

MINUTES
CITY COMMISSION MEETING
TUESDAY, FEBRUARY 7, 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 Katy Zapletal, 9 staff, and approximately 41 interested citizens.

PLEDGE OF ALLEGIANCE

Ashland Boosters 4-H Club led the Commission in the Pledge of Allegiance.

RECOGNITIONS

Mayor Klimek recognized the Ashland Boosters 4-H Club.

PROCLAMATIONS

Mayor Klimek proclaimed February 2006, ***American Heart Month***. Barbara Stultz and Belinda Snyder, Co Chairs, "A Dress the Heart" Gala, and Vera Hintz, Chair, Corporate Sponsorship/Awareness Committee, were present to receive the proclamation.

Mayor Klimek proclaimed February 12-18, 2006, ***Career-Technical Education Week***. Dr. Rob Edleston, President, Manhattan Area Technical College; Brent Miller, Student Government President; and Stephanie Forgy, Student Government Vice President, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Klimek opened the public comments.

PUBLIC COMMENTS (CONTINUED)

Christopher Renner, 508 Valley Drive, voiced concern to the Commission regarding the appointments to City boards and committees. He stated the diversity that makes up our community is woefully lacking with the City boards and committees, and as a result, the city has a very narrow view of what can and can not be done to make our city better. He requested that the appointments on tonight's consent agenda be tabled until a thorough review can be conducted to determine diversity of candidates.

Marolyn Caldwell, 325 Fordham Road, informed the Commission that democracy is in action and requested that she would like to see the community better reflected in the makeup of the boards.

Brad Scoville, 5500 Turkey Foot Lane, supported Mr. Renner's comments and informed the Commission that he has friends that have to live underground in fear of discrimination. He said that it's time for Manhattan to get out of the dark ages and protect everyone's rights so everyone can be treated equally.

Steven Maul, 325 Fordham Road, asked for a fair and open discussion to occur on the board's decision on the status of gay and lesbian rights.

Lucas Maddy and Katie Maddy, Kansas State University students running for Student Body President and Vice President, asked the Commission to consider having the Kansas State University Student Body President hold a permanent, non voting seat on the City Commission. He said it would benefit the Commission to have a voice from the Wildcats and to have a perspective from the students.

Hearing no other 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, January 17, 2006.

CONSENT AGENDA (CONTINUED)

CLAIMS REGISTER NOS. 2547 AND 2548

The Commission approved Claims Register No. 2547 authorizing and approving the payment of claims from January 11, 2006, to January 31, 2006, in the amount of \$668,089.81 and Claims Register No. 2548 authorizing and approving the payment of claims from January 11, 2006, to January 31, 2006, in the amount of \$2,324,049.78.

RENEWAL LICENSES

The Commission approved renewal applications for Cereal Malt Beverage (Aggie Lounge, 712 N. 12th), Merchant Guard Agency (Securitas Security Services USA, Inc, 2942 SW Wanamaker, Topeka, KS), and Tree Maintenance (Haslett Tree Service, 105 Fremont, Grandview Plaza, KS; and Kanscapes, Inc., 8455 River Valley Drive) licenses for calendar year 2006.

FINAL PLAT – JENNIFER’S ADDITION

The Commission Accept the easements and rights-of-way, as shown on the Final Plat of Jennifer’s Addition, generally located north of Leavenworth Street and west of 9th Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6523 – INSTALL YIELD SIGNS – TUTTLE STREET

The Commission approved Ordinance No. 6523 authorizing installation of yield signs on Tuttle Street for westbound and eastbound traffic.

PUBLIC HEARING – SPECIAL ASSESSMENTS – GENERAL OBLIGATION BOND SERIES 2006A

Mayor Klimek opened the public hearing.

Hearing no comments, Mayor Klimek closed the public hearing.

FIRST READING – SPECIAL ASSESSMENTS – GENERAL OBLIGATION BOND SERIES 2006A

The Commission approved first reading of an ordinance levying special assessments against the benefiting property in the following six (6) projects: *Brookfield Addition, Unit 4 – Sanitary Sewer (SS0406), Street (ST0414) and Water (WA0411); and Lee Mill Heights, Unit 1 – Sanitary Sewer (SS0407), Street (ST0415) and Water (WA0412).*

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – HACKBERRY ADDITION, UNIT 2, IMPROVEMENTS (SS0512, WA0512, ST0518)

The Commission accepted the Engineer's Estimate in the amount of \$248,582.95; and awarded a contract to Larson Construction, of Manhattan, Kansas, in the amount of \$151,132.25.

AWARD CONTRACT – GRAND MERE VANESTA IMPROVEMENTS (SS0513, WA0513, ST0520)

The Commission accepted the Engineer's Estimate in the amount of \$1,200,000.00; and awarded a contract to Nowak Construction Company, of Goddard, Kansas, in the amount of \$833,716.30.

* **AWARD CONTRACT – PLATT ADDITION IMPROVEMENTS (SS0511, WA0511)**

Jeff Hancock, Director of Public Works, answered questions from the Commission.

The Commission accepted the Engineer's Estimate in the amount of \$134,526.50 and awarded a contract to Larson Construction, of Manhattan, Kansas for the Sanitary Sewer (SS0511) and Water (WA0511) improvements in the amount of \$46,137.30.

REJECT BIDS – PLATT ADDITION IMPROVEMENTS (ST0517)

The Commission rejected the bid in the amount of \$100,124.00 for the Platt Addition Street Improvements (ST0517) from Larson Construction Company, of Manhattan, Kansas.

* **AWARD CONTRACT – LUD FISER YOUTH SPORTS COMPLEX AND EISENHOWER BASEBALL COMPLEX IRRIGATION PROJECT (CP224P, CP225P)**

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

The Commission approved the Architect's Estimate in the amount of \$140,000.00 for the Lud Fiser Youth Sports Complex and Eisenhower Baseball Complex Irrigation Project and authorized the Mayor and City Clerk to execute a contract to Rothwell Landscape, Inc., of Manhattan, Kansas, for the base bid of \$91,000.00 and Alternate #1 for \$5,000.00 and Alternate #2 for \$9,000.00 for a total bid of \$105,000.00.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 020706-A – TEMPORARY NOTES - LUD FISER YOUTH SPORTS COMPLEX AND EISENHOWER BASEBALL COMPLEX IRRIGATION PROJECT (CP224P, CP225P)

The Commission approved Resolution No. 020706-A issuing temporary notes for the Lud Fiser Youth Sports Complex and Eisenhower Baseball Complex Irrigation Project (CP224P, CP225P).

AWARD CONTRACT – HOUSING REHABILITATION PROJECT

The Commission accepted the bids for 731 Colorado Street; awarded the bid to the lowest responsible bidder; authorized City Administration to approve any necessary change orders, and authorized the Mayor and City Clerk to enter into agreements with the contractors and property owners for expenditure of Housing Rehabilitation Funds.

AWARD CONTRACT – MOWER – PARKS AND RECREATION DEPARTMENT

The Commission approved the purchase of a 2006 Hustler Range Wing Mower for the amount of \$25,000.00, and the 72” Hustler Mower for the amount of \$19,361.30 and the two options for \$4,567.50 from Brooks Yamaha Sales, of Manhattan, Kansas.

AWARD CONTRACT – CITY VEHICLES

The Commission awarded the purchase three half-ton pick up trucks to Ed Bozarth Chevrolet, of Topeka, Kansas, for a cumulative price of \$36,686.00; two Sedans and one Three Quarter-Ton Pickup Truck to Shawnee Mission Ford, of Shawnee Mission, Kansas, for a cumulative price of \$40,859.00.

CHANGE ORDER NO. 1-FINAL – STREET MAINTENANCE, PHASE TWO (ST0502)

The Commission approved Change Order No. 1-Final for Street Maintenance Phase Two, (ST0508), resulting in a net decrease in the amount of \$53,865.22 (-11.09%) to the contract with Shilling Construction Company, Inc., of Manhattan, Kansas.

* **CHANGE ORDER NO. 1-FINAL – UTILITY CUT REPAIR (WA0402)**

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

The Commission approved Change Order No. 1 Final for Utility Cut Repair, resulting in a net decrease of \$6,237.81 (-3.13%) to the contract with Manhattan Trenching, Inc., of Manhattan, Kansas.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 020706-B – SUPPLEMENTAL AGREEMENT – KDOT FOURTH STREET CORRIDOR BETWEEN FORT RILEY BOULEVARD AND MCCALL ROAD PHASE 1(ST0410)

The Commission approved Resolution No. 020706-B authorizing the Mayor and City Clerk to execute the supplemental agreement with KDOT for the completed preliminary engineering for Phase I of the Fourth Street project.

* **CONTRACT – PROFESSIONAL CONSULTING SERVICES –
COMPREHENSIVE CLASSIFICATION/COMPENSATION STUDY**

Cathy Harnes, Director of Human Resources, provided additional information on the item and answered questions from the Commission.

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute a contract in the amount of \$20,250.00 with McGrath Consulting Group, of Wonder Lake, Illinois, for professional consulting services for the purpose of conducting a comprehensive classification/compensation study for the City of Manhattan.

* **BOARD APPOINTMENTS**

Ron Fehr, City Manager, explained the process for citizens interested in serving on City committees and boards.

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

Aggieville Business Improvement District Advisory Board

Appointment of Scott Bauer, 1911 Montgomery Street, to a three-year term. Mr. Bauer's term begins immediately and will expire on December 31, 2008.

Human Rights and Services Board

Appointment of Skyler Harper, 1904 Indiana Lane, to a three-year term. Mr. Harper's term will begin on March 10, 2006, and will expire on March 9, 2009.

Appointment of Robert J Strawn, 1551 Williamsburg Crt., to a three-year term. Mr. Strawn's term will begin on March 10, 2006, and will expire on March 9, 2009.

Re-appointment of Raquel Guzman-Vargas, 3313 Valleywood Dr., to a three-year term. Ms. Guzman-Vargas's term will begin on March 10, 2006, and will expire on March 9, 2009.

CONSENT AGENDA (CONTINUED)

* BOARD APPOINTMENTS

City/University Projects Fund Committee

Re-appointment of Roger Adams, (Faculty), 1609 Humboldt St., to a one-year term. Mr. Adam's term begins immediately and will expire on June 30, 2006.

Appointment of Brady Charles, (Student), 812 Laramie St., to a one-year term. Mr. Charles' term begins immediately and will expire on June 30, 2006.

Appointment of Annie Dwyer, (Student), 518 Sunset, to a one-year term. Ms. Dwyer's term begins immediately and will expire on June 30, 2006.

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

GENERAL AGENDA

ECONOMIC DEVELOPMENT APPLICATION - COVAN/EAGLE LEASING

Diane Stoddard, Deputy City Manager, presented the item. She then answered questions from the Commission.

Mike Tatum, General Manager, COVAN, Manhattan office, provided additional information on the jobs to be created. He then answered questions from the Commission.

Bill Frost, City Attorney, commented on the proposed Agreement.

Diane Stoddard, Deputy City Manager, answered questions from the Commission regarding the incentive package and Agreement.

Ed Hansa, General Manager, Redfield Properties, property owner near the Corporate Technology Park, stated he was concerned with the site selected in proximity to his property. He asked the Commission for further evaluation before a decision is made.

Ron Fehr, City Manager, and Jeff Hancock, Director of Public Works, provided additional information on the item and answered questions from the Commission.

Diane Stoddard, Deputy City Manager, informed the Commission that COVAN's timeframe is extremely sensitive and they want to proceed with this site as soon as possible.

GENERAL AGENDA (*CONTINUED*)

ECONOMIC DEVELOPMENT APPLICATION - COVAN/EAGLE LEASING (*CONTINUED*)

Paul Hanson, representing COVAN, informed the Commission that the company would object to any delays. He then provided additional information on the item.

Bill Frost, City Attorney, and Jeff Hancock, Director of Public Works, provided additional information on the item regarding the review and building permit process.

Diane Stoddard, Deputy City Manager, provided additional information on the covenants relating to the Corporate Technology Park.

Paul Hanson, representing COVAN, informed the Commission that their engineers would look at the issues presented tonight.

Ron Fehr, City Manager, and Bill Frost, City Attorney, provided additional information regarding the building permit process and agreement.

Ed Hansa, General Manager, Redfield Properties, property owner near the Corporate Technology Park, asked who takes on potential liability issues.

Bill Frost, City Attorney, answered additional questions.

John Exdell, 316 Denison Avenue, speaking on behalf of the Flint Hills Living Wage Coalition, commended staff for including a cost of living escalator. He voiced concern that the escalator should be raised with the cost of living index and that the employer should be expected to pay 70 percent of the health benefits, and asked the Commission to add this to the motion.

Paul Hanson, representing COVAN, informed the Commission that their insurance plan is standard throughout the country and that their plan covers the individual or family, and that the incentive package proposed is important.

After discussion, Commissioner Snead moved to authorize the Mayor and City Clerk to execute the agreement with Eagle Leasing and Coleman American Moving Services to sell Lot 15 in the Corporate Technology Park and provide an incentive agreement for job creation related to the company's expansion to the Corporate Technology Park, with amendments discussed. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Morris-Hardeman voting against the motion.

GENERAL AGENDA (CONTINUED)

FIRST READING – AMEND - THE FIRST NATIONAL BANK CENTER PUD AND ORDINANCE NO. 3974

Eric Cattell, Assistant Director for Planning, presented the item.

Chris Darrah, Applicant, provided additional information on the item.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance amending the First National Bank Center PUD and Ordinance No. 3974, as proposed, based on the findings in the Staff Report, with the two conditions of approval recommended by the Planning Board. (*See Attachment No. 1*) Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

PERFORMANCE HEARING - 2002 COMMUNITY DEVELOPMENT BLOCK GRANT - VIEWPOINT TECHNOLOGY

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

Mayor Klimek opened the performance hearing.

Hearing no comments, Mayor Klimek closed the performance hearing.

Mayor Klimek asked what recourse the City has.

Bill Frost, City Attorney, answered questions from the Commission on the remaining balance on the loan.

FIRST READING – ESTABLISH - CAPITAL IMPROVEMENT RESERVE FUND

Bernie Hayen, Director of Finance, presented the item. He then answered questions from the Commission.

Ron Fehr, City Manager; Bernie Hayen, Director of Finance; and Bill Frost, City Attorney, provided additional information on the item and answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance establishing a Capital Improvement Reserve Fund for the City of Manhattan. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

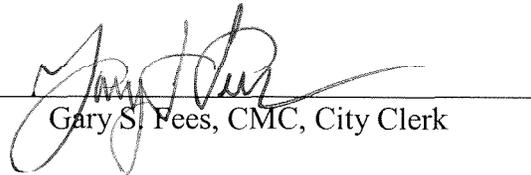
At 9:15 p.m., Commissioner Snead moved to recess into Executive Session until 9:35 p.m. for the purpose of discussing personnel matters of non-elected personnel. Commissioner Hatesohl seconded the motion. On vote, motion carried 5-0.

At 9:35 p.m., the Commission reconvened with Mayor Klimek and Commissioners Snead, Phillips, Hatesohl, and Morris-Hardeman in attendance.

ADJOURNMENT

Commissioner Snead moved to adjourn. Commissioner Phillips seconded the motion. On vote, motion carried 5-0.

At 9:35 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD)

BACKGROUND

APPLICANT: Dara's Fast Lane, Inc.

ADDRESS: 1816 Claflin Road

OWNER: Shirley Darrah Trust

ADDRESS: 1816 Claflin Road

LOCATION: Lot 2, First National Bank Center PUD, 1816 Claflin Road

AREA: 13,503 square feet

DATE OF PUBLIC NOTICE PUBLICATION: December 26, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: January 19, 2006

CITY COMMISSION: February 7, 2006

DESCRIPTION OF PROPOSED AMENDMENT:

In June 1982, the site was rezoned to Commercial PUD under Ordinance No. 3974. The First National Bank Center PUD was approved by the Planning Board in early 1983. The signage plan was amended in July 1983 to allow an additional ground sign, wall sign, and dimension changes to the other signs. Included in the changes was a revision of the ground sign in front of the convenience store, generally along the south property line of Lot 2 of the PUD. The sign was revised to 3-foot by 5-foot with no setback. In October 1985, an amendment was made to the PUD to allow a 24-foot by 42-foot gasoline canopy to be constructed over the gasoline island in front of the convenience store. As approved, the canopy was to consist of (8) 400-watt down cast lights, and a gray with a red stripe color scheme which generally matched the First Bank Center.

Today, the convenience store on Lot 2 of the PUD is known as Dara's Fast Lane, which has ConocoPhillips as their gasoline provider. Dara's Fast Lane has been informed by ConocoPhillips of an "Oasis" re-imaging program for the store which will require new ground signage as well as new gasoline island canopy signs. The proposed sign changes require an amendment to the Final Development Plan of the PUD.

Attachment No. 1

The existing ground sign is technically a 3-foot by 5-foot sign, however it sits atop an approximate 1½-foot by 5-foot black pedestal giving an effect of a 4½-foot high by 5-foot wide ground sign. The proposed ground sign will be located in the same location of the existing sign, but is proposed to be of different color and larger in width and height (8½-foot wide by 4¼-foot high) than the actual existing sign. In addition to the Dara's Fast Lane logo and price of gasoline, the proposed sign will have an additional corporate "shield" logo. The proposed sign will have a red, silver, and white color scheme which is part of the "Oasis" re-imaging program for ConocoPhillips. The ground sign will be back lit with a total of 225-watts.

The gasoline island canopy is proposed to also have the "Oasis" image which consists of three colors – red, silver, and white. On the fascia of the canopy, the red and silver will have a diagonal shape, while the white will be used as the background color to emphasize the corporate "shield" logo of the gasoline product. The brand logo will be located on the east and west sides of the existing 36-inch fascia, and will be approximately 27-inches wide by 33-inches tall. Each of the "shield" logos on the canopy are proposed to be back lit with a total of 210-watts; however the canopy fascia itself will not be illuminated. The downcast lighting under the canopy will remain consistent with what was previously approved. The canopy design will be consistent with other ConocoPhillips convenience stores and gas stations throughout the City.

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

WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The signage plan of the PUD was last updated approximately twenty-two years ago in July 1983. According to the applicant, the proposed "signage change is merely an upgrade to reflect an improved image for the convenience store...the change in signage will help preserve the entire PUD by upgrading and improving the image of the center."

WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The proposed change is primarily due to a condition created by the gas supplier of the convenience store which is requiring that the signage be changed through a re-imaging program. Since the last amendment, the surrounding neighborhood has remained relatively the same. The proposed sign change will allow the store to readily define its location and product.

Attachment No. 1

WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The proposed signage will provide passersby with a more visible and recognizable sign which will reflect the convenience store location and the gasoline product. The proposed amendment will not necessarily result in improved health, safety or general welfare, but will aid in the convenience of driver recognition. The requested signage change is a result of a large corporation's decision to change the image of its gasoline product, and is not specifically requested to solely benefit any one person.

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

- 1. LANDSCAPING:** A decrease in landscaped space will occur through the proposed change in signage, however the decrease is insignificant. Additional landscaping is not required.
- 2. SCREENING:** No changes or modifications are proposed or required at this time.
- 3. DRAINAGE:** The proposed signage change is not anticipated to alter the existing drainage.
- 4. CIRCULATION:** There are no changes or modifications to the circulation are proposed at this time. The City Engineer has found that the location of the new ground sign will not interfere with the upcoming Denison Avenue Project or vision sight triangle (Refer to City Engineer's attached memo).
- 5. OPEN SPACE AND COMMON AREA:** The proposed sign changes will increase the size of the existing ground sign and will add small canopy signs. As proposed, there is a negligible reduction of open space due to the ground sign.
- 6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood consists of a mix of land uses including multi-family, commercial and institutional use.

EXISTING USE: Commercial convenience store and gas station.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:

The site is predominately flat with grass and shrub vegetation generally along the perimeter of the PUD. The remaining site consists mostly of concrete and building structures. Three underground storage tanks containing petroleum products are located in the general southwest corner of the site.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** R-3, Multiple-Family Residential with UO, University Overlay; Sororities and residential.
- (2) **SOUTH:** U, University District; Claflin Road and Kansas State University dormitories.
- (3) **EAST:** U, University District; Denison Avenue and Kansas State University offices and classrooms.
- (4) **WEST:** R-3, Multiple-Family Residential with UO, University Overlay; Religious Center.

GENERAL NEIGHBORHOOD CHARACTER:

The neighborhood consists of a mix of land uses including multi-family, commercial and institutional use.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:

The site is zoned PUD to accommodate the commercial convenience store and gas station as well as the other uses within the First National Bank Center PUD. No changes or modifications other than the Dara's Fast Lane signage plan are proposed for the PUD at this time.

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

A modification to the existing ground and canopy signs are proposed. No other modifications to the PUD are proposed.

CONFORMANCE WITH COMPREHENSIVE PLAN:

The existing PUD is identified as Neighborhood Commercial in the Comprehensive Plan. The PUD is in conformance with the plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

The property was rezoned from C-2, Neighborhood Shopping District and R-3, Multiple-Family Residential District with University Overlay District to Commercial PUD in June 1982 and has remained such to date.

Attachment No. 1

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.

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 can not modify the existing signage 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 Amendment(s) of the First National Bank PUD and Ordinance No. 3974 with the following conditions:

1. Signage changes shall be limited to a ground and canopy signage, as shown in the application documents.
2. Sign permits shall be obtained prior to installation of signage.

ALTERNATIVES:

1. Recommend approval of the proposed Amendment(s) of the First National Bank Planned Unit Development, and Ordinance No. 3974, stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment(s), and Ordinance No. 3974, stating the specific reasons for denial.
3. Table the proposed Amendment(s) to a specific date, for specifically stated reasons.

Attachment No. 1

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment(s) of the First National Bank Planned Unit Development and Ordinance No. 3974, based on the findings in the Staff Report with the conditions recommended by City Administration.

PREPARED BY: Jeremy Frazzell, Planner

DATE: January 12, 2006

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