

MINUTES
CITY COMMISSION MEETING
TUESDAY, MAY 3, 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 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, 8 staff, and approximately 40 interested citizens.

PLEDGE OF ALLEGIANCE

U12 Lady Cats Purple and White Teams, Flint Hills Soccer Club, led the Commission in the Pledge of Allegiance.

RECOGNITIONS

Mayor Klimek recognized Coach Abdu Durar and the U12 Lady Cats Purple and White Teams, Flint Hills Soccer Club.

PROCLAMATIONS

Mayor Klimek proclaimed May 8-14, 2005, ***Hospital Week***. Steve Hodges, Vice President of Human Resources, Mercy Regional Health Center, was present to receive the proclamation.

Mayor Klimek proclaimed May 6-12, 2005, ***National Nurses Week***. Myrna Bartels, Health Occupation Coordinator, and Jerlynn Czapanskiy, Nursing Student, Manhattan Area Technical College, were present to receive the proclamation.

Mayor Klimek proclaimed May 7, 2005, ***Poppy Day***. Lorene Oppy, President, American Legion Auxiliary, and Paige Zafran, Poppy Girl, were present to receive the proclamation.

PROCLAMATIONS (CONTINUED)

Mayor Klimek proclaimed May 14, 2005, *National Letter Carrier Food Drive Day*. Fred Stork, Food Drive Coordinator, National Letter Carriers Association, was present to receive the proclamation.

Mayor Klimek proclaimed May 15-21-2005, *National Public Works Week*. Jeff Hancock, Director of Public Works, was present to receive the proclamation.

PUBLIC COMMENTS

Mayor Klimek opened the public comments.

Hearing no comments, Mayor Klimek closed the public comments.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, April 19, 2005.

CLAIMS REGISTER NO. 2528

The Commission approved Claims Register No. 2528 authorizing and approving the payment of claims from April 13, 2005, to April 26, 2005, in the amount of \$1,634,437.98.

LICENSES- TREE MAINTENANCE AND FIREWORKS DISPLAY

The Commission approved applications for Tree Maintenance License for Paul's Tree Service, Inc., St. Marys, Kansas, for calendar year 2005, and Fireworks Display applications for June 4, 2005, at City Park, and June 16, 2005, at CiCo Park.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6470 – REZONE – ST. ISIDORE CATHOLIC STUDENT CENTER

The Commission approved Ordinance No. 6470 rezoning St. Isidore Catholic Student Center, generally located on the northwest corner of Denison and Anderson Avenues, from R-3, Multiple-Family Residential District with UO, University Overlay District, to PUD, 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. 1)*

ORDINANCE NO. 6471 – ANNEX – PRAIRIE LAKES DEVELOPMENT

The Commission approved Ordinance No. 6471 annexing a 70-acre tract of land for the proposed Prairie Lakes development, generally located north of the Butterfield neighborhood and south of Eisenhower Middle School and Football-Baseball Complex, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

ORDINANCE NO. 6472 – REZONE – PRAIRIE LAKES DEVELOPMENT

The Commission approved Ordinance No. 6472 rezoning Prairie Lakes from County G-1, General Agricultural District, and PDD, Planned Development District, to R-2, Single-Family Residential District on approximately 51-acres of the site; based on the findings in the Staff Report. *(See Attachment No. 2)*

ORDINANCE NO. 6473 – REZONE – PRAIRIE LAKES DEVELOPMENT

The Commission approved Ordinance No. 6473 rezoning from County G-1, General Agricultural District, to R-3, Multiple-Family Residential District, on an approximate 21-acre portion of the site, based on the findings in the Staff Report. *(See Attachment No. 3)*

RESOLUTION NO. 050305-A – INCREASE – TAXI CAB RATES

The Commission approved Resolution No. 050305-A increasing the current taxi rates.

CHANGE ORDER NO. 1-FINAL – OAK HOLLOW ADDITION, UNIT 9 – STORM DRAINAGE IMPROVEMENTS (SM0403)

The Commission approved Change Order No.1-Final for Oak Hollow Addition, Unit 9, Storm Drainage Improvements (SM0403) resulting in a net decrease in the amount of \$1,960.00 (-8.2%) to the contract with Manhattan Trenching Inc., of Manhattan, Kansas.

CONSENT AGENDA (CONTINUED)

CHANGE ORDER NO. 1-FINAL – OAK HOLLOW ADDITION, UNIT 9 – STREET IMPROVEMENTS (ST0404)

The Commission approved Change Order No. 1- Final for Oak Hollow Addition, Unit 9, Street Improvements (ST0404) resulting in a net decrease in the amount of \$3,244.50 (-2.7%) to the contract with Manhattan Trenching Inc., of Manhattan, Kansas.

CHANGE ORDER NO. 1-FINAL – LINCOLN DRIVE WATER MAIN REPLACEMENT (WA0410)

The Commission approved Change Order No.1-Final for Lincoln Drive Water Main Replacement (WA0410) resulting in a net decrease in the amount of \$151.40 (-0.09%) to the contract with Larson Construction Company, of Manhattan, Kansas.

CHANGE ORDER NO. 1-FINAL – 900 BLOCK ALLEY SOUTH OF LEAVENWORTH STREET (ST0406)

The Commission approved Change Order No.1-Final for 900 Block Alley South of Leavenworth Street (ST0406) resulting in a net increase in the amount of \$608.55 (2.1%) to the contract with Larson Construction Company, of Manhattan, Kansas.

AWARD CONTRACT – SUNSET ZOO MAINTENANCE BUILDING ADDITION PROJECT (PR509P)

The Commission accepted the bids and awarded a contract to D. J. Carpenter Building Systems, of Manhattan, Kansas, in the amount of \$24,873.00 for the Sunset Zoo Maintenance Building Addition project (PR509P).

2004 ENGAGEMENT LETTER – AUDIT SERVICES – BERBERICH TRAHAN AND COMPANY

The Commission authorized the Mayor and City Clerk to sign the 2004 engagement letter for auditing services with the firm of Berberich Trahan and Company, of Topeka, Kansas.

BOARD APPOINTMENTS

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

Code Appeals Board

Re-appointment of Don Benninga, 2823 Oregon Lane, to a three-year Master Electrician term. Mr. Benninga's term will begin June 1, 2005, and will expire May 31, 2008.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Code Appeals Board (CONTINUED)

Re-appointment of Steve Kirby, 11380 Highway 24, St. George, to a three-year Journeyman Plumber term. Mr. Kirby's term will begin June 1, 2005, and will expire May 31, 2008.

Re-appointment of Warren Martin, 1906 Hayes Drive, to a three-year Journeyman Mechanic term. Mr. Martin's term will begin June 1, 2005, and will expire May 31, 2008.

Downtown Business Improvement District Advisory Board

Appointment of Mike Danenberg, 2901 Nevada, to fill the unexpired term of Brian Waddell. Mr. Danenberg's term begins immediately and will expire December 31, 2005.

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

GENERAL AGENDA

DEVELOPMENT AGREEMENT - BROOKFIELD ADDITION, UNITS 5 & 7

Jeff Hancock, Director of Public Works, presented the item. He then answered questions from the Commission.

Ron Fehr, City Manager, provided clarification on the item and answered questions from the Commission.

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

After discussion, Commissioner Phillips moved to authorize the Mayor and City Clerk to execute the proposed Development Agreement with SSF Development LLC, of Manhattan, Kansas; and, authorize the Mayor to execute the Petition, on behalf of the City, for the Phase I Street Project, described in the Agreement. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

FIRST READING – IMPLEMENT - SPECIAL QUARTER-CENT SALES TAX FOR THE MANHATTAN-OGDEN SCHOOL DISTRICT

Diane Stoddard, Deputy City Manager, presented the item.

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance implementing a special quarter-cent sales tax to benefit U.S.D. 383 in accordance with the results of the April 5, 2005, election. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

COMMUNITY NEEDS ASSESSMENT - REQUEST FOR PROPOSALS

TerryDeWeese, Director of Parks and Recreation, introduced the item.

Bruce McMillan, Chair, Community Needs Assessment Task Force and Parks and Recreation Advisory Board, provided additional information on the item regarding the request for proposals. He then answered questions from the Commission.

Ron Fehr, City Manager, provided additional information on the selection committee and process.

Bruce McMillan, Chair, Community Needs Assessment Task Force and Parks and Recreation Advisory Board, answered additional questions from the Commission.

Ron Fehr, City Manager, provided clarification on the item and answered questions from the Commission.

After discussion, Commissioner Snead moved to approve the 1) *Request for Proposals* for the Zoo Education facility and 2) *Request for Proposals* on the site analysis; preliminary conceptual design, time table and cost estimates on an Indoor Facility; preliminary conceptual design alternatives on three outdoor pools; and developing a master plan for City Park. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

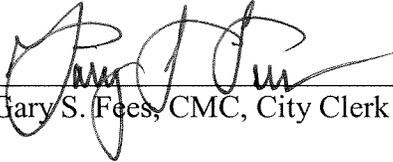
At 8:15 p.m., Commissioner Snead moved to recess into Executive Session until 8:50 p.m. for the purpose of discussing matters related to employer-employee negotiations with Local 2275, International Association of Fire Fighters, the union representing certain members of the Manhattan Fire Department. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

At 8:52 p.m., the Commission reconvened with Mayor Klimek and Commissioners Snead, Phillips, Hatesohl, and Morris-Hardeman in attendance.

ADJOURNMENT

Commissioner Snead moved to adjourn the meeting. Commissioner Phillips seconded the motion. Motion carried unanimously.

At 8:53 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: R-3, Multiple-Family Residential District, and UO, University Overlay District.

TO: PUD, Planned Unit Development District.

OWNER/APPLICANT: Roman Catholic Diocese of Salina Kansas.

ADDRESS: P. O. Box 980, Salina, KS 67402-0980.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, March 14, 2005.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 4, 2005.

CITY COMMISSION: Tuesday, April 19, 2005.

LOCATION: Generally on the northwest corner of Denison Avenue and Anderson Avenue, more specifically, 711 Denison Avenue and 1822 Anderson Avenue.

AREA: An unplatted tract of land containing approximately 1.5 acres.

PROPOSED USES: The proposed use is St. Isidore's Catholic Student Center, which will consist of the construction of a new chapel and the remodeling of the interior and exterior of the existing student center building.

The intent of the PUD is to address a growing student and community population attending services and activities at the center. The existing building was constructed in 1961 and five (5) worship services are required to meet the number of attendees on Saturday and Sunday (attendance is 2,000-2,500 during the school year and 1,200-1,500 during breaks and summer months). A limited number of staff provide for an increasing population. The proposed chapel is needed for current and future congregations. The interior and exterior changes to the existing building are a modernization of the facilities.

PROPOSED BUILDINGS AND STRUCTURES:

Attachment No. 1

Phase 1: construction of the new chapel and removal of the residential building, attached carport and relocation of the cooling tower and paving, walks and courtyards shown on the plan. Landscaping associated with the chapel will be installed with Phase 1.

Building materials consist of stone and brick, with standing seam metal roof. Building height is approximately 33-feet, and approximately 64-feet to the peak of the tower/cross. The Zoning Regulations exempt steeples and bell towers from the height requirements.

Phase 2: remodeling of the interior and exterior of the existing student center and landscaping adjacent to the existing building. The existing building is constructed of stone and is approximately 32-feet in height.

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Acres/Square Feet (sf)</u>	<u>Percentage</u>
Buildings	24,925 sf	37.6%
Driveways/Parking Areas	6,500 sf	9.8%
Open space/Landscaping	34,807 sf	52.6%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Existing ground/bulletin board	Approx. 5 ft. by 3 ft .6 in.	unlit
Existing wall sign	Approx. 4 ft by 2 ft	unlit

The ground sign is located at the Anderson Avenue and Denison Avenue intersection. The wall sign is over the doorway, which is generally on the northeast corner of the student center building. Exempt signs such as address numerals, directional signs temporary construction signs, and other similar signs will be allowed.

PROPOSED LIGHTING: An extensive lighting plan is proposed with the majority of lighting between the existing building and the chapel. Lighting is generally characterized as pedestrian and residential in scale. Parking lighting in the area of the driving aisle is fourteen (14) feet in height. Exterior lighting must be shaded so that no direct glare is cast upon any residential district or public street.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: An extensive landscaping plan is proposed, consisting of deciduous and evergreen trees, and ground cover perennials and shrubs. Proposed walkways connect the facilities to public sidewalks and parking areas. Irrigation will be by automated sprinklers.

2. SCREENING: Adjoining property to the west is a multiple-family residential use (apartment building). The PUD regulations indicate that when a nonresidential use abuts an existing residential use, screening shall be provided to assure year-round privacy to the residential use. The owner will need to provide a six (6) foot screening wall or six (6) evergreen trees along the western boundary, which should be shown on the Final Development Plan. The consultant has verbally indicated the trash area will be enclosed by a stone or block wall. The materials must be indicated on the Final Development Plan.

3. DRAINAGE: A Drainage Impact Study was submitted by the applicant and reviewed and accepted by the City Engineer (attachments). There will be an increase in impervious surface area (37% to approximately 65%). The amount and rate of runoff will increase due to the increase in impervious surface area. The site drains to the north and south and east to Anderson Avenue, which connect to existing drainage improvements. No change in runoff patterns occur with the PUD improvements.

4. CIRCULATION: The overall circulation plan is safe and convenient. Access is in much the same manner as currently exists. Increased walkways provide pedestrian links to parking areas and public sidewalks. A Traffic impact Study was submitted and accepted by the City Engineer (attachments). Although an increase in vehicular trips will occur, the purpose of the new chapel construction is to reduce the overall number of services for the existing congregation. No adverse impact on public streets should result with the development associated with the PUD.

An existing curb cut on the north side of the building provides a one-way access drive, which connects to the KSU parking lot. Existing turning movements from the KSU parking lot are to Denison Avenue on the east side of the parking lot and to Sunset Avenue on the west side of the parking lot. Four (4) handicapped off-street parking spaces are proposed off Anderson Avenue, which are in an area currently used for three (3) handicapped off-street parking spaces.

Attachment No. 1

Fourteen (14) off-street parking spaces will be provided on-site. Three (3) existing parking spaces are located off Denison Avenue, and in addition to the four (4) spaces off Anderson, seven (7) new parking spaces are proposed on the west side of the access drive in the northwest part of the site.

The remainder of off-street parking is provided, by agreement with KSU, on the KSU off-street parking lot to the north of the PUD. Off-street parking for churches is calculated based on the sanctuary space. Accessory uses, such as meeting rooms and offices are not included in the determination because accessory parking demand is generally accounted for based on sanctuary space. The proposed chapel has fixed seating for 609 persons and 110 unfixed seating spaces. This arrangement would require one (1) off-street parking space per four (4) persons for fixed seating and one (1) off-street parking space per three (3) persons based on unfixed seating, or 189 total spaces (152 for fixed seats and 37 for unfixed seats). In addition, the chapel serves a large population of students, many of whom walk to the church.

Based on the off-street parking arrangement with KSU, adequate parking is provided.

5. OPEN SPACE AND COMMON AREA: Approximately 52% of the site is open space and will be owned and maintained by the applicant.

6. CHARACTER OF THE NEIGHBORHOOD: A mixture of KSU facilities and activity centers, multiple family dwellings, major streets, and single-family and two-family residential neighborhoods. Student religious centers are located at the intersection of Denison and Anderson Avenues.

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

1. EXISTING USE: 711 Denison Avenue consists of the existing St. Isidore's Catholic Student Center, which contains a chapel, meeting rooms, offices and storage facilities. 1822 Anderson Avenue is a rental single-family residential dwelling.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is developed with the student center on the eastern side of the site and fronting on Anderson Avenue and Denison Avenue and a single-family house on the western part of the site. A driveway off Denison Avenue provides access along the north side of the student facilities and access a drive on the KSU parking lot to the north. The house is accessed from a driveway off Anderson Avenue and the access drive off Denison Avenue. Landscaped areas are to the rear of the site and between the center and dwelling. The site slopes and drains to the north.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** Electrical substation, KSU off-street parking lot; R-M, Four-Family Residential District, with UO, University Overlay District.

(b.) **SOUTH:** Anderson Avenue, a four-lane arterial street, single-family, two-family residential dwelling units, and religious student centers (Baptist Campus Center and Lutheran Campus Ministry); R-1, Single-Family Residential District, UO District, with TNO, Traditional Neighborhood Overlay District; and R-M/UO/TNO District.

(c.) **EAST:** Denison Avenue, KSU campus: U, University District.

(d.) **WEST:** Multiple-family apartment buildings and off-street parking lots; R-3/UO District.

4. CHARACTER OF THE NEIGHBORHOOD: A mixture of KSU facilities and activity centers, multiple family dwellings, major streets, and single-family and two-family residential neighborhoods. Student religious centers are located at the intersection of Denison and Anderson Avenues.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The R-3/UO District permits churches, chapels, temples and synagogues as permitted uses. St. Isidore's Student Center is principally a church and student related issues are accessory to its primary use as a church. The proposed improvements could be considered by the Board of Zoning Appeals, which would have required numerous applications, prior to construction including, but not limited to, exceptions for reduced front and side yard setbacks, and variances of off-street parking requirements. The single-family dwelling is a permitted use in the R-3/UO District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The general nature of the current and future use of the property is consistent with its past and future intensity and is compatible with the general character of the neighborhood. Large apartment buildings dominate the north side of Anderson Avenue to the west of the proposed PUD and are in scale with the proposed improvements. St. Isidore's Student Center is a part of the established neighborhood.

The site is a corner lot with front yards along Anderson Avenue and Denison Avenue. Front yard setbacks in the R-3 District are 25-feet. In the case of corner lots, yards opposite front yards are considered side yards. Side yard setbacks for churches in the R-3 District are 15-feet. There is no maximum building height in the R-3 District, except for that buildings exceeding 40-feet in height must provide additional side yard setback of one (1) foot for each two (2) of height over 40-feet.

Attachment No. 1

The existing and proposed front yard setbacks along Anderson Avenue are 20-feet and 15-feet, respectively, for the buildings, as measured from the north line of the permanent easement. Off-street parking is located generally at the property line for the existing student center along Anderson Avenue and is proposed in the same location for handicap parking. The proposed front yard setback for the new chapel is consistent with the existing setback. The front yard setback of the existing building along Denison Avenue is 25-feet. Existing off-street parking is approximately four (4) feet off the front lot line. No change is proposed along Denison Avenue.

Northern side yards exceed the 15-foot requirement. The proposed west side yard setback for the chapel is as close as 6-feet, which is attributed to roof extension. The building wall is approximately 14 to 15 feet, which is generally consistent with the minimum side yard requirement.

Proposed building height is consistent with the R-3 District requirements.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Downtown Neighborhood Core identifies the site as appropriate for RMH, Residential Medium/High Density uses. The Plan generally is oriented towards residential densities and the mix of residential building types. Churches are permitted uses in residential districts. The site is adjacent to areas designated as KSU, Kansas State University, in which student and university oriented uses are expected.

The Plan designates churches, and other places of worship, as public/semi-public in terms of use. The Plan indicates churches are an acceptable use in residential areas.

The proposed PUD is in conformance with the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: Annexation occurred between 1925 and 1940. The student center was constructed in 1961.

1940 - A, First Dwelling District
1964 - B, Multiple Family Dwelling District
1969 to Present – R3/UO District

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

Attachment No. 1

conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed PUD is consistent with the intent and purpose of the Zoning Regulations.

10. 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 neighborhood character and the long term use of the site. It may be a hardship upon the owner if the request is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer, and water are available to serve the use. Sidewalk exists along the west side of Anderson Avenue and Denison Avenue, which connects to the surrounding KSU and residential neighborhood. Permanent easement and right-of-way was purchased along Anderson Avenue for the Anderson Avenue improvements and is shown on the proposed site as permanent easement. The Final Plat will address how the permanent easement is shown, either as right-of-way or permanent easement.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of St. Isidore's Catholic Student Center, from R-3, Multiple-Family Residential District, and UO, University Overlay District, to PUD, Planned Unit Development District, with the following conditions:

1. Permitted uses shall include the offices, meeting rooms, chapel and other facilities for a student religious organization.
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. Signs shall include the existing ground and wall sign. In addition, exempt signage shall be allowed as described in Article VI, Section 6-104 (A)(1), (2), (4), (5), (7) and (8); and, Section 6-104 (B)(2) of the Manhattan Zoning Regulations.
5. Sight obscuring screening shall be provided along the western boundary and around the trash receptacle.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of St. Isidore's Catholic Student Center from R-3, Multiple-Family Residential District, and UO, University Overlay District, to PUD, 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 St. Isidore's Catholic Student Center, from R-3, Multiple-Family Residential District, and UO, University Overlay District, to PUD, Planned Unit Development District, 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 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 St. Isidore's Catholic Student Center, from R-3, Multiple-Family Residential District, and UO, University Overlay District, to PUD, Planned Unit Development District, based on the findings in the staff report, with the five (5) conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: March 29, 2005

05003

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County G-1, General Agricultural District

TO: R-2, Two-Family Residential District, and PDD, Planned Development District.

APPLICANT: Overlay Properties Inc.

ADDRESS: 1812 Fair Lane, Manhattan, KS 66502

OWNER: Overlay Properties Inc.

ADDRESS: 1812 Fair Lane, Manhattan, KS 66502

LOCATION: generally located north of Purcells Mill, Buttonwood Drive, and Brook Lane; south of Eisenhower Middle School; east of the existing eastern dead-end of Walters Drive, and east of the intersection of Butterfield Road and Northfield Road and the intersection of Butterfield Road and Mission Avenue; and, west of Brooklawn Drive and Brookmont Drive.

AREA: Total acreage is approximately 51-acres (County G-1 District: 49.3-acres; PDD, Planned Development District: 1.7-acres).

DATE OF PUBLIC NOTICE PUBLICATION: Monday, March 14, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 4, 2005

CITY COMMISSION: Tuesday, April 19, 2005

EXISTING USE: The County G-1 District portion is primarily used for agricultural purposes. The PDD portion is within the City limits and was annexed and rezoned to PDD in 1973 (Ordinance No. 3486 attached), as a part of the Butterfield planned development. The 1.7-acre tract has remained undeveloped and un-platted, since 1973. The site was intended for multiple-family dwelling units (four and six unit buildings, (attachment)) as was the intent for that part of the original Butterfield development, which was north of Butterfield Road.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The majority of the site is a flat cultivated farm field, which drains to the south and mainly to east. No portion of the site is within a designated flood plain. The 1.7-acre tract of land is an undeveloped grass field abutting Butterfield Road to the south and west and two-family dwellings to the east.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Portions of future proposed multiple-family Prairie Lakes and ponds in Prairie Lakes, Walters Drive, Eisenhower Middle School; R-1, Single-Family Residential District
- (2) **SOUTH:** Butterfield Road, two-family and single-family residential subdivisions; Butterfield PUDs.
- (3) **EAST:** Brookfield single-family subdivisions; R-1 District.
- (4) **WEST:** Butterfield Road, single-family and two family homes; R-2 District, and R-1 District.

GENERAL NEIGHBORHOOD CHARACTER: Generally characterized as a developing low-density residential neighborhood. Eisenhower Middle School is a part of the established single-family and two-family neighborhood to the west. Portions of the Prairie Lakes area are proposed for medium density residential uses, as are portions of Brookfield Addition, Unit Five, to the northwest of Prairie Lakes.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for the existing use. The current zoning is unsuitable for the proposed use. The County G-1 District and the PDD would not allow two-family residential lots, as proposed. The site must be annexed, rezoned, platted and public services must be extended, prior to development.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed R-2 District is consistent with the established Northfield and Butterfield neighborhoods to the south and west that adjoin the R-2 District portion of Prairie Lakes. The Brookfield subdivisions to the east are low density single-family residential areas. The R-2 portion of Prairie Lakes will be platted primarily as single-family attached dwellings, which means that individual halves of the two-family dwelling, and the adjoining yard, can be owned separately. An increase in traffic, light and noise can be expected and should be similar to the same conditions existing in nearby low-density residential neighborhoods.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan shows the 51-acre tract as Residential Low/Medium density (RLM). The density range for the RLM designation is one-dwelling unit up to 11-dwelling units per net acre.

Attachment No. 2

The RLM category suggests a range of housing types, from single-family and two-family to townhomes. Planned unit developments in the RLM category are suggested to be small-scale apartment buildings, with sufficient open space to meet the RLM density.

The R-2 District density range is up to 11-dwelling units net acre.

The proposed rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has been zoned County G-1 District for an undetermined period of time. The PDD was established in 1973 and has remained vacant to date. The site is vacant and used primarily for agricultural purposes.

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, Two-Family Residential District, is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. Minimum lot area for single-family attached lots is 3,750 square feet per lot. The rezoning site is sufficient in area to conform to the R-2 District requirements.

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. It may be a hardship upon the owner if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the rezoning site.

OTHER APPLICABLE FACTORS: Prior to development, a Preliminary Plat must be approved, which was scheduled for a Public Hearing before the Manhattan Urban Area Planning Board on April 4, 2005, and will be tabled to the April 18, 2005, Planning Board meeting.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of an approximate 51-acre tract of land, in a portion of proposed Prairie Lakes, from County G-1, General Agricultural District, and PDD, Planned Development District, to R-2, Two-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of an approximate 51-acre tract of land, from County G-1, General Agricultural District, and PDD, Planned Development District, to R-2, Two-Family Residential 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 51-acre tract of land, in a portion of proposed Prairie Lakes, from County G-1, General Agricultural District, and PDD, Planned Development District, to R-2, Two-Family Residential District, based on the findings in the Staff Report .

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: March 29, 2005

05005}MUAPB}SR}PrairieLakesG1PDDtoR2

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County G-1, General Agricultural District

TO: R-3, Multiple-Family Residential District

APPLICANT: Overlay Properties, Inc.

ADDRESS: 1812 Fair Lane, Manhattan, KS 66502

OWNER: Overlay Properties, Inc.

ADDRESS: 1812 Fair Lane, Manhattan, KS 66502

LOCATION: generally located seven hundred (700) feet north of Purcells Mill, Buttonwood Drive and Brook Lane; south of Eisenhower Middle School, the Eisenhower Baseball Complex, and Brookfield Addition, Unit Five; three hundred (300) feet east of the existing eastern dead-end of Walters Drive, and five hundred and fifty (550) feet northeast of the intersection of Butterfield Road and Northfield Road; and, west of Brookfield Addition, Unit Four and Unit Five.

AREA: approximately twenty-one (21) acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, March 14, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 4, 2005
CITY COMMISSION: Tuesday, April 19, 2005

EXISTING USE: Agricultural fields.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is a flat cultivated agricultural field, which drains to the south and east. No portion of the site is within a designated flood plain. Drainage channels cross the property east to west. Mature trees are along the channels.

SURROUNDING LAND USE AND ZONING:

Attachment No. 3

- (1) **NORTH:** future Walters Drive, Eisenhower Middle School and Eisenhower Baseball complex, and future multiple-family residential (Lot 162 Brookfield Addition, Unit Five); R-1, Single-Family Residential District, and R-3 District.
- (2) **SOUTH:** proposed two-family residential lots in Prairie Lakes and drainage ponds, existing two-family dwellings, Butterfield Road, and single-family dwellings; G-1 District, proposed R-2, Two-Family Residential District, and Butterfield PUD.
- (3) **EAST:** future multiple-family residential (Lot 162 Brookfield Addition, Unit Five), future single-family dwellings; R-3 District and R-1 District.
- (4) **WEST:** proposed two-family dwellings in Prairie Lakes, existing single-family and two-family dwellings, Butterfield Road; existing G-1 District and proposed and existing R-2 District.

GENERAL NEIGHBORHOOD CHARACTER: Generally characterized as a developing low-density residential neighborhood. Eisenhower Middle School is a part of the established single-family and two-family neighborhood to the west. Areas to the north and east are proposed for multiple-family development and single-family development in Brookfield Addition, Unit Five.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for the existing use. The current zoning is unsuitable for the proposed multiple-family use. The G-1 District would not allow the R-3 District uses, which include single-family, two-family, and multiple-family residential dwellings. The site must be annexed, rezoned, platted and public services must be extended, prior to development.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed R-3 District will be within Prairie Lakes and adjacent to a proposed multiple-family development to the east/northeast in Brookfield Addition, Unit Five. Single-family neighborhoods in Brookfield Addition, Unit Five, are similarly situated with respect to multiple-family development due to Lot 162 in the Brookfield Addition, Unit Five. The area to the north is public land for Eisenhower Middle School and school playing field and the Eisenhower Baseball complex. Low density areas to the south of Prairie lakes and to the west are separated from the proposed R-3 District, by distance and proposed R-2 District in Prairie lakes. An increase in traffic, light and noise can be expected, but should be similar to the same conditions existing in nearby neighborhoods.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan shows the general area of the proposed rezoning site as a combination of Residential Low/Medium density (RLM) and Residential Medium/High (RMH) (*Northeast Planning Area Future Land Use Map attached*). The site is in close proximity to the RMH category. The appropriate density range for development in the RLM designation is one-dwelling unit up to 11-dwelling units per net acre and in the RMH category from 11 to 19-dwelling units per net acre.

The RLM and RMH categories suggest a range of housing types, from single-family and two-family to townhomes, with the RMH category adding four-plexes (four family dwelling units). Both suggest planned unit developments for apartments or condominiums, where net densities are consistent with the respective category. Planned unit developments in the RLM category are suggested to be small-scale apartment buildings, with sufficient open space to meet the RLM density. The site can be readily accessed from proposed Walters Drive, which connects to Tuttle Creek Boulevard.

The proposed R-3 District would allow more than 19 dwelling units per net acre. The owner, as of the time of this writing, has proposed to file a restrictive covenant, which would limit density to no more than 18-dwelling units per net acre, which is within the RMH category density. (*Note: This approach, restricting density by covenant, was also applied with a previous development off Browning Avenue in 2002, and Lot 162, Brookfield Addition, Unit Five. Density on Lot 162, which adjoins Prairie Lakes, is 18-dwelling units per acre*)

The proposed rezoning is in general conformance to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has been vacant and zoned G-1 District for undetermined period 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 is designed to provide a dwelling zone at a density no greater than one (1) dwelling unit per 1,000 square feet. The R-3 District would allow greater than 19-dwelling units per net acre. A proposed restrictive covenant will limit the total number of units to no more than 18-dwelling units per net acre. The proposed rezoning is generally consistent with the Zoning Regulations.

Attachment No. 3

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. It may be a hardship upon the owner if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the 21-acre tract of land.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of a 21-acre tract of land, in proposed Prairie Lakes, from County G-1, General Agricultural District, to R-3, Multiple-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of a 21-acre tract of land, in proposed Prairie Lakes, from County G-1, General Agricultural District, to R-3, Multiple-Family Residential 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 a 21-acre tract of land, in proposed Prairie Lakes, 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: March 29, 2005