELD IMPROVEMENT PROJECT (WA0611)**

Ron Fehr, City Manager, provided additional information and clarification.

The Commission established the values of “just compensation” for the acquisition of property and easements for the Water Treatment Plant and Wellfield Improvement Project (WA0611) and authorized City Administration to begin negotiations with the property owners for acquisition of the required properties and easements and to make offers to the property owners based upon such “just compensation”.

* **SET JUST COMPENSATION – AIRPORT RUNWAY EXTENSION PROJECT**

Ron Fehr, City Manager, provided additional information and clarification.

The Commission established the values of “just compensation” for the acquisition of property for runway extension at Manhattan Regional Airport and authorized City Administration to begin negotiations and to make an offer based upon such “just compensation”.

CONSENT AGENDA (CONTINUED)

* **PURCHASE – CEMETERY DIVISION – 2008 ONE-TON DUMP TRUCKS**

The Commission approved the purchase of two (2) 2008 one-ton gasoline 4x4 dual dump trucks in the amount of \$53,672.00 from Dick Edwards Ford, of Manhattan, Kansas, for the Cemetery Division, replacing one 2 1/2-ton dump truck with an overall savings of \$37,128.00.

* **PURCHASE – PARKS DIVISION – HUSTLER RANGEWING MOWER**

Commissioner Strawn stated that if any more sole source, single bid contracts were received, that he would recommend the City Commission decline those contracts.

Ron Fehr, City Manager, responded to questions from the Commission.

Curt Loupe, Director of Parks and Recreation, provided additional information and answered questions from the Commission.

The Commission approved the purchase of one (1) Hustler Rangewing Mower in the amount of \$32,200.00 from Brooks Yamaha Sales, of Manhattan, Kansas, replacing an older unit for use by the Parks Division.

BOARD APPOINTMENTS

The Commission approved the following appointments by Mayor Hatesohl to the Library Board.

Library Board

Appointment of Janet Duncan, 1270 Bluemont Drive, to a four-year term. Ms. Duncan's term will begin May 1, 2008, and will expire April 30, 2012.

Appointment of Brice Hobrock, 4009 Snowy Reach, to a four-year term. Mr. Hobrock's term will begin May 1, 2008, and will expire April 30, 2012.

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

GENERAL AGENDA

APPLICATION - U. S. SMALL BUSINESS ADMINISTRATION GRANT - CHILD CARE FACILITY IMPROVEMENTS

Ron Fehr, City Manager, stated that he would not participate on the item due to his spouse serving on the Board for the KSU Child Development Center.

Lauren Palmer, Assistant City Manager, presented the item.

Jeff Rosenow, President, Board of Directors, Manhattan Day Care, provided additional background information on the operations of Manhattan Day Care and asked the Commission to support the item.

Debra Ring, Director, Kansas State Child Development Center, informed the Commission that funding for this project is very much needed and provided information on the number of children that they serve. She then answered questions from the Commission about the families they serve and the playground equipment that would be purchased with the funds.

Jeff Rosenow, President, Board of Directors, Manhattan Day Care, responded to additional questions from the Commission about the number of children and families they serve and stated they would be talking with employers in the future about the possibility of partnering with Manhattan Day Care.

Debra Ring, Director, Kansas State Child Development Center, provided additional information to the Commission regarding playground equipment and explained how these funds would be leveraged.

After discussion, Commissioner Phillips moved to authorize City Administration to sign an application for the 2008 Congressional Earmark Program through the U. S. Small Business Administration for funds to support expansion projects for the KSU Child Development Center and the Manhattan Day Care and Learning Center. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

DONATION OF LAND FOR A CITY PARK - PRAIRIE LAKES

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

Curt Loupe, Director of Parks and Recreation, presented the item. He then responded to questions from the Commission regarding concerns that led to the recommendation of denial for the acceptance of the land donation and stated that the Homeowners' Association is responsible for taking care of the property.

GENERAL AGENDA (CONTINUED)

DONATION OF LAND FOR A CITY PARK - PRAIRIE LAKES (CONTINUED)

Bill Frost, City Attorney, provided clarification on the Restrictive Covenant Agreement created, making the owner responsible for maintenance of the lake.

Curt Loupe, Director of Parks and Recreation, provided additional information on the City's plans near Eisenhower School. He then responded to questions from the Commission and identified upcoming park and pool projects and maintenance items that need to be funded.

Russ Weisbender, Overlay Properties, Inc., stated that he was here because of a public call for more park space on the northeast side of Manhattan and provided background information on the item. He informed the Commission that he was willing to help with this, but needed help from the City. He then voiced displeasure in the way that this item was handled and that the development did not have streets in yet. He then stated that he and his partner have invested to create something that not only enhances long-standing stormwater drainage problems, but is aesthetically pleasing. He asked the Commission to take a good look at what they're asking for. He then responded to questions from the Commission regarding the land that was forfeited for the lake versus the installation of a concrete-lined ditch.

Loren Pepperd, 3005 Tomahawk Circle, voiced concern with the houses that are in this area; especially homes that are associated with the military with the owner currently overseas. He stated that the homeowners are unaware that they are responsible for the lake through the Homeowners Association and that they do not understand restrictive covenants. He then responded to questions from the Commission regarding articles in the Manhattan Mercury on this item and, shared his concern for these costs being shifted to the homeowner and the need to disclose all material facts associated with the real estate.

Ron Fehr, City Manager, provided additional information on the restrictive covenant and drainage easement.

Loren Pepperd, 3005 Tomahawk Circle, voiced concern with additional taxing on affordable housing with homeowners that have borrowed to the hilt, resulting in an increase of foreclosures. He then stated that community parks throughout town are needed, that the City has not overbuilt, and informed the Commission of parking problems near Eisenhower School when baseball is occurring.

Curt Loupe, Director of Parks and Recreation, provided additional information on the activities and parking issues raised near Eisenhower School.

GENERAL AGENDA (CONTINUED)

DONATION OF LAND FOR A CITY PARK - PRAIRIE LAKES (CONTINUED)

Doug DeMonbrun, 1430 Poyntz Avenue, provided additional background information on Northfield, Cedar Glen, and Prairie Lakes, Unit Three, developments. He stated that the benefit process that the City provides through the use of special assessments, allows the developers to build less expensive houses. He questioned the lower percentage provided by the City for this development in relationship to a higher percentage given by the City to an adjacent development. He informed the Commission that they have demonstrated and done everything possible to make this a beautiful area, and one that is maintainable, while keeping the costs down. He stated that if the City takes the park land being proposed, it will create a nice amenity to Eisenhower School and to the neighborhood.

Russ Weisbender, Overlay Properties, Inc., spoke about siltation problems encountered with the development and the response from the City to deal with the issue.

Ron Fehr, City Manager, and Bill Frost, City Attorney, provided clarification on past development issues and processes with other developments in order to create availability of lots as quickly as demand warranted.

Loren Pepperd, 3005 Tomahawk Circle, asked who would be responsible if someone drowns in the lake at this development.

Bill Frost, City Attorney, responded to questions and stated that the City is responsible for the drainage channel and the Homeowners' Association is responsible for the lake.

After additional discussion, Commissioner Snead moved to deny acceptance of the donation. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

NATIONAL RESOURCES CONSERVATION SERVICE (NRCS) AGREEMENT – LINEAR PART TRAIL (PECAN CIRCLE PROJECT)

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

After discussion, Commissioner Snead moved to approve the Agreement between the City of Manhattan and NRCS for repair of the Pecan Circle area of the Linear Park Trail, with the City's share not to exceed \$26,950.00. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

At 10:02 p.m., Commissioner Snead moved to recess into Executive Session until 10:45 p.m. for the purpose of discussions with the City Attorney regarding pending legal matters that need to be confidential and that are deemed privileged in the attorney-client relationship. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

At 10:45 p.m., the Commission reconvened with Mayor Hatesohl and Commissioners Snead, Sherow, and Phillips in attendance. Commissioner Snead moved to recess into Executive Session until 11:00 p.m. for the purpose of discussions with the City Attorney regarding pending legal matters that need to be confidential and that are deemed privileged in the attorney-client relationship. Commissioner Sherow seconded the motion. On vote, motion carried 4-0.

At 11:01 p.m., the Commission reconvened with Mayor Hatesohl and Commissioners Strawn, Snead, Sherow, and Phillips in attendance. Commissioner Snead moved to adjourn. Commissioner Sherow seconded the motion. On vote, motion carried 5-0.

ADJOURNMENT

At 11:01 p.m., the Commission adjourned.



Gary S. Fees, CMC, City Clerk

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.

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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>USE</i>	<u>Acres/Square Feet</u>	<u>Percentage</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

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
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

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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

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- 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.

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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.

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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.

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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.

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.

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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