

MINUTES
CITY COMMISSION MEETING
TUESDAY, AUGUST 21, 2012
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Loren J. Pepperd and Commissioners John Matta, Wynn Butler, Richard B. Jankovich, and James E. Sherow were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 13 staff, and approximately 25 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Pepperd led the Commission in the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Jankovich thanked members of the Konza Rotary Club, City staff, and the community for their involvement with the recent Manhattan Konza Rotary Club Water Matters Day annual event held at the City Park Pool.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, August 14, 2012.

CLAIMS REGISTER NO. 2708

The Commission approved Claims Register No. 2708 authorizing and approving the payment of claims from August 8, 2012, to August 14, 2012, in the amount of \$1,408,432.69.

*** ORDINANCE NO. 6960 – ADOPT – 2013 BUDGET**

The Commission approved Ordinance No. 6960 adopting the 2013 City Budget;

CONSENT AGENDA (CONTINUED)

* **RESOLUTION NO. 082112-A – ADOPT – 2013-2018 CAPITAL IMPROVEMENTS PROGRAM**

The Commission approved Resolution No. 082112-A adopting the 2013-2018 Capital Improvements Program.

* **ORDINANCE NO. 6961 – ADOPT – 2012 AMENDED BUDGET**

The Commission approved Ordinance No. 6961 adopting the 2012 City Budget Amendment.

* **ORDINANCE NO. 6962 – 2013 SALARIES**

The Commission approved Ordinance No. 6962 adopting the 2013 Salary Ordinance.

CHARTER ORDINANCE NO. 51 – INCREASE – STORMWATER FEES

The Commission approved an increase to stormwater fees and approved Charter Ordinance No. 51 increasing stormwater rates effective January 1, 2013.

FIRST READING – AMEND – IMPLEMENT STANDARDS FOR ELECTRONIC SPATIAL AND POSITIONAL DATA

The Commission approved first reading of an ordinance amending Section 32-3 of the City Code giving the City Engineer the authority to implement standards for electronic spatial and positional data.

PUBLIC HEARING – VACATE EASEMENT – LEE MILL HEIGHTS, UNIT 4, PHASE II

Mayor Pepperd opened the public hearing.

Hearing no comments, Mayor Pepperd closed the public hearing.

FIRST READING – VACATE EASEMENT – LEE MILL HEIGHTS, UNIT 4, PHASE II (LOTS 77-85 AND 97-104)

The Commission approved first reading of an ordinance vacating portions of a utility and drainage easement in Lee Mill Heights, Unit 4, Phase II, (Lots 77-85 and 97-104) an addition to the City of Manhattan.

RESOLUTION NO. 082112-B – TEMPORARY NOTE SERIES NO. 2012-03

The Commission approved accepting the proposal from UMB Bank for selling the notes and approved Resolution No. 082112-B issuing Temporary Note Series No. 2012-03 in the amount of \$395,000.00 to finance the design phase of the Passenger Terminal expansion at the Manhattan Regional Airport.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 082112-C – AMEND – CITY OFFICERS DESIGNATION

The Commission approved Resolution No. 082112-C confirming the designation of certain additional positions as “City Officers”, pursuant to Charter Ordinance No. 39, giving the positions the authority to issue complaints for violations of City ordinances.

RESOLUTION NO. 082112-D – ADOPT – ENERGY EMERGENCY RESPONSE PLAN

The Commission approved Resolution No. 082112-D adopting the City of Manhattan Energy Emergency Response Plan.

RESOLUTION NO. 082112-F – GRAND VISTA ADDITION, UNIT 2 – STREET IMPROVEMENTS (ST1202)

The Commission found the revised petition sufficient and approved Resolution No. 082112-F rescinding Resolution No. 051512-F, finding the project advisable, and authorizing construction of Grand Vista Addition, Unit 2, Street Improvements (ST1202).

RESOLUTION NO. 082112-G – GRAND VISTA ADDITION, UNIT 2 – STORMWATER IMPROVEMENTS (SM1201)

The Commission found the revised petition sufficient and approved Resolution No. 082112-G, rescinding Resolution No. 051512-G, finding the project advisable, and authorizing construction of Grand Vista Addition, Unit 2, Stormwater Improvements (SM1201).

AWARD CONTRACT – GRAND VISTA ADDITION, UNIT 2 – STREET (ST1202), SANITARY SEWER (SS1203), WATER (WA1205). AND STORMWATER (SM1201) IMPROVEMENTS

The Commission accepted the Engineer’s Opinion of Probable Cost in the amount of \$203,338.00; awarded a construction contract in the amount of \$198,205.50 to Manhattan Trenching, Inc. of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute a contract in the amount of \$198,205.50 to Manhattan Trenching, Inc, for the Grand Vista Addition, Unit 2, Street (ST1202), Sanitary Sewer (SS1203), Water (WA1205), and Stormwater (SM1201) Improvements.

RESOLUTION NO. 082112-H – WESTERN HILLS ADDITION, UNIT 14 – SANITARY SEWER (SS1208) IMPROVEMENTS

The Commission found the petition sufficient and approved Resolution No. 082112-H rescinding Resolution No. 112106-A, finding the project advisable, and authorizing construction of Western Hills Addition, Unit 14, Sanitary Sewer (SS1208) Improvements.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 082112-I – WESTERN HILLS ADDITION, UNIT 14 – STREET (ST1210) IMPROVEMENTS

The Commission found the petition sufficient and approved Resolution No. 082112-I rescinding Resolution No. 112106-B, finding the project advisable, and authorizing construction of Western Hills Addition, Unit 14, Street (ST1210) Improvements.

RESOLUTION NO. 082112-J – WESTERN HILLS ADDITION, UNIT 14 – WATER (WA1209) IMPROVEMENTS

The Commission found the petition sufficient and approved Resolution No. 082112-J rescinding Resolution No. 112106-C, finding the project advisable, and authorizing construction of Western Hills Addition, Unit 14, Water (WA1209) Improvements.

CONTRACT AMENDMENT NO. 1 – ENGINEERING SERVICES – WESTERN HILLS ADDITION, UNIT 14, IMPROVEMENTS (SS1208, ST1210, WA1209)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 1 of the engineering contract with Schwab-Eaton P.A., of Manhattan, Kansas, for the Western Hills Addition, Unit 14, Sanitary Sewer (SS108), Street (1210), and Water (WA1209) Improvements.

REQUEST FOR QUALIFICATIONS – WATERSHED ANALYSIS STUDY, PHASE I (SM1205)

The Commission authorized City Administration to solicit statement of qualifications for the Watershed Analysis Study, Phase I (SM1205), and appointed Commissioner Jankovich to serve on the Selection Committee.

AWARD CONTRACT – DOUGLASS COMMUNITY CENTER IMPROVEMENTS (CD1103)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$122,312.00 and awarded and authorized execution of a construction contract in the amount of \$90,394.50 to R.M. Baril General Contractor, Inc., of Manhattan, Kansas, for the Community Development Block Grant Douglass Community Center Improvements (CD1103).

PURCHASE – ANDERSON AVENUE ITS EQUIPMENT (ST1201)

The Commission authorized the purchase of the InSync Adaptive Traffic Control System from Rhythm Engineering, of Lenexa, Kansas, and eight (8) Siemens Eaple EPAC M52 Controllers, 12 Control RocketLinx 8510 Hardened Managed Ethernet Switches, and other assorted traffic signal hardware from Gades Sales Corporation, Inc., of Wichita, Kansas, for the Anderson ITS Project (ST1201).

CONSENT AGENDA (CONTINUED)

SMALL BUSINESS ADMINISTRATION GRANT - AMENDMENT - CHILD CARE

The Commission authorized the Mayor and City Clerk to sign a grant amendment request to the Small Business Administration for Grant No. SBAHQ-08-I-0049, in order to re-allocate funds to the Kansas State University Center for Child Development and the Sunset Zoo Nature-based Childcare Program.

BOARD APPOINTMENTS – SOCIAL SERVICES ADVISORY BOARD

The Commission approved the following appointments by Mayor Peppard to the Social Services Advisory Board.

Appointment of Katie Brayton, 419 South 12th Street, to a three-year term. Ms. Brayton's term begins immediately, and will expire June 30, 2015.

Appointment of Robin Hays, 2606 Casement Road, to fill the unexpired term of Sue Mountford. Ms. Hays' term begins immediately, and will expire June 30, 2013.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve the consent agenda, as read. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item C, ORDINANCE NO. 6960 – ADOPT – 2013 BUDGET; RESOLUTION NO. 082112-A – ADOPT – 2013-2018 CAPITAL IMPROVEMENTS PROGRAM; ORDINANCE NO. 6961 – ADOPT – 2012 AMENDED BUDGET; AND ORDINANCE NO. 6962 – 2013 SALARIES, which carried 3-2 with Commissioners Matta and Butler voting against the item.

GENERAL AGENDA

FIRST READING - ANNEX AND REZONE - THE RESERVE ADDITION

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

Jerry Petty, Project Director, Grand Mere Development, provided clarification of the item and an overview of the homeowners association. He then responded to questions from the Commission.

Chuck Henderson, 2008 Somerset Square, asked for clarification of the hammerhead turnaround. He stated that it would be difficult to maneuver a school bus through.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - THE RESERVE ADDITION (CONTINUED)

After discussion, Commissioner Sherow moved to approve first reading of an ordinance annexing the proposed Reserve Addition, generally located west of the fourth and fifth fairways of Colbert Hills Golf Course, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and, approve first reading of an ordinance rezoning The Reserve Addition, from County Residential Planned Unit Development District, to R-S, Single-Family Residential Suburban District, based on the findings in the Staff Report (*See Attachment No. 1*). Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

ORDINANCE NO. 6956 - AMEND MANHATTAN ZONING REGULATIONS - MODIFY PROVISIONS FOR DRIVEWAYS LOCATED IN FRONT OF SINGLE-FAMILY AND TWO-FAMILY DWELLINGS

Commissioner Sherow moved to remove the item from the table. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from Commissioner Sherow about the possibility of the Planning Division contacting the older neighborhoods to see if there is an interest to create a Traditional Neighborhood Overlay (TNO).

After discussion and comments from the Commission, Commissioner Sherow moved to approve Ordinance No. 6956 amending the Manhattan Zoning Regulations, Article VII, Off-Street Parking and Loading, Section 7-102(C); and, Article XIV, Administration, Section 14-604, as proposed, based on the findings in the Staff Memorandum (*See Attachment No. 2*) and the recommendation of the Planning Board. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

RESOLUTION NO. 082112-E - SALES TAX RENEWAL POLICY

Lauren Palmer, Assistant City Manager, presented background information of the Roads and Jobs sales tax renewal; economic development initiatives; proposed sales tax proceeds and initiatives; traditional company incentives and projects; jobs created to-date; economic development funds and outside dollars leveraged; recruitment versus retention outcomes to-date; infrastructure projects; uses of the 2002 Roads and Jobs sales tax proceeds; property tax relief; and the projected Bond and Interest Fund mill levy forecast. She then responded to questions from the Commission and provided clarification of the item.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 082112-E - SALES TAX RENEWAL POLICY (CONTINUED)

Lyle Butler, President, Manhattan Area Chamber of Commerce, informed the Commission that the Chamber Board of Directors have reviewed the same materials that the Commission has reviewed and that after lengthy discussions, the Board of Directors is in unanimous support of what has been presented. He stated that there are opportunities for the community to benefit greatly from the sales tax renewal initiative. He requested that if this item moves forward, that the City and Riley County work together to promote this initiative for both roads and economic development.

Randy O'Boyle, ICE Corporation, 2700 Amherst Avenue, informed the Commission that his business has benefitted from the economic development fund and stated that his company has been recruited by other communities. He said this is a tool in the toolkit to keep Manhattan vibrant and supported the initiative.

Mayor Pepperd stated that he attended the Manhattan Area Chamber of Commerce Board of Directors meeting and that the proposal passed unanimously by the Chamber Board of Directors. He reiterated that this is a continuation of the existing sales tax and that the City has tried to meet the needs of every party involved to gain consensus. He encouraged the City, Riley County, and the Manhattan Area Chamber of Commerce to all work together on this initiative.

Commissioner Jankovich stated that there has been a lot of work and compromise in crafting this policy resolution. He highlighted previous economic development initiatives that have been successful. He then stated that we need to do the best we can to move the measure forward to November and to be judicious in the use of the funds.

Commissioner Butler stated that the resolution achieves the flexibility desired for this Commission and future Commissions. He highlighted portions of the policy resolution and said the initiative addresses concerns with the Bond and Interest Fund bubble, infrastructure, and economic development. He stated that there is probably something in there the public can vote against and also something in there the public can vote for, however, he wanted to take a positive approach for the community.

Commissioner Matta stated that the Commission is trying to come together on a compromise that the public can all live with, including a piece for economic development, infrastructure, and property tax relief. He voiced support for the proposed policy resolution.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 082112-E - SALES TAX RENEWAL POLICY (CONTINUED)

Commissioner Sherow voiced his opposition to the proposed policy resolution and expressed concerns that it was drafted too broadly. He stated that it would open the door to projects that did not specifically promote focused economic development and had hoped the policy would be more akin to the 2002 economic development strategies and create an emphasis on attracting innovative companies that provide good paying jobs. He also voiced concerns with the infrastructure projects and property tax relief portions as proposed.

After additional discussion and comments from the Commission, Commissioner Butler moved to approve Policy Resolution No. 082112-E to establish the guidelines that will govern expending the City's share of proceeds from the 2012 Riley County Sales Tax Renewal; and direct City Administration to develop an education program regarding the City's portion of the ballot question. Commissioner Matta seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Sherow voting against the motion.

ADJOURNMENT

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



Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

The proposed The Reserve Addition consists of Tract I, a proposed extension of Players Terrace, and Tract II, a very low density single-family residential development to be developed into phases, unless market demand dictates otherwise, consisting of seven residential lots and one tract of undevelopable land for access to the southern part of the subdivision.

THE PRESENT ZONING DISTRICT CLASSIFICATION OF TRACT I AND TRACT II IS: County R-PUD, Residential Planned Unit Development District.

THE PROPOSED ZONING DISTRICT CLASSIFICATION OF TRACT I AND TRACT II IS: R-S, Single-Family Residential Suburban District.

APPLICANT/OWNER: Grand Mere Development - Mary Vanier.

ADDRESS: 2021 Vanesta Place, Suite A, Manhattan, KS 66503.

LOCATIONS:

Tract I is generally located west of the intersection of Player's Terrace and Bellerive Drive.

Tract II is generally located west of the Colbert Hills Golf Course and Grand Mere Parkway.

AREAS:

Tract I is 0.77 acres in area.

Tract II is approximately 56 acres (55.67 acres) in area.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, August 6, 2012.
CITY COMMISSION: Tuesday, August 21, 2012.

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Tract I is open native grass land north of Bellerive Addition and adjoins multiple-family construction in Bellerive development. Tract I is intended for extension of public street access to Tract II and future development to the north in Grand Mere.

Tract II is pasture land, which is hayed annually. The future use of the land is for single-family residential development in Grand Mere, a Master Planned Golf Course community.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Tract I is gently sloped and drains to the west. Tract II's physical and environmental characteristics are that it is open pasture with native grass cover on the flatter portions and heavily wooded steeply sloped ravines, at up to a 30 percent grade. Tract II is triangular shaped and bounded on the east and north by the Colbert Hills Golf Course. Open range land and pasture in Riley County adjoins the south and west sides of Tract II, which drains to the west and south eventually to Wildcat Creek.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Colbert Hills Golf Course and Riley County range land; R-S District and County G-1, General Agriculture District.

SOUTH: Riley County range land: G-1 District.

EAST: Colbert Hills Golf Course and developing multiple-family and two-family Bellerive Addition; R-S District and R-3, Multiple-Family Residential District, and R-2, Two-Family Residential District.

WEST: Riley County range land: G-1 District.

4. GENERAL NEIGHBORHOOD CHARACTER: Tract I will abut the northernmost multiple-family portion of Bellerive Addition, on which an apartment building will be built. Tract I will extend to the eastern edge of the Colbert Hills Golf Course. Tract II is at the western boundary of the City. The general character of the neighborhood is a mix of golf course and a developing multiple-family and two-family density residential neighborhood within a comprehensively planned neighborhood in the City.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Tracts I and II were rezoned to their current zoning district, County R-PUD, in 1997. At that time, the developer of the golf course wanted assurance that when the golf course was annexed that a zoning district, specifically the County R-PUD for the golf course was attached rather than a general agricultural classification. The rezoning was done primarily for the benefit of the golf course development. The County R-PUD was not intended to develop under the PUD classification. Additionally, the County R-PUD predated the Grand Mere Master Plan and Comprehensive Plan, which currently recommends apartments on a larger site in which Tract I is located and low to medium density residential on Tract II; however, Tract I is only intended to develop as right-of-way but will allow for future access to the north. Development in Grand Mere is progressing to ensure attractive and orderly neighborhoods in response to changing market demand. Tract I and II are suitable for the proposed rezoning to R-S District and implements the more detailed policies of the Grand Mere community.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning to R-S District is compatible with the surrounding neighborhood with seven proposed large residential lots ranging in size from approximately 3.35 acres to 14.05 acres. The proposed rezoning is remote and separated from other residential development in Grand Mere by the golf course, and from low density residential homes in Riley County by terrain and distance. Access to the site is proposed off the west side of Grand Mere Parkway from intersections, which were planned, designed and constructed to be consistent Grand Mere's Master Plan.

A minimal increase in light, noise and traffic can be expected, with minimal impact on the surrounding area due the limited number of residential lots in The Reserve.

To ensure compatibility within Grand Mere, architectural guidelines and design standards provide for building review and approval. A design review committee is responsible for enforcement of guidelines and standards (*see below III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY below in Grand Mere Master Plan*). The guidelines and standards are private and are not part of the rezoning. The policy statements are mentioned because they are part of the Grand Mere Master Plan policies.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

MANHATTAN URBAN AREA COMPREHENSIVE PLAN

The Reserve is shown on the Future Land Use Map in the northwest planning area as Residential Low/Medium Density, RLM. Applicable RLM Policies (*in italics*) of the Comprehensive Plan Include:

Residential Low/Medium Density (RLM)

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

Grand Mere Community Master Plan

The Grand Mere Community Master Plan was originally adopted in April 2000 and is included as a specific Land Use Element of the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the entirety of Grand Mere, which notes Tract I as Apartments #2, and Tract II as Single Family # 2, 16.5 acres, and Single Family #3, 20.3 acres, see below under Residential Types for the RLM description.

Applicable policies (*in italics*) for Grand Mere, a Master Planned Golf Course Community include:

Grand Mere, a Master Planned Golf Course Community

PROJECT INTENT

The overall Land Use Amendment is intended to create a community designed within a park. By responding to the natural terrain, preserving natural corridors, protecting the slopes and riparian environment, a harmonious relationship with the land can be created for the community.

Grand Mere is envisioned as an upscale residential community, with the University's Colbert Hills Golf Course and preserved open space interwoven throughout the development. The community is made up of individual neighborhoods defined by open space features, topography, connection to the Grand Mere Parkway, and the golf course. A strong joint effort has integrated the golf course design (Colbert Hills) and the overall community design (Grand Mere Development). The interconnectivity of automobile circulation, pedestrian/bicycles, and open space, as well as residential neighborhood placement and overall community utility location, has created a well integrated community with both future residences and community recreation as the main focus. Flexibility is built into the land use plan to allow the development to respond to market demand.

Specific types of residential product may subtly change in the future due to market demand as the development pattern becomes clearer and as the community matures. The community will offer a high level of design quality, architectural variety, and a wide range of housing types to address the potential markets appropriate for an upscale development.

5 KEY DESIGN CONCEPTS

1. Create a high quality residential community

Create a community of villages, residential neighborhoods, and neighborhood commercial areas centered along the projects' spine, Grand Mere Parkway. Through the use of architectural design guidelines and development reviews the quality of building construction will be maintained at the highest level.

2. Integrate the Natural Environment

Preserve the natural slopes and open space features. Provide a visual connection to the natural beauty of the development: the golf course in the valleys, the long vistas/views, and the prairie environment.

3. Offer a Variety of Residential Living

Offer a wide range of residential products and lot types to address the market demands of the well informed and upscale consumer. An integrated community of many housing types will help to provide an interesting streetscape, a quality neighborhood texture, and a sustainable development.

4. Create a Pedestrian/Bicycle System

*Provide pedestrian/bicycle connections throughout the development, following the Grand Mere Parkway, open space corridors and the linear park connections provided as part of the Master Plan along Little Kitten Creek and the continuation of the Hudson trail.
Grand Mere Community Overall Development Plan*

III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY

Grand Mere is proposed as a Master Planned Community consisting of a wide range of residential housing types and densities and will be utilizing both Planned Unit Development and Conventional Zoning Development standards based on specific sites and development types.

The overall Grand Mere Project consists of 1,054 (estimated) acres, including the Colbert Hills Golf Course. Rather than dispersing development throughout the entire property, the project purposes to “concentrate” neighborhood development within residential and commercial villages on approximately 543 acres preserving almost 50% of the land as natural open space or golf course. This concept, while proposing a variety of home types and densities, provides large natural open spaces, golf course amenity for the general public, and peripheral residential villages as large lot or low density residential products that create an overall density (1.5 du/ac) for the site, consistent with the surrounding neighborhoods. All housing types shall belong to the Master Homes Association, which will be responsible for enforcing the covenants and restrictions, and maintaining the common grounds.

Within the community, residential neighborhoods are supported by neighborhood commercial services, which provide a focus and entry element for the development. These neighborhood office and retail villages are envisioned as community services located at the development entries along the Little Kitten Creek entry and Kimball Ave. and the future northern entry on Marlatt.

Attachment No. 1

Throughout the plan, connecting open space systems, sidewalks and bike trails provide pedestrian connections between residential neighborhoods, public amenities and the neighborhood services. These are planned connections to occur in a variety of types and locations. As each phase of development is planned in detail, the specific pedestrian connections will be part of each village plat and relate back to the overall Circulation Parks & Open Space Plan.

Grand Mere Community Architectural Guidelines and Design Standards will provide for the review and approval of all site and building plans for the Grand Mere property. The Design Review Committee of Grand Mere will be responsible for enforcement of these guidelines and standards. The Developer believes that careful planning and enforcement of design and development standards will ensure orderly, attractive, and lasting development, all of which will preserve and enhance the value of the community.

A. Residential Neighborhoods

The planning concept proposes a wide range of residential uses, with densities ranging from 1 to 20 dwelling units per acre (du/ac) within individual parcels. Generally, individual neighborhoods are envisioned as small enclaves in order to promote a mix of different product types, create intimate neighborhoods, and to build a strong community image from the project's onset. The key to a sustainable successful development is quality design and construction, and a variety of housing price points to attract a wide spectrum of residential consumers. Higher density residential, as well as small lot single-family opportunities are integrated into the community along Grand Mere Parkway, rather than isolated or located along the site's edges. While building a stronger new community, this concept also reduces impact on existing adjacent neighborhoods by focusing the traffic and circulation internally.

Residential Types: The majority of The Reserve, Tract II, is designated Single Family # 2 and #3, Single Family (RLM), in the Grand Mere Plan Tract I is noted for Apartments and is not described below as it is for right-of-way only. RLM is described as:

The 273.4 acres of single family proposed for grand Mere represents 50% of the total proposed residential acreage. The detached single family products will range in size and density. The village of single family will be developed as parcels and each will be controlled to maximize views, walkouts, and architectural design quality. The Grand Mere Architectural Review Committee will provide design review of the homes and general site development guidance. Each single family village will be signed and themed as a unique part to the overall Grand Mere development and developed as the market demands. Each parcel will provide internal open space, storm drainage controls, and pedestrian linkages

between the villages in addition to the designated Grand Mere Circulation Park & Open Space Plan.

C. Streets and Circulation System

Residential streets within Grand Mere are envisioned as a key element of “neighborhood quality,” offering a place to walk and play, as well as to drive and park. The streetscape in and along the roads will reflect the quality of the community through the use of signage monumentation and landscaping depending on the location and natural conditions of the space providing strong visual “cues” to better orient drivers to their locations and destinations.

When utilizing the approved Manhattan street system standards the hierarchy, street-widths, design speeds, and travel/parking lanes are consistent and will not compromise auto on-street parking, or bike and pedestrian access. The street layout will frame important views and vistas, including buildings, golf course, and natural features. On-street parking is available on all local streets.

The Master Planned Community will be accessed from Kimball Avenue and Marlatt Avenue. Additional access points into the Community from surrounding residential streets are shown on the Master Plan.

D. Pedestrian and Bicycle Circulation System

Connectivity with the City of Manhattan Linear Park Master Plan is our main focus for the overall trails system. A comprehensive pedestrian and bicycle system is proposed for the community to provide access to individual neighborhoods, the Club Facility and Hotel site, commercial services, and open space amenities~ Elements include both off-street and on street bike paths, natural unimproved trails, and a 17.2 acre linear park along Little Kitten Creek. An easement shall be provided for the extension of the Hudson trail northward, along the east property line to northeast corner section 3-10-7. All trail/path systems will be site- specifically designed at the time of construction. Each will be reviewed on a site-by-site basis to ensure sensitive placement and minimum disturbance. This will be coordinated with the Park & Recreation Board and the Parks and Recreation Department.

G. Golf Course Development

The Grand Mere development drainage and detention system shall be designed to work in concert with the golf course drainage and detention system. The course was designed to meet the environmental goals of the Audubon International Signature Status Program.

Bike Paths, Trails and Sidewalks

Bike paths, trails and sidewalks are provided along the internal streets and open spaces to provide internal connections between the villages where possible. See the Circulation Parks & Open Space Plan

M. Current School District Boundaries

The school district boundary between Manhattan U.S.D. 383 and Riley County U.S.D. 378 divides Grand Mere into east and west jurisdictions crossing the property beginning at the S.W. Corner of Section 3-10-7 and continuing north to the N.W. Corner of Section 3-10-7.

The density in The Reserve is 0.13 dwelling units per net acre. The Comprehensive Plan suggests less than one to eleven dwelling units per net acre is appropriate in the RLM category and the Grand Mere Plan suggests a range of 1-20 dwelling units per acre in individual parcels and an overall density in all of Grand Mere of 1.5 units per acre.

THE PROPOSED REZONING OF THE RESERVE CONFORMS TO THE POLICIES OF Grand Mere, a Master Planned Golf Course Community, and the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

August 7, 1997	Riley County Commission approved Preliminary Development Plan of Colbert Hills and the Wildcat PUD.
August 14, 1997	Riley County Commission approved Final Development Plan.
February 7, 2000	Planning Board approves resolution adopting Grand Mere Community Master Plan and amendment of Comprehensive Land Use Plan.
March 7, 2000	City Commission approved first reading of an ordinance adopting the Grand Mere Community Master Plan.
April 2003	Comprehensive Plan adopted. Grand Mere Community Master Plan adopted as a related plan and implementation document.

Tracts I and II have remained vacant to date.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Manhattan 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 rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations and R-S District because proposed lot sizes conform to the minimum requirements of the R-S District, which is designed to provide for single-family dwellings, and compatible uses, at a density no greater than one dwelling unit per 20,000 square feet. The proposed R-S District consists of seven lots, which range from approximately 3.35 acres to 14.05 acres in area. All lots and common area tract, Tract A, conform to the requirements of the R-S District. Tract A is common area to be owned and maintained by the Home Association and is for access purposes to the southern part of the development

Tract I is for right-of-way for access to Tract II.

- 10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. No expected adverse affects on the public health, safety and welfare are expected as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.
- 11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available.
- 12. OTHER APPLICABLE FACTORS:** None.
- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of The Reserve Addition from County R-PUD, Residential Planned Unit Development District, to R-S, Single-Family Residential Suburban District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the proposed rezoning of The Reserve from County R-PUD, Residential Planned Unit Development District, to R-S, Single-Family Residential Suburban District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of The Reserve from County R-PUD, Residential Planned Unit Development District, to R-S, Single-Family Residential Suburban District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner.

DATE: July 30, 2012.



INTER-OFFICE MEMORANDUM

DATE: May 25, 2012

TO: Manhattan Urban Area Planning Board

MEETING DATE: June 4, 2012

FROM: Chad Bunger, AICP, CFM, Planner II

RE: Amend Manhattan Zoning Regulations to Modify Provisions for Driveways Located in Front of Single-Family and Two-Family Dwellings

BACKGROUND

Article VII of the Manhattan's Zoning Regulations addresses driveways, parking lots, off-street parking and loading requirements for all properties within the City. Section 7-102(C) currently restricts the amount of paving in the front yard area for residential properties in residential districts by requiring that at least seventy-five percent (75%) of the area between the front property line and a line parallel to the front lot line drawn through a point which is on the side of the house furthest from the front lot line, yet still facing the front lot line, is maintained as landscaped open space. Residential structures containing no more than two (2) dwellings can have a driveway that exceeds this minimum landscape area as long as the driveway is no wider than twenty-four (24) feet, nor larger than 960 square feet in area.

The intent of Section 7-102(C) is to limit the amount of driveway paving located between the street and a residential structure, no matter if it's a single-family, two-family, or multiple-family structure, in order to maintain a minimum area of landscaped open space and to prevent the front yard area from becoming an off-street parking lot.

While the regulation applies city-wide, except for properties in the TNO, Traditional Neighborhood Overlay, M-FRO, Multi-Family Redevelopment Overlay Districts, and PUD, Planned Unit Development Districts, the original purpose of the regulation was to address areas in the older Ward Districts that were being converted from owner occupied

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single-family dwellings, to single-family rental units, two-family and multiple-family apartments and replacing landscaped front yards with off-street parking lots. The current language of the regulations reflects the typical residential home on a residential lot in the older Ward Districts; which have consistent front yard setbacks along a street, have few if any changes in the front façade depths of the house and with parking typically being located to the side or in the rear yard off of a public alley.

Since the mid 1980's, when this specific section was adopted; building designs, subdivision designs and home owner's expectations of single-family and two-family homes have substantially changed compared to the older homes in the Ward Districts and other older subdivisions, which was the emphasis of the existing regulations. Newer homes tend to have varying front façade depths, two or three-car wide attached garages facing the street, or being side-loaded, and driveways that are sometimes wider than the attached garage to accommodate an additional vehicle, RV trailers, boats, etc. Modern subdivisions are not designed with public alleys to the rear of lots to provide garage access. The current regulations can make it difficult to provide a driveway to a single-family home with a three-car wide garage in a new residential subdivision, and on cul-de-sacs, unless the lot is very large and the 75% landscape open space requirement can be met.

To vary from the current provisions of Section 7-102 (C), a Variance request is required to be approved by the Board of Zoning Appeals. In recent years, the Board of Zoning Appeals has considered and approved a number of requests to increase the maximum width of a paved driveway and to decrease the required minimum amount of landscaped open space in front of the house for unique or extreme driveway proposals.

Several citizens, developers, and members of the Board of Zoning Appeals have suggested that the regulation needs to be revised to provide more flexibility to address the changing trends in homes and driveways that are built today.

City Administration has been working on proposed revisions to Article VII, Off-Street Parking and Loading and Article XIV, Administration, that reflect current trends of driveway designs for single-family and two-family developments. The Manhattan Urban Area Planning Board held four (4) work sessions on the topic to discuss the issue, and review various options. City Administration also held an informational meeting with the Flint Hills Area Builders Association on February 28, 2012, to discuss the issue and get input and suggestions on draft revisions. At the March 5, 2012 Planning Board work session, City Administration presented proposed amendments of Section 7-102(C) and Section 14-604 for its review. The Planning Board reviewed these proposals, made comments and suggestions and requested a formal public hearing be held to begin the Zoning Regulation amendment process.

Proposed Amendments for Driveways Located in Front of Single-family and Two-Family Dwellings

The proposed amendments include the following:

1. Modify Article VII, Off-Street Parking Loading, Section 7-102(C) to change how driveways in front of single-family and two-family dwellings are regulated, and;
2. Add to the list of authorized Exceptions in Article VIX, Section 14-604 to include any of the front yard restrictions in Article VII Off-Street Parking and Loading, Section 7-102 (C) (2) – (4) pertaining to driveways, parking and landscaping in front of single-family and two-family dwellings.

Article VII – Front Yard Driveways

The proposed amendments to Section 7-102(C) represent significant changes to the regulations for driveways of residential dwellings containing no more than two-dwelling units.

Front-loaded Garages. Permitted driveway widths are determined by the number of vehicles bays in an attached garage or carport. All residential dwellings containing no more than two-dwelling units are allowed at least a twenty-four (24) foot wide driveway, (i.e. houses with no garage/carport, one-car wide, or two-car wide garage/carports). Any rear-loaded attached garage/carports, or any detached garages/carports, regardless of their width may have a 24 foot wide driveway in front of the house. If an attached front-loaded garage or carport has three (3) garage bays, the maximum driveway width is thirty-six (36) feet. The proposed amendments limit the width, but not the maximum area of a driveway for a single-family or two-family dwelling.

Side-loaded Garages and Circle Drives. The proposed amendments establish driveway widths for side-loaded garages, and establish provisions for construction of circle driveways for single-family houses.

A driveway can exceed the proposed maximum width standards if at least seventy-five percent (75%) of the area between the front property line and a line parallel to the front lot line drawn through a point which is on the side of the house furthest from the front lot line, yet still facing the front lot line, excluding the principal structure, is maintained as open landscape area.

Article XIV - Exceptions

The proposed amendment to Article XIV, allows a property owner to apply for an Exception with the Board of Zoning Appeals (BZA), instead of the current requirement to apply for a Variance, to allow a driveway wider than the proposed width standards and to decrease the minimum required front yard landscape area, as described above. The

standards used by the BZA to consider Exceptions are less stringent and easier to meet compared to the standards for Variances. Exception standards primarily focus on impacts on adjacent properties and the general public, and if strict application of the regulation is unreasonable. The proposed amendment to Article XIV, Section 14-604 adds any of the front yard restrictions in Section 7-102(C) pertaining to driveways, parking and landscaping in front of single-family and two-family dwellings to the list of authorized Exceptions.

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 four standards:

Whether Such Change Is Consistent With The Intent And Purpose Of The Zoning Regulations

The intent of the Manhattan Zoning Regulations is to protect the public health, safety and general welfare and to protect property values. The current regulations were adopted to prevent single-family homes in the Ward Districts and homes that were being converted to two-family and multiple-family dwellings from having the front yards converted to off-street parking lots. The regulations apply City wide, with the exception of the TNO, Traditional Neighborhood Overlay District, M-FRO, Multi-Family Redevelopment Overlay District, and PUD, Planned Unit Development Districts. The current regulations were not envisioned for today's housing trends, with multiple car attached garages, varying front façade depths, extra driveway areas for additional cars and trailers, and modern subdivisions.

For various reasons, several homes have been constructed with driveways that do not conform to the current requirements of Section 7-102(C). It is apparent that these driveways have not adversely impacted the public health, safety or general welfare or impacted property values, and reflect the changing expectations of home owners. In addition, the Board of Zoning Appeals has approved the majority of the variance requests from the current regulations, to increase driveway pavement area and/or widths and reduce front yard landscaped open space.

The proposed amendments are consistent with the intent and purpose of the Manhattan Zoning Regulations and are envisioned to bring a majority of these existing driveways into conformance with the Zoning Regulations and respond to single-family and two-family housing trends for future residential developments.

Areas Which Are Most Likely To Be Directly Affected By Such Change And In What Way They Will Be Affected

The proposed amendments to Article VII and XIV would apply equally throughout the City to all single-family, single-family attached and two-family dwellings, except those zoned PUD - Planned Unit Development, TNO - Traditional Neighborhood Overlay District, and M-FRO - Multiple-Family Redevelopment Overlay District. The PUD, TNO, and M-FRO Districts have separate provisions that address the width and location of driveways associated with residential uses and the required amount of landscaped open space in front of residential structures.

City Administration carefully considered the impacts that these proposed amendments may have on residential areas around the City that are in transition from primarily owner-occupied housing, to rental housing. The proposed amendments are designed to address changing expectations with home designs and construction standards found in many newer residential developments, while maintaining the front yard landscaped open space in older and transitional residential neighborhoods that typically have smaller lots.

The proposed amendments are similar to the current regulations in that the definition of the front yard area remains unchanged. Also, Single-family and Two-family dwellings with no garage, or having a front-loaded one-car attached garage or two-car attached garage, are permitted to have at least a twenty-four (24) foot wide driveway, which is identical to the existing regulations. The amendments add more flexibility in layout and design of driveways by controlling widths, but not the total area of front yard driveways. The amendments also provide standards to address the newer side-loaded garages, as well as establish minimum standards for circle drives (*see proposed Section 7-102(C)(3) and (4)*).

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 current requirements for driveways for residential uses in residential districts were adopted in the mid 1980's. The regulations were created to address the loss of landscaped front yards associated with single-family and two-family homes in the older neighborhoods that were being converted to rental units and/or multiple-family structures and for new apartment buildings in which parking lots were being constructed in the front yard area. These residential areas were primarily built in the 1920's – 1960's and generally have similar site design characteristics, such as small lots, the presence of alleys and off-street parking in the rear yard, or narrow driveways off the street leading to

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attached or detached garages, and homes with simpler and less variation in the front façade depth. Although the intended purpose was focused on addressing driveways, parking lots and loss of green space in the older neighborhoods with smaller lots, the regulation applies throughout the City.

The current regulations did not anticipate the current trends in single-family and two-family developments in newer, larger lot areas. Homes in these areas typically have front or side-loaded attached garages, many with three-bays, driveways wider than the garage to accommodate additional vehicles and/or trailers, no alleys and no parking in the rear yard, and architectural styles having more depth changes in the front façade. These current design trends generally do not easily conform to the requirements of the current regulations in Article VII.

The proposed amendments to Article VII and XIV are necessary due to the changing trends in the design homes in newer subdivisions with generally larger lots and the change in buyer expectations. The proposed amendments are designed to bring some existing driveways for single-family, single-family attached and two-family dwellings into conformance and accommodate the changing trends in new developments, while ensuring that houses in smaller lot areas, transitioning from owner-occupied to rental units, do not replace the front yard landscape areas with an excessive amount of paving. In addition, the amendments will help reduce the number of cases that would need to go to the Board of Zoning Appeals, and for cases that do go before the BZA, the less stringent review standards for Exceptions will apply, instead of the Variance standards.

Whether Such Change Is Consistent With The Intent And Purpose Of The Policies And Goals As Outlined In The Adopted Comprehensive Plan Of The City

The Zoning Regulations implement the Comprehensive Plan, its goals, objectives, and policies. The Comprehensive Plan is more general in nature and does not specify administrative site planning and construction details such as those addressed by the proposed amendments. However, the proposed amendments ensure that the general policies in the Comprehensive Plan are implemented consistent with legal requirements.

ALTERNATIVES

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

1. Recommend approval of the proposed amendments 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 and/or continue the public hearing to a specific date, and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends approval of the proposed amendments of the Manhattan Zoning Regulations, Article VII, Off-Street Parking and Loading, Section 7-102(C) to establish new driveway standards for residential structures with no more than two (2) dwelling units; and to Article XIV, Administration, Section 14-604, to add the front yard restrictions in Section 7-102(C), pertaining to driveways, parking and landscaping in front of single-family and two-family dwellings to the list of authorized Exceptions.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board recommends approval of the amendment to the Manhattan Zoning Regulations to Article VII, Off-Street Parking and Loading, Section 7-102(C) to establish new driveway width standards for residential structures with no more than two (2) dwelling units; and, to Article XIV, Administration, Section 14-604, to add the front yard restrictions in Section 7-102(C) (2) – (4) to the list of authorized Exceptions, based on the findings in the Staff Memorandum.

CB
12054}MUAPB}AmendDrivewayRegulations

Attachment:

1. Proposed Amendments to Article VII and Article XIV