



***MINUTES
CITY COMMISSION MEETING
TUESDAY, JANUARY 20, 2004
7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Mark Taussig and Commissioners Brad Everett, Ed Klimek, Bruce Snead, and Mark Hatesohl were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Diane Stoddard, Assistant to the City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government Representative Andrew Karnowski, 5 staff, and approximately 31 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Taussig led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Taussig proclaimed January 18 - 24, 2004, ***Manhattan Junior Chamber Week***. Mark Lesperance, President; Brian Yackley, Management Development Vice President; and Alrik Bergquist, Individual Development Vice President, Manhattan Jaycees, were present to receive the proclamation.

Mayor Taussig proclaimed January 19 - 26, 2004, ***Dr. Martin Luther King, Junior Observance Week***. Dale Guliford, President, Local Chapter of the National Association of the Advancement of Colored People, and Pastor Darryl Martin, Manhattan Christian Fellowship Church, were present to receive the proclamation.

Mayor Taussig proclaimed January 25 – 31, 2004, ***Catholic School's Week in Manhattan***. Tom Schmitz, Principal, and Jessica Hatesohl and Michael, Kathryn, Kristen, and Lauren Everett, Students, Manhattan Catholic School, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Snead informed the community that the Manhattan Public Library will be celebrating its 100th year and are planning a reception on Friday, January 23, 2004, and encouraged the public to attend.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission held Tuesday, January 6, 2004, and the Special City Commission Meeting held Tuesday, January 13, 2004.

CLAIMS REGISTER NO. 2497

The Commission approved Claims Register No. 2497 authorizing and approving the payment of claims from December 30, 2003, to January 13, 2004, in the amount of \$1,970,844.61.

BOARD APPOINTMENTS

The Commission approved the re-appointment of Brad Everett, 2806 Oregon Lane, to a two-year Commissioner term on the Riley County-Manhattan Health Board. Commissioner Everett's term will begin February 1, 2004, and will expire January 31, 2006.

RENEWAL LICENSES

The Commission approved the renewal applications for Cereal Malt Beverage, Tree Maintenance, and Merchant Guard Agency licenses for calendar year 2004. *(See Attachment No. 1)*

FINAL PLAT – BROWN ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Brown Addition, generally located on the north side of Kimball Avenue, west of Parkway Lane and east of Browning Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6387 – REZONE THE FORMER STEEL AND PIPE SUPPLY SITE

The Commission approved Ordinance No. 6387 rezoning the former Steel and Pipe site, generally located east of North 3rd Street, west of Tuttle Creek Boulevard, south of Moro Street, and northeast of the intersection of Leavenworth Street and North 3rd Street, from C-5, Highway Service Commercial District, and I-3, Light Industrial District, to C-4, Central Business District, based on the findings in the Staff Report. *(See Attachment No. 2)*

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 012004-A – MANHATTAN AREA HOUSING PARTNERSHIP

The Commission approved Resolution No. 012004-A indicating the City of Manhattan's support for the Manhattan Area Housing Partnership to apply for tax credits and HOME funding to the State of Kansas to pursue an affordable housing development in Unit 1, of the Brookfield Addition.

AGREEMENT – HOUSING REHABILITATION PROGRAM

The Commission removed the item from the table; accepted the bid for the Housing Rehabilitation Project; awarded the bid to the lowest responsible bidder for the base price; authorized City Administration to approve any necessary change orders, and authorized the Mayor and City Clerk to enter into an agreement with the contractor and property owner for expenditure of Housing Rehabilitation Funds.

* CONTRACT – KANSAS CORPORATION COMMISSION FOR COMMUNITIES OF THE FUTURE

This item was moved to the end of the general agenda at the request of Commissioner Everett.

* CONTRACT – EMPLOYMENT AGREEMENT OF THE CITY MANAGER

Ron Fehr, City Manager, provided clarification on the agreement.

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 as modified, with Item I: *Agreement between the City of Manhattan and the Kansas Corporation Commission*, being moved to the end of the general agenda. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

REQUEST FOR ASSISTANCE - WASTE WATER AND WATER SERVICE INFRASTRUCTURE - NEW BIOSECURITY FACILITY AT KANSAS STATE UNIVERSITY

Diane Stoddard, Assistant City Manager, introduced the item.

GENERAL AGENDA (CONTINUED)

REQUEST FOR ASSISTANCE - WASTE WATER AND WATER SERVICE
INFRASTRUCTURE - NEW BIOSECURITY FACILITY AT KANSAS STATE
UNIVERSITY (CONTINUED)

Dr. Tom Rawson, Vice President for Administration and Finance, Kansas State University, presented the request and provided information on the Biosecurity Research Institute facility.

Dr. Jim Guikema, Associate Vice Provost, Research and Graduate School, Kansas State University, provided additional information on the Biosecurity Research Institute. He then answered questions from the Commission.

Dr. Tom Rawson, Vice President for Administration and Finance, Kansas State University, answered questions from the Commission.

Greg Fief, Schwab-Eaton, PA, provided information on the item and answered questions from the Commission.

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

Greg Fief, Schwab-Eaton, PA, provided additional information regarding capacity and system discharge questions asked by the Commission.

Chuck Williams, Public Works Director, answered questions from the Commission.

Dr. Tom Rawson, Vice President for Administration and Finance, Kansas State University, informed the Commission of the safety features, bid, construction and inspection process, financing costs, and employment projections of the new facility.

Mayor Taussig introduced Andrew Karnowsk, Commission's Youth in Government representative.

Mayor Taussig informed the Commission that because of his role at Kansas State University he would be abstaining from voting on this item.

Ron Fehr, City Manager, provided additional information on the economic development aspects of the request.

GENERAL AGENDA (CONTINUED)

REQUEST FOR ASSISTANCE - WASTE WATER AND WATER SERVICE INFRASTRUCTURE - NEW BIOSECURITY FACILITY AT KANSAS STATE UNIVERSITY (CONTINUED)

After discussion Commissioner Hatesohl moved to approve Kansas State University's request for funding assistance for water and sewer infrastructure for the Biosecurity Research Institute project to a maximum of \$300,000.00. Commissioner Snead seconded the motion. On a roll call vote, motion carried 3-1, with Commissioner Everett voting against the item and Mayor Taussig abstaining from the item.

Ron Fehr, City Manager, answered questions about the City/University Fund.

FIRST READING - REZONE - LOT 2, STONE CREEK ADDITION

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

After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning Lot 2, Stone Creek Addition, generally located southeast of the intersection of Scenic Drive and Anderson Avenue, from C-2, Neighborhood Shopping District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the five conditions recommended by the Planning Board. (*See Attachment No. 3*) Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

AIRPORT LEASE AGREEMENT - AMENDMENT - GENERAL AVIATION TRAINING AND TESTING SERVICES, INC.

Russ Johnson, Airport Director, presented the item.

John D. Conderman, Attorney at Law, Arthur-Green, LLP, representing General Aviation Training and Testing Services, Inc., (GATTS) presented the request and asked the Commission to look favorably on the amendment to the lease. He then answered questions from the Commission.

Russ Johnson, Airport Director, and Ron Fehr, City Manager, answered questions from the Commission.

After discussion, Commissioner Klimek moved to table the proposed amendment to the Airport lease agreement with General Aviation Training and Testing Services, Inc., until the City receives a financial report from the company. Commissioner Everett seconded the motion. On a roll call vote, motion carried 5-0.

ITEM REMOVED FROM CONSENT AGENDA

**CONTRACT AGREEMENT - KANSAS CORPORATION COMMISSION -
COMMUNITIES OF THE FUTURE**

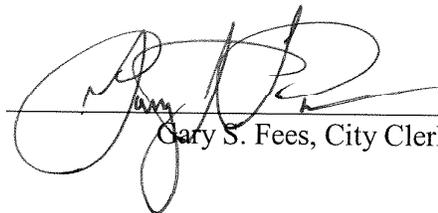
Jason Hilgers, Assistant to the City Manager, presented the item and answered questions from the Commission.

Bruce Snead, City Commissioner; Jason Hilgers, Assistant to the City Manager; and Ron Fehr, City Manager, provided additional information on the contract agreement between the City and the Kansas Corporation Commission, and answered questions from the Commission.

After discussion, Commissioner Snead moved to approve the Contract Agreement between the City of Manhattan and the Kansas Corporation Commission and authorize the Mayor to execute the amendment. Commissioner Hatesohl seconded the motion. On a roll call vote, motion failed 2-3, with Mayor Taussig and Commissioners Everett and Klimek voting against the motion.

ADJOURNMENT

At 9:27 p.m. the Commission adjourned.



Gary S. Fees, City Clerk

Attachment No. 1

Renewals

Cereal Malt Beverage	Dara's Fast Lane #1	1816 Claflin Rd, Manhattan, KS
Merchant Guard Agency	Securitas Security Services USA Inc.	2 Campus Dr, Parsippany, NJ
Tree Maintenance	L. F. Brayton Tree Service	113 W Hickory St, Louisville, KS
Tree Maintenance	Wildcat Tree Service	3120 Heritage Ln, Manhattan, KS

New Application

Cereal Malt Beverage	Aggie Lounge	712 North 12 th St, Manhattan, KS
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STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: C-5, Highway Service Commercial District, and I-3, Light Industrial District

TO: C-4, Central Business District

APPLICANT: Dial Realty Development Corp.

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

OWNERS: Steel & Pipe Supply Co. Inc.; Kansas Hide & Wool Co. Inc.; and, MBI, Inc.

ADDRESSES: P.O. Box 1688, Manhattan, KS, 66505; and, 555 Poyntz, Manhattan, KS,
66502

LOCATION: Generally located east of North 3rd Street, west of Tuttle Creek Boulevard,
south
of Moro Street, and northeast of the intersection of Leavenworth Street and North 3rd
Street.

AREA: Approximately 6.5 acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 24, 2003

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 15, 2003

CITY COMMISSION: Tuesday, January 6, 2004

EXISTING USE: Former site of Steel & Pipe Supply Company. Currently the site is a
combination of vacant C5 and I3 Districts.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: A flat site, with
evergreen trees located along portions of N. 3rd Street and Tuttle Creek Boulevard street
frontages, with the remainder of the site concrete or gravel surfaced. The site drains to the
south/southeast and is located in a 500 Year Flood Plain. Development in a 500 Year
Flood Plain is not subject to the requirements of Manhattan's Flood Plain Regulations.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Restaurants, convenience stores, Bluemont Avenue; C-5 District.
- (2) **SOUTH:** Carpet sales, convenience store, electric substation; Manhattan Town Center; C-5 and C-4 Districts.
- (3) **EAST:** Tuttle Creek Boulevard, major retailers including Wal-Mart, Staples, and Dillons Grocery Store, and other retailers and service commercial activities; Planned Unit Development and C-5 Districts.
- (4) **WEST:** North 3rd and 4th Street, single-family, two-family and multiple-family, restaurants, and retail and service commercial uses; C-2, Neighborhood Shopping District, C-5 District, and R-3, Multiple-Family Residential District.

GENERAL NEIGHBORHOOD CHARACTER: The neighborhood is characterized by a combination of retail, service commercial and residential uses to the south and north. The Central Business District is also to the south. Retail, service commercial, and residential uses are to the west. Tuttle Creek Boulevard, a major north/south highway, is to the east, and separates the rezoning site from major and other retail and service commercial activities located to the east of Tuttle Creek Boulevard.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is vacant and is sufficient in area for the permitted and conditional uses of the C-5 and I-3 Districts.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed C-4 District allows a broad range of retail, commercial services, business and professional offices, and residential uses. The rezoning is consistent with the commercial/residential character of the neighborhood. No detrimental affects are expected.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Manhattan Urban Area Comprehensive Plan shows the site as Central Core District (CCD) (*attachment*), which is a special purpose designation for the Downtown Core. This designation is due to its unique historical character and importance to the broader community. The Downtown Core consists of a variety of civic, cultural, retail, commercial, business and professional offices, financial institutions, and residential uses. All of these activities are within a compact, vibrant setting enhanced by a large inventory of older, and in some cases historic, structures and a pedestrian friendly scale.

Attachment No. 2

Prior to adoption of the Manhattan Urban Area Comprehensive Plan, the rezoning site was designated for expansion of the Central Business District, in the Downtown Tomorrow – A Redevelopment Plan for Downtown Manhattan, Kansas, adopted in May 2000. The Downtown Tomorrow Plan is a more specific district element of the Comprehensive Plan. In the Downtown Tomorrow Plan, it is suggested that there are two primary redevelopment areas, one north of Downtown, and a second, south of Downtown. The rezoning site is within the area north of Downtown (*attachment*).

In addition, a Downtown Redevelopment Master Planning process is currently underway. The rezoning site is included within the area being considered by the Master Planning process.

The proposed rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

1926-1965: E, Light Industrial District; B, 2nd Dwelling House District; and, D, Central Business District.

1965-1969: E, Light Industrial District; C, local Business District; and D, Central Business District.

1969-Present: C-5 District and I-3 District.

Portions of the Steel & Pipe Supply business have recently been demolished, with some buildings having been disassembled and relocated. As of the date of this Staff Report, the majority of the site is vacant, except for concrete foundations.

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 C-4, Central Business District, is the primary commercial center of the community and is designed to provide for a broad range of retail shopping facilities, services, and cultural activities. The C4 District also allows all residential uses, including bed and breakfasts, as permitted uses. In addition, the C-4 District provides a flexible basis for development. Lot coverage is 100%. There are no setback requirements, unless the tract of land abuts a residential zoning district; there are no limits on the number of uses that can be established nor are there any height limitations; and, there are no minimum number of off-street parking spaces that must be provided.

Attachment No. 2

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: The rezoning will implement the recently adopted Comprehensive Plan and will remove an industrial site within an area proposed to be developed as an extension on the downtown. There appears to be no relative gain to the public that denial would accomplish compared to the hardship to the applicant/owners.

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

OTHER APPLICABLE FACTORS: None

STAFF COMMENTS:

City Administration recommends approval of the rezoning of the former Steel & Pipe Supply site, which is generally located east of North 3rd Street, west of Tuttle Creek Boulevard, south of Moro Street, and northeast of the intersection of Leavenworth Street and North 3rd Street, from C-5, Highway Service Commercial District, and I-3, Light Industrial District, to C-4, Central Business District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the former Steel & Pipe Supply site, which is generally located east of North 3rd Street, west of Tuttle Creek Boulevard, south of Moro Street, and northeast of the intersection of Leavenworth Street and North 3rd Street, from C-5, Highway Service Commercial District, and I-3, Light Industrial District, to C-4, Central Business 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 the former Steel & Pipe Supply site, which is generally located east of North 3rd Street, west of Tuttle Creek Boulevard, south of Moro Street, and northeast of the

Attachment No. 2

intersection of Leavenworth Street and North 3rd Street, from C-5, Highway Service Commercial District, and I-3, Light Industrial District, to C-4, Central Business District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: December 8, 2003

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STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: C-2, Neighborhood Shopping District

TO: PUD, Commercial Planned Unit Development

OWNER/APPLICANT: Famdoc General Partnership

ADDRESS: 4101 Anderson Avenue, Manhattan, KS 66503

DATE OF PUBLIC NOTICE PUBLICATION: Monday December 15, 2003

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, January 5, 2004
CITY COMMISSION: Tuesday, January 20, 2004

LOCATION: Southeast of the intersection of Scenic Drive and Anderson Avenue

AREA: Total area is 4.8 acres (ac), which consists of:

Travel Easement and Common Area: 2.009 ac

Lot 1: 0.569 ac

Lot 2: 0.869 ac

Lot 3: 0.656 ac

Lot 4: 0.701 ac.

(Note: In 1998, the applicant submitted a Concurrent (Preliminary and Final) Plat of the Stone Creek Addition. The Plat was approved and created Lots 1 and 2. The PUD proposes to divide Lot 2 into the above described four (4) lots and Travel Easement/Common Area.)

PROPOSED USES: The applicants have proposed that the Stonecreek PUD shall be limited to the permitted uses listed in the C-2, Neighborhood Shopping District (*attachment*), except for air conditioning, heating and plumbing sales, automobile service stations, convenience stores with gas pumps, and laundry establishments.

PROPOSED BUILDINGS AND STRUCTURES: Four buildings constructed in phases.

Phase 1: a two-story medical office building will be constructed on Lot 1 (see building and floor plans). Building floor areas are: 6,800 square feet (sf), (Lot 1); 13,000 sf (Lot 2); and, 10,000 sf, (Lots 3 and 4). Proposed exterior building materials are brick, stone, and lap siding. Exterior walls are natural colors.

The site will be graded after approvals, with Lots 1 and 2, and the southern portion of the parking lot, built first. Lots 3 and 4, and the northern part of the parking lot, will be built based on market demand.

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Building coverage	.92 ac / 40,075 sf	19.2%
Parking and drives	1.22 ac / 62,726 sf	30%
Green space	2.27ac / 98,881 sf	47.3%
Sidewalk	0.17ac / 7,405 sf	3.5%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Ground sign	9 feet by 5 feet	Ground lit

The ground sign will be a cut stone slab with mounted aluminum letters on a limestone base.

PROPOSED LIGHTING: Building and parking lot lighting will be consistent with existing lighting on Lot 1 of the Family Physicians' site, which is to the immediate east. Colors will match or be compatible with existing fixtures.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: A landscape plan consisting of lawn, deciduous, evergreen, ornamental, and existing trees is proposed (*see landscape plan*). Natural vegetation, including trees along Anderson Avenue will be preserved. More detailed foundation plantings are proposed for each building. Underground irrigation will be used to water landscaped areas.

Attachment No. 3

2. SCREENING: Outdoor storage/dumpster areas will be screened with 6-foot sight obscuring screening such as wood fencing or masonry, with a wood gate.

3. DRAINAGE: The Stormwater Management Master Plan (SWMMP) does not require detention within the proposed Stonecreek PUD. The site drains to the south to Wildcat Creek to a four (4) foot by six (6) foot stone culvert under Cumberland Road that flows in a natural channel to Wildcat Creek.

In 1998, the applicant submitted the Concurrent (Preliminary and Final) Plat of the Stone Creek Addition, along with a Stormwater Plan of the Stone Creek Addition (*attached*). Consistent with that previously approved Plat and Stormwater Plan, storm water runoff will be piped underground to the inlet under Cumberland Road and then to Wildcat Creek (*see PUD Preliminary Utility Plan*). The City Engineer has reviewed the proposed Stonecreek PUD and found that the applicant's previously approved Stone Creek Addition Stormwater Plan conforms with the (SWMMP.)

4. CIRCULATION:

Internal Circulation A Travel Easement will provide access to the PUD and the four (4) proposed lots. Internal access provides for safe and efficient traffic movements for private and emergency service vehicles.

Pedestrian Internal sidewalk will provide for access within the site. Future sidewalk from Anderson Avenue to the parking lot would be constructed when the street is constructed to an urban section, at some future unknown date. There are no sidewalks currently along Anderson Avenue. When Anderson Avenue is constructed to an urban section, sidewalk will need to be required along the south side of the street when the street is constructed to an urban section.

Bicycle pathways Not required.

Off-Street Parking One hundred fifty three (153) parking spaces are proposed for the PUD. Approximately 74-off street parking will be provided with Phase 1, which is generally consistent with commercial/medical ratios and should be adequate. Future phases will be evaluated with the Final Development Plan to determine adequacy of parking.

5. OPEN SPACE AND COMMON AREA: Approximately 47% of the site will be open space. Individual lots will be privately owned and maintained. Common area and Travel Easement will be owned and maintained by the proposed Stonecreek Business Center (*see attached association documents*).

Attachment No. 3

6. CHARACTER OF THE NEIGHBORHOOD: The site is at the western edge of the existing City limits. It is located southeast of the intersection of Scenic Drive and Kimball Avenue, and Anderson Avenue intersections. Kimball Avenue is a major northern access route to the City, and Scenic Drive is a major southern route towards Manhattan Airport, Fort Riley and Junction City. Anderson Avenue extends to the west towards the Keats and Riley, and to the east to the City. The remainder of the neighborhood is characterized by low-density rural development and farmlands to the south and southwest, and to developing single-family neighborhoods and parkland to the northeast and east. To the west of Scenic Drive is a commercial landscaping business, Blueville Nursery. The site is in a growth corridor for the City of Manhattan.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

- 1. EXISTING USE:** Lot 2 is a vacant and undeveloped C2 District.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Lot 2 is relatively flat, undeveloped, and drains to the south under Cumberland Road, which goes directly south to Wildcat Creek. The predominate landscape coverage on the site are field grasses. There is no 100-Year or 500-Year Flood Plain on the site.
- 3. SURROUNDING LAND USE AND ZONING:**
 - (a.) NORTH:** Anderson Avenue, undeveloped business park, and single-family homes; I-5, Business Park District, and R, Single-Family Residential District.
 - (b.) SOUTH:** Cumberland Road, undeveloped agricultural land, Wildcat Creek, and farmland south of Wildcat Creek; County G-1, General Agricultural District.
 - (c.) EAST:** Family Physicians medical office building, Cumberland Road, multiple-family apartment complex; C-2 District, and R-3, Multiple-Family Residential District.
 - (d.) WEST:** Scenic Drive, and Blueville Nursery; County G-1, and County C-4, Highway Business District.
- 4. CHARACTER OF THE NEIGHBORHOOD:** See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is currently zoned C-2 District, which permits business and professional offices and retail uses. However, the site is one platted lot and will not accommodate individually owned lots due to access restrictions along abutting streets. The Subdivision Regulations require that lots directly abut, and must be served directly by, public streets or a Travel Easement. There is an existing office building on Lot 1, which in combination with access restrictions along Anderson Avenue, Scenic Drive and Cumberland Road, make it impractical to create public street (s) within Lot 2. The Stone Creek Addition is currently served by a curb cut along Anderson Avenue, which is the main entrance to Lot 1 and lot 2. In order for the applicant to establish separate ownership of interior lots, the PUD process is necessary and provides the needed flexibility to provide access from a Travel Easement and meet the requirements of the Subdivision Regulations.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning is consistent with the existing commercial character of the C-2 District. No adverse affects are expected on adjoining properties if the site is developed as a PUD than if it were developed as a C-2 District.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Manhattan Urban Area Comprehensive Plan shows the site as Neighborhood Commercial Center (NCC) (*attachment*), which is intended to provide a range of services from retail to business and professional offices. Sites are typically on a smaller scale (1-3 acres) and should be located at the intersection of arterial and collector streets. Main entrances should be integrated with the surrounding street network. Building materials should reflect the surrounding architectural character. The proposed PUD conforms to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: Lot 2 was annexed and rezoned to C-2 district in 1998. Preliminary and Final Plats were approved in 1998. Lot 2 has been vacant to date.

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.

Attachment No. 3

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 health, safety and welfare that denial of the request would accomplish. Preliminary and Final Plats were previously approved and were in conformance with the Manhattan Urban Area Subdivision Regulations. The proposed PUD conforms to the Manhattan Zoning Regulations. It may be a hardship on the applicant if the request is denied since there appears to be no adverse affects on the public health, safety and welfare.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate sanitary sewer, water and public streets are available to serve the PUD.

The applicant's consultant submitted a Traffic Analysis (*attachment*) for the PUD, which has been reviewed by the City Engineer and found to conform to the policies the Manhattan Area Transportation Strategy. No adverse affect is expected on the surrounding street network. Existing arterial street capacities are capable of handling increased traffic expected with the development of the PUD.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of the Stonecreek PUD, from C-2, Neighborhood Shopping District, to PUD, Commercial Planned Unit Development District, with the conditions:

1. Permitted uses shall be limited to the permitted uses listed in the C-2, Neighborhood Shopping District, except for air conditioning, heating and plumbing sales, automobile service stations, convenience stores with gas pumps, and laundry establishments, as per the Manhattan Zoning Regulations.
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. Except as noted, 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); and, Section 6-104 (D) (1), of the Manhattan Zoning Regulations.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Stonecreek PUD, from C-2, Neighborhood Shopping District, to PUD, Commercial 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 the Stonecreek PUD, from C-2, Neighborhood Shopping District, to PUD, Commercial 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 the Stonecreek PUD, from C-2, Neighborhood Shopping District, to PUD, Commercial 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 29, 2003