



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, JANUARY 18, 2011***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bruce Snead and Commissioners James E. Sherow, Loren J. Pepperd, Jayme Morris-Hardeman, and Bob Strawn 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 25 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Snead led the Commission in the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Mayor Snead shared with the community an overview of items mentioned during the Discussion/Briefing Session held prior to the City Commission Legislative Meeting. The Commission discussed potential appointments to the Flint Hills Discovery Center Advisory Board; discussed street lights in Miller Ranch; received an update on transit; discussed signs on structures related to identifying rental properties; discussed attendance of committee and advisory board members; and discussed agenda items for the Joint City/County meeting scheduled for Thursday, January 20, 2011. He reminded citizens of the snow removal ordinance and asked all citizens to remove snow and ice from their sidewalks within 36 hours of the end of snowfall or ice accumulation. He also encouraged citizens that need assistance with snow removal to contact the Kansas State University Volunteer Services or the City Manager's Office.

**CONSENT AGENDA**

(\* denotes those items discussed)

**MINUTES**

The Commission approved the minutes of the Regular City Commission Meetings held Tuesday, December 21, 2010, and Tuesday, January 4, 2011.

## CONSENT AGENDA (CONTINUED)

\* **CLAIMS REGISTER NOS. 2658 and 2659**

Mayor Snead encouraged citizens to review the claims register expenditures to gain a better understanding of the investments made by the City of Manhattan in local businesses that support the community.

The Commission approved Claims Register Nos. 2658 and 2659 authorizing and approving the payment of claims from December 29, 2010, to January 11, 2011, in the amounts of \$2,238,432.70 and \$1,778,614.28, respectively.

**LICENSES**

The Commission approved a *Tree Maintenance License* for calendar year 2011 for Wright Tree Service, Inc., 139 6<sup>th</sup> Street, West Des Moines, Iowa; Gudenkauf Tree Service, 102 North Street, Seneca; and Wildcat Tree Service, 1600 Poyntz Avenue, and an annual *Cereal Malt Beverage Off-Premises License* for Oppy's Service, Inc., 605 South 3<sup>rd</sup> Street.

\* **ORDINANCE NO. 6872 – 2011 SALARY RANGES**

Tim Davenport, 3004 Pecanwood Drive, President, Local 2275 Firefighters Union, provided additional information on the budget and availability of funds. He asked the Commission to reconsider his initial request for a one percent wage adjustment for firefighters.

The Commission approved Ordinance No. 6872 establishing the City employees' salary ranges for 2011.

**ORDINANCE NO. 6873 – EMINENT DOMAIN PROCEEDINGS – 3<sup>RD</sup> STREET INTERSECTIONS, PIERRE STREET (ST0910) AND LEAVENWORTH STREET (ST0806)**

The Commission approved Ordinance No. 6873 authorizing the commencement of eminent domain proceedings to acquire the property interests by condemnation for the opening of 3<sup>rd</sup> Street at Leavenworth (ST0806) and Pierre (ST0910) Streets.

**ORDINANCE NO. 6874 – AMEND – BLOCK PARTY PERMIT AND PARADE ASSEMBLY PERMIT (SPECIAL EVENT PERMIT)**

The Commission approved Ordinance No. 6874 amending block party permit and parade assembly permit (special event permit).

**ORDINANCE NO. 6875 – AMEND – NOISE PERMIT**

The Commission approved Ordinance No. 6875 amending noise permit.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 6876 – AMEND FIREWORKS DISPLAY AND STAND PERMITS

The Commission approved Ordinance No. 6876 amending fireworks display permit and fireworks stand permit.

### FIRST READING – ESTABLISH SILVER PARKING PERMIT ZONE – KSU FOUNDATION BUILDING AREA

The Commission approved first reading of an ordinance establishing a parking permit area around the Kansas State University Foundation Building including both sides of the street on Bellehaven Road, Lookout Drive, Wildcat Ridge Road, Indian Mound Lane, Timberlane Drive, Karla Lane, Michael Road, and Willard Place.

### FIRST READING – AMEND ZONING ORDINANCE – HOME OCCUPATIONS

The Commission approved first reading of an ordinance amending the Manhattan Zoning Regulations, Article V, Accessory Uses, Temporary Uses, Home Occupations, PART 3, Home Occupations, to permit Home Occupations in a Manufactured Home or Mobile Home; and, to modify the term, Home Occupation, in Article XVI, Construction and Definitions, PART 2, Definitions, Section 16-201, as proposed, based on the findings in the Staff Memorandum (*See Attachment No. 1*), as recommended by the Manhattan Urban Area Planning Board.

\* 

### RESOLUTION NO. 011811-A – ADOPT – 2011-2014 RILEY COUNTY ECONOMIC DEVELOPMENT STRATEGIC PLAN

Commissioner Strawn voiced concerns with the proposed Economic Development Strategic Plan for Riley County and requested that the item be tabled or disapproved.

Lauren Palmer, Assistant City Manager, responded to questions from the Commission regarding the Plan Development Committee, contents of the Plan, and timeframe associated with adoption of the Plan.

Commissioner Sherow this item be tabled.

After further discussion, the Commission tabled Resolution No. 011811-A adopting the updated Riley County Economic Development Strategic Plan for 2011-2014.

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – LIME PIT SLUDGE REMOVAL (WA1101)

The Commission awarded a contract in the amount of \$267,800.00 to the low bidder Midwest Concrete Materials, of Manhattan, Kansas, for the Lime Pit Sludge Removal project (WA1101).

\* **CONTRACT – DESIGN - LOT 10, MANHATTAN MARKETPLACE SHOPS, PUBLIC PARKS AND STREETScape (SP1101)**

Tom Hittle, President, Hittle Landscape Architects, responded to questions from the Commission on the pocket parks design, location of the pocket parks, capacity, and ability of the parks to accommodate both pedestrians and bicycles. He then provided additional information on the proposed design for the pocket parks.

Ron Fehr, City Manager, provided additional information on the item and informed the Commission that the landscape architect will be holding an open house for the community to have further input.

Commissioner Strawn voiced concerns with the proposed design of the pocket parks.

The Commission approved a contract in an amount not to exceed \$148,169.00 with Hittle Landscape Architects, of Manhattan, Kansas, for the design of the public pocket parks and streetscape in and around Lot 10 within Manhattan Marketplace Shops (SP1101).

\* **BOARD APPOINTMENTS**

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

*Housing Authority Board of Commissioners*

Re-appointment of Eileen Meyer, 2429 Buena Vista Drive, to a four-year term. Ms. Meyer's term will begin March 4, 2011, and will expire March 3, 2015.

*Municipal Audit Committee*

Appointment of Jane Bloodgood, 3100 Willowood Circle, to a two-year Citizen At-Large term. Ms. Bloodgood's term begins immediately, and will expire March 31, 2013.

Appointment of Bob Strawn, 1551 Williamsburg Court, to a one-year City Commission term. Commissioner Strawn's term begins immediately, and will expire March 31, 2012.

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### Riley County Manhattan Health Board

Appointment of Rick Fulton, 3825 Kates Court, to a two-year Dentist term. Mr. Fulton's term will begin February 1, 2011, and will expire January 31, 2013.

After discussion, Commissioner Sherow moved to approve the consent agenda, as read, with Item I, RESOLUTION NO. 011811-A – ADOPT – 2011-2014 RILEY COUNTY ECONOMIC DEVELOPMENT STRATEGIC PLAN, being tabled. Commissioner Morris-Hardeman seconded the motion.

After additional discussion of the Commission, on a roll call vote, motion carried 5–0; with the exception of Item D, ORDINANCE NO. 6872 – 2011 SALARY RANGES, which carried 3-2, with Commissioners Pepperd and Strawn voting against the item; and with the exception of Item K, Design Contract for Lot 10, Manhattan Marketplace Shops – Pocket Parks and Streetscape, which carried 4–1, with Commissioner Strawn voting against the item.

## GENERAL AGENDA

### FIRST READING – REZONE - 2216 CLAFLIN RESIDENTIAL PLANNED UNIT DEVELOPMENT

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission and provided additional background information on Condition 7 that was recommended by the Manhattan Urban Area Planning Board.

Rob Ott, City Engineer, provided additional information on the proposal, detention and release rate of water runoff, and the status of the design plans for Tecumseh/Quivera Drainage Improvements Projects. He then responded to additional questions from the Commission.

Jeff Hancock, SMH Consultants, representing the applicant, provided additional information on the item and feedback received from the Manhattan Urban Area Planning Board. He then provided information on the drainage analysis and proposed detention ponds, and responded to questions from the Commission.

Rob Ott, City Engineer, responded to questions from the Commission regarding flooding on Claflin Road and the Tecumseh/Quivera Drainage Improvements Projects.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - 2216 CLAFLIN RESIDENTIAL PLANNED UNIT DEVELOPMENT (CONTINUED)

After discussion, Commissioner Strawn moved to override the recommendation of the Manhattan Urban Area Planning Board by removing Condition 7, and approve first reading of an ordinance rezoning the proposed 2216 Claflin Residential PUD, generally located at 2216 Claflin Road, from R-1/UO, Single-Family Residential District with University Overlay District, to PUD, Residential Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 2*) with the original six conditions recommended by City Administration. Commissioner Pepperd seconded the motion.

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

### AWARD CONSTRUCTION CONTRACT - FIRE STATIONS 3 (FRX75P) and 5 (FRX77P); RESOLUTION NO. 011811—B – GENERAL OBLIGATION BONDS

Jerry Snyder, Fire Chief, presented background information on the Fire Services Plan, average response times, growth statistics, existing services, added service, areas of improved service, the Amherst Avenue property, the Vanesta Drive property, the fire stations design agreement with Anderson Knight Architects, and the proposed changes. He then responded to questions from the Commission regarding the proposed station locations and stated that the new stations are needed because the city is growing and response times are not as fast as they should be.

Tracy Anderson, Anderson Knight Architects, presented Fire Station 3's design, proposed changes, elevations, floor plan, site, and landscaping. He also presented Fire Station 5's elevations, floor plan, site, and landscaping.

Jerry Snyder, Fire Chief, provided additional information on the costs for the well and pump equipment. He informed the Commission that both stations would have outside drinking fountains and restrooms. He then provided results of the construction bids for Fire Station 3, Fire Station 5, combined bids for both fire stations, options for the Commission when bids exceed the estimates, and recommended Murray and Sons Construction Company, of Topeka, Kansas, as the general contractor for construction of both stations at a maximum price of \$4,440,250.00, with a recommendation to add \$11,800.00 in order to change the mechanical contractor from Reid Plumbing, Heating, and Air Conditioning to Central Mechanical based on experience.

John Lewis-Smith, LST Consulting Engineers, provided additional information on the selection recommendation and criteria of the mechanical contractor. He then responded to questions from the Commission regarding the selection process and evaluation of the mechanical and electrical subcontractor. He stated that Central Mechanical Services has experience installing similar systems proposed for the fire stations.

## GENERAL AGENDA (CONTINUED)

### AWARD CONSTRUCTION CONTRACT - FIRE STATIONS 3 (FRX75P) and 5 (FRX77P); RESOLUTION NO. 011811—B – GENERAL OBLIGATION BONDS (CONTINUED)

Bill Frost, City Attorney, provided clarification on the item and informed the Commission that the relationship and the bid is between the City and the general contractor.

John Lewis-Smith, LST Consulting Engineers, responded to questions from the Commission regarding qualifications of the subcontractors and the professional recommendation of a subcontractor who was the best qualified, based on the information they had, which was Central Mechanical.

Dan Knight, Anderson Knight Architects, presented the recommended building modifications and potential cost savings for Fire Station 3 and Fire Station 5.

Jerry Snyder, Fire Chief, presented additional costs for furniture, fixtures, and equipment; owner testing costs for Fire Stations 3 and 5; and the construction budget for Fire Stations 3 and 5 in the amount of \$4,719,250.00, which includes the recommended changes. He then responded to questions from the Commission and provided an update on the SAFER grant stating that he has not heard the status of the grant. He provided fire station staffing options; fire apparatus needs; equipment and uniforms; and daily operational costs. He then presented financing considerations for Fire Stations 3 and 5, debt payment mill levy impact for Fire Stations 3 and 5, recommendations, and responded to questions from the Commission.

Emily Campbell, Budget and Audit Officer, responded to questions from the Commission and stated that one mill is approximately \$450,000.00 in property taxes.

Ron Fehr, City Manager, responded to questions from the Commission on the bid process and review of the bids received by the design team.

Dan Knight, Anderson Knight Architects, provided additional information to the Commission on the qualification and bidder process of the general contractors and subcontractors. He stated that their firm asked the engineer to provide a recommendation and informed the Commission that the recommendation includes \$11,800.00 for the preferred mechanical contractor change.

John Lewis-Smith, LST Consulting Engineers, provided additional information on the item to the Commission.

## GENERAL AGENDA (*CONTINUED*)

### AWARD CONSTRUCTION CONTRACT - FIRE STATIONS 3 (FRX75P) and 5 (FRX77P); RESOLUTION NO. 011811—B – GENERAL OBLIGATION BONDS (*CONTINUED*)

Dan Knight, Anderson Knight Architects, responded to additional questions from the Commission regarding the bid documents, bids received, and stated that their recommendations are based on professional opinions. He said that Murray and Sons have not worked with Reid Plumbing, Heating, and Air Conditioning in the past, but have worked with Central Mechanical.

Ron Fehr, City Manager, provided information on the financing proposed for the fire stations and responded to questions from the Commission on future debt projects and debt retirement.

Bernie Hayen, Director of Finance, responded to questions from the Commission regarding financing for the fire stations, and informed the Commission that he looked at a 20 year debt, but stated that the interest costs works against the City, and was reluctant to recommend anything beyond 15 years.

Dan Knight, Anderson Knight Architects, responded to questions from the Commission on the process review and recommendation of the best qualified individual or firm. He stated that their charge was to give a recommendation they are comfortable with and are recommending a firm, Central Mechanical, that has done a similar project in scope and size and is the best qualified. He then responded to additional questions from the Commission.

Bill Frost, City Attorney, provided clarification that the bid documents soliciting proposals were with the general contractor, not with the subcontractors. He stated that the architect is recommending a change and that the Commission can direct the general contractor to use a certain subcontractor based on criteria the Commission considers appropriate.

John Lewis-Smith, LST Consulting Engineers, responded to questions from the Commission if Reid Plumbing, Heating, and Air Conditioning were qualified to do the work. He stated that he cannot say they are qualified or they are not, but can look at the information received and can say that Central Mechanical is qualified to do the work. He informed the Commission that based on information received, Reid Plumbing, Heating, and Air Conditioning have never done a project of this type before, and that there is insufficient information to evaluate.

## GENERAL AGENDA (CONTINUED)

### AWARD CONSTRUCTION CONTRACT - FIRE STATIONS 3 (FRX75P) and 5 (FRX77P); RESOLUTION NO. 011811—B – GENERAL OBLIGATION BONDS (CONTINUED)

After discussion, Commissioner Strawn moved to accept the Architect's Estimates in the amounts of \$2,000,000.00 for Fire Station 3 and \$2,250,000.00 for Fire Station 5; authorize Mayor and City Clerk to execute an agreement with Murray and Sons Construction Company, of Topeka, Kansas, in an amount not to exceed \$4,440,250.00 for the construction of Fire Station 3 and Fire Station 5 as recommended, with Fire Station 3 contingent on finalizing the Municipal Facilities Zoning process; and approve Resolution No. 011811-B, authorizing the issuance of General Obligation bonds for the construction of the facilities. Commissioner Morris-Hardeman seconded the motion.

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

At 10:00 p.m., the Commission took a brief recess.

### RESOLUTION NO. 011811-C - SUPPORT - MANHATTAN AREA HOUSING PARTNERSHIP TAX CREDIT PROJECT

Karen Davis, Director of Community Development, introduced the item.

Jill Jacoby, Executive Director, Manhattan Area Housing Partnership, presented the item and responded to questions from the Commission on the proposed construction project.

Tim Schultz, Schultz Construction, informed the Commission this would be the fourth or fifth project with Manhattan Area Housing Partnership and stated that this project would be patterned after Highland Ridge Apartments. He then responded to questions from the Commission.

After discussion, Commissioner Sherow moved to approve Resolution No. 011811-C indicating the City of Manhattan's support for the Manhattan Area Housing Partnership to apply for tax credits from the State of Kansas, for an affordable housing development in Stone Pointe Townhomes Addition. Commissioner Morris-Hardeman seconded the motion.

The Commission voiced appreciation to Mr. Schultz and to Manhattan Area Housing Partnership in providing affordable housing in Manhattan.

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

## GENERAL AGENDA (CONTINUED)

### RESOLUTION NO. 011811-D - ESTABLISH FEES FOR PARKS AND RECREATION PROGRAMS AND FACILITIES INCLUDING SWIMMING POOLS

Curt Loupe, Director of Parks and Recreation, presented the item. He then responded to the Commission about punch cards, pool party pricing, expanded scholarships, competitive swim fee, marketing initiatives, and provided an update on the progress at CiCo and Northview pools.

After discussion, Commissioner Strawn moved to approve Resolution No. 011811-D setting fees for City Park, CiCo, and Northview Swimming Facilities as well as other Parks and Recreation facilities and programs. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

### AUTHORIZE - WILSON BASEBALL FIELD RENOVATION IN CITY PARK

Curt Loupe, Director of Parks and Recreation, presented an overview of the item and informed the Commission that the proposed costs of the improvement and renovation is \$500,000.00.

Vern Henricks, Manhattan Christian College, informed the Commission that the proposal to use a synthetic turf would allow more baseball games to be played by Manhattan Christian College and other users. He stated this could provide an economic generator for Manhattan and committed \$250,000.00 for the project, to be paid to the City over a five-year period. He then responded to questions from the Commission regarding revenue sources from the Youth Leadership Foundation and fundraising activities. He voiced a strong commitment for the project.

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission on the proposed improvements to the facility, funding sources, equipment and park improvements that are needed, and discussed the potential loss of Special Park Funds from the special alcohol tax received.

Ron Fehr, City Manager, and Jason Hilgers, Assistant City Manager, provided clarification on the proposed annual financing for the project and the funding commitment of \$250,000.00 from Mr. Henricks.

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission on Parks and Recreation priorities and the Capital Improvements Program.

Vern Henricks, Manhattan Christian College, responded to questions from the Commission on the use of the proposed public facility; discussed advertising signage for community businesses, provided additional information on his Youth Leadership Foundation; and stated that additional details needed to be ironed out.

## GENERAL AGENDA (CONTINUED)

### AUTHORIZE - WILSON BASEBALL FIELD RENOVATION IN CITY PARK (CONTINUED)

Curt Loupe, Director of Parks and Recreation, informed the Commission that the signage item will need to go back to the Parks and Recreation Advisory Board.

Vern Henricks, Manhattan Christian College, and Curt Loupe, Director of Parks and Recreation, provided additional uses for the facility, scheduling interests and uses, and informed the Commission that they would not take bids until an agreement was in place between the City and the Foundation.

Jason Hilgers, Assistant City Manager, informed the Commission of the advantages in going forward with the bid process to know the financial impact to the Capital Improvements Program and deciding whether to move forward with the project or not. He stated that if this project is delayed too long, the project would not be done in time to play baseball in 2012.

Ron Fehr, City Manager, provided additional information on the item and bidding process. He responded to questions from the Commission on the state budget timeline.

Vern Henricks, Manhattan Christian College, informed the Commission that capital generated from fundraising over the next five years will be dedicated to this project. He provided information on what the fundraising opportunities are.

After discussion, Commissioner Sherow moved to authorize the Wilson Field renovation to proceed and initiate the bidding process for consideration of construction. Commissioner Pepperd seconded the motion.

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

Ron Fehr, City Manager, announced that Manhattan is in a winter storm warning from 9 a.m., Wednesday, January 19, 2011, to 6 a.m., Thursday, January 20, 2011.

### ADJOURNMENT

At 11:10 p.m. the Commission adjourned.

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



## INTER-OFFICE MEMORANDUM

**DATE:** December 15, 2010

**TO:** Manhattan Urban Area Planning Board

**MEETING DATE:** December 20, 2010

**FROM:** Steve Zilkie, AICP, Senior Planner

**RE:** Amend Manhattan Zoning Regulations to Allow Home Occupations in a Manufactured Home or Mobile Home

### **BACKGROUND**

City Administration received a request from a member of the public to amend the Manhattan Zoning Regulations to allow home occupations in manufactured and mobile homes in compliance with the requirements of Article V, Accessory Uses, Temporary Uses, Home Occupations, PART 3, Home Occupations. The person requesting the text amendment, as well as the owners of all of the manufactured home parks, were sent the text amendment and date, time and location of the public hearing.

Home occupations are permitted in any residential district in a “dwelling unit.” By definition, a manufactured home or mobile home is not a dwelling unit and is specifically excluded from the term, dwelling. In addition, dwelling units are in residential buildings while manufactured and mobile homes are not considered buildings. In a general sense, manufactured or mobile homes are not permanently affixed to the ground. For whatever reasons, when the current Zoning Regulations were adopted in 1996, home occupations were excluded from manufactured and mobile homes, the majority of which are in the R-5, Manufactured Home Park District. Manufactured and mobile homes are also permitted in the R-4, General Residential District.

The Manhattan Urban Area Planning Board discussed the request at a previous work session. One question was asked at the work session regarding day care, which is addressed below under **AREAS WHICH ARE MOST LIKELY TO BE DIRECTLY AFFECTED BY SUCH CHANGE AND IN WHAT WAY THEY WILL BE AFFECTED.**

**Proposed Amendments - Home Occupations**

The proposed amendments (attached) are in bold italics and include:

- Modify Article V, Accessory Uses, Temporary Uses, Home Occupations, PART 3, Home Occupations, to permit Home Occupations in a Manufactured Home or Mobile Home; and,
- Modify the term, Home Occupation, in Article XVI, Construction and Definitions, PART 2, Definitions, Section 16-201.

**Article V**

Home Occupations are described in Article V, PART 3, Sections 5-301 through 5-305. Home occupations are authorized in Section 5-301, “Home occupations as defined herein shall be permitted in any **dwelling unit**, in any residential district, except that in a Planned Unit Development home occupations must be specifically authorized.” The key term in the authorization, as it relates to the proposed amendment, is “dwelling unit”. By definition, manufactured homes and mobile homes are not dwelling units (see definitions below). Section 5-302 defines the term and Section 5-303 sets out Use Limitations by which a home occupation can be conducted. Applicable sections are modified to allow home occupations in a manufactured or mobile home.

**Article XVI**

Home Occupation is defined in the Manhattan Zoning Regulations as, “A business, profession, occupation or trade conducted for gain or support entirely within a residential building; or, when permitted by Section 5-303, within a structure that is accessory to a **residential building**; and that is subordinate in area, extent, and purpose to the residential use. The renting of a portion of a residential building for habitation by other persons, in compliance with these Zoning Regulations, shall not be considered to be a home occupation.” Note: The term is defined in Article V, Section 5-302, as well as Article XVI. Both definitions are proposed to be modified to remain consistent.

Additional definitions which clarify the amendments include:

**DWELLING UNIT:** A building or portion thereof, including residential-design manufactured homes, but not a mobile home or manufactured home, designed or used for a residential occupancy.

**MANUFACTURED HOME:** A structure, designed to be a residence, built on or after June 15, 1976, which meets the National Manufactured Home Construction and Safety Standards (42 U.S.C. Sec. 5403) has a permanent chassis, and is transportable in one (1) or more sections. (Does not include modular homes).

**MOBILE HOME:** A structure, designed to be a residence, built prior to June 15, 1976, which may or may not meet the National Manufactured Home Construction and Safety Standards (42 U.S.C. Sec. 5403) has a permanent chassis, and is transportable in one or more sections.

**MANUFACTURED HOME PARK:** A tract of real estate not less than five (5) acres under single ownership, which has been developed, subdivided, planned and improved for the placement of manufactured and mobile homes for nontransient use, but shall not include mobile home sales lots on which unoccupied mobile homes are parked for the sole purposes of display, inspection, sale or storage.

**RESIDENTIAL BUILDING:** A building all or part of which contains one (1) or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, lodging houses, dormitories, sororities and fraternities.

#### **AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS**

When a proposed amendment results in a change to the text of the Zoning Regulations, the report from the Planning Staff shall contain a statement as to the nature and effect of the proposed amendment, and determinations as to the following:

#### **WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS**

The intent of the Manhattan Zoning Regulations is to protect the public health, safety and general welfare, and to protect property values. The R-5 District and R-4 District are residential districts in which a manufactured home or mobile home are permitted uses and are designed as a residence and occupied in a manner generally equivalent to a dwelling unit, which means that both are intended to be a residence. The R-4 District allows single-family dwelling units as a permitted use and home occupations are allowed in the dwelling units. The proposed amendment would allow home occupations in the R-4 District in manufactured or mobile homes consistent with the use allowed in a dwelling.

The proposed amendments are consistent with the intent and purpose of the Manhattan Zoning Regulations, which is to allow home occupations in a residence in residential districts.

#### **AREAS WHICH ARE MOST LIKELY TO BE DIRECTLY AFFECTED BY SUCH CHANGE AND IN WHAT WAY THEY WILL BE AFFECTED**

Home occupations will be a permitted use the R-5, Manufactured Home Park District, a residential district, and R-4, General Residential District. R-5 Districts include Redbud Estates off Seth Child Road, Colonial Gardens, Blue Valley, and the Ponderosa off Tuttle Creek Boulevard, and Countryside Estates off Knox Lane. The only R-4 District is

*Attachment No. 1*

located along Casement Road, approximately 425 feet north of the intersection of Casement Road and Dix Drive on the east side of Casement Road, and allows manufactured and mobile homes, as well as single-family detached dwellings, as permitted uses. Home occupations would be allowed in manufactured or mobile homes in the R-4 District.

There are several other locations where existing manufactured or mobile homes are located, one area is along Fair Lane in the I-3, Light Industrial District, and one other area is in the LM-SC, Light Manufacturing-Service Commercial District. Home occupations in manufactured or mobile homes in industrial or industrial-commercial districts would not be allowed.

There are manufactured and mobile homes in a residential Planned Unit Development along Casement Road, immediately north of the intersection of Casement Road and Dix Drive on the east side of Casement Road. Home occupations are not part of the PUD and home occupations would not be allowed in the manufactured or mobile homes because the use is not specifically authorized in the PUD. The PUD would have to be amended to allow home occupations. In addition, no other residential PUDs in the City allow Manufactured or mobile homes are not authorized in other residential PUDs in the City.

Some home occupations may be subject to licensing requirements, such as a day care home or food related occupations, for example food catering, and would be licensed by the Riley County Health Department. These home occupations may also be subject to Building Code requirements, as well as inspections by the Riley County Health Department and City of Manhattan.

**WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN THE AREAS AND ZONING DISTRICTS AFFECTED, OR IN THE CITY PLANNING AREA, GENERALLY, AND IF SO, THE NATURE OF SUCH CHANGED OR CHANGING CONDITIONS**

When the current requirements for home occupations were adopted in 1996, manufactured or mobile homes were not authorized for home occupations. There is no reasoning in the regulations. Because home occupations are not licensed, home occupations may have occurred or may be occurring currently in manufactured or mobile homes.

A citizen request was made in 2010 to allow home occupations in manufactured or mobile homes. The intent of the regulations is to allow home occupations in a residential setting in a residential district. The proposed change will authorize home occupations in a manufactured or mobile homes, which are a residence, in the same manner as a home occupation in a dwelling unit, and subject to the use limitations applicable to dwelling units in residential buildings.

**WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICY AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY**

The Zoning Regulations implement the Comprehensive Plan, its goals, objectives, and policies. The Comprehensive Plan is general in nature and does not specify administrative detail such as the proposed amendment. However, the proposed amendment ensures that the general statements in the Comprehensive Plan are implemented consistent with legal requirements.

**ALTERNATIVES**

It appears the MUAPB has the following alternatives concerning the issue at hand. The Board may:

1. Recommend approval of the proposed amendments to the City Commission.
2. Recommend denial of the proposed amendments to the City Commission.
3. Modify the proposed amendments and forward the modifications, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, and provide further direction to City Administration.

**RECOMMENDATION**

City Administration recommends approval of the amendment to the Manhattan Zoning Regulations to Article V, Accessory Uses, Temporary Uses, Home Occupations, PART 3, Home Occupations, to permit Home Occupations in a Manufactured Home or Mobile Home; and, to modify the term, Home Occupation, in Article XVI, Construction and Definitions, PART 2, Definitions, Section 16-201.

**POSSIBLE MOTION**

The Manhattan Urban Area Planning Board recommends approval of the amendment to the Manhattan Zoning Regulations to Article V, Accessory Uses, Temporary Uses, Home Occupations, PART 3, Home Occupations, to permit Home Occupations in a Manufactured Home or Mobile Home; and, to modify the term, Home Occupation, in Article XVI, Construction and Definitions, PART 2, Definitions, Section 16-201, based on the findings in the Staff Memorandum.

**STAFF REPORT**

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

**BACKGROUND**

**FROM:** R-1/OU, Single-Family Residential District and University Overlay District

**TO:** PUD, Residential Planned Unit Development

**OWNER:** G. "Hal" Ross and Mary Lou Ross

**ADDRESS:** 100 N. Broadway, Suite 455, Wichita, KS 67202

**APPLICANT:** Elsey Partners

**ADDRESS:** 2052 Hunting Avenue, Manhattan, KS 66502

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, October 25, 2010

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, November 15,  
2010, and tabled to Monday, December 6, 2010.

**CITY COMMISSION:** Tuesday, December 7, 2010

**LOCATION:** Lot 1, Phi Delta Theta Addition. Generally located north of Claflin Road  
and 150 feet west of the intersection of Hartford Road and Claflin Road.

**AREA:** 116,568 square feet (2.68 acres)

**PROPOSED USES:** The proposed uses are single-family attached residential units. The applicant indicates that the target market is focused on students attending Kansas State University. The application documents state the initial plans are to rent the single-family attached dwellings and then sell individual units when the housing market conditions change. The proposed preliminary plan represents the long term plan of selling the individual units by initially establishing "condominium units" to be sold in the future. The initial plan of renting the dwellings is still possible as proposed with the preliminary plan. The remaining area will be common area. A restrictive covenant will need to be finalized prior to the Final Development Plan detailing how the common areas is owned and maintained.

**PROPOSED BUILDINGS AND STRUCTURES:** The single-family attached development consists of a total of twenty-nine (29) dwelling units within seven (7) buildings. The buildings are described as single-family attached dwelling units because of the construction of the buildings. Twenty-five (25) of the dwelling unit will have four (4) bedrooms. Four (4) of the units will have one (1) bedroom. The one bedroom units are Units 7, 13, 22 and 29.

Each building will be approximately twenty-six (26) feet tall, measured to the peak of the roofline. Building materials will consist of vinyl lap siding, manufactured limestone veneer and asphalt shingles. The description on the architectural plans shows that the vinyl siding will be clay color.

The building setbacks of the site are approximately twenty-nine (29) feet from the front property line along Claflin Road, approximately thirty-three (33) feet from the side property line to the west, approximately twenty-three (23) feet from the north property line, and approximately twenty-four (24) feet from the east side property line.

The site gains access from a new twenty-six (26) foot wide curb cut off of Claflin Road (measured at the property line). The existing curb cut will be abandoned and be replaced with curb and gutter.

#### **PROPOSED LOT COVERAGE**

<u>Use</u>	<u>Square Feet</u>	<u>Percentage</u>
Buildings	27,100	23.0%
Driveways/Parking	40,747	35.0%
Landscape Areas	48,721	42.0%

**PROPOSED SIGNS:** No signs are proposed with the residential development. Exempt signs for addressing and similar exempt signs will be permitted.

**PROPOSED LIGHTING:** Proposed lighting consists of pedestrian scale lighting located at the front door of each dwelling unit. No pole lighting is proposed to illuminate the parking lot.

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

**1. LANDSCAPING:** The landscape plan consists of deciduous and evergreen trees and shrubs. Evergreen trees, deciduous canopy trees and ornament grasses are planned in a landscape berm in the front yard along Claflin Road. The landscape berms are to be one (1) to three (3) feet in height. Foundation planting in front of each dwelling unit consists of grass areas, ornamental grasses and evergreen shrubs. Deciduous and evergreen trees are to be planted behind the structures for screening and buffering of the development from the adjacent residential properties. These trees are shown to be outside of the drainage and utility easements. The legend on the landscape plan states that these deciduous trees will reach a mature height of thirty-five (35) to seventy (70) feet. Evergreen shrubs are proposed to screen the parking areas between the two (2) southern buildings. Other areas throughout the development site will be lawn areas. A note on the landscape plan states that an automated underground irrigation system will be installed.

**2. SCREENING:** A six (6) foot tall wooden privacy fence is proposed along the perimeter of the property and is to end at the front yard setback along Claflin Road, which is approximately twenty-nine (29) feet from the front property line. A six (6) foot tall wooden fence with a gate is also proposed to screen the trash dumpsters at the northeast and southwest corners of the parking lot. Additional landscape screening, in the form of deciduous and evergreen trees are proposed along the west, north and east property lines to buffer the residential development from the adjacent single-family property owners.

**3. DRAINAGE:** The majority of the site is currently pervious surfaces with open yard areas. The land generally slopes to the northeast corner of the site. SMH Consultants has submitted a drainage study with the PUD application. The drainage study explains that the storm water will flow over the land to a detention basin in the southeast corner of the site. The detention basin will eventually connect to the City's storm sewer system along Claflin Road and Hartford Road. Currently the storm sewer system at Claflin Road and Hartford Road is undersized and would not be able to accommodate the increase in storm water runoff anticipated from the site. The area historically has had flooding in the roadway. The City has designs nearly complete to improve the storm water drainage system upstream from the intersection and downstream through the Tecumseh/Quivera drainage system. These improvements have not yet been funded. If funded, the construction of the system improvements could begin as soon as 2011. The applicant's consultants propose that the site's storm water detention improvements will be coordinated with the improvements to the Claflin Road/Hartford Road storm sewer system improvements. The consultant states that until the improvements to the City's system are made, the runoff "will only result in nuisance drainage issues with Claflin Road and Hartford similar to what already occurs and will not result in property damage." The consultant have provided "an option to install a setback curb inlet up gradient from this location to further improve the drainage issues in the street if desired by the City; but this inlet will only function properly if downstream improvements are made by the City of Manhattan."

According to the drainage study, the detention basin is sized to handle runoff from storms with less intensity than a 1% annual chance storm (100 year storm). The detention basin will retain storm water runoff at a rate equal to or greater than what is currently generated by the site. In the event of a 1% annual chance storm or greater, the detention basin will fill up and sheet flow into the curb and gutter system along Claflin Road. The City Engineer “accepts the stormwater drainage impact study that was provided to the City of Manhattan by SMH Consultants which was sealed and signed by a Licensed Engineer in the State of Kansas.” The Civil Engineer Department has recommended that the outlet pipe from the detention basin be adequately sized and detailed in the Final Development Plans according to the outlet rates in the drainage report.

**THE PUD IS CONDITIONED UPON THE SUBMITTAL OF A RESTRICTIVE COVENANT, WHICH WILL NEED TO BE REVIEWED AND APPROVED BY THE CITY AND FILED WITH THE FINAL PLAT AFTER IT IS EXECUTED BY THE CITY. THE COVENANT SETS OUT RESPONSIBILITIES OF THE OWNERS OF PUD REGARDING MAINTENANCE OF IMPROVEMENTS, DRAINAGE EASEMENTS AND THE DETENTION. THE COVENANT GIVES THE CITY THE ABILITY TO ASSESS THE OWNERS FOR MAINTENANCE COSTS, IF NECESSARY.**

**4. CIRCULATION:** Access to the site is from a new twenty-six (26) foot wide curb cut onto Claflin Road (measured at the property line). Claflin Road is a four-lane, collector street. The new driveway is approximately 153 feet from the existing driveway to the west and 210 feet to the existing driveway to the east. The location of the new driveway meets the Manhattan Subdivision Regulations and the Manhattan Area Transportation Strategy (MATS) for access management standards onto a collector street, a minimum of 150 feet from an intersecting local street or driveway. The existing curb cut to the site will be abandoned and replaced with curb and gutter. Access to each dwelling unit will be from the internal driving aisles in the parking lot.

A Transportation Impact Study for the development was conducted by SMH Consultants. The study states that “the development’s projected peak hour trip generation based on 29 Townhome Units with 4 bedrooms each is 27 trips in the a.m. peak hour. The City Engineer has reviewed the Transportation Impact Study for the development and accepts the report with no issues (*see attached memo*). The proposed development will not adversely impact the existing traffic network in the surrounding area because of the relatively small increase in trips generated by the development in the a.m. peak hour.

*Attachment No. 2*

One-hundred and fourteen (114) off-street parking spaces are shown on the site plan. Two (2) off-street parking stalls located to the north and south of the center landscape area (a total of 4 spaces) appear to be too narrow to allow the driver or passenger of a typical full size vehicle to exit the vehicle when the adjacent spaces are being used. Although the parking spaces meet the minimum off-street parking space dimensions, City Administration does not believe that they will function adequately and did not count them in the total count of the off-street parking spaces. Considering this, a total of 110 off-street parking spaces are provided. Based on the off-street parking regulations for a multiple-family development, a four (4) bedroom dwelling unit is required to provide four (4) off-street parking spaces (Section 7-103(A)(3)(a)). A one-bedroom dwelling unit in a multiple-family development is required to have a minimum of two (2) off-street parking spaces. A minimum of 108 parking spaces are required. The proposed development provides off-street parking that exceeds the minimum parking requirements by two (2) spaces.

*Pedestrian Access*

Six (6) foot wide sidewalks are provided in front of each dwelling unit. The internal sidewalks ultimately connect to an existing sidewalk in the Claflin Road ROW.

*Bicycle*

Bicycle racks are shown at the northeast and southwest corner of the parking lot adjacent to the trash dumpster areas.

**5. OPEN SPACE AND COMMON AREA:** An approximately 17 foot by 120 foot grass area is located in the center of the parking lot. A fifteen (15) foot wide grass area is provided around the perimeter of the site. The area around the perimeter of the development is dedicated as a drainage and utility easement, which prevents the construction of structures or the planting of trees and landscaping in the easement. The proposed trees behind the buildings are shown to be outside of the drainage and utility easement.

**6. CHARACTER OF THE NEIGHBORHOOD:** The surrounding neighborhood is a mix of single-family residential dwellings, multiple-family dwellings, a fraternity, the Riley County Historical Museum, Riley County Health Department and open space. To the north, east and immediately to the west are single-family dwellings that were originally platted and developed in the 1950's. The single-family neighborhood can be characterized by small lots and small homes that have become mostly rental units with a few owner-occupied homes. Further to the west is the Delta Upsilon Fraternity and the Chase Manhattan apartment complex. The Chase Manhattan apartment complex is a large, multiple-family complex that has 180 dwelling units distributed among eight (8) buildings with a clubhouse, swimming pool and other recreational facilities. To the south is the

Riley County Historical Museum and the Goodnow House, Pioneer Park and the Riley County Health Department. The Goodnow House is listed on the National and State Registry of Historic Places. Further to the south are single-family dwellings that were platted and developed in the 1960's.

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

- 1. EXISTING USE:** single-family rental unit
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is a relatively flat, large lot with a single-family home and detached garage on the north part of the site. The site has large mature trees along the property line and a large, mature tree in the center of the site.
- 3. SURROUNDING LAND USE AND ZONING:**
  - (a.) NORTH:** Single-Family Dwellings; R-1, Single-Family Residential District.
  - (b.) SOUTH:** Claflin Road, a four-lane collector street, the Riley County Historical Museum, the Goodnow House, Pioneer Park, the Riley County Health Department and single-family homes; R, Single-Family Residential District and R-3/UO, Multiple-Family Residential District with University Overlay District.
  - (c.) EAST:** Single-Family Dwellings; R-1, Single-Family Residential District.
  - (d.) WEST:** Single-Family Dwelling, Delta Upsilon Fraternity and the Chase Manhattan apartment complex; R-1, R-1/OU and PUD, Chase Manhattan Residential Planned Unit Development
- 4. CHARACTER OF THE NEIGHBORHOOD:** See above under number 6
- 5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently being used as a single-family rental unit. The site was rezoned and platted to construct the Phi Delta Theta fraternity. Following the platting and rezoning of the site, the fraternity was never established. The site is suitable for the existing use as currently zoned.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The surrounding neighborhood is a mix of owner occupied and rental single-family residential dwellings, multiple-family dwellings, a fraternity, the Riley County Historical Museum, Riley County Health Department and open space.

The applicants and their consultants held a neighborhood meeting on September 22, 2010 to discuss the proposed development. The meeting summary (*attached*) states that attendees were concerned with the adequacy of utilities, the management of storm water runoff from the development, the amount of traffic generated by the development, the amount of parking provided, the design of the buildings and screening the development from adjacent properties. The meeting summary includes the applicant's response to the concerns.

Compared to the existing single-family rental unit on the large, 2.68 acre lot, it can be anticipated that there will be some impacts by an increase in light, noise and traffic. The applicants have proposed seven (7) buildings ranging in size from approximately fifty-six (56) feet by thirty-six (36) feet to approximately one hundred and forty (140) feet by thirty-six (36) feet. The building setbacks of the site are approximately twenty-nine (29) feet from the front property line along Claflin Road, approximately thirty-three (33) feet from the side property line to the west, approximately twenty-three (23) feet from the north property line, and approximately twenty-four (24) feet from the east side property line. The typical setbacks for developments in a single-family district are twenty-five (25) feet from the front property line, eight (8) feet from the side property lines and twenty-five (25) feet from the rear property line. Deciduous and evergreen trees are proposed between the buildings and the side and rear property lines. The legend on the landscape plans state that the trees will be thirty-five (35) to seventy (70) feet in height when mature. A fifteen (15) foot wide drainage and utility easement is proposed along the side and rear property lines of the site. No landscaping or structures are permitted in the drainage and utility easement. A six (6) foot tall cedar fence is proposed along the perimeter of the property to provide sight obscuring screening of the development. The off-street parking spaces are located in the center of the development, which will be screened by the proposed buildings and landscaping. The proposed landscaping, screening fence and open space created by the drainage and utility easement should create an adequate buffer between the development and adjacent residential properties to the north, east and west.

A Traffic Impact Study was conducted by SMH Consultants for the development. The study determined that the twenty-nine (29) unit townhome development would generate twenty-seven (26) trips in the a.m. peak hour. The consultant has determined that "the 26 trips during the peak hour related to the site will have minimal impacts on the transportation network as a whole." The new driveway meets the Manhattan Subdivision

*Attachment No. 2*

Regulations and the Manhattan Area Transportation Strategy (MATS) for access management standards onto a collector street by being approximately 153 feet from the existing driveway to the west and 210 feet from the adjacent driveway to the east.

*Historic Environs*

The site is within the Historic Environs of the Goodnow Memorial Home, located to the south of Claflin Road. The local Historic Resource Board (HRB) reviewed an early submittal of the proposed development “found that the **proposed Claflin Townhomes PUD** does not meet the *Standards and Guidelines for Evaluating the Effect of Projects on Environs* and will encroach upon, damage or destroy the environs of the Goodnow Memorial Home. Specifically, the Board found that the proposal does not meet Standard #6 pertaining to new infill construction. The Board recommended that the plans be revised to reduce the perceived scale of the building facing Claflin Road and to incorporate additional landscaping in the front yard along Claflin Road (*See attached recommendation letter, minutes from the October 25, 2010 meeting*).

Following the HRB’s recommendation, but before the State Historic Preservation Office (SHPO) made their final decision, the applicants revised their site plan to make the buildings smaller in length, set back further from Claflin Road and have more landscaping along the front yard.

The State Historic Preservation Office found that “the proposed development is within typical size, scale and setbacks of the environs and our office has determined that the project will not encroach upon, damage or destroy the environs of the Goodnow House” (*see attached letter, dated November 23, 2010* ).

**6. CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is shown on the Southwest Planning Area Future Land Use Map of the Comprehensive Plan as RLM, Residential Low/Medium Density.

Policies of the RLM designation include:

**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*

*Attachment No. 2*

*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.*

*RLM 4: Variety of Housing Styles*

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.*

The site plan shows a net density of 10.8 dwelling units per acre.

The site has an existing single-family rental unit located on it. The proposed Planned Unit Development can be considered a redevelopment or infill project. The policies set out in Chapter 9: Housing and Neighborhood promotes infill and redevelopment. The specific policy states:

*HN 5: Promote Infill and Redevelopment*

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

The proposed rezoning of the 2216 Claflin Road Townhomes Planned Unit Development is generally consistent with the Comprehensive Plan.

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

May 5, 1959	Annexed and Zoned "A", First Dwelling House District (Ord. No. 2131).
1959 – 1963	"A", First Dwelling Residential District.
1964 – 1969	"A-A", Single-Family Dwelling District.
1969 – 1994	R-1, Single-Family Residential District
1995 – Present	R-1/UO, Single-Family Residential District and University Overlay District.

**8. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:**

The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The proposed PUD is located in the R-1/UO Districts.

Land use and structures within a Planned Unit Development District which, when approved by the Planning Board and Governing Body, may differ in one or more respects from the regulations that are applicable in any other zoning district. The objectives of a Planned Unit Development District shall be to promote progressive development of land and construction by encouraging Planned Unit Developments (PUD's) to achieve:

- (A) A maximum choice of living environments by allowing a variety of housing and building types;
- (B) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of commercial uses and services;
- (C) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
- (D) A more efficient use of land than is generally achieved through conventional development;
- (E) A development pattern in harmony with land use density, transportation facilities, and community facilities;
- (F) An environment which provides safe, clean, convenient and necessary residential, commercial, and industrial facilities which will afford greater opportunities for better housing, recreation, shops and industrial plants for all citizens of the community;

*Attachment No. 2*

- (G) A development plan which suits the specific needs of the site and takes into account the unique conditions of the property which may require changes of conventional bulk regulations, lot layout, or density; or results in a project that provides greater public benefit than would be provided under conventional zoning; and,
- (H) A mixture of compatible uses which might not otherwise be permitted in a single district, or which may restrict the range of land uses more than in a single district.

The proposed PUD provides for twenty-nine (29), four (4) bedroom and one (1) bedroom dwellings designed for the student housing market. The conventional R-1, Single-Family Residential District would allow a maximum of eighteen (18) single-family homes on the 2.68 acre site. The proposed site plan provides a more compact development that allows for landscape and open areas along the perimeter of the site to provide for separation and screening. The proposed rezoning is generally consistent with the intent of the Zoning Ordinance.

**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:**

Denial of the request would not be a gain to the public because minimal impact on the public is expected as a result of traffic or storm water. It appears there may be a hardship on the owner if the rezoning is denied due to no relative gain to the public that denial would accomplish

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public facilities, utilities and services are available to serve the site. The existing storm sewer system along Claflin Road and Hartford Road is inadequate. The City has design projects nearly complete for the area to improve the system. The applicant's consultants have taken the undersized system into consideration when designing the projects storm water drainage system.

**12. OTHER APPLICABLE FACTORS:** None

**13. STAFF COMMENTS AND RECOMMENDATION:** City Administration recommends approval of the proposed rezoning of 2216 Claflin Townhomes PUD from R-1, Single-Family Residential District and UO, University Overlay District to PUD, Residential Planned Unit Development District, with the following conditions of approval:

*Attachment No. 2*

The Permitted Use shall be twenty-nine (29) single-family attached dwellings consisting of twenty-five (25) four-bedroom units and four (4) one-bedroom units.

1. 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.
2. All landscaping and irrigation shall be maintained in good condition.
3. A six (6) foot tall, sight-obscuring screening fence shall be provided along the perimeter of the site. The fence shall not encroach into the twenty-nine (29) foot front-yard setback along Claflin Road as established by the proposed site plan.
4. A covenant between the City and owner(s) concerning maintenance of drainage easements, improvements and detention facilities shall be reviewed and approved by the City and filed with the Final Plat.
5. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B) (2) and (5), of the Manhattan Zoning Regulations, as may be amended related political or campaign signs.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of 2216 Claflin Townhomes PUD from R-1/UO, Single-Family Residential District and University Overlay, to PUD, Residential Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of 2216 Claflin Townhomes PUD from R-1/UO, Single-Family Residential District and University Overlay, to PUD, Residential Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of 2216 Claflin Townhomes PUD from R-1/VO, Single-Family Residential District and University Overlay, to PUD, Residential Planned Unit Development District, based on the findings in the staff report, with the six (6) conditions recommended by City Administration.

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

**DATE:** November 29, 2010