

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

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Ed Klimek and Commissioners Bruce Snead, Tom Phillips, Mark Hatesohl, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 40 interested citizens.

PLEDGE OF ALLEGIANCE

Manhattan Magic led the Commission in the Pledge of Allegiance.

RECOGNITION

Mayor Klimek recognized the Manhattan Magic.

PROCLAMATION

Mayor Klimek proclaimed March 13 – 19, 2006, *Brain Awareness Week*. Debbie Rowe, President, Sunflower Pilot Club; Cindy Donahue, President, Manhattan Pilot Club; and Cindy Sloan, President, Little Apple Pilot Club, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Klimek opened the public comments.

Stan Hoerman, 2021 Blue Hills Road, informed the Commission of luggage not arriving with the passengers at the Manhattan Regional Airport. He reported that this is a common occurrence and asked that it be corrected.

PUBLIC COMMENTS (CONTINUED)

Helen Roser, P.O. Box 1814, recited the Oath of Office for the Commissioners and stated that their silence has been deafening on the allegations of theft, gambling, and accessing child pornography sites on the computer in the Parks and Recreation Department. She asked the Commission to make sure things are being taken care of and accountable, and to ensure that the City Manager is effectively discharging his duties.

Hearing no other comments, Mayor Klimek closed the public comments.

COMMISSIONER COMMENTS

Commissioner Phillips informed the community that we need to rebuild public trust and will work diligently to do that. He said the two investigations are continuing and upon conclusion of those investigations, an informed decision will then be made with appropriate actions taken.

Commissioner Hatesohl said he has been Mr. Fehr's biggest advocate and is disappointed in the whole thing. He stated that he would be willing to hold an Executive Session to consider reprimands and other actions for those involved, and asked that the investigations get wrapped up.

Mayor Klimek stated that a lot of folks are interested in this issue and mentioned having a town hall meeting in the future to discuss these matters with the community. He said that a community-wide discussion of what happened and what steps will be taken would be a very healthy thing for our community. He also encouraged people to participate in the events at the K-State Student Union's 50th Anniversary Celebration and to participate in the festivities of the 28th Annual St. Patrick's road race and events in Aggieville on Saturday, March 11, 2006.

Ron Fehr, City Manager, and Diane Stoddard, Deputy City Manager and Interim Airport Manager, provided an update on the discussions that have taken place about missing luggage with the air carrier and will continue to work on this.

Ron Fehr, City Manager, provided an overview on the Commission meeting calendar for March 2006.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, February 14, 2006, and the Regular City Commission Meeting held Tuesday, February 21, 2006.

CLAIMS REGISTER NOS. 2551 AND 2552

The Commission approved Claims Register Nos. 2551 and 2552 authorizing and approving the payment of claims from February 15, 2006, to February 28, 2006, in the amounts of \$163,519.54 and \$1,499,989.44 respectively.

LICENSE – TREE MAINTENANCE

The Commission approved the renewal application from Tree Design, 255 Ridge Drive, for a Tree Maintenance license for calendar year 2006.

FINAL PLAT – MANHATTAN MARKETPLACE ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Manhattan Marketplace Addition, generally located approximately one hundred sixty (160) feet north of Leavenworth Street, west of Tuttle Creek Boulevard, east of North 3rd Street, and south of vacated Laramie Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6527 – ANNEX – MEADOWLARK HILLS PUD

The Commission approved Ordinance No. 6527 annexing a 0.2-acre tract of land generally located at the northern edge of the Meadowlark Hills PUD, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

ORDINANCE NO. 6528 – REZONE/AMEND – MEADOWLARK HILLS RESIDENTIAL PUD

The Commission Ordinance No. 6528 rezoning Tracts 1, 2, and 3 to Meadowlark Hills Residential Planned Unit Development and amending the Meadowlark Hills Residential Planned Unit Development and Ordinance Nos. 6049 and 6464, based on the findings in the Staff Report, with the three conditions of approval recommended by the Planning Board. (*See Attachment No. 1*)

ORDINANCE NO. 6529 – MODIFY PARKING – BETWEEN NORTHVIEW DRIVE AND CASEMENT ROAD

The Commission approved Ordinance No. 6529 modifying the parking along Griffith Drive between Northview Drive and Casement Road.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6530 - REVISE - BUS LOADING ZONE - NORTHVIEW ELEMENTARY SCHOOL

The Commission approved Ordinance No. 6530 revising the bus loading zone location at Northview Elementary School.

* **AWARD CONTRACT - KDOT - ANDERSON AVENUE IMPROVEMENTS (ST0301)**

Jeff Hancock, Director of Public Works, updated the Commission on the Anderson Avenue project and timeframe.

The Commission authorized the Mayor and City Clerk to execute the Construction Engineering Agreements with KDOT; authorized the Mayor and City Clerk to approve the award of a contract for improvements at the intersection of Anderson Avenue from Seth Child Road to Hylton Heights Road; and approved Resolution No. 030706-A authorizing construction and financing for the project. Anderson Avenue Improvements, Seth Child Road to Hylton Heights (ST0301).

* **RESOLUTION NO. 030706-D - RESOLUTION OF INTENT - COVAN - ADDITIONAL INCREASE IN IRB'S**

Diane Stoddard, Deputy City Manager and Interim Airport Manager, provided an update on the item and answered questions from the Commission.

The Commission approved Resolution No. 030706-D and approved first reading of an ordinance authorizing the issuance of up to \$2 million in Industrial Revenue Bonds to finance the construction of a new 40,000 square foot facility for Covan in the Manhattan Corporate Technology Park.

* **CHANGE ORDER NO. 1 - NISTAC (SP0406)**

Jeff Hancock, Director of Public Works, provided an overview of the item.

Brent Bowman, Bowman Bowman and Novick, and Ron Fehr, City Manager, provided additional information on the item and answered questions from the Commission.

The Commission approved Change Order No. 1 resulting in a net increase in the amount of \$46,024.00 (+1.16%) to the contract with Cheney Construction Company, of Manhattan, Kansas, to modify the office and lobby space within the NISTAC building that is currently under construction.

CONSENT AGENDA (CONTINUED)

* **TASK ORDER NO. 8 – AIRPORT FENCE EXTENSION PROJECT (AIP NO. 3-20-0052-28)**

Diane Stoddard, Deputy City Manager and Interim Airport Manager, presented the item and answered questions from the Commission.

The Commission authorized the Mayor to execute Task Order #8 with HNTB Corporation for \$22,153.00 to design the airport fence extension project under the federal AIP Program.

REJECT BIDS – 2006 DENISON AVENUE IMPROVEMENTS (ST0411)

The Commission accepted the Engineer's Estimate in the amount of \$2,663,006.00; denied a contract to Wildcat Concrete Services, Inc., of Topeka, Kansas; and authorized City Staff to rebid the 2006 Denison Avenue Improvements (ST0411).

PURCHASE – TRACTORS AND AERIAL LIFT TRUCK – PARKS AND RECREATION DEPARTMENT

The Commission authorized the purchase of a new 2006 Challenger Model MT285B tractor and optional front-end loader in the amount of \$21,225.00 from Martin Farm Power, of Topeka, Kansas; a 2006 tractor in the amount of \$18,071.86 from Brooks Yamaha, Inc., of Manhattan, Kansas; and a 60 foot aerial lift truck in the amount of \$107,122.00 from Altec Industries, of St. Joseph, Missouri including authorization for the City to effect a lease-purchase agreement at the time of delivery; and authorized City Administration to dispose of the burned tractor.

EXPENDITURE – GOVERNOR'S MILITARY COUNCIL

The Commission authorized the expenditure of \$12,500.00 from the 2006 Industrial Promotion Fund to assist with the funding of the Governor's Military Council.

APPLICATION – 2006 EMERGENCY SHELTER GRANT FUNDS

The Commission authorized Mayor and City Clerk to sign an application for 2006 Emergency Shelter Grant funds.

AWARD – 2006 SURVEY AND PLANNING GRANTS

The Commission accepted the 2006 Survey and Planning Grant awards and authorized the Mayor and City Clerk to execute the necessary grant agreements.

CONSENT AGENDA (CONTINUED)

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

GENERAL AGENDA

17TH STREET, FROM FORT RILEY BOULEVARD TO ANDERSON AVENUE - DESIGNATED "MARTIN LUTHER KING, JR. MEMORIAL DRIVE"

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

Rev. Jim Spencer, committee member, informed the Commission that this remembrance of Martin Luther King, Jr., is a fitting tribute and asked for the Commission's support in their request.

John Harty, committee member, proposed that 17th Street be bestowed the honorary designation of Martin Luther King, Jr. Memorial Drive. He stated the designation is a fitting tribute to the late civil rights leader. He then answered questions from the Commission.

Josh Criswell, President, Black Student Union, Kansas State University, spoke in support of the committee's desire for the designation for Martin Luther King, Jr.

After discussion, Commissioner Snead moved to approve Resolution No. 030706-B designating Seventeenth Street, between Fort Riley Boulevard and Anderson Avenue, as "Martin Luther King Memorial Drive." Commissioner Morris-Hardeman seconded the motion.

Ron Fehr, City Manager, provided clarification on the designation requested and on the motion.

Rev. Jim Spencer, committee member, provided additional information on the item.

After discussion, Commissioner Snead amended his motion with Commissioner Morris-Hardeman concurring. Commissioner Snead then moved to approve Resolution No. 030706-B designating Seventeenth Street, between Fort Riley Boulevard and Anderson Avenue, as "Martin Luther King, Jr. Memorial Drive." Commissioner Morris-Hardeman seconded the amended motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

ACQUISITION OF PROPERTY UTILIZING EMINENT DOMAIN - NORTH PROJECT AREA - DOWNTOWN REDEVELOPMENT DISTRICT

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

Bob Welstead, Dial Realty, provided additional information on the item and answered questions from the Commission.

Penny Ferlemann, property owner, 517 North Third Street, informed the Commission that she was not willing to sell her property no matter what was offered. She said that she never promised to sell her property to Dial Realty and asked the City to protect her and to save her property from being sold.

Roger Seymour, 1181 Rock Springs Lane, asked the Commission to be careful with the actions that are being considered. He requested the Commission table the item for one month and have Dial Realty and City Staff go back and negotiate with these two property owners and seek a compromise between the parties involved.

Darrell Hills, 1430 Vista Lane, informed the Commission that he was blessed not to be in the position of the two ladies present tonight. He said that eminent domain laws will soon be enacted and asked the Commission to not take this action if it is for the purpose of getting it done under the wire of future laws.

Marlene Ferlmann, property owner, 521 North Third Street, informed the Commission that she would need time to consider any further negotiations.

Bill Frost, City Attorney, provided an overview of the anticipated timeframe of the item.

Rick Kiolbasa, Dial Realty, provided additional information on the 1033 Exchange and the discussions that have taken place to date with the property and business owners in trying to reach an agreement. He then answered questions from the Commission.

Bill Frost, City Attorney, provided clarification on the projected timeframe and process.

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator; and Ron Fehr, City Manager, answered questions from the Commission regarding the Agreement with Dial Realty.

Darrell Hills, 1430 Vista Lane, asked if this item will be exempt if the State Legislature passes an eminent domain law.

GENERAL AGENDA (CONTINUED)

ACQUISITION OF PROPERTY UTILIZING EMINENT DOMAIN - NORTH PROJECT AREA - DOWNTOWN REDEVELOPMENT DISTRICT (CONTINUED)

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

Marlene Ferlmann, property owner, 521 North Third Street, asked if they could maintain ownership of their properties and didn't recall receiving information about a 1033 Exchange.

Rick Kiolbasa, Dial Realty, said they would have a serious problem and liability issues if they allowed existing property owners to continue ownership in the redevelopment area. He then answered questions from the Commission and said that he would work with property owners with questions about a 1033 Exchange.

Bill Frost, City Attorney, provided additional information on the item.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 060705-C, declaring it necessary to acquire the subject properties by condemnation and directing that surveys of the subject properties be completed and filed with the City Clerk. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

UNILATERAL REZONING - PROPERTIES WITHIN THE NORTH PROJECT AREA - DOWNTOWN REDEVELOPMENT DISTRICT

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

Rick Kiolbasa, Dial Realty, provided additional information on the item.

After discussion, Commissioner Hatesohl moved to authorize City Administration to initiate the unilateral rezoning, for a PUD, as described in the application of Dial - Manhattan, LLC, of the remaining North Project Area of the Downtown Redevelopment Project. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - "NO PARKING" - SETH CHILD FRONTAGE ROAD

Rob Ott, City Engineer, presented the item.

Tom Lindquist, co-owner, Little Apple Veterinary Hospital, informed the Commission that the two vehicles in question parked on the frontage road were owned by employees of the Riley County Police Department. He agreed that there should be no parking along the Seth Child Frontage Road.

GENERAL AGENDA (CONTINUED)

FIRST READING - "NO PARKING" - SETH CHILD FRONTAGE ROAD (CONTINUED)

Rob Ott, City Engineer, provided additional information on the item and answered questions from the Commission.

Lance Luftman, Assistant Director, Riley County Police Department, informed the Commission the reasons for the no parking request and that the current parking situation is a hazard. He then answered questions from the Commission.

Tom Lindquist, co-owner, Little Apple Veterinary Hospital, provided additional information on property easements and said that he would like to be able to park on the easement road for Chamber functions, as an example.

Bill Schuck, employee, Riley County Police Department, informed the Commission that they are parking on the frontage road to protect their vehicles from door damage. He said that the parking situation at the Law Enforcement Center needs to be corrected to accommodate vehicles and to protect vehicles from further damage. He suggested to table the item until further discussions can be completed.

Richard Lewis, employee, Riley County Police Department, stated that the City has a stake in the initial costs of the vehicles. He informed the Commission that there is not a safety issue in parking on the frontage road and that the issue is in the inadequacy of the parking lot of the police department. He suggested that the item be tabled and get the parking committee together and solve their own problem.

Lance Luftman, Assistant Director, Riley County Police Department, apologized for bringing a police department matter to the Commission and stated that his primary concern is to keep the frontage roadway clear.

Tom Lindquist, co-owner, Little Apple Veterinary Hospital, provided additional information on the item.

After discussion, Commissioner Hatesohl moved to table first reading of an ordinance modifying the parking along Seth Child Frontage Road for 60 days while the Riley County Police Department tries to resolve this parking issue themselves. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:50 p.m., the Commission adjourned.

A handwritten signature in blue ink, appearing to read "Gary S. Fees", is written over a horizontal line.

Gary S. Fees, CMC, City Clerk

Attachment No. 1

STAFF REPORT

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

APPLICANT: Manhattan Retirement Foundation, Inc.

ADDRESS: 2121 Meadowlark Road, Manhattan, Kansas 66502

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

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

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

AREA: approximately 55.8-acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, January ,2006

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

CITY COMMISSION: Tuesday, February 21, 2006

DESCRIPTION OF PROPOSED AMENDMENT:

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

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

Attachment No. 1

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

Present zoning district classifications to be rezoned are:

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

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

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

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

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

WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The amendment is necessary because of forth-coming modifications to the PUD. The current amendment to add two cottages and entry signs is minor in scope to the future phasing.

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

WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The applicant is proposing to meet immediate retirement housing needs and plan for future housing demand.

Attachment No. 1

WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The amendment will allow Meadowlark Hills to increase its services to the public and offer more independent living options, provide identification signage along a major street, and comprehensively plan for future development.

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

- 1. LANDSCAPING:** Landscaping around the cottages will consist of evergreen and deciduous shrubs, perennials, and deciduous trees. Turf areas will be irrigated with automatic underground sprinklers.
- 2. SCREENING:** No screening is required.
- 3. DRAINAGE:** A Drainage Report was initially submitted, but is not required for the two cottages and entry signs. Future amendments will require a drainage report.
- 4. CIRCULATION:** No changes to circulation are proposed. Future amendments will address a proposed entrance off Tuttle Creek Boulevard and new internal access roads as well as require submittal of a traffic report. Two off-street parking spaces are provided for each dwelling unit associated with the two new cottages.
- 5. OPEN SPACE AND COMMON AREA:** Future amendments will add walking trails and other amenities.
- 6. CHARACTER OF THE NEIGHBORHOOD:** This PUD is a neighborhood of its own with full care, assisted care, and independent living dwellings, which are separated from adjacent residential neighborhoods to the south by a major street. Commercial properties to the east are separated by open space. KSU range land is to the north and west. The retirement community was established in 1977.

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

Attachment No. 1

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

SURROUNDING LAND USE AND ZONING:

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

GENERAL NEIGHBORHOOD CHARACTER: See above.

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

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

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

Attachment No. 1

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

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

Lot 2, Blue Hills Shopping Center, Unit 3:

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

Lot 2 and the KSU sites have remained vacant to date.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed amendment and rezonings are consistent with the intent and purpose the Zoning Regulations and the intent of the PUD Regulations. Future amendments will consider impacts on adjacent property.

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

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

Attachment No. 1

OTHER APPLICABLE FACTORS: None.

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

1. An amendment of the Planned Unit Development shall be submitted and approved, prior to the development of areas that are shown as Future Development on the amended Final Development Plan.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.

ALTERNATIVES:

1. Recommend approval of the proposed Amendment of the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development, and rezone Tract 1: U, University District; Tract 2: County U, University Development District; and, Tract 3: C-2, Neighborhood Shopping District, to PUD, Meadowlark Hills Residential Planned Unit Development District, stating the basis for such recommendation.
2. Recommend approval of the proposed Amendment of the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed Amendment and rezonings, stating the specific reasons for denial.
4. Table the proposed Amendment and rezonings to a specific date, for specifically stated reasons.

Attachment No. 1

POSSIBLE MOTION:

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

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: January 31, 2006

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