

***MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 19, 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, 8 staff, and approximately 38 interested citizens.

PLEDGE OF ALLEGIANCE

Ogden Youth Group led the Commission in the Pledge of Allegiance.

RECOGNITIONS

Mayor Klimek recognized the Ogden Youth Group.

Mayor Ed Klimek, City Manager Ron Fehr, and Assistant City Manager Jason Hilgers recognized the Citizens' Academy Participants for 2004-05.

PROCLAMATIONS

Mayor Klimek proclaimed July 30, 2005, ***Kansas All-Star Football Shrine Bowl Day***. Representatives from the Manhattan Shrine Club and Ryan Goffigan and Drew Bietau, Manhattan High School All-Stars, were present to receive the proclamation.

Mayor Klimek proclaimed July 28, 2005, - August 1, 2005, ***Fair and Rodeo Days***. Doug Williams, Kaw Valley Rodeo, was present to receive the proclamation.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, July 5, 2005.

CLAIMS REGISTER NO. 2533

The Commission approved Claims Register No. 2533 authorizing and approving the payment of claims from June 29, 2005, to July 19, 2005, in the amount of \$968,732.67.

LICENSE – CEREAL MALT BEVERAGE

The Commission approved the 2005 Cereal Malt Beverage License for Jump Start #35, 809 North 3rd Street.

FINAL PLAT – HACKBERRY ADDITION, UNIT 2

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Hackberry Addition, Unit Two, generally located at 2400 Casement Road, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – BROOKFIELD ADDITION, UNIT 6

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Brookfield Addition, Unit Six, generally located south of Marlatt Avenue and west of Casement Road, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6485 – AGGIEVILLE PARKING AND LOADING ZONE

Item was removed from the agenda at the request of the Aggieville Business Association.

ORDINANCE NO. 6487 – REZONE – FOUR WINDS VILLAGE

The Commission approved Ordinance No. 6487 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. 1*)

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6488 – LEVY – SPECIAL ASSESSMENTS

The Commission approved Ordinance No. 6488 levying special assessments against the benefiting property in the following nine (9) public improvement districts: *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).*

ORDINANCE NO. 6489 – CONDEMNATION PROCEEDINGS – ANDERSON AVENUE PROJECT (ST0301)

The Commission approved Ordinance No. 6489, authorizing the City the power of eminent domain necessary to acquire the necessary easements by condemnation for the Anderson Avenue Project, Seth Child Road to Hylton Heights (ST0301).

ORDINANCE NO. 6490 – VACATE EASEMENT – HIGHLAND MEADOWS ADDITION, UNIT 1 (VA0504)

The Commission approved Ordinance No. 6490 vacating a portion of the utility easement 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.

ORDINANCE NO. 6491 – KDOT REVOLVING FUND

The Commission approved Ordinance No. 6491 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; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the loan agreement.

RESOLUTION NO. 071905-A – BROOKFIELD ADDITION, UNIT 4 – SANITARY SEWER IMPROVEMENTS (SS0406)

The Commission found the petition sufficient and approved Resolution No. 071905-A making findings and authorizing the purchase of sanitary sewer improvements for Brookfield Addition, Unit 4.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 071905-B – BROOKFIELD ADDITION, UNIT 4 – WATER IMPROVEMENTS (WA0411)

The Commission found the petition sufficient and approved Resolution No. 071905-B making findings and authorizing the purchase of water improvements for Brookfield Addition, Unit 4 (WA0411).

RESOLUTION NO. 071905-C – BROOKFIELD ADDITION, UNIT 4 – STREET IMPROVEMENTS (ST0414)

The Commission found the petition sufficient and approved Resolution No. 071905-C making findings and authorizing the purchase of street improvements for Brookfield Addition, Unit 4 (ST0414).

* **NEGOTIATE CONTRACT – INDOOR RECREATIONAL FACILITY**

Terry DeWeese, Director of Parks and Recreation, provided information on the consultant search and selection process. He then answered questions from the Commission.

Terry DeWeese, Director of Parks and Recreation; Ron Fehr, City Manager; and Mayor Ed Klimek provided additional information on the selection process and answered questions from the Commission.

At the request of Commissioner Phillips, this item was moved to the end of the General Agenda.

OUTSIDE CITY LIMITS AGREEMENT – WATER AND SEWER – 4701 FORT RILEY BOULEVARD

The Commission approved the request and authorized the Mayor and City Clerk to execute the agreement with Joseph and Darlene McGraw for outside of the City water and sanitary sewer services for 4701 Fort Riley Boulevard.

* **APPLICATIONS FOR FUNDING – KDOT GRANT PROGRAMS**

Rob Ott, City Engineer, answered questions from the Commission.

The Commission authorized the submittal of applications for the following KDOT Grant Programs: Geometric Improvement funding request to KDOT for of realignment of Marlatt Avenue at the junction of US-24; Economic Development for widening of North Manhattan Avenue from a 2-lane rural section to a 3-lane urban section; and KLINK 1R Permanent Pavement Marking replacement on Fort Riley Boulevard from at Richards Drive to Mall Entrance.

CONSENT AGENDA (CONTINUED)

* **ACCEPT – CULTURAL RESOURCES SURVEY REPORT**

At the request of Commissioner Snead, this item was moved to the end of the General Agenda.

After discussion, Commissioner Snead moved to approve the consent agenda, as amended, with **Item M: Consultant Recommendation for Indoor Recreation/Aquatic Facility** and **Item P: Cultural Resources Report** moved to the end of the General Agenda. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

UNDERWRITER SELECTION PROCESS - DOWNTOWN REDEVELOPMENT PROJECT

Bernie Hayen, Director of Finance, introduced and presented the item.

Charles Zitnek, Sr. Vice President, Kirkpatrick Pettis, Kansas City, Missouri, provided additional information on the item. He informed the Commission that his firm was vitally interested in the project and was looking forward in working with the City.

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

After discussion, Commissioner Snead moved to authorize City Administration to enter into an agreement with Kirkpatrick Pettis, of Kansas City, Missouri, as the City's Senior Managing Investment Banker for the Downtown Redevelopment Project. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

DENISON AVENUE IMPROVEMENT PROJECT - ANDERSON AVENUE TO KIMBALL AVENUE

Rob Ott, City Engineer, introduced the item.

Greg Fief, PE, Schwab-Eaton, PA, and Kip Strauss, AICP, Sr. Transportation Planner, HNTB Corporation, presented the item. They then answered questions from the Commission.

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

GENERAL AGENDA

DENISON AVENUE IMPROVEMENT PROJECT - ANDERSON AVENUE TO KIMBALL AVENUE (CONTINUED)

Bill Muir, Assistant Vice President for Community Relations, Kansas State University, informed the Commission that he did not see a roundabout as a feasible alternative and provided additional information on the City/University Fund that will be used to assist in funding the Denison Avenue project.

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

After discussion, Commissioner Hatesohl moved to authorize City Administration to direct Schwab-Eaton, P.A., of Manhattan, Kansas, to proceed with the preparation of preliminary and final plans for the Preferred Alternative as presented by the project team. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

ITEMS REMOVED FROM CONSENT AGENDA

CONSULTANT RECOMMENDATION - INDOOR RECREATION/AQUATIC FACILITY

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

Mayor Klimek informed the Commission that RDG Planning and Design has a great wealth of background, expertise and past success stories for this type of project. He said that he was very comfortable with the consultant team and engineering expertise.

Kevin Stubbs, RDG Planning and Design, of Kansas City, Missouri, provided additional background information about their firm and services that it provides. He said they have completed over 140 projects related to sports and recreation, and work to help communities and families develop buildings for their specific needs. He then answered questions from the Commission.

After discussion, Commissioner Snead moved to approve the recommendation from the Manhattan Parks and Recreation Advisory Board and Selection Committee to select RDG Planning and Design, of Kansas City, Missouri, to develop a preliminary design, construction and operating costs, and determine a preferred site for the Indoor Facility;

ITEMS REMOVED FROM CONSENT AGENDA

CONSULTANT RECOMMENDATION - INDOOR RECREATION/AQUATIC FACILITY (CONTINUED)

analyze and make recommendations on three outdoor pools; master plan City Park for the future; and authorize City Administration to negotiate a contract for consideration by the Manhattan Parks and Recreation Advisory Board and City Commission. Commissioner Phillips seconded the motion.

After discussion, Commissioner Phillips made an amendment to the motion to include, "having City Staff work with RDG Planning and Design to consider collaboration with local firms for this phase and to discuss collaboration with local firms in the final design phase."

Ron Fehr, City Manager, provided clarification on the amendment and scope of services.

Commissioner Phillips removed from the amendment, "to discuss collaboration with local firms in the final design phase."

Commissioner Snead accepted the amendment to the motion and clarified the amendment to be, "to direct City Staff to work with RDG Planning and Design to consider collaboration with local firms for this phase."

Commissioner Phillips seconded the amendment and stated that he was not mandating that this had to happen, but said if it can be accomplished it would be in the best interests of the project.

Kevin Stubbs, RDG Planning and Design, provided additional information on the item.

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

CULTURAL RESOURCES REPORT

Karen Davis, Director of Community Development, introduced the item.

Bonnie Lynn-Sherow, Chair, Historic Resources Board, presented the report and answered questions from the Commission.

After discussion, Commissioner Morris-Hardeman moved to accept the Cultural Resources Survey Report. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

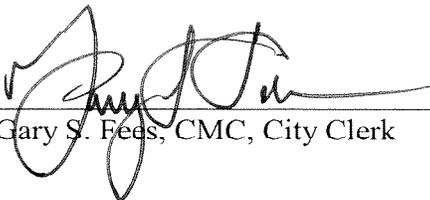
At 9:21 p.m., Commissioner Snead moved to recess into Executive Session until 10:00 p.m., for the purpose of preliminary discussions related to the acquisition of real estate. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

At 10:00 p.m., the Commission reconvened with Mayor Klimek and Commissioners Snead, Phillips, Hatesohl, and Morris-Hardeman in attendance.

ADJOURNMENT

Commissioner Hatesohl moved to adjourn the meeting. Commissioner Morris-Hardeman seconded the motion. On a vote, motion carried 5-0.

At 10:00 p.m., the Commission adjourned.



Gary S. Fees, CMC, City Clerk

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.

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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%

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* 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

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(reinforced concrete box) under Anderson Avenue near the southeast property corner. 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.

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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.

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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 (RMII) 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.

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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..
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.

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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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