



***MINUTES***  
***SPECIAL CITY COMMISSION MEETING***  
***TUESDAY, MARCH 22, 2011***  
***7:00 P.M.***

The Special Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bruce Snead and Commissioners 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, 11 staff, and approximately 28 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Snead led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Snead proclaimed March 30, 2011, ***Sonda Copeland Day***. Sonda Copeland, 2011 Kansas Master Teacher, was present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Pepperd informed the community that Menards held an opening event last evening at its new store on McCall Road. He stated that they will be having its grand opening today and encouraged residents to take a look at the new store.

Mayor Snead provided an overview of items mentioned during the Discussion/Briefing Session held prior to the City Commission Legislative Meeting. The Commission discussed various topics and meetings attended during their recent congressional delegation visit and National League of Cities Congressional Conference in Washington, DC; reviewed upcoming meetings and calendar items; received an update on the Riley County Law Board, the Riley County-Manhattan Health Board, Riley County Senior Center, and public transit; discussed consolidated dispatch, with plans to have this item on the April 5, 2011, City Commission agenda; and discussed major construction projects underway.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, March 1, 2011.

### CLAIMS REGISTER NOS. 2666 and 2667

The Commission approved Claims Register Nos. 2666 and 2667 authorizing and approving the payment of claims from February 23, 2011, to March 15, 2011, in the amounts of \$48,885.22 and \$6,455,149.48, respectively.

### LICENSES

The Commission approved an annual *Cereal Malt Beverage On-Premise License* for Fats, LC, 1209 Laramie Street; Green Tea Sushi Bar Japanese Restaurant, LLC, 1120 Laramie Street; JP's Sports Grill, 104 Pittman Building 5, Jardine Terrace; and Tubby's, LLC, 1127 Moro Street, and a *Merchant Guard Agency License* for Allied Barton Security Services, LLC, 161 Washington Street, Suite 600, Conshohocken, Pennsylvania.

### FINAL PLAT – THE MORO ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of The Moro Addition, a Residential Planned Unit Development, generally located on the northwest corner of Moro Street and N. 8<sup>th</sup> Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### \* ORDINANCE NO. 6882 – CREATE – GREASE MANAGEMENT PERMIT PROGRAM

Lauren Palmer, Assistant City Manager, responded to questions from the Commission regarding the recommended Best Management Practices.

The Commission approved Ordinance No. 6882 creating the Grease Management Permit Program.

### ORDINANCE NO. 6883 – ESTABLISH – ARTS AND HUMANITIES ADVISORY BOARD

The Commission approved Ordinance No. 6883 establishing the Arts and Humanities Advisory Board.

### BYLAWS – ARTS AND HUMANITIES ADVISORY BOARD

The Commission approved the proposed by-laws for the Arts and Humanities Advisory Board.

## CONSENT AGENDA (CONTINUED)

### FIRST READING – REZONE – STONE POINTE ADDITION, UNIT FIVE

The Commission approved first reading of an ordinance rezoning proposed Stone Pointe Addition, Unit Five, a 1.25 acre tract of land generally located 150 feet northeast of the intersection of Stone Grove Road and Highland Ridge Drive along the east side of Highland Ridge Drive from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 1*).

\* **FIRST READING – REPEAL – CHAPTER 14, FOOD AND LODGING ESTABLISHMENTS**

Lauren Palmer, Assistant City Manager, provided an overview of the item and responded to questions from the Commission.

The Commission approved first reading of an ordinance repealing Chapter 14 of the City Code of Ordinances relating to Food and Lodging Establishments.

### **ENERGY PERFORMANCE CONTRACT - FACILITIES CONSERVATION IMPROVEMENT PROGRAM**

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an Energy Performance Contract with Trane U.S., Inc., of Lenexa, Kansas.

### **MEMORANDUM OF UNDERSTANDING – MANHATTAN PUBLIC LIBRARY - FACILITIES CONSERVATION IMPROVEMENT PROGRAM**

The Commission authorized the Mayor and City Clerk to execute a Memorandum of Understanding with the Manhattan Public Library for inclusion of library projects in the Energy Performance Contract.

### **FIRST READING – LEASE PURCHASE AGREEMENT - FACILITIES CONSERVATION IMPROVEMENT PROGRAM**

The Commission approved first reading of an ordinance to authorize entering into a lease-purchase agreement to finance the energy conservation measures included in the Energy Performance Contract.

### **PUBLIC HEARING – KDHE LOAN APPLICATION – KONZA WATER MAIN EXTENSION (WA1006)**

Mayor Snead opened the public hearing.

Hearing no other comments, Mayor Snead closed the public hearing.

## CONSENT AGENDA (CONTINUED)

\* **RESOLUTION NO. 032211-A – KDHE LOAN APPLICATION – KONZA WATER MAIN EXTENSION (WA1006)**

Dale Houdeshell, Director of Public Works, provided additional information and clarification on the loan application and approval process.

The Commission approved Resolution No. 032211-A, authorizing the completion of an application to the Kansas Department of Health and Environment regarding a loan from the Kansas Public Water Supply Loan Fund for the Konza Water Main Extension Project (WA1006).

**RESOLUTION NO. 032211-B – MILLER PARKWAY AND SCENIC DRIVE – STREET IMPROVEMENTS (ST0705)**

The Commission found the petition sufficient and approved Resolution No. 032211-B finding the Miller Parkway and Scenic Drive Street Improvements (ST0705) project advisable.

**RESOLUTION NO. 032211-C - LEE MILL HEIGHTS, UNIT THREE, PHASE 2; UNIT FOUR, PHASE THREE; AND UNIT FIVE; AND TRACT A, OF GRANDE BLUFFS - STORMWATER IMPROVEMENTS (SM1101)**

This item was pulled from the agenda at the request of City Administration.

**RESOLUTION NO. 032211-D - LEE MILL HEIGHTS, UNIT THREE, PHASE 2; UNIT FOUR, PHASE THREE; AND UNIT FIVE; AND TRACT A, OF GRANDE BLUFFS - SANITARY SEWER IMPROVEMENTS (SS1102)**

This item was pulled from the agenda at the request of City Administration.

**RESOLUTION NO. 032211-E - LEE MILL HEIGHTS, UNIT THREE, PHASE 2, AND UNIT FOUR, PHASE THREE - WATER IMPROVEMENTS (WA1102)**

This item was pulled from the agenda at the request of City Administration.

**RESOLUTION NO. 032211-F - LEE MILL HEIGHTS, UNIT THREE, PHASE 2, AND UNIT FOUR, PHASE THREE- STREET IMPROVEMENTS (ST1101)**

This item was pulled from the agenda at the request of City Administration.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – ENGINEERING SERVICES - LEE MILL HEIGHTS, UNIT THREE, PHASE 2; UNIT FOUR, PHASE THREE; AND UNIT FIVE; AND TRACT A, OF GRANDE BLUFFS - STORMWATER (SM1101), SANITARY SEWER (SS1102), WATER (WA1102), AND STREET (ST1101) IMPROVEMENTS

This item was pulled from the agenda at the request of City Administration.

### UNION PACIFIC RAILROAD AGREEMENT – WASTEWATER TREATMENT PLANT ACCESS ROAD RE-ALIGNMENT (ST0912)

The Commission authorized City Administration to enter into an agreement with Union Pacific Railroad Company in the amount of \$309,934.00, and \$41,167.00 to be reimbursed by a KDOT Grant, for the new public at-grade crossing for the Wastewater Treatment Plant Access Road Re-alignment Project (ST0912) and Multi-use Linear Trail, respectively.

### DEVELOPMENT AGREEMENT – KONZA SEWER – KAROLYN K. TACHA (SS1107)

The Commission authorized the Mayor and City Clerk to execute an agreement with the Karolyn K. Tacha Trust for the real estate located at Lot 2, Sugarbush Subdivision, Unit Three, Riley County, Kansas, to construct a public sewer main for the purpose of connecting to the Konza Sewer (SS1107).

### \* AGREEMENT – PROFESSIONAL SERVICES – AIRPORT TERMINAL AREA PLAN

Peter VanKuren, Director, Manhattan Regional Airport, responded to questions from the Commission regarding the grant amount to be received from the Federal Aviation Administration (FAA).

The Commission authorized the Mayor and City Clerk to execute the professional services contract in the amount of \$263,107.60 with Mead & Hunt, Inc., of Madison, Wisconsin.

### \* FAA GRANT – AIRPORT TERMINAL AREA PLAN

Peter VanKuren, Director, Manhattan Regional Airport, responded to questions from the Commission regarding the grant amount to be received from FAA.

The Commission accepted a FAA Grant Offer in the amount of \$254,701.00 for the Terminal Area Plan at Manhattan Regional Airport.

## CONSENT AGENDA (CONTINUED)

### AIRPORT FARM LEASE AGREEMENT – JON R. HOWE

The Commission authorized the Mayor and City Clerk to execute a farm lease agreement with Jon R. Howe for agricultural land at the Manhattan Regional Airport.

### \* EMPLOYMENT AGREEMENT – CITY MANAGER

Mayor Snead provided an overview on the item and informed the community that 2010 was a phenomenal year for the city of Manhattan. He stated that Manhattan is fortunate to have Ron Fehr as our City Manager and commented that Mr. Fehr received a unanimous recommendation from the Commission on his meritorious performance.

Commissioner Strawn provided additional information on the item and stated that Manhattan is fortunate to have professional, quality management at the City of Manhattan.

The Commission authorized the Mayor and City Clerk to execute the modified Employment Agreement between the City of Manhattan and City Manager Ronald R. Fehr, retroactive to the first pay period of 2011.

### PURCHASE – WATER DEPARTMENT – UNIT #56

The Commission authorized the purchase of a one-ton truck with bed (CIP #WA004E), Unit #56, from Dick Edwards Ford, of Manhattan, Kansas, in the amount of \$25,469.00.

After discussion, Commissioner Strawn moved to approve the consent agenda, as read. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 4-0.

## GENERAL AGENDA

### FIRST READING - AMEND THE PRELIMINARY DEVELOPMENT PLAN - LOT 15, MANHATTAN MARKETPLACE, UNIT TWO, AND ORDINANCE NO. 6544, TO BE KNOWN AS MANHATTAN MARKETPLACE SHOPS, UNIT FOUR, PLANNED UNIT DEVELOPMENT

Steve Zilkie, Senior Planner, presented the item. He then responded to questions from the Commission.

Ron Fehr, City Manager, provided additional information on the Planned Unit Development and consideration of public spaces.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - AMEND THE PRELIMINARY DEVELOPMENT PLAN - LOT 15, MANHATTAN MARKETPLACE, UNIT TWO, AND ORDINANCE NO. 6544, TO BE KNOWN AS MANHATTAN MARKETPLACE SHOPS, UNIT FOUR, PLANNED UNIT DEVELOPMENT (CONTINUED)

Jason Hilgers, Assistant City Manager, responded to questions from the Commission and provided additional background information on the item. He provided clarification on the item; discussed the development plan, zoning process, and parking considerations; and stated that the proposed action would approve placeholders for the public pocket parks space. He then responded to additional questions from the Commission.

After discussion of the Commission on the pocket parks and whether they should be public or private, Jason Hilgers, Assistant City Manager, provided additional information and clarification on the proposed pocket parks.

Bill Frost, City Attorney, provided clarification on the zoning process and considerations for areas to be designated public or private.

Jason Hilgers, Assistant City Manager, informed the Commission that if they objected to the pocket parks, the development plan would probably have to go through the process again, which would push back the development. He also addressed parking considerations and the proposed white parking permit zone.

Tim Trubey, Vice President, McCullough Development, provided an update on the success of the current housing development and future housing construction plans, discussed the density of the district and parking considerations, and asked that the Commission look favorably on the request.

Rich Seidler, Director of Development, McCullough Development, provided an overview on the housing development that has occurred within the last 18 months and the significant investment that has been made. He informed the Commission that the new plan fulfills the original intent of the Planned Unit Development, with high density residential units and public spaces that meet the established design guidelines. He provided an overview of the future construction plans and proposed parking spaces planned for tenant use. He encouraged the Commission to follow the recommendations of the professional staff and to approve the proposal. He then responded to questions from the Commission regarding what items would be allowed on the balconies, discussed considerations for Lot 6 to be privately owned and developed, and asked the Commission to consider the importance of the pedestrian connectivity between the parks, the north redevelopment area, and linkages to downtown.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - AMEND THE PRELIMINARY DEVELOPMENT PLAN - LOT 15, MANHATTAN MARKETPLACE, UNIT TWO, AND ORDINANCE NO. 6544, TO BE KNOWN AS MANHATTAN MARKETPLACE SHOPS, UNIT FOUR, PLANNED UNIT DEVELOPMENT (CONTINUED)

Joe Knopp, 104 Oakwood Circle, informed the Commission that they are representing the taxpayers and stated that Manhattan cannot afford subsidies going to developers. He asked that the City apply the same standards to this development as to others and voiced concerns with the proposed parking.

Jason Hilgers, Assistant City Manager, and Ron Fehr, City Manager, responded to questions from the Commission on the proposed amendment to the Plan and on the considerations of public versus private ownership of the proposed pocket parks.

Steve Zilkie, Senior Planner, presented additional background information on the landscaping proposed for Lots 4, 5, and 6.

Bill Frost, City Attorney, responded to questions from the Commission and provided clarification on available alternatives.

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance amending the Preliminary Development Plan of Lot 15, Manhattan Marketplace, Unit Two, and Ordinance No. 6544, to be known as Manhattan Marketplace Shops, Unit Four, Planned Unit Development, generally located north of Leavenworth Street, south of Osage Street, east of N. 4<sup>th</sup> Street, west of N. 3<sup>rd</sup> Street, based on the findings in the Staff Report (See Attachment No. 2), with the three conditions of approval recommended by the Manhattan Urban Area Planning Board, with Lot 6 as private development. Commissioner Pepperd seconded the motion.

Commissioner Strawn stated that this is a wonderful development, but could not support the use of spending tax money to support a private development.

Commissioner Morris-Hardeman voiced support for the motion and stated that the pocket parks will benefit the whole downtown district and that Lot 6 can be owned and developed privately. She asked that future financial considerations of the Commission for the parks be reasonable and requested that the parks be attractive, but not extravagant.

Commissioner Pepperd stated that he did not want to hold up this development and would support the motion. He said that he would work to keep the costs down for the other two proposed public parks.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - AMEND THE PRELIMINARY DEVELOPMENT PLAN - LOT 15, MANHATTAN MARKETPLACE, UNIT TWO, AND ORDINANCE NO. 6544, TO BE KNOWN AS MANHATTAN MARKETPLACE SHOPS, UNIT FOUR, PLANNED UNIT DEVELOPMENT (CONTINUED)

Mayor Snead thanked the applicant and City Staff for their work on the item. He stated that this is an important development and that pocket parks are a new form of green space, within the development of an urban area. He voiced support of the amendment to continue the development and with the proposed parking. He concurred that Lot 6 could be a private space and developed privately.

After additional discussion of the Commission, on a roll call vote, motion carried 3-1, with Commissioner Strawn voting against the motion.

### AMEND - MINIMUM ASSESSMENT AGREEMENT - LOT 10, MANHATTAN MARKET PLACE SHOPS

Jason Hilgers, Assistant City Manager, presented the item. He then responded to questions from the Commission regarding the request to extend the current minimum assessment agreement for Lot 10 from January 1, 2011, until January 1, 2013.

Bill Frost, City Attorney, provided clarification on the purpose of the Minimum Assessment Agreement and responded to questions from the Commission.

Jason Hilgers, Assistant City Manager, provided additional clarification on the item.

Rich Seidler, Director of Development, McCullough Development, informed the Commission that McCullough Development has only been involved in the project for 18 months and were not part of the original discussions. He asked the Commission to extend the Agreement, in order to allow the development to be completed.

Joe Knopp, 104 Oakwood Circle, informed the Commission that there is a legal obligation to pay taxes and that is Dial's responsibility. He stated that Dial should pay the tax on the \$8.5 million development and did not understand why the City would consider giving Dial another break. He asked the Commission to reconsider the proposal and adhere to the original obligation and commitment from Dial.

After discussion, Commissioner Morris-Hardeman moved to authorize City Administration to finalize and the Mayor and City Clerk to execute the extension of the existing Minimum Assessment Agreement for Lot 10, Manhattan Market Place Shops until 2013. Commissioner Pepperd seconded the motion.

## GENERAL AGENDA (CONTINUED)

### AMEND - MINIMUM ASSESSMENT AGREEMENT - LOT 10, MANHATTAN MARKET PLACE SHOPS (CONTINUED)

Bill Frost, City Attorney, responded to questions from the Commission and provided clarification on the Minimum Agreed Value provision in the draft Minimum Assessment Agreement. He reiterated that the primary purpose of the Minimum Assessment Agreement was to protect the City to ensure a timely development on the property and to establish a revenue stream for the Tax Increment Financing (TIF) bonds.

Jason Hilgers, Assistant City Manager, provided additional information on the item. He responded to questions on the revenue being generated by the development, debt service, and on the draft Minimum Assessment Agreement.

Bill Frost, City Attorney, provided additional clarification on the item.

Ron Fehr, City Manager, suggested to the Commission that the item could be tabled, so that City staff can calculate revenues being generated and consider at second reading.

Jason Hilgers, Assistant City Manager, provided additional clarification and information on the item.

After additional discussion, on a roll call vote, motion carried 3-1, with Commissioner Strawn voting against the motion.

### FIRST READING - AMEND - PERMITTED PARKING WHITE ZONE

Dale Houdeshell, Director of Public Works, presented the item.

Ron Fehr, City Manager, responded to questions from the Commission and provided clarification on the proposed parking areas.

Dale Houdeshell, Director of Public Works, responded to questions from the Commission regarding parking concerns with the owners of the Runyan House property.

Rich Seidler, Director of Development, McCullough Development, responded to questions and informed the Commission that he would be amenable to not include the five parking spaces to the south of the new Dick's Sporting Goods store.

Dale Houdeshell, Director of Public Works, asked for additional direction on the five parking spaces and stated that changes could be reflected at second reading to reflect the consensus of the Commission.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - AMEND - PERMITTED PARKING WHITE ZONE (CONTINUED)

After discussion, Commissioner Strawn moved to approve first reading of an ordinance amending the White Parking Permit Zone to expand the Zone to include the east side of North Fourth Street from Osage Street to Leavenworth Avenue, and the south side of Osage Street east of Fourth Street to Third Place, and then amend second reading of the ordinance as suggested by the Applicant. Commissioner Pepperd seconded the motion.

Ron Fehr, City Manager, and Jason Hilgers, Assistant City Manager, responded to questions from the Commission regarding adjacent parking concerns and provided clarification on the eligibility requirements, availability of parking, and the number of parking permits available.

After additional discussion, on a roll call vote, motion carried 4-0.

### AMENDMENT - NORTH FINAL DEVELOPMENT AGREEMENT - PUBLIC SPACES

Jason Hilgers, Assistant City Manager, presented an overview of the item and responded to questions from the Commission.

After discussion of the Commission, Commissioner Morris-Hardeman moved to approve and authorize the Mayor and City Clerk to execute an amendment to the North Final Development Agreement allowing the future zoning action to indicate the location of the public plaza areas. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 3-1, with Commissioner Strawn voting against the motion.

At 9:10 p.m., the Commission took a brief recess.

### FIRST READING - ANNEX AND REZONE - SCENIC WOODS RESIDENTIAL PLANNED UNIT DEVELOPMENT

Steve Zilkie, Senior Planner, presented the item. He then responded to questions from the Commission regarding the conservation easement.

Joseph Pease, represented the purchaser of property, Mr. Gordon Engle, informed the Commission that Mr. Engle plans to make this a quality development and income-producing property that he intends to own a long time.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - ANNEX AND REZONE - SCENIC WOODS RESIDENTIAL PLANNED UNIT DEVELOPMENT (CONTINUED)

Peter Gerboth, 115 Hunter Drive, informed the Commission that he was unable to attend the Planning Board Meeting when this item was discussed due to his deployment and provided photographs of the area. He voiced concerns with noise, light pollution, and increased pedestrian and vehicular traffic with the proposed development. He also voiced concern with maintaining the ambiance of the area and stressed the existing entry points already available.

Steve Zilkie, Senior Planner, presented an aerial of the area and identified the lot where the Gerboth's reside.

After discussion, Commissioner Strawn moved to approve first reading of an ordinance annexing the proposed Scenic Woods PUD, a 23.1 acre tract generally located along the east side of N. Scenic Drive and south of Stone Drive, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and, approve first reading of an ordinance rezoning the proposed development from County G-1, General Agricultural District, and R-1, Single-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 (See Attachment No. 3) with the 15 conditions recommended by the Planning Board. Commissioner Pepperd seconded the motion.

Joseph Pease, representing the purchaser of property, Mr. Gordon Engle, informed the Commission that the initial plans did not include Hunter Drive and would be in favor of eliminating access off Hunter Drive.

Rob Ott, City Engineer, provided additional detail on the proposed Hunter Drive connection. He stated that Hunter Drive is not envisioned to be a major thoroughfare, but there needs to be a connection. He then responded to questions from the Commission regarding the potential of a bike and pedestrian access only, access points to the development, proposed parking lot and roadway, and compromises that have been reached in developing this project, and recommended making Hunter Drive function like a public street to create the necessary connectivity.

Jerry Snyder, Director of Fire Services, responded to questions from the Commission and stated that the Hunter Drive access would benefit the Fire Department in the future.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - ANNEX AND REZONE - SCENIC WOODS RESIDENTIAL PLANNED UNIT DEVELOPMENT (CONTINUED)

Amanda McGeary, 115 Hunter Drive, voiced concerns with the proposed Miller Parkway entrance and with the additional traffic issues. She was opposed to the proposal regarding Hunter Drive, given the number of access points already available. She asked the Commission to keep Hunter Drive as a dead-end, as it currently is, and to consider placing a gate for use in case of an emergency. She stated that the apartments proposed are a nice plan, but asked to maintain the ambiance and privacy of the property, as envisioned when the property was purchased.

Rob Ott, City Engineer, responded to additional questions from the Commission. He provided additional information on the item and displayed a photograph showing the dead-end of Hunter Drive and the three road markers currently in-place.

After additional discussion of the Commission, on a roll call vote, motion carried 4-0.

### AMENDMENT – CHANGE ORDER NO. 5 – RESOLUTION NO. 032211-G - GUARANTEED MAXIMUM PRICE (GMP) - CONSTRUCTION AND INSTALLATION - FLINT HILLS DISCOVERY CENTER EXHIBITRY PACKAGE

Bob Workman, Director, Flint Hills Discovery Center, presented an overview of the item and provided several renderings of the exhibits and components of the Flint Hills Discovery Center. He then responded to questions from the Commission on efforts to establish a Flint Hills Discovery Center Foundation and plans for a silent campaign this spring, with a public campaign to follow when the Discovery Center opens.

Bob Workman, Director, Flint Hills Discovery Center, provided clarification on the project master budget for the Discovery Center.

After discussion of the Commission, Commissioner Morris-Hardeman moved to approve the Guaranteed Maximum Price as proposed by McCownGordon Construction, of Kansas City, Missouri for exhibits and audio/visual components for the Flint Hills Discovery Center; approve Change Order No. 5 to the Flint Hills Discovery Center building contract; and approve Resolution No. 032211-G, authorizing the issuance of General Obligation bonds for the design and construction of the Flint Hills Discovery Center Exhibits. Commissioner Pepperd seconded the motion.

After discussion of the Commission, on a roll call vote, motion carried 4-0.

Jason Hilgers, Assistant City Manager, presented an overview of the item. He then responded to questions from the Commission about STAR Bonds and the South Park construction contract.

## GENERAL AGENDA (CONTINUED)

### CHANGE ORDER NO. 6 - GUARANTEED MAXIMUM PRICE - SOUTH PARK CONSTRUCTION CONTRACT

Lorie Bowman, Bowman Bowman Novick, presented an update on the proposed 3<sup>rd</sup> Street Park elements and value engineering modifications for consideration. She then responded to questions from the Commission.

After discussion, Commissioner Strawn moved to approve the Guaranteed Maximum Price of \$1,950,000.00 for the South Park as proposed by McCownGordon Construction by executing Change Order No. 6 to the contract for the Flint Hills Discovery Center building and vicinity projects. Commissioner Morris-Hardeman seconded the motion.

Lorie Bowman, Bowman Bowman Novick, and Chris Vaeth, Senior Project Manager, McCownGordon Construction, responded to additional questions from the Commission and discussed the projected timeframe of the project.

After discussion, on a roll call vote, motion carried 4-0.

### PUBLIC HEARING - MUNICIPALLY FACILITY REVIEW - FIRE HOUSE NO. 3

Steve Zilkie, Senior Planner, presented an overview on the item.

Mayor Snead opened the public hearing.

Hearing no comments, Mayor Snead closed the public hearing.

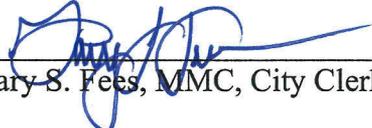
### FIRST READING - MUNICIPALLY FACILITY REVIEW - FIRE HOUSE NO. 3

After discussion, Commissioner Morris-Hardeman moved that the City Commission finds that the public interests to be served by the proposed Fire House No. 3 outweigh the impacts upon legitimate community interests and moved to approve first reading of an ordinance authorizing the proposed Fire House No. 3, based on the findings in the Staff Report (See Attachment No. 4) as recommended by the Planning Board. Commissioner Pepperd seconded the motion.

After additional discussion of the Commission, on a roll call vote, motion carried 4-0.

### ADJOURNMENT

At 10:50 p.m., the Commission adjourned.

  
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Gary S. Fees, MMC, City Clerk

## **STAFF REPORT**

### **ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** R-1, Single-Family Residential District.

**TO:** R-2, Two-Family Residential District.

**APPLICANT/OWNER:** Stone Crest Land Company, LLC – Tim Schultz/Stone Crest Land Company, LLC, and SCI of Manhattan, Inc.

**ADDRESS:** 1213 Hylton Heights Road, Ste 129, Manhattan, KS 66502.

**LOCATION:** The tract of land is generally located 150 feet northeast of the intersection of Stone Grove Road and Highland Ridge Drive along the east side of Highland Ridge Drive. The tract is currently described as Lot 12A and Lot 13A, Stone Pointe Addition, Unit Three, City of Manhattan, Riley County, Kansas. The applicant has proposed a replat of Lot 12A and Lot 13A, Unit Three, to be known as Lot 1A and Lot 1B, Stone Pointe Addition, Unit Five, to the City of Manhattan, Riley County, Kansas (proposed Final Plat attached).

**AREA:** The total area of existing Lot 12A and Lot 13A, and proposed Lot 1A and Lot 1B, is 1.25 acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, February 14, 2011.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, March 7, 2011.

**CITY COMMISSION:** Tuesday, March 22, 2011.

**EXISTING USE:** Two vacant single-family residential lots with direct access off the north side of Highland Ridge Drive. Public utilities and services have been constructed to serve both lots.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Existing and proposed lots are in the 100 Year Flood Plain, Flood Insurance Rate Map Panels 20161C0334F and 20161C0342F, Effective date February 4, 2005. Those parts of the lots along Highland Ridge Drive are covered with field grasses and are in the buildable parts of the 100 Year Flood Plain, or Floodway Fringe. Those parts of the lots adjoining Wildcat Creek are in the unbuildable parts of the 100 Year Flood Plain, or Floodway. The Base Flood Elevation is 1061.5 feet, as noted on the proposed Final Plat. The lots drain to the street and Wildcat Creek. The northern portion and eastern part of existing Lot 12A is

*Attachment No. 1*

combination natural and rip-rapped drainage ravine, and a partially wooded area, which is dedicated as conservation and drainage easement. The eastern part of existing Lot 13A is dedicated as drainage easement.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Apartment buildings, Wildcat Creek 100 Year Flood Plain; R-3, Multiple-Family Residential District.
- (2) **SOUTH:** Highland Ridge Drive, single-family homes; R-1 District.
- (3) **EAST:** Wildcat Creek 100 Year Flood Plain; R-3, Multiple-Family residential District.
- (4) **WEST:** Highland Ridge Drive, single-family homes, single-family attached and two-family homes; R-1 District

**GENERAL NEIGHBORHOOD CHARACTER:** The general character of the neighborhood is a nearly fully developed residential subdivision consisting of single-family, two-family, single-family attached, and multiple-family dwelling units in R-1, R-2, and R-3 Districts, respectively. The subdivision was annexed, rezoned, and platted with a mix of residential uses.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The lots are suitable for the R-1 District. The applicant, however, indicates in their written documents that existing Lot 12A is not adequate in area for a single-family home, due to the conservation and drainage easement that is along the lot's northern boundary. The proposed Final Plat of Unit Five adjusts the common lot line between existing Lot 12A and Lot 13A, to provide more lot area for a proposed single-family attached dwelling on proposed Lot 1A, formerly Lot 12A. Existing Lot 13A and proposed Lot 1B are adequate for development under either zoning district.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezoning to R-2 District is compatible with the mixed use nature of the nearly fully developed residential neighborhood. The proposed rezoning should not result in any detrimental effects related to traffic, light, or noise. Proposed Unit Five will consist of two, single-family attached lots. Either half of the building and the surrounding yard are owned separately from one another in a manner generally equivalent to a detached single-family home. The effects of traffic, light, and noise should be similar for detached and attached single-family residential dwellings.

**CONFORMANCE WITH COMPREHENSIVE PLAN: THE REZONING SITE IS SHOWN ON THE FUTURE LAND USE MAP WITHIN THE SOUTHWEST PLANNING AREA AS A COMBINATION OF RESIDENTIAL HIGH DENSITY (RHD), RESIDENTIAL LOW MEDIUM (RLM), PRESERVED OPEN SPACE, AND FLOOD HAZARD AREA (100-YEAR FLOOD PLAIN).**

**FLOODWAY AND OPEN SPACE, WOODED RAVINE, ARE SET ASIDE IN DRAINAGE/CONSERVATION EASEMENTS.**

The rezoning site was found in conformance with Comprehensive Plan in 2006 as a part of annexation, rezoning and platting of the Stone Pointe Addition. The proposed rezoning conforms to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** Existing Lot 12A and Lot 13A have remained vacant to date and zoned R-1 District. Lot 12A and Lot 13A were replatted in 2007, along with Lot 14A, Unit Three, for single-family detached dwelling units.

- |                |                                                                                                                                                                                                                                                                                                                             |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| April 17, 2006 | Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Stone Pointe Addition from G-1, General Agricultural District, to R-1, Single-Family Residential District with AO, Airport Overlay District; R-2, Two-Family Residential District; and R-3, Multiple-Family Residential District. |
| May 1, 2006    | Manhattan Urban Area Planning Board conducts a public hearing to consider the Preliminary Plat of the Stone Pointe Addition and approves Preliminary Plat.                                                                                                                                                                  |
| May 2, 2006    | City Commission considers approves reading of annexation and rezoning to R-1, Single-Family Residential District with AO, Airport Overlay District; R-2, Two-Family Residential District; and R-3, Multiple-Family Residential District.                                                                                    |
| May 16, 2006   | City Commission approves Ordinance Nos. 6540 and 6541 annexing and rezoning Stone Pointe Addition.                                                                                                                                                                                                                          |
| June 5, 2006   | Manhattan Urban Area Planning Board approves the Final Plat of the Stone Pointe Addition.                                                                                                                                                                                                                                   |
| June 20, 2006  | City Commission accepts easements and rights-of-way as shown on the Final Plat of the Stone Pointe Addition.                                                                                                                                                                                                                |

*Attachment No. 1*

- September 6, 2007 Manhattan Urban Area Planning Board approves the Final Plat of the Lot 12A, 13A, and 14A, Stone Pointe Addition, Unit Three, a Replat Of Lot 12, Lot 13, And Lot 14, Stone Pointe Addition.
- September 18, 2007 City Commission accepts easements and rights-of-way as shown on the Final Plat of the Stone Pointe Addition, Unit Three.

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Manhattan 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 R-2, Two-Family Residential District is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. Minimum lot size for single-family detached dwellings is 6,000 square feet in area; 3,750 square feet for single-family attached; and, 7,500 square feet for a two-family dwelling unit. Proposed Lot 1A, Stone Pointe Addition, Unit Five, is 38,373 square feet in area. Proposed Lot 1B, Stone Pointe Addition, Unit Five, is 16,174 square feet in area. The proposed rezoning is consistent with the intent and purpose of the R-2 District.

Both proposed lots are in the 100 Year Flood Plain. The Base Flood Elevation (BFE) is 1061.5 feet. A restrictive covenant (attached) was filed on the property on October 14, 2007, after two significant flooding events May 2007. The covenant requires the finished floor elevation to be constructed no less than three feet above the BFE. A Flood Plain Development permit must be submitted and approved prior to issuance of a building permit. The permit will have to identify the proposed elevation of the lowest enclosed floor and lowest adjacent grade. An Elevation Certificate must be submitted after construction to certify the elevation of the lowest enclosed floor, and must be certified by a licensed land surveyor. The buildable area of both lots within the Floodway Fringe is adequate for the proposed single-family attached dwelling units.

The proposed rezoning is consistent with the Manhattan Zoning Regulations.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public that denial would accomplish compared to the hardship of denial upon the applicant. The property has been annexed, rezoned, and platted for detached single-family residential dwelling units. The proposed rezoning will allow, as a permitted use, single-family attached residential dwelling units. It would be a hardship upon the applicant to deny the rezoning in the existing nearly fully developed mixed use neighborhood.

*Attachment No. 1*

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** There are adequate public facilities and services to serve the rezoning site, proposed Lot 1A and Lot 1B, Stone Pointe Addition, Unit Five. An existing sewer lateral to proposed Lot 1B will be rerouted due to the adjusted lot line associated with Unit Five (Attachment A, application documents). The rerouting of the lateral will ensure that the line does not cross proposed Lot 1A.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Stone Pointe Addition, Unit Five, from R-1, Single-Family Residential District, to R-2, Two-Family Residential District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Stone Pointe Addition, Unit Five, from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Stone Pointe Addition, Unit Five, from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, based on the findings in the Staff Report.

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

**DATE:** March 1, 2011

11013

## **STAFF REPORT**

**AN AMENDMENT OF ORDINANCE NO. 6544 AND THE APPROVED PRELIMINARY DEVELOPMENT PLAN OF LOT 15, MANHATTAN MARKETPLACE UNIT TWO. THE AMENDMENT IS PROPOSED AS A FINAL DEVELOPMENT PLAN. A CONCURRENT FINAL PLAT IS ALSO PROPOSED (SEE SEPARATE STAFF MEMORANDUM REGARDING FINAL PLAT.)**

### **BACKGROUND**

**APPLICANTS:** McCullough Development-Rich Seidler/Schultz Construction Inc.-Mark Bachamp.

**ADDRESSES:** 210 N. 4<sup>th</sup> Street, Ste. C/1213 Hylton Heights Rd, Ste. 129, Manhattan, KS 66502.

**OWNER:** Dial-Manhattan LLC. Richard Kiolbasa, Manager.

**ADDRESS:** 11506 Nicholas St. #200, Omaha, NE 68154-4421.

**LOCATION:** Generally north of Leavenworth Street, south of Osage Street, west of N. 3<sup>rd</sup> Street, and east of N. 4<sup>th</sup> Street.

**AREA:** 2.3 acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Thursday, February 24, 2011.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Thursday, February 24, 2011.  
**CITY COMMISSION:** Tuesday, March 22, 2011.

### **EXISTING PUD:**

#### **Ordinance**

Manhattan Marketplace, Unit Two, a Commercial Planned Unit Development and Ordinance No. 6544, dated June 6, 2006 (attached).

Lot 15, approved with the Preliminary Development Plan in June 2006, was shown as a four-story mixed use commercial/residential with a parking garage. The building having approximately 14,800 gross square feet of commercial space with restaurant on the first floor; 129 residential apartments, 43 units per floor, on floors 2-4; and a parking garage with approximately 270 parking spaces. Building Height was 57-66 feet. Plans approved with the Preliminary Development Plan in June 2006, for Lot 15 and Building P, are attached.

### **Permitted Uses**

The permitted uses in the PUD include all of the permitted and conditional uses of the C-4, Central Business District.

### **Final Plat**

The current Final Plat of the site is Lot 10, Manhattan Marketplace Shops, Unit One, Planned Unit Development, which was approved January 24, 2008. Lot 10 was created as a result of the PUD amendment, which involved Hy-Vee and other uses to the north of the proposed amendment site. Lot 10 was included in the Final Plat in 2008 to allow vacation of easement and right-of-ways and dedication of new easements and rights-of way, and travel easements, for improvements in the development. A separate application to replat Lot 10 has been submitted concurrently with proposed amendment of Manhattan Marketplace PUD Unit Two, identified as Lot 15.

## **PROPOSED MODIFICATIONS, BUILDINGS, IMPROVEMENTS AND DESIGN GUIDELINES**

Whenever there are substantial modifications to an approved Preliminary Development Plan and Final Development Plan the Manhattan Zoning Regulations require an Amendment of the PUD. The proposed changes are substantial modifications to approved Building P and the public plaza on Lot 15, which require an amendment of Ordinance No. 6544.

The Design Guidelines for Downtown Redevelopment sets out policy, intent, and conditions; site guidelines; building guidelines; supplemental guidelines for large format retail design and small scale residential guidelines; and, checklists for site and building guidelines. While the Guidelines are not regulations, they were incorporated as a part of the Development Agreement between the City and Dial. The Guidelines are for developers, architects, owners and decision makers for reviewing and evaluating proposals and design quality. Exceptions to the Guidelines may be considered if the overall intent of the Guidelines has been met. In addition, large format buildings, those with footprints greater than 10,000 square feet in area, such as iconic, corporate or standard building design, will be allowed, only if the purposes, intent and conditions of the Guidelines are met. General purpose and intent statements consists of:

*Attachment No. 2*

- Promote a civic and functional relationship between the public streetscape and adjacent private development.
- Increase the economic and cultural vitality of Downtown Manhattan.
- Create an environment conducive to pedestrian circulation.

**Proposed Lot 1:**

Modifications: Proposed Building P replaces part of approved Building P. Proposed Lot 1, 1.53 acres, 66,860 square feet, proposed Building P, is a four story, 46 feet to 54 feet in height, commercial and residential building, which is primarily residential with two floor plans. Exterior material are brick, limestone and lap siding. First floor units have patio/storage space and upper floors have balconies/storage space. Total dwelling unit count is a combination of 94 to 95 dwelling units, described in Option 1 and 2 below.

Option 1 consists of 63, one-bedroom units, 31, two-bedroom units, a management office, mechanical space, workout room and lounge, with two commercial lease spaces, a total 1,605 square feet in area.

Option 2 consists of 63, one-bedroom units, 32, two-bedroom units, a management office, mechanical space, workout room and lounge, with one commercial lease spaces, a total 693 square feet in area, with the other commercial lease space converted to a two-bedroom dwelling.

Option 2 is dependent on whether both commercial lease spaces can be rented.

There are 71 off-street parking spaces on proposed Lot 1.

**Proposed Lot 2 and 3:**

Modification: Replaces part of approved Building P and the public plaza space with off-street parking lots. The public plaza space was located in the northeastern corner of Lot 15, or the northeastern corner of Lot 2. Proposed Lot 2, 0.31 acres, 13,402 square feet, and Lot 3, 0.30 acres, 13,018 square feet, respectively, are off-street parking lots. There are 28 off-street parking spaces on each separate lot.

**Proposed Lots 4-6:**

Modifications: Proposed Lots 4-5, 0.09, 3,804 square feet, and 0.08 acres, 3,364 square feet, respectively, are designated as Public Park to be completed by City, with possible improvements and landscaping shown on Sheet L1.11.

Lot 6, 0.03 acres, 1,483 square feet, is designated a Public Plaza by City (Note 4, Sheet C1), with possible improvements and landscaping shown on Sheet L1.11. Alternatively, if the City Commission does not choose to own and improve Lot 6, and Lot 6 is privately owned, it is noted that Lot 6 may be a Private Plaza to be developed by the owner to include walkways to the building with irrigated grass.

Design Guidelines:

Patrick Schaub, AIA, letter dated February 18, 2011 attached, has reviewed the plans for conformance with the Design Guidelines. Comments regarding lighting, landscaping, and building material comments will be addressed with the submittal of a building permit, with plans reviewed for conformance with the Design Guidelines, prior to issuance of the permit. The replacement of river rock was addressed with the amendment for the Dick's Sporting Goods store. The owner, Dial, indicated that mulch beds would be replaced with river rock as a consistent bedding material throughout the PUD.

**PHASING**

The development on Lots 1-3 is expected to begin in the Spring of 2011. Development on Lots 4-6 will be determined by the City Commission.

**PROPOSED SIGNS:** The proposed signs consist of wall signs consisting of carved in stone identification signs, "Strasser Village, are proposed between the 3<sup>rd</sup> and 4<sup>th</sup> floors on the west and south facades; illuminated backlit letters, 21 square feet in area commercial signs are proposed over commercial facades; name plate signs at the building's entrance; and, illuminated backlit sign panels on the north and east 4<sup>th</sup> floor facades. Additionally, Exempt signage in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5), shall be permitted (attachment).

**PROPOSED LIGHTING:** Light poles will be 27 feet in height in the parking lots. Building lights are goose neck and cylindrical fixtures on the first floor.

**MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT**

**1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:** The proposed amendment is generally consistent with the intent and purpose of approved Preliminary Development Plan. Approval of the proposed amendment will ensure the efficient development and preservation of the entire PUD.

*Attachment No. 2*

The general intent of the PUD is to provide for a pedestrian oriented mixed-use retail and residential environment as an extension of the Downtown. The elimination of the parking garage was tied to the proposed zoning approved with Building P. However, funding sources never materialized to support the improvements. The residential component of approved Building P is maintained while the commercial space is reduced in area. The public plaza space has been replaced in a different format than shown on Lot 15, with Public Parks on Lot 4 and Lot 5, and a Public or Private Plaza on Lot 6.

**2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** The proposed amendment is necessary due to the parking garage being removed. The removal of the garage has resulted in a change to the layout of buildings, parking and public plaza space. Funding sources for the garage did not materialize to support the proposed improvements on Lot 15.

**3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** Approval of the proposed amendment will result in a relative gain to the general public welfare by allowing the implementation of the PUD and the overall downtown redevelopment project to proceed. Substantial public investment has been made in public improvements in association with the PUD. Proposed modifications to the approved PUD maintain the mixed-use retail and residential nature of the overall development. Streets and easements are otherwise designed to accommodate the downtown redevelopment project.

The proposed amendment will not be granted as a special benefit to any one person. The proposed modifications are in response to market conditions in order to make the project viable and a benefit to the general public.

**ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A  
PLANNED UNIT DEVELOPMENT**

**1. LANDSCAPING:** The proposed landscape plan provides for a number and variety of shade and ornamental trees, evergreen trees, shrubs, foundation plantings, parking lot landscaping, screening, and ground cover throughout the site. The landscaping plans are in conformance and meet the requirements of the Design Guidelines. Landscaping and underground irrigation will be maintained by the owner of each lot.

*Attachment No. 2*

**2. SCREENING:** Trash dumpsters are proposed to be screened by masonry enclosures with solid doors. Roof equipment on Building P will be screened with parapet walls as noted on the building elevations. The apartment's ground equipment will be screened with landscaping.

**3. DRAINAGE:** The site is proposed to drain to the southeast to inlets and then to the drainage channel along the east side of Tuttle Creek Boulevard. A comprehensive drainage plan was submitted and approved with the approved PUD and there are no changes to the drainage proposal.

**4. CIRCULATION:**

Public Access. The proposed internal circulation plan provides for safe, convenient and efficient movement of goods, motorists, bicyclists, and pedestrians. Conflicts between motorists and pedestrians are minimized.

The site will be accessed from the surrounding street system within the PUD and city streets. Sidewalks exist or will be provided throughout the development. Sidewalk crossings of most streets will be stamped concrete replicating a brick pavement pattern to emphasize pedestrian crossings.

Traffic. The applicant's original traffic analyses were comprehensive for the entire North Project Area and indicated nominal impact on the surrounding transportation network as a result of the proposed development. The analysis was previously accepted by the City Engineer with the rezoning to PUD.

Off-Street Parking. The Manhattan Zoning Regulations do not require off-street parking for any use in the C-4 Central Business District. The Manhattan Marketplace PUD does not use any specific parking ratio; rather the off-street parking is maximized to the greatest extent possible. On-street parking along N. 4<sup>th</sup> Street, N. 3<sup>rd</sup> Street, along Osage Street will contribute to meeting a maximum number of parking spaces much like the C-4 District. Parking on the N. 4<sup>th</sup> Street and Osage are proposed to be designated White zones, 29 spaces. The White zones are proposed to be added and will restrict parking by permit between 5 PM and 8 AM.

In addition to the above 29 public parking, the applicant has proposed 71 parking spaces on Lot 1. The applicant notes in its attached written documents that, "At a minimum McCullough looks for one potential parking space for each unit. There will be 71 private parking spaces created with the development (green shaded) and 29 public parking spaces will be requested to be designated as White Zone parking (blue shaded) for a total of 100 potential spaces. This fulfills the minimum requirement McCullough has for development."

*Attachment No. 2*

In addition, the applicant's written documents refer to other parking south of Leavenworth in a future space to be built with the extension of N. 3<sup>rd</sup> Street, 31 spaces, and an additional eight spaces on N. 3<sup>rd</sup> Street which may be available, and other public parking. The 56 parking spaces on Lots 2 and 3 may also be used.

Based on the above totals, adequate parking is available to serve proposed Building P.

**5. OPEN SPACE/LANDSCAPED AND COMMON AREA:** Approximately 20.7% of the site is open space/landscaped area for Lots 1-3, which excludes Lots 4-6. Landscaping will be maintained by the owner of each lot.

**6. CHARACTER OF THE NEIGHBORHOOD:** The site is within a residential/commercial retail corridor, and bounded on the east by N. 3<sup>rd</sup> Street, on the west by N. 4th Street, on the south by Leavenworth Street and the Central Business District, and the north by Osage Street and a mixture of retail, service retail, and residential uses. The area to the west of the site is characterized as a mix of low to high medium density residential uses, and public and commercial service uses.

**MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** Approved Lot 15, Manhattan Marketplace Unit Two, PUD, is subject to Ordinance No. 6544 approved on June 6, 2006. The site is vacant and used as a construction storage site for buildings under construction north of Osage Street. The site, Lot 15, is intended, under the approved PUD, for Building P, a four story, first floor commercial, second, third, and fourth floors residential apartment units, approximate 270 off-street parking garage, and public plaza.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Generally flat with drainage to the southeast. Existing structures have been demolished and the site has been graded and is vacant. The site is located in a 500 Year Flood Plain and is not subject to flood plain development regulations or requirements.

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

**(a.) NORTH:** Osage Street, future Dick's Sporting Goods, Bed, Bath & Beyond, multiple-family buildings, retail; PUD

**(b.) SOUTH:** Leavenworth Street, Manhattan Town Center and parking lots, three-story mixed use building with first floor commercial and upper floors residential; C-4 District.

**(c.) EAST:** N. 3<sup>rd</sup> Street, vacant commercial lot, commercial/retail uses; PUD.

**(d.) WEST:** N. 4<sup>th</sup> Street, single-family, two-family, multiple-family residential uses, community facilities (Senior Center and public parking lot), Manhattan Mercury, Senior High Rise, Damon Runyon House (professional office); R-M, Four Family Residential District, with TNO, Traditional Neighborhood Overlay District, and C-4 District.

**4. GENERAL NEIGHBORHOOD CHARACTER:** See Number 6 above.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The existing site is suitable for the Permitted Uses approved with the PUD, which include all of the permitted and conditional uses of the C-4, Central Business District.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed modifications should have minimal impact on adjacent properties. Properties to the north are multiple-family residential and commercial. To the south is Manhattan Town Center and Manhattan's central business district. Commercial, public, and residential uses are to the west of N. 4<sup>th</sup> Street. The proposed amendments should not adversely affect those areas as the changes are generally consistent with the approved PUD. To the east are N. 3<sup>rd</sup> Street and Manhattan Marketplace PUD, which consists of developed and one undeveloped lot in the PUD. The amendment proposes no changes that would adversely impact N. 3<sup>rd</sup> Street or the developed and remaining undeveloped lot in Manhattan Marketplace PUD. The proposed surface off-street parking lots on proposed Lot 2 and Lot 3 will provide some parking for the future development on the last undeveloped lot in PUD.

To the west is a mix of commercial, public, and residential neighborhoods. N. 4<sup>th</sup> Street was improved to a three lane collector, two thru-lanes and a center turn lane, which can adequately handle traffic associated with the amendment. Minimal impact on the street system is expected as a result of amendments.

The amendment is within the Environs of the Damon Runyon House, Community House and Downtown Historic District. The Manhattan Historic Resources Board reviewed the project on January 24, 2011, (the attachment incorrect notes the year as 2010) and found that the proposed projects meet the Standards and Guidelines for Evaluating the Effects of Projects Environs. The State Historic Preservation Officer (attachment dated February 7, 2011) reviewed the project and determined the proposed project will not encroach upon, damage or destroy any listed historic property or its environs.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Manhattan Urban Area Comprehensive Plan shows the site as Central Core District (CCD), which is a special purpose designation for the Downtown Core. The amendment site is also designated as a primary redevelopment area for expansion of the Central Business District, in Downtown Tomorrow – A Redevelopment Plan for Downtown Manhattan, Kansas, adopted in May 2000. The proposed amendment conforms to the Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The amendment site is vacant as demolition and clearing have occurred since rezoning to PUD.

May 1, 2006                      Manhattan Urban Area Planning Board, on a vote of 5-0, recommends approval of the rezoning of Manhattan Marketplace Addition, Unit Two from R-2, Two-Family Residential District; R-3, Multiple-Family Residential District; C-2, Neighborhood Shopping District; C-4, Central Business District; C-5, Highway Service Commercial District; I-3, Light Industrial District; and, PUD, Commercial Planned Unit Development District, to PUD, Commercial Planned Unit Development District.

May 15, 2006                      Applicant submits revised Preliminary Development Plan replacing the hotel in Building P with residences.

May 16, 2006                      City Commission considers first reading of an ordinance rezoning of Manhattan Marketplace Addition, Unit Two to PUD, Commercial Planned Unit Development District and on a vote of 5-0, overrode the Planning Board's recommendation and approved first reading of an ordinance rezoning the site to PUD, Commercial Planned Unit Development, as modified by the revised Preliminary Development Plan that replaced the hotel use in Building P with residential dwellings, based on the findings in the Staff Report as verbally updated in the staff presentation, with the four (4) conditions of approval recommended by the Planning Board.

June 6, 2006                      City Commission overrides the recommendation of the Manhattan Urban Area Planning Board and approves Ordinance No. 6544 rezoning Manhattan Marketplace Addition, Unit Two, to PUD Commercial Planned Unit Development District as modified by the revised Preliminary Development Plan replacing the hotel use in Building P with residential dwellings, based on the findings in the Staff Report as updated by the Cover Memorandum, with the four (4) conditions of approval listed in the Staff Report.

- January 24, 2008      Manhattan Urban Area Planning Board approves the Final Plat of Manhattan Marketplace Shops, Unit One, Planned Unit Development.
- February 5, 2008      City Commission accepts easements and rights-of-way of Manhattan Marketplace Shops, Unit One, Planned Unit Development.

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

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 amendment is consistent with the intent and purposes of the Zoning Regulations, the intent of the PUD Regulations and Design Guidelines, subject to the conditions of approval listed under the staff recommendation.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public that denial would accomplish in comparison to the hardship to the applicant and the City. That portion of the PUD, affected by the amendment, is an integral part of the overall downtown redevelopment project. Substantial public investment has been made to implement the PUD as a part of the overall downtown redevelopment effort. Denial of the amendments would be a hardship on the applicant, as well as the general public, given the levels of public investment already made.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public facilities and services are available to serve the site.

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

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed amendment of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 15, Manhattan marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1-6 of Manhattan Marketplace Shops, Unit Four, Planned Unit Development, subject to the following condition:

1. All provisions of Ordinance No. 6544 that are not in conflict with this amendment shall remain in force.
2. Signage on Building P as proposed in the application documents shall be allowed.
3. 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 B(5).

**ALTERNATIVES:**

1. Recommend approval of the proposed amendment of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 15, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1-6 of Manhattan Marketplace Shops, Unit Four, Planned Unit Development, stating the basis for such recommendation.
2. Recommend denial of the proposed amendments of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 15, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1-6 of Manhattan Marketplace Shops, Unit Four, Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 15, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1-6 of Manhattan Marketplace Shops, Unit Four, Planned Unit Development, based on the findings in the Staff Report, subject to the three conditions of approval recommended by City Administration.

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

**DATE:** February 18, 2011

**STAFF REPORT**

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

**BACKGROUND**

**FROM:** County G-1, General Agricultural District, and R-1, Single-Family Residential District, with AO, Airport Overlay District.

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

**OWNER:** G. Rex Stone Trust, Shirley L. Stone Trustee.

**ADDRESS:** 2242 Meadowlark Rd., Manhattan, KS 66502.

**APPLICANT:** Forward Properties International, Inc. – Gordon Sorenson, Financial Officer.

**ADDRESS:** 5331 Spring Valley Road, Dallas, TX 75254.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, January 17, 2011; Re-advertised on Thursday, February 3, 2011.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, February 7, 2011; Tabled to Thursday, February 24, 2011.

**CITY COMMISSION:** Tuesday, March 22, 2011.

**LOCATION:** The site is generally located along the east side of N. Scenic Drive, south of Stone Drive, and north of the dead-end of Hunter Drive.

**AREA:** 24.501 acres.

**PROPOSED USE:** The proposed permitted use is Multiple-family dwellings.

*Attachment No. 3*

The application documents indicate the tenant mix is to serve the expanding housing market associated with Ft. Riley. Military assigned to Ft. Riley, Ft. Riley personnel, KSU students, staff and teachers are also part of the market.

The property will be managed by Engle property Management, LLC.

Net density is 13.3 dwelling units per net acre.

**PROPOSED BUILDINGS, STRUCTURES AND PHASING:** Thirteen, 24 dwelling units per apartment building, or 312 total dwelling units are proposed.

The applicant indicates that ten buildings will consist of one-bedroom, two-bedroom units, and three-bedroom units. Three buildings will consist of two-bedroom units only. The proposed number of off-street parking spaces is based on the building unit/bedroom floor plans. Open off-street parking lots, carport parking, and parking garages with end storage spaces, will be provided with each phase to serve the apartment buildings.

**Apartment Buildings, Clubhouse, Parking Garages, Carports, and Screening Structures**

Apartment buildings are three stories, 41 ½ feet in height. Exterior materials are a combination of lap siding, corrugated metal, and limestone veneer at the building's base and either side of the stairwell entry facade, with architectural roof shingles. Building colors are earth tones: browns, beiges, greens. Each ground floor unit has a patio space and storage room. Second and third floor units have a balcony and storage room. Units are accessed from an internal stairwell with a standing seam metal third floor roof over the stairwell entrance, and a standing seam roof, lap and corrugated metal siding on building sidewalls.

The one story clubhouse/office/pool building is 20 ½ feet in height with similar exterior materials as the apartment buildings, but no corrugated metal. The application documents note four employees at the clubhouse.

The parking garage and carport buildings are 14 feet in height and 13 feet in height, respectively, with the garage exterior material matching the clubhouse building, and the carports having similar roof material with lap sided side walls but no front or rear walls. Parking garages have storage units on the ends of the garage.

Trash enclosures are six feet in height with split face walls and metal doors.

Six foot tall wood fence is proposed for screening on the eastern side of Phase 1 and Phase 4.

**Phasing**

For the purposes of Final Development Plan approvals, the applicant is setting out the phasing timelines as a part of the Preliminary Development Plan approval which is proposed in four phases from 2011 through 2017.

Phase 1, 2011: Access from a proposed curb cut off Stone Drive at the northern end of the site. Internal driveway aisles will provide access to parking lots serving four apartment buildings generally in the northeastern part of the site.

Phase 2, 2013: Access from an internal driving aisle established with Phase 1. Off-street parking lots serving the two apartment buildings and the pool/clubhouse will be built with in Phase 2 generally in the northwestern part of the site.

Phase 3, 2015: Access to parking lots and three apartment buildings from driveway aisles and a portion of Hunter Drive with Phase 3 in the southwestern part of the site.

Phase 4, 2017: Access from an extension of Hunter Drive in the Phase 3 to existing Hunter Drive in Stone Pointe Addition. Phase 4 is in the southeastern part of the site consisting of four apartment buildings and off-street parking lots.

**PROPOSED TOAL LOT COVERAGES**

<u>Use</u>	<u>Square Feet</u>	<u>Percentage</u>
Buildings	176,407	16%
Right-of-way	47,195	4%
Driveways/Parking	396,043	35%
Landscape/Open Space	254,532	45%

**PROPOSED SIGNS**

Four type of ground signs are proposed: (1) A 12 foot tall, 64 square feet in area, metal tubing and plywood identification/information sign, is proposed at the northwest corner of the site along N. Scenic Drive; (2) Two, 2 ½ foot tall, 35 square feet in area, limestone identification/entry with aluminum lettering sign, are proposed in the driveway access aisle off Stone Drive and Hunter Drive; (3) A 2 ½ foot tall, 20 square feet in area, limestone identification/entry with aluminum lettering clubhouse sign is proposed at the entry to the clubhouse off the driveway aisle; and, (4) Small way finding signs constructed of metal tubing and aluminum facing, are proposed throughout the site identifying buildings or other uses like the clubhouse.

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Identification	12 feet by 8 feet	None
Way finding	4 feet 2 feet	None
Limestone Ground entry	2.5 feet by 14 feet	Ground
Limestone Ground clubhouse	2.5 feet by 8 feet	Ground

The proposed 12 foot tall, 64 square feet in area, information sign should be designed using materials compatible with proposed signs in the PUD, such as a limestone veneer base and aluminum face. Additionally, Exempt signage in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5), shall be permitted (attachment).

**PROPOSED LIGHTING:** Full cutoff wall lights and parking lot lights are proposed. Parking lot lights 16 feet tall. Sign lights are up-lit.

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

**LANDSCAPING:** Proposed landscaping is functional with respect to the proposed nature of the development and takes into consideration screening and buffering needs, preservation of existing vegetation and trees wherever possible, incorporates open and private space, the location of buildings, walks, streets, recreational areas, parking areas, utilities, drainage, finished grade and long term maintenance. Trees and foundation planting beds are proposed with native tree areas in drainage ways preserved to the greatest extent possible because Hunter Drive and other public improvements will cross natural ravines. Conservation easements should be added to drainage easements to insure that native ravine areas are preserved to the greatest extent possible. A tree preservation plan, for the areas depicted on the landscape plan as native area, should be submitted with the Final Development Plan for Phase 1. The preservation plan should be reviewed and approved by City Administration, including the City Forester.

**2. SCREENING:** Outdoor storage areas are adequately screened. Outdoor off-street parking areas adjacent to the southeastern lot line adjoining the rear yard of single family back and side yards are screened by a six foot tall wood fencing. Outdoor off-street parking along the northeastern side of the site are also screened by a six foot tall wood fencing and are separated from single family yards by an open area, which adds distance between the parking and yards. The open space separation is generally in the low range of 155 feet up to approximately 205 feet. Outdoor trash collection points are enclosed by six foot tall split face block walls and metal doors.

**3. DRAINAGE:** The drainage system is designed in conformance with the adopted Stormwater Management Master Plan. BG Consultants, Inc., submitted a Storm Drainage Report for Scenic Woods, dated December 23, 2010. The proposed drainage system reduces post development storm water flows generated by the proposed improvements. The City Engineer, memo attached dated February 1, 2011, accepts the Report, with the following comments:

- Slope Protection will need to be provided for the double 6' X 6' by use of a headwall. Refer to city standards specifications for headwalls when in the final design for the road/RCB.
- Inlets should be provided on Hunter Drive in the sump area at the RCB. Inlets should be designed in accordance to City Standards. The sump area on the road between the parking lots of building (6,7) and (8,9) should have an inlet structure.
- All outlets will need to have the appropriate end sections and necessary slope protection.

These structural and other improvements will need to be addressed with the drainage plan submitted the Final Development Plan.

Storm water improvements include use of the proposed storm sewer inlets, existing and proposed storm sewer pipes and concrete box, the natural channel, and a detention basin. The majority of the storm flows generated by the proposed development will drain to the detention basin, which will drain to the north to storm sewer pipe in Stone Pointe Addition.

Adequate easements are proposed to protect drainage ways from encroachment and protect property from damage by periodic flooding. No portion of the proposed development is within the 100 year Flood Plain or 500 Year Flood Plain.

Provisions to insure the continued long term maintenance of private drainage facilities will be provided with a Restrictive Covenant, which will be required and filed with the Final Plat to ensure long term maintenance of drainage improvements by the owner and the provision to allow the City to assess the property if the owner fails to perform the required maintenance.

**4. CIRCULATION:** The internal circulation plan provides for safe, convenient and efficient movement of goods, motorists and pedestrians. Conflicts between motorists and pedestrians are minimized. Access to the proposed PUD will be from Stone Drive and a future extension of Hunter Drive from the Stone Pointe Addition to Scenic Drive.

*Attachment No. 3*

A Transportation Impact Study for Scenic Woods was prepared and submitted by BG Consultants, dated December 23, 2010, and a Memorandum, dated February 1, 2011, was also submitted updating to the Study. The Study indicates the need for street improvements and overall, a minimal impact on the street system. The Memorandum was provided to account for the extension of Hunter Drive through the development and its connection at Scenic Drive/Highland Drive and the impact the street connection will have as a result of the connection.

The City Engineer, memo attached dated February 1, 2011, has reviewed the Study and Memorandum and accepts the Study and Memorandum, with comments related to Hunter Drive:

- The developer should be responsible for constructing the longer storage of 150 feet for the egress lanes of the eastbound approach of the Scenic Drive & Hunter Drive/Highland Ridge Drive intersection.
- The construction of a northbound right turn lane on Scenic Drive into Hunter Drive needs to be long enough to accommodate right-turning vehicle deceleration and storage based on the traffic report.

Pedestrian traffic is accommodated within the development by an extensive private sidewalk system and connects to proposed public sidewalks on the south side of Stone Drive adjacent to the northern boundary of the rezoning site, which connect to an existing sidewalk on the south side of Stone Drive at the eastern edge of the rezoning site. Public sidewalk is proposed on the extension of Hunter Drive within the right-of-way and within pedestrian easement, where necessary. Sidewalks on Hunter Drive and Stone Drive extend to the eastern edge of N. Scenic Drive right-of-way to accommodate future sidewalks on N. Scenic Drive when the street is built to an urban section. Currently, the street is an arterial and sidewalk would be required on both sides of the street; however, there is no curb and gutter, storm water pipes or sidewalks in the rural street section. It's impractical to build sidewalk at this time only to remove them without a street design.

Bicycle pathways are not required in the PUD; however, a bike rack is shown at the clubhouse and additional bike racks should be provided near apartment buildings and shown on the Final Development Plan with each Phase.

The proposed apartment floor plans show a one-bedroom, two-bedroom dwelling units, and three bedroom, plan and an alternative plan for two-bedroom only. Total floor unit counts are 30, one-bedroom, 252 two-bedroom, and 30 three bedroom units. Using the Manhattan Zoning Regulations requirements for multiple-family dwellings, 2 off-street parking space are required for one-bedroom units, 3 for two-bedroom units, and 3.5 for

three-bedroom units, with any fraction of 0.5 or greater rounded to the next whole number, and any fraction less than 0.5 deducted. Other than three bedroom units providing an equivalent of one space per bedroom, the Zoning Regulations assumes the added parking may be for guests and four employees.

Based on the applicant's floor plan proposal, 921 off-street parking spaces are required and 907 are proposed. In addition, the application documents indicate four employees will work in the leasing office in the clubhouse, and four parking spaces would be needed. It is not anticipated that each bedroom will be occupied by one person with a vehicle given the tenant market mix. The proposed 907 parking spaces are should be adequate to serve the mix of tenants.

**5. OPEN SPACE AND COMMON AREA:** A pool/clubhouse is proposed to provide activities for residents. Internal proposed sidewalks, which connect to proposed public sidewalks, are located throughout the site to allow residents to walk to the clubhouse/pool from apartment buildings.

Natural drainage channels are protected and preserved as drainage channels and should be designated as conservation easement consistent with similar ravines in Stone Pointe to the north. Trees within the easement will be protected to the greatest extent possible and a tree preservation plan should provide the assurance that trees will be protected.

**6. CHARACTER OF THE NEIGHBORHOOD:** The development takes into account the character of the area in which it is located. Proposed structures, signs and other improvements are compatible to both the proposed site and surrounding neighborhood.

The area is characterized as a developing growth corridor of the City. The area along the corridor is characterized by single-family, two-family and multiple-family residential development, with multiple-family use being the main land use adjacent to N. Scenic Drive. Highland Meadows Additions are to the west and northwest with Stone Pointe Additions to the north, south, and east. The subdivisions are characterized by multiple-family along N. Scenic Drive with lower density uses buffered from the corridor by apartment buildings. Single-family and two-family uses are typically separated by streets from apartment buildings. The street connections will serve the immediate neighborhood and accommodate future access to other parts of the City.

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

**1. EXISTING USE:** The current use of the property is Riley County agricultural with an existing single-family dwelling located generally near the center of the 24.5 acre rezoning site. The house is intended to be relocated to Lot 1, Stone Tract No. 1, which abuts the southwest property line of the rezoning site.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The rezoning site drains to the north through moderately deep natural ravines, which extend from the southwest and south and cross the site to the north and northeast. Tract A, Stone Pointe Addition, in the eastern part of the site is designated conservation and drainage easement, and partly a utility easement; however, the entire Tract allows for public improvements. The ravines are heavily wooded with open areas in the southeastern, northeastern and middle part of the site.

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:** Stone Drive, single-family attached dwelling units and multiple-family dwellings; R-3, Multiple-Family Residential District, and R-2, Two-Family Residential District.

**(b.) SOUTH:** Single-family dwellings and single-family attached dwellings in three and four dwelling unit townhomes in Stone Pointe Townhomes PUD; R, Single-family Residential District and AO District, and PUD/AO District.

**(c.) EAST:** Single-family dwellings; R-1, Single-family Residential District/AO District.

**(d.) WEST:** N. Scenic Drive, multiple-family dwellings, undeveloped/unplatted single-family tract, single-family dwellings; R-1/AO, R-1, and R-3 Districts.

**4. CHARACTER OF THE NEIGHBORHOOD:** See above under PUD Criteria Number 6, CHARACTER OF THE NEIGHBORHOOD.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** majority of site is currently zoned G-1, General Agricultural District, with Tract A limited to easement. The Zoning Regulations of Riley County for the G-1 District indicate, “The intent of this district is to preserve and protect the agricultural areas of the County from the premature development of urban type uses or urban sprawl, while permitting certain uses that are compatible with agricultural uses or are intended to serve the agricultural community.”

The existing G-1 District uses include growing crops, raising stock and poultry, and similar agricultural activity. The G-1 District also allows the residence of the person that owns or operates a farm, as well as land filling of concrete, rock, brick and rubble, wind conversion systems, some of which may not be compatible with urban development. Some permitted uses such as bed and breakfasts, churches, and single family dwellings on lots greater than 20 acres, are also permitted uses in G-1.

Tract A, in the R-1 District, is a drainage/conservation/utility easement and is suitable for that purpose.

**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. To the east is R District an R-1 District. To the west is N. Scenic Drive. Low and high density residential neighborhoods are to the north and separated from the site by streets. The closest single-family lots are to the southeast of Phase 4 with parking lots adjoining rear yards. Parking lots will be screened by six foot cedar fencing along the length of the parking lots.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE PROPOSED REZONING SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE SOUTHWEST PLANNING AREA AS A COMBINATION OF RESIDENTIAL HIGH DENSITY (RHD), RESIDENTIAL LOW TO MEDIUM (RLM), AND PRESERVED OPEN SPACE. THE SOUTHERN PART OF THE SITE IS IN THE CONICAL ZONE OF THE MANHATTAN REGIONAL AIRPORT AND THE AO DISTRICT WILL BE ADDED AS AN OVERLAY DISTRICT TO THE SPECIFIC PART OF SCENIC WOODS THAT IS AFFECTED BY THE CONICAL ZONE.**

**THE RHD CATEGORY IS GENERALLY AN ELONGATED TRACT NEAR THE CENTER OF THE SITE REFLECTING THE OPEN MEADOW. THE DENSITY RANGE OF THE RHD CATEGORY IS 19 DWELLING UNITS PER NET ACRE OR GREATER. THE NORTHEASTERN PART OF THE TRACT IS RLM, WHICH HAS A DENSITY RANGE OF LESS THAN ONE UP TO 11-DWELLING UNITS PER NET ACRE. WOODED AREAS ALONG N. SCENIC DRIVE AND WOODED DRAINAGE RAVINES ARE SHOWN AS PRESERVED OPEN SPACE.**

**APPLICABLE COMPREHENSIVE PLAN CHAPTERS AND POLICY STATEMENTS, IN BOLD ITALICS AND ITALICS, INCLUDE:**

***CHAPTER 4, LAND USE AND GROWTH MANAGEMENT: RESIDENTIAL HIGH DENSITY (RHD)***

***RHD 1: Characteristics***

*The Residential High Density designation is designed to create opportunities for higher density neighborhoods in both an urban downtown setting and a suburban setting. Within an urban or downtown setting, the designation accommodates higher-intensity residential housing products, such as mid to high-rise apartments, townhomes and condominiums, combined with complementary non-residential land uses, such as retail, service commercial, and office uses, often within the same building. In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or urban fashion, such as in planned apartment communities with complimentary neighborhood service commercial, office and recreational facilities. These neighborhoods could be implemented through a Planned Unit Development or by following design and site plan standards (design review process).*

***RHD 2: Appropriate Density Range***

*Possible densities under this designation are 19 dwelling units per net acre and greater.*

***RHD 3: Location***

*Residential High Density uses are typically located near intersections of arterials and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. High-density neighborhoods should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods. In a more urban or downtown setting, residential high density may be combined with active non-residential uses in a vertically mixed-use building.*

## **CHAPTER 4, LAND USE AND GROWTH MANAGEMENT: RESIDENTIAL LOW/MEDIUM DENSITY (RLM)**

### ***RLM 1: Characteristics***

*The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.*

### ***RLM 2: Appropriate Density Range***

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

### ***RLM 3: Location***

*Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.*

### ***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.*

## **CHAPTER 5: NATURAL RESOURCES AND ENVIRONMENT**

### ***NRE 1: Corridors, Buffers, and Linkages and Preserved Open Space***

*The City and County should use a variety of methods (both public and private) to facilitate the creation of a continuous, permanent, system of open space corridors using natural features such as preserved open space areas, drainages, streams, and rivers to the extent possible. Corridors should be identified during the subdivision or master planning process and should be used to provide linkages within and between non-contiguous parks, environmentally sensitive and preserved open space areas, as well as neighborhoods and other development areas. Buffers can also be used to provide a transition between different intensities of uses. The current width and shape and other features of a naturally occurring corridor (such as a drainageway) should be preserved, in order to maintain its environmental integrity and avoid creating an “engineered” appearance.*

***NRE 5: Environmentally Sensitive Site Design***

*The City and County shall ensure that environmentally sensitive site design practices are used in new development. Sensitive site design practices can minimize unnecessary physical and visual impacts upon the surrounding landscape, caused by excessive removal of existing vegetation or severe roadway cuts, and excessive grading of natural topography.*

***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 NET DENSITY IS 13.3 DWELLING UNITS PER NET ACRE. DRAINAGE CHANNELS ARE PRESERVED AS OPEN SPACE BY DRAINAGE EASEMENT, AND SHOULD INCLUDE CONSERVATION EASEMENT, WHICH WILL PRESERVE TREES AND OTHER NATIVE LANDSCAPE AREAS WITH MINIMAL DISRUPTION TO THE OPEN SPACE. THE AO DISTRICT WILL BE ADDED TO THE SOUTHERN PART OF THE TRACT CONSISTENT WITH THE CONICAL ZONE.**

**THE PROPOSED REZONING CONFORMS TO THE COMPREHENSIVE PLAN.**

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** There is an existing house on the site, which will be removed. The site has been zoned G-1 District for many years. The R-1 and AO District on Tract A was established with annexation, rezoning and platting of the Stone Pointe Addition in 2006.

**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.

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 Scenic Woods 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 gain to the public that denial would accomplish as no adverse impacts are expected as a result of the rezoning. Public streets and utilities are, or will be available to serve the site, and must be available prior to issuance of a building permit. A drainage plan will reduce the impact of storm water on downstream properties. It may be a hardship on the owner if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public water, sanitary sewer, streets and pedestrian sidewalks are, or will be, available to serve the development.

Hunter Drive should be constructed from the existing dead-end of Hunter Drive in Stone Pointe Addition to Scenic Drive with Phase 3, or at such time as deemed necessary by the City. Street improvements noted in the City Engineer’s memo dated February 1, 2011, should be provided, reviewed, and accepted by the City Engineer.

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

**13. STAFF COMMENTS AND RECOMMENDATION:** City Administration recommends approval of the proposed rezoning of Scenic Woods PUD from County G-1, General Agricultural, to PUD, Residential Planned Unit Development District and AO, Airport Overlay District, with the following conditions of approval:

1. The Permitted Use shall be Multiple-Family Residential.
2. A maximum of 312 total dwelling shall be allowed.
3. A maximum of 30, one bedroom, 252, two-bedroom, and 30, three bedroom units, shall be allowed.
4. Hunter Drive shall be constructed with Phase 3, as shown on the Preliminary Development Plan, or at such time as deemed necessary by the City, and shall be constructed from the existing dead-end of Hunter Drive in Stone Pointe Addition to Scenic Drive.
5. At the time that Hunter Drive is constructed, street improvements to Scenic Drive as noted in the City Engineer's memorandum, dated February 1, 2011, shall be constructed by the owner of the Scenic Woods development.
6. Storm Drainage comments noted in the City Engineer's memorandum, dated February 1, 2011, shall be submitted with the drainage report and Final Development Plan for Phase 1, and shall be reviewed and accepted by the City Engineer.
7. Additional bike racks shall be provided in areas adjacent to apartment buildings and shall be shown on Final Development Plans.
8. 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.
9. All landscaping and irrigation shall be maintained in good condition.
10. Conservation easements shall be provided in natural ravine areas designated as drainage easement.
11. A tree preservation plan shall be provided with the Final Development Plan for Phase 1, which shall be reviewed and approved by the City.
12. 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.
13. Signage shall be limited to signs proposed in the application documents.
14. The 12 foot tall, 64 square foot information sign on N. Scenic Drive, shall be constructed with a four foot tall by eight foot wide limestone veneer base and aluminum panel sign face.
15. 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 B(5).

### **ALTERNATIVES:**

1. Recommend approval of the proposed rezoning Scenic Woods PUD from County G-1, General Agricultural District, and R-1, Single-Family Residential District, with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District, with 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 Scenic Woods PUD from County G-1, General Agricultural, County G-1, General Agricultural District, and R-1, Single-Family Residential District, with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District, with AO, Airport Overlay District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

### **POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Scenic Woods PUD from County G-1, General Agricultural District, and R-1, Single-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 15 conditions recommended by City Administration.

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

**DATE:** February 18, 2011

11003Rev

**STAFF REPORT  
STATE OR MUNICIPAL FACILITY REVIEW**

**APPLICANT:** City of Manhattan/Manhattan Fire Department-Jerry Snyder, Director of Fire Services.

**ADDRESS:** 1101 Poyntz Avenue, Manhattan, KS 66502.

**LOCATION:** 2727 Amherst Avenue, which is approximately 600 feet northeast of the intersection of Seth Child Road and Amherst Avenue, along the south side of Amherst Avenue.

**AREA:** 2.732 acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Thursday, February 3, 2011.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Thursday, February 24, 2011.  
**CITY COMMISSION:** Tuesday, March 22, 2011.

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*At the conclusion of the hearing, the Manhattan Urban Area Planning Board shall forward its recommendation to the Governing Body. Such recommendation shall include all factors and reasons the Board relies upon to support such recommendation. In arriving at such recommendation, the Planning Board shall balance the public interests to be served by the construction or expansion of the utility or facility, as opposed to the impact upon interests intended to be protected by the Zoning Regulations. In balancing such interests, the Planning Board shall consider factors, such as:*

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**EXISTING USE:** Vacant tract of land zoned C-5, Highway Service Commercial District.

**PROPOSED USE:** Fire House No. 3, a 9,250 square foot, one story, two bay fire station with full living quarters for up to seven personnel, with four persons expected per shift. The proposed station will replace the existing fire station at 3131 Anderson Avenue.

Site, off-street parking, landscaping, building, lighting, and signage plans are included as a part of the proposal (attached). The proposal includes public restrooms, bike rack, and water fountain on the northwest corner of the building for the public using the linear trail. Sidewalk access connects directly from the linear trail to the public space. Signage on the linear trail directs the public's attention to the public restrooms.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The east part of the site is elevated above the west part of the site, which will be filled. The majority of the site drains to the southeast to a ditch along the linear trail, and a small part drains to Amherst Avenue. Post development drainage patterns are maintained. There are trees along the southwestern and southern parts of the site, with the balance grass and a concrete pad previously associated with the former industrial building to the east. The

City's linear trail extends along the entire the southwestern part of the site, which connects to an existing sidewalk on Amherst Avenue at the northwest corner of the property. The sidewalk in Amherst Avenue is along the site's frontage.

**THE NATURE AND SCOPE OF THE MUNICIPALITY OR STATE AGENCY:**  
The nature and scope of the municipal facility is a proposed fire station which will provide for better access to the southwestern part of the City and will be operated by the City of Manhattan's Fire Department. The proposed fire station will replace the existing fire station at 3131 Anderson Avenue.

**THE FUNCTION OF THE UTILITY OR FACILITY:** The function of the fire station is one of five fire stations located throughout the City, which are located for quick response times to various parts of the City.

**THE EXTENT OF THE PUBLIC INTEREST TO BE SERVED BY THE UTILITY OR FACILITY:** The extent of public interest served by the proposed fire station is provided by the relocation of the existing fire station at 3131 Anderson Avenue, with the expressed purpose of providing faster response times to areas in southwestern Manhattan. Written application documents indicate, "As an added benefit, Firehouse #3 will allow for a second firefighting crew to be on scene of incidents in adjacent response districts in a quicker time frame. Quicker/faster response times equate to added safety to the citizens of Manhattan."

**THE EFFECT THAT REGULATION OF THE CONSTRUCTION, OR EXPANSION, EITHER BY THE IMPOSITION OF REQUIREMENTS NECESSARY TO MITIGATE IMPACTS OR BY A COMPLETE DENIAL, WILL HAVE UPON THE MUNICIPALITY'S, OR STATE AGENCY'S, ABILITY TO EFFICIENTLY, ECONOMICALLY AND PRUDENTLY MEET THE PUBLIC INTERESTS THEY ARE SERVING:** The property is currently zoned C-5, Highway Service Commercial District, and fire stations, municipal facilities, or government buildings, are not listed as a permitted or conditional use in C-5. The only zoning district which specifically allows a municipally owned and operated fire station is the Grande Mere Village Planned Unit Development. Denial of the request would adversely affect the southwestern part of the City resulting in slower response times to emergencies.

**THE IMPACT THAT CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY WILL HAVE UPON THE LEGITIMATE INTERESTS OF THAT PORTION OF THE COMMUNITY IN WHICH IT IS PROPOSED TO BE LOCATED:** The impact that construction or expansion of the proposed fire station will have upon the legitimate interests of that portion of the community in which it is proposed to be located should be minimal. The site provides for quicker response times to fires and other emergencies to the southwestern part of the city. The proposed fire station will have a positive impact in the southwestern part of the City.

The proposed fire station's immediate neighborhood is a combination of highway commercial and industrial park uses. A manufactured home park is further to the south. No adverse affects or impacts are expected due to light, noise, and traffic generated by the proposed fire station.

Proposed building, off-street parking, and ground signage are set back greater than the minimum requirements of the C-5 District. Twenty off-street parking spaces are proposed. The Manhattan Zoning Regulations do not specify a minimum required number of off-street parking spaces for a "fire station". The sleeping space provides for up to seven personnel. The additional 13 parking spaces would accommodate daily trips for training, administrative, and similar activities by the Fire Department personnel. Adequate off-street parking is available to serve the proposed fire station.

**IF THE OWNER OF THE UTILITY OR FACILITY IS THE CITY OF MANHATTAN, AND IF THE FACILITY OR UTILITY IS OF A TYPE EMBRACED WITHIN THE COMPREHENSIVE PLAN, WHETHER OR NOT IT IS IN CONFORMITY WITH THAT PLAN:** The City of Manhattan is the owner of the proposed fire station.

A municipal facility, such as the proposed fire station, is designated as a Public/Semi-public use in the Comprehensive Plan. The proposed fire station is located in the Southwest Planning Area of the City, but is not identified at the proposed location as a public/semi-public use on the Southwest Planning Area Future Land Use Map.

A Fire Station Location Update was approved in March 2003, and the Comprehensive Plan was adopted April 2003.

The Fire Station Location Plan Update recommends two additional sites for fire stations to be built in five years and one to be closed, with exact locations to be determined based on the city's rate and locations of growth. The Plan noted locations in the northwest and southwest parts of the city. Grand Mere Village PUD is the northwest location and Fire House No. 3 is the southwest location, with the 3131 Anderson Avenue fire station to be closed.

The proposed fire station is consistent with the applicable goals, guiding principles, policies, and related plans and policy documents, in italics below, which are set out in Chapter 6, Public Facilities and Services, of the Comprehensive Plan.

*Goal #1:*

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*Direct urban development into planned areas where basic services such as sanitary sewer, water facilities and fire protection can be efficiently, safely, and economically provided while maintaining the quality of services to areas within the City.*

*Guiding Principles;*

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*Make efficient use of public services by locating facilities and providing services within areas planned for future growth.*

*Policies*

*PFS 1: Provision of Adequate Public Facilities and Services within the Urban Service Area*

*The provision of adequate public facilities and services and the phasing of infrastructure improvements shall be important considerations in the timing and location of development. All new development within the Urban Service Area shall be provided with a full range of city services.*

*PFS 4: Coordinate with Service Area Plans*

*The City and County shall continue to coordinate planning efforts with existing Service Area Plans, including but not limited to the Utility Master Plan, Fire Services Plan, and other appropriate Plans.*

*Fire Station Location Plan Update (2003)*

*This plan analyzes the distribution of fire stations and evaluates requests for service by existing stations and locations of structure fires. The plan also evaluates typical fire station location standards as a general guide for determining potential need for additional services as the community continues to grow. These standards include such factors as response time, character of streets, grades, and weather conditions, potential fire severity and life hazards, and insurance service-office fire insurance rating. Based on these criteria and overall perceived community acceptance, the document identifies three additional station facilities to be built. One of these, at Manhattan Regional Airport, has been completed. The plan also outlines staffing requirements and additional equipment necessary to outfit the proposed stations. The update of the plan recommends that two additional stations be built over the next 5 years, and that one existing station be closed.*

*Attachment No. 4*

*The exact locations of the stations will be determined based on growth rates and locations of growth, but will generally be in the southwest and northwest parts of the city.*

The proposed fire station is embraced within the Comprehensive Plan and is in conformity with the Comprehensive Plan.

**OTHER FACTORS AS THE PLANNING BOARD DEEMS APPROPRIATE AND RELEVANT:** If the Planning Board believes there are other factors to consider, the Board should determine those factors it deems appropriate and relevant and clearly articulate the factors.

**STAFF RECOMMENDATION:** City Administration recommends approval of the proposed Fire House No. 3.

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*The Planning Board shall not recommend approval of the request unless it determines, by a preponderance of the evidence, that the public interests to be served by the construction or expansion of the utility or facility outweigh any impact upon legitimate community interests, as such impact is mitigated by any requirements of the Planning Board.*

*If the Planning Board recommends approval, they shall also recommend any requirements or conditions they deem necessary to mitigate impacts caused by such use. Such requirements or conditions may include, but are not limited to, any bulk, or other requirements, which would have otherwise been applicable within the zoning district in which the proposed use is to be placed.*

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## **ALTERNATIVES**

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

1. Hold a public hearing on the proposal and, following the hearing, recommend approval of proposed Fire House No. 3, based on the findings in the staff report.
2. Hold a public hearing on the proposal and, following the hearing, recommend denial of proposed Fire House No. 3, for specifically stated reasons.

3. Hold a public hearing on the proposal and, following the hearing, modify the site plan and/or add a condition, or conditions, of approval, to meet the needs as perceived by the Planning Board, and establish such condition, or conditions, if any, as deemed necessary to mitigate any impacts created by proposed Fire House No. 3.
4. Table the public hearing of proposed Fire House No. 3, for specifically stated reasons and provide further direction to City Administration.

## **RECOMMENDATION**

City Administration recommends that the Planning Board:

1. Hold a public hearing on proposed Fire House No. 3;
2. Determine by a preponderance of the evidence, that the public interests to be served by proposed Fire House No. 3, outweigh the impacts upon the legitimate community interests, as mitigated by requirements of the Planning Board; and,
3. Approval of proposed Fire House No. 3, based on the findings in the Staff Report.

## **POSSIBLE MOTION**

The Manhattan Urban Area Planning Board finds that by a preponderance of the evidence, the public interests to be served by the proposed Municipal Facility, outweighs the impacts upon the legitimate community interests and recommends approval of proposed Fire House No. 3, based on the findings in the Staff Report.

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

**DATE:** February 17, 2011