

MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 20, 2004
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Brad Everett and Commissioners Ed Klimek, Bruce Snead, Mark Hatesohl, and Mark Taussig were present. Also present were the Assistant City Manager Diane Stoddard, Assistant to the City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 11 staff, and approximately 55 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Everett led the Commission in the Pledge of Allegiance.

PRESENTATIONS/RECOGNITIONS

Mayor Everett and Jason Hilgers, Assistant to the City Manager, recognized the Citizens' Academy Participants.

PROCLAMATIONS

Mayor Everett proclaimed July 22-26, 2004, ***Fair and Rodeo Days***. Doug Williams, Kaw Valley Rodeo, was present to receive the proclamation)

Mayor Everett proclaimed July 31, 2004, ***Kansas All-Star Football Shrine Bowl Day***. Marvin Rodriguez, President, Manhattan Shrine Club, and Daniel Anderson, Manhattan High School All-Star, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Hatesohl informed the community of Skin Cancer Awareness Week and encouraged everyone to visit with their physicians if they suspect a problem.

Commissioner Snead recognized his wife Leslie for her support in celebration of their 30th Wedding Anniversary.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, July 6, 2004.

CLAIMS REGISTER NO. 2509

The Commission approved Claims Register No. 2509 authorizing and approving the payment of claims from June 30, 2004, to July 13, 2004, in the amount of \$957,760.11.

BOARD APPOINTMENTS

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

Corporate Technology Park Architectural Review Committee

Re-appointment of Brad McCune, 5960 Technology Circle. Mr. McCune's term begins immediately and will expire August 15, 2006.

Re-appointment of Karen Davis, 1101 Poyntz Avenue. Ms. Davis' term will begin August 16, 2004, and will expire August 15, 2007.

Douglass Center Advisory Board

Appointment of Tommy L. Anderson, 1221 North 8th Street, to a three-year At-Large term. Mr. Anderson's term begins immediately and will expire October 2, 2006.

Appointment of Glenna F. Burckel, 2031 Pierre Street, to a three-year At-Large term. Ms. Burckel's term begins immediately and will expire October 2, 2006.

Human Rights And Services Board

Appointment of Tony English, 1929 Blue Hills Road, to a three-year term. Mr. English's term begins immediately and will expire March 9, 2007.

Social Services Advisory Board

Appointment of Tony English, 1929 Blue Hills Road, to a three-year term. Mr. English's term begins immediately and will expire June 30, 2007.

Appointment of Rachel Olds, 3308 Frontier Circle to an unexpired term of Scott Hendrickson. Ms. Olds' term begins immediately and will expire June 30, 2005.

CONSENT AGENDA (CONTINUED)

LICENSE – CEREAL MALT BEVERAGE

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

ORDINANCE NO. 6418 – REZONE – PEBBLEBROOK ADDITION, UNIT 3

The Commission approved Ordinance No. 6418 rezoning Pebblebrook Addition, Unit 3, from R-3, Multiple-Family Residential District, to PUD, Residential Planned Unit Development District, generally located southwest of the intersection of Cumberland Road and Pebblebrook Circle, west of Anneberg Park, and north of Wildcat Creek, based on the findings in the Staff Report, with the four (4) conditions recommended by the Planning Board. (*See Attachment No. 1*)

ORDINANCE NO. 6419 – REZONE – LOT 1, LL&G ADDITION

The Commission approved Ordinance No. 6419 rezoning part of Lot 1 in the LL&G Addition, located generally west of the Sirloin Stockade restaurant, from PUD, Commercial Planned Unit Development District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report. (*See Attachment No. 2*)

ORDINANCE NO. 6421 – LEVY SPECIAL ASSESSMENTS

The Commission approved Ordinance No. 6421 levying special assessments against the benefiting property in the following six (6) public improvement districts: *Pheasant Hill Addition – Sanitary Sewer (SS0308), Water (WA0308); Stone Valley Addition, Phase I – Sanitary Sewer (SS0306), Water (WA0307); Tatarrax Hills Subdivision – Sanitary Sewer/Water (SS0205/WA0207); and The Browning Project – Storm Water (SM0201).*

CHANGE ORDER NO. 1-FINAL – DICKENS AVENUE DRAINAGE CULVERT (SM0401)

The Commission approved Change Order No. 1-Final for Dickens Avenue Drainage Culvert, (SM0401) resulting in a net increase in the amount of \$9,611.09 (+26.34%) to the contract with WCI Company, Inc., of Paola, Kansas.

AWARD CONTRACT – WASTEWATER TREATMENT PLANT BOILER REPLACEMENT

The Commission approved the Engineer's Estimate in the amount of \$61,500.00 and awarded a construction contract in the amount of \$58,185.00 to replace the boiler to Central Mechanical Construction Company, Inc., of Manhattan, Kansas.

CONSENT AGENDA (CONTINUED)

* **AWARD CONTRACT – 2004 STREET MAINTENANCE, PHASE 3**

Jeff Hancock, City Engineer, answered questions from the Commission.

The Commission accepted the Engineer's Estimate for Phase III B in the amount of \$220,706.80 and awarded a construction contract in the amount of \$217,767.02 for Option B to Shilling Construction Co., Inc., of Manhattan, Kansas.

PURCHASE – PLAYGROUND EQUIPMENT – SUNSET ZOO PLAYGROUND

The Commission authorized City Administration to purchase playground equipment for the Sunset Zoo Playground in the amount of \$19,887.51 from Little Tykes, of Augusta, Kansas.

CONTRACTS – 2004 EMERGENCY SHELTER GRANT FUNDS

The Commission authorized the Mayor and City Clerk to execute the grant agreement with the Kansas Housing Resources Corporation for the award of 2004 Emergency Shelter Grant Funds and execute contracts with local social service agencies to allocate the 2004 Emergency Shelter Grant as recommended. (*See Attachment No. 3*)

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

GENERAL AGENDA

KSU FOOTBALL GAME DAY PARKING RESTRICTIONS

Jason Hilgers, Assistant to the City Manager, presented the item and answered questions from the Commission.

Jerry Snyder, Assistant Director of Fire Services - Operations, answered questions from the Commission regarding fire equipment accessibility and safety.

Diane Stoddard, Assistant City Manager; Jerry Snyder, Assistant Director of Fire Services – Operations; and Jason Hilgers, Assistant to the City Manager, answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

KSU FOOTBALL GAME DAY PARKING RESTRICTIONS (CONTINUED)

Pat Schmidt, 2014 Parkway Drive, said an emergency vehicle would have a difficult time in this area and did not think Parkway Drive was wide enough to accommodate parking.

Chuck Williams, Director of Public Works, and Jerry Snyder, Assistant Director of Fire Services - Operations, provided clarification on the item.

Lynn Miller, 2033 Parkway Drive, stated that it was very difficult to get in or out of her house on game days. She said that without curbing, vehicles may end up parking in the homeowner's yards. She then answered questions from the Commission.

Mike Glessner, 2010 Parkway Drive, was concerned with the entrance coming into Parkway Drive and was fearful of additional traffic and less accessibility for safety vehicles. He asked the Commission to look into the possibility of the police department providing tags for homeowner's to get into their homes by providing street access.

Ray Kurtz, 1805 Alabama Lane, asked if the sidewalks were included in front yard parking and if police are enforcing the rules. He said that it is difficult to walk on the sidewalks when parked cars are encroaching the sidewalk.

Rebecca Ponce, 2429 Vaughn Drive, requested to keep front yard parking and informed the Commission that the police only ticket when someone complains.

Doug Parker, 1921 Kenmar Drive, provided photos of front yard parking where the lawn was deteriorated. He informed the Commission that this is a safety issue with fire vehicles and spoke in support of one side parking.

Jeanne Klopfenstein, 1829 Cassell Road, stated that it is very difficult to get home on game days and thought it was wise to limit parking on one side of the street for emergency vehicles and access to those wanting to get to their homes.

Jason Hilgers, Assistant to the City Manager, and Diane Stoddard, Assistant City Manager, clarified the motion and the Administrative Order.

Lance Luftman, Assistant Director, Riley County Police Department, informed the Commission that they control the area the best that they can and said their priority is with safety and clearing traffic. He then answered additional questions from the Commission.

Bill Frost, City Attorney, provided clarification on the item and answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

KSU FOOTBALL GAME DAY PARKING RESTRICTIONS (CONTINUED)

Chuck Williams, Director of Public Works, answered questions from the Commission.

Bill Frost, City Attorney, clarified the motion presented.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance authorizing the removal of parking and establishing tow zones on certain streets in the City of Manhattan, Kansas. Commissioner Klimek seconded the motion. On a roll call vote, motion carried 3-2, with Mayor Everett and Commissioner Snead voting against the motion.

REQUEST TO RESTRICT PARKING - SUNNY AND MEADE CIRCLE RESIDENTS

Jason Hilgers, Assistant to the City Manager, presented the item.

Michelle Haub, 2504 Meade Circle, spoke in support of the item as presented.

Beth Neitzel, 2504 Sunny Circle, presented signatures from the neighborhood that supported the item. She asked that parking be limited to one side of the cul de sacs on Kansas State University game days.

Rob Samenus, 2024 Sunnymead Road, said limiting parking to one side would help eliminate the access and safety issues.

Mark Houb, 2504 Meade Circle, encouraged the Commission to approve parking on only one side of the street.

Chuck Williams, Director of Public Works, answered questions from the Commission.

Bill Frost, City Attorney, provided clarification on the item.

Diane Stoddard, Assistant City Manager, said additional detail would be included in the ordinance at second reading.

After discussion, Commissioner Taussig moved to approve first reading of an ordinance limiting parking to one side of the cul de sacs on Sunny and Meade Circles on KSU football game days. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 3-2, with Mayor Everett and Commissioner Snead voting against the motion.

GENERAL AGENDA (CONTINUED)

At 8:45 p.m., the City Commission took a brief recess.

RILEY COUNTY BOARD OF COUNTY COMMISSIONERS REQUEST - KONZA II SEWER DISTRICT CONNECTION

Chuck Williams, Director of Public Works, presented the item and answered questions from the Commission.

Leon Hobson, Director, Riley County Public Works, explained the current benefit district consists of two properties. He said the County intends for the district to grow and that a consultant has been hired to complete the plans.

Chuck Williams, Director of Public Works, answered additional questions regarding the funding of the project.

After discussion, Commissioner Snead moved to approve the request of the Board of Riley County Commissioners for the connection of the Konza II Sewer District to the City of Manhattan's sanitary sewer system and authorize the Mayor and City Clerk to execute a final agreement. Commissioner Taussig seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - ADULT BUSINESS LICENSING ORDINANCE

Katie Jackson, Assistant City Attorney, presented the item related to licensing. (PowerPoint)

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

Bill Frost, City Attorney, and Katie Jackson, Assistant to the City Attorney, answered questions relating to licensing fees and signage regulations.

After discussion, Commissioner Snead moved to approve first reading of an ordinance amending Chapter 5, adding new Sections 5-58 to 5-79 to the Code of Ordinances pertaining to the location, licensure, and regulation of adult businesses. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

AMEND POSTED SPEED LIMIT - ORDINANCE NO. 6420 -ALONG KIMBALL AVENUE; ORDINANCE NO. 6422 -ALONG ANDERSON AVENUE

Jeff Hancock, City Engineer, presented the item and answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

AMEND POSTED SPEED LIMIT - ORDINANCE NO. 6420 -ALONG KIMBALL AVENUE; ORDINANCE NO. 6422 -ALONG ANDERSON AVENUE (CONTINUED)

Lance Luftman, Assistant Director, Riley County Police Department, said he was pleased with the proposed change from Kimball Avenue to Plymouth Road. He was concerned with the traffic from Sharingbrook Drive coming onto Anderson Avenue. He then answered additional questions from the Commission.

Henry Dace, 2217 Stone Post Road, urged the Commission to keep the 30 m.p.h. speed limit from Anneberg Park entrance into the City of Manhattan.

Larry Loomis, 1716 Westbank Way, was disappointed that the Riley County Police Department continues to ticket vehicles and proposed that speed limits be increased to 40 m.p.h. Candlewood Drive. He suggested that a stoplight be placed at Kimball Avenue and Candlewood Drive before the start of the football season.

After discussion, Commissioner Hatesohl moved to approve Ordinance Nos. 6420 and 6422 modifying the posted speed limits along Anderson Avenue, between the western City limits and the Anneberg Park entrance/Sharingbrook Drive; and Kimball Avenue, between Anderson Avenue and Plymouth Road, from 30 m.p.h. to 40 m.p.h. Commissioner Snead seconded the motion.

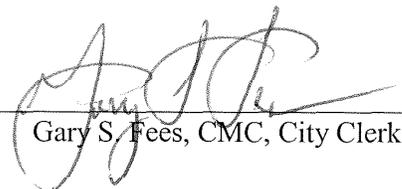
Jeff Hancock, City Engineer, informed the Commission that the City has applied for a safety grant at Candlewood Drive and Kimball Avenue.

Chuck Williams, Director of Public Works, provided additional information regarding a follow-up speed study.

On a roll call vote, motion carried 5-0.

ADJOURNMENT

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: R-3, Multiple-Family Residential District

TO: Residential Planned Unit Development District

OWNER/APPLICANT: Michael Hill - Triple H Construction

ADDRESS: 3314 Kennsington Court, Manhattan KS 66503

DATE OF PUBLIC NOTICE PUBLICATION: Monday, May 17, 2004

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, June 7, 2004
CITY COMMISSION: Tuesday, July 6, 2004

LOCATION: southwest of the intersection of Cumberland Road and Pebblebrook Circle, west of Anneberg Park, and north of Wildcat Creek.

AREA: approximately 3.5-acres.

PROPOSED USES: Three, 24-dwelling unit apartment buildings (a total of 72, 2-bedroom, dwelling units), a clubhouse/leasing office, pool, off-street parking, and landscaping.

The Planned Unit Development (PUD) is an extension of the Pebblebrook Apartment and Townhomes complex. It will consist of proposed Lots 14 and 15, which are currently Final Platted as Lot 1A, Pebblebrook Addition, Unit Two, and proposed Lots 16 and 17, Final Platted as Lots 4A and 5A, Pebblebrook Addition, Unit Two. The PUD is necessary due to proposed Lots 14 and 15 not having direct access to a public street, which requires access to the lots by Travel Easement. Travel Easements can only be used with a PUD. Proposed Lots 16 and 17 can be accessed from Pebblebrook Circle.

PROPOSED BUILDINGS AND STRUCTURES: The 3-story, 36-foot, apartment buildings will be constructed with the same appearance as existing, and under construction, apartment buildings in the adjacent complex: brick veneer, hardboard siding, and asphalt shingled roofs. The clubhouse/lease office will be 26-feet in height and constructed with the same materials as the apartment buildings. A small pool will be adjacent to the clubhouse. Dumpsters will be screened by a minimum 6-foot wooden enclosure, with wooden gate. Net density is 24.3 dwelling units per net acre. The property will be owned and managed by the owner/applicant.

PROPOSED LOT COVERAGE

<u>USE</u>	<u>Acres (ac)/Square Feet (sf)</u>	<u>Percentage (%)</u>
Building	.7 ac/ 30,492 sf	20.26%
Clubhouse	.05 ac/ 2,178 sf	1.45%
Drives/parking	1.39/ 60,548 sf	39.83%
Sidewalks	0.06 ac/ 2,614 sf	1.60%
Green Space	1.29/ 53,143 sf	36.90 % (37%)

PROPOSED SIGNS

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

The existing ground lit Pebblebrook Apartment and Townhomes ground sign at the entrance to the complex will also serve the PUD. Exempt signs, such a political, address numeral and other exempt signs are provided for as a part of the conditions of approval.

PROPOSED LIGHTING: Light poles and building fixtures are the same as those in existing parking areas and on existing apartment buildings and will be downcast and shielded

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

- 1. LANDSCAPING:** landscaping is functional for the site and is an extension of the existing landscaping plan from the adjoining apartment complex.
- 2. SCREENING:** Dumpsters will be screened as described above. No other screening is required.

Attachment No. 1

3. DRAINAGE: A Drainage Analysis (*attached*) was done with the Preliminary Plat of the entire Pebblebrook Addition in 2001. The site was included as a part of that analysis. The analysis and drainage plan were found to conform to the policies of the Stormwater Management Master Plan. The site drains to Wildcat Creek.

4. CIRCULATION: Circulation is from Pebblebrook Circle, a public street, with internal access to Lots 14 and 15, which do not abut the public street, from Pebblebrook Place, a Travel Easement. The proposed internal drives connect to drives within the adjoining apartment complex system. Sidewalk is provided along Pebblebrook Circle and in front of entrances to the buildings on Lots 14 and 15.

A Traffic Report (*attached*) was considered with the Preliminary Plat of the Pebblebrook Addition in 2001. The future development on the site was included as a part of the analysis and found to conform to policies of the Manhattan Urban Area Transportation Plan. The report concluded that the apartment development would have minimal impact on the existing surrounding street network.

A total of 170-off-street parking spaces are proposed, 166-spaces for residents and four (4)-spaces for guests/pool. Two point three (2.3) off-street parking spaces are proposed for each 2-bedroom unit. Based on the number of 2-bedroom units (72), 3-parking spaces are required by the Zoning Regulations, or a total of 216 parking spaces (72-dwellings x 3 = 216-parking spaces).

On February 13, 2002, the Board of Zoning Appeals granted an Exception to allow a reduction of the minimum required number of off-street parking spaces for multiple-family dwellings for the R-3 District portion of the Pebblebrook Apartment complex. (*Note: the apartment complex was referred to as Brookwood Apartments in 2002, and the Variance indicated in the findings was for screening on the eastern side of the complex, adjacent to Anneberg Park*). The BZA reduced the minimum required 3-parking spaces per unit to 2.3-parking spaces per unit, as proposed by the applicant in 2002. The Findings of Fact upon which the BZA granted the reduction are attached for reference. The proposed 2.3-parking spaces per 2-bedroom unit equals the ratio granted by the BZA for the R-3 District part of the Pebblebrook Apartment complex. The proposed number of parking spaces should be adequate for similar reasons as set out in the referenced Findings of Fact.

5. OPEN SPACE AND COMMON AREA: Approximately 37% of the site is green open space, with the pool/clubhouse serving the PUD and adjacent complex.

Attachment No. 1

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is generally characterized by an apartment complex that is under construction, an undeveloped business park and low density residential development to the north of Anderson Avenue, flood plain and open farmland are to the south and west, a medical and professional office complex to the northwest, and a community park to the east. The site is generally at the western edge of the City limits.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Undeveloped future site for apartment complex expansion.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is vacant and has been graded and filled for development. The northwest part of the site is in the buildable portion of the 100 Year Flood Plain. The site drains to Wildcat Creek, which is to the west/southwest.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Pebblebrook Apartment complex, Anderson Avenue and Cumberland Road, undeveloped business park district, and single family homes; R-3 District, I-5, Business Park District, and R, Single-Family Residential District.

(b.) SOUTH: Wildcat Creek, farmland and flood plain; County G-1, General Agricultural District.

(c.) EAST: Pebblebrook Apartments and Anneberg Park; R-3 District and RS, Single-Family Residential Suburban District.

(d.) WEST: Lot AA, Common Area/Drainage Easement, Pebblebrook Addition, Unit Two, vacant farmhouse and farmland, flood plain, existing medical offices and developing medical and professional office area, and Scenic Drive; R-3 District, G-1 District, C-2, Neighborhood Shopping District, and PUD.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site will consist of part of existing Lot 1A, Pebblebrook Addition, Unit Two, a 2.81 acre tract of land; and Lot 4A and 5A, Unit Two, both of which are vacant. The PUD portion of the site was included as a part of the approved Preliminary Plat. It was noted in the Preliminary

Attachment No. 1

Plat Staff Memorandum that an undesignated part of the Plat would be a future PUD for multiple-family residential buildings. Due to the configuration of the site, which is constrained by the 100-Year Flood Plain, proposed Lots 14 and 15 could not be platted, since direct access to public streets, could not be provided, even though sufficient land area is available for apartment building construction. The site is suitable for the proposed uses, if access by Travel Easement is used for interior Lots 14 and 15.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning does not appear to be incompatible with surrounding uses. Additional light, noise and traffic can be expected, but is not inconsistent with the existing adjoining Pebblebrook Apartments. The site was previously rezoned to R-3 District and was not found to adversely impact adjacent property. The proposed rezoning is consistent with the previous rezoning to R-3 District.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown on the Future Land Use Map, Southwest Planning Area, of the Manhattan Urban Area Comprehensive Plan (*attachment*). The site is designated Residential High Density (RHD), which means that possible

densities can be 19-dwelling units, or greater, per net acre. The proposed density is 24.3-dwelling units per net acre and is consistent with the RHD designation.

The northwestern portion of the site is within the buildable part of the 100 Year Flood Plain, which is shown on the Land Use Map as an Environmentally Sensitive Area on the Plan. Residential construction is permitted in the buildable portion of the 100 Year Flood Plain as long as the lowest enclosed floor is at least 1-foot above the 100 Year Flood Elevation. In this case, the flood elevation is 1062-feet and the lowest floor of the buildings is shown at 1063-feet and 1063.5-feet, which is consistent with the flood plain requirements of the Zoning Regulations.

The PUD conforms to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site was annexed and rezoned to R-3 District on July 3, 2001. The PUD portion has remained vacant to date, although grading and filling on the site occurred with the initial grading for the adjacent apartment buildings.

Attachment No. 1

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

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 relative gain to the public that denial would accomplish, compared to the hardship to the owner. A Preliminary and Final Plat were previously approved and the PUD site has been annexed and rezoned for multiple-family development. It is well documented that a portion of Pebblebrook would be partially within a PUD, due to access constraints.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities are available to serve the site.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of Pebblebrook Addition, Unit Three, from R-3, Multiple-Family Residential District, to PUD, Residential Planned Unit Development District, with the following conditions:

1. 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.
2. All landscaping and irrigation shall be maintained in good condition.
3. Signs 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).

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Pebblebrook Addition, Unit Three, from R-3, Multiple-Family Residential 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 Pebblebrook Addition, Unit Three, from R-3, Multiple-Family Residential District, to PUD, Residential Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
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 Pebblebrook Addition, Unit Three, from R-3, Multiple-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the staff report, with the conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: June 1, 2004

04009

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: PUD, LL&G Commercial Planned Unit Development

TO: C-5, Highway Service Commercial District

APPLICANT: Sloan & Meier Surveyors as Agent for LL&G Inc.

ADDRESS: 103 S. 4th Street, Manhattan KS 66502

OWNER: LL&G Inc.

ADDRESSES: 2908 Plum, Hutchinson KS 67502

LOCATION: generally located in the southwestern corner of the Sirloin Stockade restaurant's parking lot. The tract is more generally located north of Faith Furniture, east of the Dillons Superstore, south of Sarber Lane, and west of the Sirloin Stockade restaurant.

AREA: a .1-acre (4,356 square feet) tract of land in Lot 1, LL&G Addition, Manhattan, Pottawatomie, KS

DATE OF PUBLIC NOTICE PUBLICATION: Monday, May 31, 2004

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, June 21, 2004

CITY COMMISSION: Tuesday, July 6, 2004

EXISTING USE: Green space and one (1) off-street parking space in the Sirloin Stockade parking lot. The rezoning site was identified as Phase Two on the Final Development Site Plan for a restaurant expansion (*see LL&G PUD attachments*), and was an optional area for parking lot expansion, to be constructed at a date to be determined by the owner. (Note: When the restaurant was expanded in 1992, a minimum of 130-parking spaces were needed to meet the requirements for a restaurant. The restaurant was expanded again in 1995, which required a minimum of 152-parking spaces. Currently there are 172-parking spaces, one of which will be lost, since it is in the rezoning site.)

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Grass and asphalt. The site is flat and in the 100 Year Flood Plain. The flood elevation is 1008 feet above sea level. The lowest enclosed floor of structures associated with new construction or substantial improvements must be elevated to 1009 feet.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Parking lot, restaurant, vacant retail-service commercial tract of land, Sarber Lane, and auto related repair and service businesses; C-5 District and PUD.
- (2) **SOUTH:** Furniture store and E. Poyntz Avenue (US 24) Frontage Road and US 24 Highway; C-5 District.
- (3) **EAST:** Restaurant, Sarber Lane, K-Mart; PUD.
- (4) **WEST:** Retail-service commercial tract of land and vacant building, parking lot, and grocery store; C-5 District.

GENERAL NEIGHBORHOOD CHARACTER: The neighborhood is characterized by retail commercial and service commercial uses such as furniture sales, grocery stores, restaurants, auto repair and large retail stores.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site could be used for expansion of the Sirloin Stockade parking lot, at the owner's discretion. The site remains suitable for its intended purpose. The optional parking was not necessary to meet the required parking ratio for the restaurant.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The surrounding properties are developed with retail-service commercial uses and are zoned C-5 District and commercial PUD. Minimal impact on adjacent properties is anticipated as a result of the rezoning.

CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown on the Southeast Planning Area Future Land Use Map (*attachment*) as CC, Community Commercial. The designation is intended to provide for a unified mix of retail and commercial services in a community center. Small single-use sites, such as the rezoning site, also fit within the designation. The site is for expansion of a permitted existing furniture business, which is zoned C-5 District. The rezoning conforms with the Comprehensive Plan.

Attachment No. 2

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The Sirloin Stockade restaurant was constructed in 1989/1990.

1969 - Annexation / I-2, Industrial Park District
1970 - I-2 District to C-5 District
1973 - C-5 District to K-Mart PUD
1982 - PUD to C-5 District
1989 - C-5 District to LL&G PUD
1992 – Amend LL&G PUD (building and parking lot expansion)
1995 – Amend LL&G PUD (building expansion)

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 C-5 District is designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities, which require access to major streets and highways. The rezoning is intended to allow for expansion of the Faith Furniture Store to the south, which is in the C-5 District. Furniture stores are a permitted use in the C-5 District.

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 does not appear to be any adverse impact on the public as a result of the proposed rezoning. The rezoning is surrounded by C-5 District and commercial PUD. It may a hardship on the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities are available to serve the site.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS: A Replat (Final Plat) of the Faith Addition and the LL&G Addition, will be submitted, prior to expansion of the furniture store.

City Administration recommends approval of the proposed rezoning of a .1-acre tract of land in Lot 1, LL&G Addition, from PUD, LL&G Commercial Planned Unit Development, to C-5, Highway Service Commercial District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of .1-acre tract of land in Lot 1, LL&G Addition, from PUD, LL&G Commercial Planned Unit Development, to C-5, Highway Service Commercial District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of a .1-acre tract of land in Lot 1, LL&G Addition, from PUD, LL&G Commercial Planned Unit Development, to C-5, Highway Service Commercial District, based on the findings in the Staff Report .

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: June 14, 2004

2004 Emergency Shelter Award

	Crisis Center	MESI	Salvation Army	City	Total
Rehab	\$3,000	\$3,000			\$6,000
Operations	\$9,600	\$10,400			\$20,000
Essential Services	\$3,000	\$9,000			\$12,000
Homeless Prevention	\$2,000		13,000		\$15,000
Admin				\$1,395	\$1,395
Total	\$17,600	\$22,400	\$13,000	\$1,395	\$54,395