

MINUTES
CITY COMMISSION MEETING
TUESDAY, JUNE 21, 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, 7 staff, and approximately 35 interested citizens.

PLEDGE OF ALLEGIANCE

Girl Scout Troop #416 led the Commission in the Pledge of Allegiance.

PRESENTATIONS/RECOGNITIONS

Mayor Klimek recognized Girl Scout Troop #416.

Dan Knupp, Communication/Public Relations Director, Kansas Rural Water Association (KRWA), presented the City of Manhattan Public Works Department/Utilities Division, with a first place award for the 2003 Consumer Confidence Report (CCR). Accepting the award on behalf of the City were Abdu Durar, Assistant Director of Utilities – Wastewater, and Ron Fehr, City Manager.

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, June 7, 2005.

CONSENT AGENDA (CONTINUED)

CLAIMS REGISTER NO. 2531

The Commission approved Claims Register No. 2531 authorizing and approving the payment of claims from June 1, 2005, to June 14, 2005, in the amount of \$1,539,042.05.

LICENSE – TREE MAINTENANCE AND FIREWORKS DISPLAY

The Commission approved the application for Tree Maintenance License to Aztec Tree Service, 414 Redwood, for calendar year 2005, and Fireworks Display application to Westside Business Association, 1100 Westloop, for July 4, 2005, at CiCo Park.

FINAL PLAT – LEE MILL HEIGHTS ADDITION, UNIT 2

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Lee Mill Heights Addition, Unit 2, generally located west of an extension of the western dead-end of Miller Parkway, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – HIGHLAND MEADOWS ADDITION, UNIT 2

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Highland Meadows Addition, Unit 2, generally located along the west side of Scenic Drive and south of Wildcat Creek, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – PRAIRIE LAKES ADDITION, UNITS 1 AND 2

The Commission accepted the easements and rights-of-way, as shown on the Final Plats of Prairie Lakes Addition, Units 1 and 2, generally located north and east of Butterfield Road and west of Brookmont and Brooklawn Drives, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6479 – REZONE – PLATT ADDITION

The Commission approved Ordinance No. 6479 rezoning the proposed Platt Addition, generally located northeast of Casement Road and Knox Lane from R-1, Single-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the six conditions as recommended by the Manhattan Urban Area Planning Board. *(See Attachment No. 1)*

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6480 – REZONE – CORPORATE TECHNOLOGY PARK

The Commission approved Ordinance No. 6480 rezoning the Manhattan Corporate Technology Park, generally located between Wildcat Creek Road and the Manhattan Regional Airport, to add the CTPO, Corporate Technology Park Overlay District, to the existing zoning classifications, based on the findings in the Staff Report. (*See Attachment No. 2*)

ORDINANCE NO. 6481 – VACATE – UTILITY EASEMENT – LOT 51, BROOKFIELD ADDITION, UNIT 3

The Commission approved Ordinance No. 6481 vacating a portion of the utility easement on Lot 51, Brookfield Addition, Unit 3, an addition to the City of Manhattan, Riley County, Kansas.

* **RESOLUTION NO. 062105-A – LEASE PURCHASE OPTION – MERCY REGIONAL HEALTH CENTER IRBS**

Diane Stoddard, Deputy City Manager, and Bill Frost, City Attorney, provided additional information on the item and answered questions from the Commission.

The Commission approved Resolution No. 062105-A approving the exercise of an option by Mercy Regional Health Center to purchase certain property covered under a lease agreement between the City and Mercy Regional Health Center.

* **RESOLUTION NO. 062105-C – SUPPORT – HIGHLAND RIDGE APARTMENTS**

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

The Commission approved Resolution No. 062105-C indicating the City of Manhattan's support for a housing tax credit application for Highland Ridge Apartments, located southwest of the intersection of Wildcat Road and Scenic Drive.

SET PUBLIC HEARING DATE – SPECIAL ASSESSMENT (GOB 2005B)

The Commission set July 5, 2005, as the date to hold the public hearing levying special assessments against the benefiting property in the following nine (9) projects, which have been completed: *900 Block Alley between Humboldt and Leavenworth – Street (ST0406); Hackberry Addition – Street (ST0403); Oak Hollow Addition, Unit 9 – Sanitary Sewer (SS0404), Street (ST0404), Water (WA0405), Stormwater (SM0403); Woodland Hills Addition, Unit 5, Phase I – Sanitary Sewer (SS0402), Street (ST0402), Water (WA0403).*

CONSENT AGENDA (CONTINUED)

SOLICIT PROPOSALS – DESIGN – NEW AND PARALLEL WATER LINES AND PRESSURE REDUCING VALVE STATIONS

The Commission authorized City Administration to solicit proposals for the design of New and Parallel Water Lines and Pressure Reducing Valve Stations; and appointed Commissioner Snead to serve on the selection committee.

*

NEGOTIATE CONTRACT – SUNSET ZOO EDUCATION FACILITY

Terry DeWeese, Director of Parks and Recreation, highlighted the item and answered questions from the Commission.

The Commission approved the recommendation from the Manhattan Parks and Recreation Advisory Board and Selection Committee to select WDM Design, of Wichita, Kansas, to complete the preliminary conceptual design as well as construction and operating estimates on a Zoo Education Facility, and authorized City Administration to negotiate a contract for consideration by the Manhattan Parks and Recreation Advisory Board and City Commission.

After discussion, Commissioner Snead moved to approve the consent agenda and appointed Commissioner Snead to serve on the selection committee for proposals for the design of new and parallel water lines and pressure reducing valve stations. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

ECONOMIC DEVELOPMENT AND INDUSTRIAL REVENUE BOND APPLICATIONS - FLINT HILLS BEVERAGE, LLC

Lyle Butler, President, Manhattan Area Chamber of Commerce, introduced the item.

John Pagen, Manhattan Area Chamber of Commerce, presented a historical perspective on Flint Hills Beverage, LLC, and market analysis of the company.

Casey Mussatto, General Manager, Flint Hills Beverage, LLC, informed the Commission that the company is expanding and that this request is part on a long term investment in a new facility at the Corporate Technology Park.

GENERAL AGENDA (CONTINUED)

ECONOMIC DEVELOPMENT AND INDUSTRIAL REVENUE BOND APPLICATIONS - FLINT HILLS BEVERAGE, LLC (CONTINUED)

Terry Dow, Flint Hills Beverage, LLC, provided the Commission with additional information. He answered questions from the Commission regarding the company's workforce and benefit package.

Diane Stoddard, Deputy City Manager, presented information to the Commission regarding the economic development expansion proposal and the analysis conducted on the application. She then answered questions from the Commission.

Casey Mussatto, General Manager, Flint Hills Beverage, LLC, provided additional information on the facility proposed in the Corporate Technology Park and discussed its current facility. He then answered questions from the Commission.

Terry Dow, Flint Hills Beverage, LLC, informed the Commission that the existing employees would be retained and that the five employees mentioned, are new employees. He then answered additional questions from the Commission.

John Exdell, 316 Denison Avenue, representing the Flint Hills Living Wage Coalition, spoke in concern with the lack of benefits for part-time employees and requested that the economic development policy be strengthened to include providing a living wage and health benefits. He said companies receiving tax dollars for economic development should do at least as well as Flint Hills Beverage.

Diane Stoddard, Deputy City Manager, answered additional questions from the Commission.

Ron Fehr, City Manager, provided additional clarification on the item and funding alternatives.

Diane Stoddard, Deputy City Manager, provided additional information on the payment of specials at the Corporate Technology Park.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 062105-B indicating the Commission's intent to issue up to \$2.8 million in Industrial Revenue Bonds for Controlled Environmental Warehousing, LLC (Flint Hills Beverage) for the purpose of constructing and equipping a manufacturing facility to be located in Manhattan; approve first reading of an ordinance authorizing the issuance of the bonds; and schedule July 5, 2005, as the date for a final determination on an economic development incentive package for the company. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - 2400 CASEMENT ROAD

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

Luther Pennell, Developer, informed the Commission that he was available for any questions.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning 2400 Casement Road, from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, based on the findings in the Staff Report. (*See Attachment No. 3*) Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - THE GARDENS AT FLINT HILLS

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

Mike Osbourn, Engineering Consultant, Kaw Valley Engineering, Lenexa, Kansas, provided additional information on the item and answered questions from the Commission.

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

After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning The Gardens at Flint Hills, from PDD, Planned Development District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the four (4) conditions recommended by the Manhattan Urban Area Planning Board. (*See Attachment No. 4*) Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

CONSIDERATION OF PETITION - HYLTON HEIGHTS STREET IMPROVEMENTS (ST0504)

Commissioner Hatesohl announced that his business is located on Hylton Heights and that he would not be participating on the item. He then left the meeting at 8:35 p.m.

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

Gwyn Riffel, 1117 Hylton Heights Road, provided the Commission with background information on the item and proposal. He requested the Commission approve the petition and allow the project to move forward.

GENERAL AGENDA (CONTINUED)

CONSIDERATION OF PETITION - HYLTON HEIGHTS STREET IMPROVEMENTS (ST0504) (CONTINUED)

Ben Eckert, 1121 Hylton Heights Road, informed the Commission that he supported the petition as proposed. He said that KinderCare Learning Center is in support of the proposal but are waiting to receive their new signature on the petition from their corporate office.

Mary Molt, 1122 Hylton Heights Road, informed the Commission of the increased traffic and asked the Commission to support the proposal.

Dave Allen, 2430 Rebecca Road, conveyed that the participation of business owners, homeowners and City were reasonable, and asked the Commission to support the proposal.

Bill Frost, City Attorney, provided clarification on the item and asked Mr. Riffel to clarify that the proposal was accurate.

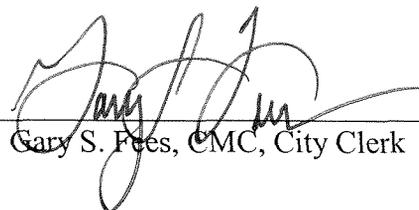
Gwyn Riffel, 1117 Hylton Height Road, said that the proposal was accurate.

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

After discussion, Commissioner Snead moved to find the petition sufficient, approve Resolution No. 062105-D making findings and authorizing construction, and authorize City Administration to negotiate a contract with HWS Consulting Group, of Manhattan, Kansas, to perform engineering services for these improvements. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 3-1, with Mayor Klimek voting against the motion.

ADJOURNMENT

At 8:55 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-1, Single-Family Residential District

TO: Residential Planned Unit Development District

OWNER/APPLICANT: Jesse D. Platt

ADDRESS: 2112 Casement Road

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 11, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 2, 2005 (Note: the public hearing was tabled from the May 2, 2005, Planning Board meeting, to the May 16, 2005, Planning Board meeting, in order for the applicant to address drainage and utility release issues.)

CITY COMMISSION: Tuesday, June 7, 2005

LOCATION: northeast of the intersection of Casement Road and Knox lane; Lot 2, Streeter Subdivision, Unit 2

AREA: 2.573 acres; 112,068 square feet (sf)

PROPOSED USES: Ten (10) single-family residential dwelling units. Of the ten (10) units, nine (9) are proposed. One of the ten (10) units is an existing two-story frame single-family dwelling, with basement, along the north side of Knox Lane, at 119 Knox Lane, and shown on site plan on proposed Lot 9. The PUD will be a rental project, which will be owned by the applicant/developer and maintained by his business Platt Maintenance. All overhead utilities (electric, telephone and cable tv) will be underground. Lots have been created and private ownership is a possibility, but not in the foreseeable future.

Attachment No. 1

PROPOSED BUILDINGS AND STRUCTURES: Except for the existing two-story frame house, the proposed modular residential buildings are Wardcraft Homes. Modular Home is a defined term in the Manhattan Zoning Regulations and means, “A structure, designed to be used as a dwelling, which is constructed in accordance with the Uniform Building Code as adopted by the City of Manhattan, which is transportable in one or more sections but is not constructed on a permanent chassis, and which is placed on a permanent foundation.” The applicant has identified the dwelling model as the Jamestown I (attachments). The homes are one-story, three-bedroom, with unfinished basement, and one car garage. Building coverage is 1,864 square feet on each lot, except for proposed Lot 9. Building coverage on Lot 9 is 1,072 square feet. In addition, a small

120-foot storage shed will be allowed on each lot.

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Total Site (Lot 2 Streeter Subdivision Unit 2)	2.5 ac / 112,068 sf	100%
Public Street	0.5 ac / 19,618 sf	18%
Total Lot Area (Lots 1-9)	2.1 ac / 92,457 sf	82%
Building Coverage (Lots 1-9)	0.41ac / 17,848 sf	19%
Driveways/Parking Areas (Lots 1-9)	0.2 ac / 7,036 sf	8%
Landscaping/Open Space (Lots 1-9)	1.5 ac / 66,758 sf	73%

PROPOSED SIGNS

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

Certain exempt signs are added to the conditions of approval, such as address numerals, political campaign signs and other types of exempt signs (attachment).

PROPOSED LIGHTING: standard residential lighting.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. **LANDSCAPING:** Lawns, evergreen and deciduous trees, and shrubs are proposed. Irrigation will be by garden hose. Existing trees will remain if possible.
2. **SCREENING:** Screening is not required for single-family dwellings and none is proposed.
3. **DRAINAGE:** The site will be graded and drainage will be to the west to Casement Road through natural drainage swales that directs run-off to the drainage swale on Casement Road. A Drainage Report was provided by the applicant's consultant, Ruggles & Bohm P. A., which was reviewed and accepted by the City Engineer (attachment). The natural drainage swales must be maintained by the owner and will not be maintained by the City.
4. **CIRCULATION:** Lot 1 will be accessed from a driveway off Casement Road. Lots 2-9 will be accessed off the proposed cul-de-sac. Lot 10's driveway access is from Knox Lane. A sidewalk will be constructed along the west side of proposed Knox Circle. Sidewalk will need to be provided along Casement Road at the time the street is constructed to an urban section. Knox Lane is a local street, with sidewalk along the south side of the street. The Knox Lane sidewalk extends approximately 825-feet to the east to the City limits, and no further. The Knox Lane sidewalk connects to Casement Road, approximately 200-feet to the east, which has sidewalk along the west side of the street, north of the Knox Lane and Casement Road intersection, and along the east side of Casement Road, south of the street intersection. The improved street will be 27-feet in width, back of curb to back of curb. Parking will be allowed on the east side of the street, opposite the sidewalk, proposed on the west side of the street.

The driveway and street intersection have been accepted as proposed. The proposed cul-de-sac street is offset 50 feet from the private street, Powerline Place, from the manufactured home park to the south. The required offset of streets is 150 feet; however, cul-de-sac offset may be less than the 150-foot requirement dependent upon the length of the road and residential density. The proposed cul-de-sac is approximately 280-feet in length and will serve eight (8) single-family dwelling units. The impact on the proposed alignment is expected to be minimal given the low traffic volumes at the off-set streets. In addition, aligning the cul-de-sac and private street would require the demolition of the existing house on proposed Lot 9, which is not feasible.

Attachment No. 1

Internal circulation is safe and efficient and adequate access is available to serve proposed Lots 1-10. A Transportation Study was prepared by the applicant's consultant, Ruggles & Bohm, P.A., which was reviewed and accepted by the City Engineer (attachment). The location of driveways and proposed streets have been reviewed and accepted by the City Engineer.

A minimum of two (2) off-street parking spaces are required for single-family dwelling units. At least two (2) are provided per dwelling unit, one of which is in a garage, except on Lot 9. The driveway will need to be extended to provide two (2) off-street parking spaces, which do not result in cars in the driveway portion of the street. Off-street parking on the other lots is provided on driveway and on the side of each dwelling along with the garage.

5. OPEN SPACE AND COMMON AREA: Proposed lot sizes range from 5,276-square feet (Lot 9) to 13,850-square feet (Lot 1). Open space associated with each lot will provide front, side and rear yards. Landscape/open space on a per lot basis ranges from 58% to 80%. Overall, 72% of the total buildable area is landscape/open space.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is generally characterized as a low density single-family and two-family dwelling unit neighborhood. A manufactured home park is located to the south of the proposed PUD. Northview Elementary School is to the northwest. Northeast Community Park is to the east along the south side of Knox Lane. The Linear Trail is to the south off Casement Road.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Lot 2, Street Subdivision, Unit 2, a 2.573-acre single-family residential lot, on which there is an existing single-family home at 119 Knox Lane. The house is setback approximately 57-feet from the south lot line along Knox lane. The remainder of Lot 2 is undeveloped. Driveway access is off Knox Lane. An existing Westar overhead power line easement is located in the southwestern part of Lot 2. The location of the easement results in a reduction of Lot 2's buildable area of approximately 14,250 square feet, which is thirteen (13) percent of the total existing site; however, the area can be landscape/open space and driveways may cross under the overhead power lines as shown on the proposed PUD site plan..

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: A flat site consisting of a single-family dwelling and large open yards, mature trees. A large power line easement crosses the site in the southwestern corner.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Single-family dwellings; R-1 District

(b.) SOUTH: Knox Lane, single-family and two-family dwellings, vacant residential lot; manufactured home park, Linear Trail; R-2, Two-Family Residential District, R-1 District, and R-5, Manufactured Home Park District.

(c.) EAST: Single and two family homes and a manufactured home park, Northeast Community Park; R-2, Two-Family Residential District, R-1 District, and R-5, Manufactured Home Park District.

(d.) WEST: Casement Road, two-family dwellings, USD 383 Maintenance facilities, townhomes, single-family dwellings; R-2 District, R-1 District and Residential PUD.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The existing single-family dwelling on Lot 2 is a permitted use in the R-1 District and is suitable for the use. The lot size of 2.5-acres for Lot 2 is unusually large for a single-family dwelling.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed PUD is a low density single-family zoning, which is consistent with the established character of the area. An increase in traffic, light and noise can be expected, but is similar to the same conditions existing in nearby neighborhoods.

Front yard setbacks along Knox Lane and Casement Road are 25-feet, which is the minimum front yard setback for single-family residential lots. Internal front yard setbacks off the proposed cul-de-sac are 19-feet. Proposed Lot 10 has an eight (8) foot side yard setback, which is the minimum side yard in the R-1 District. The rear yard of proposed Lot 7 is eight (8) feet. The minimum rear yard in the R-1 District is 25-feet. No dwellings are to the immediate east of proposed Lot 7. The yard to the east of proposed Lot 7 is the rear yard of a single family home at 127 Knox Lane and is open space. The reduced rear yard should not adversely affect the adjoining property. Proposed Lots 3 and 4 have similar shallow eight (8) foot rear yards. The abutting property to the west is the applicant's rear yard and no impact on the applicant's property is anticipated.

Attachment No. 1

The proposed lot sizes with the proposed PUD range from a minimum of 5,276 square feet to a maximum of 13,850 square feet. Of the ten (10) proposed lots, all but two of the lots exceed 6,500 square feet in area. Minimum lot size in the R-1 District is 6,500 square feet. The proposed PUD is generally compatible with surrounding residential zoning.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Northeast Planning Area of the Manhattan Urban Area Comprehensive Plan shows the 2.5-acre tract as Residential Low/Medium (RLM). Single-family dwelling units are an appropriate type of housing in the RLM category. The site is in convenient walking distance of Northview Elementary School, Northeast Community Park to the east, and the Linear Trail to the south. The appropriate density range for development in the RMH is less than one to 11-dwelling units per net acre. The density of the proposed PUD is a 4.71-dwelling units per net acre.

The proposed rezoning conforms to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site was annexed beginning in 1969 to 1982. The site has been zoned R-1 District to date. Lot 2 of the Street Subdivision, Unit 2 was created in January 2000. The existing house on proposed Lot 9 was constructed at an undetermined date.

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

The existing R-1 District requires minimum lot area of 6,500 square feet, a minimum lot width of 50-feet, minimum lot depth of 100-feet, 25-foot front and rear yard setbacks, and eight (8) foot side yard setbacks. Maximum lot coverage is 35 percent and maximum building height is 35-feet.

The proposed subdivision generally maintains the R-1 District characteristics.

Attachment No. 1

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 to the applicant if the rezoning is denied.

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

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of the Platt Addition from R-1, Single-Family Residential District, to Residential Planned Unit Development District, with the conditions:

1. Permitted uses shall be limited to the ten (10) single-family dwelling units.
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 allow for exempt signage described in Article VI, Section 6-104 (A)(1), (2), (4), (7) and (8); and, Section 6-104 (B) (2).
5. Drainage easements in the Platt Addition shall be privately maintained by the property owner, or owners, who shall be responsible for maintaining the easement to remain free and clear of any improvement, debris, structure, or any other type of obstacle, natural or manmade, that would impede flow of surface water run-off.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Platt Addition from R-1, Single-Family Residential District, to Residential Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of the Platt Addition from R-1, Single-Family Residential District, to Residential 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.

Attachment No. 1

3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the Platt Addition from R-1, Single-Family Residential District, to Residential Planned Unit Development District, based on the findings in the staff report, with the conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: May 10, 2005

05009

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: I-3/AO, Light Industrial District with Airport Overlay District, and I-5/AO, Business Park District with Airport Overlay District.

TO: I-3/AO with CTPO, Corporate Technology Park Overlay District; and, I-5/AO with CTPO, Corporate Technology Park Overlay District.

APPLICANT: City of Manhattan.

ADDRESS: 1101 Poyntz Avenue Manhattan KS.

OWNERS/ADDRESSES: Kansas State University Foundation, 2323 Anderson Ave. Manhattan, KS 66502; Sykes Realty Inc., 400 North Ashley Drive, Tampa, FLA 33602; Auth Florence, 5935 Corporate Drive, Manhattan, KS 66503; Western Wireless Corp., 3650 131ST Avenue SE STE 400, Bellvue, WA 98006; City of Manhattan.

LOCATION: the Manhattan Corporate Technology Park, generally located between Wildcat Creek Road and the Manhattan Regional Airport.

AREA: Total area: 188.232 acres, which includes all lots and right-of-way.

Manhattan Corporate Technology Park consists of:

- Manhattan Corporate Technology Park, Unit One, Lots 1-3
- Manhattan Corporate Technology Park, Unit 2, Lots 4-5
- Manhattan Corporate Technology Park, Unit 3, Lots 6-9, 11-20, and 23-29
- Boundary Line Adjustment of Lots 21 and 22, Unit 3, known as Lots 21A-22A
- Manhattan Corporate Technology Park, Unit 4, Lot 10

I-3/AO consists of:

- Unit 2, Lot 5
- Unit 3, Lots 6-9, 11-20, 23-26
- Boundary Line Adjustment, 21A-22A

I-5/AO consists of:

- Unit One, Lots 1-3
- Unit 2, Lot 4
- Unit 3 Lots, 27-29
- Unit 4, Lot 10

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 11, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 2, 2005
CITY COMMISSION: Tuesday, May 17, 2005

EXISTING USE: Manhattan Corporate Technology Park.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: A developing industrial/business research park. The site slopes downhill from west to east and drains towards the Kansas River. Except for the existing development, the site consists of open fields and native grasses. The site drains and slopes to the east. No part of the Corporate Technology Park is in a 100 Year or 500 Year Flood Plain.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Scattered rural single-family homes and farm fields; G-1 District.
- (2) **SOUTH:** Single-family homes, Manhattan Regional Airport and farm fields; County A-4, Single-Family Residential District and G-1 District.
- (3) **EAST:** Manhattan Regional Airport; AO District
- (4) **WEST:** Ft Riley military reservation.

GENERAL NEIGHBORHOOD CHARACTER: The area is characterized by rural single-family residential development, farm fields, a developing business park and a municipal airport.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for the permitted and conditional uses of the I-3/AO District and I-5/AO District.

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

Attachment No. 2

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

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed CTPO District will add a limited number of commercial uses. Minimal impact is expected on surrounding properties. The proposed uses are intended to serve the uses, which will locate in the Corporate Technology Park. The site is distanced from major streets, Ft. Riley Boulevard and Scenic Drive, to the extent that commercial uses are not anticipated to be a destination for the public.

CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown on the Southwest Planning Area of the Future Land Use Map as Office-Research Park (OFF/RP), which is a land use designation intended to provide concentrated areas of high quality employment facilities, such as corporate headquarters, research and educational facilities, in a campus setting.

The amendment adds a limited range of professional office and service commercial uses intended to specifically serve the Corporate Technology Park, which is a significant distance from existing commercial services that would ordinarily serve highly concentrated employment centers. The amendment adds more flexibility in serving the needs of the Technology Park.

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

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: Annexation and rezoning occurred in May and July 1999. Building construction began in 1998 and consists of Alorica Inc., 5970 Sykes Blvd.; Kansas State University Printing Services, 5980 Corporate Drive; Western Wireless/Cellularone, 5960 Technology Circle; and, Auth-Florence, 5935 Corporate Drive.

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 I-3, Light Industrial District, is a district designed to allow manufacturing, processing, assembly, and nonretail service activities.

The I-5, Business Park District, is a district designed to encourage administrative, research and assembly activities in a setting that is compatible with surrounding or abutting residential districts. The district should generally be located along major streets and can be used as a transitional zone between residential areas and other districts.

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

The proposed Corporate Technology Park Overlay District (CTPO) is designed to provide a broader range of permitted professional office and service commercial uses when applied specifically to the underlying I-3 and I-5 Districts in the Corporate Technology Park. The overlay district is designed to address the specific needs of the Corporate Technology Park and therefore will not be applied in other areas of the City. It is proposed that the CTPO would add the following permitted uses to the I-3 District: banks and financial institutions, including drive-in type; business and professional offices; convenience stores; group day care centers; health and fitness clubs; and restaurants, including drive-in type. The CTPO would add the same permitted uses to the I-5 District, except that business and professional offices and group day care centers are already permitted there. *(See proposed regulations attached.)*

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

Attachment No. 2

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no relative gain to the public that denial would accomplish. Denial of the request would be a hardship to the applicant and limit the effectiveness of marketing the Corporate Technology Park and its long term development.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Public streets, sewer and water services are available to serve future development proposed by the overlay district.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of the Manhattan Corporate Technology Park, generally located between Wildcat Creek Road and the Manhattan Regional Airport, from I-3/AO, Light Industrial District with Airport Overlay District, and I-5/AO, Business Park District with Airport Overlay District, to I-3/AO with CTPO, Corporate Technology Park Overlay District; and I-5/AO with CTPO, Corporate Technology Park Overlay District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Manhattan Corporate Technology Park from I-3/AO, Light Industrial District with Airport Overlay District, and I-5/AO, Business Park District with Airport Overlay District, to I-3/AO with CTPO, Corporate Technology Park Overlay District, and I-5/AO with CTPO, Corporate Technology Park Overlay District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the Manhattan Corporate Technology Park, generally located between Wildcat Creek Road and the Manhattan Regional Airport, from I-3/AO, Light Industrial District with Airport Overlay District, and I-5/AO, Business Park District with Airport Overlay District, to I-3/AO with CTPO, Corporate Technology Park Overlay District, and I-5/AO with CTPO, Corporate Technology Park Overlay District, based on the findings in the Staff Report .

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: April 25, 2005

05010

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R-1, Single-Family Residential District

TO: R-2, Two-Family Residential District

APPLICANT: Luther Pennell

ADDRESS: 8845 Quail Lane # 2 Manhattan, KS 66502

OWNER: Vineyard Christian Fellowship

ADDRESS: 2400 Casement Road, Manhattan, KS 66502

LOCATION: 2400 Casement Road; Lot 32, Hackberry Addition

AREA: 4.5-acres

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 11, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 2, 2005

CITY COMMISSION: Tuesday, May 17, 2005

EXISTING USE: Vineyard Church and off-street parking.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The approximate western one-third side of Lot 32 is occupied by Vineyard Community Church and its off-street parking. The remainder is vacant and covered with field grass. Driveway access to the church is from Casement Road. Lot 32 also fronts on its eastern side with Hackberry Avenue. There is no curb cut on Hackberry Avenue. Lot 32 was established as a part of the Hackberry Addition in March 2004.

The site is flat and drains to the northeast and west. Lot 32 is not in a 100 Year or 500 Year Flood Plain.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Hackberry Addition, a developing single-family residential subdivision, Knoxberry Addition, Unit Five, a developed two-family residential subdivision; R-1 and R-2 District
- (2) **SOUTH:** Overlay Addition, a developed single-family and two-family residential subdivision; R-2 District.
- (3) **EAST:** Casement Road and Butterfield Addition Unit Eight, a developed two-family residential subdivision, and Northfield Elementary School playing fields; R-2 District and R-1 District.
- (4) **WEST:** Hackberry Avenue, Knoxberry Addition, Unit Five, a developed two-family residential subdivision, and Knoxberry Addition, Units Two and Three, a developed single-family residential subdivision; R-2 District and R-1 District.

GENERAL NEIGHBORHOOD CHARACTER: A low density residential neighborhood consisting of single-family and two-family residential dwellings, neighborhood school and churches.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Lot 32 is a single lot and is developed with a church on the western part of the lot. The lot is 4.5 acres in area and conforms to the 10,000 square foot lot area requirement for a church in the R-1 District. The applicant has proposed to replat Lot 32 to include single-family attached lots on the eastern approximate 555 feet of the site and a single lot for the church on the western side. The R-1 District would not allow the replatting to include single-family attached lots. The rezoning to R-2 District will accommodate both the single-family attached lots and the church as permitted uses.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Lot 32 adjoins a R-2 District to the south and to the northeast. Additional light, noise, and traffic should be expected with additional dwelling units. The additional light, noise, and traffic generated by approximately twelve (12) dwelling units is consistent with those same characteristics in the nearby low density neighborhood.

Attachment No. 3

CONFORMANCE WITH COMPREHENSIVE PLAN: Lot 32 is shown on the Future Land Use Map for the Northeast Planning Area as RLM, Residential Low/Medium density development. The RLM designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases includes complementary neighborhood-scale supporting land uses. The RLM density range is from less than one (1) dwelling unit/acre up to eleven (11) dwelling units per net acre. The R-2 District allows up to 11 per net acre.

The proposed rezoning to R-2 District conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site was annexed in 1982 and has been zoned R-1 District to date. The church was built in 1999. Lot 32 was established with the Final Plat of the Hackberry Addition in March 2004.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The R-2 District is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. Lot 32 is 4.5 acres in area and is sufficient in size for the proposed uses.

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

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The proposed R-2 District can be served by public improvements, including street, water, fire service and sanitary sewer.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Lot 32, Hackberry Addition, at 2400 Casement Road, from R-1, Single-Family Residential District, to R-2, Two-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lot 32, Hackberry Addition, at 2400 Casement Road, from R-1, Single-Family Residential 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 Lot 32, Hackberry Addition, at 2400 Casement Road, from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: April 25, 2005

05007

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: PDD, Planned Development District

TO: PUD, Planned Unit Development District

OWNER/APPLICANT: City of Manhattan; R & J investment Group, LLC

ADDRESS: 1101 Poyntz Avenue, Manhattan, KS; 1730 East Republic Road, Suite F, Springfield, MO 65804

DATE OF PUBLIC NOTICE PUBLICATION: Monday, May 16, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, June 6, 2005
CITY COMMISSION: Tuesday, June 21, 2005

LOCATION: generally located southwest of the intersection of Kimball Avenue and N. Manhattan Avenue at 1300 Flint Hills Place.

AREA: an approximate ten (10) acre tract of land, which will be divided into two lots: Lot 1, a 7.47 acre tract for the existing Flint Hills Place; and, Lot 2, a 2.51 acre tract, for proposed multiple-family apartment buildings. As a whole, the PUD is referred to as The Gardens at Flint Hills.

PROPOSED USES: The proposed uses in the PUD include the existing Flint Hills Place, an income qualifying public housing development, which is owned by the City and managed by the Manhattan Housing Authority. The proposed multiple-family apartments and clubhouse are a tax credit project, which will be located to the west of the existing Flint Hills Place. (Note: no plan documents (site plans or building plans) are on file for the rezoning to PDD in 1972. The new PUD will document existing and proposed uses as well as buildings.)

PROPOSED BUILDINGS AND STRUCTURES:

Existing Buildings, Structures and Accessory Uses (Flint Hills Place)

Two story, wood frame, residential dwellings identified on Sheet 2 of the PUD plans as a Typical A building footprint, which is 1,633 square feet (sf) in area, (6 total Type A buildings); a Typical B building footprint, which is 1,455 sf in area, (12 total Type B buildings); and, 1 maintenance building, which is 1,620 sf in area. There are 60 total dwelling units consisting of 6 one bedroom, 24 two bedroom, 18 three bedroom, and 12 four bedroom units. In addition, there are 2 playgrounds and other miscellaneous uses (grill and concrete pads). Buildings are constructed with lap siding and asphalt shingled roofs.

Proposed Buildings, Structures, and Accessory Uses (Gardens at Flint Hills)

New buildings consist of a one-story clubhouse, which is approximately 21 feet in height; two Type 1 buildings constructed as a 2/3 split story, due to the slope of the site, with the two story portion 28.5 feet in height and three story portion 38 feet in height; and, one Type 2 two-story dwelling, which is approximately 28.5 feet in height. There are a total of 48 dwelling units consisting of 40 units in the Type 1 buildings and 8 units in the Type 2 building.

Floor plans for Type 1 buildings are a two bedroom floor plan (designated as B2 and 970 sf in area) and a three bedroom floor plan (designated C2 and 1144 sf in area). Type 2 buildings have B2 floor plans only. There are a total of 24 two bedroom units and 16 three bedroom units in the two Type 1 buildings, and 8 two bedroom units in the Type 2 building.

Building exterior materials consist of cement fiber lap siding, brick accents and asphalt shingled roofs. Trash enclosures are 6 foot chain link with cedar slats.

Type 1 building dimensions are approximately 195 feet in length by 50 feet in depth. The Type 2 building is approximately 90 feet in length by 50 feet in depth. Facades vary in depth to provide relief and visual interest. Windows have shutters and stairwell entrances have peaked roof covers.

An existing playground on proposed Lot 2, will be relocated to Lot 1, and is designated as a basketball court/playground.

Density is 10.83 dwelling units per acre (108 dwelling units/9.97 acres = 10.83). There are no streets in the PUD.

Lot 1 will continue to be managed by the Manhattan Housing Authority. Lot 2 is a 100% tax credit development to be owned and maintained by the Gardens at Flint Hills L.P.

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Buildings/Existing	0.66 acres/28,859 sf	6.64%
Buildings/Proposed	0.59 acres/25,767 sf	5.93%
Total Building	1.25 acres/54,626 sf	12.57 %
Drives/Parking	2.11 acres/92,083 sf	21.20%
<i>Open</i>	6.33 acres/275,750 sf	63.47%
<i>Space/Landscape Area</i>		
Active Recreational Area	0.20 acres/9,144 sf	2.10%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
One ground sign	6 feet by 8 feet	Unlit

A ground sign is proposed on the south side of the entrance off N. Manhattan Avenue and will identify both Flint Hills Place and the Gardens at Flint Hills. There is a small sign on the north side of the entrance associated with Flint Hills Place.

PROPOSED LIGHTING: Existing lighting on Lot 1 consists of existing lighting. Proposed lighting in on Lot 2 consists of 30 foot high pressure sodium lights on sidewalks adjoining the parking area.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

- 1. LANDSCAPING:** Existing Flint Hills Place will remain as is. The proposed Gardens at Flint Hills will be landscaped with lawns, landscape foundation planting beds, large shade trees, evergreens, and ornamental trees. Irrigation is automatic in-ground.
- 2. SCREENING:** Trash enclosures are enclosed by chain link fences with cedar slats.

Attachment No. 4

3. DRAINAGE: A Preliminary Storm Drainage Report was submitted by the applicant's consultant, which was reviewed and accepted by the City Engineer. The site will drain to the large natural drainage channel in the same manner as the site currently drains. A dry bottom drainage basin will be located in the northeast part of the channel with discharge controlled by engineered drainage improvements for the increased run-off created by the new development on Lot 2.

4. CIRCULATION: Public access will be from an existing curb cut off N. Manhattan Avenue through a driveway identified as Flint Halls Place a private drive. The applicant has proposed a cross-access easement with KSU to access proposed Lot 2. As of the time of this writing, the cross easement is being completed. Without the easement, substantial modification of the existing site would likely occur

A lock box and gated emergency vehicle access drive only is proposed off Kimball Avenue. Without the proposed emergency access off Kimball Avenue to proposed Lot 2, emergency access would be from Flint Hills Place, which connects to N. Manhattan Avenue.

A total off-street parking of 177 off-street parking spaces is proposed, with 80 existing spaces serving Flint Hills Place, to include 4 handicap accessible spaces. No increase is proposed and the existing spaces have been adequate to serve the existing development.

Ninety seven (97) are proposed with The Gardens at Flint Hills, which include 4 handicap accessible spaces, or 2 parking spaces per unit. Based on the tax credit nature of the development, 2 spaces per unit should be adequate.

A traffic report was not required.

5. OPEN SPACE AND COMMON AREA: Approximately 63% of the PUD is open space.

6. CHARACTER OF THE NEIGHBORHOOD: The site is within a neighborhood that is generally characterized by a mixture of low density single-family residential homes, a retirement residential complex, KSU open range lands, and a developing research park. Residential uses are separated from the site by major streets, Kimball Avenue and N. Manhattan Avenue. Flint Hills Place has been a part of the neighborhood since 1974. The proposed development site is within the approximate 10 acre tract and that portion has remained open green space to date.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Public housing site managed by the Manhattan Housing Authority and established as a planned development in 1972 and identified as Lot 1 on the proposed PUD site plans.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The eastern and southern portions of the site are developed. The site fronts on N. Manhattan Avenue and Kimball Avenue, with its developed frontage primarily along and below grade of N. Manhattan Avenue. The majority of Kimball Avenue frontage is open natural space. The development area is relatively. A deep and heavily wooded ravine is in the middle section of the site, which carries storm water run-off from the developed portion of the site to the northeast. The western portion of the site is open and slopes downhill from west to east. There is an existing sidewalk along the north and east sides of the site. No portion of the site is in a designated 100 or 500 Year Flood Plain.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Kimball Avenue, Meadowlark Hills Retirement Community, KSU range land; PUD and, U, University District.

(b.) SOUTH: Vacant lots in K-State Research Park, NanoScale, cell tower; U District.

(c.) EAST: N. Manhattan Avenue, single-family homes; R, Single-Family Residential District.

(d.) WEST: KSU; U District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The permitted uses are suitable and in conformance with the current zoning.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed multiple-family apartments are in an area that is separated from off site residential uses by major streets as well as distance. Adjoining KSU sites are undeveloped. A research park is developing. Minimal impacts on adjacent site are anticipated. Some increased in light, noise and traffic will occur, but will not be inconsistent with existing conditions.

Attachment No. 4

Adjoining property to the north of Lot 2 is Kimball Avenue. Proposed building and off-street parking setback is 25 feet, which is the typical front yard setback along a street. Setback along the western adjoining KSU property is 12 feet. The western yard would be a side yard in the proposed PUD. Minimum side yard is 8 feet in a multiple-family district.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Northeast Planning Area of the Manhattan Urban Area Comprehensive Plan shows the site as Residential Low/Medium (RLM). Primary uses in the RLM category include: Single-family dwelling units, single-family attached units, duplex and town homes. Small scale multiple family buildings, manufactured home parks, and condominiums may be permissible within required densities with a PUD, or a mixed use zoning district. The appropriate density range for development in the RMH is less than one to 11-dwelling units per net acre.

The proposed uses include existing town homes and small scale apartment buildings. Density of the proposed PUD is 10.83 dwelling units per acre.

The rezoning conforms to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site was annexed February 2, 1972 and rezoned from R District to PDD on February 29, 1972 (Ordinance No. 3049 attached). Development began around 1973-1974. An amendment to construct a maintenance building and storm shelter was approved May 16, 1978 (Ordinance No. 3600 attached).

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

The existing PUD is an established part of the neighborhood and the expansion to include small scale apartment buildings within the PUD is consistent with the intent and purpose of the Zoning Regulations.

Attachment No. 4

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 to the applicant if the rezoning is denied. There is a community need for affordable housing and denial of the request would prohibit the opportunity to provide affordable housing.

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

12. OTHER APPLICABLE FACTORS:

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of the Gardens at Flint Hills from PDD, Planned Development District, to PUD, Planned Unit Development District, with the conditions:

1. Permitted uses shall be Multiple-Family Dwellings.
2. Landscaping and irrigation on Lot 2 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 be limited to the proposed ground sign and existing sign and shall also allow for exempt signage described in Article VI, Section 6-104 (A)(1), (2), (4), (7) and (8); and, Section 6-104 (B) (2).

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of The Gardens at Flint Hills from PDD, Planned Development 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 The Gardens at Flint Hills from PDD, Planned Development 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.

Attachment No. 4

3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of The Gardens at Flint Hills from PDD, Planned Development District, to PUD, Planned Unit Development District, based on the findings in the staff report, with the conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: May 31, 2005