

MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 5, 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, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 32 interested citizens.

PLEDGE OF ALLEGIANCE

Wildcat 4-H Club led the Commission in the Pledge of Allegiance.

PRESENTATIONS/RECOGNITIONS

Mayor Klimek recognized the Wildcat 4-H Club.

PUBLIC COMMENTS

Mayor Klimek opened the public comments.

Jim Roberts, 1900 Sunset Lane, voiced a concern for parking on the north end of City Park and asked that restrictions be placed on parking in that area.

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

COMMISSIONER COMMENTS

Mayor Klimek hoped that everyone had a happy Fourth of July and encouraged citizens to mark your calendar for the Riley County Fair and Rodeo, July 28 through August 1, 2005.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 21, 2005.

CLAIMS REGISTER NO. 2532

The Commission approved Claims Register No. 2532 authorizing and approving the payment of claims from June 15, 2005, to June 28, 2005, in the amount of \$2,256,101.91.

LICENSE – CEREAL MALT BEVERAGE

The Commission approved the application from Gambino's Pizza, 1219 Bluemont Avenue, for a 2005 Cereal Malt Beverage License.

ORDINANCE NO. 6482 – REZONE – 2400 CASEMENT ROAD

The Commission approved Ordinance No. 6482 rezoning 2400 Casement Road, generally located 175 feet south of the intersection of Casement Road and Butterfield Road, along the east side of 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. 1*)

ORDINANCE NO. 6483 – REZONE – THE GARDENS AT FLINT HILLS PLACE

The Commission approved Ordinance No. 6483 rezoning The Gardens at Flint Hills, generally located southwest of the intersection of Kimball Avenue and North Manhattan Avenue at 1300 Flint Hills Place, 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. 2*)

PUBLIC HEARING – SPECIAL ASSESSMENTS – GOB 2005B

Mayor Klimek opened the public hearing.

Hearing no comments, Mayor Klimek closed the public hearing.

CONSENT AGENDA (CONTINUED)

FIRST READING – SPECIAL ASSESSMENTS – GOB 2005B

The Commission approved first reading of an ordinance 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)*; and *Woodland Hills Addition, Unit 5, Phase I – Sanitary Sewer (SS0402), Street (ST0402), Water (WA0403)*.

PUBLIC HEARING – VACATE UTILITY EASEMENT – HIGHLAND MEADOWS ADDITION, UNIT 1

Mayor Klimek opened the public hearing.

Hearing no comments, Mayor Klimek closed the public hearing.

FIRST READING – VACATE UTILITY EASEMENT – HIGHLAND MEADOWS ADDITION, UNIT 1

The Commission approved first reading of an ordinance vacating a portion of the utility easement as described within the attached ordinance on a portion of two ten (10) foot utility easement on Lots 23A, 24B, 42A, and 43B, Highland Meadows Addition, Phase I, an addition to the City of Manhattan, Riley County, Kansas.

RESOLUTION NO. 070505-C – REPEAL – MILLER RANCH ADDITION, UNIT 3, PHASE 1 – STREET IMPROVEMENTS (ST0009)

The Commission approved Resolution No. 070505-C repealing Resolution No. 030601-B which made findings and authorized construction for street improvements for Miller Ranch Addition, Unit 3, Phase 1 (ST0009).

*

AWARD CONTRACT – TUTTLE CREEK BOULEVARD/KIMBALL AVENUE PROJECT (ST0304)

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

The Commission authorized the Mayor and City Clerk to execute a Construction Engineering Agreement for Tuttle Creek Boulevard/Kimball Avenue Project #81 U-1990-01 (ST0304) with KDOT, approved the award of a contract for the project, and approved Resolution No.070505-A authorizing construction and financing for the project.

CONSENT AGENDA (CONTINUED)

* **AWARD CONTRACT – CLAFLIN ROAD/BEECHWOOD TERRACE (ST0203)**

Rob Ott, City Engineer, provided additional information on the item.

The Commission authorized the Mayor and City Clerk to execute a Construction Engineering Agreement for the Claflin Road/Beechwood Terrace Project #24-81 K-9032-01 with KDOT (ST0203), approved the award of a contract for the project, and approved Resolution No. 070505-B authorizing construction and financing for the project.

AWARD CONTRACT – LEE MILL HEIGHTS, UNIT 1 – STREET IMPROVEMENTS (ST0415)

The Commission accepted the Engineer's Estimate in the amount of \$384,000.00 and awarded a construction contract in the amount of \$381,731.00 to Manhattan Trenching, of Manhattan, Kansas, for the Lee Mill Heights, Unit 1, Street Improvements (ST0415).

AWARD CONTRACT – HOUSING REHABILITATION PROJECTS

The Commission accepted the bids on the Housing Rehabilitation Projects for 1708 Cassell Road and 2011 Shirley Lane; awarded the bids to the lowest responsible bidders for the base price; authorized City Administration to approve any necessary change orders; and authorized the Mayor and City Clerk to enter into an agreement with the contractor and property owner for expenditure of Housing Rehabilitation Funds.

CHANGE ORDER NO. 1-FINAL – 2005 STREET MAINTENANCE, PHASE 1 (ST0505)

The Commission approved Change Order No.1-Final for 2005 Street Maintenance Phase I (ST0505) resulting in a net decrease in the amount of \$1,717.00 (-1.08%) to the contract with Vance Bros., Inc., of Kansas City, Missouri.

FIRST READING – TRANSPORTATION REVOLVING LOAN (TRL)

The Commission approved first reading of an ordinance authorizing the execution of a loan agreement between the City of Manhattan, Kansas, and the State of Kansas, acting by and through the Kansas Department of Transportation for the purpose of obtaining a loan from the Kansas Transportation Revolving Fund for the purpose of financing a qualified transportation project; established a dedicated source of revenue for repayment of such loan; authorized and approved certain documents in connection therewith; and authorized certain other actions in connection with the loan agreement.

CONSENT AGENDA (CONTINUED)

APPLICATION – KANSAS HISTORIC PRESERVATION TAX CREDIT PROGRAM

The Commission authorized the Mayor and City Clerk to sign an application for the Kansas Historic Preservation Tax Credit Program.

BOARD APPOINTMENTS

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

Airport Advisory Board

Re-appointment of Charles Reagan, 3022 Cherry Hill Rd., to a three-year term. Mr. Reagan's term begins immediately and will expire on June 26, 2008.

Parks And Recreation Advisory Board

Re-appointment of Randy Martin, 904 Briarwood Dr., to a four-year USD 383 term. Mr. Martin's term begins immediately and will expire on June 30, 2009.

Re-appointment of Reed Scott, 406 Warner Park Rd., to a four-year term. Mr. Scott's term begins immediately and will expire on June 30, 2009.

Special Alcohol Funds Advisory Committee

Re-appointment of Martha Gray, 2800 Nevada St., to a three-year term. Ms Gray's term begins immediately and will expire on December 31, 2007.

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

GENERAL AGENDA

ECONOMIC DEVELOPMENT APPLICATION/ INDUSTRIAL REVENUE BONDS - FLINT HILLS BEVERAGE, LLC

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

John Pagen, Manhattan Area Chamber of Commerce, presented background information on the company and aspects of the proposal.

GENERAL AGENDA (CONTINUED)

ECONOMIC DEVELOPMENT APPLICATION/ INDUSTRIAL REVENUE BONDS - FLINT HILLS BEVERAGE, LLC (CONTINUED)

Gary Fees, City Clerk/Communications Manager, presented an overview of the incentive package and proposal for Flint Hills Beverage to build and equip a new facility in the Manhattan Corporate Technology Park. He then answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve Ordinance No. 6484 issuing up to \$2.8 million in Industrial Revenue Bonds for Controlled Environmental Warehousing, LLC for the purpose of constructing and equipping a manufacturing facility to be located in the Manhattan Corporate Technology Park, and authorize the Mayor and City Clerk to execute an agreement with Controlled Environmental Warehousing and Flint Hills Beverage providing for the sale of two lots to the company and an incentive package related to the company's relocation and expansion. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - FOUR WINDS VILLAGE

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

Jeff Hancock, Director of Public Works, and Eric Cattell, Assistant Director for Planning, answered the questions from the Commission.

Frank Tillman, Applicant, 1328 Sharingbrook Drive, provided additional information to the Commission.

Alden Scott, Project Architect, and Barry Scott, Architect of Record for the Project, informed the Commission of the material quality to be used for construction and informed the Commission they are trying to keep the project affordable.

Leon Brown, Schwab-Eaton, P.A., distributed updates on the site plan to the Commission. He highlighted the typography of the area and said he is working with an adjacent property owner and City Staff on providing appropriate access.

Frank Tillman, Applicant, summarized several areas of the restrictive covenants and explained plans to establish a homeowners association for the area. He said the target market is for less than \$150,000 and wants to keep building efficiencies in place. He then answered additional questions from the Commission.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - FOUR WINDS VILLAGE (CONTINUED)

After additional discussion, Frank Tillman, Applicant, informed the Commission that he would put something in the restrictive covenants to indicate no conversions of garages and answered questions from the Commission.

Barry Scott, Architect of Record for the Project; Eric Cattell, Assistant Director for Planning; Jeff Hancock, Director of Public Works; Leon Brown, Schwab-Eaton, P.A.; Frank Tillman, Applicant; and Alden Scott, Project Architect, answered additional questions from the Commission.

Jim Roberts, 1900 Sunset Lane, was concerned with the increased traffic in the area with several developments being constructed.

Jeff Hancock, Director of Public Works, and Rob Ott, City Engineer, answered questions from the Commission.

Ron Fehr, City Manager, provided clarification on the discussion of traffic.

Eric Cattell, Assistant Director for Planning, explained the process remaining for this development.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning Four Winds Village, located generally northwest of the intersection of Kimball and Anderson Avenues, from I-5, Business Park District, to PUD, Planned Unit Development District, based on the findings in the Staff Report, with the seven (7) conditions recommended by the Manhattan Urban Area Planning Board. (*See Attachment No. 3*) Mayor Klimek seconded the motion.

Commissioner Hatesohl provided clarification on his motion.

Commissioner Phillips requested that the Manhattan Urban Area Planning Board consider the following items when reviewing the Final Development Plan and Plat: 1) additional information on the proposed recreational play area; 2) provisions for additional year-round landscaping on Anderson Avenue to provide a buffer between the back of the townhomes; 3) consider a provision for additional street trees along internal streets; 4) review the covenants of the Homeowner's Association; and 5) review additional details provided on the building and roofing materials and color variation.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - FOUR WINDS VILLAGE (CONTINUED)

After discussion, Commissioner Hatesohl did not want the items mentioned to be part the formal motion, but agreed to have the Manhattan Urban Area Planning Board look at these items further.

Eric Cattell, Assistant Director for Planning, provided clarification on the item.

Ron Fehr, City Manager, provided clarification on the item and informed the Commission that he was comfortable forwarding those items to the Manhattan Urban Area Planning Board for its review and be reflected in the minutes.

After additional discussion, on a roll call vote, motion carried 5-0.

The Commission took a brief recess at 9:00 p.m.

FIRST READING – AMEND - PARKING RESTRICTIONS IN AGGIEVILLE

Bill Frost, City Attorney, presented the item and answered questions from the Commission.

Ron Fehr, City Manager, and Bill Frost, City Attorney, provided additional information and clarification on the item.

Cheryl Sieben, Director, Aggieville Business Association, informed the Commission that its desire is to have parking available for Aggieville consumers and to free up congestion in the 1200 block of Laramie Street with an additional loading zone. She then answered questions from the Commission.

Bill Frost, City Attorney, answered questions from the Commission.

Terry DeWeese, Director of Parks and Recreation, answered questions regarding the potential impact on parking in City Park.

Ron Fehr, City Manager, answered questions from the Commission.

After discussion, Commissioner Phillips moved to approve first reading of an ordinance, amending the Code of Ordinances, dealing with the amendment of certain sections regulating parking, and an ordinance establishing a Loading Zone, as proposed. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

FIRST READING - CONDEMNATION OF EASEMENTS - ANDERSON AVENUE PROJECT (ST0301)

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

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

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance, giving the City the power of eminent domain necessary to acquire the necessary easements by condemnation. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

DEVELOPMENT AGREEMENT - PRAIRIE LAKES, UNIT 1 AND UNIT 2, STREET, SEWER, AND WATER AND PRAIRIE LAKES DRAINAGE STRUCTURE

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

Ron Fehr, City Manager, provided additional information on the item and explained the proposed benefit district.

Russell Weisbender, President, Overlay Properties, Inc., provided additional information on the item and answered questions from the Commission.

Ron Fehr, City Manager, provided clarification on the item and discussed possible maintenance issues that will need to be considered. He then answered questions from the Commission.

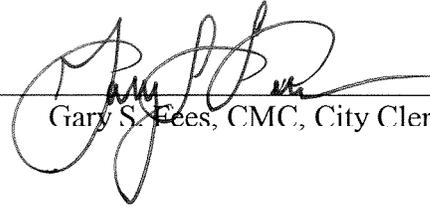
Russell Weisbender, President, Overlay Properties, Inc., answered additional questions from the Commission regarding available lots.

Bill Frost, City Attorney, provided clarification on the draft petitions.

After discussion, Commissioner Hatesohl moved to authorize City Administration to finalize and the Mayor and City Clerk to execute the proposed Development Agreement with Overlay Properties for infrastructure in the Prairie Lakes Subdivision based on a 70/30 percent City/Developer participation for the Lake Drainage Structure project. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 10:02 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

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:

Attachment No. 1

- (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.

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.

Attachment No. 1

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.

Attachment No. 1

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 Zilkic, 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. 2

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 Hills 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. 2

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. 2

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. 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 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

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: I-5, Business Park District

TO: PUD, Planned Unit Development District

APPLICANT: Frank Tillman of Tillman Partners, L.P.

ADDRESS: 1328 Sharingbrook Drive, Manhattan, KS 66503

OWNER/ADDRESS: Unified School District 383 / 2031 Poyntz Avenue, Manhattan, KS 66502

DATE OF PUBLIC NOTICE PUBLICATION: Monday, May 30, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, June 20, 2005
CITY COMMISSION: Tuesday, July 5, 2005

LOCATION: Lot 1, Sharingbrook Research Park Addition, an addition to the City of Manhattan, Riley County, Kansas, Kansas containing 19.12 acres, and the associated platted Right-of-Way of Christy Drive containing 1.29 acres.

AREA: Approximately 20.41 acres

PROPOSED USES: One-hundred sixteen (116) residential townhomes; a 1.91 acre tract of land (Tract A) along the east edge of the site that is reserved for future open space and residential; and, a 1.44 acre tract of land (Tract B) in the southeast corner of the site that is designated as a future commercial area. The remainder of the site is common area, which will consist of conservation and drainage easements, landscaped open space, driveways, and sidewalks. Four Winds Homes Association will maintain the common area, including medians and islands. Sixty-two (62) townhouse units are proposed within Phase I of the development, and the remaining fifty-four (54) townhouse units are proposed as part of Phase II.

Attachment No. 3

Tract A, the majority of which is within a Conservation and Drainage Easement, is anticipated to become part of future development associated with the adjacent property to the east. The only portion of Tract A that could be developed for residential purposes is the eastern twenty (20) feet of the tract that is outside the easement. It is anticipated that the remainder of the tract would remain as a natural drainageway.

Tract B will be amended at a future date with the intent that it would be developed as a small neighborhood commercial center with a mix of retail and office uses. The applicant has indicated that proposed uses within Tract B would be uses that are permitted in the C-1 and C-2 Zoning Districts. The applicant has also indicated that C-2 conditional uses would be permitted with the exception of bus terminals, hotels and motels, and kennels. The C-2 conditional uses that would be permitted include car washes, drive-in establishments, and taverns. It is anticipated that the commercial center will be coordinated with, and connected to, a future commercial area that will be located on the property to the east at the northwest corner of Anderson Avenue and Kimball Avenue.

PROPOSED BUILDINGS AND STRUCTURES: Twenty-three (23) residential buildings are proposed, encompassing a total of 116 townhouse units. Each residential building includes at least two (2) attached townhouse units and as many as seven (7) attached townhouse units. Throughout the development there is a mixture of buildings with 2, 3, 4, 5, 6, 7 and 8 attached townhouse units. Density is 8.14 dwelling units per net acre.

The future PUD amendment for Tract B will include building plans, elevations, signage details, and site plans. It is estimated that there will be approximately 21,780 square feet (0.50 acres) of building coverage within Tract B and 110 parking spaces.

PROPOSED LOT COVERAGE

| <i>USE</i> | <i>Including Tract A</i> | | <i>Without Tract A</i> | |
|--------------------------------|-----------------------------------|-------------------|-----------------------------------|-------------------|
| | <u>Square Feet</u> <u>(sf)</u> | <u>Percentage</u> | <u>Square Feet</u> <u>(sf)</u> | <u>Percentage</u> |
| Residential building | 3.04 acres | 21.3% | 3.04 acres | 24.6% |
| Private drives and sidewalks | 1.56 acres | 11% | 1.56 acres | 12.7% |
| Private patios | 0.26 acres | 1.8% | 0.26 acres | 2.1% |
| Green space | 8.01 acres | 56.2% | 6.10 acres | 49.4% |
| Tract B Commercial Buildings * | 0.50 acres | 3.5% | 0.50 acres | 4.1% |
| Tract B Parking (110 spaces) * | 0.88 acres | 6.2% | 0.88 acres | 7.1% |

* Building coverage and parking requirements for Tract B are assumed based on full allowable build out. Actual conditions may vary. PUD amendment will be submitted for review and approval at a later date.

PROPOSED SIGNS:

| <u>Type</u> | | <u>Dimensions</u> | <u>Lighting</u> |
|------------------|-------------|---|--|
| Ground Monument) | Sign (Entry | “Arrow” (14’ above ground level at highest point) placed on the front side of “Cube” (8’x 8’x 8’). Wall surface of both “arrow” and “cube” is EIFS. | Two ground mounted floodlights to illuminate front face of “arrow” and “cube”. |

PROPOSED LIGHTING: Location of streetlights will be coordinated with the Final Development Plan in accordance with the City’s street light policy.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Approximately 56.2 % of the site is designated as green space (49.4 % when Tract A is excluded). The green space includes substantial areas left in a relatively natural state, particularly within the conservation easements, with existing tree stands preserved. The remainder of the green space includes areas that will be either turf grass or a native grass/wildflower mix with a range of shrubs, and deciduous and evergreen trees. Foundation plantings are also provided around the townhouse units, and include a mix of deciduous and evergreen shrubs, ornamental grasses, and perennials. Underground irrigation will be used to maintain manicured landscape areas.

2. SCREENING: No screening is proposed other than landscape screening along the south edge of the site to provide some privacy for residents of the townhouse units closest in proximity to Anderson Avenue. The landscape screening includes a mix of deciduous and evergreen trees.

3. DRAINAGE: Adequate provision for drainage has been provided as described in the Drainage Study submitted with the application (attached). Two primary waterways pass through the site both of which carry off-site drainage. All drainage generated within and passing through the site eventually leaves the site through an existing 5 foot by 4 foot RCB (reinforced concrete box) under Anderson Avenue near the southeast property corner.

Attachment No. 3

Portions of the site will be graded to two proposed detention facilities. Some portions of the site will be more difficult to detain and will therefore bypass such facilities. The plans have been reviewed and approved by the City Engineer, Robert Ott, P.E., and meet the requirements of the City's Stormwater Management Master Plan.

4. CIRCULATION: There are two points of access to the site from Anderson Avenue as both Wildwind Drive and Christy Drive intersect with Anderson Avenue. There is also a proposed future street connection to the adjacent tract of land to the east. Access to each townhouse unit is provided through private, shared driveways that extend from internal public streets. Two (2) off-street parking spaces are proposed per unit, which is the minimum required for a single-family dwelling unit.

Three of the new street names are in conflict with existing street names in the 911 emergency area: "Alan" Court, "Kristina" Court, and "Kasey" Terrace. "Wildwind" Drive may be a conflict as well. Street names must be changed to not create a conflict and any resulting confusion if emergency services are needed. Names of new streets shall not be so similar in sound and/or spelling to existing streets names as to cause confusion or misunderstanding, irrespective of a suffix.

Sidewalks are provided on one side of all internal streets and are proposed to connect with a future sidewalk along Anderson Avenue. Other than sidewalks, there are no internal pedestrian walkways or connections.

5. OPEN SPACE AND COMMON AREA: Approximately 56.2 % of the site is open space, either natural or manicured, and designated as common area to be owned and maintained by the Four Winds Homes Association.

6. CHARACTER OF THE NEIGHBORHOOD: The site is located at the west boundary of the City within an area that is sparsely developed, particularly to the north and northwest. West of Kimball Avenue/Scenic Drive, the character of the area is mostly rural in nature and is limited to scattered single-family homes on large lots along the north side of Anderson Avenue and Blueville Nursery, a landscaping/garden store, on the south side of Anderson Avenue. To the north and northwest are tracts of land that are undeveloped and are not used other than as open space (the property to the northwest is owned by The Nature Conservancy).

The tract directly to the east, at the northwest corner of Kimball Avenue and Anderson Avenue, is undeveloped and is currently used as a borrow area. At the northeast corner of Kimball and Anderson is another undeveloped tract that is also used as a borrow area, and just to the north of that tract is a relatively new single-family residential neighborhood, Wyndham Heights.

To the southeast of Four Winds, at the southeast corner of Anderson Avenue and Scenic Drive is a medical office center, Stone Creek.

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

1. EXISTING USE: The site is undeveloped other than a metal building located on the western half of the property. According to the applicant, the land has been used as a training center for the Electrical Program at Manhattan Technical College in recent years.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is a wooded hillside located on the north side of Anderson Avenue. There are two drainage ravines on the property that flow southerly towards Anderson Avenue. One runs alongside the east edge of the site and the other is located near the western edge of the site. There are substantial rock strata throughout the property.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Unimproved open space; I-5, Business Park District.

(b.) SOUTH: Blueville Nursery (landscaping/nursery/garden store) and rural field; C-4 (County Zoning District), Highway Business District, and County G-1, General Agricultural District.

(c.) EAST: Unimproved, used as a borrow area; I-5, Business Park District.

(d.) WEST: Single-family homes (low density/rural residential); A-1 (County Zoning District), Single-Family Residential, and G-1 District

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is zoned I-5, Business Park District, which is “designed to encourage administrative, research, and assembly activities”. The current zoning does not allow for the site to be developed for residential purposes.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: An increase in light, noise and traffic can be expected, but those changes should not be inconsistent with other newly developed neighborhoods within the City.

6. CONFORMANCE WITH COMPREHENSIVE PLAN:

LAND USE

The Future Land Use Map indicates that the site is appropriate for a Medium to High Density Residential (RMH) land use, and that a Neighborhood Commercial Center is appropriate for the intersection of Kimball Avenue and Anderson Avenue.

Applicable policies include:

Urban Residential – All Categories

UR 5: Incorporation of Natural Features

Urban Residential neighborhoods shall be designed in a manner which protects and preserves natural features of the site, including mature stands of trees, wetlands, drainages, or ridgelines, as open space amenities that serve as identifying or character defining features.

Residential Medium/High Density (RMH)

RMH 1: Characteristics

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

RMH 2: Appropriate Density Range

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

RMH 3: Location

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

RMH 4: Variety of Housing Styles

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

Neighborhood Commercial Center (NCC)

NCC 1: Characteristics

Neighborhood Commercial Centers are intended to provide a range of services, including supermarkets, restaurants, movie rentals, drycleaners, drugstores, filling stations, smaller specialty shops, retail and health services and business and professional offices, for residential areas. Neighborhood centers will vary in scale and character. Smaller, limited use centers may be fully integrated into the surrounding neighborhood and be accessed primarily by pedestrian or bicycle; while larger centers will function more independently, providing ample parking and numerous stores. Mixed-Use Neighborhood Centers that also incorporate residential uses are appropriate in a master planned setting. Neighborhood Centers often serve more than one nearby neighborhood in order to maintain sufficient economy of scale.

NCC 2: Location

Neighborhood centers should generally be located at the intersection of arterial and collector streets. However, smaller centers with limited uses may be appropriate within a residential area at the intersection of two collector streets, or at the intersection of a collector and a local street, provided they are designed to be compatible with the surrounding neighborhood and meet a minimum level of design criteria.

NCC 3: Size

Neighborhood centers typically require a site of approximately 10 acres, but may vary, ranging from as small as 1-3 acres to as large as 15-20 acres depending on the size of its service area and the extent of its mixed-use characteristics.

NCC 4: Architectural Character

Neighborhood Centers shall be designed to be compatible with and sensitive to surrounding residences. Building materials and architectural detailing should be compatible with and reflect the character of the surrounding neighborhood. Building heights and scale should be similar to surrounding residences.

NCC 5: Circulation and Access

Main entrances and driveways should be integrated with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles. Clear, direct pedestrian connections shall be provided between uses within the center and to the surrounding neighborhood.

NCC 6: Parking Location and Design

Large, uninterrupted expanses of parking should be avoided. Parking areas shall be divided into smaller "blocks" by landscaping and walkways. To the extent possible, parking blocks shall be distributed between the front and sides of buildings, or the front and rear, rather than placed solely in front of building.

NCC 7: Transitions between Uses

Attractive transitions should be provided between the center and surrounding residences, while not limiting access between the center and the neighborhood for all modes of travel. Transitions can be accomplished by stepping down the height of taller structures to meet residences, providing landscape buffers or screening, or similar means. Use creative design to avoid simply "walling" off residential areas from neighborhood centers.

The proposed PUD is in general conformance with the Land Use Policies of the Comprehensive Plan. Some natural features have been incorporated through the preservation of a drainage ravine and existing stands of trees, as suggested by the Land Use Policies. Although the proposal does not provide for a mix of housing types and styles within the PUD, it does provide a housing type not found within the immediate area. The location itself is appropriate for residential development of this density. Proposed density is 8.14 dwelling units per acre, which is slightly less than the suggested density range of 11 to 19 dwelling units per acre for Medium to High Density Residential.

When the PUD is amended to incorporate Tract B as a future commercial area, it should be reviewed for consistency with the Policies for Neighborhood Commercial Centers, particularly with respect to its design and integration into the surrounding neighborhood.

HOUSING AND NEIGHBORHOODS

Applicable Goals, Guiding Principles and Policies Include:

Goal #2:

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

Goal #3:

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

HN 1: Mixture of Housing Types

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

HN 8: Promote Coordinated Neighborhood Design

The City and County should ensure the compatibility and connectivity of adjoining neighborhoods with new developments, during the master planning process. Key considerations should include the identification of future roadway connections, pedestrian, park and open space linkages, and transitions between land uses or developments of varying intensities.

The proposed PUD is in general conformance with the Housing and Neighborhoods Policies of the Comprehensive Plan. As stated above, although the proposal does not provide for a mix of housing types and styles within the PUD, it does provide a housing type not found within the immediate area. The applicant has coordinated with the owner of the property to the east to create a future roadway connection between the two developments.

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

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The property was annexed, zoned I-5, Business Park District, and platted as Lot 1 of Sharingbrook Research Park Addition in 1981. The property has remained vacant since that 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 purposes of the Zoning Regulations, and the intent of the PUD 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 Comprehensive Plan. It may be a hardship to the applicant if the request is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer, and water are available to serve the use. Sidewalks are proposed, as described above. The applicant's consultant submitted a Traffic Impact Study and a Preliminary Drainage Study. Both studies were reviewed by the City Engineer and conform to the policies of the Manhattan Area Transportation Strategy and the Stormwater Management Master Plan (*see attached memo*). No changes to the two studies were required.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of Four Winds Village, from I-5, Business Park District, to PUD, Planned Unit Development District, with the following conditions:

1. Permitted uses shall include one hundred and sixteen (116) townhouse units; the permitted uses of the C-1, Restricted Business District; and, all of the permitted and conditional uses of the C-2, Neighborhood Shopping District, except for Bus terminals, not including service and repair of vehicles, Hotels and motels, and Kennels.

Attachment No. 3

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 be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations.
5. Prior to the development of proposed Tract B for commercial development, an amendment of the Planned Unit Development shall be submitted and shall be approved, prior to issuing any necessary permits.
6. New street names shall be revised so as not be so similar in sound and/or spelling to existing streets names as to cause confusion or misunderstanding, irrespective of a suffix.

ALTERNATIVES:

1. Recommend approval of the rezoning of Four Winds Village, from I-5, Business Park District to PUD, Residential Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Four Winds Village, from I-5, Business Park 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 Four Winds Village, from I-5, Business Park District to PUD, Planned Unit Development District, based on the findings in the staff report, with the conditions recommended by City Administration.

PREPARED BY: Cam Moeller, Planner II

DATE: June 15, 2005

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