

MINUTES
CITY COMMISSION MEETING
TUESDAY, DECEMBER 3, 2013
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor John E. Matta and Commissioners Wynn Butler, Karen McCulloh, Usha Reddi, and Richard B. Jankovich were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Adam Bentley, City Attorney Bill Raymond, City Clerk Gary S. Fees, 9 staff, and approximately 15 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Matta led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Matta opened the public comments.

Stephanie Watts, Transportation Planner, Flint Hills Metropolitan Planning Organization (MPO), provided an update on the MPO and presented an overview of the Public Participation Survey. She then responded to questions from the Commission regarding multi-model transportation.

Hearing no other comments, Mayor Matta closed the public comments.

COMMISSIONER COMMENTS

Commissioner Jankovich congratulated Brad Everett, Colin Noble, and others that were involved in a successful tree lighting event last Friday, November 29, 2013, at the Blue Earth Plaza to start the holiday season. He invited the community to come and enjoy the lights and entries in the annual Mayor's Parade on Friday, December 6, 2013, that benefits the Flint Hills Breadbasket, followed by the Mayor's Christmas Tree Lighting ceremony at Aggieville Park.

Commissioner Reddi thanked those that shopped locally on Saturday, November 30, 2013, and encouraged citizens to continue to shop locally throughout the season.

COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner McCulloh thanked Commissioner Butler for helping to organize the Commissioners this year with festive lights. She encouraged those attending the parade to bundle up and bring canned goods for the Flint Hills Breadbasket.

Mayor Matta also encouraged everyone to come and enjoy the Mayor's Christmas Spirit of the Holidays Lighted Parade on Friday, December 6, 2013, starting at 6:00 p.m., followed by the Christmas Tree Lighting Ceremony in Aggieville's Triangle Park. He reminded citizens to bring a canned food item for the Flint Hills Breadbasket.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 19, 2013.

CLAIMS REGISTER NO. 2745

The Commission approved Claims Register No. 2745 authorizing and approving the payment of claims from November 11, 2013, to November 26, 2013, in the amount of \$3,309,196.26.

LICENSES

The Commission approved a Merchant Guard Agency License for calendar year 2014 for Allied Barton Security Services LLC, 161 Washington Street, Suite 600, Conshohocken, Pennsylvania; Securitas Security Services USA, Inc., 2942 B South West Wanamaker Drive, Suite 2A, Topeka, Kansas; and VendTech-SGI, LLC, 250 North Rock Road, # 360, Wichita, Kansas; a Tree Maintenance License for calendar year 2014 for Brinker Tree Care, Inc., 2907 Jacque Circle; Sedalia Terra Bellus, 1228 Westloop Place, # 317; Three Men Tree Service, 255 Ridge Drive; Tree Man-MHK, 2104 Fox Meadows; and 2 Big Feet Tree Pruning and Removal, 405 North 5th Street; and an annual Cereal Malt Beverages Off-Premises License for Ampride, 215 East Poyntz Avenue; Hop-n-Skip, 2233 Tuttle Creek Boulevard; Kwik Shop #733, 1337 Anderson Avenue; Walgreens #7060, 325 Bluemont Avenue; and Walgreens #12814, 2719 Anderson Avenue.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7053 – AMEND FINAL DEVELOPMENT PLAN – LOT 3, DOWNTOWN ENTERTAINMENT DISTRICT, UNIT THREE, PUD

The Commission approved Ordinance No. 7053 amending Ordinance No. 6936 and the Final Development Plan of Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development, generally located north of Fort Riley Boulevard and east of the intersection of South 3rd Street and Blue Earth Place, for the proposed projecting sign, based on the findings in the Staff Report (*See Attachment No. 1*) and the additional findings of the Planning Board, with the two conditions recommended by the Planning Board.

FIRST READING – REPLACE YIELD SIGNS – PLYMOUTH ROAD

The Commission approved first reading of an ordinance authorizing the replacement of yield signs controlling northeast and southwest traffic with stop signs at Plymouth Road on Little Kitten Avenue.

FIRST READING – NO PARKING ANYTIME ZONE – BROWNING AVENUE

The Commission approved first reading of an ordinance replacing the “No Parking 8 a.m. – 4 p.m. School Days Zone” at the intersection of Browning Avenue from Hobbs Drive north to the intersection of Nevada Drive, and the “Loading Zone” at the intersection of Browning Avenue from Hobbs Drive thence south 200 feet, with a “No Parking Anytime Zone.”

FIRST READING – AMEND RED PERMIT ZONE – QUIVERA CIRCLE

The Commission approved first reading of an ordinance establishing portions of Quivera Circle as a “Red Zone” permit parking area.

RESOLUTION NO. 120313-A – LEDGE STONE ADDITION, PHASE 1 – SANITARY SEWER IMPROVEMENTS (SS1317)

The Commission found the petition sufficient and approved Resolution No. 120313-A finding the project advisable and authorizing construction for Ledge Stone Addition, Phase 1, Sanitary Sewer (SS1317) Improvements.

RESOLUTION NO. 120313-B – LEDGE STONE ADDITION, PHASE 1 – STREET IMPROVEMENTS (ST1323)

The Commission found the petition sufficient and approved Resolution No. 120313-B finding the project advisable and authorizing construction for Ledge Stone Addition, Phase 1, Street (ST1323) Improvements.

CONSENT AGENDA (CONTINUED)

AGREEMENT – ENGINEERING SERVICES – LEDGE STONE ADDITION, PHASE 1 – SANITARY SEWER (SS1317) AND STREET (ST1323) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$22,100.00 with Schwab-Eaton, P.A., of Manhattan, Kansas, to perform professional services for the Ledge Stone Addition, Phase 1, Sanitary Sewer (SS1317) and Street (ST1323) Improvements.

RESOLUTION NO. 120313-C – KDOT HISTORIC APPLICATION - JULIETTE AVENUE FROM BLUEMONT AVENUE TO LARAMIE STREET

The Commission authorized City Administration to submit a project application for Juliette Avenue from Bluemont Avenue to Laramie Street (Historic Category) and approved and submitted Resolution No. 120313-C to KDOT.

RESOLUTION NO. 120313-D – KDOT PEDESTRIAN AND BICYCLE APPLICATION – KNOX LANE MULTI-USE TRAIL

The Commission authorized City Administration to submit a project application for Knox Lane Multi-Use Trail (Pedestrian and Bicycle Category) and approved and submitted Resolution No. 120313-D to KDOT.

RESOLUTION NO. 120313-E – KDOT SCENIC AND ENVIRONMENTAL CATEGORY – OLD BIG BLUE DRAINAGE CHANNEL IMPROVEMENTS, PHASE V

The Commission authorized City Administration to submit a project application for Old Big Blue Drainage Channel Improvements, Phase V (Scenic and Environmental Category) and approved and submitted Resolution No. 120313-E to KDOT.

DEVELOPMENT AGREEMENT – BIRCHWOOD VILLAS ADDITION – WATER (WA1324) AND SANITARY SEWER (SS1320) IMPROVEMENTS

The Commission authorized City Administration to finalize and the City Manager to execute a development agreement with Birchwood Villas, LP, for the water (WA1324) and sanitary sewer (SS1320) improvements for Birchwood Villas Addition.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – WESTERN HILLS, UNIT 14, PHASE 2 – SANITARY SEWER (SS1314), STREET (ST1320), AND WATER (WA1316) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$311,108.00; awarded a construction contract in the amount of \$248,471.60 to Larson Construction, of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Western Hills, Unit 14, Phase 2, Water (WA1316), Sanitary Sewer (SS1314), and Street (ST1320) Improvements.

AWARD CONTRACT – CDBG LONG'S PARK PLAYGROUND SURFACE REPLACEMENT PROJECT (CD1315)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$40,000.00; and awarded and authorized the Mayor and City Clerk to execute a construction contract for the Base Bid of \$40,435.00 to ABCreative, Inc., of De Soto, Kansas, for the Community Development Block Grant (CDBG) Long's Park Playground Surface Replacement Project (CD1315).

PURCHASE – SYNTHETIC TURF PLAYGROUND SURFACE (CIP #CP114P)

The Commission authorized the purchase of synthetic turf playground surfacing in the amount of \$82,416.00 from ABCreative, Inc., of De Soto, Kansas, to be paid from the Special Parks and Recreation Fund.

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AWARD CONTRACT – WILDCAT CREEK LIFT STATION IMPROVEMENTS, PHASE II (SS1211, CIP #WW016P)

Commissioner Jankovich stated that he would be abstaining on the item due to a conflict of interest.

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$923,008.00; awarded a construction contract for Bid Section 1 and Bid Section 2 in the amount of \$717,144.00 to Walters-Morgan Construction Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the construction contract for Wildcat Creek Lift Station Improvements, Phase II (SS1211, CIP #WW016P).

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CONTRACT AMENDMENT NO. 1 – ENGINEERING SERVICES - WILDCAT CREEK LIFT STATION IMPROVEMENTS, PHASE II (SS1211, CIP #WW016P)

Commissioner Jankovich stated that he would be abstaining on the item due to a conflict of interest.

CONSENT AGENDA (CONTINUED)

* **CONTRACT AMENDMENT NO. 1 – ENGINEERING SERVICES - WILDCAT CREEK LIFT STATION IMPROVEMENTS, PHASE II (SS1211, CIP #WW016P) (CONTINUED)**

The Commission approved Contract Amendment No. 1 with Olsson Associates, of Manhattan, Kansas, for construction administration services in the amount of \$36,281.72 and authorized the Mayor and City Clerk to execute the engineering contract amendment for Wildcat Creek Lift Station Improvements, Phase II (SS1211, CIP #WW016P).

* **RESOLUTION NO. 120313-F – ISSUE TEMPORARY NOTES - WILDCAT CREEK LIFT STATION IMPROVEMENTS, PHASE II (SS1211, CIP #WW016P)**

Commissioner Jankovich stated that he would be abstaining on the item due to a conflict of interest.

The Commission approved Resolution No. 120313-F issuing temporary notes to finance the Wildcat Creek Lift Station Improvements, Phase II (SS1211, CIP #WW016P).

* **REJECT BIDS - WATER TREATMENT PLANT CLARIFIER PAINTING AND DRIVE REBUILD PROJECT (WA1319, CIP #WA091P)**

Commissioner Jankovich stated that he would be abstaining on the item due to a conflict of interest.

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$625,000.00; and rejected the bid in the amount of \$698,000.00 received from Walters-Morgan Construction, Inc., of Manhattan, Kansas, for the Water Treatment Plant Clarifier Painting and Drive Rebuild Project (WA1319, CIP #WA091P).

AWARD CONTRACT – HOUSING REHABILITATION PROGRAM

The Commission accepted the bid for 306 Shelle Road; awarded a contract in the amount of \$12,765.00 to Economy Carpentry Painting & Concrete, of Manhattan, Kansas; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owner for expenditure of Housing Rehabilitation Funds; and authorized City Administration to approve any necessary change orders.

* **CONTRACT – EXHIBIT – ICE AGE IMPERIALS**

Ron Fehr, City Manager, responded to questions from the Commission and provided clarification on the temporary exhibit and budget for the Flint Hills Discovery Center.

CONSENT AGENDA (*CONTINUED*)

* **CONTRACT – EXHIBIT – ICE AGE IMPERIALS (*CONTINUED*)**

The Commission authorized the Mayor to execute a contract with Antiquities Company, LLC, of Rockford, Michigan, for the Flint Hills Discovery Center temporary exhibition of Ice Age Imperials.

* **APPOINTMENTS – MANHATTAN URBAN AREA COMPREHENSIVE PLAN UPDATE PROJECT ADVISORY COMMITTEE**

The Commission approved the following appointments to the Project Advisory Committee for the Manhattan Urban Area Comprehensive Plan Update.

City of Manhattan:

Wynn Butler, City Commissioner Term
Karen McCulloh, City Commissioner Term
Gary Stith, Manhattan Urban Area Planning Board Term
John Ball, Manhattan Urban Area Planning Board Term
Loren Pepperd, Citizen At-Large Term
James Sherow, Citizen At-Large Term
Tim Clark, Citizen At-Large Term
Michael Dodson, Citizen At-Large Term
Josephine Schafer, Citizen At-Large Term
Carol Gould, Citizen At-Large Term

Pottawatomie County Appointments:

Gary Yenzler, County Commissioner Term
Marcie Wood, Pottawatomie County Planning Board Term
Kevin Fateley, Citizen At-Large Term

Riley County Appointments:

Ronald Wells, County Commissioner Term
Tom Taul, Riley County Planning Board Term
Ron Nordt, Citizen At-Large Term

Other Members:

Neil Horton, Business Community At-Large Term
Lowell Kohlmeier, Business Community At-Large Term
Kent Glasscock, KSU Representative
John Strickler, Natural Resources Management Term

CONSENT AGENDA (CONTINUED)

PUBLIC HEARING – ISSUE TEMPORARY NOTES SERIES 2013-07 – AIRPORT TERMINAL EXPANSION

Mayor Matta opened the public hearing regarding the issuance by the City of one or more series of its tax-exempt obligations in an aggregate principal amount not to exceed \$17,000,000.00 to construct improvements at the Manhattan Regional Airport, based on the requirements of the Tax Equity and Fiscal Responsibility Act.

Hearing no other comments, Mayor Matta closed the public hearing.

After discussion, Commissioner Jankovich moved to approve the consent agenda. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item N, AWARD CONTRACT/CONTRACT AMENDMENT NO. 1 – ENGINEERING SERVICES/RESOLUTION NO. 0120313-F – ISSUE TEMPORARY NOTES – WILDCAT CREEK LIFT STATION IMPROVEMENTS, PHASE II (SS1211, CIP #WW016P), and Item O, REJECT BIDS - WATER TREATMENT PLANT CLARIFIER PAINTING AND DRIVE REBUILD PROJECT (WA1319, CIP #WA091P), which carried 4-0-1, with Commissioner Jankovich abstaining on the items.

GENERAL AGENDA

FIRST READING – AMEND PRELIMINARY DEVELOPMENT PLAN - PHASE 3 OF SCENIC WOODS RESIDENTIAL PLANNED UNIT DEVELOPMENT

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission and provided additional information.

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance amending Ordinance No. 6885 and the Preliminary Development Plan of Scenic Woods Residential PUD, and approval of the Final Development Plan for Scenic Woods Residential PUD for Phase 3, generally located east of the intersection of North Scenic Drive and Highland Ridge Drive, based on the findings in the Staff Report (*See Attachment No. 2*), with the three conditions recommended by the Planning Board. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

REQUEST FOR FORGIVENESS OF REMAINING LOAN BALANCE - MANHATTAN EMERGENCY SHELTER

Adam Bentley, Assistant City Manager, presented background information on the item and on the request received regarding the remaining loan balance from the Manhattan Emergency Shelter, Inc.

Emily Wagner, Executive Director, Manhattan Emergency Shelter, Inc. (MESI), responded to questions from the Commission and asked that the remaining amount of the loan be forgiven or restructured, if that is what the Commission chooses to do. She provided additional information on the difficulty in saving money for major appliance repairs and provided information on the fundraising activities, funding received from the Social Services Advisory Board, funding cuts from the state, and the financial challenges of MESI.

After discussion and comments from the Commission, Bernie Hayen, Director of Finance, responded to questions from the Commission and stated that the repayment of the loan will go into the City's General Fund.

After additional comments from the Commission to restructure the note, Emily Wagner, Executive Director, Manhattan Emergency Shelter, Inc. (MESI), responded to additional questions from the Commission. She stated that she would want to meet with the MESI Board Members to discuss the timeframe for the repayment of the loan.

Adam Bentley, Assistant City Manager, provided additional information on the proposed Agreement and said that he could bring the item back to the Commission after the MESI Board had an opportunity to discuss the item further, if needed.

Brad Everett, Board Member, Manhattan Emergency Shelter, Inc., informed the Commission that his preference was to get things tied down and asked for direction if the loan repayment can be spread over 12 or seven (7) years.

After discussion and comments from the Commission, Emily Wagner, Executive Director, Manhattan Emergency Shelter, Inc. (MESI), responded to questions from the Commission regarding the item and provided information on a sheltered and unsheltered count survey that would be conducted on January 22, 2014.

Brad Everett, Board Member, MESI, and Emily Wagner, Executive Director, MESI, responded to questions from the Commission and were agreeable to a seven (7) year restructuring of the loan repayment.

GENERAL AGENDA (CONTINUED)

REQUEST FOR FORGIVENESS OF REMAINING LOAN BALANCE - MANHATTAN EMERGENCY SHELTER (CONTINUED)

After additional discussion and comments from the Commission, Commissioner McCulloh moved to amend the current agreement to restructure the note and allow for seven (7) annual payments in the amount of \$7,714.29 annually, based on a seven (7) year installment schedule. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

PUBLIC HEARING - 2014 WAGES AND MEMORANDUM OF AGREEMENT WITH LOCAL 2275 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF)

Jason Hilgers, Deputy City Manager, presented background information and an overview of the item. He then responded to questions from the Commission.

Mayor Matta opened the public hearing.

Tim Davenport, President, International Association of Firefighters Local 2275, informed the Commission that he was available to answer questions and invited Bob Wing to speak.

Robert S. Wing, President, Kansas State Council of Firefighters, Business Manager IAFF Local 64 in Kansas City, Kansas, and an active Captain with the Kansas City Fire Department, provided information on the item and an overview of the Factfinder Report and recommendations by Ronald Hoh, Factfinder. He stated that the Factfinder did a genuine job in coming to a good compromise with a recommended across-the-board general wage increase of 2.1 percent effective December 23, 2013, and did not recommend the additional experience step contained in the Union's proposal. He asked that the Commission take into consideration the hours of work of a firefighter beyond a normal City employee. He then responded to questions from the Commission regarding exempt and non-exempt employees, information on hours worked, cost of living adjustment, and provided additional information on the item.

Jason Hilgers, Deputy City Manager, presented additional information on the item. He provided clarification on the cost of living adjustment (COLA) being considered and on prior discussions with representatives from the Union that were focused on the cost of living adjustment.

Robert S. Wing, President, Kansas State Council of Firefighters, Business Manager IAFF Local 64 in Kansas City, Kansas, and an active Captain with the Kansas City Fire Department, informed the Commission that the proposed COLA is fair; however, he said

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - 2014 WAGES AND MEMORANDUM OF AGREEMENT WITH LOCAL 2275 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) (CONTINUED)

the Union's proposal was intended to be on a general wage increase and that the fire services profession is a unique and dangerous profession. He stated that the uniqueness of the job is deserving of consideration for increased wages and/or benefits because of the difficulty of the job, hours worked of the job, and the unique profession.

Jason Hilgers, Deputy City Manager, provided clarification and additional information on the discussion of only the COLA since February with the representatives from the Union. He also discussed the hearing with the Factfinder and the step program of the Manhattan Fire Department.

Tim Davenport, President, International Association of Firefighters Local 2275, provided additional information regarding the proposal and wages. He then responded to questions from the Commission regarding the proposed wage adjustment, COLA, and the wage survey.

Ron Fehr, City Manager, and Cathy Harmes, Director of Human Resources, responded to questions from the Commission regarding a comprehensive salary study and section on the Fire Union that was completed in 2006. Cathy Harmes, Director of Human Resources, stated that discussions included changing the pay plan of the Union and different approaches to the step system currently in-place. She informed the Commission that when the COLA was discussed it was in the context that the cost of living in Manhattan is higher than other communities and Administration was at a 1.7 percent increase and the Union was at a 2.3 percent adjustment increase.

Tim Davenport, President, International Association of Firefighters Local 2275, mentioned the discussion was about what it costs to live and do your job in the Manhattan environment in relationship to the 13 comparable cities.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission and stated that the only item up for negotiation was wages for 2014, under Article 7.

Ron Fehr, City Manager, informed the Commission that Administration has agreed to a three year agreement on the full memorandum and agreed to visit wages on an annual basis.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - 2014 WAGES AND MEMORANDUM OF AGREEMENT WITH LOCAL 2275 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) (CONTINUED)

After additional discussion and comments from the Commission, Jason Hilgers, Deputy City Manager, informed the Commission that the desire is to consider keeping City employees and Union employee's wages under a consistent and similar framework. He provided historical information on COLA's and merit percentages. Finally, he requested that the Commission consider a plan that is equitable and consistent across the board for all employees and work towards this in the future.

Tim Davenport, President, International Association of Firefighters Local 2275, acknowledged the issue and informed the Commission that the Union has looked at some ideas. He voiced support to work toward a solution and stated that it may take more than one year to accomplish this.

Hearing no other comments, Mayor Matta closed the public hearing.

RESOLUTION NO. 120313-G - 2014 WAGES AND MEMORANDUM OF AGREEMENT WITH LOCAL 2275 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF)

After discussion, Commissioner Reddi moved to approve Resolution No. 120313-G with a 1.7 percent cost of living adjustment for Article 7, Section 2 and authorize City Administration to finalize and the Mayor to execute the Memorandum of Agreement with Local 2275 of the International Association of Firefighters for a one-year period commencing December 22, 2013, through December 20, 2014. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

After additional comments from the Commission, Ron Fehr, City Manager, provided clarification that the intent of the Commission is for City staff to work with the Union, do an analysis of the City's wage structure, and approach the new negotiation period with this in mind.

FIRST READING - 2014 SALARY ORDINANCE

Jason Hilgers, Deputy City Manager, presented a brief overview of the item.

After discussion, Commissioner Jankovich moved to approve first reading of the 2014 Salary Ordinance as presented with a 1.7% cost-of-living adjustment for established pay grades and salary ranges. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:45 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

REQUEST: The applicant and owner have requested an amendment of Condition 2 of Ordinance No. 6936 and the approved Final Development Plan of Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development (PUD) for a second projecting sign on the southeast corner of the Blue Earth Place mixed use building associated with a proposed Radina's Bakehouse.

The amendment is necessary because the proposed projecting sign is a substantial modification of the approved sign plan, which allows one projecting sign on the northwest corner of the Blue Earth Place building. In addition, the proposed sign's total square footage and projection from the building are substantially greater in both area and projection when compared to the approved projecting sign. (Note: The neighborhood meeting notice mentions running lights. After the meeting, the applicant informed City Administration by email to leave the running lights out of the request.)

BACKGROUND

APPLICANT: Wade Radina.

ADDRESS: 618 N. Manhattan Avenue, Manhattan KS 66502.

OWNER: GJL Real Estate Limited Partnership – Gwyn Riffel.

ADDRESS: 1109 Hylton Heights Road, Manhattan, KS 66502.

LOCATION: Lot 3, Downtown Entertainment District Commercial Planned Unit Development, which is generally located north of Ft. Riley Boulevard and east of the intersection of S. 3rd Street and Blue Earth Place.

AREA: The area of Lot 3 is 20,166 square feet.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, October 14, 2013.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, November 4, 2013.
CITY COMMISSION: Tuesday, November 18, 2013.

EXISTING PUD

Current Zoning and Project History

Lot 3 is zoned PUD, Commercial Planned Unit Development District.

Ordinance No. 6936 and Conditions of Approval

ORDINANCE NO. 6936 WAS ADOPTED BY THE MANHATTAN CITY COMMISSION ON FEBRUARY 7, 2012, WHICH AMENDED Ordinance No. 6804 and the Preliminary Development Plan for Lot 9. Ordinance No. 6936 also approved the Final Development Plan for that portion of Lot 1 (Candlewood Suites) and Lot 4 (City owned parking lot) of the Downtown Entertainment District, Unit Three, Commercial Planned Unit Development. The Final Development plan of Lot 3 (Blue Earth Place mixed use building) and Lot 5 (City owned parking south of Lot 3) was approved by the Planning Board on May 21, 2012.

Conditions of approval with Ordinance No. 6936 include:

1. A drive-in restaurant, restricted to a coffee and bakery restaurant use, shall be permitted in the east end of the mixed-use building.
2. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5), of the Manhattan Zoning Regulations.

Ordinance No. 6804.

All provisions of Ordinance No. 6804, which established zoning of the Downtown Entertainment District PUD on December 15, 2009, and which were not in conflict with the amendment of Lot 9, remained in force. The conditions of approval of Ordinance No. 6804 include:

1. Permitted uses shall include all of the Permitted Uses of the C-4, Central Business District, City Park, Museum, Conference Center, and Parking Garage.
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. Except that, if the City is also the owner of the property, landscaping, and irrigation shall be provided in compliance with the process established by the governing body to develop the property.
3. All landscaping and irrigation shall be maintained in good condition.

Attachment No. 1

4. Signage 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. Signage for Lot 5 and Lot 6 shall conform to the requirements of the C-4, Central Business District, of the Manhattan Zoning Regulations.
6. The hotel's canopy, which extends over South 3rd Street right-of-way, shall be permitted subject to the Uniform Building Code, as adopted by the City of Manhattan.
7. A dense hedge row shall be planted at a minimum height of 30-inches at the time of planting along the hotel's South 4th Street and Colorado Street parking lot frontages.
8. Provide landscape trees and vegetated screen along Fort Riley Boulevard on the south side of the parking garage.

Design Guidelines for Downtown Redevelopment

Existing Lot 3 is within the South Project Area of the Downtown Redevelopment Plan. The Building Sign provisions of the Downtown Redevelopment-Entertainment District Design Guidelines are attached and apply to the proposed amendment.

The Design Guidelines for Downtown Redevelopment set out policy, intent, and conditions; site guidelines; building guidelines; supplemental guidelines for large format retail design and small scale residential guidelines; and, checklists for site and building guidelines. The Guidelines are not regulations. The Guidelines are for developers, architects, owners and decision makers for reviewing and evaluating proposals and design quality. Exceptions to the Guidelines may be considered if the overall intent of the Guidelines has been met.

A letter from Patrick Schaub, AIA, Bowman Bowman Novick Inc., dated October 24, 2013, notes that in general the proposed projecting sign seems to be in general conformance with the Design Guidelines. The letter also mentions the inconsistencies between the projection and scale of the proposed sign compared to the approved projecting sign on the northwest corner of the building.

Overall, the intent of the Design Guidelines would be met subject to City Administration's recommendation that the proposed projecting sign should conform to the surface area and projection of the approved projecting sign.

**APPROVED SIGNS FOR DRIVE-IN RESTAURANT TENANT
SPACE AND DISTINCTIVE TENANT PROJECTING SIGN**

Approved First Floor East Side Restaurant/Drive-In Signs

Based on the Final Development Plan building elevation for Blue Earth Place building (Sheet A1 attached), approved signs proposed for a business on the first floor east side of the building intended for a drive-in restaurant, restricted to a coffee and bakery restaurant use, are a 45-square foot illuminated wall sign on the north elevation of the building along Blue Earth Place, and a down-lit tenant wall mounted approximate 5-square foot pedestrian signs, which may project up to 3-feet 8-inches on the south wall of the building, and a 32-square foot menu board for the approved drive-in restaurant. It is likely that a tenant of the drive-in restaurant would have wanted a wall sign similar to the north façade. City Administration would have reviewed the request and assuming the sign was consistent with wall signs, would approve a 45-square foot illuminated sign for the business on the south elevation. Assuming the sign was in character with wall signs approved on the south side of the building, the additional sign would not have been considered a substantial change.

Approved Projecting Sign – Northwest Corner of the Building

The approved projecting sign on the northwest corner is approximately 35-square feet in area, excluding supporting structures, projects approximately 3-feet from the northwest corner of the building, and is described on Sheet A1 as a distinctive tenant sign. Its intent is for a specific business. The sign will be mounted on the building corner 18-feet above grade, excluding the lowest supporting element and approximately 32-feet to the uppermost part of the sign excluding the supporting element. The sign is 14-feet in height. Continuous light bulbs are on the top, bottom, and projecting face edge. Colors and material would be dependent on tenant requirements.

PROPOSED AMENDMENT

PROPOSED PROJECTING SIGN: The proposed 20-foot tall projecting sign is approximately 83-square feet in area (82.66 on the attached application drawing.) Note: Support arms are not counted as a part of the sign's surface area. The lowest part of the sign is 14-feet above grade to a maximum height of 34-feet based on the sign contractor's information. The sign is approximately 12-inches in depth between sign faces and projects 103-inches, or approximately 8 and ½-feet from the southeast corner of the building. Exterior materials are aluminum in shades of gray and black. Application documents indicate a white halo glow of the Radina's letters; the Bakehouse will be white exposed neon; and, perimeter bulbs will be clear housings with white LEDs, and will not flash or run.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The applicant states, “The proposed amendment is consistent with the intent and purpose of approved Preliminary Development Plan. Indeed, in the third paragraph under Proposed Lot 3 a similar projecting sign is permitted from the NW corner of the mixed use building.

The general intent of the PUD is to provide a broad range of retail, office, residential and other services as an extension of the Central Business District. Effective signage is critical to the success of retail businesses.”

One projecting sign was approved with the PUD amendment of Lot 3 and the Final Development plan. Approval of a second similar projecting sign would be consistent with the intent and purpose of the approved PUD and Final Development Plan.

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The applicant states, “The proposed amendment is necessary because the projecting sign on the S.E. corner of the building was not included in the original amendment that allows a similar projecting sign on the N.W. corner of the building.”

The amendment is necessary because only one projecting sign was approved with the PUD amendment and Final Development Plan for Lot 3, Condition 2 of Ordinance No. 6936.

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The applicant states, “Approval of the proposed amendment will result in a relative gain to the general public health, safety, and convenience by providing proper directional signs and by assisting in the success of the retail business operating in the space. The proposed amendment will not be granted as a special benefit to any one person. The proposed amendment is consistent with the desire of the City of Manhattan to develop retail businesses in Lot 3.

Additional Considerations

1. Both property owners in the Lot 3 development support the addition of the projecting sign and have stated that it is consistent with their vision for the look and feel of the entertainment district.
2. Due to sight lines limited by surrounding buildings effective signs are an important contributor to the success of Lot 3 retailers.”

Approval of the amendment does not appear to have an adverse impact on the general public’s health, safety and welfare. The sign is separated from the closest abutting view of the sign from its proposed location along Ft. Riley Boulevard by Lot 5, a public parking lot, a distance of approximately 160-feet to the curb line of Ft. Riley Boulevard. The sign does not project over public right-of-way or the public parking lot, or interfere with visual sight lines of the public.

As designed, the sign area and projection of the proposed projecting sign confers a special benefit to one business. A redesign of the proposed projecting sign, similar in area and projection to the approved projecting sign, would not create a special benefit. The proposed projecting sign is significantly larger in area, 83-square feet in area compared to approximately 35-square feet in area for the approved projecting sign, or an increase of about 137% greater sign area for the proposed sign compared to the approved sign, and projects 8 and ½-feet from the southeast corner of the building compared to an approximate 3-foot projection of the approved sign from the northwest corner of the building, or about a 183% greater projection.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

- 1. LANDSCAPING:** The proposed amendment is a modification of the approved signage for Lot 3 and the standard is not applicable. No change to landscaping is proposed.
- 2. SCREENING:** The proposed amendment is a modification of the approved signage for Lot 3 and the standard is not applicable. No change to screening is proposed.
- 3. DRAINAGE:** The proposed amendment is a modification of the approved signage for Lot 3 and the standard is not applicable. No change to drainage is proposed.
- 4. CIRCULATION:** The proposed amendment is a modification of the approved signage for Lot 3 and the standard is not applicable. No change to circulation is proposed.

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5. OPEN SPACE/LANDSCAPED AND COMMON AREA: The proposed amendment is a modification of the approved signage for Lot 3 and the standard is not applicable. No change to open space or common area is proposed.

6. CHARACTER OF THE NEIGHBORHOOD: Lot 3 is part of the Downtown Entertainment District and is generally considered the southern limits of the Central Business District. Lot 3 adjoins Blue Earth Park, a city parking, and the Discovery Center to the north. To the west is S. 3rd Street, public parking garage with directional projecting signs, conference center, and Hilton Garden Inn. To the south is a publicly owned parking lot and Ft. Riley Boulevard. To the east of will be a publicly owned parking lot and a future Holiday Inn Express, and highway on-ramp. South of Ft. Riley Boulevard is a highway service commercial and light industrial neighborhood. The southern character of the PUD is generally dominated by a major four-lane street, Ft. Riley Boulevard.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Blue Earth Place mixed use building, which is currently under construction. A drive-in window for a coffee shop and bakery restaurant is a permitted use.

The mixed use building has proposed wall signs, and projecting signs for pedestrians, as well as a projecting identification sign noted as a “distinctive tenant sign” on the northwest corner of the building. Signs are located over building entrances or on wall space, as depicted on elevation drawings. Signs conform to the Design Guidelines and, in general, to the requirements of the C-4, Central Business District.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Lot 3 is a flat tract of land on which a mixed use building is under construction.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Discovery Center; Downtown Entertainment District PUD.

(b.) SOUTH: Ft. Riley Boulevard, service commercial; LM-SC, Light Manufacturing-Service Commercial District.

(c.) EAST: On ramp to K-18 Highway, Depot; LM-SC District.

(d.) WEST: S. 3rd Street, Hilton Garden Inn, Conference Center, Parking Garage, Retail; Downtown Entertainment District PUD.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site has been cleared of all existing structures and is suitable for the proposed uses in the PUD.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed amendment location on the southeast corner of the Blue Earth Place building is generally consistent with the mixed use commercial and residential nature of Lot 3. The projecting sign location is separated from residential areas to the west by the hotel, conference center and parking garage, and fronts on a public parking lot and is oriented towards the motoring public to the south along a major street corridor. No detrimental impacts are expected on adjacent property. The general character of the southeast part of the Downtown Entertainment Districts Unit Three PUD is primarily parking lots and hotels.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Manhattan Urban Area Comprehensive Plan shows the site as Central Core District (CCD), which is a special purpose designation for the Downtown Core. The amendment and Final Development Plan location is also designated as a primary redevelopment area for expansion of the Central Business District, in Downtown Tomorrow – A Redevelopment Plan for Downtown Manhattan, Kansas, adopted in May 2000.

The proposed amendment conforms to the Comprehensive Plan.

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

November 6, 2009: Manhattan Urban Area Planning Board conducts the public hearing on the proposed Downtown Entertainment District from C-4, Central Business District; C-5, Highway Service Commercial District with RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District, with eight conditions of approval. **THE PLANNING BOARD RECOMMENDED APPROVAL OF THE REZONING ON A VOTE OF 7-0. IN A SEPARATE ACTION, THE PLANNING BOARD APPROVED THE FINAL PLAT OF THE DOWNTOWN ENTERTAINMENT DISTRICT ADDITION ON A VOTE OF 7-0.**

Attachment No. 1

- December 1, 2009 City Commission approves first reading of an ordinance rezoning the proposed Downtown Entertainment District from C-4, Central Business District; C-5, Highway Service Commercial District with RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District.
- December 15, 2009 City Commission approves Ordinance No. 6804 rezoning the proposed Downtown Entertainment District from C-4, Central Business District; C-5, Highway Service Commercial District with RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District; and accepts the easements and rights-of-way as shown on the Final Plat of the Downtown Entertainment District Addition.
- January 20, 2010 Manhattan Urban Area Planning Board approves the Final Development Plan for Lots 1-4 of the Downtown Entertainment District Commercial PUD on a vote of 4-0.
- February 18, 2010 Manhattan Urban Area Planning Board sets aside the Final Plat approved on November 6, 2009, and approves the revised Final Plat of the Downtown Entertainment District Addition.
- January 5, 2012 Manhattan Urban Area Planning Board recommends approval, on a vote of 3-1, of an amendment of the approved Preliminary Development Plan of Lot 9, Downtown Entertainment District Commercial PUD and Ordinance No. 6804 for Proposed Lots 1-6, the Final Development Plan for Proposed Lots 1 and 4, and to deny adding Drive-In Restaurants as a Permitted Use in the PUD.
- January 24, 2012 City Commission overrides the Manhattan Urban Area Planning Board and approves first reading of an ordinance amending the Preliminary Development Plan of Lot 9, Downtown Entertainment District Commercial PUD and Ordinance No. 6804, for Proposed Lots 1-6, the Final Development Plan for proposed Lots 1 and 4, and adds Drive-In Restaurants as a Permitted Use in the PUD.

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- February 7, 2012 City Commission overrides the Manhattan Urban Area Planning Board and approves Ordinance No. 6936 amending the Preliminary Development Plan of Lot 9, Downtown Entertainment District Commercial PUD and Ordinance No. 6804, and approves the Final Development Plan for proposed Lots 1 and 4, and adds Drive-In Restaurants as a Permitted Use in the PUD.
- February 7, 2012 City Commission accepts the easement and rights-of-way as shown on the Final Plat of Downtown Entertainment District Addition, Unit Three, Commercial Planned Unit Development.
- May 21, 2012 Manhattan Urban Area Planning Board approves the Final Development Plan for proposed Lots 3 (Blue Earth Place mixed use building) and 5 (city owned parking lot), in the Downtown Entertainment District Addition, Unit Three, Commercial PUD.
- September 5, 2013 Manhattan Urban Area Planning Board approves the Final Development Plan for proposed Lots 2 (Holiday Inn Express) and 6 (city owned parking lot), in the Downtown Entertainment District Addition, Unit Three, Commercial PUD.

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.

Article VI, Sign Requirements of the Manhattan Zoning Regulations' generally recommend the sign requirements of C-2, Neighborhood Shopping District as a guideline for commercial PUD signs. In the case of the Downtown Entertainment District, commercial sign requirements of, the C-4, Central Business District should be considered. Regardless of the C-2 or C-4 district sign requirements, the PUD regulations allow an applicant to propose a sign plan, which can flexible to meet their needs and the site.

In terms of projecting signs, they are permitted in the C-2 District but are prohibited in the C-4 District. The Downtown Entertainment District Design Guidelines do not prohibit projecting signs, but note that, "Signs shall not call attention to themselves at the expense of neighboring businesses by virtue of their color, scale, lighting, materials, or other obtrusive features. Signs should not dominate the building façade."

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The proposed projecting sign on the southeast corner of the building may be allowed consistent with the Design Guidelines, if it is in scale in terms of sign area and projection to the approved projecting sign on the northwest corner of the building, as described above in a comparison of the proposed and approved signs. The PUD regulations provide for the flexibility to allow such signage.

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

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be public health, safety or welfare issues related to the proposed projecting sign that denial would accomplish. The public impact would be minimal if the proposed sign is approved. Denial of the amendment would be a hardship on the owner, based on health, safety and welfare alone, because no adverse effects on the public are expected.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: THE PROPOSED SIGN DOES NOT REQUIRE ANY ADDITIONAL PUBLIC FACILITIES OR SERVICES. ADEQUATE PUBLIC FACILITIES AND SERVICES ARE PROVIDED TO SERVE LOT 3.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: While the downtown C-4 Central Business District generally does not allow projecting signs other than the typical 4 square foot pedestrian-scale signs, a projecting sign was approved on the northwest corner of the Blue Earth Place building with the 2012 PUD amendment. City Administration recommends approval of the proposed amendment of Ordinance No. 6936 and the Final Development Plan's signage plan for Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development, provided that the projecting sign on the southwest corner of the Blue Earth Place building for the restaurant should be consistent, in surface area and amount of projection from the building, with the previously approved projecting sign on the northwest corner of the building. City Administration recommends approval with the following conditions of approval:

1. The proposed projecting sign on the southeast corner of the Blue Earth Place building shall be no greater than 35-square feet in total surface area and shall project no more than 3-feet from the building to the outside of the sign.
2. The sign shall not flash nor have running or chaser lights.
3. A sign permit application shall be submitted and approved prior to installation of the proposed sign.

Attachment No. 1

If the Board is inclined to approve the larger projecting sign, as proposed by the applicant, the Planning Board will need to make findings that support such sign and forward a recommendation of approval of the proposed amendment of Ordinance No. 6936 and the Final Development Plan's signage plan for Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development, to allow the projecting sign on the southeast corner of the Blue Earth Place building, subject to the following conditions:

1. A projecting sign on the southeast corner of the Blue Earth Place building shall be constructed as per the proposed sign area and sign projection from the building, as shown in the application documents.
2. The sign shall not flash nor have running or chaser lights.
3. A sign permit application shall be submitted and approved prior to installation of the proposed sign.

ALTERNATIVES:

1. Recommend approval of the amendment of Ordinance No. 6936 and the Final Development Plan's signage plan for Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development, for a modified projecting sign that is constant in surface area and projection as the previously approved projecting sign, based on the findings in the Staff Report.
2. Recommend approval of the amendment of Ordinance No. 6936 and the Final Development Plan's signage plan for Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development, for a larger projecting sign as proposed by the applicant, stating the findings for such recommendation.
3. Recommend denial of the proposed amendment of Ordinance No. 6936 and the Final Development Plan's signage plan for Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development, stating the specific reasons for denial.
4. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6936 and the Final Development Plan's signage plan for Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development based on the findings in the Staff Report, subject to the three conditions of approval recommended by City Administration:

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1. The proposed projecting sign on the southeast corner of the Blue Earth Place building shall be no greater than 35-square feet in total surface area and shall project no more than 3-feet from the building to the outside of the sign.
2. The sign shall not flash nor have running or chaser lights.
3. A sign permit application shall be submitted and approved prior to installation of the proposed sign.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: October 29, 2013.

13084

STAFF REPORT

REQUEST: The applicant/owner has requested an amendment of Ordinance No. 6885, and the modification and replacement of Conditions 3 and 4 related to Phase 3 of the approved Preliminary Development Plan of Scenic Woods Residential Planned Unit Development (PUD), and approval of the Final Development Plan for Phase 3.

An amendment is necessary whenever changes to approved conditions of an ordinance are proposed, in which case the changes are considered a substantial modification and require a public hearing process. The proposed amendment modifies Condition 3 related to the number of dwelling units by bedroom type to allow more one-bedroom dwelling units and revises Condition 4 in order to not construct all of Hunter Drive with Phase 3, which would have required the street to be built from N. Scenic Drive to existing Hunter Drive in the Stone Pointe Addition. A part of Hunter Drive will be built with Phase 3, generally to the west of the drainage channel on the east side of Lot 4. The balance of Hunter Drive is proposed to be built with Phase 4, Lots 5 and 6. Conditions 3 and 4 are set out below under the Ordinance in bold underline.

The application is in the form of a Final Development Plan for Phase 3 only.

Note: Property owners within 200-feet of Phase 4 were notified of the amendment because Hunter Drive would have extended and connected with Phase 3. Phase 4 will occur at a later date.

BACKGROUND

APPLICANT/OWNER: Forward Properties LLC – Joseph Pease.

ADDRESS: 5373 Pennock Pint Road, Jupiter, FLA 33458.

LOCATION: Generally east of the intersection of N. Scenic Drive and Highland Ridge Drive.

AREA: The area of Phase 3 consists of Lot 4, a 3.45-acre tract of land (150,113-square feet in area), and a portion the dedicated right-of-way for Hunter Drive extending from N. Scenic Drive and within Phase 3 only.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, October 28, 2013.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, November 18, 2013.

CITY COMMISSION: Tuesday, December 3, 2013.

EXISTING PUD

Ordinance No. 6885 and Current Zoning

Ordinance No. 6885 was adopted by the City Commission on April 5, 2011 and rezoned Scenic Woods Residential Planned Unit Development from County G-1, General Agricultural District, and R-1, Single-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.

Conditions of Approval

1. The Permitted Use shall be Multiple-Family Residential. (*The proposed residential buildings consist of three, three story multiple-family residential apartment buildings.*)
2. A maximum of 312 total dwelling shall be allowed. (*Through Phase 3, 216-dwelling units have or will be constructed. Ninety-six future dwelling units are in Phase 4*)
3. **A maximum of 30 one bedroom, 252 two-bedroom, and 30 three bedroom units, shall be allowed.** (*This condition was added to insure parking was provided throughout the PUD consistent more or less with the Zoning Regulations for multiple-family dwellings. Through Phase 3, 622 parking spaces will be provided, and 582 were originally proposed through Phase 3. Numbers by bedroom types will change with Phase 3. By bedroom type through Phase 3, there are, or will be, 114, 1-bedroom units; 84, 2-bedroom units; and, 18, 3-bedroom units.*)

A change to the bedroom types was proposed after approval of the Final Development Plan with Phase 2. Phase 2 dwellings per bedroom type were approved with the Final Development Plan and described as 6, 1-bedroom; 36, 2-bedroom; and, 6, 3-bedroom units, or 88-bedrooms. Planning staff approved and understood a change to allow one building to be all 1-bedroom units, or 24, 1-bedroom dwellings. Both buildings in Phase 2 were, however, constructed as 1-bedroom units, or 48, 1-bedroom units. While an apparent mistake and miscommunication occurred, the proposed modification will correct the oversight. Regardless, total bedroom count was reduced by 40 total bedrooms, 88-bedrooms to 48-bedrooms. Through Phase 2, 54-1-bedroom units were built versus 30 as the condition required.)

4. **Hunter Drive shall be constructed with Phase 3, as shown on the Preliminary Development Plan, or at such time as deemed necessary by the City, and shall be constructed from the existing dead-end of Hunter Drive in Stone Pointe Addition, to Scenic Drive.** *(The Final Plat dedicated Hunter Drive as a public right-of-way to be constructed with Phase 3. The amendment will phase in construction of Hunter Drive with Phase 3, and completed in Phase 4 at a later date.)*
5. At the time that Hunter Drive is constructed, street improvements to Scenic Drive as noted in the City Engineer's memorandum, dated February 1, 2011, shall be constructed by the owner of the Scenic Woods development. *(Street improvements will be implemented with Phase 3.)*
6. Storm Drainage comments noted in the City Engineer's memorandum, dated February 1, 2011, shall be submitted with the drainage report and Final Development Plan for Phase 1, and shall be reviewed and accepted by the City Engineer. *(The City Engineer reviewed the Final Development Plan for Phase 1 and the referenced improvements were accepted.)*
7. Additional bike racks shall be provided in areas adjacent to apartment buildings and shall be shown on the Final Development Plans. *(Bike racks are shown at the front of each building with Phase 3.)*
8. 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. *(A Landscaping Performance Agreement is required prior to issuance of a building permit.)*
9. All landscaping and irrigation shall be maintained in good condition. *(This is an ongoing condition, which requires annual inspection and monitoring by the Zoning Inspector and City Forester, to ensure landscaping is maintained consistent with the approved PUD.)*
10. Conservation easements shall be provided in natural ravine areas designated as drainage easement. *(Conservation easement is set out on the Final Plat as required. A conservation/drainage easement is located in the southeast corner of Lot 4 with Phase 3)*
11. A tree preservation plan shall be provided with the Final Development Plan for Phase 1, which shall be reviewed and approved by the City. *(A tree preservation plan shown on the Final Landscape Plan with Phase 1 and included the following notes: 1. Existing native trees to remain shall be marked and protected throughout the project; 2. The general contractor shall be responsible for marking and protection of native areas; 3. The general contractor shall be responsible for all subcontractors in regard to the protection of native areas; and 4, The general contractor shall use orange snow fence and orange surveyors tape to mark and protect native areas and trees. The four steps were reviewed and accepted by the City Forester with Phase 1 and also apply to Phase 3. The applicant will need to follow steps 1-4 Phase 3, prior to issuance of any building permit.)*

Attachment No. 2

12. A covenant between the City and owner(s) concerning maintenance of drainage easements, improvements and detention facilities shall be reviewed and approved by the City and filed with the Final Plat. *(A covenant was accepted by the City and filed with the Final Plat.)*
13. Signage shall be limited to signs proposed in the application documents. *(The ground entry sign shown on the architectural plan sheets is consistent with the approved PUD.)*
14. The 12 foot tall, 64 square foot information sign on N. Scenic Drive shall be constructed with a four foot tall by eight foot wide limestone veneer base and aluminum panel sign face. *(Not applicable with Phase 3 will need to conform to the PUD. Currently, there is a temporary sign in place, which will be replaced with the approved sign.)*
15. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5). *(No change.)*

PROPOSED AMENDMENT

CONDITION 3

Proposed Buildings, Structures, and Phasing

Phase 3 consists of three apartment buildings, 6-parking garages and 4-carports. Phase 3 was originally estimated to occur in 2015.

The Preliminary PUD estimated Phase 4 to be developed in 2017.

General Description

Apartment buildings are three stories, 42-feet 9-inches in height. Exterior materials are a combination of lap siding, corrugated metal, and limestone veneer base, with architectural roof shingles. Buildings built to date are in shades of light brown and tan. Each ground floor unit has a patio space. Second and third floor units have a balcony. Units are accessed from an internal stairwell with a standing seam metal third floor roof over the stairwell entrance, and a standing seam roof, lap and corrugated metal siding on building end walls.

Proposed Buildings 3, 4 and 5

Buildings 3 and 4 are 3-story, 24-dwelling units apartment building consisting of 1-bedroom dwelling units. Building 5 is a 24-dwelling unit apartment building consisting of 2-bedroom units.

Attachment No. 2

The applicant describes the change to Condition 3 and the need for flexibility in response to market demand.

The applicant explains, with examples, the need:

“The second item of the amendment would be to increase the maximum number of one-bedroom units and to decrease the maximum number of two-bedroom units. Ordinance No. 6885 states that a maximum of 312 total dwelling units shall be allowed. In addition, a maximum of 30 one-bedroom, 252 two-bedroom, and 30 three-bedroom, shall be allowed.

The Developer is not wishing to increase the maximum 312 total dwelling units. However, Forward Properties, LLC would like to increase the maximum number of one-bedroom units from 30 to 210 and decrease the maximum number of two-bedroom units from 252 to 180. The maximum of 210 one-bedroom units and 180 two-bedroom units would be maximums only. With Phase 1, 2, and 3, the bedroom numbers are as follows:

- 114 1-Bedroom Units
- 84 2-Bedroom Units
- 18 3-Bedroom Units

Phase 4 will have 96 units. If the Developer decides that Phase 4 will all be 1 bedroom units, then the total development bedroom numbers will be as follows:

- 210 1-Bedroom Units
- 84 2-Bedroom Units
- 18 3-Bedroom Units
- 312 Total Dwelling Units

If the Developer would rather Phase 4 be all 2-bedroom units, then the total development bedroom numbers will be as shown below:

- 114 1-Bedroom Units
- 180 2-Bedroom Units
- 18 3-Bedroom Units
- 312 Total Dwelling Units”

CONDITION 4

Modifications to Condition 4 are described in more detail below under Circulation. In general, the modification would **not** require proposed Hunter Drive to extend to existing Hunter Drive with Phase 3 and would delay completion of the street to Phase 4. Street improvements described with Condition 5 will be required with Phase 3.

PROPOSED SIGN: One ground lit entry sign is proposed on the northeast corner of Hunter Drive and N. Scenic Drive. Design of the sign is limestone, 2 ½-feet tall by 14-feet wide. Other signs may include small, 4-feet by 2-feet, way finding signs constructed of metal tubing and aluminum facing, which are proposed throughout the site identifying buildings or other uses like the clubhouse.

PROPOSED LIGHTING: Full cutoff wall lights and parking lot lights are proposed. Parking lot lights 16 feet tall. Sign lights are up-lit.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The intent of the PUD is to provide multiple-family apartment buildings and provide off-street parking generally consistent with the requirements for multiple-family parking based on the Manhattan Zoning Regulations, Article VII, Off-Street Parking:

- (a) One bedroom dwelling units: 2 parking spaces per unit.
- (b) Two bedroom dwelling units: 3 parking spaces per unit.
- (c) Three bedroom dwelling units: 3.5 parking spaces per unit.
- (d) Four bedroom dwelling units: 4 parking spaces per unit.

Off-street parking will be provided consistent with the Final Development Plan for Phase 3. Phases 1-3 are in close proximity and have a shared parking relationship. Phase 4 is separated by distance and a drainage easement. To allow for market demand by bed-room type, but insure parking is provided, the amendment is conditioned on off-street parking being provided with Phase 4, or additional phases, based on required parking for multiple-family dwellings, Article VII, Off-Street Parking, Section 7-103 A (3). To date, off-street parking provided exceeds the number expected through Phase 3, 626 total parking spaces to be provided including the club house (591 for apartments), and 582-required. Total parking noted on the Preliminary PUD was 907-spaces. Based on parking spaces in Phase 4, 930 total spaces would be provided. Given the changing market demand to date, it is practical to require parking based on Article VII, 7-103 (A) noted above.

Attachment No. 2

The applicant indicates, “The proposed amendment is consistent with the intent and purpose of the approved PUD. The density of the development is being decreased as more one-bedroom units are being constructed and less two-bedroom units are being constructed than originally planned. Eliminating the connection of Hunter Drive will not affect the efficient development and preservation of the PUD. The utilization of that connection by the tenants would be minimal.”

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: Market demand and construction costs have made the modifications to Conditions 3 and 4 necessary.

The applicant indicates, “One reason for the proposed delay in the Hunter Drive connection is to decrease the amount of vehicular traffic through the development. Another reason is purely economical. The developer would like to construct Hunter Drive while utilizing benefit districts with the Phase 3 portion of the project being assessed to the current proposed construction limits and Phase 4 being assessed the next portion of the proposed construction to the south in order to tie it into the existing dead-end of Hunter Drive in Stone Pointe Addition.

The increase of the maximum number of one-bedroom units from 30 to 210 and the decrease of the maximum number of two-bedroom units from 252 to 180 is due to changing market conditions. The one-bedroom units that have been constructed to date have been leased at a much higher rate than the two and three-bedroom units. As a result, Forward Properties, LLC would like to increase the number of one-bedroom units while keeping the total dwelling units of the PUD the same at 312 dwelling units.”

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: Changes to the dwelling unit by bedroom type should not impact the public health, safety and welfare. Adequate off-street parking will be provided. No adverse affect on the public is expected by not building all of Hunter Drive with Phase 3. Emergency service providers will be able to access the southern part of the PUD for that part of Hunter Drive built with Phase 3 creating north south access between Hunter Drive and Stone Drive along the north boundary of the PUD, which includes Phases 1 and 2.

The applicant indicates, “The effects of this proposed amendment on the public health, safety, and general welfare should be positive. Both decreasing the density of the PUD (by proposing fewer bedrooms) and not providing the connection of Hunter Drive should improve the health, safety and welfare of the tenants of the development. The health and

safety will improve by having less vehicular and pedestrian traffic throughout the development. This will result in less vehicular and pedestrian conflicts in the development thereby improving the health and safety of the patrons of Scenic Woods.”

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: Phase 3 landscaping is consistent with the Preliminary PUD and includes shade, ornamental, foundation plantings, and grass lawns. Lawn and plant beds will be maintained by underground irrigation. Tree preservation is required and noted on the landscape plan.

2. SCREENING: Outdoor trash collection points are enclosed by six foot tall split face block walls and metal doors.

3. DRAINAGE: Phase 3 drains to a large natural channel east on the east side of Lot 4. Storm water drains to a dry storm water basin in the northern part of the PUD and is released to the north through drainage easements into Wildcat Creek. The drainage system was designed in conformance with the adopted Stormwater Management Master Plan and accepted by the Public Works Department.

4. CIRCULATION: The internal circulation plan provides for safe, convenient and efficient movement of goods, motorists and pedestrians. Conflicts between motorists and pedestrians are minimized. Access to the proposed PUD will be from Stone Drive and a future extension of Hunter Drive from the Stone Pointe Addition to Scenic Drive.

Pedestrian traffic is accommodated within Phase 3 by an extensive private sidewalk system and connects to proposed public sidewalks on Hunter Drive.

Bicycle pathways are not required in the PUD; however, a bike rack is shown near apartment buildings and on the Final Development Plan.

A Transportation Impact Study for Scenic Woods was prepared and submitted by BG Consultants, dated December 23, 2010, and a Memorandum, dated February 1, 2011, was also submitted updating the Study. The Study indicated the need for street improvements and that there would be an overall minimal impact on the street system. The Memorandum was provided to account for the extension of Hunter Drive through the development and its connection at Scenic Drive/Highland Drive and the impact the street connection will have as a result of the connection.

Attachment No. 2

The City Engineer, memo attached dated February 1, 2011, reviewed the Study and Memorandum and accepted both, with comments related to Hunter Drive:

- The developer should be responsible for constructing the longer storage of 150 feet for the egress lanes of the eastbound approach of the Scenic Drive & Hunter Drive/Highland Ridge Drive intersection.
- The construction of a northbound right turn lane on Scenic Drive into Hunter Drive needs to be long enough to accommodate right-turning vehicle deceleration and storage based on the traffic report.

Public Works Department

In response to the applicant's request, Peter Clark, P.E., PTOE, Civil Design/Traffic Engineer, Public Works Department, memorandum dated November 14, 2013 (attached), states,

“The proposed plan for Phase 3 indicates that Hunter Drive will be fully connected to its existing dead-end to the southeast of Scenic Woods, but will extend through the Phase 3 portion of the project and connect to Scenic Drive. The proposed public improvements at the intersection of Hunter Drive and Scenic Drive are all consistent with those outlined in the February 1, 2011 memo.

It is proposed by the developer that the final connection of Hunter Drive be constructed at the time of the Scenic Woods Phase 4 construction. This change from the initial stipulation regarding the Hunter Drive connection to its current dead end is considered acceptable by the City.”

City Administration recommends that existing Condition 4 should be replaced with the following wording:

“Hunter Drive shall be constructed with Phase 3, as shown on the Final Development Plan, and shall be constructed, with the next phase of the PUD, from the approved dead-end of Hunter Drive in Phase 3 to existing Hunter Drive in Stone Pointe Addition.”

Off-Street Parking

Phase 3 proposed apartment floor plans show 48, one-bedroom in Buildings 3 and 4, and 24, two-bedroom dwelling units in Building 5. Note: The floor plan notes a three bedroom option, however, but only two-bedroom units are proposed, which equals 168-parking spaces, and 142-spaces are shown on the Plan. Off-street parking for Phases 1-3 exceeds the total originally expected with the first three phases. Conditioning the PUD on numbers

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of dwelling per bedroom type was intended to insure adequate parking was available for the range of dwellings per bedroom type, described in Condition 3 of the PUD: “A maximum of 30 one bedroom, 252 two-bedroom, and 30 three bedroom units, shall be allowed.”

As market demand has changed more one-bedroom units were, or are proposed, to be built through Phase 3. Phase 4 bedroom types are unknown at this time.

Based on the applicant’s floor plans proposed with the Preliminary PUD, 921 off-street parking spaces would be required for the entire PUD based on the multiple-family dwelling unit by bedroom type proposed with the Preliminary Development Plan. However, the approved PUD only proposed 907 parking spaces, which was considered adequate for the entire PUD.

Requiring Phase 4 or other future phase (for example if Phase 4 could be divided into additional phases) to provide off-street parking based on the Manhattan Zoning Regulations, will allow the applicant to determine the appropriate range of dwellings by bedroom type for the remaining 96-dwellings. There are 304-parking spaces shown on the Preliminary PUD site plan for Phase 4.

If all of the units were 1-bedroom dwellings in Phase 4, then 188-parking spaces would be required. If all of the units were 3-bedroom units, then parking required would be 336-parking spaces. Mixing of one, two and three bedroom units can’t be calculated assuming the project is market driven. There are too many combinations to know if parking requirements would be met.

Given the market response approach, adequate parking needs to be provided. Phase 4 or other phases are near single-family neighborhoods and surrounding streets in the single-family neighborhoods should not serve the apartments. Using the Manhattan Zoning Regulation requirements will insure parking is provided.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: Internal sidewalks connect to proposed public sidewalks and are located throughout the site to allow residents to walk to the clubhouse/pool or other apartment buildings.

Natural drainage channels are protected and preserved as drainage channels and designated as conservation easement consistent with similar ravines in Stone Pointe to the north. Trees within the easement are protected to the greatest extent possible and a tree preservation plan provides the assurance trees will be protected.

6. CHARACTER OF THE NEIGHBORHOOD: Phase 3 takes into account the character of the area in which it is located. Proposed structures, signs and other improvements are compatible with Phases 1 and 2 and the surrounding neighborhood.

Overall, the area is characterized as a developing growth corridor of the City. The neighborhoods along the corridor are characterized by single-family, two-family and multiple-family residential development, with multiple-family use being the main land use adjacent to N. Scenic Drive. The street connections will serve the immediate neighborhood and accommodate future access to other parts of the City.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The use of Phase 3 is a graded and vacant site.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Phase 3 drains to the north through moderately deep natural ravines, which extend from the southwest and south and cross the site to the north and northeast. Tract A, Stone Pointe Addition, in the eastern part of the site is designated conservation and drainage easement, and partly a utility easement; however, the entire Tract allows for public improvements. The ravines are heavily wooded with open areas in the southeastern, northeastern and middle part of the site.

A portion of Phase 3, proposed Buildings 4 and 5 and three garages are in the AO Zone and require an FAA permit and approval prior to issuance of a building permit.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Scenic Woods apartment buildings and clubhouse, Stone Drive, single-family attached dwelling units and multiple-family dwellings; PUD, R-2, Two-Family Residential District, and R-3, Multiple-Family Residential District.

(b.) SOUTH: Single-family dwellings and single-family attached dwellings in three and four dwelling unit townhomes; R, Single-family Residential District and AO District, and Residential PUD/AO District.

(c.) EAST: Single-family dwellings; R-1, Single-family Residential District/AO District.

(d.) WEST: N. Scenic Drive, single-family dwellings, two-family dwellings, and multiple-family dwellings; R-1/AO, R-1, R-2 District, and R-3 District.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Phase 3 is zoned for multiple-family dwellings and is suitable, as approved with the Scenic Woods Residential PUD, subject to conditions of approval that are not modified with the amendment, and approval of the proposed amendment and modified conditions of approval.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Phase 3 is in a growth corridor of the City. Increases in light, noise and traffic are expected, which should be similar to the same affects generated by Highland Meadows and Stone Pointe subdivisions. At the time of annexation and rezoning, the Scenic Woods PUD was found compatible with the surrounding area.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE PROPOSED AMENDMENT SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE SOUTHWEST PLANNING AREA AS A COMBINATION OF RESIDENTIAL HIGH DENSITY (RHD), RESIDENTIAL LOW TO MEDIUM (RLM), AND PRESERVED OPEN SPACE. THE SOUTHERN PART OF THE SITE IS IN THE CONICAL ZONE OF THE MANHATTAN REGIONAL AIRPORT AND THE AO DISTRICT WAS ADDED AS AN OVERLAY DISTRICT DUE TO THE CONICAL ZONE.

AT THE TIME OF ANNEXATION AND REZONING, SCENIC WOODS PUD WAS FOUND IN CONFORMANCE WITH THE COMPREHENSIVE PLAN.

THE PROPOSED AMENDMENT ALSO CONFORMS TO THE COMPREHENSIVE PLAN.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: Phase 3 (Lot 4) has remained vacant to date. Scenic Woods Residential PUD combined a platted tract of land, Tract A, Stone Pointe Addition, (1.4-acres), and an unplatted 23.1-acre tract that was annexed and rezoned to create the PUD.

Tract A, Stone Pointe Addition

- April 17, 2006 Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Stone Pointe Addition from G-1, General Agricultural District, to R-1, Single-Family Residential District with AO, Airport Overlay District; R-2, Two-Family Residential District; and R-3, Multiple-Family Residential District.
- May 1, 2006 Manhattan Urban Area Planning Board conducts a public hearing to consider the Preliminary Plat of the Stone Pointe Addition and approves Preliminary Plat.
- May 2, 2006 City Commission considers approves reading of annexation and rezoning to R-1, Single-Family Residential District with AO, Airport Overlay District; R-2, Two-Family Residential District; and R-3, Multiple-Family Residential District.
- May 16, 2006 City Commission approves Ordinance Nos. 6540 and 6541 annexing and rezoning Stone Pointe Addition.
- June 5, 2006 Manhattan Urban Area Planning Board approves the Final Plat of the Stone Pointe Addition.
- June 20, 2006 City Commission accepts easements and rights-of-way as shown on the Final Plat of the Stone Pointe Addition.

Scenic Woods Residential PUD

- February 24, 2011 Manhattan Urban Area Planning Board recommends approval of annexation of a 23.1 acre tract of land and rezoning of a 24.5 acre tract, for the Scenic Woods PUD, from G-1, General Agricultural District, and R-1, Single-Family Residential District with AO, Airport Overlay District, to PUD with AO District.
- March 22, 2011 City Commission approves reading of annexation and rezoning the proposed Scenic Woods Residential PUD with AO, Airport Overlay District.
- April 5, 2011 City Commission approves Ordinance Nos. 6884 and 6885 annexing and rezoning the proposed Scenic Woods Residential PUD with AO, Airport Overlay District.

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- May 2, 2011 Manhattan Urban Area Planning Board approves the Final Development Plan for Lot 1 and part of Lot 2, Scenic Woods Residential PUD, and Final Plat of Lots 1-6, Scenic Woods Addition, a Residential Planned Unit Development, on a vote of 4-0-1.
- May 17, 2011 City Commission accepts the easements and rights-of-way of the Final Plat of the Scenic Woods Addition, a Residential Planned Unit Development; and, authorizes the Mayor and City Clerk to execute the Agreements regarding construction and maintenance of the storm water facilities and travel easement.
- May 7, 2012 Manhattan Urban Area Planning Board approves the Final Development Plan for part of Lot 2 and Lot 3, Scenic Woods Residential PUD.

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.

Subject to the conditions of approval, the proposed amendment is consistent with 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 APPLICANT: There appears to be no gain to the public that denial would accomplish. Public utilities and facilities can be extended to adequately serve the subdivision, and most importantly, fire and emergency service protection. Denial of the request may be a hardship to the owner.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public water, sanitary sewer, streets and pedestrian sidewalks are, or will be, available to serve the development.

Condition 3 of Ordinance No. 6885, required Hunter Drive to be constructed from the existing dead-end of Hunter Drive in Stone Pointe Addition to Scenic Drive with Phase 3, or at such time as deemed necessary by the City. In addition, Condition 5 requires that street improvements noted in the City Engineer's memo dated February 1, 2011, be provided, reviewed, and accepted by the City Engineer. The proposed amendment will allow Hunter Drive to be phased construction but require street improvements to Scenic Drive with Phase 3. Adequate street facilities will be provided with Phase 3 and future phases of the PUD.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: City Administration recommends that the Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6885 and the Preliminary Development Plan of Scenic Woods Residential PUD, and approval of the Final Development Plan for Scenic Woods Residential related to Phase 3, based on the findings in the Staff Report, subject to the following Conditions of approval recommended by City Administration:

1. Replace Condition 3 of Ordinance No. 6885 with the following: 3. Off-street parking for multiple-family dwellings proposed with a future phase, or phases, of the PUD, shall be provided subject to the Manhattan Zoning Regulations, Article VII, Off-Street Parking, Section 7-103 A (3).
2. Replace Condition 4 of Ordinance No. 6885 with the following: 4. Hunter Drive shall be constructed with Phase 3, as shown on the Final Development Plan, and shall be constructed, with the next phase of the PUD, from the approved dead-end of Hunter Drive in Phase 3 to existing Hunter Drive in Stone Pointe Addition.

ALTERNATIVES:

1. Recommend approval of the proposed an amendment of Ordinance No. 6885, and the replacement of Conditions 3 and 4 approved with the Preliminary Development Plan, and approval of the Final Development Plan for Scenic Woods Residential related to Phase 3 stating the basis for such recommendation.
2. Recommend denial of the proposed an amendment of Ordinance No. 6885, and the replacement of Conditions 3 and 4 approved with the Preliminary Development Plan, and approval of the Final Development Plan for Scenic Woods Residential related to Phase 3, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6885 and the Preliminary Development Plan of Scenic Woods Residential PUD, and approval of the Final Development Plan for Scenic Woods Residential PUD related to Phase 3, based on the findings in the Staff Report, subject to the two conditions of approval recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner.

DATE: November 19, 2013.

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