

CERTIFICATION OF CLERK

I, Brenda K. Wolf, the duly appointed, qualified, and Assistant City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Minutes were duly adopted at a meeting of the City of Manhattan, Kansas, held on the 2nd day of August, 2011, and that said Minutes have been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, this 2nd day of August, 2011.



Brenda K. Wolf

Brenda K. Wolf, CMC, Assistant City Clerk



MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 19, 2011
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor James E. Sherow and Commissioners Loren J. Pepperd, John Matta, Wynn Butler, and Richard B. Jankovich were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 10 staff, and approximately 170 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Sherow led the Commission in the Pledge of Allegiance.

PRESENTATION/RECOGNITION

The Executive Director of the Kansas Bar Association presented City Attorney Bill Frost with a Distinguished Government Service Award.

Mayor Sherow, City Manager Ron Fehr, and City Clerk Gary Fees recognized the Citizens' Academy Participants for 2010-2011. Commissioner Wynn Butler, Paula Fullwood, Jeff Gauthier, Lisa Houston, Tony McGrail, Pradeep Reddy Malreddy, Harish Maringanti, Paul Parrish, Ken Schmelzle, Karla Wisdom, and Mike Wolfe were present to receive their Certificates of Achievement. Other Academy participants that were unable to attend were Jeremy Latchaw, Ross McDonald, and Nita Wiley.

MAYOR'S COMMUNITY SERVICE AWARDS

Mayor Sherow recognized Jerry and Belinda Snyder as recipients of the Mayor's Community Service Award.

PROCLAMATION

Mayor Sherow proclaimed July 30, 2011, *Kansas All-Star Shrine Bowl Day*. Jordan Nelson, Kansas Shrine Bowl Football Participant from Manhattan; Christina Smith and Reid Buchanan, Kansas Shrine Bowl Cross Country Participants from Manhattan; and Rod Kalivoda, Kansas Shrine Bowl Director; Dave Davis, President; John Spangler, Mike Rogers, and Rex Boatman, members, Manhattan Shrine Club, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Sherow announced that General Agenda Item B: Lot 9, Downtown Entertainment District, was removed from the agenda at request of Flint Hills Square, LLC. He then opened the public comments.

Stan Hoerman, 2021 Blue Hills Road, asked the Commission if American Eagle is paying for landing fees at the Manhattan Regional Airport and voiced concerns with subsidizing American Eagle, but not subsidizing the proposed transit bus service.

Commissioner Jankovich responded to questions regarding American Eagle and the Manhattan Regional Airport. He provided additional information on the revenue guaranty, the additional flight to Chicago, and on the success of the airline in Manhattan.

Alice Wagner, representing the United Way of Riley County, asked the Commission to support the continuation of the Social Services Advisory Board funding.

Mayor Sherow informed Ms. Wagner that the budget item will be discussed tonight during the General Agenda.

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

COMMISSIONER COMMENTS

Commissioner Jankovich congratulated those recognized tonight for their participation in the Kansas Shrine Bowl. He also congratulated the Parks and Recreation Department and Sunset Zoo staff on the groundbreaking event for the Gibbons Exhibit held Saturday, July 16, 2011. He then provided an update on the Wildcat Creek Working Group that he is co-chairing with Riley County Commissioner Alvan Johnson to identify possible short-term, medium-term, and long-term solutions to the flash flooding that occurred on the Wildcat Creek tributary. He informed the community that the first meeting is scheduled for Thursday, July 28, 2011, at 6:00 p.m., in the City Commission Room at City Hall.

COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Butler requested that a future work session be scheduled for the Commission to explore alternate funding methods for outside agencies, particularly social service agencies. He discussed potential opportunities with credit card companies to donate a percentage to the City or rounding up the difference on utility bill payments, with the additional funds going to a dedicated funding stream for social services and outside agencies. He encouraged ideas be brought to the Commission's attention for consideration.

Commissioner Pepperd highlighted events associated with the Riley County Fair and encouraged everyone to come out and watch the parade and enjoy the fair.

Mayor Sherow informed the community that the City Commissioners would be in the parade on Old Engine One. He extended appreciation to the Code Services Office for their continued assistance in providing inspections on construction activities with U.S.D. 383. He then provided an overview of items mentioned during the Discussion/Briefing Session held prior to the City Commission Legislative Meeting including an update on the canoe race this Friday from Manhattan to Lawrence; discussed a future housing summit; discussed a grant opportunity regarding the recent flooding; updated Commissioner calendars; provided updates on various meetings attended; received a report at the Manhattan Area Chamber of Commerce Board meeting on redistricting considerations and update on Chamber programs; and received an update from the City Manager on the Flag Plaza in City Park regarding the fundraising efforts and the project. He then asked the City Manager to provide additional information.

Ron Fehr, City Manager, provided an overview and illustration of the Partner City Flag Plaza to be constructed in the southwest corner of City Park to honor the Partner City relationship with the City of Dobřichovice in the Czech Republic. He informed the Commission that donations have been ongoing and that there have been professional services donated for the design and services for the coordination of construction management. He informed the Commission that the project will proceed through the City's normal purchasing policy with assistance from the coordination of construction management services and with Curt Loupe, Director of Parks and Recreation.

Curt Loupe, Director of Parks and Recreation, informed the Commission that a group from the Czech Republic are planning to be in Manhattan on September 22, 2011, with a planned dedication and celebration of the Flag Plaza in City Park. He provided an overview on the Partner City Flag Plaza approved design and said the Partner City Committee continues to raise funds and the Finance Department tracks and reports all donations received. He stated that the Flag Plaza fund currently has \$39,200.00 from fundraising efforts, with estimated pledges at \$54,000.00 and a minimum fundraising goal at \$45,135.00. He informed the Commission that Mark Oberhelman with Tritium Construction, a partner with of Hi-Tech Interiors, will be the overall general coordinator

COMMISSIONER COMMENTS (*CONTINUED*)

and will solicit proposals from the specialty trades; Brent Bowman and Dan Crouch with Bowman Bowman and Novick will continue providing architectural services and expertise; Management Assistant Nick Arena will coordinate bid specifications; and City Parks staff and he would assist and provide oversight of the project according to the City purchasing policy, and continue working with the Partner City Committee and City Clerk Gary Fees as the project proceeds forward. He then provided additional information on the features of the Flag Plaza.

Mayor Sherow appreciated the update to inform the public on the Flag Plaza project. He asked for an update on the process to move the Health Department under Riley County.

Ron Fehr, City Manager, provided an update on the City's proposed Charter Ordinance action item and the process for the Board of Health to be under Riley County.

Lauren Palmer, Assistant City Manager, provided an overview on the proposed Charter Ordinance exempting the City of Manhattan from the provisions of KSA 65-210 relating to the Joint Board of Health funding. She then responded to questions from the Commission regarding property, equipment, and timeline of the Charter Ordinance.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 21, 2011, and the Special City Commission Meeting held Tuesday, June 28, 2011.

CLAIMS REGISTER NO. 2676

The Commission approved Claims Register No. 2676 authorizing and approving the payment of claims from June 22, 2011, to July 12, 2011, in the amount of \$8,242,773.96.

PUBLIC HEARING– LEVY – SPECIAL ASSESSMENTS (GOB 2011-A)

The Mayor opened the public hearing.

Hearing no comments, the Mayor closed the public hearing.

CONSENT AGENDA (CONTINUED)

FIRST READING – LEVY – SPECIAL ASSESSMENTS (GOB 2011-A)

The Commission approved first reading of an ordinance levying special assessments against the benefiting properties in the following seven (7) projects, which have been completed: *Barton Place Addition, Unit Two, Phases One and Two – Street (ST0620); Grand Mere Vanesta, Unit Three – Sanitary Sewer (SS0905); Street (ST0904); and Water (WA0902); and Scenic Meadows Addition, Unit Two, Phase Two – Sanitary Sewer (SS0813); Street (ST0820); and Water (WA0810).*

FIRST READING – REMOVE BOARD OF HEALTH – ENFORCEMENT OF NUISANCES

The Commission approved first reading of an ordinance amending Chapter 21 of the Code of Ordinances to remove the Board of Health as an authorized agency to identify and enforce nuisances, effective December 31, 2011.

FIRST READING – EXEMPT – JOINT BOARD OF HEALTH FUNDING

The Commission approved first reading of a Charter Ordinance exempting the City of Manhattan from the provisions of KSA 65-210 relating to Joint Board of Health funding.

* **DEVELOPMENT AGREEMENT – SCENIC WOODS PUD – WATER (WA1111) AND SANITARY SEWER (SS1115) IMPROVEMENTS**

Commissioner Jankovich abstained due to a conflict of interest.

The Commission authorized the City Manager to execute the development agreement with Manhattan Scenic Woods, LLC, for water main (WA1111) and sanitary sewer (SS1115) improvements in the Scenic Woods PUD.

AWARD CONTRACT – REFUSE COLLECTION

The Commission awarded a Refuse Collection Contract to Waste Management, of Junction City, Kansas, for an annual collection fee of \$31,802.39 for the next three years (August 1, 2011, to July 31, 2014).

CONTRACT AMENDMENT NO. 3 – DESIGN - WESTERN INTERCEPTOR RELIEF SEWER (SS0913)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 3 in the amount of \$19,746.00 with Olsson Associates, of Manhattan, Kansas, for the Western Interceptor Relief Sewer (SS0913).

CONSENT AGENDA (CONTINUED)

CHANGE ORDER – 3RD STREET OPENINGS (ST0806, ST0910)

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute a change order with Emery Sapp and Sons, Inc., of Kansas City, Missouri, for the Third Street Openings Streetscape Improvements at Leavenworth (ST0806) and Pierre (ST0910) Streets.

* **CHANGE ORDER NO. 7 – WASTEWATER TREATMENT PLANT UPGRADE EXPANSION (SP0705)**

Commissioner Jankovich abstained due to a conflict of interest.

The Commission approved Change Order No. 7 to the Wastewater Treatment Plant Upgrade and Expansion Project resulting in a net increase in the amount of \$114,339.00 (+.5%) to the contract with Walters-Morgan Construction, Inc., of Manhattan, Kansas.

WAIVE FEES – BUILDING PERMIT FEES – JUNE 2011 FLOODING

The Commission approved waiver of building permit fees for structures (*See Attachment No. 1*) damaged by the June 2, 2011, flooding.

* **PURCHASE – PASSENGER BOARDING RAMP**

Peter Van Kuren, Airport Director, presented an overview on the purchase of a passenger boarding ramp.

The Commission authorized City Administration to purchase a passenger boarding ramp for the Manhattan Regional Airport in the amount of \$42,295.00 from Keith Consolidated Industries, Inc., of White City, Oregon, to be paid from the Airport insurance proceeds.

BYLAWS – MUNICIPAL AUDIT COMMITTEE

The Commission approved the Municipal Audit Committee Bylaws.

FUNDING RECOMMENDATION – NEIGHBORHOOD GRANT REVIEW COMMITTEE

The Commission approved the Neighborhood Grant Review Committee's funding recommendations for 2011, including conditions. (*See Attachment No. 2*)

BOARD APPOINTMENTS

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

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS (*CONTINUED*)

Airport Advisory Board

Re-appointment of David Rogers, 3521 Churchill Way, to a three-year term. Mr. Rogers' term begins immediately, and will expire June 26, 2014.

Re-appointment of Roger Sink, 1600 Sunny Slope Lane, to a three-year term. Mr. Sink's term begins immediately, and will expire June 26, 2014.

Re-appointment of Richard Wollenberg, 2938 Nevada Street, to a three-year Fort Riley term. Mr. Wollenberg's term begins immediately, and will expire June 26, 2014.

City/University Special Projects Fund Committee

Re-appointment of Eileen Meyer, 2429 Buena Vista Drive, to a two-year Citizen term. Ms. Meyer's term begins immediately, and will expire June 30, 2013.

Corporate Technology Park Architectural Review Committee

Re-appointment of Lyle Butler, 501 Poyntz Avenue, to a three-year term. Mr. Butler's term will begin August 16, 2011, and will expire August 15, 2014.

Human Rights and Services Board

Appointment of Mary Beth Reese, 2008 Ivy Drive, to fill the unexpired term of Sister Lois O'Malley. Ms. Reese's term begins immediately, and will expire March 9, 2013.

Partner City Advisory Committee

Re-appointment of Ed Klimek, 2928 Gary Avenue, to a three-year term. Mr. Klimek's term will begin September 1, 2011, and will expire August 31, 2014.

Social Services Advisory Board

Appointment of Stacy Cam, 2429 Buena Vista Drive, to a three-year term. Ms. Cam's term begins immediately, and will expire June 30, 2014.

Appointment of Katha Hurt, 1927 Anderson Avenue, to a three-year term. Ms. Hurt's term begins immediately, and will expire June 30, 2014.

After discussion, Commissioner Jankovich moved to approve the consent agenda, as presented. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item F, DEVELOPMENT AGREEMENT – SCENIC WOODS PUD – WATER (WA1111) AND SANITARY SEWER (SS1115) IMPROVEMENTS, and Item J, CHANGE ORDER NO. 7 – WASTEWATER TREATMENT PLANT UPGRADE EXPANSION (SP0705), being approved 4-0-1, with Commissioner Jankovich abstaining from the items due to a conflict of interest.

GENERAL AGENDA

MID-YEAR REPORTS - 2011 CHAMBER OF COMMERCE

Lyle Butler, President, Manhattan Area Chamber of Commerce, introduced the item and presented background information on the transient guest tax.

Karen Hibbard, Vice President, Manhattan Area Convention and Visitors Bureau (CVB), presented a mid-year overview on the goals and mission of the CVB; provided an overview on convention sales and update on the Conference Center; presented an update on the CVB's relationships and communications with planners and visitors; presented a video on Manhattan highlights; provided website statistics and visitor guide inquiries; provided advertising and marketing efforts; highlighted recreational sports and special events; presented community awareness initiatives and future projects; presented occupancy rates and average daily rates; and highlighted visitor amenities in Manhattan. She then responded to questions from the Commission on occupancy rates, advertisement campaign plans for the Flint Hills Discovery Center, and informed the Commission that she would provide data on future conferences coming to Manhattan.

John Pagen, Vice President for Economic Development, Manhattan Area Chamber of Commerce, introduced the Manhattan 24/7 Campaign and Kristin Holt.

Kristin Holt, Membership Services Manager, Manhattan Area Chamber of Commerce, provided a brief overview on the recent survey results for the Manhattan 24/7 campaign and promotional efforts. She presented a video spot on the Manhattan 24/7 campaign and responded to questions from the Commission.

John Pagen, Vice President for Economic Development, Manhattan Area Chamber of Commerce, presented a brief update on military initiatives and introduced Whitney Lukenbill.

Whitney Lukenbill, Military Relations Manager, Manhattan Area Chamber of Commerce, provided an overview on military relations efforts with Fort Riley, soldier and family retention, area military impacts, and relocation services available to the military.

Lyle Butler, President, Manhattan Area Chamber of Commerce, provided additional information on the Chamber and the CVB. He informed the Commission that he is willing to visit with individuals and provide greater detail on funding provided by the City of Manhattan to support the activities of the Chamber and/or CVB.

Jennifer Fritchen, representing the CVB Steering Committee, informed the Commission that at the last CVB Steering Committee meeting, the Committee took a hard look at new attractions, the Flint Hills Discovery Center, restaurants, and retailers. She voiced concern and opposition in the use of additional CVB funds to support the operation of the Discovery Center from transient guest tax funds.

GENERAL AGENDA (CONTINUED)

DEVELOPMENT OR DEVELOPMENT AGREEMENT- LOT 9, DOWNTOWN ENTERTAINMENT DISTRICT

Mayor Sherow stated that Item B was removed from the agenda at the request of Flint Hills Square, LLC.

ORDINANCE NO. 6904 – AMEND - RESIDENTIAL RENTAL LICENSING AND INSPECTION PROGRAM

Brad Claussen, Building Official, presented background information on the item, an alternative fee structure, revisions made to the ordinance since first reading, an overview of public comments received, major provisions of the existing Program and the proposed amended Program, and inspection criteria for the existing Program. He then responded to questions from the Commission on egress window requirements and provided background information on the Housing Appeals Board.

Jerry Snyder, Director of Fire Services, responded to questions from the Commission on requirements of firefighters to be able to get in and out of egress windows.

Brad Claussen, Building Official, responded to questions from the Commission regarding the approximate costs and requirements for egress windows, non-conforming use, Housing Appeals Board and associated fees, and provided highlights of the amended Residential Rental Licensing and Inspection Program.

Rick Berry, Rental Inspection Officer II, responded to questions from the Commission and provided clarification on the registration and Licensing Program requirements.

Brad Claussen, Building Official, responded to additional questions from the Commission regarding rental inspections, mold concerns, nonconforming issues, and issues with mechanical and electrical items.

Jerry Snyder, Director of Fire Services, and Brad Claussen, Building Official, responded to questions from the Commission regarding fire department inspections, sampling of apartments, and discussed sliding scale options.

Lauren Palmer, Assistant City Manager, stated that a sampling of larger complexes would result in the fee not being adequate to remain revenue neutral and would likely require a higher annual fee to sustain the Program. She informed the Commission that City staff would need to look at the numbers.

Jerry Snyder, Director of Fire Services, responded to questions from the Commission and stated that they are not currently charging for fire inspections completed by Fire Department personnel, but are also not able to complete all inspections in a timely manner. He stated that this Program would help ensure that inspections are completed.

GENERAL AGENDA (CONTINUED)

ORDINANCE NO. 6904 – AMEND - RESIDENTIAL RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

Brad Claussen, Building Official, responded to questions from the Commission and clarified the proposed Life Safety Inspection Report.

Bill Frost, City Attorney, provided clarification on the item and on the Housing Appeals Board.

Lauren Palmer, Assistant City Manager, provided clarification on modifications that could be made to the Life Safety Inspection Report.

Brad Claussen, Building Official, responded to additional questions from the Commission regarding the Housing Appeals Board and associated fees. He then provided clarification on egress window requirements.

Bill Frost, City Attorney, provided clarification on the Housing Appeals Board.

At 9:50 p.m., the Commission took a brief recess.

Dixie West, 1014 Houston Street, Rental Inspection Committee member, informed the Commission that this item has been boiled down to the bare bones. She asked that the issue of mold be added to the Life Safety Inspection Report and stated that every unit needs to be inspected and registered, especially in the older buildings. She requested that the Commission support the item.

Regina Schroeder, Emerald Property Management, Rental Inspection Committee member and representing small landlords, provided photos of rental units and problems experienced with tenants. She stated that she had several units inspected under the Program and felt there were inconsistencies in the inspections. She voiced support for repealing the Program in its entirety and stated that the Program is inconsistent and unfair.

Russell Weisbender, 700 Fairman Drive, informed the Commission of inconsistencies and concerns with the current Program. He stated that rules and regulations are already in place with current codes. He said that a Rental Inspection Program is not needed, but need to have a fair education program.

Mike Hill, 1518 Barrington Drive, informed the Commission that government-assisted housing should also be included in the Rental Licensing and Inspection Program and should pay the fee. He also stated that landlords cannot pass on increases to tenants each year, that the proposed fee should be reduced, and that the fee structure is inequitable. He requested that the City at-large should pay a financial portion or fund the entire Program. He asked that if these concerns cannot be accomplished, the Program should be repealed.

GENERAL AGENDA (CONTINUED)

ORDINANCE NO. 6904 – AMEND - RESIDENTIAL RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

Michael Cassin, representing The Curtain Company, voiced concern with the number of rental units being inspected and the amount of staff time that would be required. He informed the Commission that too many details are left unanswered, and that the current proposal is not equitable. He requested that the item be tabled or repealed.

Richard Hill, 3513 Stagecoach Circle, voiced opposition to the proposed ordinance and informed the Commission that several of his employees did a random questionnaire and received 1,216 replies, with an overwhelming amount of 1,006 responding that they did not want a mandatory Rental Inspection Program and saw it as an intrusion into their homes. He asked the Commission why Section 8 housing was not included in the Rental Inspection Program and stated that commercial properties should also start paying for their inspections. He voiced concerns with requirements for egress windows and stated that the codes addressing this are already in-place. He stated that this proposal penalizes landlords, is inconsistent, and should be repealed.

Gary Olds, 3308 Frontier Circle, provided his experience with renters and inspections received from the City. He requested that the Program go back to the way that it was and to work on initiating an education program for the consumer.

Cameron Ward, 408 Summit Avenue, Manhattan Realtor, informed the Commission that the current proposal is a moving target and asked that items be further clarified. He stated that the current proposal is not fair and equitable and that the Commission should do things that encourage investing in Manhattan.

Chuck Hennesy, Manhattan, Kansas, provided information on the item and asked the Commission to repeal the current ordinance.

Jim Wood, 5361 South 24th Street, informed the Commission that he owns rentals on Brockman and Mission Avenue and has had them inspected. He stated that most of his problems have been with tenant issues and not with maintenance problems. He requested that the proposal be avoided.

Phil Anderson, 1718 Fairchild Avenue, informed the Commission that many renters are not here tonight and stated that the timing of this item is unfair and should be conducted when the University is in session. He also stated that the Kansas State University Student Body passed a resolution unanimously in support of a Rental Inspection Program. He voiced support for a Rental Inspection Program and asked to delay this item, so that the University can be heard.

GENERAL AGENDA (CONTINUED)

ORDINANCE NO. 6904 – AMEND - RESIDENTIAL RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

Bob Allen, 2104 Seaton Avenue, stated that the Kansas State University Student Body does not have a financial interest in these properties and stated that Manhattan has many fancy rental units and various selections that he is competing against. He voiced concern with the number of days required to correct a problem, the proposed inspection fee and future fees, and stated that he appreciated what the Fire Department provided with their inspections.

Roger Seymour, 1181 Rock Springs Lane, informed the Commission that this Program will raise the costs of rentals at a point in time where the working poor cannot afford it. He voiced support for a database of rentals units, but was opposed to a sliding scale and asked to repeal the proposed rental inspection ordinance and have the City pick up the costs of the Program if it is that important.

Bryce Ebert, Alliance Property Management, asked how often commercial buildings get inspected, what the fee is, and if there is a checklist. He voiced concerns with the current Rental Inspection Program and past inspection programs that are inconsistent. He was also concerned with the inconsistency and expenses of the budget proposed. He stated that if there was a transient guest tax, what would a transient tenant tax look like for the benefit of quality of life in Manhattan?

After additional discussion and comments by the Commission, Commissioner Butler moved to table the item until City staff takes into account the points made by the Commission and Commissioner Matta, adjust to refine the funding and some of the inconsistencies, and to revisit the item again at a later date. Commissioner Jankovich seconded the item.

Ron Fehr, City Manager, provided clarification on the item and issues expressed by the Commission for additional information. He then asked for clarification and responded to questions from the Commission on a sampling program.

Lauren Palmer, Assistant City Manager, asked for clarification from the Commission and provided additional information on sampling, inspection fees, and the number of inspectors and budget needed for the Program.

Ron Fehr, City Manager, responded to questions from the Commission and stated that additional information and clarification on the item can be provided at a future work session and then taken to a legislative meeting.

GENERAL AGENDA (CONTINUED)

ORDINANCE NO. 6904 – AMEND - RESIDENTIAL RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

After additional discussion and comments by the Commission, Commissioner Butler called for the question. On a roll call vote, motion carried 4-1, with Commissioner Matta voting against the request.

After additional discussion, on a roll call vote, motion failed 3-2, with Mayor Sherow and Commissioners Matta and Pepperd voting against the motion to table the item.

Ron Fehr, City Manager; Bill Frost, City Attorney; and Katie Jackson, Assistant City Attorney, responded to questions from the Commission on repealing the current ordinance and sections in the Code of Ordinances related to Rental Licensing and Inspection Program.

After additional discussion, Commissioner Matta moved to repeal all sections in the Code of Ordinances pertaining to the Residential Rental Licensing and Inspection Program. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 3-2, with Mayor Sherow and Commissioner Jankovich voting against the motion.

FIRST READING - ANNEX AND REZONE - BELLERIVE ADDITION

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission.

Jerry Snyder, Director of Fire Services, responded to questions from the Commission regarding sprinkler requirements and access to the development.

Jeff Hancock, SMH Consultants, provided additional information on the annexation and rezoning request.

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

Eric Cattell, Assistant Director for Planning, presented an aerial view of the Master Plan and provided additional information on the proposed development. He then responded to additional questions from the Commission.

Zac Burton, Fieldhouse Development, provided an overview of the proposed development and clarification on the Grand Mere Master Plan. He then responded to questions from the Commission.

Jeff Hancock, SMH Consultants, provided an overview on water drainage, water flows, and the detention provided for Bellerive Addition.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - ANNEX AND REZONE - BELLERIVE ADDITION (*CONTINUED*)

Eric Cattell, Assistant Director for Planning, responded to questions on the proposed rezoning and requirements for City services.

Jerry Petty, Project Director, Grand Mere Development, Inc., informed the Commission that he and Mary Vanier, President, Grand Mere Development, Inc., were in full support of the application for annexing and rezoning the Bellerive Addition on behalf of Fieldhouse Development. He provided additional information on the Grand Mere Master Plan and clarification on drainage questions.

Tom Wright, 2310 Heartland Ridge, informed the Commission that residents of Grand Mere residential community have serious concerns with the proposed rezoning and subsequent building of luxury apartments and other possible forms of residential housing at the intersection of Grand Mere Parkway and Heartland Drive, which were outlined in a letter in the packet along with petition supporters. He stated that the recently built apartments in the Grand Champions section were built inappropriately and that the Master Plan was not followed. He voiced concerns with the lack of communication provided by Grand Mere Development to the members of the homeowners association and was also concerned with flooding issues. He stated that the intersection of Grand Mere Parkway and Heartland Drive is a hazard and the site distance is inappropriate and dangerous. He also voiced concern that the roundabout at Kimball Avenue and Grand Mere Parkway does not adequately provide for the increased traffic. He requested that the Commission not approve the proposed annexation and rezoning request.

Janet Cooper, 2730 Heartland Valley, voiced her concern with increased traffic and with the blind intersection. She stated that this is a problem now and will only get worse with additional traffic. She requested that the City authorize a traffic study and provide funds to correct the intersection.

Travis Dierenfeldt, 2610 Heartland Drive, informed the Commission that the Grand Champion's apartment complex is in a different area, but is still connected to this issue because it is the same developer. He voiced concerns with the increased density creating increased traffic at the intersection. He was also concerned with the increased volume of water and flow rate of water across his property, which he has discussed with City Engineer Rob Ott. He informed the Commission that he was concerned with the Grand Mere Master Plan and in protecting his property rights. He voiced concerns with the rezoning and stated that increased water drainage will negatively affect his property. He then responded to questions from the Commission on the location of Lot 14, 2614 Heartland Drive.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - ANNEX AND REZONE - BELLERIVE ADDITION (*CONTINUED*)

Rob Ott, City Engineer, responded to questions from the Commission and provided additional information on sight distance concerns at Heartland Drive intersection and concerns with the current level of traffic and standards for the roundabout at Kimball Avenue and Grand Mere Parkway. He provided additional information on detention areas and drainage for the development. He informed the Commission that he has met with Mr. Wright and Mr. Dierenfeldt and discussed their concerns.

Jeff Hancock, SMH Consultants, provided additional information on the site distance concerns expressed and intersection grading work that would be required. He then responded to questions from the Commission on a potential benefit district and provided clarification on the Bellerive development and the flow rate versus the volume of water.

Rob Ott, City Engineer, informed the Commission that a benefit district could be created for an intersection improvement, but the Commission would need to authorize any expenditure and approval whether to fund a benefit district or not.

Zac Burton, Fieldhouse Development, provided additional information on the proposed Bellerive Addition annexation and rezoning. He provided clarification on the proposed development and areas approved for development. He stated that this will be a good project and will generate \$21 million of assessed value per year. He asked the Commission to support the annexation and rezoning request.

After discussion of the Commission, Commissioner Jankovich moved to approve first reading of an ordinance annexing the proposed Bellerive Addition, an approximate 21 acre tract, generally located northwest of the intersection of Heartland Drive and Grand Mere Parkway, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and, approve first reading of an ordinance rezoning a 7.44 acre tract of land, from County Residential Planned Unit Development District, to R-2, Two-Family Residential District, and rezoning a 13.81-acre tract of land, from County Residential Planned Unit Development District, (*See Attachment No. 3*) to R-3, Multiple-Family Residential District, based on the findings in the Staff Reports (*See Attachment No. 4*). Commissioner Pepperd seconded the motion.

On a roll call vote, motion carried 4-1, with Commissioner Butler voting against the motion.

At 1:00 a.m., the Commission took a brief recess.

GENERAL AGENDA (CONTINUED)

PUBLISH - 2012 CITY BUDGET

Bernie Hayen, Director of Finance, presented an overview of the item and recommended that the Commission approve publishing the 2012 City Budget as presented in the staff memorandum. He informed the Commission that the public hearing on the 2012 Budget would be August 2, 2011.

Frank Tracz, 145 Bethany Drive, provided background information on the Municipal Band and the concerts provided at City Park. He voiced concern that if Manhattan is to be promoted as a family, friendly place and retire to, then the arts need to be supported in the community and to not cut these funds or move to another entity. He requested that the 2012 Municipal Band budget of \$24,800.00 be left in the budget and to leave the Municipal Band as it exists today.

Larry Fry, 1104 Village Drive, informed the Commission that he will be able to choose where to retire and voiced support for the arts. He urged the Commission to provide for the most vulnerable in the community and to fund social services. He stated that an investment in social services at the beginning will prevent future expenditures of tax dollars for corrections, rehabilitations and prisons.

Debbie Nuss, 1419 Humboldt Street, asked the Commission to fully fund the budget recommendations for all agencies and do so under the same conditions that has been done in the past. She stated that reducing social services funding to make up for additional costs associated with downtown redevelopment, increased population growth, and expanded fire stations is not fair. She stated that social service agencies, the Municipal Band, the Manhattan Arts Center, and the Wolf House Museum did not create the current city debt and that these agencies and the people they serve, should not be asked to make sacrifices for something they had no hand in creating. She asked the Commission to not slash the local budget and undermine quality services provided to citizens and to sustain the quality of life for the entire community.

Tracey Weston, 1415 Sunnyslope Lane, voiced concerns for the items that have been repealed in recent months and asked the Commission why threaten future funding cuts for much needed social service and outside agencies. She stated that the organizations and outside agencies that make the community function are needed. She asked the Commission to make Manhattan a place where we are proud to call home.

GENERAL AGENDA (CONTINUED)

PUBLISH - 2012 CITY BUDGET (CONTINUED)

Lee Modesto, 1401 College Avenue, spoke in support of the Big Brothers/Big Sisters organization and provided a personal perspective with that agency. He stated that from a philosophical standpoint as a conservative, the argument has been for reducing social services at a federal level because centralized planning is problematic. He said the municipal level is where social services should be supported, because that is where you have the most accountability and influence to make a good return on an investment for the future, especially with Big Brothers/Big Sisters.

Rod Franz, 2000 Thackery Street, informed the Commission that when he moved to Manhattan in 1975, he bought a house more expensive than he could afford, but still living in the same place. He stated that the need of the community is going to be more and not less, and urged the Commission to support the recommendations by the Social Services Advisory Board.

Sean Weston, 1415 Sunnyslope Lane, informed the Commission that he is a product of our investment in social services through the Boys and Girls Club. He asked the Commission to continue to support the investment in the whole community and in each other.

Lakshmi Reddi, 1801 Westbank Way, informed the Commission of the huge ramification for any kind of social services cuts for students and their families. She stated that funding cuts will have short-term financing impacts, but there are long-term consequences to short-sighted funding cuts.

Kristi Mendenhall, 1807 College Heights, CASA volunteer, stated that she is a product of social service programs and planning to pursue a career with social services. She asked that the Commission support social service programs to improve the quality of life of those served to make Manhattan a great place.

Mary Stamey, 608 Houston Street, informed the Commission that she is connected to all the agencies mentioned and stated that Manhattan reminded her of a sequoia forest. She asked the Commission to support the agencies and City staff on their recommendations.

Beverly Olson, 1437 Laramie Street, Manhattan Christian College, provided additional information on fundraising and informed the Commission that every agency fundraises. She stated that in the past six months, Shepherd's Crossing helped 580 families financially, providing \$75,000.00 for utility and rent assistance in order to prevent these people from being homeless.

Bernie Hayen, Director of Finance, responded to questions from the Commission regarding the City indebtedness and General Obligation Bond capacity.

GENERAL AGENDA (*CONTINUED*)

PUBLISH - 2012 CITY BUDGET (*CONTINUED*)

After discussion and comments of the Commission, Commissioner Butler moved to approve moving the Municipal Band under the Parks and Recreation Department. Commissioner Matta seconded the motion.

Ron Fehr, City Manager, asked for clarification on the motion and budget for the Municipal Band to the Parks and Recreation Department.

After additional discussion and clarification, the motion carried 4-1, with Mayor Sherow voting against the motion.

After discussion, Commissioner Butler moved to fully fund the following outside agency funding options for 2012, as provided in Outside Agency Funding Options, as outlined in the Attachment with the Publication of the 2012 City Budget memorandum: Flint Hills Area Transportation Agency, Crisis Center, Homecare & Hospice, Kansas Legal Services, Manhattan Emergency Shelter, Shepherd's Crossing, Sunflower CASA Project, Inc., and Crime Stoppers; in addition, to provide funding for the Wolf House at \$5,000.00, as discussed; and, to reduce the following outside agency requests by five percent for 2012: Manhattan Arts Center, Neighborhood Grant Program, Big Brothers/Big Sisters, Boys & Girls Club, KSU Child Development Center, and UFM Learning Center. Commissioner Matta seconded the motion.

After discussion and comments of the Commission, motion failed 4-1, with Mayor Sherow and Commissioners Matta, Pepperd, and Jankovich voting against the motion.

After additional discussion, Commissioner Jankovich moved to approve publication of the 2012 City Budget in the amount of \$113,341,170.00.

Ron Fehr, City Manager, responded to questions from the Commission and provided clarification that the Municipal Band would be moved under the Parks and Recreation Department and that the original budget of \$24,800.00 would be included; and, that there would be an adjustment for the audit with the Wolf House.

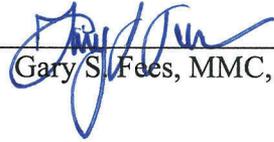
After discussion, Commissioner Matta seconded the motion.

After additional discussion of the Commission, motion carried 5-0.

Mayor Sherow announced that in the interest of time, there would not be any Executive Sessions and would be moved to a future special meeting.

ADJOURNMENT

At 2:20 a.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

Attachment No. 1

Known structures that need permits as a result of the June 2, 2011, flooding.

921 Village Dr.
925 Village Dr.
929 Village Dr.
933 Village Dr.
939 Village Dr.

City Park West Neighborhood Association: Place historic signs on corners at Humboldt Street/14th Street and Leavenworth Street/14th Street

The grant would provide funds to place historic neighborhood signs on corners of Humboldt Street/14th Street and Leavenworth Street/14th Street to promote neighborhood cohesiveness and provide a better sense of community. The signage would replicate that of historic signs located on 4th Street. Funding is requested in the amount of \$3,000. This amount represents a portion of the estimated \$4,000 total cost. The remainder of funds will be provided by the City Park West Neighborhood Association.

The application was very general and did not include site plans for the signs. City Administration needs additional information to ensure that the signs comply with zoning, traffic, and right-of-way regulations. Therefore the Committee recommended **approval** of this application and funding in the amount of **\$2,000**, pending City Administration's review of project specifications and project completion.

Grandview Hills Neighborhood Association: Remove and replace plantings in traffic circles along Grandview Drive

The grant would provide funds to restore (3) traffic circles along Grandview Drive. Old, overgrown plantings that obstruct the view of vehicular traffic around the circles would be removed and professionally replaced with new, low growth plantings which would improve aesthetics, safety, and visibility around the traffic circles. Funding is requested in the amount of \$1,800. This amount represents a portion of the estimated \$2,200 total cost. The remainder of funds will be provided by the Grandview Hills Neighborhood Association.

The Committee recommended **approval** of this application and the requested funding in the amount of **\$1,800**, under the stipulation that plantings native to Kansas be used in the project.

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County R-PUD, Residential Planned Unit Development District.

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

APPLICANT: Jeff Hancock, SMH Consultants, as Agent on behalf of Grand Mere Development – Mary L. Vanier for Field House Development, Inc. – Zachary J. Burton, President.

ADDRESS: 2021 Vanesta Drive, Suite A, Manhattan, KS 66503; 2520 Heartland Drive, Manhattan, KS 66503.

OWNER: Grand Mere Development – Mary L. Vanier.

ADDRESS: 2021 Vanesta Drive, Suite A, Manhattan, KS 66503.

LOCATION: Generally located northwest of the intersection of Grand Mere Parkway and Heartland Drive intersection, along the west side of Grand Mere Parkway.

AREA: 7.6 acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, May 16, 2011.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, June 6, 2011.
CITY COMMISSION: Tuesday, June 21, 2011.

EXISTING USE: Open and undeveloped tract of land in Grand Mere, a master planned golf course community.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Open range land with native grass cover. The site is an elongated tract of land bounded on the east by Grand Mere Parkway and on the immediate west by the proposed R-3, Multiple-Family Residential District portion of the Bellerive Addition. Further to the west is the Colbert Hills Golf Course. The site drains primarily to the east.

SURROUNDING LAND USE AND ZONING:

Attachment No. 3

- (1) **NORTH:** Undeveloped land (future Grand Mere apartment neighborhood and open space); County R-PUD.
- (2) **SOUTH:** Colbert Hills Golf Course, and undeveloped land (future Grand Mere villas, single-family dwellings); R-S District and County R-PUD.
- (3) **EAST:** Grand Mere Parkway, single-family homes, and undeveloped land (divided four lane collector street, future Grand Mere villas, single-family dwellings, and townhomes with two to six dwellings per building), and Colbert Hills Golf Course; County R-PUD, R District, and R-S District.
- (4) **WEST:** Colbert Hills Golf Course, future Bellerive R-3; R-S District and County R-PUD proposed to be rezoned to R-3.

GENERAL NEIGHBORHOOD CHARACTER: Currently, the general character of the neighborhood is a mix of low density residential and golf course uses developing within a comprehensively planned neighborhood.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site was rezoned to County R-PUD in 1997. At the time of the rezoning, the developer of the golf course wanted assurance that when the golf course was annexed a zoning, specifically the County R-PUD for the golf course was attached. The rezoning was done primarily for the benefit of the golf course development. Those portions of Grand Mere that are not annexed remain County R-PUD. The current County R-PUD predated the Grand Mere Master Plan and Comprehensive Plan, which currently recommends “Apartments”, and medium density residential, respectively. Development in Grand Mere is progressing to ensure attractive and orderly neighborhoods in response to changing market demand. The site is suitable for the proposed rezoning to R-2 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 surrounding neighborhood. The proposed rezoning is separated by distance from existing single-family homes to the east and south by a wide public street, approximately 135 feet in width at the south end, and 110 feet in width at the north end. By distance, the R-2 area is as close as about 135 feet from single-family homes to the east, at the south end, and approximately 1,000 feet to the nearest single-family lot at the north end of the proposed R-2 area. Access to the site is proposed off the west side of Grand Mere Parkway from intersections, which were planned, designed and constructed to be consistent with the master plan for Grand Mere.

An increase in light, noise and traffic can be expected but with minimal impact on the surrounding area. The site is intended to be developed as “Apartments” and is planned for and consistent with the Grand Mere Master Plan and Comprehensive Plan.

To ensure compatibility within Grand Mere, architectural guidelines and design standards provide for building review and approval. A design review committee is responsible for enforcement of guidelines and standards (*see policy statement below under Comprehensive Plan, part III.*) The guidelines and standards are private and are not part of the rezoning. The policy statements are mentioned because they are part of the Grand Mere Master Plan policies.

CONFORMANCE WITH COMPREHENSIVE PLAN:

COMPREHENSIVE PLAN

THE PROPOSED SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE NORTHWEST PLANNING AREA AS RESIDENTIAL MEDIUM HIGH DENSITY (RMH.)

The Grand Mere Community Master Plan was originally adopted in April 2000, and is included as a specific Land Use Element of the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the site, which notes the annexation site as, Apartments (RMH) in the written document on page 10, and on the Grand Mere Master Plan map as Apartments # 1 17.0 AC (RMH.)

Applicable policies of the Comprehensive Plan and Grand Mere, a Master Planned Golf Course Community, are set out below in italics and bold italics.

Residential Medium/High Density (RMH)

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area’s residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

RMH 2: Appropriate Density Range

Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.

RMH 3: Location

Residential Medium/High Density neighborhoods should be located close to arterial streets and be bounded by collector streets where possible, with a direct connection to work, shopping, and leisure activities.

RMH 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged.

Grand Mere, a Master Planned Golf Course Community

I. INTRODUCTION

A. PURPOSE OF SUBMITTAL

This Grand Mere submittal is a proposed amendment to the 1991 City of Manhattan Comprehensive Land Use Plan. It is intended to be the guide for future zoning requests as the Grand Mere Community develops.

B. PROJECT INTENT

The overall Land Use Amendment is intended to create a community designed within a park. By responding to the natural terrain, preserving natural corridors, protecting the slopes and riparian environment, a harmonious relationship with the land can be created for the community.

Grand Mere is envisioned as an upscale residential community, with the University's Colbert Hills Golf Course and preserved open space interwoven throughout the development. The community is made up of individual neighborhoods defined by open space features, topography, connection to the Grand Mere Parkway, and the golf course. A strong joint effort has integrated the golf course design (Colbert Hills) and the overall community design (Grand Mere Development). The interconnectivity of automobile circulation, pedestrian/bicycles, and open space, as well as residential neighborhood placement and overall community utility location, has created a well integrated community with both future residences and community recreation as the main focus. Flexibility is built into the land use plan to allow the development to respond to market demand.

Specific types of residential product may subtly change in the future due to market demand as the development pattern becomes clearer and as the community matures. The community will offer a high level of design quality, architectural variety, and a wide range of housing types to address the potential markets appropriate for an upscale development.

5 KEY DESIGN CONCEPTS

1. Create a high quality residential community

Create a community of villages, residential neighborhoods, and neighborhood commercial areas centered along the projects' spine, Grand Mere Parkway. Through the use of architectural design guidelines and development reviews the quality of building construction will be maintained at the highest level.

2. Integrate the Natural Environment

Preserve the natural slopes and open space features. Provide a visual connection to the natural beauty of the development: the golf course in the valleys, the long vistas/views, and the prairie environment.

3. Offer a Variety of Residential Living

Offer a wide range of residential products and lot types to address the market demands of the well informed and upscale consumer. An integrated community of many housing types will help to provide an interesting streetscape, a quality neighborhood texture, and a sustainable development.

4. Create a Pedestrian/Bicycle System

Provide pedestrian/bicycle connections throughout the development, following the Grand Mere Parkway, open space corridors and the linear park connections provided as part of the Master Plan along Little Kitten Creek and the continuation of the Hudson trail.

Grand Mere Community Overall Development Plan

5. Establish a 'heart' to the community

Provide a central community feature for the residents of Grand Mere. Utilizing the golf clubhouse access as a link between the east and west parts of the property, a private community recreation complex would be provided at the intersection of Grand Mere Parkway and Colbert Hills Drive. This central location along the bike trail and pedestrian sidewalk connections to all the neighborhoods would provide an accessible 'recreational heart' for the community.

III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY

Grand Mere is proposed as a Master Planned Community consisting of a wide range of residential housing types and densities and will be utilizing both Planned Unit Development and Conventional Zoning Development standards based on specific sites and development types.

The overall Grand Mere Project consists of 1,054 (estimated) acres, including the Colbert Hills Golf Course. Rather than dispersing development throughout the entire property, the project purposes to “concentrate” neighborhood development within residential and commercial villages on approximately 543 acres preserving almost 50% of the land as natural open space or golf course. This concept, while proposing a variety of home types and densities, provides large natural open spaces, golf course amenity for the general public, and peripheral residential villages as large lot or low density residential products that create an overall density (1.5 du/ac) for the site, consistent with the surrounding neighborhoods. All housing types shall belong to the Master Homes Association, which will be responsible for enforcing the covenants and restrictions, and maintaining the common grounds.

Within the community, residential neighborhoods are supported by neighborhood commercial services, which provide a focus and entry element for the development. These neighborhood office and retail villages are envisioned as community services located at the development entries along the Little Kitten Creek entry and Kimball Ave. and the future northern entry on Marlatt.

Throughout the plan, connecting open space systems, sidewalks and bike trails provide pedestrian connections between residential neighborhoods, public amenities and the neighborhood services. These are planned connections to occur in a variety of types and locations. As each phase of development is planned in detail, the specific pedestrian connections will be part of each village plat and relate back to the overall Circulation Parks & Open Space Plan.

Grand Mere Community Architectural Guidelines and Design Standards will provide for the review and approval of all site and building plans for the Grand Mere property. The Design Review Committee of Grand Mere will be responsible for enforcement of these guidelines and standards. The Developer believes that careful planning and enforcement of design and development standards will ensure orderly, attractive, and lasting development, all of which will preserve and enhance the value of the community.

A. Residential Neighborhoods

The planning concept proposes a wide range of residential uses, with densities ranging from 1 to 20 dwelling units per acre (du/ac) within individual parcels. Generally, individual neighborhoods are envisioned as small enclaves in order to promote a mix of different product types, create intimate neighborhoods, and to build a strong community image from the project's onset. The key to a sustainable successful development is quality design and construction, and a variety of housing price points to attract a wide spectrum of residential consumers. Higher density residential, as well as small lot single-family opportunities are integrated into the community along Grand Mere Parkway, rather than isolated or located along the site's edges. While building a stronger new community, this concept also reduces impact on existing adjacent neighborhoods by focusing the traffic and circulation internally.

Residential Types:

Apartments (RMH)

The apartment villages are located on two parcels of ground, 17.0 and 18.4 acres, along the parkway in areas where the architecture can take advantage of and incorporate the topography, soil conditions and golf course buffering. The buildings would be 2 to 3 stories with individual entries. Attached, detached garages, carports and open air parking would be provided for the residents. Slab on grade construction along the parkway would avoid much of the underlying rock and 2 story uphill side and 3 story downhill side architecture, behind the preserved open space and landform ridge, would minimize the grading necessary to incorporate housing along the 6th fairway. The architecture would be designed to provide an overall theme and consistent material quality throughout the neighborhood.

C. Streets and Circulation System

Residential streets within Grand Mere are envisioned as a key element of "neighborhood quality," offering a place to walk and play, as well as to drive and park. The streetscape in and along the roads will reflect the quality of the community through the use of signage monumentation and landscaping depending on the location and natural conditions of the space providing strong visual "cues" to better orient drivers to their locations and destinations.

Attachment No. 3

When utilizing the approved Manhattan street system standards the hierarchy, street-widths, design speeds, and travel/parking lanes are consistent and will not compromise auto on-street parking, or bike and pedestrian access. The street layout will frame important views and vistas, including buildings, golf course, and natural features. On-street parking is available on all local streets.

The Master Planned Community will be accessed from Kimball Avenue and Marlatt Avenue. Additional access points into the Community from surrounding residential streets are shown on the Master Plan.

D. Pedestrian and Bicycle Circulation System

Connectivity with the City of Manhattan Linear Park Master Plan is our main focus for the overall trails system. A comprehensive pedestrian and bicycle system is proposed for the community to provide access to individual neighborhoods, the Club Facility and Hotel site, commercial services, and open space amenities~ Elements include both off-street and on street bike paths, natural unimproved trails, and a 17.2 acre linear park along Little Kitten Creek. An easement shall be provided for the extension of the Hudson trail northward, along the east property line to northeast corner section 3-10-7. All trail/path systems will be site- specifically designed at the time of construction. Each will be reviewed on a site-by-site basis to ensure sensitive placement and minimum disturbance. This will be coordinated with the Park & Recreation Board and the Parks and Recreation Department.

G. Golf Course Development

The Grand Mere development drainage and detention system shall be designed to work in concert with the golf course drainage and detention system. The course was designed to meet the environmental goals of the Audubon International Signature Status Program.

Bike Paths, Trails and Sidewalks

Bike paths, trails and sidewalks are provided along the internal streets and open spaces to provide internal connections between the villages where possible. See the Circulation Parks & Open Space Plan

M. Current School District Boundaries

The school district boundary between Manhattan U.S.D. 383 and Riley County U.S.D. 378 divides Grand Mere into east and west jurisdictions crossing the property beginning at the S.W. Corner of Section 3-10-7 and continuing north to the N.W. Corner of Section 3-10-7.

As noted on the proposed Preliminary Plat, the R-2 density is 4.27 dwelling units per net acre. The Comprehensive Plan suggests up to 19 dwelling units per net acre is appropriate in the RMH category and the Grand Mere Plan suggests a range of one up to 20 dwelling units per net acre.

THE REZONING OF THE PROPOSED 7.6 ACRE TRACT CONFORMS TO THE POLICIES OF Grand Mere, a Master Planned Golf Course Community, and the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

August 7, 1997	Riley County Commission approved Preliminary Development Plan of Colbert Hills and the Wildcat PUD.
August 14, 1997	Riley County Commission approved Final Development Plan.
February 7, 2000	Planning Board approves resolution adopting Grand Mere Community Master Plan and amendment of Comprehensive Land Use Plan.
March 7, 2000	City Commission approved first reading of an ordinance adopting the Grand Mere Community Master Plan.
April 2003	Comprehensive Plan adopted. Grand Mere Community Master Plan adopted as a related plan and implementation document.

The tract has remained vacant to date and was range land prior to development of the adjoining golf course and surrounding Grand Mere.

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 proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations and R-2 District because proposed lot sizes conform to the minimum requirements of the R-2 District. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

Attachment No. 3

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.

The proposed R-2 District portion of the Bellerive Addition consists of single-family attached dwelling units in which lots range from approximately 8,127 square feet in area to 13, 970 square feet in area. The proposed lots conform to the requirements of the proposed R-2 District.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. No expected adverse affects on the public health, safety and welfare as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the rezoning site.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of a 7.6 acre portion of the proposed Bellerive Addition from County R-PUD, Residential Planned Unit Development District, to R-2, Two-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of rezoning of a 7.6 acre portion of the proposed Bellerive Addition from County R-PUD, Residential Planned Unit Development 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 rezoning of a 7.6 acre portion of the proposed Bellerive Addition from County R-PUD, Residential Planned Unit Development District, to R-2, Two-Family Residential District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: June 1, 2011

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County R-PUD, Residential Planned Unit Development District.

TO: R-3, Multiple-Family Residential District.

APPLICANT: Jeff Hancock, SMH Consultants, as Agent on behalf of Grand Mere Development – Mary L. Vanier for Field House Development, Inc. – Zachary J. Burton, President.

ADDRESS: 2021 Vanesta Drive, Suite A, Manhattan, KS 66503; 2520 Heartland Drive, Manhattan, KS 66503.

OWNER: Grand Mere Development – Mary L. Vanier.

ADDRESS: 2021 Vanesta Drive, Suite A, Manhattan, KS 66503.

LOCATION: Generally located northwest of the intersection of Grand Mere Parkway and Heartland Drive intersection, along the west side of Grand Mere Parkway.

AREA: 13.6 acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, May 16, 2011.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, June 6, 2011.

CITY COMMISSION: Tuesday, June 21, 2011.

EXISTING USE: Open and undeveloped tract of land in Grand Mere, a master planned golf course community.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Open range land with native grass cover. The site is an elongated tract of land bounded on the east by the proposed R-2, Two-Family Residential District portion of the Bellerive Addition and Grand Mere Parkway. On the immediate west is the Colbert Hills Golf Course. The site drains to the east and west.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Undeveloped land (future Grand Mere apartment neighborhood and open space); County R-PUD.
- (2) **SOUTH:** Colbert Hills Golf Course, and undeveloped land (future Grand Mere villas, single-family dwellings); R-S District and County R-PUD.
- (3) **EAST:** Future Bellerive R-2, and Grand Mere Parkway, single-family homes, and undeveloped land (divided four lane collector street, future Grand Mere villas, single-family dwellings, and townhomes with two to six dwellings per building), and Colbert Hills Golf Course; County R-PUD, R District, and R-S District.
- (4) **WEST:** Colbert Hills Golf Course; R-S District.

GENERAL NEIGHBORHOOD CHARACTER: Currently, the general character of the neighborhood is a mix of low density residential and golf course uses developing within a comprehensively planned neighborhood.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site was rezoned to County R-PUD in 1997. At the time of the rezoning, the developer of the golf course wanted assurance that when the golf course was annexed that a zoning, specifically the County R-PUD for the golf course was attached. The rezoning was done primarily for the benefit of the golf course development. Those portions of Grand Mere that are not annexed remain County R-PUD. The current County R-PUD predated the Grand Mere Master Plan and Comprehensive Plan, which currently recommends Apartments (RMH), and medium density residential, respectively. Development in Grand Mere is progressing to ensure attractive and orderly neighborhoods in response to changing market demand. The site is suitable for the proposed rezoning to R-3 District.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning to R-3 District is compatible with the surrounding neighborhood. The proposed rezoning is separated by distance from existing single-family homes to the east and south by a wide public street, approximately 135 feet in width at the south end, and 110 feet in width at the north end as well as by distance from single-family homes to the east, approximately 1,100 feet to the nearest single-family lot. Access to the site is proposed off the west side of Grand Mere Parkway from intersections, which were planned, designed and constructed to be consistent with the master plan for Grand Mere.

An increase in light, noise and traffic can be expected but with minimal impact on the surrounding area. The site is intended to be developed as “Apartments” and is planned for and consistent with the Grand Mere Master Plan and Comprehensive Plan.

To ensure compatibility within Grand Mere, architectural guidelines and design standards provide for building review and approval. A design review committee is responsible for enforcement of guidelines and standards (*see policy statement below under Comprehensive Plan, part III.*) The guidelines and standards are private and are not part of the rezoning. The policy statements are mentioned because they are part of the Grand Mere Master Plan policies.

CONFORMANCE WITH COMPREHENSIVE PLAN:

COMPREHENSIVE PLAN

THE PROPOSED SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE NORTHWEST PLANNING AREA AS RESIDENTIAL MEDIUM HIGH DENSITY (RMH.)

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RMH 1: Characteristics

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RMH 2: Appropriate Density Range

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To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged.

Grand Mere, a Master Planned Golf Course Community

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B. PROJECT INTENT

The overall Land Use Amendment is intended to create a community designed within a park. By responding to the natural terrain, preserving natural corridors, protecting the slopes and riparian environment, a harmonious relationship with the land can be created for the community.

Grand Mere is envisioned as an upscale residential community, with the University's Colbert Hills Golf Course and preserved open space interwoven throughout the development. The community is made up of individual neighborhoods defined by open space features, topography, connection to the Grand Mere Parkway, and the golf course. A strong joint effort has integrated the golf course design (Colbert Hills) and the overall community design (Grand Mere Development). The interconnectivity of automobile circulation, pedestrian/bicycles, and open space, as well as residential neighborhood placement and overall community utility location, has created a well integrated community with both future residences and community recreation as the main focus. Flexibility is built into the land use plan to allow the development to respond to market demand.

Specific types of residential product may subtly change in the future due to market demand as the development pattern becomes clearer and as the community matures. The community will offer a high level of design quality, architectural variety, and a wide range of housing types to address the potential markets appropriate for an upscale development.

5 KEY DESIGN CONCEPTS

1. Create a high quality residential community

Create a community of villages, residential neighborhoods, and neighborhood commercial areas centered along the projects' spine, Grand Mere Parkway. Through the use of architectural design guidelines and development reviews the quality of building construction will be maintained at the highest level.

2. Integrate the Natural Environment

Preserve the natural slopes and open space features. Provide a visual connection to the natural beauty of the development: the golf course in the valleys, the long vistas/views, and the prairie environment.

3. Offer a Variety of Residential Living

Offer a wide range of residential products and lot types to address the market demands of the well informed and upscale consumer. An integrated community of many housing types will help to provide an interesting streetscape, a quality neighborhood texture, and a sustainable development.

4. Create a Pedestrian/Bicycle System

Provide pedestrian/bicycle connections throughout the development, following the Grand Mere Parkway, open space corridors and the linear park connections provided as part of the Master Plan along Little Kitten Creek and the continuation of the Hudson trail.

Grand Mere Community Overall Development Plan

5. Establish a 'heart' to the community

Provide a central community feature for the residents of Grand Mere. Utilizing the golf clubhouse access as a link between the east and west parts of the property, a private community recreation complex would be provided at the intersection of Grand Mere Parkway and Colbert Hills Drive. This central location along the bike trail and pedestrian sidewalk connections to all the neighborhoods would provide an accessible 'recreational heart' for the community.

III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY

Grand Mere is proposed as a Master Planned Community consisting of a wide range of residential housing types and densities and will be utilizing both Planned Unit Development and Conventional Zoning Development standards based on specific sites and development types.

The overall Grand Mere Project consists of 1,054 (estimated) acres, including the Colbert Hills Golf Course. Rather than dispersing development throughout the entire property, the project purposes to “concentrate” neighborhood development within residential and commercial villages on approximately 543 acres preserving almost 50% of the land as natural open space or golf course. This concept, while proposing a variety of home types and densities, provides large natural open spaces, golf course amenity for the general public, and peripheral residential villages as large lot or low density residential products that create an overall density (1.5 du/ac) for the site, consistent with the surrounding neighborhoods. All housing types shall belong to the Master Homes Association, which will be responsible for enforcing the covenants and restrictions, and maintaining the common grounds.

Within the community, residential neighborhoods are supported by neighborhood commercial services, which provide a focus and entry element for the development. These neighborhood office and retail villages are envisioned as community services located at the development entries along the Little Kitten Creek entry and Kimball Ave. and the future northern entry on Marlatt.

Throughout the plan, connecting open space systems, sidewalks and bike trails provide pedestrian connections between residential neighborhoods, public amenities and the neighborhood services. These are planned connections to occur in a variety of types and locations. As each phase of development is planned in detail, the specific pedestrian connections will be part of each village plat and relate back to the overall Circulation Parks & Open Space Plan.

Grand Mere Community Architectural Guidelines and Design Standards will provide for the review and approval of all site and building plans for the Grand Mere property. The Design Review Committee of Grand Mere will be responsible for enforcement of these guidelines and standards. The Developer believes that careful planning and enforcement of design and development standards will ensure orderly, attractive, and lasting development, all of which will preserve and enhance the value of the community.

A. Residential Neighborhoods

The planning concept proposes a wide range of residential uses, with densities ranging from 1 to 20 dwelling units per acre (du/ac) within individual parcels. Generally, individual neighborhoods are envisioned as small enclaves in order to promote a mix of different product types, create intimate neighborhoods, and to build a strong community image from the project's onset. The key to a sustainable successful development is quality design and construction, and a variety of housing price points to attract a wide spectrum of residential consumers. Higher density residential, as well as small lot single-family opportunities are integrated into the community along Grand Mere Parkway, rather than isolated or located along the site's edges. While building a stronger new community, this concept also reduces impact on existing adjacent neighborhoods by focusing the traffic and circulation internally.

Residential Types:

Apartments (RMH)

The apartment villages are located on two parcels of ground, 17.0 and 18.4 acres, along the parkway in areas where the architecture can take advantage of and incorporate the topography, soil conditions and golf course buffering. The buildings would be 2 to 3 stories with individual entries. Attached, detached garages, carports and open air parking would be provided for the residents. Slab on grade construction along the parkway would avoid much of the underlying rock and 2 story uphill side and 3 story downhill side architecture, behind the preserved open space and landform ridge, would minimize the grading necessary to incorporate housing along the 6th fairway. The architecture would be designed to provide an overall theme and consistent material quality throughout the neighborhood.

C. Streets and Circulation System

Residential streets within Grand Mere are envisioned as a key element of "neighborhood quality," offering a place to walk and play, as well as to drive and park. The streetscape in and along the roads will reflect the quality of the community through the use of signage monumentation and landscaping depending on the location and natural conditions of the space providing strong visual "cues" to better orient drivers to their locations and destinations.

When utilizing the approved Manhattan street system standards the hierarchy, street-widths, design speeds, and travel/parking lanes are consistent and will not compromise auto on-street parking, or bike and pedestrian access. The street layout will frame important views and vistas, including buildings, golf course, and natural features. On-street parking is available on all local streets.

The Master Planned Community will be accessed from Kimball Avenue and Marlatt Avenue. Additional access points into the Community from surrounding residential streets are shown on the Master Plan.

D. Pedestrian and Bicycle Circulation System

Connectivity with the City of Manhattan Linear Park Master Plan is our main focus for the overall trails system. A comprehensive pedestrian and bicycle system is proposed for the community to provide access to individual neighborhoods, the Club Facility and Hotel site, commercial services, and open space amenities~ Elements include both off-street and on street bike paths, natural unimproved trails, and a 17.2 acre linear park along Little Kitten Creek. An easement shall be provided for the extension of the Hudson trail northward, along the east property line to northeast corner section 3-10-7. All trail/path systems will be site- specifically designed at the time of construction. Each will be reviewed on a site-by-site basis to ensure sensitive placement and minimum disturbance. This will be coordinated with the Park & Recreation Board and the Parks and Recreation Department.

G. Golf Course Development

The Grand Mere development drainage and detention system shall be designed to work in concert with the golf course drainage and detention system. The course was designed to meet the environmental goals of the Audubon International Signature Status Program.

Bike Paths, Trails and Sidewalks

Bike paths, trails and sidewalks are provided along the internal streets and open spaces to provide internal connections between the villages where possible. See the Circulation Parks & Open Space Plan

M. Current School District Boundaries

The school district boundary between Manhattan U.S.D. 383 and Riley County U.S.D. 378 divides Grand Mere into east and west jurisdictions crossing the property beginning at the S.W. Corner of Section 3-10-7 and continuing north to the N.W. Corner of Section 3-10-7.

As noted on the proposed Preliminary Plat, the R-3 density is 8.20 dwelling units per net acre. The Comprehensive Plan suggests up to 19 dwelling units per net acre is appropriate in the RMH category and the Grand Mere Plan suggests a range of one up to 20 dwelling units per net acre.

THE REZONING OF THE PROPOSED 13.6 ACRE PORTION OF THE BELLERIVE ADDITION CONFORMS TO THE POLICIES OF Grand Mere, a Master Planned Golf Course Community, and the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

August 7, 1997	Riley County Commission approved Preliminary Development Plan of Colbert Hills and the Wildcat PUD.
August 14, 1997	Riley County Commission approved Final Development Plan.
February 7, 2000	Planning Board approves resolution adopting Grand Mere Community Master Plan and amendment of Comprehensive Land Use Plan.
March 7, 2000	City Commission approved first reading of an ordinance adopting the Grand Mere Community Master Plan.
April 2003	Comprehensive Plan adopted. Grand Mere Community Master Plan adopted as a related plan and implementation document.

The tract has remained vacant to date and was range land prior to development of the golf course and surrounding Grand Mere.

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 proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations and R-3 District because proposed lot sizes conform to the minimum requirements of the R-3 District. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

Attachment No. 4

The R-3, Multiple-Family Residential District is designed to provide for multiple-family development at a density no greater than one (1) dwelling unit per 1,000 square feet. Minimum lot size for single-family detached dwellings is 5,000 square feet in area; 3,750 square feet for single-family attached; 7,500 square feet for a two-family dwelling unit; and, 1,000 square feet per family but not less than 6,000 square feet for a multiple family dwelling.

The proposed R-3 District portion of the Bellerive Addition consists of lots, which range from approximately 8,400 square feet in area to 74,487 square feet in area. All lots conform to the requirements of the R-3 District.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. No expected adverse affects on the public health, safety and welfare are expected as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the rezoning site.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of a 13.6 acre portion of the proposed Bellerive Addition from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District.

ALTERNATIVES:

4. Recommend approval of the proposed rezoning of rezoning of a 13.6 acre portion of the proposed Bellerive Addition from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District, stating the basis for such recommendation.
5. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
6. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the rezoning of a 13.6 acre portion of the proposed Bellerive Addition from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: June 1, 2011

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