

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, MARCH 1, 2005***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Brad Everett and Commissioners Ed Klimek, Bruce Snead, Mark Hatesohl, and Mark Taussig 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, 16 staff, and approximately 30 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Everett led the Commission in the Pledge of Allegiance.

**MAYOR'S EMPLOYEE EFFICIENCY AWARD**

Mayor Everett, City Manager Ron Fehr, and Fire Services Director Jim Woydziak recognized Mike Kaus and other members of the Fire Services, Operations Division, as recipient of the Mayor's Employee Efficiency Award.

**PROCLAMATIONS**

Mayor Everett proclaimed March 6-12, 2005, ***Agricultural Safety Awareness Program Week***. Brenda Parker, Riley County Farm Bureau Association County Coordinator, was present to receive the proclamation.

Mayor Everett proclaimed March 13-19, 2005, ***Walk Kansas Week***. Sharolyn Jackson, Riley County Extension Agent, and Almaz Rufael, Mercy Health Center Dietician were present to receive the proclamation.

**RECOGNITION**

Mayor Everett recognized Boy Scout Troop 284 who was in attendance.

## PUBLIC COMMENTS

Mayor Everett opened the public comments.

Hearing no comments, Mayor Everett 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, February 15, 2005.

### CLAIMS REGISTER NO. 2524

The Commission approved Claims Register No. 2524 authorizing and approving the payment of claims from February 9, 2005, to February 22, 2005, in the amount of \$16,942.90 and \$2,019,628.52, respectively.

- \* **ORDINANCE NO. 6459 – ANNEX – HIGHLAND MEADOWS ADDITION**  
Jim Harper, 1900 Sunset Lane, asked about the Highland Meadows project and potential regulatory issues.

Ron Fehr, City Manager; Eric Cattell, Assistant Director for Planning; and Jeff Hancock, Director of Public Works, provided additional information and answered questions on the Highland Meadows project.

The Commission approved Ordinance No. 6459 annexing the 86-acre site of the proposed Highland Meadows Addition, generally located west of Scenic Drive and south of Wildcat Creek, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program, and the findings of the Board of Riley County Commissioners.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 6460 – REZONE – HIGHLAND MEADOWS ADDITION

The Commission approved Ordinance No. 6460 rezoning the site to R-1, Single-Family Residential District with AO, Airport Overlay District, on the southern 20-acres, based on the findings in the Staff Report. *(See Attachment No. 1)*

### ORDINANCE NO. 6461 – REZONE – HIGHLAND MEADOWS ADDITION

The Commission approved Ordinance No. 6461 rezoning the site to R-2, Two-Family Residential District, based on the findings in the Staff Report. *(See Attachment No. 2)*

### ORDINANCE NO. 6462 – REZONE – HIGHLAND MEADOWS ADDITION

The Commission approved Ordinance No. 6462 rezoning the site to R-3, Multiple-Family Residential District; based on the findings in the Staff Report. *(See Attachment No. 3)*

### FINAL PLAT – HIGHLAND MEADOWS ADDITION, UNIT 1

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Highland Meadows Addition, Unit 1, generally located southwest of the intersection of Wildcat Creek Road and Scenic Drive, along the west side of Scenic Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the following condition of approval: acceptance of easements and rights-of-way, as shown on the Final Plat of the Highland Meadows Addition, Unit 1, shall be subject to annexation and rezoning.

\* 

### RESOLUTION NO. 030105-A – KDOT AGREEMENT – WESTLOOP/BEECHWOOD TERRACE AND CLAFLIN ROAD SAFETY IMPROVEMENTS (ST0402)

The Commission approved Resolution No. 030105-A authorizing the Mayor and City Clerk to execute the agreement with the Kansas Department of Transportation for the safety improvements to the intersection of Westloop/Beechwood Terrace and Claflin Road (ST0402).

### RESOLUTION NO. 030105-B – KDOT AGREEMENT – RESURFACE FORT RILEY BOULEVARD/RICHARDS DRIVE IMPROVEMENTS (ST0501)

Jeff Hancock, Director of Public Works, provided a summary of the item.

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 030105-B – KDOT AGREEMENT – RESURFACE FORT RILEY BOULEVARD/RICHARDS DRIVE IMPROVEMENTS (ST0501) (CONTINUED)

The Commission approved Resolution No. 030105-B authorizing the Mayor and City Clerk to execute the agreement with the Kansas Department of Transportation for the KLINK Resurfacing improvements on Fort Riley Boulevard at Richards Drive (ST0501).

### RESOLUTION NO. 030105-C – RILEY COUNTY ECONOMIC DEVELOPMENT STRATEGIC PLAN

The Commission approved Resolution No.030105-C adopting the updated Riley County Economic Development Strategic Plan for 2005-2008.

### CHANGE ORDER NO. 1-FINAL – HACKBERRY ADDITION – STREET IMPROVEMENTS (ST0403)

The Commission approved Change Order No. 1-Final for Hackberry Addition Street Improvements (ST0403) resulting in a net decrease in the amount of \$4,036.78 (-1.5%) to the contract with Manhattan Trenching Inc., of Manhattan, Kansas.

### AWARD CONTRACT – HOUSING REHABILITATION PROJECTS

The Commission accepted the bids for the Housing Rehabilitation Projects located at 2223 Terry Way and 719 Houston Street; awarded the bid to the lowest responsible bidders 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.

### AWARD CONTRACT – ONE-TON TRUCKS – 20 PASSENGER BUS

Item was moved to the end of the General Agenda at the request of Commissioner Taussig.

### LAND ACQUISITION AGREEMENTS – ANDERSON AVENUE BETWEEN SETH CHILD ROAD AND HYLTON HEIGHTS (ST0301)

The Commission authorized the Mayor and City Clerk to enter into agreements with property owners for the acquisition of permanent and temporary easements along Anderson Avenue up to the just compensation amount previously set by the City Commission.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – DESIGN SERVICES – 4<sup>TH</sup> STREET PROJECT (ST0410)

The Commission authorized the Mayor and City Clerk to enter into an agreement with the team of HWS Consulting Group, of Manhattan, Kansas; George Butler Associates, of Lenexa, Kansas; and Bowman, Bowman, and Novick, of Manhattan, Kansas, to begin the design of the Fourth Street Project (ST0410).

### \* AGREEMENT – AIR TRAFFIC CONTROL SERVICES

Russ Johnson, Airport Director, answered questions from the Commission.

The Commission authorized the Mayor and City Clerk to execute an agreement for Air Traffic Control Services with Midwest Air Traffic Control Services, Inc., of Overland Park, Kansas.

After discussion, Commissioner Taussig moved to approve the consent agenda, with the exception of Item J: Vehicle Replacements, which was moved to the end of the General Agenda. Commissioner Klimek seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### FIRST READING – AMEND - MEADOWLARK HILLS RESIDENTIAL PLANNED UNIT DEVELOPMENT

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

Mike Mayo, Ken Ebert Design Group, Project Architect, provided additional information on the item.

After discussion, Commissioner Snead moved to approve first reading of an ordinance amending the Meadowlark Hills Residential Planned Unit Development, located at 2121 Meadowlark Road, and Ordinance No. 6049, based on the findings in the Staff Report, with the three conditions of approval recommended by the Planning Board. (*See Attachment No. 4*) Commissioner Taussig seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING – REZONE - 804 - 816 MORO STREET

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

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

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - 804 - 816 MORO STREET (CONTINUED)

Calvin Emig, Developer, 1431 Anderson Avenue, provided additional information on the item and answered questions from the Commission.

Jerri Garretson, 804 Moro Street, spoke in support of the project. She then answered questions from the Commission.

Eric Cattell, Assistant Director for Planning, answered additional questions from the Commission.

After discussion, Commissioner Taussig moved to approve first reading of an ordinance rezoning 804-816 Moro Street from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the five conditions as recommended by the Manhattan Urban Area Planning Board. *(See Attachment No. 5)* Mayor Everett seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING – AMEND - MANHATTAN ZONING REGULATIONS

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

After discussion, Commissioner Snead moved to approve first reading of an ordinance amending the Manhattan Zoning Regulations as proposed, to modify Article IV, District Regulations; Article V, Accessory Uses; and Article XI, Airport Overlay District, and override the Planning Board to also remove reference to “1,208 feet above mean sea level” in section 11-105 (C) Horizontal Zone, based on the findings in the Staff Memorandum. *(See Attachment No. 6)* Commissioner Taussig seconded the motion. On a roll call vote, motion carried 5-0.

### AGREEMENTS - UNION PACIFIC DEPOT IMPROVEMENT PROJECT

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

Ron Fehr, City Manager, and Karen Davis, Director of Community Development, provided clarification on the item and answered questions from the Commission.

Bruce McMillan, Bruce McMillan Architects, provided additional information on the item.

## GENERAL AGENDA (CONTINUED)

### AGREEMENTS - UNION PACIFIC DEPOT IMPROVEMENT PROJECT (CONTINUED)

After discussion, Commissioner Snead moved to authorize the Mayor and City Clerk to sign contracts with the Kansas Department of Transportation and Bruce McMillan, AIA, Architects, of Manhattan, Kansas, for the Union Pacific Depot Improvement Project. Mayor Everett seconded the motion. On a roll call vote, motion carried 5-0.

### NON-RESIDENT FEE

Terry DeWeese, Director of Parks and Recreation, presented the item.

Bruce McMillan, Chair, Parks and Recreation Advisory Board, asked the Commission to support the recommendation to rescind the non-resident fee.

Terry DeWeese, Director of Parks and Recreation, answered questions from the Commission and provided additional clarification on the item.

After discussion, Commissioner Hatesohl moved to rescind the non-resident fee on Parks and Recreation programs. Commissioner Snead seconded the motion. On a roll call vote, motion carried 3-2, with Commissioners Klimek and Taussig voting against the motion.

### ITEM REMOVED FROM CONSENT AGENDA

### AWARD CONTRACT – ONE-TON TRUCKS – 20 PASSENGER BUS

Jeff Hancock, Director of Public Works, presented the item.

Terry DeWeese, Director of Parks and Recreation; Ivan Wilkinson, Recreation Superintendent; and Jeff Hancock, Director of Public Works, answered questions from the Commission.

After discussion, Commissioner Snead moved to award the purchase of six one-tons to Midwest Sterling Truck Center, of Kansas City, Missouri, and a twenty-passenger bus to Mid America Coach, of Kansas City, Missouri. Mayor Everett seconded the motion.

Commissioner Klimek made a friendly amendment to the motion to allow City Staff to market the City's 20 passenger bus trade-in to local agencies or organizations in Manhattan for a determined price or determined transaction.

ITEM REMOVED FROM CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – ONE-TON TRUCKS – 20 PASSENGER BUS  
(CONTINUED)

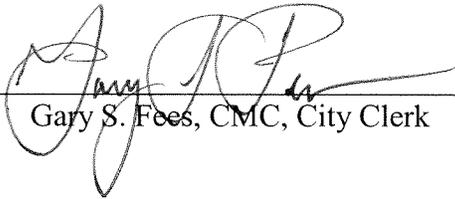
Ron Fehr, City Manager, provided clarification on the friendly amendment.

After additional discussion, Commissioner Snead accepted the friendly amendment.

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

ADJOURNMENT

At 9:45 p.m. the Commission adjourned.

  
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Gary S. Fees, CMC, City Clerk

*Attachment No. 1*

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** County G-1, General Agricultural District

**TO:** R-1, Single-Family Residential District, and AO, Airport Overlay District

**APPLICANT:** SSF Development LLC

**ADDRESS:** c/o Schultz Construction, 1213 Hylton Heights Road, Manhattan, KS 66502

**OWNER:** Bernard Wells Trust and New Hope Church

**ADDRESSES:** 4810 Anderson Avenue, Manhattan, KS 66503

**LOCATION:** generally located one thousand (1,000) feet southwest of the intersection of Wildcat Creek Road and Scenic Drive. The southern portion of the tract adjoins the western side of Scenic Drive, beginning approximately two thousand two hundred (2,200) feet south of the same intersection.

**AREA:** Approximately 52-acres

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, November 29, 2004

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, December 20, 2004  
**CITY COMMISSION:** Tentatively scheduled for  
Tuesday, January 18, 2005

**EXISTING USE:** generally agricultural fields.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is rolling terrain, and terraced agricultural field, which slopes and drains to the north-northeast and east. There is a wooded tree line along the western and northern boundary.

The southern portion of the site is within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site. Future uses (structures and trees), which are within the limits of the Conical Zone may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (*see below under CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE for further information concerning the AO District*).

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Future two-family and multiple-family uses in Highland Meadows, Wildcat Creek, Wildcat Creek Road, a rural residential dwelling to the immediate north and a second to the northeast, agricultural outbuildings, and a commercial nursery; G-1 District and C-4, Highway Business District.
- (2) **SOUTH:** Agricultural grazing and range lands, and rural residential; G-1 District and A-5, Single-Family Residential District.
- (3) **EAST:** Scenic Drive, future multiple-family uses in Highland Meadows, rural residential and agricultural fields; G-1 District
- (4) **WEST:** Agricultural grazing and range land, scattered rural residential single-family homes on very large tracts of land; G-1 District

**GENERAL NEIGHBORHOOD CHARACTER:** Generally characterized as an agricultural neighborhood with rural residential development.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site could be used for agricultural uses and rural residential development. The proposed single-family development requires annexation, rezoning, platting and the provision of urban services.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site will be within the proposed Highland Meadows Addition and surrounded by two-family and multiple-family to the north and east, as well as Scenic Drive to the east. A portion of the R-1 District will adjoin an area to the west, which is an agricultural field and grazing land. An increase in light and noise can be expected. No traffic impacts are expected; however, a street extension is proposed, which can provide fire fighting access to the west, or street extension to the west if that area develops at a later date.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The R-1 District portion of the proposed Highland Meadows Addition is shown on the Future Land Use map in the Southwest Planning Area as Agriculture. The R-1 District is adjacent to an area shown as appropriate for RHD, residential high density.

The Agriculture category is an area intended for farming, ranching, other agricultural uses, and low density rural residential uses. The Agricultural area, which is to the west and south of the RHD category, was not anticipated to be developed within the 20-year

*Attachment No. 1*

planning horizon of the Plan. A characteristic of the Agricultural area is that Agricultural uses are encouraged to continue “within the context of market demand and the desires of the individual property owner”. Such is the case of the proposed Highland Meadows Addition. The owners and applicant desire to develop the land within a market demand for residential housing.

Within the Agricultural category, the applicant has proposed Residential Low to Medium (RLM) density uses consisting of single-family and two-family uses. The proposed net density for the R-1 District is approximately 2.5 dwelling units per net acre. (Note: the New Hope Church site was deducted from the total acreage to calculate density.)

In addition, the Highland Meadows Addition is in a growth corridor, as reflected by the RHD category, which is along the east and west sides of Scenic Drive. There was no expressed interest to expand the development opportunities beyond the RHD category, when the Comprehensive Plan was adopted. Since then, market demand and individual desires have changed.

Highland Meadows is within a Special Planning Area, referred to as “West of Scenic Drive”. The policies of Planning Area focus on preservation of scenic views and maintaining rural densities and it is recommended that cluster development should be for rural residential lots that are typically on 20-acre sites. As noted below under the Growth Vision, because the proposed Highland Meadows Addition is partially within an identified high-density residential growth area, straddles the Urban Service Area Boundary (USAB) and can be served, and lies outside the projected Fort Riley Land Use Protection Zone, City Administration believes the proposal conforms to the Future Land Use Map of the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas.

GROWTH VISION

The eastern portion of the proposed Highland Meadows development, which is proposed for high-density residential development, falls within the Urban Service Area Boundary (USAB) and is also consistent with the Comprehensive Plan and the land use designation for that area. The greater portion of the development proposal is located immediately to the west and just beyond the USAB. Comprehensive Plan policy requires future urban development to “be contained within the geographic limits of the Urban Service Area Boundary.” This policy is intended to minimize the potential for leapfrog development and the need to prematurely expand and deliver urban services to areas beyond the limits of current utility services. The policy also helps to insure that urban development is placed in areas that can be physically served.

*Attachment No. 1*

Although the proposed development site is partially outside the USAB, the Public Works Department has confirmed that there are both sufficient capacities in this area to effectively provide utility services to all of the proposed development, and the whole site can be physically served. It should be noted that the placement of the USAB line on the map is somewhat inexact and the serviceability of areas that straddle, or are adjacent to the line will need to be evaluated on a case-by-case basis.

Much of the area west of Scenic Drive was not originally included in areas identified for future urban growth, due in part to the fact that development in this area would be relatively close to the Fort Riley Military Base, creating a potential for land use conflicts, primarily involving noise impacts and potential noise complaints.. The Flint Hills Joint Land Use Study (JLUS), which is currently underway, is looking at, among other things, how to reconcile the current and future training activities on Fort Riley with the growth needs of the surrounding communities and counties. The JLUS will provide recommendations that can be considered for implementation by Fort Riley and the surrounding local governments to reduce potential land use conflicts, while accommodating necessary growth and development and mutual economic sustainability. The projected future noise boundary associated with the Fort Riley Land Use Protection Zone, lies just west of the proposed Highland Meadows Addition and is outside that protection area.

It should be noted that due to several emerging issues including previous requests for water service in the Scenic Drive area and the projected Fort Riley Land Use Protection Zone, City and County Planning staffs have identified the need for a comprehensive review of the Scenic Drive Corridor in areas beyond this current Highland Meadows proposal. This will include reviewing the Urban Service Area Boundary (USAB) and the related growth issues and policies in the Comprehensive Plan, as well as the jurisdictional boundary of the Planning Board in the vicinity of the proposal. Once all the relevant information and JLUS recommendations are available in early 2005, the Community Development Department, together with the Riley County Planning and Development Department, will evaluate the area and make recommendations on possible amendments to the Comprehensive Plan, if necessary.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained vacant and used for agricultural purposes for an undetermined length of time.

**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 R-1 District (*R-1 District regulations attached*) is designed to provide a dwelling zone at a density no

*Attachment No. 1*

greater than one (1) attached dwelling units per 6,500 square feet. The proposed R-1 District consists of 52-acres and is sufficient in area for the proposed district. Single-family lots in the Highland Meadows Addition exceed minimum lot area of the R-1 District.

The AO District “is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by the facility to the region. The district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport's operation or the public welfare.”

The site is partially within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone (*pages 6-9 of the AO District regulations attached*).

**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, which denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. The Manhattan Urban Area Planning Board approved the Preliminary Plat of the Highland Meadows Addition on December 6, 2004, which the Board found to be in conformance with the Manhattan Urban Area Subdivision Regulations. On December 6, 2004, the Planning Board recommended the annexation and rezoning of the remainder of Highland Meadows to R-2, Two-Family Residential District, and R-3, Multiple-Family Residential District. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The R-1 District can be served by public improvements, including street, water, fire service and sanitary sewer. Water is located along Scenic Drive. Sanitary sewer will need to be extended from a point north of the Wildcat Creek Bridge and along the east side of Scenic, which will connect into the proposed Highland Meadows Addition, at the northern street entrance of Highland Ridge Drive.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of an approximate 52-acre tract in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, and AO, Airport Overlay District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of an approximate 52-acre tract within the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, and AO, Airport Overlay 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 an approximate 52-acre tract in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, and AO, Airport Overlay District, based on the findings in the Staff Report.

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

**DATE:** December 8, 2004

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** County G-1, General Agricultural District

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

**APPLICANT:** SSF Development LLC

**ADDRESS:** c/o Schultz Construction, 1213 Hylton Heights Road, Manhattan, KS 66502

**OWNER:** Bernard Wells Trust

**ADDRESSES:** 4810 Anderson Avenue, Manhattan, KS 66503

**LOCATION:** generally located seven hundred (700) feet south of Wildcat Creek Road and seven hundred (700) feet west of Scenic Drive.

**AREA:** Approximately seven (7) acres (7.428 acres)

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, November 16, 2004

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, December 6, 2004

**CITY COMMISSION:** Tentatively scheduled for  
Tuesday, January 18, 2005

**EXISTING USE:** Agricultural fields.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is a relatively flat, terraced agricultural field, which slopes and drains to the north-northeast. There is a wooded ravine along the south part of the site, with a wooded tree line along the western boundary.

**SURROUNDING LAND USE AND ZONING:**

- 1) **NORTH:** Future multiple-family uses, Wildcat Creek, Wildcat Creek Road, a rural residential dwelling to the immediate north and a second to the northeast, agricultural outbuildings, and a commercial nursery; G-1 District and C-4, Highway Business District.

*Attachment No. 2*

- (2) **SOUTH:** Future single-family uses, agricultural grazing and range lands, and rural residential; G-1 District and A-5, Single-Family Residential District.
- (3) **EAST:** Future multiple-family uses and New Hope Church site, Scenic Drive and agricultural fields; G-1 District.
- (4) **WEST:** Agricultural grazing and range land, scattered rural residential single-family homes on very large tracts of land; G-1 District.

**GENERAL NEIGHBORHOOD CHARACTER:** Generally characterized as an agricultural neighborhood with rural residential development.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site could be used for agricultural uses and rural residential development. The proposed two-family development would require annexation, rezoning, platting and the provision of urban services.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site will be within the proposed Highland Meadows Addition and surrounded by multiple-family to the north and east, single-family to the south, and New Hope Church to the east. A small portion of the R-2 District will adjoin an area to the west, which is an agricultural field and grazing land. An increase in light and noise can be expected. No traffic impacts are expected, since streets do not extend, nor are planned to extend to the adjoining land to the west of the R-2 District.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The R-2 District portion of the proposed Highland Meadows Addition is shown on the Future Land Use map in the Southwest Planning Area as Agriculture.

The Agriculture category is an area intended for farming, ranching, other agricultural uses, and low density rural residential uses. The Agricultural area, which is to the west and south of the RHD category, was not anticipated to be developed within the 20-year planning horizon of the Plan. A characteristic of the Agricultural area is that Agricultural uses are encouraged to continue “within the context of market demand and the desires of the individual property owner”. Such is the case of the proposed Highland Meadows Addition. The owners and applicant desire to develop the land within a market demand for residential housing.

*Attachment No. 2*

In the Agricultural category, the applicant has proposed Residential Low to Medium (RLM) density uses consisting of single-family and two-family uses. The proposed net density for the R-2 District is 5.92 dwelling units per net acre.

In addition, the Highland Meadows Addition is in a growth corridor, as reflected by the RHD category, which is along the east and west sides of Scenic Drive. However, there was no expressed interest to expand the development opportunities beyond the RHD category, when the Comprehensive Plan was adopted. Since then, market demand and individual desires have changed.

Highland Meadows is within a Special Planning Area, referred to as "West of Scenic Drive". The policies of Planning Area focus on preservation of scenic views and maintaining rural densities and it is recommended that cluster development should be for rural residential lots that are typically on 20-acre sites. As noted below under the Growth Vision, because the proposed Highland Meadows Addition is partially within an identified high-density residential growth area, straddles the Urban Service Area Boundary (USAB) and can be served, and lies outside the projected Fort Riley Land Use Protection Zone, City Administration believes the proposal conforms to the Future Land Use Map of the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas.

GROWTH VISION

The eastern portion of the proposed Highland Meadows development, which is proposed for high-density residential development, falls within the Urban Service Area Boundary (USAB) and is also consistent with the Comprehensive Plan and the land use designation for that area. The greater portion of the development proposal is located immediately to the west and just beyond the USAB. Comprehensive Plan policy requires future urban development to "be contained within the geographic limits of the Urban Service Area Boundary." This policy is intended to minimize the potential for leapfrog development and the need to prematurely expand and deliver urban services to areas beyond the limits of current utility services. The policy also helps to insure that urban development is placed in areas that can be physically served.

Although the proposed development site is partially outside the USAB, the Public Works Department has confirmed that there are both sufficient capacities in this area to effectively provide utility services to all of the proposed development, and the whole site can be physically served. It should be noted that the placement of the USAB line on the map is somewhat inexact and the serviceability of areas that straddle, or are adjacent to the line will need to be evaluated on a case-by-case basis.

*Attachment No. 2*

Much of the area west of Scenic Drive was not originally included in areas identified for future urban growth, due in part to the fact that development in this area would be relatively close to the Fort Riley Military Base, creating a potential for land use conflicts, primarily involving noise impacts and potential noise complaints.. The Flint Hills Joint Land Use Study (JLUS), which is currently underway, is looking at, among other things, how to reconcile the current and future training activities on Fort Riley with the growth needs of the surrounding communities and counties. The JLUS will provide recommendations that can be considered for implementation by Fort Riley and the surrounding local governments to reduce potential land use conflicts, while accommodating necessary growth and development and mutual economic sustainability. The projected future noise boundary associated with the Fort Riley Land Use Protection Zone, lies just west of the proposed Highland Meadows Addition and is outside that protection area.

Because the Highland Meadows proposal is partially within an identified high-density residential growth area, straddles the USAB and can be served, and lies outside the projected Fort Riley Land Use Protection Zone, City Administration believes the proposal conforms to the Comprehensive Plan.

It should be noted that due to several emerging issues including previous requests for water service in the Scenic Drive area and the projected Fort Riley Land Use Protection Zone, City and County Planning staffs have identified the need for a comprehensive review of the Scenic Drive Corridor in areas beyond this current Highland Meadows proposal. This will include reviewing the Urban Service Area Boundary (USAB) and the related growth issues and policies in the Comprehensive Plan, as well as the jurisdictional boundary of the Planning Board in the vicinity of the proposal. Once all the relevant information and JLUS recommendations are available in early 2005, the Community Development Department, together with the Riley County Planning and Development Department, will evaluate the area and make recommendations on possible amendments to the Comprehensive Plan, if necessary.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained vacant and used for agricultural purposes for an undetermined length of time.

**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 R-2 District (*R-2 District regulations attached*) is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. The proposed R-2 District consists of seven (7) acres and is sufficient in area for the proposed district.

*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:** There appears to be no relative gain to the public, which denial would accomplish. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The R-2 District can be served by public improvements, including street, water, fire service and sanitary sewer. Water is located along Scenic Drive. Sanitary sewer will need to be extended from a point north of the Wildcat Creek Bridge and along the east side of Scenic, which will connect into the proposed Highland Meadows Addition, at the northern street entrance of Highland Ridge Drive.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of an approximate seven (7) acre tract in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-2, Two-Family Residential District.

**ALTERNATIVES:**

2. Recommend approval of the proposed rezoning of an approximate seven (7) acre tract within the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-2, Two-Family Residential District, stating the basis for such recommendation.
3. 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 an approximate seven (7) acre tract in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-2, Two-Family Residential District, based on the findings in the Staff Report.

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

**DATE:** November 29, 2004

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** County G-1, General Agricultural District

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

(Note: the AO, Airport Overlay District, was advertised to be applied as an overlay district to the R-3 District. The applicant's consultant subsequently determined the AO District was to the south of the proposed R-3 District. Therefore, the AO District is not applicable to the rezoning.)

**APPLICANT:** SSF Development LLC

**ADDRESS:** c/o Schultz Construction, 1213 Hylton Heights Road, Manhattan, KS 66502

**OWNER:** Bernard Wells Trust and Shirley L. Stone Trust

**ADDRESSES:** 4810 Anderson Avenue, Manhattan, KS 66503, and 900 Scenic Drive, Manhattan, KS 66503

**LOCATION:** generally located seven hundred seventy (770) feet southwest of the intersection of Wildcat Creek Road and Scenic Drive, and a portion of which is along the western side of Scenic Drive, approximately three hundred thirty (330) feet south of the same intersection. The northwestern part of the site abuts Wildcat Creek Road.

**AREA:** Approximately 27-acres

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, November 16, 2004

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, December 6, 2004

**CITY COMMISSION:** Tentatively scheduled for  
Tuesday, January 18, 2005

**EXISTING USE:** Agricultural fields and Wildcat Creek.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is a relatively flat, terraced agricultural field, which slopes gently to the north-northeast and drains to Wildcat Creek. There is a wooded ravine along the south part of the site, with a wooded tree line along the western boundary. The northern part of the site is Wildcat Creek and the eastern edge adjoins Scenic Drive.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Wildcat Creek, Wildcat Creek Road, a rural residential dwelling to the immediate north and a second to the northeast, agricultural outbuildings, and a commercial nursery; G-1 District and C-4, Highway Business District.
- (2) **SOUTH:** Future two-family uses in the Highland Meadows Addition, range and grazing lands, and rural residential; G-1 District and A-5, Single-Family Residential District.
- (3) **EAST:** Scenic Drive and agricultural fields; G-1 District
- (4) **WEST:** Agricultural grazing and range land, rural residential single-family homes on very large tracts of land, future New Hope Church and single family homes; G-1 District

**GENERAL NEIGHBORHOOD CHARACTER:** Generally characterized as an agricultural neighborhood with rural residential development.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site could be used for agricultural uses and rural residential development. The proposed multiple-family development would require annexation, rezoning, platting and the provision of urban services.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site will be in the proposed Highland Meadows Addition and bounded by Wildcat Creek to the north and east, two-family uses to the south, and New Hope Church to the south and west. An increase in light and noise can be expected. No traffic impacts are expected, since streets do not extend, nor are planned to extend to the adjoining lands to the north or west of the proposed R-3 District. Street access will be from Scenic Drive or internal streets within the proposed Highland Meadows Addition.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The R-3 portion of the proposed Highland Meadows Addition is shown on the Future Land Use map in the Southwest Planning Area as a combination of Residential High Density (RHD), Agriculture, and Flood Hazard area (100-Year Flood Plain).

The RHD category is along the eastern part of the site, which suggest a density range of 19-dwelling units per net acre or greater. The proposed rezoning extends the R-3 District along the northern part of the site, and south of Wildcat Creek. The Preliminary Plat

*Attachment No. 3*

indicates the density is 12.29-dwelling units per net acre, which is below the possible density of the RHD category.

The Flood Hazard Area is along Wildcat Creek, which is an environmentally sensitive area, and cannot to be developed. The Floodway is designated as a drainage easement on the Preliminary Plat.

The Agriculture category is an area intended for farming, ranching, other agricultural uses, and low density rural residential uses. The Agricultural area, which is to the west and south of the RHD category, was not anticipated to be developed within the 20-year planning horizon of the Plan. A characteristic of the Agricultural area is that Agricultural uses are encouraged to continue “within the context of market demand and the desires of the individual property owner”. Such is the case of the proposed Highland Meadows Addition. The owners and applicant desire to develop the land within a market demand for residential housing.

In addition, the Highland Meadows Addition is in a growth corridor, as reflected by the RHD category, which is along the east and west sides of Scenic Drive. However, there was no expressed interest to expand the development opportunities beyond the RHD category, when the Comprehensive Plan was adopted. Since then, market demand and individual desires have changed.

Highland Meadows is within a Special Planning Area, referred to as “West of Scenic Drive”. The policies of Planning Area focus on preservation of scenic views and maintaining rural densities and it is recommended that cluster development should be for rural residential lots that are typically on 20-acre sites. As noted below under the Growth Vision, because the proposed Highland Meadows Addition is partially within an identified high-density residential growth area, straddles the Urban Service Area Boundary (USAB) and can be served, and lies outside the projected Fort Riley Land Use Protection Zone, City Administration believes the proposal conforms to the Future Land Use Map of the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas.

GROWTH VISION

The eastern portion of the proposed Highland Meadows development, which is proposed for high-density residential development, falls within the Urban Service Area Boundary (USAB) and is also consistent with the Comprehensive Plan and the land use designation for that area. The greater portion of the development proposal is located immediately to the west and just beyond the USAB. Comprehensive Plan policy requires future urban development to “be contained within the geographic limits of the Urban Service Area

*Attachment No. 3*

Boundary.” This policy is intended to minimize the potential for leapfrog development and the need to prematurely expand and deliver urban services to areas beyond the limits of current utility services. The policy also helps to insure that urban development is placed in areas that can be physically served.

Although the proposed development site is partially outside the USAB, the Public Works Department has confirmed that there are both sufficient capacities in this area to effectively provide utility services to all of the proposed development, and the whole site can be physically served. It should be noted that the placement of the USAB line on the map is somewhat inexact and the serviceability of areas that straddle, or are adjacent to the line will need to be evaluated on a case-by-case basis.

Much of the area west of Scenic Drive was not originally included in areas identified for future urban growth, due in part to the fact that development in this area would be relatively close to the Fort Riley Military Base, creating a potential for land use conflicts, primarily involving noise impacts and potential noise complaints.. The Flint Hills Joint Land Use Study (JLUS), which is currently underway, is looking at, among other things, how to reconcile the current and future training activities on Fort Riley with the growth needs of the surrounding communities and counties. The JLUS will provide recommendations that can be considered for implementation by Fort Riley and the surrounding local governments to reduce potential land use conflicts, while accommodating necessary growth and development and mutual economic sustainability. The projected future noise boundary associated with the Fort Riley Land Use Protection Zone, lies just west of the proposed Highland Meadows Addition and is outside that protection area.

Because the Highland Meadows proposal is partially within an identified high-density residential growth area, straddles the USAB and can be served, and lies outside the projected Fort Riley Land Use Protection Zone, City Administration believes the proposal conforms to the Comprehensive Plan.

It should be noted that due to several emerging issues including previous requests for water service in the Scenic Drive area and the projected Fort Riley Land Use Protection Zone, City and County Planning staffs have identified the need for a comprehensive review of the Scenic Drive Corridor in areas beyond this current Highland Meadows proposal. This will include reviewing the Urban Service Area Boundary (USAB) and the related growth issues and policies in the Comprehensive Plan, as well as the jurisdictional boundary of the Planning Board in the vicinity of the proposal. Once all the relevant information and JLUS recommendations are available in early 2005, the Community Development Department, together with the Riley County Planning and Development

*Attachment No. 3*

Department, will evaluate the area and make recommendations on possible amendments to the Comprehensive Plan, if necessary.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained vacant and used for agricultural purposes for an undetermined length of time.

**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 R-3 District (*R-3 District regulations attached*) is designed to provide a dwelling zone at a density no less than one (1) dwelling unit per 1,000 square feet. The site contains 27-acre and is sufficient in area for the proposed R-3 District.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public, which denial would accomplish. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The R-3 District can be served by public improvements, including street, water, fire service and sanitary sewer. Water is located along Scenic Drive. Sanitary sewer will need to be extended from a point north of the Wildcat Creek Bridge and along the east side of Scenic, which will connect into the proposed Highland Meadows Addition, at the northern street entrance of Highland Ridge Drive.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of an approximate 27-acre tract of land in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-3, Multiple-Family Residential District.

**ALTERNATIVES:**

(1) Recommend approval of the proposed rezoning of an approximate 27-acre tract in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-3, Multiple-Family Residential District, stating the basis for such recommendation.

*Attachment No. 3*

- (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 an approximate 27-acre tract in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report.

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

**DATE:** November 29, 2004  
04024

## ***STAFF REPORT***

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

#### **BACKGROUND**

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

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

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

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

**LOCATION:** Generally located within Meadowlark Hills PUD and east of Meadowlark Road, north of Kimball Avenue and Bluehills Shopping Center, west of Tuttle Creek Boulevard, and south of undeveloped Kansas State University range land.

**AREA:** Approximately 50.5 Acres

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, January 17, 2005

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, February 7, 2005  
**CITY COMMISSION:** Tuesday, March 1, 2005

**DESCRIPTION OF PROPOSED AMENDMENT:** Construction of a new road and five duplexes on the eastern half of the Meadowlark Hills Retirement Community, off of Meadowlark Road (*see site plan*).

The proposed road is twenty-five feet in width and contains two on-street parking areas that provide a total of 20 spaces. Any on street parking beyond the provided spaces will be parallel and only allowed on one side of the street. Proposed Meadowlark Circle will have a north and south entrance, connecting at two locations off the east side of Meadowlark Road. This road was previously approved as a cul-de-sac. The northern entrance is aligned with an existing entrance on the west side of Meadowlark Road into the existing retirement community. The other entrance will be located approximately 500 feet to the south.

*Attachment No. 4*

There are five proposed duplexes that will be located along the newly constructed road. This will be in addition to the six duplexes that were previously approved, some of which are currently under construction. There will be a total of 11 duplexes. The buildings will be constructed with the same material as proposed with the already approved duplexes: Hardi-Plank, and brick.

No additional signage is being proposed.

**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 the Final Development Plan has changed and proposes five more duplexes than originally approved with the Meadowlark Hill Retirement PUD and a change in the street layout.

There were no conditions affecting the proposed amendment listed in Ordinance 6049 (*attached*), which established the PUD on December 1, 1998 that will affect this Amendment.

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 a new street layout and five new duplexes for a total of eleven duplexes. There is an apparent strong demand for additional independent living duplexes. The current PUD consists a cul-de-sac and six duplexes. No other conditions appear to cause the need for the amendment.

**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 the Meadowlark Hills to increase the services they are able to provide to the public and offer more independent living options.

*Attachment No. 4*

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

**1. LANDSCAPING:** The entire length of the proposed Meadowlark Circle will be lined with approximately 40 trees. Each duplex will have a tree and shrubbery in the front yard. The duplexes on the west side of the street will have trees planted in the backyard to provide screening from existing residences that are located on Meadowlark Road. There will be a landscape median where the original center of the cul-de-sac was located. A landscape agreement will be done for each duplex as they are built.

**2. SCREENING:** No screening is required but some of the duplexes will be screened from existing residences with trees. The area is surrounded by an expanse of open space on the north, south, and east sides. To the west of the proposed street and duplexes are existing buildings in the Meadowlark Hill Retirement Community.

**3. DRAINAGE:** Changes were made to the Drainage Report to account for changes with the proposed road. The City Engineer has reviewed and approved this report.

**4. CIRCULATION:** There is a change in circulation where the proposed road and duplexes are going to go. In 1998 a cul-de-sac, Meadowlark Circle, with six duplexes was approved to extend off of Meadowlark Road. This amendment proposes a through road rather than a cul-de-sac. This through road allows for more duplexes to be built and increases traffic circulation within the Meadowlark Hills Retirement Community.

**5. OPEN SPACE AND COMMON AREA:** The layout of the proposed Meadowlark Circle and duplexes does attempt to preserve the natural features of the area.

**6. CHARACTER OF THE NEIGHBORHOOD:** This PUD acts as a neighborhood of its own. There are full care, assisted care, and independent living duplexes which are separated from adjacent properties by open space and trees. This retirement community has been in existence since 1977.

**EXISTING USE:** This site currently consists of facilities in the Meadowlark Hills Retirement Community with a full care, assisted care buildings, and independent living duplexes. These buildings are mainly on the west side of Meadowlark Road. The proposed street and duplexes will be constructed on the east side of Meadowlark Road along Meadowlark Circle. Open land also exists on this property.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** There are steep slopes, open land and trees on this property.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Open range land; County U, University Development District
- (2) **SOUTH:** Kimball Avenue, Flinthills Place, single-family residential development in the Blue Hills Addition; Flinthills Place Planned Unit Development, and R, Single-Family Residential District
- (3) **EAST:** Blue Hills Shopping Center, single-family development in the Northview Acres Subdivisions; 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 provides uses associated with retirement communities, such as independent and assisted living, and full care. This PUD has been in existence since 1977 and the proposed changes fit with the existing uses.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed use is a permitted use within the PUD. Adjacent properties should not be adversely affected by the proposed use. There appears to be no adverse affect on adjacent properties known to be caused by the PUD. The adjacent properties are separated from the retirement community by open land.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The Comprehensive Plan designates this area as residential high density.

**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 it was rezoned to a new PUD. In 1998 34 more acres were annexed and added to this site.

**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

*Attachment No. 4*

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 is consistent with the intent and purpose of Ordinance No. 6049, 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 adverse affects on the public and no relative gain would be accomplished by denial; however, it may be a hardship on the applicant/owner if the amendment is denied. There is an apparent need for the increase in duplexes and denial would prohibit this expansion.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public sewer and water 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, and Ordinance No. 6049, for a proposed new street and five new duplexes, with the following conditions:

1. Construction shall be limited to the new street and duplexes.
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:**

Recommend approval of the proposed Amendment of the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development, and Ordinance No. 6049, stating the basis for such recommendation.

*Attachment No. 4*

2. Recommend denial of the proposed Amendment, and Ordinance No. 6049, stating the specific reasons for denial.
3. Table the proposed Amendment(s) 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 Ordinance No. 6049, based on the findings in the Staff Report, with the three (3) conditions recommended by City Administration.

**PREPARED BY:** Julie Kruse, Planner

**DATE:** January 20, 2005

05001}SR}PUDAmendmenMeadowlarkHillsPUD

**STAFF REPORT**

**APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT**

**BACKGROUND**

**FROM:** R-M, Four-Family Residential District, with TNO, Traditional Neighborhood Overlay District

**TO:** PUD, Residential Planned Unit Development District

**APPLICANT:** Calvin L. Emig

**ADDRESS:** 1431 Anderson Avenue, Manhattan, KS 66502

**OWNERS/ADDRESSES:** Peter and G.A. Garretson, 804 Moro Street; Calvin L. and Genie M. Emig, 1431 Anderson Avenue (810-812 and 816 Moro Street)

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, January 17, 2005

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, February 7, 2005  
**CITY COMMISSION:** Tuesday, March 1, 2005

**LOCATION:** Ward 4, Lots 121, 122, 123, 124, and 125, which are generally located northwest of the intersection of N. 8<sup>th</sup> Street and Moro Street, more specifically 804 Moro Street (Lots 121-122), 810 Moro Street (Lot 123), 812 Moro Street (Lot 124), and 816 Moro Street (Lot 125).

**AREA:** 37,592-square feet; 0.863-acres

**PROPOSED USES:** Sixteen (16) residential townhomes consisting of one (1) three-bedroom dwelling unit; two (2), four-bedroom dwelling units; and thirteen (13), two-bedroom dwelling units. Total bedroom count is 37-bedrooms. The remainder of the site is common area, which will consist of 43-off street parking spaces, driveway, landscaping, and sidewalks. Dwelling units may be sold as condominiums. An association will be created to own and maintain the common area.

*Attachment No. 5*

**PROPOSED BUILDINGS AND STRUCTURES:** An “L” shaped, two-story, peak roofed residential building with 81-feet of frontage along N. 8<sup>th</sup> Street and 232-feet feet of frontage along Moro Street. The maximum peak height of the roof at the eastern end of the building is 31-feet and 34-feet at the western end. The building steps up from east to west due to natural grade changes and roof height varies from 25-feet to 27-feet. The majority of roof pitch is 6:12 and 12:12 for roof gables. Small porch roofs extend over entry ways. Roof overhang is one (1) foot. The proposed structure is generally consistent with the Building Compatibility Standards of the TNO District and the height requirement of the R-M District (*district regulations attached*).

The primary façade is along Moro Street and window coverage varies from 15.3%, 17.8%, 22% and 29%, with the majority coverage being 15.3% and 17.8%.

Architectural materials include brick and cement-fiber shingle or lap siding, and architectural roof shingles. Brick and siding vary from unit to unit along street frontage and include brick wainscoting and brick soldier courses as well as stone headers and sills and stone keystones. Each unit has a front and rear entrance door.

A short stone wall is proposed at property corners and the driveway off N. 8<sup>th</sup> Street. The stone wall is shown at 1-foot 10-inches and corner posts 2-feet 6-inches in height. Materials are shown as grey to beige versa-lok cast stone/tumbled stone, or stone materials from the home at 804 Moro Street may used.

Six (6) foot cedar fencing screening materials will be used around the trash receptacle and to screen off-street parking along the western boundary from adjoining residential property..

The proposed structure is generally consistent with the Building Compatibility Standards of the TNO District and the height requirement of the R-M District (*district regulations attached*).

**PROPOSED LOT COVERAGE**

<b><i>USE</i></b>	<b><u>Square Feet (sf)</u></b>	<b><u>Percentage</u></b>
Residential building	9,375 sf	24.9%
Private drives and parking	13,827 sf	36.8%
Private sidewalks and stoops	4,990 sf	13.3%
Green space	9,400 sf	25.0%

## **PROPOSED SIGNS**

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
None proposed		

**PROPOSED LIGHTING:** Standard residential entrance lighting is proposed. Any lighting of the parking lot or other lighting must be downcast and shaded to prevent glare on adjacent residential properties or streets and the alley and is noted on the plan.

## **REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

- 1. LANDSCAPING:** Twenty-five percent (25%) of the site is landscaped area consisting of lawns that will be irrigated with automatic sprinkling, shrubs, and ornamental and deciduous trees. Four (4) street trees in the Moro Street right-of-way are damaged and will be replaced with three (3) maples. The City Forester has reviewed the tree removal and replacement plan and concurs with the proposal.
- 2. SCREENING:** The trash receptacle off the alley and areas of the parking lot abutting adjoining residential property to the west will be screened with six (6) foot cedar fencing. Landscaping is proposed along a portion of the alley. A landscape hedge, such as viburnum, should be planted, at headlight height, along the entire length of the parking lot fronting the alley to soften the affect of the approximate 250-feet of parking frontage.
- 3. DRAINAGE:** The storm water analysis was provided by the applicant's consultant, which has been reviewed and accepted by the City Engineer. "The Moro Storm Water Analysis" indicates an increase of stormwater run-off, but which adds a negligible amount of water to the drainage system.
- 4. CIRCULATION:** The proposed circulation plan will provide a curb cut off N. 8<sup>th</sup> Street, rather than multiple curb cuts off the alley. This proposal reduces the use of an unimproved alley by the residents and guests of the PUD, which has previously been identified by the owner of 804 Moro Street as a negative impact. Small portions of the building and one parking space encroach in the driveway's vision triangle, but do not hinder motorists or pedestrian views.

The site is within the TNO District and driveway and access Site Design Standards apply to surrounding properties. The applicable standards are:

*Attachment No. 5*

- In the TNO District, for lots that are reasonably accessible from an alley, any new driveway, and/or parking lot access aisle, shall be constructed in the rear or side yard with access only from the alley. In cases where a lot abuts only an alley and no street(s), driveway access may be located in the functional front yard abutting the alley.
- All new driveways that are located in a front yard shall be single-wide and no greater than ten (10) feet in width. This width limitation shall apply only to that portion of a driveway located between the street and a parallel line drawn through the nearest wall of the façade of the residential building that faces towards the street. However, on corner lots abutting an alley, no part of the driveway, access aisle, or parking lot shall be located in the front yard along any abutting street.
- Lots gaining access from a street shall be limited to one curb cut per lot. The driveway shall extend perpendicular from the street and parallel to the side lot line for that portion of the driveway located between the street and a parallel line drawn through the nearest wall of the facade of the residential building that faces towards the street.
- A driveway leading from a street towards a residential building shall be offset entirely to one side of the residential building, so as not to terminate in front of the façade that faces towards the street, unless it terminates into an attached garage.
- There shall be no off-street parking spaces, nor any parking, in the area located between the front lot line and a parallel line drawn through the farthest point back on the façade of the residential building that faces towards the street, except that parking is permitted on the driveway for residential buildings containing no more than two (2) dwelling units.
- Driveways and access aisles shall not be counted towards providing the required number of off-street parking spaces for residential buildings containing three (3) or more dwellings units.

“The Moro PUD Traffic Impact Study” was submitted by the applicant’s consultant. The increase in traffic volumes is minimal given the ready access to nearby arterials. Traffic volumes are consistent with numbers of vehicles that would otherwise be expected with four-family dwellings that could be built on the site. The City Engineer has reviewed and accepted the study.

The applicant has proposed to provide off-street parking based on one (1) parking space per bedroom, or 37-spaces plus six (6) additional spaces for guests or others. This appears to be adequate. On-street parking is also available, although streets are congested with existing cars.

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Due to concerns about access directly abutting the alley and the adverse affects of increased traffic, alley driveways are not proposed. Driveway width is 24-feet to accommodate two-way traffic.

**5. OPEN SPACE AND COMMON AREA:** Approximately 25% of the site is green space located in front yards and in areas behind the building. Landscape areas behind the building will provide some visually attractive spaces for residents. An association is proposed to own and maintain the common area.

**6. CHARACTER OF THE NEIGHBORHOOD:** A mixture of converted single-family to multiple-family dwellings, and new two-family and multiple-family dwellings. The site is within the older grid-street pattern part of the City and within an area rezoned to add the TNO District. Homes may be closer than 25-feet to the front lot line.

In the immediate neighborhood bounded by N. Juliette Avenue on the east, North 10<sup>th</sup> Street on the west, Bluemont Avenue on the north and Laramie Street on the south, the area is predominately a neighborhood of rental residential properties, with some owner occupied dwellings. Several of the owner occupied dwellings appear to be have been converted to two, three, and four-family dwellings. Modern apartment buildings are scattered within the neighborhood. The streets are tree lined with sidewalks. Gravel and dirt public alleys bisect the area from east to west. The site is one-half block to the east of the R-3/M-FRO District.

Major traffic ways, Bluemont Avenue and N. Juliette Avenue are in the immediate vicinity of the site.

**MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS**

**1. EXISTING USE:** 804 Moro Street, an owner occupied single-family dwelling; 810-812 Moro Street, are vacant, two-family dwelling units; and, 816 Moro Street is a vacant single-family dwelling unit. 804-812 Moro Street have detached garages along the alley. 816 Moro Street has no detached garage. Parking for all dwellings is gravel surfaced and located off the unimproved dirt/gravel alley. Large mature trees and lawns surround the homes and garages.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Two-story residential development with open yards and detached garages. The site slopes from west to east with a grade change of approximately four (4) feet in elevation, with the eastern portion of the site at generally at grade with the street. Natural drainage is to the east and to the north to the alley. Public sidewalk is along the Moro Street and N. 8<sup>th</sup> Street frontages.

**3. SURROUNDING LAND USE AND ZONING:**

**(a.) NORTH:** Single-family, converted older two-family and multiple-family dwellings, a new four-family dwelling, and Bluemont Avenue; R-M/TNO District.

**(b.) SOUTH:** Moro Street, single-family dwellings, small to large older single-family dwellings converted to two-family and multiple-family dwellings, and a newer four-family dwelling; R-M/TNO District.

**(c.) EAST:** North 8<sup>th</sup> Street, single-family, and small to medium older single-family dwellings, two-family and older single-family dwellings converted two-family and multiple-family dwellings, and a newer multiple-family dwelling; R-M/TNO District.

**(d.) WEST:** Single-family, and small to medium older single-family dwellings, two-family and single-family dwellings converted to two-family and multiple-family dwellings, and a newer multiple-family dwelling, and North 9<sup>th</sup> Street; R-M/TNO District, and R-3, Multiple-Family Residential District, with M-FRO, Multiple-Family Redevelopment Overlay District.

**4. CHARACTER OF THE NEIGHBORHOOD:** See above.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The individual properties are residential uses and permitted in the R-M/TNO District. The site could be subdivided, or re-platted, into lots having a minimum 9,000 square feet of lot area, which would accommodate single-family through four-family dwelling units. Up to four, four-family buildings could be constructed on the site, or some variation of dwelling types, based on total land area.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in light, noise and traffic can be expected with the proposed changes, but not inconsistent with the existing conditions or conditions that would be expected if individual four-family dwellings were constructed on re-platted lots. Access will be directly to N. 8<sup>th</sup> Street and added traffic will not be added directly to the alley from the proposed development.

The property is a corner lot meaning that the yards along the two abutting streets are front yards and the opposite yards are side yards. The TNO District indicates buildings may be as close as 14-feet to the front lot line and no greater than 25-feet. Side yards are eight (8) feet. Setbacks should generally reflect existing setbacks on the same and facing block. The proposed building setback along Moro Street is 15-feet with building setback depths

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varying from approximately 15-feet to 26-feet. Building setback along N. 8<sup>th</sup> Street is proposed at ten (10) feet and the building at approximately ten and one-half (10.5) feet. Front yards of nearby properties along N. 8<sup>th</sup> Street are closer than 14-feet. Side yard setback is eight (8) feet on the western lot line and 40-feet at the eastern end from the north side lot line, with the majority of the building approximately 80-feet from the north side lot line.

Lot, or building, coverage is 30% in the TNO and proposed lot coverage is 24.9%.

The emphasis of the proposed PUD is to provide a less intensive occupancy. The majority of units in the PUD are two-bedroom dwellings. A less intensive occupancy may not have many of the adverse affects often associated with projects consisting of four-bedroom units and unrelated occupants living together.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:**

**LAND USE**

The Future Land Use, Downtown Core Neighborhoods Map indicates the site is appropriate for Residential Medium/High Density (RMH) land use.

**Applicable Policies Include:**

**RMH 1: Characteristics**

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

**RMH 2: Appropriate Density Range**

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

**RMH 3: Location**

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

**RMH 4: Variety of Housing Styles**

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

**HOUSING AND NEIGHBORHOODS**

**Applicable Goals, Guiding Principles, and Policies Include:**

**Goal #1:** *Foster the stabilization of Manhattan's established and older core neighborhoods.*

*Maintain, conserve, rehabilitate and/or redevelop the housing and neighborhoods in the older areas of Manhattan, including the downtown.*

**Goal #2:**

*Ensure that new housing represents a variety of housing types and costs appropriate to the neighborhood.*

**Goal #3:**

*Guide the development of new housing and neighborhoods to ensure connectivity, sustainability and quality of life.*

**HN 1: Mixture of Housing Types**

*The City and County shall encourage, through their land use regulations and incentive programs, the private sector to provide a mixture of housing types with varied price ranges and densities, that attempt to meet the needs of all elements of the Urban Area population.*

#### **HN 4: Stabilize Older Neighborhoods**

*The City shall undertake programs targeted towards stabilization of neighborhoods in the core area. The City shall seek to promote a balance of land uses, preserve key characteristics and historic features, and to help preserve existing housing stock. Consideration shall be given to adoption of development standards for infill and redevelopment projects, remodeling, and additions to existing structures so they achieve compatibility with existing neighborhood scale and character.*

#### **HN 5: Promote Infill and Redevelopment**

*The City and County should encourage infill development and redevelopment on vacant or underutilized parcels where infrastructure and services are readily available and where it would foster the stabilization or revitalization of an existing area. Infill and redevelopment should be sensitive to the established character of the surrounding neighborhood. Infill means the development of new housing or other buildings on scattered vacant sites in a built-up area. Redevelopment means the replacement or reconstruction of buildings that are in substandard physical condition, or that do not make effective use of the land on which they are located. If properly designed, infill and redevelopment can serve an important role in achieving quality mixed use neighborhoods.*

The proposed PUD is in general conformance with the Land Use Policies of the Comprehensive Plan. Proposed density is 18.5 dwelling units per acre. Larger apartment buildings are appropriate when consistent with the density requirement and in a PUD format.

The proposed PUD is in general conformance with the Housing and Neighborhoods Policies of the Comprehensive Plan. The PUD will provide a housing type in a larger format than typically found in the R-M/TNO District, but provides a variety housing type available to the public. The PUD is in close proximity to the major streets and commercial areas. The site is developed in general conformance with the TNO standards.

The proposed PUD is in general conformance with the Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** Ward District lots were established in the late 1800's. The stone house at 804 Moro Street may have been constructed in the late 1800's or around 1900-1903. The other dwellings are older homes, likely constructed in the early 1900's. 804 Moro Street is owner occupied and the other three dwelling units are vacant.

1926-1965: B, Second Dwelling House District  
1965-1969: B, Multiple Family Dwelling District  
1969-1987: R-3, Multiple-Family Dwelling District  
1987-2003: R-M, Four-Family Residential District  
2003-Present: R-M District, with TNO, Traditional Neighborhood Overlay District

In August 2004, the applicant requested an Exception for a reduction of the minimum eight (8) foot side yard setback to seven (7) feet for a proposed four-family dwelling on Lots 123-124, 810-812 Moro Street, and a reduction of the ten (10) foot rear yard setback for a trash receptacle and enclosure. The Board of Zoning Appeals denied the side yard reduction for the four-family dwelling unit and approved the rear yard setback reduction for the accessory structure.

**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 site is within the R-M, Four-Family Residential District, with TNO, Traditional Neighborhood Overlay District. The R-M District is designed to promote a medium density mixture of single-family, two-family, and small multi-family residential developments, with a maximum of four (4) dwelling units per structure on a single lot and at a density no greater than four (4) dwelling units per 9,000 square feet. The TNO District is intended to conserve the traditional character of the older neighborhoods through Compatibility Standards. The Compatibility Standards require that new infill residential buildings, and additions or modifications to existing residential buildings, incorporate basic design and site layout elements characteristic of homes in the traditional neighborhoods. The TNO is used in conjunction with an underlying residential district.

The proposed PUD is consistent with the density of the requirement of the RM District (4 dwelling units per 9,000 square feet of lot area is equivalent to 19-dwelling units per acre) and the land use recommendations of the Comprehensive Plan, as noted above under conformance with the Comprehensive Plan. The PUD is in general conformance with the TNO District as described above.

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**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There appears to be no gain to the public that denial would accomplish. The proposed change is consistent with the Comprehensive Plan. It may be a hardship to the applicant if the request is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer, and water are available to serve the use. Sidewalks exist along Moro Street and North 8th Street. Existing sidewalks will be removed and new five (5) foot sidewalks will be constructed with the development.

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS AND RECOMMENDATION:** City Administration recommends approval of the proposed rezoning of The Moro Addition, from R-M, Four-family Residential District, with TNO, Traditional Neighborhood Overlay District, to PUD, Residential Planned Unit Development District, with the following conditions:

1. Permitted uses shall be limited to the sixteen (16) dwelling units and a maximum of thirty-seven (37) bedrooms.
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. Additional landscape hedge, planted at headlight height, should be provided along the entire length of the alley frontage.
5. Signs 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).

#### **ALTERNATIVES:**

1. Recommend approval of the rezoning of The Moro Addition, from R-M, Four-Family Residential District, with TNO, Traditional Neighborhood Overlay District, to PUD, Residential Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of The Moro Addition, from R-M, Four-Family Residential District, with TNO, Traditional Neighborhood Overlay District, to PUD, Residential Planned Unit Development District, and modify the

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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 Moro Addition, from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to PUD, Residential Planned Unit Development District, based on the findings in the staff report, with the conditions recommended by City Administration.

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

**DATE:** January 31, 2005  
05002

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## INTER-OFFICE MEMORANDUM

**DATE:** January 31, 2005

**TO:** Manhattan Urban Area Planning Board

**FROM:** Steve Zilkie, AICP, Senior Planner

**RE:** Amend Article IV, District Regulations; Article V, Accessory Uses, Temporary Uses, Home Occupations; and Article XI, Airport Overlay District, of the Manhattan Zoning Regulations

### BACKGROUND

There are zoning related several items that have been identified, which need to be addressed through amendments to the Zoning Regulations. While they are unrelated, they are being combined together for consideration and adoption.

#### Adult Businesses

The Manhattan Zoning Regulations were amended in 2004 to permit Adult Businesses in very limited portions of the C-5 Highway Service Commercial District, and the I-2, Industrial Park District, following extensive licensing restrictions in the Code of Ordinances, including the 500 foot separation requirement from churches, schools, daycare centers, residential zones, the Central Business District, public parks, public buildings, arterial streets, and from another adult business. The Code of Ordinances defines and regulates Adult Businesses to prevent the harmful secondary effects, while permitting a reasonable opportunity to locate and operate within the City of Manhattan, as required by law.

Based on current zoning configurations in the city, the 500 foot separation requirements will prevent Adult Businesses from locating in the RDO Redevelopment District Overlay, the C-6 Heavy Commercial District, or the LM-SC Light Manufacturing - Service Commercial District. However, the 2004 amendment did not take into account the pyramid effect of allowing C-5 uses by reference in these three districts. Due to this cross-reference, if zoning configurations were to change significantly in the future so that one of those districts were established 500 feet beyond a protect use, Adult Businesses could potentially locate in the RDO as a Permitted Use; in the C-6 District as a

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Conditional Use; and in the LM-SC District as a Permitted Use. All three districts indicate that permitted or conditional uses of the C-5 District are also allowed in the three districts. The proposed amendment clarifies that Adult Businesses are prohibited in these three districts, to be consistent with the original desires of the community.

Corporate Technology Park Overlay District

The Corporate Technology Park is located west of the Manhattan Regional Airport and is zoned a combination of I-3 Light Industrial District, and I-5 Business Park District, with the AO Airport Overlay District over the entire Park (*see zoning map of Technology Park*) (*I-3 and I-5 District regulations attached*). Current industries include two calling centers, a mailbox manufacturer and a printing operation. The Park consists of 28 platted lots, of which 20 lots (114.36-acres) are zoned I-3 District/AO District, and 8 lots (62.5-acres) are zoned I-5 District/AO District.

The I-3 District is designed to allow manufacturing, processing, assembly, and non-retail service activities. The I-5 District is designed to encourage administrative, research and assembly activities in a setting that is compatible with surrounding or abutting residential districts. In addition, a Use Limitation of the I-5 District requires that "No Permitted Use shall occupy less than 10,000 square feet of enclosed floor area per occupant or tenant."

The Corporate Technology Park was conceived as a higher quality industrial park, which combines light manufacturing activities with corporate business park activities, and therefore is also subject to a set of Covenants, Conditions and Restrictions (CCR's) that further limit permitted uses to a specific list that is a sub-set of the uses permitted under the I-3 and I-5 Districts. In addition, the CCR's require a higher level of landscaping, signage controls and exterior building design, to maintain the quality of the development.

In marketing the Corporate Technology Park and working with prospective businesses, City Administration and the Chamber of Commerce have realized that due to its relative isolation from nearby services, there needs to be more flexibility built into the development, to accommodate some additional uses that would provide services to the employees and clients of the other businesses in the Park, as the area continues to develop with larger numbers of employees. In addition, the requirement that all tenants and all buildings be a minimum 10,000 square feet in area, has been too limiting to prospective businesses in the I-5 District portion of the Park.

The proposed Corporate Technology Park Overlay District (CTPO) is designed to provide a broader range of permitted professional office and service commercial uses when applied specifically to the underlying I-3 and I-5 Districts in the Corporate Technology Park. This overlay district is designed to address the specific needs of the Corporate

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Technology Park and therefore will not be applied in other areas of the City. It is proposed that the CTPO would add the following permitted uses to the I-3 District: banks and financial institutions, including drive-in type; business and professional offices; convenience stores; group day care centers; health and fitness clubs; and restaurants, including drive-in type. The CTPO would add the same permitted uses to the I-5 District, except that business and professional offices and group day care centers are already permitted there. *(See proposed regulations attached.)*

The CTPO would also modify the Use Limitation requiring a minimum 10,000 square foot floor space within the I-5 District, so that no minimum floor area will be required for occupants or tenants of a building, however the minimum enclosed building square footage shall be 5,000 square feet. All other Use Limitations of the I-5 District and AO District are not affected by the proposed CPTO District.

Accessory Structures and Uses (Trash Receptacles)

Accessory setbacks that apply to trash enclosures, require that trash receptacles/dumpsters and their screening enclosures be set back three (3) feet from a side lot line and five (5) feet from a rear lot line, except along an alley where the setback is ten (10) feet from a rear lot line along an alley. The Board of Zoning Appeals (BZA) has granted reductions of the rear and side yard setbacks for dumpster enclosures in the Ward districts or older part of the City for multiple-family and commercial uses. In response to these requests, the BZA has expressed concern about the practicality of the setbacks for dumpsters and their screening enclosures and recommends that the proposed amendment be adopted *(see BZA minutes attached)*.

Airport Overlay District

The Airport Overlay District requirements were originally adopted in 1996, which in part identified the Airport Elevation as 1,058 feet above sea level, and an Airport Noise Exposure Zone decibel noise contour of 55 Ldn.

The Airport Elevation is a defined term used by the Federal Aviation Administration (FAA) as part of its development of, and administration of, the various applicable airspace and airport layout plan documents that are associated with the Manhattan Regional Airport. The Airport Elevation is an elevation upon which the various airspace height zones, such as the Conical and Horizontal Zones are based in part. The airspace zones extend outward and upward from the airport based in part, upon the airport elevation and the configuration of the various runway surfaces.

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The proposed amendment modifies the definition of "Airport Elevation" by removing reference to a specific elevation, and indicates that the elevation is identified on the Airport Layout Plan. The reason for removing the specific elevation from the definition is because the elevation can change due to reconfiguration of the Airport Layout Plan and/or runways. The elevation currently cited in the Zoning Regulations is out of date and a final elevation is currently undetermined, because the Airport Layout Plan is being updated and modified. In speaking with Russ Johnson, Airport Director, and the City's airport consultant, it was determined that it would be better to remove a specific elevation reference, until a final elevation is identified. Until such time, the FAA uses elevations based on both the existing Layout Plan and the proposed Layout Plan for regulatory purposes.

The Noise Exposure Zone is that area in which noise sensitive land uses that are generally incompatible with the airport should not be located, or should be subject to a conditional use requiring noise attenuation techniques in their design and construction. Residential uses and manufactured home parks are prohibited in the Noise Exposure Zone. Hotels, lodging/boarding houses, bed and breakfast, hospitals, nursing homes and retirement complexes, schools, churches, and auditoriums and concert halls are a conditional use, provided the use is a permitted or conditional use in the underlying zoning district.

The Noise Exposure Zone is identified by a noise contour that is generally located on and around the airport, based on FAA computer models using noise impacts of the types of aircraft that use the airport. At the time that the AO District regulations were being written, the FAA and the City's airport consultant indicated that the recommended noise contour was going to be changed from the 65 Ldn decibel contour, to the 55 Ldn decibel contour. However, that change has never occurred and therefore the proposed amendment is to correct the regulation to follow the FAA's recommended 65 Ldn contour for noise sensitive land uses. The 65 Ldn contour is currently contained entirely on the existing airport property and has no direct impact on surrounding properties.

**Proposed Amendments:**

- Article IV, District Regulations: RDO Redevelopment District Overlay, Section 4-205 (a) (A) Permitted Uses; C-6 Heavy Commercial District, Section 4-206 (B) Conditional Uses; and LM-SC Light Manufacturing - Service Commercial District, Section 4-306 (A) Permitted Uses, to add a cross-reference note that Adult Business are prohibited.
- Article IV, District Regulations: add a new Section 4-307 establishing the CTPO Corporate Technology Park Overlay District.

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- Article V, Accessory Uses, Temporary Uses, Home Occupations, Section 5-103 (B) Yard Requirements, to reduce the side yard and rear yard setback requirements for enclosures for trash receptacles along alleys.
- Article XI, Airport Overlay District: Section 11-103 Definitions and Section 11-105 Airport Zone Height Limitations, to remove specific reference to 1,058 as the Airport Elevation; and amending Section 11-104 to modify the Airport Noise Exposure Zone decibel contour from 55 to 65 Ldn, to match Federal Aviation Administration guidelines.

The specific wording of the proposed amendments is attached to this memorandum.

#### **AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS**

When a proposed amendment results in a change to the text of the Zoning Regulations, the report from the Planning Staff shall contain a statement as to the nature and effect of the proposed amendment, and determinations as to the following:

#### **WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS**

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 proposed amendments addressing Adult Businesses, Accessory Structures and Uses (trash enclosures), and the Airport Overlay District, refine existing text to address specific issues or errors that have come to light, so as to ensure the intent and purpose of the regulations are met and to address the needs of the community.

The proposed CTPO District is a new district that is designed to address specific needs identified in the Corporate Technology Park by adding additional office uses, support services and more flexibility in tenant floor area. The amendment is consistent with the intent and purpose of the Zoning Regulations.

#### **AREAS WHICH ARE MOST LIKELY TO BE DIRECTLY AFFECTED BY SUCH CHANGE AND IN WHAT WAY THEY WILL BE AFFECTED**

The Adult Business regulations in the Manhattan Zoning Regulations, when combined with the 500-foot buffers and extensive licensing provisions in the Code of Ordinances, limit Adult Businesses to small portions of the C-5, Highway Service Commercial District and the I-2, Industrial Park District, comprising approximately 1.7% of the current land area in the City. The proposed amendment ensures that potential locations

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for such businesses are restricted to those limited areas of the C-5 and I-2 Districts originally identified by the community, so that Adult Businesses are not inadvertently allowed in locations for which the use is not intended. The amendment prevents such uses from locating in the RDO, C-6 and LM-SC Districts, to conform to the community's original desires.

The proposed CTPO District amendment will apply only to the Corporate Technology Park, located west of the Manhattan regional Airport. The proposed amendment will create more flexibility and opportunity to serve the needs of a growing employment area, which is not adequately served, nor located close to commercial services.

The trash receptacle and enclosure amendment, which revises the accessory use and structure setbacks, is a practical change identified by the Board of Zoning Appeals and will most often apply in the Ward Districts, or the older parts of Manhattan where alleys and lot depths are a constraint on locating the principal use and screening enclosure.

The Airport Overlay District amendment modifies the definition of airport Elevation and modifies the noise exposure zone contour to match the FAA guidelines. The effect is limited exclusively to the AO District.

**WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN THE AREAS AND ZONING DISTRICTS AFFECTED, OR IN THE CITY PLANNING AREA, GENERALLY, AND IF SO, THE NATURE OF SUCH CHANGED OR CHANGING CONDITIONS**

The general public and City Commission expressed concern about the increasing number of Adult Businesses being established in the region, and the potential for such businesses within the City of Manhattan. The Zoning Regulations and Code of Ordinances were amended to address those concerns last September. The proposed amendment is necessary to ensure that Adult Businesses are potentially located only in the C-5 District and I-2 Districts, as originally identified by the community.

The proposed CTPO District is in response issues identified by the Chamber of Commerce and City Administration in their efforts to market the Corporate Technology Park. Due to its relative isolation from services, there needs to be more flexibility built into the development, to accommodate some additional uses that would provide services to the employees and clients of the other businesses in the Park, as the area continues to develop with larger numbers of employees. In addition, the requirement that all tenants and all buildings be a minimum 10,000 square feet in area, has been too limiting to prospective businesses in the I-5 District portion of the Park. The proposed Corporate

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Technology Park Overlay District (CTPO) is designed to provide a broader range of permitted professional office and service commercial uses and flexibility in I-5 District tenant size.

The BZA approved several Exceptions to reduce the rear and side yard setbacks for accessory trash receptacles and trash enclosures. Based on those approvals, the BZA requested the proposed amendments to address what it perceived to be as practical constraints on locating trash receptacles and enclosures, primarily adjacent to alleys, where trash pick-ups are made.

The proposed amendments to the Airport Overlay District are to correct out of date and incorrect data within the regulation, to be consistent with existing conditions and the FAA guidelines for the Airport.

**WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICY AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY**

The proposed amendments fine-tune the Zoning Regulations to correct errors or conflicts, or to make adjustments addressing specific needs identified in the community. The policies and goals of the Comprehensive Plan are more general or broad-brush in nature than addressing regulatory details of specific land uses. However, there are some policy statements that generally apply.

Adult Businesses; and Accessory Uses and Structures (Trash Enclosures):

There are several policy statements in the Comprehensive Plan regarding the preservation of neighborhoods and the quality of life of the community.

Specifically, under “Land Use and Growth Management” Goal 1 states, “Promote land use and development practices that consider current and future economic, social and environmental impacts . . .”

Under “Regional Coordination” one of the Guiding Principles states, “Coordinate land use goals, objectives and policies of the City of Manhattan and other governmental agencies within the region.”

Under “Housing and Neighborhoods” one of the Guiding Principles states, “Identify and foster initiatives to maintain or enhance the quality of life in existing neighborhoods throughout the community.”

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Under “Community Design” Goal 1 states, “Guide the appearance, scale and location of urban development to enhance community character . . .”

Proposed CTPO District:

The Corporate Technology Park is identified in the Comprehensive Plan as Office/Research Park, which is a designation for concentrated areas of high quality employment facilities. The amendment adds a limited range of professional office and service commercial uses intended to specifically serve the Corporate Technology Park, which is a significant distance from existing commercial services that would ordinarily serve highly concentrated employment centers. The amendment adds more flexibility in serving the needs of the Technology Park.

Airport Overlay District:

The Environmental Values and Constraints Map in the Comprehensive Plan recognizes the airspace and noise issues associated with the Airport. The airport elevation is in part the basis for determining the heights of certain FAA airspace zones, which extend outward from the Manhattan Airport. The noise contour is a decibel level identified by the FAA that is used to restrict certain noise sensitive land uses, which are incompatible with airport operations and noises generated by those operations. The amendments correct information involving the airspace height zones and revises the noise contour from 55Ldn, to 65 Ldn, to be consistent with existing conditions and FAA guidelines, and with the noise contour that is shown on the Comprehensive Plan map.

The proposed amendments generally conform to policies and goals of the Comprehensive Plan.

**ALTERNATIVES**

It appears the MUAPB has the following alternatives concerning the issue at hand. The Board may:

1. Recommend approval of the proposed amendments of the Manhattan Zoning Regulations, to the City Commission.
2. Recommend denial of the proposed amendments, to the City Commission.
3. Modify the proposed amendments and forward the modifications, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, and provide further direction to City Administration.

*Attachment No. 6*

**RECOMMENDATION**

City Administration recommends approval of the proposed amendments to the Manhattan Zoning Regulations: Article IV, District Regulations; Article V, Accessory Uses, Temporary Uses, Home Occupations; and, Article XI, Airport Overlay District, as described in the Staff Memorandum, based on the findings in the Staff Memorandum.

**POSSIBLE MOTION**

The Manhattan Urban Area Planning Board recommends approval of the amendments to the Manhattan Zoning Regulations: Article IV, District Regulations; Article V, Accessory Uses, Temporary Uses, Home Occupations; and, Article XI, Airport Overlay District, as proposed, based on the findings in the Staff Memorandum.

05012}AmendZonRegsArtIV,V,XI

