

MINUTES
CITY COMMISSION MEETING
TUESDAY, JANUARY 3, 2006
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Ed Klimek and Commissioners Bruce Snead, Tom Phillips, Mark Hatesohl, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government Representative Felix Wong, 9 staff, and approximately 48 interested citizens.

PLEDGE OF ALLEGIANCE

Rose Hill, Cadet - Junior Scouts, Troop #368, presented the colors and led the Commission in the Pledge of Allegiance.

RECOGNITION

Mayor Klimek recognized Rose Hill, Cadet - Junior Scouts, Troop #368.

PUBLIC COMMENTS

Mayor Klimek opened the public comments.

Hearing no comments, Mayor Klimek closed the public comments.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, December 20, 2005.

CLAIMS REGISTER NO. 2544

The Commission approved Claims Register No. 2544 authorizing and approving the payment of claims from December 4, 2005, to December 27, 2005, in the amount of \$1,120,118.16.

LICENSES – TREE MAINTENANCE

The Commission approved the renewal applications for Tree Maintenance licenses for calendar year 2006.

FINAL PLAT – ABBOT ACRES ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Abbott Acres Addition, generally located northeast of Everett Drive and Londondery Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6517 – REZONE – BROOKFIELD RESIDENCES

The Commission approved Ordinance No. 6517 rezoning Brookfield Residences, generally located south of the Eisenhower Middle School Baseball Fields and Walters Drive, and north of the future Prairie Lakes subdivision, from R-3, Multiple-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the nine conditions recommended by the Manhattan Urban Area Planning Board. (*See Attachment No. 1*)

ORDINANCE NO. 6518 – AMEND – SIGNS AND CONTRACTORS

The Commission approved Ordinance No. 6518 amending Article XIV of Chapter 8 in the Code of Ordinances repealing the Uniform Sign Code and amending provisions related to signs and sign contractors.

ORDINANCE NO. 6519 – REDUCE UTILITY EASEMENTS – HIGHLAND MEADOWS ADDITION, UNIT ONE (VA0508)

The Commission approved Ordinance No. 6519 reducing a portion of the utility easement from ten (10) foot on Lots 24A, 25A, 25B, 26B, 28A, 29A, 29B, 30A, and 43A in Highland Meadows Addition, Unit One, to eight (8') foot utility easements.

CONSENT AGENDA (CONTINUED)

REJECT BIDS – PLATT ADDITION IMPROVEMENTS (ST0517) (SS0511) (WA0511)

The Commission accepted the Engineer's Estimate, rejected all bids; and will re-bid the Platt Addition Improvements.

AWARD CONTRACT – 2006-2007 UTILITY CUT STREET REPAIRS (WA0601)

The Commission accepted the Engineer's Estimate in the amount of \$204,226.20 and awarded the contract to Pavers, Inc., of Salina, Kansas, in the amount of \$187,935.00 for utility pavement cut repairs.

RESCIND/AWARD CONTRACT – DESIGN AGREEMENT – SCENIC DRIVE SEWER EXTENSION LINE (SS0506)

The Commission authorized the Mayor and City Clerk to enter into an agreement with BG Consultants, Inc., of Manhattan, Kansas, to complete the design of the higher priority Scenic Drive Sewer Extension Line and rescinded the contract that was awarded on September 6, 2005.

*

AWARD CONTRACT – EISENHOWER BASEBALL COMPLEX LIGHTING PROJECT (CP239P)

Terry DeWeese, Director of Parks and Recreation, answered questions from the Commission.

The Commission approved the Engineer's Estimate in the amount of \$235,000.00 and awarded a contract to Schmidlein Electric, of Topeka, Kansas, in the amount of \$172,700.00 for the Eisenhower Baseball Complex Lighting Project for North & South Ballfields.

RESOLUTION NO. 010306-A – TEMPORARY NOTES – EISENHOWER BASEBALL COMPLEX LIGHTING PROJECT (C9239P)

The Commission approved Resolution No. 010306-A authorizing the issuance of temporary notes to finance this project over a four-year period of time.

EMPLOYMENT AGREEMENT – CITY MANAGER

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.

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

GENERAL AGENDA

PUBLIC HEARING - REDEVELOPMENT PLAN - NORTH PROJECT OF DOWNTOWN REDEVELOPMENT

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, presented the item.

David MacGillivray, Springsted, Inc., provided additional information on the item and answered questions from the Commission regarding the feasibility study.

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, and Ron Fehr, City Manager, answered additional questions from the Commission.

Mayor Klimek opened the public hearing.

Jeff Head, Assistant Professor, Kansas State University, commented about the downtown design plan presented and asked that a greater mix-use district of housing and retail be further considered.

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, and Rick Kiolbasa, provided additional information on the item and answered questions from the Commission.

Lisa Rockley, Executive Director, Downtown Manhattan, Inc., stated that the Downtown Board supports downtown redevelopment; however, the Board wanted additional clarity and consideration on the plan presented.

Gwyn Riffel, 1117 Hylton Heights Road, Redevelopment Steering Committee, Chair, Downtown Manhattan, Inc., asked for assistance for a comprehensive redesign plan for the downtown Poyntz Central District to bring the redevelopment to as close to Poyntz Avenue as possible.

Hearing no other comments, Mayor Klimek closed public hearing.

FIRST READING – REDEVELOPMENT PLAN - NORTH PROJECT OF DOWNTOWN REDEVELOPMENT

Ron Fehr, City Manager, provided additional information on the item.

Rick Kiolbasa, Dial Realty, provided information on the item and answered questions from the Commission regarding the design of vehicular and pedestrian traffic areas.

GENERAL AGENDA (CONTINUED)

FIRST READING – REDEVELOPMENT PLAN - NORTH PROJECT OF DOWNTOWN REDEVELOPMENT (CONTINUED)

Jeff Head, Assistant Professor, Kansas State University, provided additional comments about the placement of apartments above retail.

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, provided additional information about the north and south district areas.

After discussion, Commissioner Snead moved to approve first reading of an ordinance adopting the Redevelopment Plan for the North Project associated with the Downtown Redevelopment. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - MANHATTAN MARKETPLACE

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

Jeff Hancock, Director of Public Works, presented additional information on the item and answered questions from the Commission.

Bob Welstead, Dial Realty, answered questions regarding parking and pedestrian walking areas in the proposed development.

Patrick Schaub, Bowman, Bowman and Novick, provided information on the buildings uniformity and color scheme. He then answered additional questions from the Commission.

Ron Fehr, City Manager, answered questions from the Commission.

Buck Driggs, HWS Consulting, Inc., provided additional information about utilities and answered questions from the Commission.

Eric Cattell, Assistant Director for Planning, provided additional information about the landscaping proposed and answered questions from the Commission.

Patrick Schaub, Bowman, Bowman and Novick, provided additional information about the Best Buy proposal and answered questions from the Commission.

Vincent Tracey, 304 Knoxberry Drive, thanked the presenters and urged the Commission to accept the proposal, as presented.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - MANHATTAN MARKETPLACE (CONTINUED)

Jeff Head, Assistant Professor, Kansas State University, asked that attention be paid to the pedestrians trying to cross Tuttle Creek Boulevard safely.

Gwyn Riffel, 1117 Hylton Heights Road, stated that the proposal can be better than what has been presented and said that the Best Buy building needs further evaluation and consideration.

Jason Kraus, Architect, Best Buy, stated that the blue wedge is its corporate identity with blue and yellow. He said that close attention has gone into the design of the exterior, signage, and pedestrian walkways.

After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning Manhattan Marketplace from C-4, Central Business District, and C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, based on the findings in the Staff Report, with the six conditions recommended by the Manhattan Urban Area Planning Board. *(See Attachment No. 2)* Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - LOTS 265, 266, AND 267, WARD 5

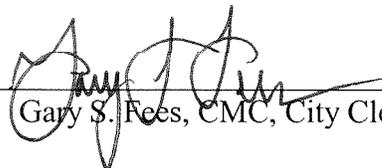
Eric Cattell, Assistant Director for Planning, presented the item. He then answered questions from the Commission.

Howard Wilson, Owner, Howie's Recycling, provided additional information on the item and informed the Commission that he is two weeks away from closing on the COVAN property. He then answered additional questions from the Commission.

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance rezoning Lot 265-267, Ward 5, from LM-SC Light Manufacturing-Service Commercial District, to I-3, Light Industrial District, based on the findings in the Staff Report. *(See Attachment No. 3)* Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:15 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

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

TO: PUD, Residential Planned Unit Development District.

OWNER: SSF Development LLC.

ADDRESS: 1213 Hylton Heights Road, Manhattan KS 66502.

APPLICANT: Leon Osbourn, Kaw Valley Engineering, Inc., as agent for the developer, Manhattan Housing Investors, LC.

ADDRESSES: Kaw Valley Engineering Inc., Leon Osbourn, P.E., 2319 North Jackson, P.O. Box 1304, Junction City, KS 66441; Manhattan Housing Investors, LC, Jim Osborne, 7701 E. Kcllogg, Suite 820, Wichita, KS 67201.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 14, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 5, 2005
CITY COMMISSION: Tuesday, December 20, 2005

LOCATION: south of the Eisenhower Baseball Fields, Walters Drive, and the intersection of Walters Drive and Brookville West Drive, east of the intersection of Donna's Way and Walters Drive, north of future Prairie Lakes subdivision, and west of the intersection of Walters Drive and Brookpark Drive.

AREA: Lot 162, Brookfield Addition, Unit Five; 7.2-acres.

PROPOSED USES: The proposed multiple-family development is an apartment complex consisting of 11 apartment buildings containing 112 dwelling units, a clubhouse, pool, basketball court, playground, off-street parking, and landscaped open space. The application states that the overall project statement is, "To provide Manhattan with affordable housing." Application documents indicate tax credits have been received by the

Attachment No. 1

future owner, Manhattan Housing Investments. The development is 100% affordable housing. Construction is scheduled to begin in Spring 2006, with first occupancy in Fall 2006, and completion in Spring 2007. The applicants also developed the Country Meadows apartments off Marlatt Avenue.

PROPOSED BUILDINGS AND STRUCTURES: The architecture is the same as the existing Country Meadows apartments. Buildings are two stories with a combination of 56, two-bedroom/one bath, and 56, three bedroom/two bath units. Buildings are constructed with vinyl siding and composition shingled roofs, with decks for second floor units and patios for ground floor units. The clubhouse is a one story building constructed with the same materials as the apartment buildings.

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Square Feet</u>	<u>Percentage</u>
Building	114,548	36.5%
Pavement	90,682	28.8%
Landscape Area	68,516	21.79%
Active Area *	40,732	12.95%

* Pool, play area, shed, basketball court

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Ground/Monument	8 feet by 5 feet	Ground lit

The monument sign consists of a brick pier and base with a wood sign face measuring 6 feet by 2 feet 8 inches. Exempt signs, such as address numerals and real estate signs, will also be allowed (attachment).

PROPOSED LIGHTING: Lights within the parking lots will be 20 foot bronze finish street lights. Decorative 11 foot pedestrian scale lights are located throughout the site in pedestrian and common areas. All lights will need to be full cut-off.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The proposed landscape plan is functional for the intended use and depicts a broad range of large deciduous, small flowering and evergreen trees, and shrubs and ground cover located throughout the site. The remainder of the landscape area is lawn. Underground and drip irrigation is proposed to maintain the landscaping.

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2. SCREENING: Dumpsters are proposed to be screened by 6 foot enclosures and are located internal to the site. A 6 foot screening fence is proposed along the eastern, western and southern sides of the site; however, the proposed fence is in a drainage easement.

3. DRAINAGE: The drainage system has been designed in conformance with the adopted Stormwater Management Master Plan (*see attached Storm Drainage Report and memo from the City Engineer*). The site is proposed to drain to the north to inlets on Walters Drive and to the south and connect to a concrete lined swale, which will be constructed on future Prairie Lakes, which has been preliminarily platted. A proposed 20 foot drainage easement is shown on the Preliminary Plat of Prairie Lakes along the common boundary line with Brookfield residences; however, the Final Plat has not been submitted and approved, and the drainage easement has not been accepted.

As noted in the City Engineer's memo, City Administration accepts the proposed drainage report with the following exceptions:

1. The screening fence should not be placed with the drainage easement. According to the report there is approximately 1.6 acres that will need to flow water to the proposed concrete ditch flume to the south of the property. The fence is considered a structure that will impede the flow of water to the concrete flume.
2. City Administration would like to have in writing from the property owner to the south that they are in concurrence with a concrete flume two feet in depth, two feet in width with side slopes of 1:1 to be built on their property within their drainage easement. City Administration should receive that letter prior to final approval of this plat.
3. In the property owner's letter they must agree to not exceed their future discharge of 30 cubic feet per second of water during the 100 year storm from their property to this concrete flume.

Adequate easements are provided to protect drainage ways from encroachment, subject to removal of the screening fence from the 10 foot drainage easement along the eastern, western and southern boundaries of Brookfield Residences.

Provisions have been made to insure the continued long term maintenance of private drainage facilities shall be provided. The applicant indicates the future owner will be responsible for the maintenance of the drainage facilities, portions of which are on the site. The proposed concrete channel is on future Prairie Lakes and its maintenance is not certain due to it being on a separate tract of unplatted land.

The site is not affected by the 100 or 500 Year Flood Plain.

4. CIRCULATION:

The proposed internal circulation plan provides for safe, convenient and efficient movement of goods, motorists and pedestrians. Conflicts between motorists and pedestrians are minimized. The site will be accessed from 6 driveways off Walters Drive. Internal driving aisles will provide access to the apartments and the clubhouse. No access through adjoining areas is proposed. Sidewalk is proposed throughout the site and along Walters Drive.

The off-street parking requirements of the Manhattan Zoning Regulations for multiple-family dwellings require a minimum of 3 off-street parking spaces for 2 bedroom dwellings (56 units x 3 = 168 parking spaces) and 3.5 spaces for 3 bedroom dwellings (56 x 3.5 = 196 parking spaces), or 364 total parking spaces. The ratios are related, in part, to multiple-family dwellings being occupied by college students. The ratio also attempts to provide some guest parking in addition to tenant parking.

The applicant has proposed 268 parking spaces, based on the proposed occupancy, which consists of 100% affordable units. Two (2) parking spaces per unit are proposed, or 224 spaces, with the remainder for guests and handicap stalls

Based on the nature and occupancy of the development, the proposed number of parking spaces per unit should be adequate.

The applicant's Transportation Impact Study (*attached*) indicates the impact of traffic on surrounding transportation network is minimal. The City Engineer has reviewed and accepted the Study (*attachment*).

5. OPEN SPACE AND COMMON AREA: Approximately 35% of the site is a combination landscape open green and active recreational area, which will be maintained by the future owner. The site provides recreational amenities to include a pool, play area and basketball court.

6. CHARACTER OF THE NEIGHBORHOOD: Generally characterized as a developing low to medium density residential neighborhood. Eisenhower Middle School is a part of the established single-family and two-family neighborhood to the west. Undeveloped two-family and multiple-family lots are to the west of the site as well. The Brookfield subdivisions to the north and east are primarily single-family and the Prairie Lakes subdivision to the south and west are a mixture of single-family, two-family and multiple-family.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

- 1. EXISTING USE:** Platted and vacant multiple-family residential lot.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** A flat site covered with field grasses. No part of the lot is in a 100 or 500 Year Flood Plain. The site drains to the south and east.
- 3. SURROUNDING LAND USE AND ZONING:**
 - (a.) NORTH:** Walters Drive, Eisenhower baseball fields, Brookfield Addition, Unit Five, a developing single-family subdivision; R-1 District.
 - (b.) SOUTH:** Future Prairie Lakes subdivision; R-3 District.
 - (c.) EAST:** Brookfield Addition, Unit Five, a developing single-family subdivision; R-1 District.
 - (d.) WEST:** Future two-family and multiple-family in proposed Prairie Lakes subdivision and Brookfield Addition, Unit Seven; R-2, Two-Family Residential District, and R-3 District.
- 4. CHARACTER OF THE NEIGHBORHOOD:** see above.
- 5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The 7.2 acre site is platted as a single lot and may be developed with a single-family, a two-family, or a multiple-family residential dwelling.
- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in traffic, light and noise can be expected, but is similar to the same conditions existing in nearby neighborhoods.

As platted, Lot 162 has a front yard along Walters Drive, side yards along the eastern and western boundary and a rear yard along the southern boundary.

The proposed front yard setback off Walters Drive is 25 feet. The R-3 District front yard setback is 25 feet.

Proposed rear yard setbacks are approximately 17 feet to the building and 10 feet to decks/patios. The R-3 District rear yard setback is 25 feet. The reduced setback should not adversely impact the vacant property to the south.

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Proposed apartment building setbacks along the western side yard boundary with range from 18 feet at the south end to 22 feet at the north end, with decks/patios approximately 13 feet from the west lot line. East side yard setbacks are 10 feet. The R-3 District side yard setback is 8 feet. A 6 foot screening fence is proposed to screen the side yards from adjacent residential yards to the west and east.

Minimal impact is expected on those properties; however, the proposed screening fence is in a drainage easement, which must be kept free of encroachments such as fences so that storm water is not impeded. The Zoning Regulations require that off-street parking areas containing more than 6 parking spaces within 25 feet of adjoining residential property must be screened by sight obscuring screening, which may include evergreen trees, fencing, walls, hedges, berms, or any combination that substantially obstructs structures or land uses from view. The parking area along the southern side of the site is within 25 feet of adjoining residential property, approximately 13-14 to feet, and contains more than 6 parking spaces. Sight obscuring screening can be relocated outside of the easement to meet the screening requirement.

Lighting should be downcast and shaded to reduce light impacts on adjacent property. The lighting plan indicates that lighting is downcast and shaded and will be full cut-off design.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan shows the site at the edge of the Residential Medium/High (RMH), and Residential Low/Medium density (RLM). The appropriate density range for development in the RMH is 11 to 19 dwelling units per net acre and the RLM designation is one-dwelling unit up to 11-dwelling units per net acre.

The RMH and RLM categories suggest a range of housing types, from single-family and two-family to townhomes, with the RMH category adding four-plexes. Both categories suggest planned unit developments for apartments or condominiums, where net densities are consistent with the respective category. Planned unit developments in the RLM category are suggested to be small-scale apartment buildings, with sufficient open space to meet the RLM density.

A covenant (attached) restricting was filed by the current owner at the time of annexation and rezoning in 2004/2005, restricting the total number of dwellings to 130 units. The density associated with the 130 units is approximately 18 dwelling units per acre ($130/7.219=18\text{du/acre}$), which is within the RMH category. The proposed density for the 112 units is 15.56 units per acre.

The proposed rezoning conforms to the Comprehensive Plan.

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8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

- December 6, 2004 Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Brookfield Addition, Unit Five, from G-1, General Agricultural District, to R-1, Single-Family Residential District, and G-1 to R-3, Multiple Family Residential District.
- December 21, 2004 City Commission approves first reading of annexation and rezoning.
- January 4, 2005 City Commission approves Ordinance Nos. 6452 and 6453 annexing and rezoning the Brookfield Addition, Unit Five; the baseball fields; and a portion of Casement Road, from G-1, General Agricultural District, to R-1, Single-Family Residential District, and to R-3, Multiple Family Residential District, as proposed.
- March 7, 2005 Manhattan Urban Area Planning Board approves the Final Plat of Brookfield Addition, Unit Five.
- March 22, 2005 City Commission accepts easements and rights-of-way as shown on the Final Plat of Brookfield Addition, Unit Five.

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.

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. The proposed use provides a 100% affordable housing development. It may be a hardship on the applicant and the owner if the rezoning is denied.

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

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of Brookfield Residences from R-3, Multiple-Family Residential District, to PUD, Residential Planned Unit Development District, with the conditions:

1. Permitted uses shall include multiple-family residential dwelling units.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations.
5. The screening fence shall not be placed within the drainage easement.
6. Sight obscuring screening, a minimum of six (6) feet in height at the time of installation, shall be provided to screen off-street parking areas containing more than six (6) parking spaces, which are located within twenty five (25) feet of adjoining residential property.
7. A written document from the owner of Prairie Lakes, which adjoins Brookfield Residences, shall be provided with the Final Development Plan indicating that the owner concurs with a concrete flume two (2) feet in depth, two (2) feet in width, with side slopes of 1:1 to be built on their property within a drainage easement.
8. The property owner's letter shall indicate that they agree to not exceed their future discharge of 30 cubic feet per second of water during the 100 year storm from their property to the proposed concrete flume.
9. Maintenance responsibility for the proposed concrete flume shall be addressed in the letter and indicate that the owner of the Brookfield Residences PUD shall be responsible for maintenance of the concrete flume.

ALTERNATIVES:

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

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Brookfield Residences from R-3, Multiple-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the staff report, with the conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: November 29, 2005

05020

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: C-4, Central Business District, and C-5, Highway Service Commercial District

TO: PUD, Planned Unit Development District

OWNERS: Dial Manhattan LLC; and, State of Kansas (Kansas Department of Transportation)

APPLICANT: Dial Manhattan LLC.

ADDRESS: 11506 Nicholas St. #200, Omaha Ne, 68154-4421; Kansas Department of Transportation C/o Kevin Schorzman, PE, Wamego Area Office, 1425 West U.S. 24, Wamego KS, 66547-1256

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 28, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 19, 2005
CITY COMMISSION: Tuesday, January 3, 2006

LOCATION: approximately one hundred sixty (160) feet north of Leavenworth Street, west of Tuttle Creek Boulevard, east of North 3rd Street, and south of vacated Laramie Street.

AREA: approximately 5.95-acres.

PROPOSED USES: Permitted uses are proposed to consist of all of the Permitted Uses and Conditional Uses of the C-4, Central Business District (C-4 District regulations attached).

PROPOSED BUILDINGS AND STRUCTURES: The site is within the North Project Area of the Downtown Redevelopment Plan and identified as the Tuttle Creek District in the Design Guidelines for Downtown Redevelopment. A Conceptual Site Plan (Sheet SP601) has been submitted along with the proposed PUD documents to provide a complete picture of the North Project Area. The boundary of the proposed PUD is set out on the Conceptual Site Plan.

Attachment No. 2

Proposed Manhattan Marketplace, to consist of 5 commercial lots for 4 commercial buildings:

Lot 1: Building A (Best Buy) an approximate 30,300 square foot, commercial retail store.

Lot 2: Building B an approximate 5,700 square foot commercial building (4 tenant spaces).

Lot 3: Building C an approximate 6,100 square foot commercial building (4 tenant spaces).

Lot 4: Building D an approximate 5,000 square foot commercial building (4 tenant spaces).

Lot 5: for off-street parking only.

Best Buy

Building height is approximately 27 feet in height to the roof cornice. The blue EFIS entry feature on the north elevation of the building is an additional 11 feet in height to its peak above the roofline and conforms to the Design Guidelines restriction of no more than 20% of the facade. Exterior materials are a combination of metal cornice, split block, smooth face, and cast stone materials, which are shown on the renderings in the application booklet under separate cover as shades of beige, taupe, and limestone (colors similar to the Plaza Courtyard at Manhattan Town Center). Horizontal courses are incorporated on the building façade to reduce the perceived height of the building and break-up its mass. Pilasters are provided along all of the building's façades to provide variation in plane and shadow. An aluminum canopy extends over the front glassed entrance. The building and site are consistent with the Design Guidelines for large retail buildings, except for signage as noted below under **PROPOSED SIGNS**.

Buildings B-D

Buildings B and C heights are approximately 21 feet to the roofline and 23 feet to decorative roof cornice. Building D is 21 feet in height. Each floor plan indicates up to 4 tenant lease spaces. Buildings B and C may have a drive-up window option for a restaurant or bank. Building materials similar to Best Buy, colors, and architectural features incorporate glass window treatments, awnings and other elements consistent with the Design Guidelines. The site and sign plans are consistent with the Design Guidelines.

Construction Phasing

Phasing is set out on the Construction Phasing Plan sheet: Phase I will consist of waterline and electrical relocations in early Spring 2006; Phase II will include the Best Buy site driving aisles and sidewalks, storm sewers, right-in/right-out and Tuttle Creek Boulevard improvements, and all landscaping within and adjacent to the PUD and Tuttle Creek Boulevard, all in Summer Fall 2006; and, Phase III will be all other buildings and parking on Lot 5 in 2007 and beyond, dependent upon market conditions.

Design Guidelines for Downtown Redevelopment

The Design Guidelines for Downtown Redevelopment are provided under separate cover in the application booklet and set 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. The Guidelines are not regulations. 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. The Purpose and Intent statements are on pages 2-1 to 2-5. All of the intent statements are applicable to the entire Conceptual Site Plan. Some are not applicable to the proposed PUD.

The Design Guidelines are attached as an Exhibit to the Final Development Agreement between the City and Dial Realty Development Corp. The Agreement requires Dial realty to identify that the proposed improvements comply with the Design Guidelines. A letter in the application booklet (Appendix J) from Patrick Schaub, AIA, Bowman Bowman Novick Inc., notes that the proposed development is substantially in conformance with the Guidelines with the exception of signage on the Best Buy building.

PROPOSED LOT COVERAGE

<u>Use</u>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Building	1.08 ac / 47,045 sf	18%
Parking and Driving Lanes	2.88 ac / 125,452 sf	48%
Streets (Travel Easements)	.63 ac / 27,442 sf	11%
Open/Landscape Space	1.36 ac / 59,241 sf	23%
Total	5.95 ac / 259,180 sf	100%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Wall (Best Buy) North Elevation	24'9" wide by 15'2" tall (350 sf in area)	Internally lit
Wall (Best Buy) East and West Elevations	14'6" wide by 9'4" tall (135.3 sf in area)	Internally lit
Wall (Best Buy) East	18 sf	Unlit
Wall (Buildings B, C, and D)	40 square foot wall mounted letters approximately 11' wide by 3'6" tall	Internally lit
Ground Entrance Sign on Tuttle Creek Boulevard	12' wide by 24' tall (288 sf in area)	Ground and Internal Lit Panels

The Design Guidelines indicate that signs must conform to the Manhattan Zoning Regulations. The applicable zoning district to determine conformance is the C-4, Central Business District. Gross surface area for wall signs are based on "the total gross surface area of all signs shall not exceed fifteen (15) times the square root of the street frontage on which the business has frontage, but in no case more than twenty (20) percent of the first floor of the facade of the building." The wall signs proposed on the Best Buy Building were evaluated based on the linear dimension of the north, east, and west facade, as was previously done with large department stores at Manhattan Town Center. The north wall sign should be no greater than 206 square feet in area and is proposed to be 350 square feet in area. East and west wall sign areas conform to the C-4 District requirements (*see sheets A1.02 and A1.03*).

The PUD process allows changes to typical zoning requirements, and the Design Guidelines allow for exceptions, if the overall intent of the Design Guidelines is met. The north wall sign and second east wall sign are generally consistent with the Purpose and Intent of the Design Guidelines. One of the Development Intent's of the Design Guidelines is to "Incorporate larger retail stores while maintaining the human scale and pedestrian nature of the existing downtown shopping area". The proposed north wall sign is not inappropriate for the scale of the building. At the same time, the human scale and pedestrian nature of the Best Buy site are maintained. The smaller 18 square foot wall sign on the east elevation is minimal in area and identifies the purpose of the two doors adjacent to the sign.

The ground lit entry sign is located along Tuttle Creek Boulevard to the south of the right-in/right-out entrance. It will be constructed with a limestone base and piers and a limestone cap. The sign will identify the name of the center on an engraved surface, as well as internally lit acrylic panels for tenants. The proposed ground sign would be more

consistent with the ground identification sign for Manhattan Town Center, which is located along Tuttle Creek Boulevard, if the individual tenant signs were deleted (*see sheet A1.00 for proposed ground sign*).

PROPOSED LIGHTING: There are four types of pole mounted lights: 14-foot pedestrian scale lights, 27-foot parking lot lights and 32-foot entry lights off Tuttle Creek Boulevard. Building lights are decorative exterior lights. All lights are downcast and shaded, full cut-off except for those lights used for building accent (*see Sheet A1.00 for Site Lighting Plan for details*).

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The proposed landscape plan is functional for the intended use and depicts a broad range of shade and ornamental trees, evergreen trees, shrubs, foundation plantings, parking lot landscaping, screening, and ground cover throughout the site. The remainder of the landscape area is lawn. Underground irrigation is proposed to maintain the landscaping, which will be maintained by the owner.

2. SCREENING: Dumpsters are proposed to be screened by masonry enclosures with doors and adjoin each building on Lots B and C. Building D will have a temporary dumpster location, possibly in a parking stall, until a shared dumpster is constructed with the building to the south (Building E on the Conceptual Site Plan). The screening materials for the temporary dumpster location would be of a temporary material, such as 6 foot cedar fencing. The temporary screened dumpster may utilize a parking space or be located on the alley. Loading and trash compactor locations adjacent to the Best Buy will be screened by 10 foot masonry screen walls. Roof-top equipment on all proposed buildings will be screened by parapet walls.

3. DRAINAGE: The site is proposed to drain to the east to inlets and then to the drainage channel along the east side of Tuttle Creek Boulevard. The drainage system has been reviewed by the City Engineer (*see attached Storm Drainage Report and memo from the City Engineer*).

Adequate inlets and improvements will be provided to assure the drainage system will work.

The site is in 500 Year Flood Plain, which is an area that is not subject to Flood Plain regulations.

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4. CIRCULATION: 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 from an extension of Osage Street and a right-in and right-out off Tuttle Creek Boulevard. Internal travel easements will provide access to Lots 1, 2, and 3. No access through adjoining areas is proposed. Sidewalk is proposed throughout the site, as well as along Tuttle Creek Boulevard. Sidewalks in traffic ways will be brick paved to emphasize pedestrian crossings.

The off-street parking requirements of the Manhattan Zoning Regulations do not require parking in the C-4 District for any use. Regardless, the applicant has proposed a total of 300 off-street parking spaces in the proposed PUD. Each lot provides off-street parking for the building on the lot, as well as Lot 5, which consists entirely of off-street parking spaces.

Total gross building floor area for the entire site is approximately 47,100 square feet. Using the most restrictive commercial ratio from the Zoning Regulations of 1 parking space per 200 square feet of floor area would require 236 off-street parking spaces. Using the Zoning Regulations shopping center ratio of 5.5 spaces per 1,000 square feet would require 259 off-street parking spaces. The proposed number of parking spaces should be adequate.

The applicant's Traffic Engineering Analyses (*included in the application booklet*) indicates nominal impact on the surrounding transportation network as a result of the proposed development. The City Engineer has reviewed and accepted the (*attachment*).

KDOT indicates all state highway improvements, including the right-in/right-out must be completed prior to issuance of an occupancy permit for any store (*attachment in application booklet*).

The Bicycle Master Plan shows a bike route along Tuttle Creek Boulevard, which will be provided by the proposed sidewalk along the street and also serves as a connecting link of the Linear Trail, subject to KDOT approving a grant for the improvement. One bike rack is shown along the Tuttle Creek Boulevard sidewalk east of Best Buy.

5. OPEN SPACE AND COMMON AREA: Approximately 23% of the site is landscaped open space, which will be maintained by the owner.

6. CHARACTER OF THE NEIGHBORHOOD: The site is within a commercial service/retail corridor, and bounded on the east by Tuttle Creek Boulevard, on the west by North 3rd Street, on the south by the Central Business District, and the north by a mixture of retail and service retail uses.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Platted and vacant commercial site, adjoining former railroad, and state right-of-way.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally flat with concrete foundations and floor areas from prior improvements. Scattered grass and trees are throughout the site. Existing drainage is to the east to North Third Street storm water inlets and to the ditch along the west side of Tuttle Creek Boulevard. The site is located in a 500 Year Flood Plain and is not subject to flood plain development regulations

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Vacant commercial land and commercial retail and service uses; C-5 District and C-4 District.

(b.) SOUTH: Westar substation, gas station, commercial building, Leavenworth Street, Manhattan Town Center; C-4 District.

(c.) EAST: Tuttle Creek Boulevard, commercial/retail uses: C-5 District and PUD.

(d.) WEST: North Third Street, residential dwelling, and commercial/retail/service uses; C-5 District, and C-2, Neighborhood Shopping District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is zoned C-4 District, and C-5 District (former railroad and KDOT right-of-way), with C-4 District being the majority of the site. The site is sufficient in area and can be developed with any of the uses allowed in the C-4 District, subject to the Manhattan Zoning Regulations. The PUD zoning is necessary, in part, since Travel Easements are proposed to provide direct access to public streets for Lots 1, 2, and 3.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed PUD will allow as permitted uses all of the permitted and conditional uses of the C-4 District. Expected increases in traffic, light, and noise will be consistent with the commercial character of the neighborhood. Minimal impact on adjacent properties is anticipated.

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 rezoning 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 rezoning conforms to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

December 15, 2003 Manhattan Urban Area Planning Board recommended approval of the rezoning of the former Steel & Pipe site from I-3, Light Industrial District and C-5, Highway Service Commercial District, to C-4, Central Business District.

January 6, 2004 City Commission approved first reading of an ordinance rezoning the Steel & Pipe site to C-4, Central Business District.

January 20, 2004 City Commission approved Ordinance No. 6387 rezoning the Steel & Pipe site to C-4, Central Business District.

The Steel & Pipe Supply business was demolished in 2003-2004. The site is vacant, except for concrete foundations.

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.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: There appears to be no relative gain to the public that denial would accomplish in comparison to the hardship to the owner. The site is part of the overall downtown redevelopment project and is an integral part of that project.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The PUD plans show existing and proposed public utilities and services, which will adequately serve the site. Utility releases have been provided by private companies. Easements have been reviewed by City Administration and will adequately serve the development.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: The proposed ground entry sign along Tuttle Creek Boulevard identifying Manhattan Marketplace serves as a gateway to the PUD. The sign should be consistent with the design of the Manhattan Town Center entry sign, which only identifies the name of the center and not individual tenants. Also, the Design Guidelines emphasize and promote the “Walkability and Bikability” in downtown. Additional bike racks should be incorporated into site plans as Final Development Plans are submitted for approval to provide for places to park bicycles.

City Administration recommends approval of the proposed rezoning of Manhattan Marketplace, from C-4, Central Business District, and C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, with the conditions:

2. Permitted uses shall include all of the Permitted Uses and Conditional Uses of the C-4, Central Business District.
3. 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.
4. All landscaping and irrigation shall be maintained in good condition.
5. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations, and temporary grand opening signs; and, menu boards for drive-up window restaurants.
6. Individual back-lit acrylic tenant signs on the ground entry sign shall be deleted and replaced with a compatible stone fascia.
7. Additional bike rack locations shall be considered as Final Development Plans are prepared for approval.

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8. Screening for the temporary dumpster location for Building A shall be six (6) foot cedar fencing.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Manhattan Marketplace from C-4, Central Business District, and C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, based on the findings in the staff report, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Manhattan Marketplace from C-4, Central Business District, and C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Manhattan Marketplace from C-4, Central Business District, and C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, based on the findings in the staff report, with the conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: December 13, 2005

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: LM-SC Light Manufacturing-Service Commercial District

TO: I-3, Light Industrial District

APPLICANT: Howie's Recycling, Inc.

ADDRESS: 625 S. 10th Street

OWNERS: City of Manhattan

ADDRESSES: Lots 265, 266, 267, Ward 5

LOCATION: Generally southwest of the intersection of Fair Lane and South 9th Street.

AREA: 0.5 Acres

DATE OF PUBLIC NOTICE PUBLICATION: November 28, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: December 19, 2005

CITY COMMISSION: January 3, 2005

EXISTING USE: Lots 265, 266, 267, Ward 5 are currently under lease to the UFM Community Learning Center and are utilized for Community Gardens.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:

Lots 265, 266, 267 of Ward 5 currently are utilized for Community Gardens which consists of approximately forty vegetated garden plots. The site is anticipated to generally drain to the north onto Fair Lane and to the east onto South 9th Street. A large tree is located in the northeast corner of Lot 265.

SURROUNDING LAND USE AND ZONING:

(1) NORTH: Fair Lane, an alley, followed by a lot with a structure used for organ repair and an adjoining vacant lot. Fort Riley Boulevard is further north. The lots are all zoned LM-SC, Light Manufacturing Service Commercial.

- (2) **SOUTH:** Railroad Right of Way followed by an R-2, Two-Family Residential District.
- (3) **EAST:** South 9th Street, followed by three Community Garden lots, followed by three vacant lots, followed by two lots with trailer houses, followed by South 8th Street. The lots are all zoned LM-SC, Light Manufacturing Service Commercial.
- (4) **WEST:** Existing Howie's Recycling Center, followed by South 10th Street, followed by three lots owned by Wilson Valley LLC, the same owners of Howie's Recycling. The lots are all zoned I-3, Light Industrial District.

GENERAL NEIGHBORHOOD CHARACTER: The existing neighborhood generally consists of repair and service commercial uses, Community Garden lots, and several vacant lots. Rezoning will require the existing Community Garden plots to relocate, however the rezoning is not anticipated to substantially change the overall character of the existing neighborhood.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:

Both the LM-SC, Light Manufacturing-Service Commercial and I-3, Light Industrial Districts permit recycling centers as a Conditional Use. The existing recycling center is located within the I-3 District. Lots 265, 266, 267 of Ward 5, the proposed location for the recycling center expansion, are located within the LM-SC District. To maintain consistency with the current recycling use, the applicant has proposed to rezone Lots 265, 266, 267 to the I-3, Light Industrial District.

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

The organ repair and Precision Air companies to the north and northeast are of a light manufacturing, service character. Additional surrounding properties are either owned by the applicant and used for a recycling light industrial use, are vacant, or used as Community Garden plots. The railroad right of way to the south provides a buffer to the R-2, Two Family Residential District. The recycling center currently exists and has proposed to expand its structure and operation to the east. An expansion is not anticipated to have detrimental affects on surrounding properties.

CONFORMANCE WITH COMPREHENSIVE PLAN:

The Comprehensive Plan identifies Lots 265, 266, 267 of Ward 5 to have a Community Commercial land use. In the case of the rezoning site, the commercial use is suggestive of the service commercial component of the LM-SC District, rather than the industrial component. Given the fact that Howie's Recycling Center is an existing land use within the I-3, Light Industrial District and the intention of the recycling center is to expand its

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current operation; it appears to be more appropriate to maintain the Light Industrial land use district for the proposed lots rather than require a commercial land use district. If the recycling center land use was new, then following the Comprehensive Plan's Community Commercial land use would be appropriate.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

Lots 265, 266, 267 of Ward 5 were zoned I-3, Light Industrial from 1970 to approximately 2000 at which time the subject lots were rezoned to LM-SC, Light Manufacturing-Service Commercial. The lots have remained in the LM-SC District to date.

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 I-3, Light Industrial District is designed to allow manufacturing, processing, assembly, and nonretail service activities. An existing recycling center is located adjacent to the subject lots, and is zoned I-3, Light Industrial. The proposed rezoning of Lots 265, 266, 267 of Ward 5 would potentially allow a proposed expansion of the existing recycling center eastward through a Conditional Use Permit. The proposed use for which the rezoning is being requested is consistent with the intent and purpose of the Zoning Ordinance.

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. If the rezoning is denied, the applicant may not be able to expand the existing facility as desired.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services exist.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Lots 265, 266, 267, Ward 5, from LM-SC, Light Manufacturing-Service Commercial District, to I-3, Light Industrial District.

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ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lots 265, 266, 267, Ward 5, from LM-SC, Light Manufacturing-Service Commercial District to I-3, Light Industrial District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lots 265, 266, 267, Ward 5 from LM-SC, Light Manufacturing-Service Commercial District to I-3, Light Industrial District, based on the findings in the Staff Report.

PREPARED BY: Jeremy Frazzell, Planner

DATE: December 19, 2005

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