

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, FEBRUARY 21, 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, 6 staff, and approximately 20 interested citizens.

**PLEDGE OF ALLEGIANCE**

Eisenhower Middle School KAY Club led the Commission in the Pledge of Allegiance.

**RECOGNITION**

Mayor Klimek recognized the Eisenhower Middle School KAY Club.

**PROCLAMATIONS**

Mayor Klimek proclaimed February 25, 2006, ***National Trio Day***. Kathy Zarka, Assistant Director Educations Supportive Services, Student Services Coordinator, McNair Scholars Program; Becky Leon, Interim Director, Upward Bound; and Margaret Turner, Interim Director, Upward Bound, were present to receive the proclamation.

Mayor Klimek proclaimed March 8, 2006, ***K-State Student Union Day***, and March 1-11, 2006, ***K-State Student Union 50<sup>th</sup> Anniversary Celebration***. Bill Wisdom, Assistant Director, K-State Union; Craig Johnson, Assistant Director, K-State Union; and Anthony Carter, President, K-State Union Governing Board, were present to receive the proclamation.

## COMMISSIONER COMMENTS

Mayor Klimek welcomed Katy Zapletal, Youth in Government participant.

Mayor Klimek informed the community that these have been very trying times for many at City Hall. He said there are currently two independent investigations being conducted by the City and the Riley County Police Department in the investigations and allegations in the Parks and Recreation Department of theft, gambling, and pornography. He said the misuse of the public trust is a very serious matter and we are very interested in seeing this resolved and corrected.

Ron Fehr, City Manager, informed the Commission and community that this is a troubling and serious situation, and that appropriate measures will be taken to resolve them to the fullest extent possible.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, February 7, 2006.

### CLAIMS REGISTER NOS. 2549 AND 2550

The Commission approved Claims Register No. 2549 authorizing and approving the payment of claims from February 1, 2006, to February 14, 2006, in the amount of \$91,808.90 and Claims Register No. 2550 authorizing and approving the payment of claims from February 1, 2006, to February 14, 2006, in the amount of \$628,763.32.

### LICENSE – TREE MAINTENANCE

The Commission approved the renewal application Tree Maintenance license for calendar year 2006 for Wassenberg Stump Removal, of Home, Kansas.

### ORDINANCE NO. 6524 – LEVY – SPECIAL ASSESSMENTS

The Commission approved Ordinance No. 6524 levying special assessments against the benefiting property in the following six (6) public improvement districts: *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)

### **ORDINANCE NO. 6525 – AMEND – FIRST NATIONAL BANK CENTER**

The Commission approved Ordinance No. 6525 amending the First National Bank Center PUD, generally located north west of the intersection of Denison Avenue and Claflin Road, at 1816 Claflin Road, 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*)

### **ORDINANCE NO. 6526 – ESTABLISH – CAPITAL IMPROVEMENT RESERVE FUND**

The Commission approved Ordinance No. 6526 establishing a capital improvement reserve fund for the City of Manhattan.

### \* **RESOLUTION NO. 022106-C – TEMPORARY NOTE SERIES NO. 2006-01**

Bernie Hayen, Director of Finance, answered questions from the Commission.

The Commission approved accepting the best bids for selling the note and approved Resolution No. 022106-C issuing Temporary Note Series No. 2006-01 in the amount of \$975,000.00 to finance the following seven (7) special assessment projects to be debt financed: *Eisenhower Ballfield Lighting improvements (CP239P); Lee Mill Heights Addition, Unit 2, Sanitary Sewer (SS0504) and Water Improvements (WA0504); Oak Hollow Addition, Unit 11, Sanitary Sewer (SS0502), Street (ST0506), and Water (WA0502) Improvements.*

### \* **RESOLUTION NO. 022106-D – TEMPORARY NOTE SERIES NO. 2006-02**

Bernie Hayen, Director of Finance, answered questions from the Commission.

The Commission approved accepting the best bids for selling the note and approved Resolution No. 022106-D issuing Temporary Note Series No. 2006-02 in the amount of \$2,065,000.00 to finance the following capital projects to be debt financed: *City of Manhattan Economic Development Research Incubator (NISTAC), Design and Phase 2 Construction(SP0406).*

### **RESOLUTION NO. 022106-E – FOUR WINDS ADDITION, BLOCK TWO – SANITARY SEWER IMPROVEMENTS (SS0601)**

The Commission found the petition sufficient and approved Resolution No. 022106-E finding the 2006 Sanitary Sewer Improvements for the Four Winds Addition, Block Two, advisable and authorizing construction.

## **CONSENT AGENDA (CONTINUED)**

### **RESOLUTION NO. 022106-F – FOUR WINDS ADDITION, BLOCK TWO - WATER IMPROVEMENTS (WA0602)**

The Commission found the petition sufficient and approved Resolution No. 022106-F finding the 2006 Water Improvements for the Four Winds Addition, Block Two, advisable and authorizing construction.

### **RESOLUTION NO. 022106-G – FOUR WINDS ADDITION, BLOCK TWO - STREET IMPROVEMENTS (ST0603)**

The Commission found the petitions sufficient and approved Resolution No. 022106-G finding the 2006 Street Improvements for the Four Winds Addition, Block Two, advisable and authorizing construction.

### **AGREEMENT – ENGINEERING SERVICES – FOUR WINDS ADDITION, BLOCK TWO**

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, P.A., of Manhattan, Kansas, to perform engineering services for the Four Winds Addition, Block Two, Improvements.

### **RESOLUTION NO. 022106-B – PLATT ADDITION – STREET IMPROVEMENTS (ST0517)**

The Commission found the revised petition sufficient and approved Resolution No. 022106-B repealing Resolution No. 101105-B and finding the project advisable and authorizing construction for the Platt Addition, Street Improvements.

### **CHANGE ORDER NO. 1 – UNION PACIFIC DEPOT**

The Commission approved Change Order No. 1 for the Union Pacific Depot Project, resulting in an increase in the amount of \$56,336.00 (+8%) to the contract with Ron Fowles Construction Management Services, of Manhattan, Kansas.

### **CHANGE ORDER NO. 2 – FAMILY AND CHILD RESOURCE CENTER**

The Commission approved Change Order No. 2 for the Family and Child Resource Center Project resulting in an increase of \$31,386.00 (+5%) and 53 days to the contract with Cheney Construction, Inc., of Manhattan, Kansas.

### **BOARD APPOINTMENTS**

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

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### Corporate Technology Park Architectural Review Committee

Appointment of Stacy Kohlmeier, 3405 Churchill, to fill the unexpired term of Brad McCune. Ms. Kohlmeier's term begins immediately, and will expire on August 15, 2006.

#### Douglass Center Advisory Board

Appointment of Sharnée Hudgins, 3416 Westbaker, to fill the unexpired youth, non-geographical term of Dominique Hanson. Ms. Hudgins's term begins immediately, and will expire on October 2, 2007.

#### Housing Authority Board of Commissioners

Re-appointment of Gary Olds, 3308 Frontier Circle, to a four-year term. Mr. Old's term will begin on March 4, 2006, and will expire on March 3, 2010.

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

## GENERAL AGENDA

### FIRST READING – ANNEX/REZONE/AMEND THE FINAL DEVELOPMENT PLAN - MEADOWLARK HILLS PLANNED UNIT DEVELOPMENT

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

Gail Urban, Project Development Coordinator, Meadowlark Hills, provided additional information on the item and answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to 1) approve first reading of an ordinance annexing a 0.2-acre tract of land generally located at the northern edge of the Meadowlark Hills PUD, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; 2) approve first reading of an ordinance rezoning Tracts 1, 2, and 3 to Meadowlark Hills Residential Planned Unit Development, based on the findings in the Staff Report; and, 3) approve first reading of an ordinance amending the Meadowlark Hills Residential Planned Unit Development, and Ordinance Nos. 6049 and 6464, based on the findings in the Staff Report, with the three conditions of approval recommended by the Planning Board. (*See Attachment No. 2*) Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### RESOLUTION OF INTENT - ANNEX - PROPOSED EUREKA ADDITION

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

Roger Schultz, Developer, provided additional information on the item and answered questions from the Commission.

Rob Ott, City Engineer, answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 022106-A, requesting that the Board of Riley County Commissioners make certain findings regarding the island annexation of the proposed Eureka Addition and adjoining right-of-way. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

### NORTHVIEW ELEMENTARY ~ REVISIONS OF PARKING AND BUS LOADING ZONE

Rob Ott, City Engineer, presented the item and answered questions from the Commission.

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

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance modifying the parking along Griffith Drive between Northview Drive and Casement Road and revising the bus loading zone location. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

## EXECUTIVE SESSION

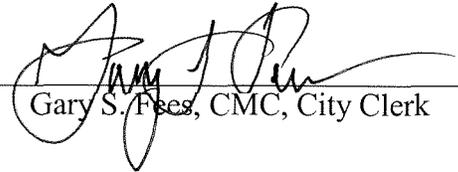
At 7:55 p.m., Commissioner Snead moved to recess into Executive Session until 8:20 p.m. for the purpose of discussing personnel matters of non-elected personnel. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

At 8:20 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 8:20 p.m., the Commission adjourned.



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Gary S. Pees, 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

JF/vr  
06001

## **STAFF REPORT**

### **ON AN APPLICATION TO AMEND A FINAL DEVELOPMENT PLAN AND TO REZONE PROPERTY**

**APPLICANT:** Manhattan Retirement Foundation, Inc.

**ADDRESS:** 2121 Meadowlark Road, Manhattan, Kansas 66502

**OWNERS:** Manhattan Retirement Foundation, Inc./City of Manhattan and Kansas State University.

**ADDRESSES:** 2121 Meadowlark Road, 66502; 102 Anderson Hall, 66506

**LOCATION:** Generally north of Kimball Avenue and Blue Hills Shopping Center, west of Tuttle Creek Boulevard, and south and east of undeveloped Kansas State University range land.

**AREA:** approximately 55.8-acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, January ,2006

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, February 6, 2006

**CITY COMMISSION:** Tuesday, February 21, 2006

#### **DESCRIPTION OF PROPOSED AMENDMENT:**

Amend the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development to allow for two (2) new cottages (duplexes), or four (4) new dwelling units, and new ground lit entry signage at the intersection of Meadowlark Road and Tuttle Creek Boulevard as well as identify areas for future Final Development Plan amendments; and, rezone three (3) tracts of land: Tract 1, an approximate 3.3-acre unplatted tract, generally located along the western side of the existing Meadowlark Hills development; Tract 2 an approximate 0.2-acre unplatted tract, generally located north of the existing Meadowlark Hills development; and, Tract 3, an approximate 1.7-acre tract (Lot 2, Blue Hills Shopping Center Unit 3), generally located west of Tuttle Creek Boulevard and north of the Dollar General store in the Blue Hills Shopping Center.

Proposed cottages will be constructed with similar floor plans and building architecture as existing cottages. Proposed landscaping will be similar to existing landscaping plans for cottages.

*Attachment No. 2*

Ground lit entry signs are will be located on either side of the street entrance. One sign will identify the name of the development, Meadowlark Hills, and the other will be a sculpture.

Present zoning district classifications to be rezoned are:

Tract 1: U, University District; Tract 2: County U, University Development District; and, Tract 3: C-2, Neighborhood Shopping District.

Proposed changes are to rezone Tracts 1, 2, and 3 to PUD, Meadowlark Hills Residential Planned Unit Development District.

Future amendments include assisted living units, a future apartment tower, or towers, maintenance building, and other amenities to include, but not limited to, landscaping and parking.

The applicant has submitted a Master Plan summary and probable phasing schedule for the primary facilities (attached).

**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 amendment is necessary because of forth-coming modifications to the PUD. The current amendment to add two cottages and entry signs is minor in scope to the future phasing.

The amendment is generally consistent with the intent of the PUD.

**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 applicant is proposing to meet immediate retirement housing needs and plan for future housing demand.

**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 amendment will allow Meadowlark Hills to increase its services to the public and offer more independent living options, provide identification signage along a major street, and comprehensively plan for future development.

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

**1. LANDSCAPING:** Landscaping around the cottages will consist of evergreen and deciduous shrubs, perennials, and deciduous trees. Turf areas will be irrigated with automatic underground sprinklers.

**2. SCREENING:** No screening is required.

**3. DRAINAGE:** A Drainage Report was initially submitted, but is not required for the two cottages and entry signs. Future amendments will require a drainage report.

**4. CIRCULATION:** No changes to circulation are proposed. Future amendments will address a proposed entrance off Tuttle Creek Boulevard and new internal access roads as well as require submittal of a traffic report. Two off-street parking spaces are provided for each dwelling unit associated with the two new cottages.

**5. OPEN SPACE AND COMMON AREA:** Future amendments will add walking trails and other amenities.

**6. CHARACTER OF THE NEIGHBORHOOD:** This PUD is a neighborhood of its own with full care, assisted care, and independent living dwellings, which are separated from adjacent residential neighborhoods to the south by a major street. Commercial properties to the east are separated by open space. KSU range land is to the north and west. The retirement community was established in 1977.

**EXISTING USE:** Meadowlark Hills Retirement Community. Rezoning sites include open range land and an undeveloped neighborhood commercial lot in Blue Hills Shopping Center.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** There are building, streets, steep slopes, open land and landscaped areas throughout the entire site. The site drains to the east.

**SURROUNDING LAND USE AND ZONING:**

- a. **NORTH:** Open range land; County U, University Development District
  - b. **SOUTH:** Kimball Avenue, existing Flinthills Place dwellings, future Gardens at Flint Hills apartments, and single-family residential development; Gardens at Flint Hills Place Planned Unit Development, and R, Single-Family Residential District
  - c. **EAST:** Blue Hills Shopping Center, Tuttle Creek Boulevard, and single-family development; C-2, Neighborhood Shopping District, C-5, Highway Service Commercial District, and R-1, Single-Family Residential District.
- (4) **WEST:** Open rangeland, Manhattan Headquarters Fire Station; County U, University Development District.

**GENERAL NEIGHBORHOOD CHARACTER:** See above.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The PUD is suitable for the existing and proposed changes. The KSU properties may be used for educational and research activities and are suitable for those uses. The commercial lot may be used for any of the permitted or conditional uses of the C-2 District.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed cottages are a permitted use in the PUD. Adjacent properties should not be adversely affected by the proposed changes. There appears to be no adverse affect on adjacent properties based on the existing PUD. The adjacent properties are separated from the retirement community by open land. Future amendments will more specifically address compatibility.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The Comprehensive Plan designates the area as Kansas State University, Residential High Density, Open Space (steep slopes) and Neighborhood Commercial. The existing PUD boundaries will expand and incorporate adjoining tracts as RHD, which is consistent with the Meadowlark Hills PUD. The amendment and rezonings conform to the Plan.

*Attachment No. 2*

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The original site was annexed in 1977 and zoned Planned Unit Development. Several amendments were made to the Final Development Plan and, in 1992, the site was rezoned to a new PUD. In 1998, 34 more acres were annexed and added to the site (*Ordinance No. 6049 attached*). In 2005, the PUD was amended to add additional cottages and circulation (*Ordinance No. 6464 attached*).

The KSU tract to the west of the site was annexed and rezoned in 1994. The County KSU site was rezoned in approximately 1974.

Lot 2, Blue Hills Shopping Center, Unit 3:

- 1979 - Annexation and rezoning to C-2 District.
- 1990 - Rezone to C-5, Highway Service Commercial District.
- 1999 - Rezone to C-2 District.

Lot 2 and the KSU sites have remained vacant 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 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 amendment and rezonings are consistent with the intent and purpose the Zoning Regulations and the intent of the PUD Regulations. Future amendments will consider impacts on adjacent property.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public that denial would accomplish; however, it may be a hardship on the applicant if the amendment and rezonings are denied. There is an apparent need for cottages and denial would prohibit the expansion, identification of the site, and future planning for an increasing residential retirement market.

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

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:** City Administration recommends approval of the proposed Amendment to Final Development Plan of the Meadowlark Hills Residential Planned Unit Development, for two (2) cottages and signage; and, the rezoning of Tract 1: U, University District; Tract 2: County U, University Development District; and, Tract 3: C-2, Neighborhood Shopping District, to PUD, Meadowlark Hills Residential Planned Unit Development District, with the following conditions:

1. An amendment of the Planned Unit Development shall be submitted and approved, prior to the development of areas that are shown as Future Development on the amended Final Development Plan.
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.

**ALTERNATIVES:**

1. Recommend approval of the proposed Amendment of the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development, and rezone Tract 1: U, University District; Tract 2: County U, University Development District; and, Tract 3: C-2, Neighborhood Shopping District, to PUD, Meadowlark Hills Residential Planned Unit Development District, stating the basis for such recommendation.
2. Recommend approval of the proposed Amendment of the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development, 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 Amendment and rezonings, stating the specific reasons for denial.
4. Table the proposed Amendment and rezonings to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment of the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development; and, the rezoning of Tract 1: U, University District; Tract 2: County U, University Development District; and, Tract 3: C-2, Neighborhood Shopping District, to PUD, Meadowlark Hills Residential Planned Unit Development District, based on the findings in the Staff Report, with the three (3) conditions recommended by City Administration;

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

**DATE:** January 31, 2006