

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, DECEMBER 6, 2005***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Ed Klimek and Commissioners Bruce Snead, Tom Phillips, Mark Hatesohl, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government Representative Lindsey Doan, 7 staff, and approximately 18 interested citizens.

**PLEDGE OF ALLEGIANCE**

Eagle Scout Joshua Hardy led the Commission in the Pledge of Allegiance.

**RECOGNITION**

Mayor Klimek recognized Eagle Scout Joshua Hardy.

**PROCLAMATIONS**

Mayor Klimek proclaimed December 15, 2005, ***C. Lee Woodford Day***. C. Lee Woodford, Manhattan High School Teacher, former Manhattan High School Wrestling Coach, and National Wrestling Hall of Fame inductee; Terry McCarty, Manhattan High School Principal; and Robert Gonzales, Kansas Chapter President, National Hall of Fame, and Manhattan High School Wrestling Coach, were present to receive the proclamation.

Mayor Klimek proclaimed January 2006, ***One Book, One Community 2006 Reading Program***. Fred Atchison, Director; Marcy Allen, Collection Development and Processing Manager; and Susan Withee, Reference Manager; Manhattan Public Library, and Allie Lousch, Manhattan Library Association Board Members, were present to receive the proclamation.

## PUBLIC COMMENTS

Mayor Klimek opened the public comments.

Hearing no comments, Mayor Klimek closed the public comment.

## COMMISSIONER COMMENTS

Mayor Klimek recognized Youth in Government Representative Lindsey Doan.

Commissioner Phillips asked the Commission to consider examining additional ways to help stimulate redevelopment in the downtown core area, and to look at ways that would encourage private investment to compliment the north and south areas of the redevelopment area. He asked City Staff to examine and identify available programs and incentives, and to work with Downtown Manhattan Inc., and to bring the item back to a future Work Session.

Mayor Klimek welcomed Coach Ron Prince to Manhattan and congratulated him on being named the new football coach at Kansas State University.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 15, 2005.

### \* CLAIMS REGISTER NO. 2542

Bernie Hayen, Director of Finance, and Ron Fehr, City Manager, answered questions from the Commission.

The Commission approved Claims Register No. 2542 authorizing and approving the payment of claims from November 9, 2005, to November 29, 2005, in the amount of \$3,112,559.48.

### LICENSES

The Commission approved renewal applications for 2006 for Cereal Malt Beverage, Tree Maintenance License, and Merchant Guard Agency, and a Fireworks Display application for calendar year 2005. (*See Attachment No. 2*)

## CONSENT AGENDA (CONTINUED)

### FINAL PLAT – WOODLAND HILLS ADDITION, UNIT SEVEN

The Commission accepted the easements and rights-of-way as shown on the Final Plat of the Woodland Hills Addition, Unit Seven, generally located north of the intersection of Bentwood Drive and Brierwood Drive, more specifically 736, 800, 804, and 808 Brierwood Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 6513 – 2006 SALARY RANGES

The Commission approved Ordinance No. 6513 establishing the 2006 salary ranges for City employees.

### ORDINANCE NO. 6514 – VACATE RIGHT-OF-WAY – SOUTH DELAWARE AVENUE (VA0507)

The Commission approved Ordinance No. 6514 vacating a portion of South Delaware Avenue right-of-way on a 20 foot by 50 foot area adjacent to Lot 616, Ward 6, located in the City of Manhattan, Riley County, Kansas.

### ORDINANCE NO. 6515 – RENAME – MILLENIUM DRIVE TO STONEHAVEN DRIVE

The Commission approved Ordinance No. 6515 renaming Millennium Drive to Stonehaven Drive.

### RESOLUTION NO. 120605-A – SANITARY SEWER IMPROVEMENTS (SS0516) – WOODLAND HILLS ADDITION, UNIT FIVE, PHASE 2, AND UNIT SIX, PHASE 1

The Commission found the petition sufficient and approved Resolution No. 120605-A, finding the Sanitary Sewer (SS0516) improvements for the Woodland Hills, Unit Five, Phase 2, and Unit 6, Phase 1, advisable and authorizing construction.

### RESOLUTION NO. 120605-B – WATER IMPROVEMENTS (WA0517) - WOODLAND HILLS ADDITION, UNIT FIVE, PHASE 2, AND UNIT SIX, PHASE 1

The Commission found the petition sufficient and approved Resolution No. 120605-B finding the Water Improvements (WA0517) for the Woodland Hills, Unit Five, Phase 2, and Unit 6, Phase 1, advisable and authorizing construction.

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 120605-C – STREET IMPROVEMENTS (ST0523) - WOODLAND HILLS ADDITION, UNIT FIVE, PHASE 2, AND UNIT SIX, PHASE 1

The Commission found the petition sufficient and approved Resolution No. 120605-C finding the Street Improvements (ST0523) for the Woodland Hills, Unit Five, Phase 2, and Unit 6, Phase 1, advisable and authorizing construction.

### AGREEMENT – ENGINEERING SERVICES - WOODLAND HILLS ADDITION, UNIT FIVE, PHASE 2, AND UNIT SIX, PHASE 1

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, Inc., P.A., of Manhattan, Kansas, to perform engineering services for the Woodland Hills, Unit Five, Phase 2, and Unit 6, Phase 1.

### RESOLUTION NO. 120605-D – KDOT AGREEMENT – ANDERSON AVENUE, SETH CHILD ROAD TO HYLTON HEIGHTS (ST0301)

The Commission approved Resolution No. 120605-D authorizing the Mayor and City Clerk to execute the agreement with the Kansas Department of Transportation for the street improvements on Anderson Avenue between K-113 Interchange and Hylton Heights Road (ST0301).

### AWARD CONTRACT – LEE MILL HEIGHTS, UNIT 2 – SANITARY SEWER (SS0504) AND WATER (WA0504) IMPROVEMENTS

The Commission accepted the Engineer's Estimate in the amount of \$401,000.00 and awarded a construction contract in the amount of \$316,283.50 to J & K Contractors, of Junction City, Kansas, for the Lee Mill Heights, Unit 2, Sanitary Sewer and Water Improvements

### CHANGE ORDER NO. 1-FINAL – K113/K/18 UTILITY RELOCATION (WA0401) (SS0401)

The Commission approved Change Order No. 1-Final for K-113 & K-18 Utility Relocation resulting in a net increase in the amount of \$26,509.50 (+43.10%) for the water improvements (WA0401) and \$5,910.00 (+21.76%) for the sanitary sewer improvements (SS0401) to the contract with Larson Construction Company, of Manhattan, Kansas.

### \* REQUEST FOR PROPOSALS – CLASSIFICATION/COMPENSATION STUDY

Cathy Harmes, Director of Human Resource, provided additional information on the item and answered questions from the Commission.

## CONSENT AGENDA (CONTINUED)

\* **REQUEST FOR PROPOSALS – CLASSIFICATION/COMPENSATION STUDY (CONTINUED)**

The Commission authorized City Administration to solicit professional services for the purpose of conducting a comprehensive classification/compensation study for the City of Manhattan and appointed Commissioner Morris-Hardeman to the selection committee.

**AGREEMENT – FARM LEASE – JON R. HOWE**

The Commission approved the farm lease agreement with Jon R. Howe.

\* **AGREEMENTS – FEDERAL AVIATION ADMINISTRATION AND MIDWEST AIR TRAFFIC CONTROL TOWER**

Russ Johnson, Airport Director, answered questions from the Commission.

Ron Fehr, City Manager, provided additional information on the item.

The Commission authorized the Mayor and City Clerk to execute the Agreements for the FY 2006 Federal Aviation Administration Federal Contract Tower Cost-Share Agreement for Federal Contract Tower Air Traffic Control Services and Midwest ATC, Inc.

**BOARD APPOINTMENTS**

The Commission approved the appointment of Andy Carson, 5016 Skyway Drive, to an unexpired term of Jerome Lowenstein on the Housing Authority Board of Commissioners. Mr. Carson's term begins immediately and will expire on March 3, 2007.

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

## GENERAL AGENDA

**FIRST READING –REZONE - GRAND MERE VILLAGE**

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

Jeff Hancock, Director of Public Works, provide additional information on the item.

## GENERAL AGENDA (CONTINUED)

### FIRST READING –REZONE - GRAND MERE VILLAGE (CONTINUED)

Jerry Petty, Project Director, Grand Mere Development, answered questions from the Commission and provided additional information about the project.

After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning Grand Mere Village, located generally northwest of the intersection of Westbank Way and Kimball Avenue, from R-S, Single-Family Residential Suburban District; R, Single-Family Residential District; and, R-2, Two-Family Residential District, to PUD, Planned Unit Development District, based on the findings in the Staff Report, with the six conditions recommended by the Manhattan Urban Area Planning Board. *(See Attachment No. 1)* Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

### 2006 CHAMBER INDUSTRIAL PROMOTION AND TOURISM AND CONVENTION CONTRACTS/BUDGETS

Diane Stoddard, Deputy City Manager, introduced the item.

Lyle Butler, President, Manhattan Area Chamber of Commerce, introduced the Manhattan 24/7 marketing campaign.

Beverly Orr, Manhattan Area Chamber of Commerce, presented the Manhattan 24/7 campaign information.

Lyle Butler, President, Manhattan Area Chamber of Commerce, and Beverly Orr, Manhattan Area Chamber of Commerce, answered questions from the Commission.

Lyle Butler, President, Manhattan Area Chamber of Commerce, introduced Karen Hibbard, Director, Manhattan Convention and Visitors Bureau.

Karen Hibbard, Director, Manhattan Convention and Visitors Bureau, presented a report on the Convention and Visitors Bureau activities. She then answered questions from the Commission.

Lyle Butler, President, Manhattan Area Chamber of Commerce, provided additional information on the item and answered questions from the Commission.

John Pagen, Business Development Manager, Manhattan Area Chamber of Commerce, presented the economic development portion of the presentation. He then answered questions from the Commission.

## GENERAL AGENDA (CONTINUED)

### 2006 CHAMBER INDUSTRIAL PROMOTION AND TOURISM AND CONVENTION CONTRACTS/BUDGETS (CONTINUED)

Lyle Butler, President, Manhattan Area Chamber of Commerce, provided additional information on the item and provided an update on activities associated with Fort Riley with the ongoing efforts of John Armbrust.

Ron Fehr, City Manager, informed the Commission that Gary Fees, City Clerk/Communications Manager, was working with John Armbrust related to activities with Fort Riley at the State level.

Bernie Hayen, Director of Finance; Ron Fehr, City Manager; and Bill Frost, City Attorney, provided information on the transient guest tax and then answered questions from the Commission.

After discussion, Commissioner Morris-Hardeman moved to authorize the Mayor and City Clerk to execute the 2006 Industrial Promotion and Tourism and Convention contracts with the Manhattan Area Chamber of Commerce. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

### ADJOURNMENT

At 9:15 p.m. the Commission adjourned.



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Gary S. Fees, CMC, City Clerk

**STAFF REPORT**

**APPLICATION TO REZONE PROPERTY TO PLANNED UNIT  
DEVELOPMENT DISTRICT**

**BACKGROUND**

**FROM:** R-S, Single-Family Residential Suburban District; R, Single-Family Residential District; and, R-2, Two-Family Residential District.

**TO:** PUD, Planned Unit Development District.

**OWNER/APPLICANT:** Grand Mere Development, Inc., Mary L. Vanier, President; and KSU Golf Course Management and Research Foundation.

**ADDRESS:** 4807 Vue Du Lac Place, Suite B, Manhattan KS 66503; and 122 Anderson Hall, Manhattan, KS 66505.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, October 17, 2005.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, November 7, 2005.

**CITY COMMISSION:** Tuesday, December 6, 2005.

**LOCATION:** Generally located northwest of the intersection of Westbank Way and Kimball Avenue

**AREA:** 45.65 acres.

**PROPOSED USES:** The project is a mixed use development, which is proposed to consist of the following Permitted Uses: all of the Permitted Uses and Conditional Uses allowed in the C-2, Neighborhood Shopping District (attachment); Municipally Owned and Operated Fire Stations; Bed and Breakfast Inns; Hospitals and Nursing Homes; and, Residential Dwelling Units as a part of an Office, Retail or Restaurant Use.

There are 13 lots in the PUD ranging in size from a minimum of .61 acres to 3.35 acres. Possible uses on each lot are shown on Sheet 3 of the Preliminary development Plan. Lot 6, 3.35 acres, is the proposed location for a future City Fire Station. In addition to the 13 lots, the PUD will establish Tract A, a 15.17 acre open space/flood plain, and Tract B, a 2.41 acre open space/drainage easement.

## **PROPOSED BUILDINGS AND STRUCTURES:**

Architectural plans are shown on Sheet 9 of the Preliminary Development Plan. Buildings are one-story, 19-21 feet in height; and two-story, 27-29 feet in height, as measured from grade to rooflines. Proposed towers associated with one-story buildings range from 30.5-feet to 43.5 feet in height, and 38-50-feet in height for two-story buildings. Lots 2, 3, and 7 are anticipated to have towers incorporated into the building, and possibly Lot 1 and Lot 5. Buildings will incorporate pitched rooftops that will be residential in character. Flat roofs, roofs with exposed mechanical equipment, and any roof that causes an offensive view will not be allowed. Retaining walls located at various locations in the site will vary in height and material, but will not include any exposed concrete. Materials will be compatible with the range of finishes on the buildings.

Building materials include limestone, stucco, split block, brick or similar material, with 40 year grand manor shingles. The application documents indicate limestone will be incorporated into all buildings; however, "corporate images" may be allowed if essential to the market. The configuration, size, and location of the building shown are conceptual in nature. Building shapes and sizes are approximate and may differ slightly to suite a business.

Initially Grand Mere Development will own the entire site, with lots available for lease or sale. All development will be subject to private covenants and restrictions, with design review led by Grand Mere Development.

Application documents indicate that Grand Mere Development, or a successor company, will maintain all private streets, parking areas adjacent to private streets, open space, and landscaping within private and public streets.

Front yard building setbacks along Kimball Avenue are 25 feet and 35 feet along Vanesta Drive, with portions of some parking lot access aisles within the setbacks. Internal setbacks vary from 6 feet to 30 feet along private streets.

The Fire Station on Lot 6 is included in the City's Capital Improvement Plan in 2007, dependent upon City authorization. Approximate building size and improvements on Lot 6 are based on discussions with City Administration.

The entire site will first be rough graded and public infrastructure will be installed. Final grading and internal streets will then be constructed. Lot 10 is the first lot on which development is expected, for a Grand Mere Realty Office building.

**PROPOSED LOT COVERAGE**

<b><i>USE</i></b>	<b><u>Acres</u></b>	<b><u>Percentage</u></b>
Building	2.43 acres	5.1%
Private drives, parking, and sidewalk	9.03 acres	19.8%
Public street	2.42 acres	5.3%
<i>Green space</i>	31.36 acres	69.8%

**PROPOSED SIGNS**

<b><u>Type</u></b>	<b><u>Dimensions</u></b>	<b><u>Lighting</u></b>
Main entry ground sign (one)	6 feet by 9 feet	Internally backlit
Internal directional signs (two)	4.5 feet by 5 feet	Ground lit
Building wall signs	Per C-2 District sign requirements.	

Ground signs are shown on Sheet 10 of the Preliminary Development Plan and on page 6 of the application documents. The entry sign is proposed on the northwest corner of the Kimball Avenue and Vanesta Drive intersection. Directional signs are proposed on the northeast and northwest corners of Vanesta Drive and Vanesta Place intersections, and possibly at other internal intersections. Pole signs will not be allowed.

Wall signs are shown on architectural plan sheets with signs depicted above doorways or within sign bands on the building facades.

Temporary grand opening signs, construction signs, major milestones, or similar signs are proposed to be allowed. The applicant indicates that some types of advertising signs that are allowed according to the C-2 District sign regulations will not be allowed to proliferate in the PUD, such as banner signs and temporary sales aids.

**PROPOSED LIGHTING:** Private street and parking area lights are proposed to be a cut-off style design to cast light down and not towards adjacent properties. Internal streets lights are 16 feet in height and pedestrian scaled (see Sheet 8 of the Preliminary Development Plan for a sample, with the chosen fixture different but of similar character). Building lights are for accent purposes (see Sheet 9). Public street lights along Vanesta Drive will likely be by Westar.

*Attachment No. 1*

Internal lights are proposed to be lower intensity along Kimball Avenue, at ½ to 1 foot candle power and either full cutoff, or designed to direct light to the north, which will reduce the impact of light on the residential neighborhood to the south.

## **REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

**1. LANDSCAPING:** An extensive landscaping plan is proposed to consist of a shade, ornamental, and evergreen trees, leaf and evergreen shrubs, and ground cover. Public plaza areas are proposed throughout the PUD. Landscape islands are shown within the Vanesta Drive, which will also be a tree lined street.

**2. SCREENING:** Dumpster locations will be screened with compatible building materials. Headlight screening, consisting of a row of bushes along the southern parking lot boundaries of Lots 1 and 2 will be provided to buffer headlight glare towards the Westbank residential neighborhood to the south of Kimball Avenue. Landscape buffering/screening will be placed along the boundary with Grand Ridge Townhomes, to the west of Lots 8-10, to reduce the visual affects of the commercial development on the residential dwellings.

**3. DRAINAGE:** The site will drain to Little Kitten Creek. A drainage analysis was submitted by the applicant's consultant and reviewed by the City Engineer (attachment), who accepted the analysis and notes that "The developer's consultant prepared a drainage analysis of the proposed development that predicts minimal impact to the upstream and downstream drainage basin as a result of the mitigation techniques as described in the report."

**4. CIRCULATION:** Primary access to the site is from Kimball Avenue to the south. Internal access is from proposed Vanesta Drive, a public street, and Travel Easements - privately owned and maintained streets, which serve in lieu of public streets, to provide access to lots within the development. Internal access is safe and convenient.

Vanesta Drive will be a divided boulevard to approximately 1,000 feet north of the Kimball Avenue and Vanesta Drive intersection, at which point the street will become two undivided lanes. Turning lanes will be added to the north side of Kimball Avenue and for left turns onto Vanesta Drive for traffic coming from the west.

A proposed internal sidewalk system is shown throughout the site connecting to an existing sidewalk along Kimball Avenue, which will intersect with proposed Vanesta Drive. Sidewalks are shown on both sides of proposed Vanesta Drive. A public pedestrian trail system, incorporated into the sidewalk system, is described below.

*Attachment No. 1*

Off-street parking is conceptual and parking as shown is based on standard retail and office ratios of the Manhattan Zoning Regulations. Restaurant uses will provide one space per one hundred square feet of floor area. Residential uses and parking is not expected to be a major component of the development and will be calculated, when residential uses are proposed, based on the residential standards of the Manhattan Zoning Regulations. Nursing homes would be determined based on the standard for nursing homes. Each site will be re-evaluated with the submittal of the Final Development Plan to ensure adequate parking is provided.

A traffic report, originally submitted with the Grand Mere development in January 2000, was submitted by the applicant and reviewed by the City Engineer, who recommends construction improvements in association with the development (attachment).

**5. OPEN SPACE AND COMMON AREA:** The eastern boundary of the PUD is Little Kitten Creek, which will be preserved as open space (Tract A) and includes drainage easement. Tract B at the northwest edge of the PUD will be set aside as drainage easement.

The PUD will provide for pedestrian - bicycle connections between Grand Mere Parkway, at the southwestern corner of the site, which will extend to the east to Vanesta Drive and north to the proposed Fire Station. The Fire Station will have public restroom facilities, separate from the Fire Station, and a public trail-head parking lot and pedestrian - bicycle connection to the east, to a proposed trail along Little Kitten Creek. The pedestrian trail along Little Kitten Creek will connect to a proposed sidewalk along Kimball Avenue.

**6. CHARACTER OF THE NEIGHBORHOOD:** The area is generally characterized as a mixed use neighborhood. The area to the east and south of the proposed PUD is developed with a range of uses consisting of two-family and single-family, professional office and retirement/nursing home uses. To the north/northwest, and west is the Colbert Hills and Grand Mere development. The rezoning site is separated from the southern and eastern neighborhoods by Kimball Avenue and Little Kitten Creek. The neighborhood is developing in the character suggested by the Comprehensive Plan and the Grand Mere Master Plan.

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

**1. EXISTING USE:** An undeveloped site consisting of three separate residential zoning districts: R-S, Single-Family Residential Suburban District; R, Single-Family Residential District; and, R-2, Two-Family Residential District. A gravel access drive intersects with Kimball Avenue and extends to the Colbert Hills Golf Course maintenance facility.

*Attachment No. 1*

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is adjacent on its eastern boundary with Little Kitten Creek, which is designated as 100 Year Flood Plain consisting of Floodway Fringe (an area in which construction is allowed), Floodway (an area in which construction is prohibited), and 500 Year Flood Plain, which is not regulated. The southern boundary of the site adjoins Kimball Avenue, a two-lane arterial street. The western boundary is an open space entry to Grand Mere, Grand Ridge Townhomes, and Colbert Hills Golf Course. The northern boundary of the site is future Grand Mere residential development and portions of the Colbert Hills Golf Course.

The site slopes downhill from west to the east and drains to Little Kitten Creek, which is a riparian area characterized by mature trees. There are steeper slopes in the western and northern portions of the site, also having mature stands of trees. The remainder of the site is primarily native grass.

**3. SURROUNDING LAND USE AND ZONING:**

**(a.) NORTH:** Colbert Hills Golf Course and future Grand Mere residential: R-S and R Districts.

**(b.) SOUTH:** Kimball Avenue, residential townhomes, professional offices; Westbank Townhomes PUD and Jentre PUD.

**(c.) EAST:** Little Kitten Creek, Stoneybrook Retirement Community, future single, two-family, three and four-family homes in Cedar Glen subdivision; R-3, Multiple-Family Residential District, and R-M, Four Family Residential District.

**(d.) WEST:** Colbert Hills Golf Course and two-family residential in Grand Ridge Court; R-S and R-2 Districts.

**4. CHARACTER OF THE NEIGHBORHOOD:** See Criteria 6 above.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently zoned a combination of R-S, R, and R-2 Residential Districts. The current residential zoning districts do not allow for the site to be developed in the manner proposed by the Grand Mere Master Plan and Comprehensive Plan.

**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, however those changes should not be inconsistent with other newly developed neighborhoods within the area. The development impacts associated with the proposed activity are mitigated by landscape screening along

Kimball Avenue and low intensity level lighting, or lighting which will be directed away from the neighborhood. Existing neighborhoods to the south are also separated from the site by Kimball Avenue, an approximate 120-foot wide right-of-way. Proposed landscape screening will buffer residential dwellings to the south from headlights of vehicles in off-street parking lots serving commercial uses proposed on Lots 1 and 2. Professional office uses to the south are separated by distance and are generally consistent with the commercial nature of the rezoning site. Residential uses to the east are separated by distance and the Little Kitten Creek riparian area with mature trees. To the north are future Grand Mere residential and office uses, as shown on the Comprehensive Plan. To the west is a portion of the Colbert Hills Golf Course and its maintenance building, as well as Grand Mere Addition, Unit Two (Grand Ridge). Unit Two is elevated above the site and is buffered by proposed landscaping and design requirements, which will ensure views are not adversely affected. Proposed vehicular traffic does not access the site through any adjoining neighborhoods and uses an existing arterial street, which will have turning lane improvements for adequate access.

**6. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Comprehensive Plan shows the site as a combination of Neighborhood Commercial, Office-Research Park, Preserved Open Space, and Flood Hazard. The Grand Mere Community Master Plan adopted in April 2000 as a part of the Comprehensive Plan, is a more detailed level neighborhood plan for the site, which shows Neighborhood Retail Commercial Mixed-Use: Residential Office, Office, and Linear Park. A Fire Station is also shown within the proposed Grand Mere Village neighborhood. The proposed PUD conforms to the Comprehensive Plan and the Grand Mere Community Master Plan (see attachments).

**7. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site is vacant.

September 20, 1992     Annexation and rezoning to R-2 District (Western Hills Unit 6).

July 7, 1998             Annexation and rezoning to R-S and R Districts (Grand Mere Tract I and Colbert Hills).

October 20, 1998       Annexation and rezoning to R-2 District (Grand Mere Tract III and V).

**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

*Attachment No. 1*

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 rezoning is consistent with the adopted Comprehensive Plan. It may be a hardship upon the owner if the request is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer, and water services are available to serve the site. Sidewalks are proposed, as described above to connect to adjacent areas. Some improvements to the Kimball Avenue intersection are necessary, as described in the Traffic Report. A City Fire Station is proposed for the area.

**12. OTHER APPLICABLE FACTORS:** The applicant met with the Parks and Recreation Advisory Board on May 2, 2005 (Minutes attached) to discuss the Linear Trail proposal. The Board accepted the proposal 6-0.

**13. STAFF COMMENTS AND RECOMMENDATION:** City Administration recommends approval of the proposed rezoning of Grand Mere Village from R-S, Single-Family Residential Suburban District; R, Single-Family Residential District; and, R-2, Two-Family Residential District, to PUD, Planned Unit Development District, with the conditions:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-2, Neighborhood Shopping District (attachment); Municipally Owned and Operated Fire Stations; Bed and Breakfast Inns; Hospitals and Nursing Homes; and, Residential Dwelling Units as a part of an Office, Retail or Restaurant Use.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Lighting shall be provided as described in the application documents.
5. 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.

*Attachment No. 1*

6. The traffic improvements, cited in the October 31, 2005, Inter-Office Memorandum from the City Engineer for turn lanes on Kimball Avenue and a traffic signal at the intersection of Vanesta Drive and Kimball Avenue, shall be constructed with the street improvements of Vanesta Drive.

### **ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Grand Mere Village, from R-S, Single-Family Residential Suburban District; R, Single-Family Residential District; and, R-2, Two-Family Residential District, to PUD, Planned Unit Development District, based on the findings in the Staff Report, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Grand Mere Village 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 modifications, 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 Grand Mere Village from R-S, Single-Family Residential Suburban District; R, Single-Family Residential District; and, R-2, Two-Family Residential District, to PUD, Planned Unit Development District, based on the findings in the Staff Report, with the conditions recommended by City Administration.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** November 1, 2005

05019}MUAPB}SR}GrandMereVillagePUD

*Attachment No. 2*

<b>Type of License</b>	<b>Name of Business</b>	<b>Address of Business</b>
CMB-On	Westloop Pizza Hut	2931 Claflin Rd
CMB-On	Third Street Pizza Hut	231 Moro St.
CMB-On	Aggieville Pizza Hut	1121 Moro St.
CMB-On	Smith's Café of Manhattan	600 S 4th. St.
CMB-Off	Shop Quik #16	1127 Bluemont Ave.
CMB-Off	Shop Quik #14	529 Richards Dr.
CMB-Off	Shop Quik #12	430 Ft. Riley Blvd.
CMB-Off	Shop Quik #11	3108 Anderson Ave.
CMB-Off	Hop-N-Skip	2233 Tuttle Creek Blvd.
Merchant Patrol Agency	Rees Contract Service, Inc.	1011 W 105th St./Overland Park, KS
Tree Maintenance	Horticultural Services, Inc.	11524 Landscape Ln./St. George, KS
Tree Maintenance	Brinker Tree Care, Inc.	2907 Jacque Cir.
Tree Maintenance	Wright Tree Service, Inc.	139 6th St.
Fireworks Display	Phantom Fireworks	528 Acorn Ln.