

MINUTES
CITY COMMISSION MEETING
TUESDAY, OCTOBER 16, 2012
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Loren J. Pepperd and Commissioners John Matta, Wynn Butler, Richard B. Jankovich, and James E. Sherow were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 7 staff, and approximately 15 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Pepperd led the Commission in the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Sherow mentioned that he attended the open house for the new Traffic Operations Facility on Saturday, October 13, 2012, and congratulated members of the Public Works staff on a fine facility.

Commissioner Jankovich also expressed his appreciation on the new Traffic Operations Facility. He stated that the next Wildcat Creek Watershed Working Group meeting would be at 6:30 p.m., on Thursday, October 18, 2012, in the City Commission Room, and provided an update on the item.

Mayor Pepperd stated that Dolly Anderson from Manhattan recently returned from visiting the Czech Republic and met with the Mayor of Dobřichovice as part of the ongoing efforts to maintain strong relationships with our Partner City. He said that representatives from the City and Riley County presented the Riley County Half-Cent Sales Tax Renewal item to the Manhattan Young Professional group earlier in the day and continues to present the item to groups and service clubs that are interested.

Gary Fees, City Clerk, provided information on the rebroadcast schedule of the Riley County and City of Manhattan joint presentation of the Half-Cent Sales Tax Renewal presentation available for viewing on Cox Cable Channel 3 and on the City's website.

COMMISSIONER COMMENTS (*CONTINUED*)

Mayor Pepperd informed the community that he has accepted a friendly challenge with Mayor Jim Manilla, City of Morgantown, West Virginia, regarding the Saturday, October 20, 2012, football game between Kansas State University and West Virginia University. He stated that the mayor from the losing University will wear the winning team school colors at the next respective Commission meeting. He thanked Amy Button Renz, President, Kansas State University Alumni Association, for helping with the shirt exchange and Gary Fees, City Clerk, for helping coordinate the challenge with the City of Morgantown.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, October 2, 2012.

CLAIMS REGISTER NO. 2712

The Commission approved Claims Register No. 2712 authorizing and approving the payment of claims from September 26, 2012, to October 9, 2012, in the amount of \$4,296,919.16.

LICENSE

The Commission approved a Tree Maintenance License for calendar year 2012 for Haslett Tree Service, 105 Tremont Street, Junction City, Kansas.

* WAIVE FEES – STONE POINTE TOWNHOMES ADDITION, UNIT ONE

The Commission denied the request from Manhattan Area Housing Partnership to waive building permit fees and absorb the utility connection fees for 29 tax credit units in Stone Pointe Townhomes Addition, Unit One.

FINAL PLAT - STONE POINTE TOWNHOMES ADDITION, UNIT THREE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Stone Pointe Townhomes Addition, Unit Three, Residential Planned Unit Development (PUD), generally located east of N. Scenic Drive, and southeast of the intersection of Stone Crest Drive and Stone Crest Court, based on conformance with the Manhattan Urban Area Subdivision Regulations.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6971 – AMEND FINAL DEVELOPMENT PLAN – STONE POINTE TOWNHOMES, UNIT ONE, PUD

The Commission approved Ordinance No. 6971 amending the Final Development Plan of Stone Pointe Townhomes, Unit One, Residential PUD, and Ordinance No. 6693, to be known as Stone Pointe Townhomes, Unit Three, Residential PUD, based on the findings in the Staff Report (*See Attachment No. 1*), with the two conditions recommended by the Manhattan Urban Area Planning Board.

* **ORDINANCE NO. 6972 – REZONE – BLUEMONT AND N. MANHATTAN HOTEL**

Rob Ott, City Engineer, responded to questions from the Commission and provided clarification that the City does not anticipate issues regarding the sanitary sewer system.

The Commission approved Ordinance No. 6972 rezoning the proposed PUD, generally located on the northeast corner of Bluemont and N. Manhattan Avenues, from R-3, Multiple-Family Residential District, with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 2*) with the eight conditions recommended by the Planning Board.

* **ORDINANCE NO. 6973 – LEVY 2013 SERVICE FEES – AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT**

Ron Fehr, City Manager, responded to questions from the Commission regarding the City administrative fee and what activities administration is responsible for.

Jason Hilgers, Assistant City Manager, provided additional information on the item. He highlighted the administrative duties and verification process for businesses in the benefit districts.

Mark Skochdopole, representing Downtown Manhattan, Inc., informed the Commission that Karen Davis, Director of Community Development, attends all the necessary meetings and highlighted the administrative duties that her office performs. He stated that if anything, the administrative fees should be more, and concurred with a flat administrative fee versus doing it on a percentage basis.

The Commission approved Ordinance No. 6973 continuing the establishment of the Aggieville Business Improvement Districts and levying Business Improvement Service Fees for the year 2013, on businesses located within the District.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 6974 – LEVY 2013 SERVICE FEES – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT**

Ron Fehr, City Manager, responded to questions from the Commission regarding the City administrative fee and what activities administration is responsible for.

Jason Hilgers, Assistant City Manager, provided additional information and the on the administrative duties and the verification process for businesses in the benefit districts.

Mark Skochdopole, representing Downtown Manhattan, Inc., informed the Commission that Karen Davis, Director of Community Development, attends all the necessary meetings and highlighted the administrative duties that her office performs. He stated that if anything, the administrative fees should be more, and concurred with a flat administrative fee versus doing it on a percentage basis.

The Commission approved Ordinance No. 6974 continuing the establishment of the Downtown Business Improvement Districts and levying Business Improvement Service Fees for the year 2013, on businesses located within the District.

* **RESOLUTION NO. 101612-A – SET BOND SALE DATE – GENERAL OBLIGATION BOND SERIES NO. 2012-B**

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on the item.

The Commission approved Resolution No. 101612-A setting November 20, 2012, as the date to sell \$12,885,000.00 in general obligation bonds (Series 2012-B) for the following projects: *KSU Foundation Addition Sanitary Sewer (SS0812); Miller Ranch Addition, Unit Three, Phase Two, Street Improvements (ST1102); West Anderson Avenue Transportation Expansion (ST0810); Fire Station #3 (FRX75P); Fire Station #5 (FR775P); Gibbon Exhibit (SZ0902); Zoo Education Building (SZ0901); and Pierre Street and Third Street Intersection (ST0910).*

* **FIRST READING – ISSUE – GENERAL OBLIGATION BOND SERIES NO. 2012-B**

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on the item.

CONSENT AGENDA (CONTINUED)

* **FIRST READING – ISSUE – GENERAL OBLIGATION BOND SERIES NO. 2012-B (CONTINUED)**

The Commission approved first reading of an ordinance issuing \$12,885,000.00 in general obligation bonds for the following projects: *KSU Foundation Addition Sanitary Sewer (SS0812); Miller Ranch Addition, Unit Three, Phase Two, Street Improvements (ST1102); West Anderson Avenue Transportation Expansion (ST0810); Fire Station #3 (FRX75P); Fire Station #5 (FR775P); Gibbon Exhibit (SZ0902); Zoo Education Building (SZ0901); and Pierre Street and Third Street Intersection (ST0910).*

* **RESOLUTION NO. 101612-B – DISPOSAL – CITY SURPLUS VEHICLES**

Ron Fehr, City Manager, provided additional information regarding a request received to donate the used fire truck to a local party that would provide the truck to a community in Africa. He informed the Commission that City Administration believed there were too many potential liability issues with the vehicle and that it would be in the City's best interest to auction the vehicle and the interested party could purchase it from the auction house.

The Commission approved Resolution No. 101612-B authorizing the disposal of City surplus vehicles (*See Attachment No. 3*).

* **CHANGE ORDER NO. 16 – WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION PROJECT (SP0705)**

Dale Houdeshell, Director of Public Works, provided additional information on the reasons for the change order and responded to questions from the Commission.

The Commission approved and authorized execution of Change Order No. 16 for the Wastewater Treatment Plant Upgrade and Expansion Project (SP0705), resulting in a net increase in the amount of \$91,699.00 (+0.4%) to the contract with Walters-Morgan Construction, Inc., of Manhattan, Kansas.

CONTRACT AMENDMENT NO. 5 – ENGINEERING SERVICES – WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION PROJECT (SP0705)

The Commission approved and authorized the execution of Contract Amendment No. 5 with Carollo Engineers, Inc., of Kansas City, Kansas, for training and Plant start-up services in the amount of \$19,802.00 for the Wastewater Treatment Plant Upgrade and Expansion Project (SP0705).

CONSENT AGENDA (CONTINUED)

NEGOTIATE CONTRACT – ENGINEERING SERVICES – WATERSHED ANALYSIS STUDY, PHASE I (SM1205)

The Commission accepted the recommendation of the selection committee and authorized City Administration to negotiate an engineering service contract with BG Consultants, of Manhattan, Kansas, for the Watershed Analysis Study, Phase I (SM1205).

* **RESOLUTION NO. 101612-C – REVISED PETITION – WESTERN HILLS ADDITION, UNIT 14 – STREET PETITIONS (ST1210)**

The Commission found the revised street petition sufficient and approved Resolution No. 101612-C, rescinding Resolution No. 082112-I, finding the project advisable, and authorizing construction of the Western Hills Addition, Unit 14, Street Improvements (ST1210).

* **AWARD CONTRACT – WESTERN HILLS ADDITION, UNIT 14 – STREET (ST1210), SANITARY SEWER (SS1208), AND WATER (WA1209) IMPROVEMENTS**

Ron Fehr, City Manager, responded to questions from the Commission.

Rob Ott, City Engineer, provided additional background information on the item and responded to questions from the Commission on the benefit district.

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$469,716.00; awarded a construction contract in the amount of \$480,792.90 to J & K Contracting Inc., of Junction City, Kansas; and, as provided for under Charter Ordinance No. 44, authorized the Mayor and City Clerk to execute a contract in the amount of \$480,792.90 to J & K Contracting, Inc., of Junction City, Kansas, for the Western Hills Addition, Unit 14, Street (ST1210), Sanitary Sewer (SS1208), and Water (WA1209) Improvements.

* **DEVELOPMENT AGREEMENT – PRAIRIE LAKES, UNIT 6 – STREET (ST1209), SANITARY SEWER (SS1207), AND WATER (WA1208) IMPROVEMENTS**

Ron Fehr, City Manager, provided additional information on the development agreement and responded to questions from the Commission.

The Commission authorized the Mayor and City Clerk to execute a Development Agreement with Overlay Properties, of Manhattan, Kansas, to allow construction to proceed for Street (ST1209), Water (WA1208), and Sanitary Sewer (SS1207) Improvements in Prairie Lakes, Unit 6.

CONSENT AGENDA (CONTINUED)

* **AWARD CONTRACT – RILEY COUNTY SENIORS' SERVICE CENTER IMPROVEMENTS (CD1204)**

Ron Fehr, City Manager, responded to questions from the Commission regarding the bids received.

Bruce McMillan, Bruce McMillan, AIA, Architects, responded to questions from the Commission. He then provided additional information on the bids received and recommendation for the project.

Jami Ramsey, Director, Riley County/Manhattan Senior Center, thanked the Commission for its support of the grant funds for maintenance and improved functionality of the building.

The Commission accepted the Architect's Opinion of Probable Cost in the amount of \$125,000.00; and awarded and authorized execution of a construction contract in the amount of \$106,900.00 for the base bid and \$19,100.00 for Alternate No. 2 (additional window replacement) for a total amount of \$126,000.00 to Ron Fowles Construction, of Manhattan, Kansas, for the CDBG Riley County Seniors' Service Center Improvement Project (CD1204).

AWARD CONTRACT – TEMPORARY PARKING – MANHATTAN REGIONAL AIRPORT (AP1201)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$51,500.00 and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$40,732.50 with Midwest Concrete Materials, of Manhattan, Kansas, for construction of temporary parking at the Manhattan Regional Airport (AP1201).

UTILITY AGREEMENT – K-18 WATER LINE RELOCATION (WA1210)

The Commission authorized the Mayor to execute a Utility Agreement No. 006132007 with the Kansas Department of Transportation to relocate the Eureka Valley Tributary water line and authorized City Administration to finalize the design and bid the project (WA1210).

* **ACCEPT KDOT FEDERAL AID SAFETY GRANT – K-113 AND KIMBALL AVENUE INTERCHANGE SIGNALIZATION PROJECT**

Rob Ott, City Engineer, responded to questions from the Commission. He then provided additional information regarding right-of-way acquisition and past safety reports.

Ron Fehr, City Manager, provided clarification on the item.

CONSENT AGENDA (CONTINUED)

* **ACCEPT KDOT FEDERAL AID SAFETY GRANT – K-113 AND KIMBALL AVENUE INTERCHANGE SIGNALIZATION PROJECT (CONTINUED)**

The Commission accepted the KDOT federal aid safety grant for the K-113 and Kimball Avenue Interchange Signalization project and directed City Administration to proceed with design for this project in a manner that will facilitate construction in summer 2014.

* **ACCEPT KDOT FEDERAL AID SAFETY GRANT – K-18 AND POLISKA LANE MEDIAN CLOSURE PROJECT**

Rob Ott, City Engineer, responded to questions from the Commission. He then provided additional information regarding right-of-way acquisition and past safety reports.

Ron Fehr, City Manager, provided clarification on the item.

The Commission accepted the KDOT federal aid safety grant for the K-18 and Poliska Lane Median Closure project and directed City Administration to proceed with design for this project in a manner that will facilitate construction in summer 2014.

After discussion and comments from the Commission, Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item D, WAIVE FEES – STONE POINTE TOWNHOMES ADDITION, UNIT ONE, which failed 3-2, with Commissioners Matta, Butler, and Jankovich voting against the item; and, with the exception of Item L, NEGOTIATE CONTRACT – ENGINEERING SERVICES – WATERSHED ANALYSIS STUDY, PHASE I (SM1205), and Item O, DEVELOPMENT AGREEMENT – PRAIRIE LAKES, UNIT 6 – STREET (ST1209), SANITARY SEWER (SS1207), AND WATER (WA1208) IMPROVEMENTS, which carried 4-0-1, with Commissioner Jankovich abstaining from the items due to a conflict of interest.

GENERAL AGENDA

DISCUSSION - DOWNTOWN STREETScape IMPROVEMENTS DESIGN UPDATE

Jason Hilgers, Assistant City Manager, introduced the item.

GENERAL AGENDA (CONTINUED)

DISCUSSION - DOWNTOWN STREETScape IMPROVEMENTS DESIGN UPDATE (CONTINUED)

Patrick Schaub, Bowman Bowman Novick, Inc., presented an overview of the proposed CORE District Streetscape Improvements. He then responded to questions from the Commission and provided additional detail and clarification of the proposal.

Gina Scroggs, Director, Downtown Manhattan Inc., (DMI), responded to questions from the Commission regarding trees in the downtown area and the selection of trees.

Patrick Schaub, Bowman Bowman Novick, Inc., provided additional information regarding the streetscape. He then responded to questions from the Commission regarding public benches.

Jeff Hancock, SMH Consultants, provided additional information on the water line and replacement of the current water line from Third Street to Juliette Street. He also addressed drainage issues and plans to improve drainage.

Rob Ott, City Engineer, provided further information on the proposed.

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information regarding the proposed project.

Gina Scroggs, Director, DMI, informed the Commission that this is not strictly a cosmetic project, but will address safety concerns, replace poor streets, and improve inadequate lighting. She then responded to additional questions from the Commission.

Ron Fehr, City Manager, provided additional information regarding the project.

Patrick Schaub, Bowman Bowman Novick Inc., responded to questions from the Commission and provided an overview of the proposed bid process and construction timeline.

After additional discussion and comments from the Commission, there was consensus to proceed forward with the Downtown Streetscapes Improvement design.

As this was a discussion item only, no formal action was taken.

GENERAL AGENDA (CONTINUED)

DISCUSSION - DOWNTOWN PARKING REGULATIONS AND CONDITIONS - SOUTH REDEVELOPMENT AREA NEW PUBLIC PARKING GARAGE

Jason Hilgers, Assistant City Manager, presented an overview and update regarding downtown parking and the parking garage. He provided an overview of the average cars per day utilizing the parking garage, capacity for parking downtown, and parking fees. He then responded to questions from the Commission.

Ron Fehr, City Manager, provided additional information on the item. He informed the Commission that there may be an opportunity to rent parking space to tenants on a permanent basis.

Jason Hilgers, Assistant City Manager, provided additional information regarding the parking garage and associated costs if the decision is to start charging for parking. He then responded to questions from the Commission.

After discussion and comments from the Commission, Ron Fehr, City Manager, responded to questions from the Commission. He then provided additional information on parking costs and the consideration to increase parking fines and install parking meters.

After additional discussion and comments from the Commission, Jason Hilgers, Assistant City Manager, responded to questions from the Commission. He stated that additional information and analysis would be obtained on the item based on the feedback received from the Commission.

As this was a discussion item only, no formal action was taken.

ADJOURNMENT

At 8:58 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

AN AMENDMENT OF ORDINANCE NO. 6693 AND A PORTION OF THE APPROVED FINAL DEVELOPMENT PLAN OF STONE POINTE TOWNHOMES RESIDENTIAL TOWNHOMES PUD.

BACKGROUND

APPLICANTS: The applicants are:

- Stone Crest Land Co. LLC – Tim Schultz
- Excel Development Group - Bill Caton.

OWNER: The owner is Stone Crest Land Co. LLC – Tim Schultz.

ADDRESSES:

- Stone Crest land Co. LLC, 1213 Hylton Heights Rd., Manhattan, KS 66502
- Excel Development Group, 8551 Lexington Avenue, Lincoln, NE 68505

LOCATION: The amendment site is generally east of N. Scenic Drive, and southeast of the intersection of Stone Crest Drive and Stone Crest Court.

AREA:

- Total area of the amendment site is 3.147 acres (137,083 .32 square feet) consists existing Lots 5A-5D, 6A-6F, 7A-7D, 8A-8D, 9A-9D, Tract B, part of existing Tract A, and Stone Crest Way right-of-way.
- The amendment site is proposed Lot 1 - 2.782 acres (121,184 square feet) and proposed Tract E common area - 0.365 acres (15,899 square feet).

DATE OF PUBLIC NOTICE PUBLICATION: Thursday, August 16, 2012.

DATE OF PUBLIC HEARING: PLANNING BOARD: Thursday, September 6, 2012.

CITY COMMISSION: Tuesday, October 2, 2012.

EXISTING PUD

Ordinance

Stone Pointe Townhomes Residential Planned Unit Development and Ordinance No. 6693, dated April 15, 2008 (*attached*).

Conditions of Approval

The conditions of approval set out in Ordinance No. 6693 include:

1. Permitted uses shall include ninety six (96) residential townhome 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. Two ground entry signs and exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2), of the Manhattan Zoning Regulations shall be permitted.
4. All landscaping and irrigation shall be maintained in good condition.
5. No parking shall be allowed along the entire length of the east side of the Stone Crest Way right-of-way driving lane and shall be appropriately signed as No Parking.

Current Zoning

The current zoning of Stone Pointe Townhomes is PUD, Residential Planned Unit Development District with AO, Airport Overlay District.

The Final Development Plan of the entire Stone Pointe Townhomes PUD was approved June 2, 2008. Of the 96 approved townhomes, 20 townhomes are fully constructed, and four are under construction.

PROPOSED AMENDMENT

The proposed amendment will be known as Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development. The proposed amendment will delete 22 future approved townhomes on Lots 5A-9D from the approved PUD and replace the townhomes with two (2) multiple-family residential apartment buildings and one common area tract. Other changes include off-street parking, signage, lighting, landscaping, and other improvements. All of Tract B and a portion of Tract A in the approved PUD are included

Attachment No. 1

within the amendment site, with the balance of Tract A outside of the amendment site and included with the proposed Final Plat. The proposed changes are in the form of a Final Development Plan. A Final Plat (see separate staff memorandum) of the amended PUD is also proposed.

The proposed apartments are affordable rental housing. Application documents indicate, "Tenants will be required to meet either the Low Income Housing Tax Credit or HOME program income levels. Area Median Income at 60 percent or below will be required to qualify for housing." The Manhattan Area Housing Partnership Inc., the state certified non-profit CHDO (Community Housing Development Organization) will manage the apartment complex out the leasing office on the lower floor of the 19 unit apartment building. (FOR MORE DETAILS SEE THE WRITTEN APPLICATION DOCUMENTS.)

Proposed Buildings, Structures, and Phasing

Proposed Lot 1: The proposed structures are two, three story, separate apartment buildings:

The 19 dwelling unit apartment building has ten, 2 bedroom dwelling units and nine, 3 bedroom dwelling units, leasing office, and storage space. The second building is a ten dwelling unit apartment building with five 2 bedroom and 5 three bedroom dwelling units and storage space.

Both buildings front on Stone Crest Drive presenting a street appearance of a two story building with the lower level accessed off the off-street parking lot. (SEE SHEETS A5.1 AND A5.2 FOR ELEVATIONS)

Exterior materials include brick veneer, stone accents, lap siding, decorative cedar wall features, and asphalt roof shingles. Building colors are noted on SHEETS A5.1 and A5.2 as tans, browns, white trim and red and brown brick.

Other structures include two six foot four inch trash enclosures constructed with brick veneer walls and metal gates and located at either end of the parking lot.

Playground space is noted as a wood mulch base with wood playground equipment. A bike rack is adjacent to the playground.

Attachment No. 1

Proposed Tract E: Proposed Tract E is common area open space to be owned and maintained as open natural space by Stone Pointe Land Company LLC and deeded to the Stone Pointe Town Home Association once the entire development is complete.

Phasing

The 19 unit building, off-street parking, drives, playground, and sidewalks will be constructed and ready for leasing in June 2013 with the 10 unit building scheduled for lease in September 2013.

PROPOSED SIGN: One ground sign is proposed at the off-street parking lot's entrance off Stone Crest Drive. The sign is constructed of cast stone sign face supported by stone and brick piers four feet four inches tall. The sign face is cast stone on which the name of the apartments "Scenic Pointe" will be routed and painted.

Exempt sign requirements set out in Condition 3 above changed since approval of the PUD in 2008. Updated with this amendment are those exempt signs described in Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5), of the Manhattan Zoning Regulations (*attached*).

PROPOSED LIGHTING: Full cut-off parking lot light poles are 20 feet in height. Building lights are also full-cut off to shield light from spilling onto adjacent properties and the public street.

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

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The intent of the approved PUD is a multiple-family townhome development. The amendment preserves its multi-family character. The application documents indicate the amendment is consistent with the intent and purpose of the approved PUD, which "is a mix of owner occupied and rental units in four-plex townhomes. The amendment continues to provide a choice of housing for those not wishing to purchase or rent a single family home. The street side two story building is similar in heights to the existing townhomes."

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The amendment is necessary due to changing housing market conditions. The application documents indicate, “Existing sales have been very slow for the townhomes. The steep terrain on the proposed site will drive the cost of townhomes even higher, hurting sales even more. The amendment will allow us to keep the density needed on the site and stay clear of the steep slopes on the east side of the site.”

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The application documents indicate, “The City of Manhattan would benefit from increased affordable housing. The proposed project would integrate nicely into the housing that is already established in the area.” No special benefit is conferred upon an individual. The amendment creates an opportunity for affordable housing to serve a market demand which benefits the public.

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

1. LANDSCAPING: Landscaping consists of shade and ornamental trees, foundation plantings, and irrigated turf around the buildings. Areas away from the building and common area will be native seeded and will not be irrigated.

2. SCREENING: Trash enclosures will be constructed of brick veneer walls and metal gates.

3. DRAINAGE: The site will drain to an existing detention basin constructed as a part of Stone Pointe Townhomes. No additional drainage analysis was required by the City.

4. CIRCULATION:

Public Access. Access to the site’s off-street parking lot is off Stone Crest Drive. Internal sidewalks connect the apartment entrances and parking lot to public sidewalk on the east side of Stone Crest Drive.

Traffic. The applicant’s consultant, Schwab Eaton, submitted a Traffic Impact Study, dated August 17, 2012. The study concludes the apartment buildings in the amendment site will generate six additional trips over the number calculated with the original PUD.

Attachment No. 1

The City Engineer has reviewed and accepts the study, and concurs that the proposed change in traffic has an insignificant affect on the surrounding streets.

Off-Street Parking. Using the Manhattan Zoning Regulations parking ratios for two and three bedroom units, 94 parking spaces would be required, 45 for the two bedroom units and 49 for the three bedroom units. The ratios of three parking spaces per two bedroom units and three and one-half per three bedroom units is generally oriented towards an occupancy of unrelated occupants. The proposed complex is family oriented, and requires occupancy approval as described above, and would be managed by the local CHDO.

Seventy six parking spaces are proposed. One parking space per bedroom is proposed, which would require 72 parking spaces. The proposed 76 are reasonable to serve the proposed affordable housing market. The proposed number of parking spaces should accommodate management personnel and tenants.

A bike rack is proposed off the parking lot and near the playground.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: Proposed Lot 1 has 38,070 square feet of open/native seeded space and 31,794 square feet of landscaped space. Tract E is common area of 15,918 square feet of open/native seeded space.

6. CHARACTER OF THE NEIGHBORHOOD: The general neighborhood is characterized as a developing growth corridor of the City with single-family, two-family and multiple-family residential development to the north. Highland Meadows Additions are to the northwest and include single-family, two-family, and multiple-family residential development. Scenic Meadows apartments are under construction to the north. Development occurring in the Lee Mill Heights and Miller Ranch areas to the east will continue to grow westward towards the PUD. The Miller Parkway street connection to N. Scenic Drive from Lee Mill Heights and Miller Ranch will accommodate future access to other parts of the City for development occurring in the Scenic Drive corridor.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The use of the amendment site is an approved site for 22 townhome dwelling units, a public street, and common area. The amendment site is currently used as a part of construction activity in the neighborhood.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The graded site slopes and drains to the north.

3. SURROUNDING LAND USE AND ZONING:

- (a.) **NORTH:** Stone Pointe townhomes, common area, and drainage basin; PUD.
- (b.) **SOUTH:** Future Stone Pointe townhomes and Independence Place apartments, and future neighborhood shopping; PUD and C-2, Neighborhood Shopping District.
- (c.) **EAST:** Future Independence Place apartments; PUD.
- (d.) **WEST:** Stone Pointe townhomes, N. Scenic Drive, and open range land; PUD and G-1 General Agriculture District.

4. GENERAL NEIGHBORHOOD CHARACTER: See above under **6, CHARACTER OF THE NEIGHBORHOOD.**

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The amendment site is suitable for the approved 22 townhomes and common area.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed amendment is within a multiple-family townhome setting and west of an approved multiple family apartment development, Independence Place PUD. To the north of Stone Pointe townhomes are Scenic Woods apartments, which are under construction, Stone Pointe apartments are further to the north. Highland Ridge apartments, which have an affordable housing component, are to the northwest and west of Scenic Drive. The proposed development is close to and easily accessed from N. Scenic Drive, a major north south street. Any expected changes in light, noise, and traffic are not unlike what would exist with the approved 22 townhomes.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE PROPOSED SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE SOUTHWEST PLANNING AREA AS A COMBINATION OF RESIDENTIAL MEDIUM HIGH DENSITY (RMH), AND PRESERVED OPEN SPACE. THE SITE IS ALSO LOCATED IN THE MILLER RANCH SPECIAL PLANNING AREA AND IS IN THE CONICAL ZONE OF THE MANHATTAN REGIONAL AIRPORT. THE AO, AIRPORT OVERLAY DISTRICT WILL BE ADDED AS AN OVERLAY DISTRICT TO THE SPECIFIC PORTIONS OF STONE POINTE ADDITION THAT ARE AFFECTED BY THE CONICAL ZONE.

Residential designations: Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or four-plexes 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.

Other applicable policies to The Miller Ranch Special Planning Area include:

MR 5: Views from Scenic Drive

Development, including signage, should be set back from Scenic Drive to protect views and existing vegetation. The master plan for Miller Ranch should incorporate a buffer zone or overlay area along Scenic Drive designed to protect views, existing vegetation, and other important attributes of the area's scenic quality. Development of a neighborhood center, as described in MR 4, should occur east of the Scenic Drive buffer or overlay and be sited in a manner that minimizes visual impact on the Scenic Drive Corridor.

MR 7: Airport Airspace Regulations

Development shall be consistent with established airspace regulations for the Manhattan Regional Airport and the Airport Master Plan.

THE APPLICANT FILED A RESTRICTIVE COVENANT WITH STONE POINTE ADDITION, UNIT TWO, IN 2006, WHICH LIMITS NET DENSITY TO NO MORE THAN 19 DWELLING UNITS PER NET ACRE, WHICH IS THE UPPER LIMIT OF THE RMH CATEGORY. THE NET DENSITY OF THE APPROVED STONE POINTE TOWNHOMES IS 7.66 DWELLING UNITS PER NET ACRE, WHICH IS BELOW THE RMH DENSITY AND MORE CONSISTENT WITH A LOW DENSITY DEVELOPMENT. THE PROPOSED OVERALL NET DENSITY, AS A RESULT OF THE 29 DWELLING UNITS IS SLIGHTLY MORE THAN APPROVED IN 2008, OR APPROXIMATELY 8.22 DWELLING UNITS PER NET ACRE. THE CHANGE IN DENSITY REMAINS CONSISTENT WITH LOW DENSITY CHARACTER OF THE PUD.

THE PROPOSED AMENDMENT CONFORMS TO THE COMPREHENSIVE PLAN.

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

Attachment No. 1

- July 17, 2006 Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Stone Pointe Addition, Unit Two, from G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- August 15, 2006 City Commission approves first reading of annexation and rezoning to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- September 5, 2006 City Commission approves Ordinance Nos. 6564 and 6564 annexing and rezoning Stone Pointe Unit Two, to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District.
- November 6, 2006 Manhattan Urban Area Planning Board approves Preliminary Plat of Stone Pointe Addition, Unit Two.
- December 19, 2006 Manhattan Urban Area Planning Board approves Final Plat of Stone Pointe Addition, Unit Two.
- January 9, 2007 City Commission accepts easements and right-of-way as shown on the Final Plat of Stone Pointe Addition, Unit Two.
- March 17, 2008 Manhattan Urban Area Planning Board recommends approval of the rezoning of the Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- April 1, 2008 City Commission approves first reading of the rezoning of the Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.

Attachment No. 1

- April 15, 2008 City Commission approves Ordinance No. 6693 rezoning Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- June 2, 2008 Manhattan Urban Area Planning Board approves the Final Plat and the Final Development Plan of the Stone Pointe Townhomes Residential Planned Unit Development.
- June 17, 2008 City Commission accepts easements and right-of-way as shown on the Final Plat of Stone Pointe Residential Townhomes Planned Unit Development.

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, subject to the conditions of approval.

Subject to the conditions of approval, the proposed amendment is consistent with the Zoning Regulations.

The existing AO 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 site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and

Attachment No. 1

proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no relative gain to the public, which denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. No adverse impacts to the public are expected. There may be a hardship to the applicant if the amendment is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: THE CAN BE SERVED BY EXISTING PUBLIC IMPROVEMENTS, INCLUDING STREET, WATER, FIRE SERVICE AND SANITARY SEWER.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: City Administration recommends approval of the proposed amendment of Ordinance No. 6693 and the approved Final Development Plan of Stone Pointe Townhomes Residential PUD to be known as the Final Development Plan of Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development, subject to the following conditions:

1. Permitted uses shall include seventy four (74) residential townhome units and twenty-nine (29) dwelling units and a leasing office in two (2) multiple-family residential apartment buildings.
2. 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),and (7); and, Section 6-104 (B)(2) and B(5), of the Manhattan Zoning Regulations.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 6693 and the approved Final Development Plan of Stone Pointe Townhomes Residential PUD to be known as the Final Development Plan of Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development, stating the basis for such recommendation.

Attachment No. 1

2. Recommend denial of the proposed amendment of Ordinance No. 6693 and the approved Final Development Plan of Stone Pointe Townhomes Residential PUD to be known as the Final Development Plan of Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6693 and the approved Final Development Plan of Stone Pointe Townhomes Residential PUD to be known as the Final Development Plan of Stone Pointe Townhomes, Unit Three, Residential Planned Unit Development, based on the findings in the Staff Report, subject to the two conditions of approval recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: August 29, 2012

12023}SR}StonePointeTownhomesThree}PUDAmendment

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

THE PRESENT ZONING DISTRICT CLASSIFICATION IS: R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District.

THE PROPOSED ZONING DISTRICT CLASSIFICATION IS: PUD, Commercial Planned Unit Development District (PUD).

The proposed PUD is referred to as Bluemont and N. Manhattan Hotel Commercial PUD.

OWNER/APPLICANT: The owner applicant is EXCEL GROUP LLC- Andrew Suber.

ADDRESS: The owner/applicant's address is 1524 254TH Street Lawrence KS 66044.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, August 27, 2012.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, September 17, 2012.

CITY COMMISSION: Tuesday, October 2, 2012.

LOCATION: The rezoning site is generally located on the northeast corner of Bluemont Avenue and N. Manhattan Avenue, more specifically 800 and 810 N. Manhattan Avenue and 1212, 1222, and 1224 Bluemont Avenue.

LEGAL DESCRIPTION: The legal description of the rezoning site is Lots 787, 788, 789, 790, 791, and 792, Ward Three, City of Manhattan, Riley County, Kansas.

AREA: The rezoning site is 45,198 square feet in area, 1.04 acres, based on the survey of the site provided as a part of the application.

PROPOSED USES: The proposed Permitted Uses in the PUD include the majority of the Permitted Uses of the C-3, Aggieville Business District (*attachment*).

Attachment No. 2

PROPOSED BUILDINGS AND STRUCTURES: The applicant has proposed a four story hotel, with partial fifth floor, consisting of 111 hotel suites, and structured parking garage for 123 off street parking spaces; two separate ground floor commercial spaces; landscaping; and signage and other improvements.

The applicant has described the hotel and its management in the attached written documents,

“The proposed project is a 4.5 story, 111 suite hotel. The overall development, including retail space for lease will serve the general public. Additionally, there are:

Two micro-retail or office spaces on the first floor with separate entrances
Two non-occupied model unit spaces on the first floor
5th floor rooftop-terrace event space

The Permitted Uses shall include all of the Permitted Uses of the C-3, Aggieville Business District, *excluding* Automobile Service Stations, Bed and Breakfast Homes, Bed and Breakfast Inns, Carpet and Rug Stores, Laundry Establishments, Miniature Golf Courses, Pet Grooming Shops, and Taverns.”

“Direct responsibility of the maintenance of the property and immediate surroundings falls to the owner, Excel Group, LLC, who may hire and contract third party businesses to maintain and manage various aspects of the property, such as parking management, waste management, and security.”

Building and Floor Plans

Hotel

The five story building is 70 feet in height measured to the southwestern uppermost cornice. The top of the fourth floor/bottom of the fifth floor height is 49 feet.

The hotel’s entrance, identified by address signage, is at the intersection of Bluemont Avenue and N. Manhattan Avenues. Other hotel entrance locations are to an outdoor dining area enclosed by an approximate 2½ foot tall limestone wall; an outdoor seating area enclosed by a 4 foot tall limestone wall and accessed from the indoor pool; emergency stairwell doors on the eastern and western sides; and, two additional service entrance/exits for access on the east. The emergency exit only stairwells and service doors connect to sidewalk on either N. Manhattan Avenue or a proposed walkway extending along the eastern boundary to the sidewalk along Bluemont Avenue. Other service doors connect to the first floor parking garage.

Attachment No. 2

First floor hotel plans are divided into a lobby/check-in desk, office space, bathrooms, breakfast area, kitchen, hotel eating area, and lounge/bar, outdoor dining area, indoor pool, outdoor seating adjacent to the pool, fitness area, two non-occupied model units that are intended for assisting with hotel room booking, and service spaces.

Floors two through four are set aside for hotel rooms, 37 rooms per floor. Other rooms on each upper floor are devoted to service spaces such as laundry, vending and housekeeping space.

The fifth floor public space, generally on the south half of the fifth floor, consists of two meeting room spaces (1,290 square feet and 1,739 square feet), roof garden (1,277 square feet), lobby and elevator, storage rooms and restrooms. The remainder of the rooftop is not open to the public.

A two-story structured parking garage will provide off-street parking for the hotel and its meeting rooms, and the separate commercial floor spaces. At-grade parking off N. Manhattan Avenue leads to a 61 off-street parking spaces and a ramp up to the second floor parking area open to the sky. Access off N. Manhattan Avenue is from a right-in and right-out off N. Manhattan Avenue and an entrance/exit to an existing concrete alley. An entrance/exit off the alley at the eastern end of PUD leads to 62 off-street parking spaces that are below grade. The access to the lower level may be gated, subject to approval by the Manhattan Fire Department. See Sheet A2.2 for a graphic elevation of the parking garage.

Trash collection is proposed to be located in a screened trash enclosure to the north of the alley, in coordination with the condominium apartment building. The applicant's attached written documents indicate, "Waste Management: Dumpster enclosure area will be shared with the neighboring property to the north (820 N. Manhattan Ave) to the benefit of both properties, utilizing the area in the alley already designated for such use. Trash pick-ups will likely be cycled daily. Screening walls will be improved to blended masonry walls and gates, improving alley aesthetics and cleanliness as well as discouraging illegal use."

Separate Ground Floor Commercial Space

Two separate commercial spaces are entered off Bluemont Avenue. The commercial spaces have a total gross square foot commercial floor area of 1,690 square feet (838 and 852 square feet separately), with net commercial floor space less storage and bathrooms of 450 square feet and 399 square feet, respectively. No specific tenants are identified at the time of the rezoning.

Model Room and Model Suite

The applicant's written documents state that, "Included in the first level of the hotel are two non-occupied model units that are intended for assisting with hotel room booking. There is a great value in being able to easily display our suite-style rooms to hotel visitors; this is one of the factors that sets us apart from other local hotels."

Building and Other Materials

The Bluemont Avenue ground floor façade is primarily aluminum storefront framing and display window, doorways, and an outdoor dining and seating areas enclosed by short masonry walls. Exterior details are focused on the hotel's upper floors above the entrance with glass windows and metal mock balconies. Two vertical projecting 21 foot tall signs will identify the name of the hotel and will located on each street façade near the entrance extending from the third to fifth floor. Mock balconies, varying façades distinguished by depth, height, and materials of stone and brick, and window treatments, will create the appearance of multiple buildings.

The N. Manhattan Avenue ground floor façade is aluminum storefront framing and window. The balance of the upper floor's façade is primarily stone, with horizontal stone courses, mock balconies, windows, and an entrance/exit opening to the ground floor garage identified by signage and lighting fixtures.

The alley ground floor is largely open to the garage space with parking signage identifying the entrance to the lower level parking off the alley. The eastern side façade is stone wall and stone courses, and concrete screening walls to screen parking areas.

Retail space entrances along Bluemont Avenue are glass and aluminum framing accented by fabric awning or metal canopy. The hotel's outdoor dining and front door entrance, and the N. Manhattan Avenue parking entrance/exit are covered by flat projecting metal and glass awnings.

PROPOSED LOT COVERAGE: The proposed lot coverage is 99% impervious. See comments regarding the proposed lot coverage under **CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE.**

PROPOSED SIGNS: Exterior "Parking" wall signs at the garage entrance off N. Manhattan Avenue and the basement garage ramp off the alley are 32 square feet in area, and internally illuminated over front door retail wall signs along Bluemont Avenue are 20 square feet in area. Two internally illuminated projecting identification signs are proposed on the southwest and northwest corners of at the building's front entrance and project

approximately four feet over the property and are about three feet in depth by 21 feet in height, or approximately 70 square feet in area.

PROPOSED LIGHTING: Exterior lighting fixtures are wall lights (*attachments*). Lights are generally residential in character and shielded, except for fixtures that will allow for wall wash of lights.

SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Landscaping is about 1% of the lot coverage consisting of plants and shrubs in urns along each street frontage and at the hotel's entrance. The landscaping would be maintained by hand watering. Bench seating is provided on the N. Manhattan Avenue building frontage.

2. SCREENING: Off-street parking is partially screened from N. Manhattan Avenue by walls and metal screening. The driveway opens into the garage space, which will be visible from the street and sidewalks. No screening of the parking area along the alley is proposed and is not required as is common along alleys. The building walls screen the adjoining property to the east from the ramp and at grade parking area consistent with screening between residential properties.

3. DRAINAGE: SMH Consultants, submitted a Stormwater Drainage Analysis, dated August 3, 2012 (*attached*). The site will drain to underground storm sewers along Bluemont Avenue and roof drains will tie directly to a curb inlet on Bluemont Avenue consistent with existing conditions, with post construction runoff rates not exceeding the capacity of the existing Bluemont system.

The consultant's analysis indicates that, "Essentially, although the impervious area has increased it is believed that it is going to take longer for water to get to the Bluemont Avenue system once the hotel is built. If that is the case then there will be a natural decrease in the rate of runoff through indirect storm water detention." And, "While the proposed hotel project is not maintaining the pre-construction flow rate, the percentage increase of flows to the existing system are less than 1% and will have no impact on the Bluemont Avenue storm sewer."

A memo (*attached*) dated August 22, 2012, from Robert K. Ott, P.E., City Engineer; Shane Swope, P.E., Stormwater Engineer; and, Peter Clark, P.E., PTOE, Civil Design Engineer, regarding the applicant's storm water analysis states, "The developer's consultant SMH Consultants prepared a drainage report dated August 3, 2012 that analyzed the stormwater drainage for this proposed development. The stormwater drainage from this development will be conveyed into the city system by overland flow.

Attachment No. 2

The roof drains will be directly tied into the system. The overall stormwater effect to the system will be negligible. City Administration accepts the drainage report without exception.”

4. CIRCULATION: The proposed circulation plan provides for safe, convenient and efficient movement of goods, motorists, and pedestrians. Conflicts between motorists, bicyclists and pedestrians are minimized. Vehicle access to the site will be from the surrounding street system, a proposed curb cut off N. Manhattan Avenue and the public alley. Turning movements at the hotel’s N. Manhattan Avenue vehicle entrance and alley are limited to right in right out turning movements due to a raised median on N. Manhattan Avenue. Turning movements at the alley’s eastern end onto N. 12th Street are either direction. Pedestrian access is from existing public sidewalks along adjoining public streets in the surrounding neighborhood. Street improvements on Bluemont Avenue will provide new eight foot wide sidewalks. A nine foot wide sidewalk will be provided along N. Manhattan Avenue as a part of the hotel’s construction. The public alley will need to be improved as a part of the redevelopment.

Variation of Access

The proposed right in/right out to the parking garage on N. Manhattan Avenue is closer to the Bluemont Avenue intersection than the Manhattan Urban Area Subdivision allows for spacing of a driveway onto a collector street (N. Manhattan Avenue) which intersects with an arterial (Bluemont Avenue). The minimum spacing, centerline to centerline, is 300 feet while the proposed spacing is approximately 150 feet, which is approximately ten feet south of an existing curb cut for the residential zoning lot. The applicant’s consultant has submitted a Variation request (*attached*), which has been reviewed and accepted by the Public Works Department (*see comments below under staff analysis*).

Bluemont Avenue and N. Manhattan Avenue Street Improvement Project

A portion of the street and intersection for sidewalk and pedestrian crossing street plans for the Bluemont Avenue and N. Manhattan Avenue improvements, dated April 2012 (*attachments*), were prepared by Bartlett & West, and include Survey Control Alignment Information, Bluemont Ave. Plan & Profile, Traffic Signal Plans. The plans show an eight foot wide sidewalk along the north side of Bluemont Avenue with the pedestrian crossings at Bluemont and N. Manhattan Avenues, N. 12th and N. 11th Streets. At this time, existing street trees will be removed but no new trees are proposed.

Sidewalks and Bike Racks

Sidewalks exist along all street frontages in the area and connect to the site. Street improvements include intersection pedestrian crossings and wider sidewalks on Bluemont Avenue, eight feet in width, and N. Manhattan Avenue, approximately nine feet in width. Bike racks are proposed in the northwestern corner of the street level and along the alley near the ground floor entrance/exit.

Off-Street Parking and Gating of Basement Parking

Using parking ratios of the Manhattan Zoning Regulations:

- Hotel 111 rooms: 1 per room plus 2 or 113 total off-street parking spaces.
- Retail: 1 per 250 square feet of floor area (1,690 gross square feet) or seven off-street parking spaces, which assumes the retail floor area is maximized and made available for retail activity.
- Meeting space, lobby and roof garden space, assumed either as separate lease space from the hotel or at capacity: 138 off-street parking spaces based on 6,195 square feet of space, less service area, 15 square feet per person, and one parking space per three person for unfixed seating ($6,195/15=413$ total occupancy per code; $413/3=138$ parking spaces).
- Total off-street parking for the combined proposed uses is 258 off-street parking spaces.
- 123 off-street parking spaces are proposed.

With respect to the use of the 5th floor space the applicant states in the written documents:

“The Hotel has 5th Floor event and meeting space. We will utilize off-site parking and shuttle services to host the rare event that has an excess parking need. Oftentimes events will be held at a time when we will have an inventory of excess on-site parking available, such as a summertime wedding reception or business conference. Hotel occupancy will be low, and a number of the event attendees will be guests of the hotel already. In this instance, our on-site parking will be adequate.

When an event booking is considered, we will be able to calculate if additional parking is required. If a need for additional parking is anticipated, we will partner with an external parking provider and the event customer to shuttle or valet guests, so that we do not displace our non-event hotel patrons. Conformation of this parking arrangement will be a condition to our booking the event, as the displacement or inadequacy of parking would negatively affect for our anchor hotel business. This also is a benefit to other businesses who may have excess parking available and or shuttle services that could capitalize on the market.”

Attachment No. 2

The applicant states in the written documents, "Parking Access Control: Hotel parking facilities will be managed by on-site hotel staff 24 hrs/day. Parking areas will be monitored by CCTV. Appropriate posting and signage clearly explaining the parking policies to patrons (common to garages) will be posted on the interior, within the constraints of City Ordinance. Access control will be utilized as needed for the garage area, with approval of City Fire and Code services. At a minimum the area will be equipped with a swing-arm system, allowing flexible control by Hotel staff. Control level will vary depending on the time period. For example, during periods of low intensity or occupancy (i.e. summer) Parking areas may be made available to nonpatrons. During periods of high occupancy (i.e. Football weekends), parking will be dedicated to hotel patrons only."

Any gating must be reviewed and approved by the Manhattan Fire Department prior to construction.

Traffic Report

SMH Consultants, submitted a Traffic Impact Analysis, dated August 3, 2012 (*attached*). The consultant's conclusion is that 111 room hotel peak trips in the a.m. are 74 and in the p.m. are 82. The increase is expected to result in minimal impacts to the surrounding street system. In addition, sight distance along N. Manhattan Avenue will remain unchanged.

Staff Analysis

The C-3, Aggieville Business District, requires off street parking for multiple-family dwelling units and businesses over 15,000 square feet of floor area. While not in the C-3 District, the proposed PUD is envisioned as an extension of the C-3 District. In which case, the hotel would be required to provide 113 off-street parking spaces, as proposed. The retail floor space would not be required to provide off-street parking as the space is less than 15,000 square feet of floor. The fifth floor meeting space and roof garden, assuming it was a separate space, and not accessory to the hotel, is 6,195 square feet in total floor space (lobby, meeting rooms, and roof garden). That total space, or individually, would not require off-street parking. Discounting the ground floor retail space, ten additional parking spaces are provided beyond that required by the C-3 District.

In this case, applying the standard off-street parking ratios indicates adequate parking is provided. Meeting room space is considered accessory to the principal use and may serve guests or others. The applicant's written documents described above, describe how the 5th floor would be managed. There may be instances when parking is not adequate to meet demand. In those cases the surrounding neighborhood may see an increase in parking on the street or in public parking lots in the surrounding neighborhood in the C-3 District or on campus. Specific locations for shuttle service have not been determined by the

Attachment No. 2

applicant. The applicant has said the project will be well managed and there is no information to suggest otherwise. The applicant has provided a reasonable proposal for providing and accommodating parking for the hotel and other uses associated with the hotel.

Peter Clark, P.E., Civil Design Engineer, of the City of Manhattan's Engineering Division, Public Works Department, reviewed the consultant's parking garage report and a Variation of the spacing requirement for the proposed access point to the parking garage on N. Manhattan Avenue (*memorandum dated August 22, 2012, attached*) and recommends the Board approve the Variation.

A memo (*attached*) dated August 22 2012, from Robert K. Ott, P.E., City Engineer; Shane Swope, P.E., Stormwater Engineer; Peter Clark, P.E., PTOE, Civil Design Engineer, regarding the applicant's traffic report states, "The traffic study submitted by the developer's engineer has been reviewed by Staff. It has been determined that the study conforms to the requirements outlined in Appendix A of the Manhattan Area Transportation Strategy (MATS). Staff accepts the traffic study as is, concluding that the proposed development will not have a significant impact on the adjacent streets or intersections." For comments on the public alley see below under **ADEQUACY OF PUBLIC FACILITIES AND SERVICES**.

5. OPEN SPACE AND COMMON AREA: The open space is limited to the outdoor dining and sitting areas and fifth floor rooftop garden.

6. CHARACTER OF THE NEIGHBORHOOD: The character of the neighborhood is a mixture of commercial, single-family through multiple family residential dwellings converted to apartments, newer apartment buildings, the campus of Kansas State University, and two major streets, one a collector and the other an arterial. N. Manhattan Avenue, a north-south collector street, separates the densely populated, student dominated residential neighborhood from the KSU campus, and Bluemont Avenue, an east-west arterial street, separates the student dominated residential neighborhood from the Aggieville Business District.

THIRTEEN MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: The existing use is four contiguous residential houses, and an 18 dwelling unit apartment building. The four dwellings appear to be conversions to apartments.

1212 Bluemont Avenue: Two story 18 dwelling unit apartment building with off-street parking off the alley.

Attachment No. 2

1222 Bluemont Avenue: Two-story, four-family dwelling unit accessed from a concrete paved public alley leading to a gravel off-street parking area.

1224 Bluemont Avenue: Two-story, four-family dwelling unit accessed from 810 N. Manhattan Avenue's gravel drive and off-street parking area leading to another gravel off-street parking area.

800 N. Manhattan Avenue: Two-story, three-family dwelling unit accessed from an existing curb cut off the east side of N. Manhattan Avenue leading to a gravel off-street parking area.

810 N. Manhattan Avenue: Two-story, two-family dwelling unit accessed from the curb cut serving 800 N. Manhattan Avenue and the concrete paved public alley leading to a gravel off-street parking area.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The rezoning site is a flat tract of land located at the northeast corner of N. Manhattan Avenue and Bluemont Avenue, between N. 12th Street and N. Manhattan Avenue. A concrete paved public alley is along the north side of the proposed PUD. There are four residential structures houses and an 18 unit apartment building on the site with scattered mature trees. Off-street parking areas for the four houses is gravel and concrete for the apartment building.

3. SURROUNDING LAND USE AND ZONING:

(a) **NORTH:** Concrete paved public alley, Campus Bridge Lofts, a seven story residential condominium and its gated off-street parking lot, Vattier Street, and single-family homes, duplexes, conversions to multiple-family structures, and apartment buildings; PUD, R-3/M-FRO/ UO Districts.

(b) **SOUTH:** Bluemont Avenue, intersection of Bluemont Avenue and N. Manhattan Avenues, retail commercial and retail services; C-3 District.

(c) **EAST:** Multiple-family dwellings and apartment buildings, single-family homes and duplexes; R-3/M-FRO/ UO Districts, and R-3/M-FRO Districts.

(d) **WEST:** N. Manhattan Avenue and KSU Campus; U, University District.

4. CHARACTER OF THE NEIGHBORHOOD: See above under Review Criteria for Planned Unit Development, number 6.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The R-3/M-FRO/UO Districts allow a broad range of residential uses ranging from single-family residential dwellings to multiple-family apartments and uses, which may serve the University or commonly be near the University, and are allowed by the UO District as permitted or conditional uses. That portion of the site with the four house conversions could be developed with a small scale multiple family building, or a use allowed in the UO District. As split into four zoning lots, 1224 Bluemont does not have direct access to a public street, with the remaining lots accessed from either the public alley or N. Manhattan Avenue; 800 and 810 N. Manhattan Avenue, and 1224 Bluemont Avenue are 5,000 square feet in area and are limited for new construction due to size and capacity to provide off-street parking. 1222 Bluemont Avenue, a 7,500 square foot lot, with direct access from the public alley, is suitable for single-family to multiple-family development.

The 18 unit apartment building is suitable as a use under the current R-3 District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed PUD is generally compatible with nearby properties. The rezoning site is expected to develop in a mixed use pattern as envisioned by the Aggieville - Campus Edge District Plan. The proposed PUD implements that Plan, and is generally consistent with that Plan, by establishing ground floor commercial and upper floor hotel suites that are generally similar to residential dwelling units.

Minimal light, noise and traffic impacts are anticipated. Light fixtures will be shielded to prevent glare on neighboring properties and public streets. Because of the increase in intensity from four residential structures and an 18 dwelling unit apartment building to a hotel, noise may increase due to the number of vehicles but can be expected to be less than the noise levels that may be expected with residential rentals. All activities are inside the hotel or separate commercial space except for the outdoor dining and sitting areas. On-site hotel management will also assure activities are monitored. Traffic volumes will increase at a.m. and p.m. peak periods, but are not inconsistent with characteristics of the major street corridors or high density residential neighborhood.

The applicant has proposed a lounge/bar as a service to hotel guests. It should be assumed that this service may be a destination for other members of the public as well. City Administration has some concern about establishing a bar on the north side of Bluemont Avenue as a part of the redevelopment and if that pattern would be repeated along the north side of the street.

Attachment No. 2

The Aggieville - Campus Edge District Plan recommends small scale commercial uses: “slow food” restaurants and outdoor seating, sandwich shops and coffees shops and other service retail, north of Bluemont Avenue. The recommendation on land use does not suggest that alcohol sales should be prohibited within the hotel setting. It should be understood that more than hotel guests may be customers of the bar as it could be a destination. Limiting a bar/lounge to the hotel within the first floor space and, at the same time prohibiting alcohol and cereal malt beverage sales, including package liquor stores, in either of the separate retail/commercial spaces, or conversion of other first floor space to retail floor space, should assure compatibility with property along the north side of Bluemont Avenue. This assumes the hotel’s bar is well managed, as the applicant has indicated, in which case the bar may not be inconsistent with the Aggieville - Campus Edge District Plan land use recommendations and the general character of the Bluemont Avenue corridor. Future redevelopment along the north side of Bluemont Avenue will have to be considered on a case by case basis. This proposed change should be balanced with an understanding that if the south side of Bluemont Avenue is redeveloped, a bar would be a permitted use in the C-3 District.

The structure’s maximum height is 70 feet at the southwestern corner and 54 feet at the southeast corner. The balance of the upper floor on the north side is 49 feet and approximately 54 feet on the east façade, due to a four foot parapet wall. The M-FRO District limits building height to 55 feet; however, the Aggieville - Campus Edge District Plan’s Building Design Guidelines, under Building Proportion and Scale, indicates that taller structures that enclose a mixed use parking garage may be considered. The proposed mixed use structure contains a parking garage and the taller building heights are along the streets while other building façade heights are otherwise consistent with the M-FRO District. In addition, increases in height should not adversely affect adjoining property to the east, as a 49 foot to 54 foot tall structure could be constructed in the M-FRO District or north of the alley where an approximate 82 foot tall residential condominium is located.

The applicant conducted a neighborhood meeting. Meeting documents are attached.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Comprehensive Plan identifies the site as RHD, Residential High Density, which is designated as such to create opportunities for higher density neighborhoods in an urban downtown and suburban setting. More specifically, the site is identified as the Bluemont/Aggieville Corridor in the Aggieville-Campus Edge District Plan (“District Plan”) (*maps attached*), a supplement to the Comprehensive Plan. The District Plan “is intended to promote patterns of land use, urban design, circulation and services that contribute to the economic, social, and physical health, safety and welfare of the people who live and work in the District.”

Comprehensive Plan

In combination with the District Plan, policies in Chapter 4 of the Comprehensive Plan, which deal with Land Use and Growth Management, provide a broader policy framework for considering a rezoning proposal:

Policy GM 9: Infill and Redevelopment

“Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area.”

Policy UR 6: Design of Infill and Redevelopment, provides the policy support for this goal and guiding principle.

“Infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding neighborhood. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements.”

District Plan

The Goals of the District Plan are to: (1) Create a Campus –Edge Urban Village - Liveable Neighborhood; (2) Promote Active Community Participation; and (3) Create a Distinct Identity Through the Built Environment. In order to achieve these Goals a range of Principles encourage a mix of land uses, commercial, residential parking, offices at a neighborhood pedestrian scale; provide a diversity of housing stock; create an economically viable district meeting the owner’s needs and the public; promote employment; and creating a walkable neighborhood. Participation can be achieved by creating opportunities to be involved in community events and decisions as well as allowing for informal gatherings by providing public spaces and activity nodes. The area

Attachment No. 2

can be identified by establishing an entrance to Aggieville, a recognizable landmark, or a distinct identity by placing buildings, the public realm and special architectural features and details in close proximity to one another.

The site is within the Bluemont/Aggieville Corridor Sub Area of the District Plan, with recommendations on the Conceptual Framework, Land Use, and Street Space and Public Realm (*attached*). PUD mixed use Design Guidelines, Appendix A (*attached*), provide site and building design guidelines for development.

With respect to the design guidelines, the applicant states, “In following the design guidelines outlined in the Aggieville - Campus Edge District Plan we are proposing a development that respects and enhances the surrounding neighborhood through the use architectural elements suggested within the Plan: Emphasis on masonry facade, pedestrian scale, walk-up micro-retail and a curb side seating area.”

Staff Analysis

The proposed PUD incorporates design elements that strive to implement the Community Design goal and guiding principle of the Comprehensive Plan:

“Guide the quality of development with building and site design guidelines as appropriate.

Encourage infill redevelopment that is compatible with and enhances the surrounding neighborhood character.”

The proposed PUD broadly implements the majority of the recommendations of the Sub Area of the District Plan, Bluemont/Aggieville Corridor. The hotel’s first floor consists of an outdoor dining and sitting areas, and other spaces typically found in modern hotels, all of which are intended to serve the guests of the hotel. While the hotel’s first floor square footage is greater than the recommendation of the District Plan’s suggested limit of 3,600 square feet, compared to the approximate 9,640 square feet, excluding service storage, bathrooms and similar floor space. The increased floor area can be balanced against the reduced by the square footage of the separate commercial spaces totaling 1,690 gross square feet, even though the net change is greater than 3,600 square feet. Additionally, some of the space such as the lounge or eating area could serve a broader public than guests. Also, building height and uses are consistent with recommendations of the District Plan.

In general, the proposed PUD implements and conforms with the Comprehensive Plan and the Aggieville - Campus Edge District Plan and recommendations under the Conceptual Framework, Land Use, and Street Space & Public Realm for the Bluemont/Aggieville Corridor sub area, and with the PUD Design Guidelines.

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

1926-1965	B, Second Dwelling House District.
1965-1969	B-1, Multiple Family Dwelling District.
1969-1987	R-3, Multiple-Family Residential District and UO, University Overlay District.
1987-2004	R-M, Four-Family Residential District and UO District.
September 4, 2003	Manhattan Urban Area Planning Board conducts public hearing on the advertised Phase 4 Expanded Redevelopment Area, consisting of Sub Areas A-E. The proposed PUD site was within the area designated as Sub Area A, and was proposed to be rezoned from R-M/UO, Four-Family Residential District with University Overlay, to R-3/UO/M-FRO, Multiple-Family Residential District with University Overlay and Multi-Family Redevelopment Overlay District. The Planning Board recommended approval of the rezoning on a vote of 5-2.
October 7, 2003	City Commission overrides the Planning Board and accepts the request from the Aggieville Business Association to not rezone five of the blocks under consideration. The proposed PUD site was within the five-block area and remained R-M/UO District.
September 28, 2004	The Aggieville-Campus Edge Study is presented to the Manhattan Urban Area Planning Board and City Commission at a Joint Work Session.
October 21, 200	Present – R-3/M-FRO District.
October 11, 2005	M-FRO District amended by Ordinance No. 6499.
September 21, 2010	M-FRO District amended by Ordinance No. 6840.

- June 18, 2012 Manhattan Urban Area Planning Board recommends approval of a proposed rezoning of 800 and 810 N. Manhattan Avenue and 1222 and 1224 Bluemont Avenue, from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to Commercial PUD.
- July 10, 2012 Applicant withdraws rezoning application.

Riley GIS records indicate 810 N. Manhattan Avenue, 1222 and 1224 Bluemont Avenues were built in 1920, with 800 N. Manhattan Avenue built in 1940. The apartment building at 1212 Bluemont Avenue was built in 1985.

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.

Under the General Standards for Planned Unit Developments, Lot Coverage for a single use in a commercial district is limited to 50%, meaning the lot can be covered by no more than 50% building or other structure. When a PUD is proposed in or adjacent to a district which allows greater coverage, then the greater coverage may apply. In the case of the proposed PUD, the site is within the R-3/M-FRO/UO Districts, which has maximum lot coverage of 50%. However, the proposed PUD is also adjacent to the C-3 District to the south, which has no maximum lot coverage. Additionally, one of the Aggieville - Campus Edge District Building Design Guidelines recognizes that a mixed use project is likely to have high lot coverage particularly if a parking garage is incorporated. Based on the adjacency to the C-3 District and the Building Design Guideline, the lot coverage of the proposed PUD is consistent

The proposed PUD is consistent with the intent and purpose of the Zoning Regulations, subject to the conditions of approval.

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 does not appear to be a relative gain to the public health, safety and welfare that denial would accomplish because street improvements, including pedestrian crossing improvements will be made, the increase in a.m. and p.m. peaks associated with the hotel will not adversely affect the street system, existing storm water facilities are sufficient to handle storm water associated with the development, and public services and utilities, including sidewalks, are adequate to serve the proposed PUD. Denial of the rezoning may be a hardship upon the owner as no adverse impacts on the public health, safety and welfare are expected.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities and services are available to serve the site. Street improvements to Bluemont Avenue and nearby intersections will address turning and pedestrian crossing improvements, as shown on the Bartlett and West attachments.

A 16 foot wide public right of way for alley with approximate 11 foot wide concrete driving surface is 400 feet in length between N. 12th Street and N. Manhattan Avenue, and north of the proposed PUD. The western 300 feet of the alley adjoins the PUD's northern boundary. The condition of the public alley requires that it to be replaced to accommodate the redevelopment. Public Works has noted in its August 22, 2012 memo that,

“The only item that is of concern to staff is the increase of traffic on the alley north of the development. The parking for the facility will use driveways onto N. Manhattan Avenue and the alley. The alley is currently sized to accommodate a single vehicle traveling in one direction. The increase in traffic along this alley may require that the traffic flow in the alley be changed to a one-way directional flow to decrease vehicle conflicts. The condition of the pavement in the alley warrants replacement. Many of these alleys were not intended to be used with as much traffic as this area of Manhattan has increase in density. Engineering department would like to see a financing mechanism put in place such as a benefit district or CID to help pay for the removal and replacement of the alley such that it properly drains and the stressed pavement is repaired.”

A condition of approval to insure the alley is paved will require that prior to issuance of any occupancy certificate for the property, the alley shall be repaved according to City specifications, from N. Manhattan Avenue to N. 12 Street. The applicant shall insure that such repaving is completed either by initiating the benefit district process, or by another mechanism in which the applicant assumes primary financial responsibility for the repaving.

12. OTHER APPLICABLE FACTORS: There are no other applicable factors.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the Variation of the proposed driveway spacing along N. Manhattan Avenue, and proposed rezoning of the Bluemont and N. Manhattan Hotel Commercial Planned Unit Development from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial Planned Unit Development District, with the following conditions of approval:

1. The Permitted Uses shall include all of the Permitted Uses of the C-3, Aggieville Business District, excluding Automobile Service Stations, Bed and Breakfast Homes, Bed and Breakfast Inns, Carpet and Rug Stores, Laundry Establishments, Miniature Golf Courses, Pet Grooming Shops, and Taverns.
2. The two (2) separate ground floor commercial spaces, as shown on the first floor plans, and conversion of ground floor space to separate commercial space such as, but not limited to, the model room and model suite, shall not be included within the licensed premises for alcoholic liquor or cereal malt beverage sales.
3. Signage shall be limited to signs proposed in the application documents.
4. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5).
5. Landscaping shall be maintained in good condition.
6. A landscape performance agreement shall be approved, prior to issuance of a building permit.
7. Prior to issuance of any occupancy certificate for the property, the alley shall be repaved according to City specifications, from N. Manhattan Avenue to N. 12 Street. The applicant shall insure that such repaving is completed either by initiating the benefit district process, or by another mechanism in which the applicant assumes primary financial responsibility for the repaving.

ALTERNATIVES:

1. Recommend approval of the Variation of the proposed driveway spacing along N. Manhattan Avenue, and the proposed rezoning of the Bluemont and N. Manhattan Hotel Commercial Planned Unit Development from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.

Attachment No. 2

2. Recommend approval of the Variation of the proposed driveway spacing along N. Manhattan Avenue, and the proposed rezoning of the Bluemont and N. Manhattan Hotel Commercial Planned Unit Development from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial 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 Variation of the proposed driveway spacing along N. Manhattan Avenue, and the proposed rezoning of the Bluemont and N. Manhattan Hotel Commercial Planned Unit Development from R-3, Multiple-Family Residential District with M-FRO, Multi-Family Redevelopment Overlay District, and UO, University Overlay District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the seven conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: September 13, 2012

12028

<u>Department</u>	<u>Vehicle</u>	<u>Description</u>	<u>Mileage</u>
Fire	Unit #14	1998 Ford Ranger Pickup	125,609
Fire	Unit #16	2001 Chevrolet S10 Pickup	104,500
Public Works	Unit #38	2001 Ford ½-Ton Pickup	99,990
Public Works	Unit #48	1998 Ford ½-Ton Pickup	148,500
Parks and Rec	Unit #78	1998 Chevrolet ½-Ton Pickup	69,372
Parks and Rec	Unit #79	1996 Dodge ½-Ton Pickup	83,112
Parks and Rec	Unit #80	1998 Ford ½-Ton Pickup	101,008
Fire	Unit #101	1987 Ford Fire Truck	39,258
Fire	Unit #121	1994 Ford Crown Victoria	109,000
Fire	Unit #125	2001 Chevrolet Impala	99,974
Fire	Unit #135	2000 Ford Crown Victoria	24,096
Fire	Unit #136	2000 Ford Crown Victoria	32,266