

MINUTES
CITY COMMISSION MEETING
TUESDAY, DECEMBER 17, 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, 11 staff, and approximately 18 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Matta led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Matta proclaimed December 31, 2013, ***Little Apple New Year's Eve Celebration Day***. Evan Tuttle, Executive Director, Aggieville Business Association, was present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Jankovich expressed his appreciation to Commissioner Butler for providing outstanding lights for the Commissioners and Old Engine One for the very cold Mayor's Christmas Spirit of the Holidays Lighted Parade on Friday, December 6, 2013.

Commissioner McCulloh reminded citizens and property owners to remove snow and ice from their sidewalks. She asked that everyone have a wonderful and happy and safe Christmas and New Years.

Mayor Matta thanked the Commissioners and citizens that braved the cold to attend the Mayor's Christmas Spirit of the Holidays Lighted Parade and tree lighting ceremony. He also thanked those that contributed food items and funds 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, December 3, 2013.

CLAIMS REGISTER NO. 2746

The Commission approved Claims Register No. 2746 authorizing and approving the payment of claims from November 27, 2013, to December 10, 2013, in the amount of \$3,106,061.70.

LICENSES

The Commission approved Fireworks Display License for Manhattan Festivals LLC., 623 North Manhattan Avenue, for December 31, 2013/January 1, 2014, at midnight for the New Year's Eve celebration; a Merchant Guard Agency License for calendar year 2014 for VendTech Enterprises, LLC, 250 North Rock Road, Suite 360, Wichita, Kansas; a Tree Maintenance License for calendar year 2014 for Capital City Tree Care Inc., 7920 NW 35th Street, Silver Lake, Kansas; Gudenkauf Tree Service, 102 North Street, Seneca, Kansas; an annual Cereal Malt Beverages On-Premises License for Bi Bim Bap, 702 North 11th Street; Hunan Express Restaurant, 1112 Moro Street; and an annual Cereal Malt Beverages Off-Premises License for Dara's #1, 1816 Claflin Road; Dara's #2, 3270 Kimball Avenue; Dara's #3, 473 East Poyntz Avenue; Dara's #10, 2323 Tuttle Creek Boulevard; Dara's #12, 1701 Anderson Avenue; Oppy's Service Inc., 605 South 3rd Street; and Walmart #35, 101 Bluemont Avenue.

ORDINANCE NO. 7054 – ESTABLISH - 2014 PAY GRADES AND SALARY RANGES

The Commission approved Ordinance No. 7054 establishing a 1.7% cost of living adjustment for established pay grades and salary ranges for 2014.

ORDINANCE NO. 7055 – FINAL DEVELOPMENT PLAN – SCENIC WOODS RESIDENTIAL PUD, PHASE 3

The Commission approved Ordinance No. 7055 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. 1*), with the three conditions recommended by the Planning Board.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7056 – REPLACE YIELD SIGNS WITH STOP SIGNS – PLYMOUTH ROAD/LITTLE KITTEN AVENUE

The Commission approved Ordinance No. 7056 authorizing the replacement of yield signs controlling northeast and southwest traffic with stop signs at Plymouth Road on Little Kitten Avenue.

ORDINANCE NO. 7057 – NO PARKING ANYTIME ZONE – BROWNING AVENUE/HOBBS DRIVE

The Commission approved Ordinance No. 7057 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.”

ORDINANCE NO. 7058 – AMEND RED PERMIT ZONE – QUIVERA CIRCLE

The Commission approved Ordinance No. 7058 establishing portions of Quivera Circle as a “Red Zone” permit parking area.

RESOLUTION NO. 121713-A – ESTABLISH – CITY BOUNDARY

The Commission approved Resolution No. 121713-A establishing and defining the boundaries of the City of Manhattan, Kansas, as of December 17, 2013.

RESOLUTION NO. 121713-B – DISPOSE OF CITY SURPLUS

The Commission approved Resolution No. 121713-B authorizing the disposal of City surplus property.

RESOLUTION NO. 121713-C – MUNICIPAL COURT BUILDING SECURITY PLAN

The Commission approved Resolution No. 121713-C continuing the ban on carrying concealed handguns in the City of Manhattan Municipal Court building; found the *confidential* Security Plan sufficient to provide adequate security to merit the prohibition of carrying concealed handguns as authorized by the Personal and Family Protection Act; authorized the filing of the *confidential* Security Plan with the City Clerk; and provided notice of the exemption with the Resolution to the Kansas Attorney General and the Riley County Police Department.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – 2014 UTILITY CUT PAVEMENT REPAIRS (WA1323, SS1319)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$174,197.50; awarded a contract in the amount of \$174,281.25 to Manhattan Trenching, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the agreement for the 2014 Utility Cut Pavement Repairs (WA1323, SS1319).

2014 CONTRACT – MANHATTAN CENTER FOR THE ARTS

The Commission approved a contract for the Manhattan Center for the Arts as budgeted in the 2014 City Budget and authorized the Mayor and City Clerk to execute said contract.

2014 CONTRACT – WOLF HOUSE MUSEUM

The Commission approved a contract for the Wolf House Museum as budgeted in the 2014 City Budget and authorized the Mayor and City Clerk to execute said contract.

2014 CONTRACT – DOWNTOWN MANHATTAN, INC.

The Commission approved a contract for the Downtown Manhattan, Inc., as budgeted in the 2014 City Budget and authorized the Mayor and City Clerk to execute said contract.

2014 CONTRACTS – SOCIAL SERVICES ADVISORY BOARD AGENCIES

The Commission approved a contract for the Social Services Advisory Board agencies (*See Attachment No. 2*) as budgeted in the 2014 City Budget and authorized the Mayor and City Clerk to execute said contracts.

2014 CONTRACTS – SPECIAL ALCOHOL FUNDS AGENCIES

The Commission approved a contract for the Special Alcohol Funds agencies (*See Attachment No. 3*) as budgeted in the 2014 City Budget and authorized the Mayor and City Clerk to execute said contracts.

2014 CONTRACT – AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT

The Commission authorized the Mayor and City Clerk to execute the 2014 Aggieville Business Improvement District contract.

CONSENT AGENDA (CONTINUED)

2014 CONTRACT – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

The Commission authorized the Mayor and City Clerk to execute the 2014 Downtown Business Improvement District contract.

AGREEMENT – TECHNICAL SUPPORT SERVICES – NETWORKS PLUS

The Commission authorized the Mayor to execute the technical support services agreement for a term of January 1, 2014, to December 31, 2014, in the amount of \$21,600.00 with Networks Plus, of Manhattan, Kansas.

BOARD APPOINTMENTS

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

Aggieville Business Improvement District Advisory Board

Re-appointment of Jeff Koenig, 718 Whitetail Pass, to a three-year term. Mr. Koenig's term will begin January 1, 2014, and will expire December 31, 2016.

Appointment of Megan Curtin, 2007 Estella Drive, to a three-year term. Ms. Curtin's term will begin January 1, 2014, and will expire December 31, 2016.

Bicycle Advisory Committee

Re-appointment of David Colburn, 1906 Bluestem Terrace, to fill the unexpired Citizen At-Large term of Patrick McLaughlin. Mr. Colburn's term begins immediately and will expire October 31, 2015.

Board of Zoning Appeals

Re-appointment of Angie Danner, 419 Oakdale, to a three-year term. Ms. Danner's term will begin January 1, 2014, and will expire December 31, 2016.

Re-appointment of Harry Hardy, 3461 Treesmill Drive, to a three-year term. Mr. Hardy's term will begin January 1, 2014, and will expire December 31, 2016.

Cemetery Board

Re-appointment of Deborah Saroff, 1906 Leavenworth Street, to a three-year term. Ms. Saroff's term will begin January 1, 2014, and will expire December 31, 2016.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

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

Downtown Business Improvement District Advisory Board

Re-appointment of Terry DeWeese, 10405 Bechtel Road, to a two-year term. Mr. DeWeese's term will begin January 1, 2014, and will expire December 31, 2015.

Re-appointment of Annemarie Olson, 1426 Yuma Street, to a two-year term. Ms. Olson's term will begin January 1, 2014, and will expire December 31, 2015.

Flint Hills Discovery Center Advisory Board

Re-appointment of Suzan Barnes, 215 Broadway, Cottonwood Falls, to a three-year Non-Resident term. Ms. Barnes' term will begin February 1, 2014, and will expire on January 31, 2017.

Re-appointment of Thomas Warner, 5422 Tuttle Cove Road, to a three-year Resident term. Mr. Warner's term will begin February 1, 2014, and will expire on January 31, 2017.

Riley County Park Board

Recommendation of Mike Roediger, 1419 Beechwood Terrace, to the Riley County Commission to continue serving on the Board as the City's appointment

Social Services Advisory Board

Appointment of John Pecoraro, 918 N. Juliette Avenue, to a three-year term. Mr. Pecoraro's term begins immediately and will expire June 30, 2016.

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

GENERAL AGENDA

FIRST READING – REZONE - BODY FIRST WELLNESS AND RECREATION CENTER

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission regarding drainage and the Comprehensive Plan.

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance rezoning the proposed Body First Wellness and Recreation Center PUD, generally located at 3615 Claflin Road, from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 4*) with the seven conditions recommended by the Planning Board. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - INTERLACHEN ADDITION

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission regarding impacts to the area, bicycle lanes, and pedestrian trails.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve first reading of an ordinance rezoning the Interlachen Addition, generally located approximately 650 feet north of the intersection of Vanesta Place and Vanesta Drive, from R, Single-Family Residential District, to: R-1, Single-Family Residential District; R-3, Multiple-Family Residential District; and, C-2, Neighborhood Shopping District, based on the findings in the respective Staff Reports (*See Attachment No. 5 for R-1, Attachment No. 6 for R-3, and Attachment No. 7 for C-2*) and the recommendations of the Planning Board. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

CONVENTION AND TOURISM COMMITTEE/BOARD STRUCTURE

Jason Hilgers, Deputy City Manager, presented background information and an overview of the item.

After comments and discussion of the Commission on alternatives for the Convention and Tourism Committee/Board structure, Jason Hilgers, Deputy City Manager, provided additional information on the item and clarification of possible motions for the Commission to consider. He then responded to questions from the Commission.

Karen Hibbard, Vice-President, Manhattan Convention and Visitors Bureau, responded to questions from the Commission regarding the current make-up of the Convention and Visitor's Bureau (CVB) Committee. She stated that the CVB is following the state statute.

GENERAL AGENDA (*CONTINUED*)

CONVENTION AND TOURISM COMMITTEE/BOARD STRUCTURE (*CONTINUED*)

After additional discussion and comments from the Commission, Commissioner Reddi moved to approve keeping the current arrangement with the Chamber/CVB where the Committee advises the CVB and the Chamber Board; and, if appropriate, suggest the CVB add language in their annual contract with the City to add a Commissioner to serve as an ex-officio member of the CVB Committee. Commissioner McCulloh seconded the motion. On a roll call vote, motion failed 2-3 with Mayor Matta and Commissioners Butler and Jankovich voting against the motion.

After further discussion, Commissioner Jankovich moved to amend the current arrangement with the Chamber/CVB where the Committee advises the CVB and Chamber Board; and, add the appointment of a City Commissioner as an ex-officio member to the Board, require the chairperson of the CVB Committee and CVB Director to report to the City Commission with the CVB Director as the City Commission liaison, on a quarterly basis. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 3-2, with Mayor Matta and Commissioner Butler voting against the motion.

2013 CHAMBER OF COMMERCE YEAR-END REPORTS AND 2014 CONTRACTS

Jason Hilgers, Deputy City Manager, presented an overview of the year-end reports and the three annual contracts for 2014 with the Manhattan Area Chamber of Commerce including Economic Development, Fort Riley Promotion, and Tourism and Convention. He stated that based on the previous action of the Commission, the language in the Tourism and Convention contract would need to be modified.

Lyle Butler, President, Manhattan Area Chamber of Commerce, presented an overview of the year-end reports and provided information on the oversight of public funds that are received and used for various projects.

Karen Hibbard, Vice President, Manhattan Convention and Visitors Bureau, presented a follow-up from the October 29, 2013, City Commission presentation. She provided an update on Riley County visitor spending; marketing Manhattan and use of transient guest tax; meetings, sports, and special events; estimated economic impact of groups hosted in Manhattan; hotel growth and average rooms occupied; hotel occupancy and average daily rate; and 2014 conferences and meetings scheduled as of December 10, 2013. She then responded to questions from the Commission regarding identifying measurable outcomes, benchmarks, economic development impact numbers, and occupancy levels and rates.

GENERAL AGENDA (CONTINUED)

2013 CHAMBER OF COMMERCE YEAR-END REPORTS AND 2014 CONTRACTS (CONTINUED)

Lyle Butler, President, Manhattan Area Chamber of Commerce, provided additional information on the state and national association information available. He pledged that he and Karen Hibbard would investigate what metrics should be measured and provided to the Commission to ensure a good return on the City's investments.

Karen Hibbard, Vice President, Manhattan Convention and Visitors Bureau, responded to additional questions from the Commission. She discussed upcoming events and conferences that are being planned to enhance and bring people to the community.

Lyle Butler, President, Manhattan Area Chamber of Commerce, informed the Commission that they would address the question regarding labor, economic development funding sources and strategies, economic development funding trends, and leveraging of area strengths.

John Pagen, Vice President, Economic Development, Manhattan Area Chamber of Commerce, presented an update of the Manhattan retail sales figures through November 2013; labor force statistics and provided clarification on a recent USA Today article regarding labor statistics; Manhattan pull factors and rankings; and recent accolades received from Forbes magazine. He then responded to questions from the Commission.

Lyle Butler, President, Manhattan Area Chamber of Commerce, provided additional information on the labor force statistics and continued focus of economic development efforts in Manhattan and as a region.

Trent Armbrust, Existing Business Manager, Manhattan Area Chamber of Commerce, provided an update on the investments of CivicPlus, Continental Mills expansion, and additional local business expansions and investments made in the community.

Janet Nichols, Military Relations Liaison, Manhattan Area Chamber of Commerce, presented an update and overview of the military relations committee; potential workforce pool at Fort Riley; and events held in the community for the military and their families. She responded to questions from the Commission and provided background information about her family and wanting to stay in the Manhattan community after the retirement of her husband from the Army.

Lyle Butler, President, Manhattan Area Chamber of Commerce, responded to questions from the Commission and provided clarification regarding the number of potential spouses at Fort Riley. He thanked the Commission for their continued partnership as we continue to work together with the City, County, USD383, University, and Fort Riley.

GENERAL AGENDA (*CONTINUED*)

2013 CHAMBER OF COMMERCE YEAR-END REPORTS AND 2014 CONTRACTS (*CONTINUED*)

Jason Hilgers, Deputy City Manager, responded to questions from the Commission about the Tourism and Convention Agreement. He provided additional information on the budget request and the amount in the Agreement. He stated that this number can be adjusted lower by the Commission.

Ron Fehr, City Manager, provided clarification of the budgeted amount for the Tourism and Convention Agreement.

After discussion and comments from the Commission, Commissioner Jankovich moved to authorize the Mayor and City Clerk to execute the Economic Development, Fort Riley Promotion, and the Tourism and Convention contracts for 2014 with the Manhattan Area Chamber of Commerce; with the required changes from the approved motion in C.1. (CONVENTION AND TOURISM COMMITTEE/BOARD STRUCTURE), stipulating the addition of a City Commissioner as an ex-officio, make the CVB Director the staff liaison, and further require the CVB Committee Chair and Director to report quarterly to the City Commission. Commissioner McCulloh seconded the motion.

Mayor Matta and Commissioner Butler asked about the amount being requested for the Tourism and Convention Agreement.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission and provided clarification on the Tourism and Convention Agreement. He stated that the Commission can change the amount in the Agreement and if that is the desire to do so, then the Commission will need to include in the motion to allow City Administration to finalize the Agreement and have the Mayor and City Clerk execute the Agreement.

Commissioner Butler requested an amendment to the motion that would change the amount in the Agreement from \$1,035,998.00 to \$992,101.00, which is the actual amount requested by the Director of the CVB.

Lyle Butler, President, Manhattan Area Chamber of Commerce, provided additional information on the item.

After further discussion and comments from the Commission, Commissioner Jankovich and Commissioner McCulloh were agreeable to an amendment to the motion that was previously made by Commissioner Jankovich and seconded by Commissioner McCulloh.

GENERAL AGENDA (*CONTINUED*)

2013 CHAMBER OF COMMERCE YEAR-END REPORTS AND 2014 CONTRACTS (*CONTINUED*)

The motion by Commissioner Jankovich now states to authorize the Mayor and City Clerk to execute the Economic Development, Fort Riley Promotion, and the Tourism and Convention contracts for 2014 with the Manhattan Area Chamber of Commerce; with the required changes from the approved motion in C.1. (CONVENTION AND TOURISM COMMITTEE/BOARD STRUCTURE), stipulating the addition of a City Commissioner as an ex-officio, make the CVB Director the staff liaison, and further to require the CVB Director and Committee Chair to report quarterly to the City Commission; and, to authorize City Administration to change the amount in the Tourism and Convention Agreement to not exceed their budget request of \$992,101.00, as the approved transient guest tax amount by the Chamber Board for the Convention and Visitors Bureau. Commissioner McCulloh seconded the amended motion.

Ron Fehr, City Manager, provided clarification on the proposed amendment to the motion.

After further discussion and comments from the Commission, on a roll call vote, motion carried 5-0.

At 9:15 p.m., the Commission took a brief break.

RESOLUTION NO. 121713-D - AQUATIC FACILITIES SEASON PASS

Eddie Eastes, Director of Parks and Recreation, presented the item and options proposed. He then responded to questions from the Commission.

Mike Buchanan, Recreation Superintendent, responded to questions from the Commission regarding the pool hours and length of operation.

Eddie Eastes, Director of Parks and Recreation, responded to additional questions from the Commission.

After discussion and comments from the Commission, Commissioner McCulloh moved to approve Resolution No. 121713-D for pool season passes fees effective January 1, 2014. Commissioner Jankovich seconded the motion.

After additional clarification of the Resolution, on a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

At 9:20 p.m., Commissioner Jankovich moved to recess into Executive Session until 10 p.m. for the purpose of discussions with the Attorney for the City regarding pending legal matters that need to be confidential and that are deemed privileged in the attorney-client relationship. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

At 10:00 p.m., the Commission reconvened with Mayor Matta and Commissioners Butler, McCulloh, Reddi, and Jankovich in attendance.

SETTLEMENT AGREEMENT/EASEMENT AGREEMENT – FEATHER FIELD FARMS, LLC

Bill Raymond, City Attorney, introduced the item for consideration.

Bill Frost, Attorney for the City, presented background information and an overview of the proposed Settlement Agreement and Easement Agreement related to Feather Field Farms, LLC. He informed the Commission that a settlement proposal has been reached and that the proposal has been reviewed by the Federal Aviation Administration. He provided information on the appraisal values received. He stated that on January 15, 2013, the Commission authorized City Administration to pay \$1,520,615.34, which included the award and fees for the court appointed appraisers, to the Riley County Clerk of the District Court. He said that the attorney for Feather Field Farms, LLC, has offered to a settlement agreement with a re-payment to the City of Manhattan in the amount of \$200,000.00, plus \$6,000.00 designated as interest. In exchange for the return of these funds, the City would grant an easement for access and use of two irrigation water wells currently on the remaining property tract owned by the landowner and the landowner would be obligated to maintain the easement. He then provided the action and proposed motion for the Commission's consideration regarding a Settlement Agreement and an Easement Agreement.

Commissioner Jankovich moved to authorize the Mayor and City Clerk to execute a Settlement Agreement and an Easement Agreement for the tract of land purchased from Feather Field Farms, LLC. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 10:05 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

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.

Attachment No. 1

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. 1

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. 1

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.

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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.

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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.

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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.

13089

Social Services Advisory Board Agency Funding

	<i>2014 Request</i>	<i>2014 Allocated</i>
Riley Co. ATA (transportation) *	-	-
Crisis Center (intervention/shelter programs)	48,800	48,800
MESI (shelter)	72,000	72,000
Shepherd's Crossing	44,000	44,000
Big Brothers/Big Sisters	37,000	37,000
Boys and Girls Clubs	28,800	28,800
Manhattan Day Care and Learning	-	-
Sunflower CASA	27,000	27,000
UFM Scholarship Program***	3,000	-
K-State Center for Child Development	40,800	40,800
Homecare and Hospice	50,000	50,000
Kansas Legal Services	30,000	30,000
Totals	\$381,400	\$378,400

Special Alcohol Funds Committee Funding

AGENCY	2014 Requested	2014 Allocated
Big Brothers/Big Sisters	19,000	19,000
Boys and Girls Club	28,970	28,000
KSU - Alcohol & Other Drug Education Services	38,697	34,000
Manhattan Emergency Shelter	13,362	13,362
Pawnee Mental Health	60,300	60,000
Riley County Youth Court	5,200	4,000
Riley County Community Corrections-Juvenile	5,000	4,000
Riley County Community Corrections-Adult	10,000	8,000
Sunflower CASA	38,565	37,800
The Restoration Center	60,000	45,000
UFM Learning Center	19,000	19,000
Unified School District #383	184,223	168,000
TOTALS	\$482,317	\$440,162

STAFF REPORT

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

BACKGROUND

FROM: R, Single-Family Residential District

TO: PUD, Commercial Planned Unit Development

OWNER/APPLICANT: Body First, LLC – Doug Sellers

ADDRESS: 3615 Claflin Road, Manhattan, KS

DATE OF NEIGHBORHOOD MEETING: October 16, 2013

DATE OF PUBLIC NOTICE PUBLICATION: November 11, 2013

DATE OF PUBLIC HEARING: PLANNING BOARD: December 2, 2013

CITY COMMISSION: December 17, 2013

LEGAL DESCRIPTION: The rezoning site is an unplatted tract of land located in Section 10, Township 10 South, Range 7 East. The complete legal description is attached.

LOCATION: Body First Health and Fitness Club - 3615 Claflin Road

AREA: 233,917 square feet (5.37 acres)

PROPOSED USES: The applicant proposes a Health and fitness club and associated sales of fitness items to clients, patients, club members and their guests is the main business type with the following being subordinate to the health and fitness club:

1. Beauty shop and the sales of hair products to clients, patients, club members and their guests.
2. Business and professional offices which will specifically include but not limited to other medical or wellness professional to the practice of Chiropractic, Physical Therapy, Acupuncture and/or Psychology and the associated sales of therapy items to clients, patients, club members and their guests. No other businesses outside of medical or wellness will be allowed on the property.

PROPOSED BUILDINGS AND STRUCTURES: No new buildings or additions are proposed. The rezoning request is to allow an expansion of uses not normally associated with a traditional health and fitness club. The proposed uses could be considered a health and wellness center, with the inclusion of ancillary health professions, such as chiropractic, physical therapy, acupuncture and psychology care, a beauty shop, and massage therapy.

The existing building on the subject site is a 27,779 square foot health and fitness club, three (3) outdoor tennis courts and an off-street parking lot with forty-nine (49) spaces. The health and fitness club currently includes three (3) indoor tennis courts, two (2) racquet ball courts, a gym, locker rooms, retail shop, offices and reception area. A 1,455 square foot addition was recently completed that currently includes massage therapy rooms. If approved, the additional wellness uses (chiropractor, physical therapy, etc.) will generally reside in this area.

PROPOSED LOT COVERAGE

<u>Use</u>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Buildings	27,779	11.97%
Travel Easement/ Right-of-way	0	0%
Driveways/Parking	25,682	11.07%
Outdoor Tennis Courts	18,366	7.91%
Landscape/Open Space/Common Area	160,212	69.05%

PROPOSED SIGNS: The applicant has proposed to replace the existing ground sign at the entrance to the site off of Claflin Road and Hudson Avenue. The ground sign will have the business name and logo on an area that is six (6) feet wide by approximately four (4) feet tall, with an area of twenty-four (24) square feet. The sign will be on a limestone veneer base with support limestone pillars. The overall structure will be nine (9) feet wide and six (6) foot, two (2) inches tall. The sign is to be externally illuminated.

PROPOSED LIGHTING: One (1) pole mounted flood light is located on the northwest corner of the existing off-street parking lot. The pole mounted light is generally in the center of the subject site. No exterior lights are located on the existing building.

SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The subject site has large grass areas, mature trees and bushes, foundation plantings and several large earthen berms. No changes are proposed to the existing landscaping on the subject site.

2. SCREENING: Mature trees bushes and the large earthen berms screen the building and off-street parking lot from the adjacent properties to the south, east and west. The outdoor tennis courts extend to a private pedestrian trail off of Windsong Lane cul-de-sac to the west. The tennis courts are surrounded by a mesh sun/wind net, but it does not entirely screen the courts from the adjacent neighborhood. No changes are proposed to the existing screening on the subject site.

3. DRAINAGE: The subject site drains to the west towards Little Kitten Creek. The FIRM panel # 0334F shows that the entire site is in Zone X (unshaded), which is a low to moderate flood risk area. The Preliminary FIRM panel for the site also shows it to be in Zone X (unshaded).

Because the subject site is not proposed to be altered by the proposed PUD request, a drainage analysis was not required by the City's Stormwater Engineer (*See attached letter*).

4. CIRCULATION AND PARKING: Access to the subject site is from a long, private driveway off of the intersection of Hudson Avenue and Claflin Road. The long driveway then leads to a forty-nine (49) stall off-street parking lot generally located in front of the existing building.

The applicant has expanded the off-street parking lot to provide the required number of off-street parking spaces for the existing and proposed use. Article VII, Off-Street Parking and Loading does not specifically state what the parking requirements would be for a health and fitness club. City Administration used the following ratios to determine the minimum required number of off-street parking:

- 4 spaces per court (7 total indoor/outdoor tennis courts) = 28 spaces
- 1 space per 300 square feet of office space = 1 space
- 1 space per 3 persons of the design occupancy of the exercise area = 15 spaces
- 5.5 spaces per 100 square feet of business and professional service areas (massage therapy, chiropractic, physical therapy, acupuncture and psychology) = 5 spaces.

The minimum number of parking spaces required based on this formula is forty-nine (49) spaces. This off-street parking area expansion is nearing completion to include the minimum number of parking spaces (49 spaces).

The applicant's consultant has submitted a letter stating that "since the site's traffic circulation characteristics are not changing as a result of the proposed PUD-zoning a formal traffic study is also not required for submittal (*See attached letter*)

5. OPEN SPACE AND COMMON AREA: No open space or common area is proposed to be dedicated with the proposed PUD.

6. CHARACTER OF THE NEIGHBORHOOD: The character of the neighborhood would be a low-density single-family area. The neighborhood to the west across Little Kitten Creek is a large lot, single-family area. Amanda Arnold Elementary school adjoins the site to the north.

THIRTEEN MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Health and Fitness Club, including tennis and racquet ball courts, exercise room, massage therapy, retail pro-shop and accessory facilities.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The subject site is a large, irregular shaped flag lot to the west of Hudson Avenue and northeast of Windsong Lane cul-de-sac. On the subject site are a 27,779 square foot health and fitness club, outdoor tennis courts and an off-street parking lot with forty-nine (49) spaces. A long driveway extends from Hudson Avenue to the parking lot.

The subject site has large grass areas, several large earthen berms and mature trees screening the building and off-street parking lot to the adjacent properties to the south, east and west. The outdoor tennis courts extend to a private pedestrian trail off of Windsong Lane cul-de-sac to the west. The tennis courts are surrounded by a mesh sun/wind net, but it does not entirely screen the courts from the adjacent neighborhood.

The subject site drains to the west towards Little Kitten Creek.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Privately owned and maintained pedestrian trail, Amanda Arnold Elementary School, Single-Family homes. R, Single-Family Residential District.

SOUTH: Single-family homes, Windsong Lane right-of-way (ROW), business and professional offices. R District, and C-1, Restricted Business District.

EAST: Single-family and two-family dwellings, Hudson Avenue ROW and single-family neighborhood. R District and R-1, Single-Family Residential District.

WEST: Single-family homes. R District.

4. GENERAL NEIGHBORHOOD CHARACTER: See #6 of the Review Criteria For Planned Unit Developments above.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: According to the Riley County Appraiser, the structure on the subject site was built in 1978 for the Manhattan Racquetball Club, later known as the Cottonwood Racquet Club. The building and use was established prior to the subject site being annexed into the City on September 4, 1979 (Ord. No 3723).

The subject site is suitable for the current use under the current zoning district. The R, Single-Family Residential District allows for Health and Fitness Clubs as a Conditional Use. The applicant received a Conditional Use on June 13, 2012 to bring the property into compliance and to allow for the structure to be expanded to the west to provide massage therapy. Prior to the approved CUP, the use was legally nonconforming to the R District.

The applicant has proposed to expand the use of the Body First Health and Fitness Club beyond the City's definition of "Health and Fitness Club" found in the Zoning Regulations. The definition is: "An athletic, recreational, health or fitness establishment which includes uses such as exercise equipment, racquetball courts, basketball courts and swimming pools." The proposed PUD rezoning is to accommodate the expanded use of the Health and Fitness Club to include subordinate accessory uses of a beauty shop and business and professional offices limited to health and wellness services, such as chiropractic, physical therapy, acupuncture and psychology services and their accessory retail sales.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The Health and Fitness Club has existed on the subject site since 1978 when it was first constructed. Prior to the applicant purchasing the subject site, it was owned and operated as the Cottonwood Racquet Club.

On June 13, 2012, the Board of Zoning Appeals approved a Conditional Use to bring the property into conformance with the R District and to allow a 1,455 square foot addition to the existing structure to add space for massage therapy. City Administration determined that massage therapy fit within the definition of Health and Fitness Club.

The applicant is proposing to expand the use of the existing Health and Fitness Club to include beauty shop and business and professional offices, such as chiropractor/acupuncturist physical therapy, and psychology. The existing building footprint is not proposed to expand to include these additional uses. City Administration determined that these proposed expanded uses did not meet the definition of a Health and Fitness Club, as approved by the Conditional Use, and would require a zoning change.

As part of the PUD application process, the applicant held a neighborhood meeting on October 16th. According to the meeting summary, six (6) people were in attendance.

Following questions by the attendees and answers by the applicant, they “saw no concerns that were not addressed.”

As stated, the existing use has been present since 1978 when the Health and Fitness Club was established in rural Riley County. It is apparent that the existing use has not adversely affected the surrounding neighborhood. The proposed PUD would limit the permitted uses to Health and Fitness Club, and accessory beauty shop and professional and business offices devoted to health and wellness (chiropractor, physical therapy, acupuncture and/or psychology), along with accessory sales which will be subordinate to the health and fitness center. The recent building addition approved by a Conditional Use in 2012 has multi-use rooms, which the new uses will occupy.

Traffic from the proposed PUD should not increase significantly beyond that of the Health and Fitness Club because its members will use both the fitness activities as well as the accessory uses. The newly constructed off-street parking lot meets the minimum combined parking requirements for the health and fitness club and the business and professional uses. Light and noise should not increase beyond that of the Health and Fitness Club. The proposed rezoned to the Commercial PUD District appears to be compatible with adjacent properties.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Comprehensive Plan shows the rezoning site as Public/Institutional - Parks and Recreation. It appears that the Future Land Use Map generalized the use as park and recreation, but does not reflect reality of the subject site. The subject site is a privately owned Health and Fitness Club and has been used in the manner since 1978 when it was first established in rural Riley County. The specific proposed PUD use is somewhat similar in nature to a single Neighborhood Commercial Center (NCC) category. Policies for the NCC Future Land Use include:

NCC 1: Characteristics

Neighborhood Commercial Centers are intended to provide a range of services, including supermarkets, restaurants, movie rentals, drycleaners, drugstores, filling stations, smaller specialty shops, retail and health services and business and professional offices, for residential areas. Neighborhood centers will vary in scale and character. Smaller, limited use centers may be fully integrated into the surrounding neighborhood and be accessed primarily by pedestrian or bicycle; while larger centers will function more independently, providing ample parking and numerous stores. Mixed-Use Neighborhood Centers that also incorporate residential uses are appropriate in a master planned setting. Neighborhood Centers often serve more than one nearby neighborhood in order to maintain sufficient economy of scale.

NCC 2: Location

Neighborhood centers should generally be located at the intersection of arterial and collector streets. However, smaller centers with limited uses may be appropriate within a residential area at the intersection of two collector streets, or at the intersection of a collector and a local street, provided they are designed to be compatible with the surrounding neighborhood and meet a minimum level of design criteria.

NCC 3: Size

Neighborhood centers typically require a site of approximately 10 acres, but may vary, ranging from as small as 1-3 acres to as large as 15-20 acres depending on the size of its service area and the extent of its mixed-use characteristics.

NCC 4: Architectural Character

Neighborhood Centers shall be designed to be compatible with and sensitive to surrounding residences. Building materials and architectural detailing should be compatible with and reflect the character of the surrounding neighborhood. Building heights and scale should be similar to surrounding residences.

NCC 5: Circulation and Access

Main entrances and driveways should be integrated with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles. Clear, direct pedestrian connections shall be provided between uses within the center and to the surrounding neighborhood.

NCC 6: Parking Location and Design

Large, uninterrupted expanses of parking should be avoided. Parking areas shall be divided into smaller “blocks” by landscaping and walkways. To the extent possible, parking blocks shall be distributed between the front and sides of buildings, or the front and rear, rather than placed solely in front of building.

NCC 7: Transitions between Uses

Attractive transitions should be provided between the center and surrounding residences, while not limiting access between the center and the neighborhood for all modes of travel. Transitions can be accomplished by stepping down the height of taller structures to meet residences, providing landscape buffers or screening, or similar means. Use creative design to avoid simply “walling” off residential areas from neighborhood centers.

The surrounding neighborhood is shown on the Future Land Use Map as being Residential Low to Medium (RLM) Density, which does allow Health and Fitness uses and park and recreation activities.

Residential Low to Medium (RLM) policies:

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

RLM 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.

The proposed rezoning does not conform to the Comprehensive Plan. However, it is apparent that the Future Land Use Map does not reflect the reality of the subject site. The Future Land Use Plan designates the subject site as a publicly owned recreation area. The subject site is a privately owned business and would most closely fit the Neighborhood Commercial Center (NCC) category. Although the subject site consists of one principle use with the proposed accessory uses to expand the health and fitness club to provide a holistic health and wellness approach, it would comply with the policies of the NCC category. The NCC category also functions appropriately with the Residential Low to Medium (RLM) Future Land Use category that surrounds the subject site.

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

1978 - Health and Fitness Club was established in Riley County

September 4, 1979 - Subject site and surrounding properties were annexed into the City of Manhattan (Ord. No. 3723)

September 4, 1979 to present – Zoned R, Single-Family Residential District

July 19, 2010 -Request to rezone the subject site from R District to Commercial Planned Unit Development was withdrawn

June 13, 2012 - Board of Zoning Appeals approved a Conditional Use to bring the subject site into conformance and to allow an expansion to the existing building.

September 5, 2013 - Manhattan Urban Area Planning Board recommends denial of a request to rezone the subject site from R District to C-2, Neighborhood Shopping District by a vote of 4-0. The applicant withdrew the request.

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

The proposed rezoning to Commercial PUD is to allow the use of the existing health and fitness club, which has existing since 1978, to expand to include a beauty shop and business and professional offices devoted to health and wellness, that will be accessory and subordinate to the health and fitness club. No new buildings or additions to the existing building are proposed. The result of the Commercial PUD would be a limited-use commercial property within the surrounding neighborhood setting. Any expansion of the use beyond what is being proposed, additions to the existing building or significant changes to the subject site would require an amendment to the PUD ordinance and the approved development plans. Because of the existing use and the limitations placed on the subject site by the proposed PUD; it appears that the proposed rezoning is consistent with the intent of the zoning district and its 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 does not appear to be an adverse impact on the public health, safety and general welfare that the rezoning will create. The proposed rezoning to PUD is to expand the use of the existing health and fitness club to include subordinate uses generally not permitted as being accessory to the health and fitness club. The proposed PUD ordinance will identify the permitted uses as health and fitness club, and accessory beauty shop and its accessory retail sales, and business and professional offices devoted to health and wellness uses and its accessory retail sales, all of which will be subordinate and accessory to the health and fitness club. Denial of the rezoning request will not be a gain to the public health, safety and welfare compared to the hardship imposed upon the owner.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate utilities are available to service the subject site.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of the proposed Body First – Massage Addition, located at 3615 Claflin Road, from R, Single-Family Residential District to PUD, Commercial Planned Unit Development District, with the following conditions of approval:

1. Permitted Uses shall include a Health and Fitness Club and its associated accessory sales of health and fitness items and equipment; and, accessory uses that are subordinate to and serve the principal Health and Fitness Club that shall be limited to a Beauty Shop, and Professional Services oriented towards health and wellness including chiropractic, acupuncture, massage therapy, physical therapy, and psychology and their associated accessory sales.
2. An amendment of the PUD shall be approved prior to the construction of any building additions or significant changes to the site plan as defined by Section 9-108(C).
3. Signage shall be limited to signs proposed in the application documents.
4. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5), (6) and (7); and, Section 6-104 (B)(2) and B(5).
5. Landscaping and irrigation shall be maintained in good condition.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the proposed Body First – Massage Addition from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Body First – Massage Addition from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Body First – Massage Addition, located at 3615 Claflin Road, from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the five (5) conditions recommended by City Administration.

PREPARED BY: Chad Bunger, AICP, CFM, Planner II

DATE: November 25, 2013

CB/vr
13095

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R, Single-Family Residential District

TO: R-1, Single-Family Residential District

APPLICANT: SMH Consultants – Jeff Hancock on behalf of the owners; Fieldhouse Development, Inc., Back 9 Development Inc. and PMG Properties, LLC

ADDRESS: 4201 Suite B, Anderson Avenue, Manhattan, KS 66503;

OWNERS/ ADDRESS: Fieldhouse Development, Inc. – Zac Burton
3120 Seth Child Road, Manhattan, KS 66503

Back 9 Development Inc. - Thomas L. Vilkanskas Jr.
1216 S. Mill Point Circle, Manhattan, Ks 66503

PMG Properties, LLC - Thomas L. Vilkanskas Jr.
1216 S. Mill Point Circle, Manhattan, Ks 66503

LEGAL DESCRIPTION: Generally a tract of land in Lots 55 thru 70, Grand Mere Addition, Unit Three and parts of the Colbert Hills Drive and Grand Crest Circle right-of-way (*see attached legal description for full details*). For the purposes of the request, the subject site shall be referred to as Tract 1. (Tract 2 will refer to a request to rezone an area to R-3, Multiple-Family Residential District. Tract 3 will refer to a rezoning request for an area to C-2, Neighborhood Shopping District).

LOCATION: Generally located on the west side of Vanesta Drive and are approximately 750 feet west of the intersection of Little Kitten Avenue and Vanesta Drive or approximately 650 feet north of the intersection of Vanesta Place and Vanesta Drive.

AREA: 14.70 acres

DATE OF NEIGHBORHOOD MEETING: October 3, 2013

DATE OF PUBLIC NOTICE PUBLICATION: October 28, 2013

DATE OF PUBLIC HEARING: PLANNING BOARD: December 2, 2013
CITY COMMISSION: December 17, 2013

(The item was tabled to the December 2, 2013 Manhattan Urban Area Planning Board meeting at the November 18th meeting)

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Vacant, platted lots and road right-of-way in Grand Mere Addition, Unit Three. The applicant is also proposing to rezone other parts of Grand Mere Addition, Unit Three to R-3, Multiple-Family Residential District (Tract 2) and C-2, Neighborhood Shopping District (Tract 3) (*see staff reports for details*) and replat the entire area to be known as the Interlachen Addition (*see staff memorandum for details*).

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The subject site is an irregular shaped lot bound to the north, west and south by the Colbert Hills Golf Course and to the east by Vanesta Drive. The site is currently range land with native grass cover. The site drains towards the southeast.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Colbert Hills Golf Course, and undeveloped land (future Grand Mere villas, single-family dwellings); R-S, Single-Family Residential Suburban District and County R-PUD, Residential Planned Unit Development

SOUTH: Colbert Hills Golf Course; R-S District and County R-PUD

EAST: Vanesta Drive, Homecare and Hospice House, vacant tract, single-family homes in various stages of development; R, Single-Family Residential District and R-2 Two-Family Residential District

WEST: Colbert Hills Golf Course; R-S District and County R-PUD

4. GENERAL NEIGHBORHOOD CHARACTER: Currently, the general character of the neighborhood is a mix of low density residential and golf course uses under various stages of development. To the north, south and west are properties within the Grand Mere Master Planned Golf Course Community. To the east are single-family homes that are not associated with Grand Mere.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The entire site (Tracts 1, 2 & 3) were annexed and rezoned to R, Single-Family Residential District in November, 2000. The entire site was then preliminary platted in September, 2008 and a

Final Plat for twenty-three (23) single-family lots and one (1) tract was approved in November, 2008. Tract 1 is suitable under its current zoning district of R, Single-Family Residential District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The current zoning district is R, Single-Family Residential District, which allows for single-family detached dwelling on a minimum lot area of 10,000 square feet. The proposed rezoning to R-1, Single-Family Residential District generally has the same permitted and conditional uses as the R District on a lot with a minimum area of 6,500 square feet (*The 2 zoning districts are attached for a comparison of the permitted and conditional uses*). The proposed lots of the Interlachen Addition Final Plat that are to be rezoned to R-1 District range in lot area from 10,611 square feet to 56,923 square feet.

The area will also be required to conform to the Grand Mere architectural guidelines and design standards. A private design review committee is responsible for enforcement of the Grande Mere guidelines and standards (*see policy statement below under Comprehensive Plan, part III.*) The guidelines and standards are private and are not part of the rezoning. The policy statements are mentioned because they are part of the Grand Mere Master Community Master Plan policies., which was adopted as a part of the Manhattan Urban Area Comprehensive Plan.

As required by the rezoning application process, a neighborhood meeting was conducted by the applicant on October 3, 2013. The meeting summary stated that one (1) person was in attendance and “did not have any specific questions and was more interested in the general layout of the area.”

The proposed rezoning for the area from R District to R-1 District will be compatible with nearby properties and should not have any detrimental effects on these nearby properties.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:
THE ENTIRE SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE NORTHWEST PLANNING AREA AS A COMBINATION OF RESIDENTIAL LOW/ MEDIUM (RLM) AND RESIDENTIAL MEDIUM/HIGH (RMH). THE APPROXIMATE SOUTHERN 2/3 (APPROXIMATELY 17 ACRES) OF THE PROPOSED PRELIMINARY PLAT IS DESIGNATED RLM, WITH THE NORTHERN 1/3 (APPROXIMATELY 10 ACRES) DESIGNATED AS RMH. THE LAND USE POLICIES FOUND IN THE COMPREHENSIVE PLAN ARE BELOW.

RLM policies include:

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

RLM 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.

RMH policies include:

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

RMH 2: Appropriate Density Range

Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.

RMH 3: Location

Residential Medium/High Density neighborhoods should be located close to arterial streets and be bounded by collector streets where possible, with a direct connection to work, shopping, and leisure activities.

RMH 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged.

The Grand Mere Community Master Plan was originally adopted in April 2000, and is included as a specific Land Use Element of the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the site. The Grand Mere Master Plan map designates the southern portion of the entire site as Single-Family #13 (RLM) and the northern portion as Townhome #4 (RMH) on the site. The Master Plan map shows the Single Family #13 (RLM) location has an area of twelve (12) acres. The area to be rezoned to R-1 District is roughly the same size. The applicable policies of the Grand Mere Community Master Plan are as followed:

Grand Mere, a Master Planned Golf Course Community

B. PROJECT INTENT

The overall Land Use Amendment is intended to create a community designed within a park. By responding to the natural terrain, preserving natural corridors, protecting the slopes and riparian environment, a harmonious relationship with the land can be created for the community.

Grand Mere is envisioned as an upscale residential community, with the University's Colbert Hills Golf Course and preserved open space interwoven throughout the development. The community is made up of individual neighborhoods defined by open space features, topography, connection to the Grand Mere Parkway, and the golf course. A strong joint effort has integrated the golf course design (Colbert Hills) and the overall community design (Grand Mere Development). The interconnectivity of automobile circulation, pedestrian/bicycles, and open space, as well as residential neighborhood placement and overall community utility location, has created a well integrated community with both future residences and community recreation as the main focus. Flexibility is built into the land use plan to allow the development to respond to market demand.

Specific types of residential product may subtly change in the future due to market demand as the development pattern becomes clearer and as the community matures. The community will offer a high level of design quality, architectural variety, and a wide range of housing types to address the potential markets appropriate for an upscale development.

5 KEY DESIGN CONCEPTS

1. Create a high quality residential community

Create a community of villages, residential neighborhoods, and neighborhood commercial areas centered along the projects' spine, Grand Mere Parkway. Through the use of architectural design guidelines and development reviews the quality of building construction will be maintained at the highest level.

2. Integrate the Natural Environment

Preserve the natural slopes and open space features. Provide a visual connection to the natural beauty of the development: the golf course in the valleys, the long vistas/views, and the prairie environment.

3. Offer a Variety of Residential Living

Offer a wide range of residential products and lot types to address the market demands of the well informed and upscale consumer. An integrated community of many housing types will help to provide an interesting streetscape, a quality neighborhood texture, and a sustainable development.

4. Create a Pedestrian/Bicycle System

*Provide pedestrian/bicycle connections throughout the development, following the Grand Mere Parkway, open space corridors and the linear park connections provided as part of the Master Plan along Little Kitten Creek and the continuation of the Hudson trail.
Grand Mere Community Overall Development Plan*

5. Establish a 'heart' to the community

Provide a central community feature for the residents of Grand Mere. Utilizing the golf clubhouse access as a link between the east and west parts of the property, a private community recreation complex would be provided at the intersection of Grand Mere Parkway and Colbert Hills Drive. This central location along the bike trail and pedestrian sidewalk connections to all the neighborhoods would provide an accessible 'recreational heart' for the community.

III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY

Grand Mere is proposed as a Master Planned Community consisting of a wide range of residential housing types and densities and will be utilizing both Planned Unit Development and Conventional Zoning Development standards based on specific sites and development types.

The overall Grand Mere Project consists of 1,054 (estimated) acres, including the Colbert Hills Golf Course. Rather than dispersing development throughout the entire property, the project purposes to “concentrate” neighborhood development within residential and commercial villages on approximately 543 acres preserving almost 50% of the land as natural open space or golf course. This concept, while proposing a variety of home types and densities, provides large natural open spaces, golf course amenity for the general public, and peripheral residential villages as large lot or low density residential products that create an overall density (1.5 du/ac) for the site, consistent with the surrounding neighborhoods. All housing types shall belong to the Master Homes Association, which will be responsible for enforcing the covenants and restrictions, and maintaining the common grounds.

Within the community, residential neighborhoods are supported by neighborhood commercial services, which provide a focus and entry element for the development. These neighborhood office and retail villages are envisioned as community services located at the development entries along the Little Kitten Creek entry and Kimball Ave. and the future northern entry on Marlatt.

Throughout the plan, connecting open space systems, sidewalks and bike trails provide pedestrian connections between residential neighborhoods, public amenities and the neighborhood services. These are planned connections to occur in a variety of types and locations. As each phase of development is planned in detail, the specific pedestrian connections will be part of each village plat and relate back to the overall Circulation Parks & Open Space Plan.

Grand Mere Community Architectural Guidelines and Design Standards will provide for the review and approval of all site and building plans for the Grand Mere property. The Design Review Committee of Grand Mere will be responsible for enforcement of these guidelines and standards. The Developer believes that careful planning and enforcement of design and development standards will ensure orderly, attractive, and lasting development, all of which will preserve and enhance the value of the community.

A. Residential Neighborhoods

The planning concept proposes a wide range of residential uses, with densities ranging from 1 to 20 dwelling units per acre (du/ac) within individual parcels. Generally, individual neighborhoods are envisioned as small enclaves in order to promote a mix of different product types, create intimate neighborhoods, and to build a strong community image from the project's onset. The key to a sustainable successful development is quality design and construction, and a variety of housing price points to attract a wide spectrum of residential consumers. Higher density residential, as well as small lot single-family opportunities are integrated into the community along Grand Mere Parkway, rather than isolated or located along the site's edges. While building a stronger new community, this concept also reduces impact on existing adjacent neighborhoods by focusing the traffic and circulation internally.

Residential Types:

Single Family (RLM)

The 273.4 acres of single family proposed for Grand Mere represents 50% of the total proposed residential acreage. The detached single family products will range in size and density. The villages of single family will be developed as parcels and each will be controlled to maximize views, walkouts, and architectural design quality. The Grand Mere Architectural Review Committee will provide design review of the homes and general site development guidance. Each single family village will be signed and themed as a unique part to the overall Grand Mere development and developed as the market demands. Each parcel will provide internal open space, storm drainage controls, and pedestrian linkages between the villages in addition to the designated Grand Mere Circulation Park & Open Space Plan.

Townhomes (RMH)

The townhomes proposed for Grand Mere are located along the parkway or the golf course for direct access to the recreation center, open space, and bike trail systems. These homes would offer a two and three bedroom configuration in groups of two to six homes per buildings, depending on site conditions and planning. The homes association would provide maintenance for the common areas within the neighborhood. The architecture would be designed to provide an overall theme and consistent material quality throughout the neighborhood. Attached garages and individual entries for each home would be provided. Depending on the market demands an amenity center might be planned for the various townhome parcels.

C. Streets and Circulation System

Residential streets within Grand Mere are envisioned as a key element of “neighborhood quality,” offering a place to walk and play, as well as to drive and park. The streetscape in and along the roads will reflect the quality of the community through the use of signage monumentation and landscaping depending on the location and natural conditions of the space providing strong visual “cues” to better orient drivers to their locations and destinations.

When utilizing the approved Manhattan street system standards the hierarchy, street-widths, design speeds, and travel/parking lanes are consistent and will not compromise auto on-street parking, or bike and pedestrian access. The street layout will frame important views and vistas, including buildings, golf course, and natural features. On-street parking is available on all local streets.

The Master Planned Community will be accessed from Kimball Avenue and Marlatt Avenue. Additional access points into the Community from surrounding residential streets are shown on the Master Plan.

D. Pedestrian and Bicycle Circulation System

Connectivity with the City of Manhattan Linear Park Master Plan is our main focus for the overall trails system. A comprehensive pedestrian and bicycle system is proposed for the community to provide access to individual neighborhoods, the Club Facility and Hotel site, commercial services, and open space amenities~ Elements include both off-street and on street bike paths, natural unimproved trails, and a 17.2 acre linear park along Little Kitten Creek. An easement shall be provided for the extension of the Hudson trail northward, along the east property line to northeast corner section 3-10-7. All trail/path systems will be site- specifically designed at the time of construction. Each will be reviewed on a site-by-site basis to ensure sensitive placement and minimum disturbance. This will be coordinated with the Park & Recreation Board and the Parks and Recreation Department.

G. Golf Course Development

The Grand Mere development drainage and detention system shall be designed to work in concert with the golf course drainage and detention system. The course was designed to meet the environmental goals of the Audubon International Signature Status Program.

Bike Paths, Trails and Sidewalks

Bike paths, trails and sidewalks are provided along the internal streets and open spaces to provide internal connections between the villages where possible. See the Circulation Parks & Open Space Plan

THE DESIGNATION OF THE SITE ON THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IS SIMILAR TO THE GRAND MERE MASTER PLAN, CREATED IN 2000. THE MASTER PLAN SHOWS THE NORTHERN 1/3 OF THE ENTIRE SITE TO BE DEVELOPED AS TOWNHOMES AND THE REMAINING PORTION TO BE DEVELOPED AS SINGLE-FAMILY HOUSES. HOWEVER, WHEN THE AREA WAS ANNEXED INTO THE CITY, IT WAS ZONED R, SINGLE-FAMILY RESIDENTIAL DISTRICT.

TRACT 1 OF THE PROPOSED FINAL PLAT OF INTERLACHEN ADDITION, THAT IS TO BE REZONED TO R-1 DISTRICT, HAS A DENSITY OF 1.89 DWELLING UNITS PER NET ACRE. The entire residential portion of the proposed subdivision (Tract 1 & 2) has a combine net density of 2.86 dwelling units per net acre (*See R-3 District Rezoning Staff Report for details of that request*). The Tract 3 has an area that totals of 4.02 acres of land (*See C-2 District Rezoning Staff Report for details of that request*).

THE PROPOSED REZONING OF TRACT 1 FROM R DISTRICT TO R-1 DISTRICT CONFORMS TO THE COMPREHENSIVE PLAN. THE AREA WAS ZONED R DISTRICT WITH THE INTENT TO REZONE PORTIONS OF THE TRACT OF LAND APPROPRIATELY IN RESPONSE TO MARKET DEMAND FOR RESIDENTIAL USES.

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

- | | |
|-----------------|---|
| August 7, 1997 | Board of County Commissioners approved Preliminary Development Plan of The Wildcat (<i>Grand Mere</i>) and Colbert Hills R-PUD. |
| August 14, 1997 | Board of County Commissioners approved Final Development Plan. |
| April 6, 1998 | Manhattan Urban Area Planning Board recommended approval of annexation. |

Attachment No. 5

- | | |
|-------------------|---|
| April 21, 1998 | City Commission approved first reading of annexation. |
| June 1, 1998 | Manhattan Urban Area Planning Board recommended approval of rezoning to R District. |
| June 16, 1998 | City Commission approved first reading of rezoning Tract II of Grand Mere to R District. |
| September 3, 2008 | Manhattan Urban Area Planning Board approves Preliminary Plat of Grand Mere Addition Unit Three. |
| November 17, 2008 | Manhattan Urban Area Planning Board approves Final Plat of Grand Mere Addition Unit Three. |
| December 2, 2008 | City Commission accepts rights-of-ways and easements as shown on the Final Plat of Grand Mere Addition, Unit Three. |

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Manhattan 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 proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations because proposed lot sizes conform to the minimum requirements of the R-1 District. In addition, the proposed Final Plat of the Interlachen Addition, which is a replat of Grand Mere Addition, Unit Three, dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

The R-1, Single-Family Residential District is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. The minimum lot area for a single-family detached dwelling is 6,500 square feet in area. Tract 1 of the Interlachen Addition consists of lots, which range from approximately 10,611 square feet to 56,923 square feet. All lots conform to the requirements of the R-1 District.

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 of the rezoning of the subject site would accomplish. No expected adverse affects on the public health, safety and welfare as a result of the rezoning. A separate application was submitted for approval of a Final Plat of Interlachen

Attachment No. 5

Addition, which is a replat of Grand Mere Addition, Unit Three. The replat will conform to the proposed rezoning request. It may be a hardship upon the owner if the rezoning is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve Tract 1.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Tract 1 from R, Single-Family Residential District to R-1, Single-Family Residential District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Tract 1 from R, Single-Family Residential District to R-1, Single-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Tract 1 from R, Single-Family Residential District to R-1, Single-Family Residential District, based on the findings in the Staff Report, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Planner II

DATE: November 18, 2013

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R, Single-Family Residential District

TO: R-3, Multiple-Family Residential District

APPLICANT: SMH Consultants – Jeff Hancock on behalf of the owners; Fieldhouse Development, Inc., Back 9 Development Inc. and PMG Properties, LLC

ADDRESS: 4201 Suite B, Anderson Avenue, Manhattan, KS 66503;

OWNERS/ ADDRESS: Fieldhouse Development, Inc. – Zac Burton
3120 Seth Child Road, Manhattan, KS 66503

Back 9 Development Inc. - Thomas L. Vilkanskas Jr.
1216 S. Mill Point Circle, Manhattan, KS 66503

PMG Properties, LLC - Thomas L. Vilkanskas Jr.
1216 S. Mill Point Circle, Manhattan, KS 66503

LEGAL DESCRIPTION: Generally a tract of land in Lots 63 thru 68 and Lots 70 - 76, Grand Mere Addition, Unit Three and parts of the Colbert Hills Drive and Grand Crest Circle right-of-way (*see attached legal description for full details*). For the purposes of the request, the subject site shall be referred to as Tract 2. (Tract 1 will refer to a request to rezone an area to R-1, Single-Family Residential District. Tract 3 will refer to a rezoning request for an area to C-2, Neighborhood Shopping District).

LOCATION: Generally located on the west side of Vanesta Drive and approximately 750 feet west of the intersection of Little Kitten Avenue and Vanesta Drive or approximately 650 feet north of the intersection of Vanesta Place and Vanesta Drive.

AREA: 8.75 acres

DATE OF NEIGHBORHOOD MEETING: October 3, 2013

DATE OF PUBLIC NOTICE PUBLICATION: October 28, 2013

DATE OF PUBLIC HEARING: PLANNING BOARD: December 2, 2013
CITY COMMISSION: December 17, 2013

(The item was tabled to the December 2, 2013 Manhattan Urban Area Planning Board meeting at the November 18th meeting)

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Vacant, platted lots and road right-of-way in Grand Mere Addition, Unit Three. The applicant is also proposing to rezone other parts of Grand Mere Addition, Unit Three to R-1, Single-Family Residential District (Tract 1) and C-2, Neighborhood Shopping District (Tract 3) (*see staff reports for details*) and replat the entire area to be known as the Interlachen Addition (*see staff memorandum for details*).

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The subject site is an irregular shaped lot bound to the north, west and south by the Colbert Hills Golf Course and to the east by Vanesta Drive. The site is currently range land with native grass cover. The site drains towards the southeast.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Colbert Hills Golf Course, and undeveloped land (future Grand Mere villas, single-family dwellings); R-S, Single-Family Residential Suburban District and County R-PUD, Residential Planned Unit Development

SOUTH: Colbert Hills Golf Course; R-S District and County R-PUD

EAST: Vanesta Drive, Homecare and Hospice House, vacant tract, single-family homes in various stages of development; R, Single-Family Residential District and R-2 Two-Family Residential District

WEST: Colbert Hills Golf Course; R-S District and County R-PUD

4. GENERAL NEIGHBORHOOD CHARACTER: Currently, the general character of the neighborhood is a mix of low density residential and golf course uses under various stages of development. To the north, south and west are properties within the Grand Mere Master Planned Golf Course Community. To the east are single-family homes that are not associated with Grand Mere.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The entire site (Tracts 1, 2 & 3) were annexed and rezoned to R, Single-Family Residential District in November, 2000. The entire site was then preliminary platted in September, 2008 and a

Final Plat for twenty-three (23) single-family lots and one (1) tract was approved in November, 2008. The Tract 2 is suitable under its current zoning district of R, Single-Family Residential District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The current zoning district is R, Single-Family Residential District, which allows for single-family detached dwelling on a minimum lot area of 10,000 square feet.

The applicant has proposed to replat Grand Mere Addition, Unit Three to be known as Interlachen Addition. The replat will redesign the layout of the lots and street rights away. The proposed rezoning to R-3, Multiple-Family Residential District will occur in the center of the replatted subdivision on Lots 9-11 and Lots 19-23. The perimeter of the subdivision will be R-1, Single-Family Residential (Lots 1-7, Lots 12- 18, and Lots 24 - 31) and C-2 Commercial Shopping District (Lot 8).

The proposed rezoning to R-3 District permits single-family detached, single-family attached and multiple-family residential uses and other types of residential uses. The minimum lot area for multiple-family dwelling is 1,000 square feet per family, but not less than 6,000 square feet in area. Details of the District's requirements can be found in the attached Zoning Regulations (*See attached*). The proposed lots of the Final Plat of Interlachen Addition that are to be rezoned to R-3 District range in lot area from 23,890 square feet to 62,748 square feet. The application documents states that this area will be developed with multiple-family attached dwelling, designed as 3-5 unit single-family townhomes with attached garages

The R-3 District area will be surrounded by single-family detached housing. This development pattern will create a reduction in density as it approaches the Colbert Hills Golf Course and existing residential uses to the west. In addition, the multiple-family townhomes will be on the east side of a significant ridgeline. The existing single-family uses in the area are to the west of the ridge. The proposed uses of the rezoning site generally will be naturally screened and unseen by the Grand Mere Development to the west. The properties to the east of the rezoning area are separated by over 500 feet of distance and naturally screened by heavily wooded areas along Little Kitten Creek.

The area will also be required to conform to the Grand Mere architectural guidelines and design standards. A private design review committee is responsible for enforcement of the Grande Mere guidelines and standards (*see policy statement below under Comprehensive Plan, part III.*) The guidelines and standards are private and are not part of the rezoning. The policy statements are mentioned because they are part of the Grand Mere Community Master Plan policies, which was adopted as a part of the Manhattan Urban Area Comprehensive Plan.

As required by the rezoning application process, a neighborhood meeting was conducted by the applicant on October 3, 2013. The meeting summary stated that one (1) person was in attendance and “did not have any specific questions and was more interested in the general layout of the area.”

The proposed rezoning for the area from R District to R-3 District will be compatible with nearby properties and should not have any detrimental effects on these nearby properties.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

THE ENTIRE SITE IS SHOWN ON THE FUTURE LAND USE MAP AS A COMBINATION OF RESIDENTIAL LOW/ MEDIUM (RLM) AND RESIDENTIAL MEDIUM/HIGH (RMH). THE APPROXIMATE SOUTHERN 2/3 (APPROXIMATELY 17 ACRES) OF THE PROPOSED PRELIMINARY PLAT IS DESIGNATED RLM, WITH THE NORTHERN 1/3 (APPROXIMATELY 10 ACRES) DESIGNATED AS RMH. THE APPLICABLE LAND USE POLICIES FOUND IN THE COMPREHENSIVE PLAN ARE BELOW.

RLM policies include:

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

RLM 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.

RMH policies include:

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

RMH 2: Appropriate Density Range

Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.

RMH 3: Location

Residential Medium/High Density neighborhoods should be located close to arterial streets and be bounded by collector streets where possible, with a direct connection to work, shopping, and leisure activities.

RMH 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged.

The Grand Mere Community Master Plan was originally adopted in April 2000, and is included as a specific Land Use Element of the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the site. The Grand Mere Master Plan map designates the southern portion of the entire site as Single-Family #13 (RLM) and the northern portion as Townhome #4 (RMH) on the site. The Master Plan map shows the Townhome location has an area of nine (9.0) acres. The area to be rezoned to R-3 District is roughly the same size. The applicable policies of the Grand Mere Community Master Plan are as followed:

Grand Mere, a Master Planned Golf Course Community

B. PROJECT INTENT

The overall Land Use Amendment is intended to create a community designed within a park. By responding to the natural terrain, preserving natural corridors, protecting the slopes and riparian environment, a harmonious relationship with the land can be created for the community.

Grand Mere is envisioned as an upscale residential community, with the University's Colbert Hills Golf Course and preserved open space interwoven throughout the development. The community is made up of individual neighborhoods defined by open space features, topography, connection to the Grand Mere Parkway, and the golf course. A strong joint effort has integrated the golf course design (Colbert Hills) and the overall community design (Grand Mere Development). The interconnectivity of automobile circulation, pedestrian/bicycles, and open space, as well as residential neighborhood placement and overall community utility location, has created a well integrated community with both future residences and community recreation as the main focus. Flexibility is built into the land use plan to allow the development to respond to market demand.

Specific types of residential product may subtly change in the future due to market demand as the development pattern becomes clearer and as the community matures. The community will offer a high level of design quality, architectural variety, and a wide range of housing types to address the potential markets appropriate for an upscale development.

5 KEY DESIGN CONCEPTS

1. Create a high quality residential community

Create a community of villages, residential neighborhoods, and neighborhood commercial areas centered along the projects' spine, Grand Mere Parkway. Through the use of architectural design guidelines and development reviews the quality of building construction will be maintained at the highest level.

2. Integrate the Natural Environment

Preserve the natural slopes and open space features. Provide a visual connection to the natural beauty of the development: the golf course in the valleys, the long vistas/views, and the prairie environment.

3. Offer a Variety of Residential Living

Offer a wide range of residential products and lot types to address the market demands of the well informed and upscale consumer. An integrated community of many housing types will help to provide an interesting streetscape, a quality neighborhood texture, and a sustainable development.

4. Create a Pedestrian/Bicycle System

*Provide pedestrian/bicycle connections throughout the development, following the Grand Mere Parkway, open space corridors and the linear park connections provided as part of the Master Plan along Little Kitten Creek and the continuation of the Hudson trail.
Grand Mere Community Overall Development Plan*

5. Establish a ‘heart’ to the community

Provide a central community feature for the residents of Grand Mere. Utilizing the golf clubhouse access as a link between the east and west parts of the property, a private community recreation complex would be provided at the intersection of Grand Mere Parkway and Colbert Hills Drive. This central location along the bike trail and pedestrian sidewalk connections to all the neighborhoods would provide an accessible ‘recreational heart’ for the community.

III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY

Grand Mere is proposed as a Master Planned Community consisting of a wide range of residential housing types and densities and will be utilizing both Planned Unit Development and Conventional Zoning Development standards based on specific sites and development types.

The overall Grand Mere Project consists of 1,054 (estimated) acres, including the Colbert Hills Golf Course. Rather than dispersing development throughout the entire property, the project purposes to “concentrate” neighborhood development within residential and commercial villages on approximately 543 acres preserving almost 50% of the land as natural open space or golf course. This concept, while proposing a variety of home types and densities, provides large natural open spaces, golf course amenity for the general public, and peripheral residential villages as large lot or low density residential products that create an overall density (1.5 du/ac) for the site, consistent with the surrounding neighborhoods. All housing types shall belong to the Master Homes Association, which will be responsible for enforcing the covenants and restrictions, and maintaining the common grounds.

Attachment No. 6

Within the community, residential neighborhoods are supported by neighborhood commercial services, which provide a focus and entry element for the development. These neighborhood office and retail villages are envisioned as community services located at the development entries along the Little Kitten Creek entry and Kimball Ave. and the future northern entry on Marlatt.

Throughout the plan, connecting open space systems, sidewalks and bike trails provide pedestrian connections between residential neighborhoods, public amenities and the neighborhood services. These are planned connections to occur in a variety of types and locations. As each phase of development is planned in detail, the specific pedestrian connections will be part of each village plat and relate back to the overall Circulation Parks & Open Space Plan.

Grand Mere Community Architectural Guidelines and Design Standards will provide for the review and approval of all site and building plans for the Grand Mere property. The Design Review Committee of Grand Mere will be responsible for enforcement of these guidelines and standards. The Developer believes that careful planning and enforcement of design and development standards will ensure orderly, attractive, and lasting development, all of which will preserve and enhance the value of the community.

A. Residential Neighborhoods

The planning concept proposes a wide range of residential uses, with densities ranging from 1 to 20 dwelling units per acre (du/ac) within individual parcels. Generally, individual neighborhoods are envisioned as small enclaves in order to promote a mix of different product types, create intimate neighborhoods, and to build a strong community image from the project's onset. The key to a sustainable successful development is quality design and construction, and a variety of housing price points to attract a wide spectrum of residential consumers. Higher density residential, as well as small lot single-family opportunities are integrated into the community along Grand Mere Parkway, rather than isolated or located along the site's edges. While building a stronger new community, this concept also reduces impact on existing adjacent neighborhoods by focusing the traffic and circulation internally.

Residential Types:

Single Family (RLM)

The 273.4 acres of single family proposed for Grand Mere represents 50% of the total proposed residential acreage. The detached single family products will range in size and density. The villages of single family will be developed as parcels and each will be controlled to maximize views, walkouts, and architectural design quality. The Grand Mere Architectural Review Committee will provide design review of the homes and general site development guidance. Each single family village will be signed and themed as a unique part to the overall Grand Mere development and developed as the market demands. Each parcel will provide internal open space, storm drainage controls, and pedestrian linkages between the villages in addition to the designated Grand Mere Circulation Park & Open Space Plan.

Townhomes (RMH)

The townhomes proposed for Grand Mere are located along the parkway or the golf course for direct access to the recreation center, open space, and bike trail systems. These homes would offer a two and three bedroom configuration in groups of two to six homes per buildings, depending on site conditions and planning. The homes association would provide maintenance for the common areas within the neighborhood. The architecture would be designed to provide an overall theme and consistent material quality throughout the neighborhood. Attached garages and individual entries for each home would be provided. Depending on the market demands an amenity center might be planned for the various townhome parcels.

C. Streets and Circulation System

Residential streets within Grand Mere are envisioned as a key element of “neighborhood quality,” offering a place to walk and play, as well as to drive and park. The streetscape in and along the roads will reflect the quality of the community through the use of signage monumentation and landscaping depending on the location and natural conditions of the space providing strong visual “cues” to better orient drivers to their locations and destinations.

When utilizing the approved Manhattan street system standards the hierarchy, street-widths, design speeds, and travel/parking lanes are consistent and will not compromise auto on-street parking, or bike and pedestrian access. The street layout will frame important views and vistas, including buildings, golf course, and natural features. On-street parking is available on all local streets.

The Master Planned Community will be accessed from Kimball Avenue and Marlatt Avenue. Additional access points into the Community from surrounding residential streets are shown on the Master Plan.

D. Pedestrian and Bicycle Circulation System

Connectivity with the City of Manhattan Linear Park Master Plan is our main focus for the overall trails system. A comprehensive pedestrian and bicycle system is proposed for the community to provide access to individual neighborhoods, the Club Facility and Hotel site, commercial services, and open space amenities~ Elements include both off-street and on street bike paths, natural unimproved trails, and a 17.2 acre linear park along Little Kitten Creek. An easement shall be provided for the extension of the Hudson trail northward, along the east property line to northeast corner section 3-10-7. All trail/path systems will be site- specifically designed at the time of construction. Each will be reviewed on a site-by-site basis to ensure sensitive placement and minimum disturbance. This will be coordinated with the Park & Recreation Board and the Parks and Recreation Department.

G. Golf Course Development

The Grand Mere development drainage and detention system shall be designed to work in concert with the golf course drainage and detention system. The course was designed to meet the environmental goals of the Audubon International Signature Status Program.

Bike Paths, Trails and Sidewalks

Bike paths, trails and sidewalks are provided along the internal streets and open spaces to provide internal connections between the villages where possible. See the Circulation Parks & Open Space Plan

THE DESIGNATION OF THE SITE ON THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IS SIMILAR TO THE GRAND MERE COMMUNITY MASTER PLAN, CREATED IN 2000. THE MASTER PLAN SHOWS THE NORTHERN 1/3 OF THE ENTIRE SITE TO BE DEVELOPED AS TOWNHOMES AND THE REMAINING PORTION TO BE DEVELOPED AS SINGLE-FAMILY HOUSES. HOWEVER, WHEN THE AREA WAS ANNEXED INTO THE CITY, IT WAS ZONED R, SINGLE-FAMILY RESIDENTIAL DISTRICT.

TRACT 2 OF THE PROPOSED FINAL PLAT OF INTERLACHEN ADDITION, THAT IS TO BE REZONED TO R-3 DISTRICT, HAS A NET DENSITY OF 4.42 DWELLING UNITS PER NET ACRE. The entire residential portion of the proposed subdivision (Tracts 1 & 2) has a combined net density of 2.86 dwelling units per net acre (*See R-3 District Rezoning Staff Report for details of that request*). Tract 3 has an area that totals of 4.02 acres of land (*See C-2 District Rezoning Staff Report for details of that request*).

THE PROPOSED REZONING OF TRACT 2 FROM R DISTRICT TO R-3 DISTRICT CONFORMS TO THE COMPREHENSIVE PLAN. THE AREA WAS ZONED R DISTRICT WITH THE INTENT TO REZONE PORTIONS OF THE TRACT OF LAND APPROPRIATELY IN RESPONSE TO MARKET DEMAND FOR RESIDENTIAL USES.

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

August 7, 1997	Board of County Commissioners approved Preliminary Development Plan of The Wildcat (<i>Grand Mere</i>) and Colbert Hills R-PUD.
August 14, 1997	Board of County Commissioners approved Final Development Plan.
April 6, 1998	Manhattan Urban Area Planning Board recommended approval of annexation.
April 21, 1998	City Commission approved first reading of annexation.
June 1, 1998	Manhattan Urban Area Planning Board recommended approval of rezoning to R District.
June 16, 1998	City Commission approved first reading of rezoning Tract II of Grand Mere to R District.
September 3, 2008	Manhattan Urban Area Planning Board approves Preliminary Plat of Grand Mere Addition Unit Three.
November 17, 2008	Manhattan Urban Area Planning Board approves Final Plat of Grand Mere Addition Unit Three.
December 2, 2008	City Commission accepts rights-of-ways and easements as shown on the Final Plat of Grand Mere Addition, Unit Three.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Manhattan 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 proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations because the proposed lot sizes conform to the minimum requirements of the R-3 District. The R-3 District is designed to provide for multiple-family development at a density no greater than one (1) dwelling unit per 1,000 square feet. Tract 3 of the Interlachen Addition consists of lots, which range from approximately 23,890 square feet to 62,748 square feet. Seven of the eight (8) lots are to have 5-unit townhomes are proposed for each lot. The eighth lot will have a 3-unit townhome on it. The density range for the lots is approximately 7,900 square feet to 12,500 square feet per dwelling unit.

In addition, the proposed Final Plat of the Interlachen Addition, which is a replat of Grand Mere Addition, Unit Three, dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision 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 of the rezoning of the subject site would accomplish. No expected adverse affects on the public health, safety and welfare as a result of the rezoning. A separate application was submitted for approval of a Final Plat of Interlachen Addition, which is a replat of Grand Mere Addition, Unit Three. The replat will conform to the proposed rezoning request. It may be a hardship upon the owner if the rezoning is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve Tract 2.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Tract 2 from R, Single-Family Residential District to R-3, Multiple-Family Residential District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Tract 2 from R, Single-Family Residential District to R-3, Multiple-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Tract 2 from R, Single-Family Residential District to R-3, Multiple-Family Residential District, based on the findings in the Staff Report, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Planner II

DATE: November 19, 2013

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R, Single-Family Residential District

TO: C-2, Neighborhood Shopping District

APPLICANT: SMH Consultants – Jeff Hancock on behalf of the owners; Fieldhouse Development, Inc., Back 9 Development Inc. and PMG Properties, LLC

ADDRESS: 4201 Suite B, Anderson Avenue, Manhattan, KS 66503;

OWNERS/ ADDRESS: Fieldhouse Development, Inc. – Zac Burton
3120 Seth Child Road, Manhattan, KS 66503

Back 9 Development Inc. - Thomas L. Vilkanskas Jr.
1216 S. Mill Point Circle, Manhattan, KS 66503

PMG Properties, LLC - Thomas L. Vilkanskas Jr.
1216 S. Mill Point Circle, Manhattan, KS 66503

LEGAL DESCRIPTION: Generally a tract of land in Lots 55, and Lots 75-77, Grand Mere Addition, Unit Three and parts of the Grand Crest Circle right-of-way (*see attached legal description for full details*). For the purposes of the request, the subject site shall be referred to as Tract 3. (Tract 1 will refer to a request to rezone an area to R-1, Single-Family Residential District. Tract 2 will refer to a rezoning request for an area to R-3, Multiple-Family Residential District).

LOCATION: Generally located on the west side of Vanesta Drive and approximately 750 feet west of the intersection of Little Kitten Avenue and Vanesta Drive or approximately 650 feet north of the intersection of Vanesta Place and Vanesta Drive.

AREA: 4.02 acres

DATE OF NEIGHBORHOOD MEETING: October 3, 2013

DATE OF PUBLIC NOTICE PUBLICATION: October 28, 2013

DATE OF PUBLIC HEARING: PLANNING BOARD: December 2, 2013
CITY COMMISSION: December 17, 2013

(The item was tabled to the December 2, 2013 Manhattan Urban Area Planning Board meeting at the November 18th meeting)

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Vacant, platted lots and road right-of-way in Grand Mere Addition, Unit Three. The applicant is also proposing to rezone other parts of Grand Mere Addition, Unit Three to R-1, Single-Family Residential District (Tract 1) and R-3, Multiple-Family Residential District (Tract 2) (*see staff reports for details*) and replat the entire area to be known as the Interlachen Addition (*see staff memorandum for details*).

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The subject site is an irregular shaped lot bound to the north, west and south by the Colbert Hills Golf Course and to the east by Vanesta Drive. The site is currently range land with native grass cover. The site drains towards the southeast.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Colbert Hills Golf Course, and undeveloped land (future Grand Mere villas, single-family dwellings); R-S, Single-Family Residential Suburban District and County R-PUD, Residential Planned Unit Development

SOUTH: Colbert Hills Golf Course; R-S District and County R-PUD

EAST: Vanesta Drive, Homecare and Hospice House, vacant tract, single-family homes in various stages of development; R, Single-Family Residential District and R-2 Two-Family Residential District

WEST: Colbert Hills Golf Course; R-S District and County R-PUD

4. GENERAL NEIGHBORHOOD CHARACTER: Currently, the general character of the neighborhood is a mix of low density residential and golf course uses under various stages of development. To the north, south and west are properties within the Grand Mere Master Planned Golf Course Community. To the east are single-family homes that are not associated with Grand Mere.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The entire site (Tracts 1, 2 & 3) were annexed and rezoned to R, Single-Family Residential District in November, 2000. The entire site was then preliminary platted in September, 2008 and a

Final Plat for twenty-three (23) single-family lots and one (1) tract was approved in November, 2008. Tract 3 is suitable under its current zoning district of R, Single-Family Residential District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The current zoning district is R, Single-Family Residential District, which allows for single-family detached dwelling on a minimum lot area of 10,000 square feet.

The applicant has proposed to replat Grand Mere Addition, Unit Three to be known as Interlachen Addition. The replat will redesign the layout of the lots and street rights-of-way. The proposed rezoning to C-2, Neighborhood Shopping District will occur on the east side of the replatted subdivision along the west side of Vanesta Drive on Lot 8. The perimeter of the subdivision on the west and north sides will be R-1, Single-Family Residential (Lots 1-7, 12 - 18 and Lots 24- 31). The center of the proposed subdivision will be R-3, Multiple-Family Residential District (Lots 9 – 11 and Lots 19 – 23).

The C-2 District is designed to provide for a wide range of neighborhood commercial uses, including retail, restaurant and drinking establishments, and business and professional offices to serve one (1) or more residential neighborhoods.

The proposed rezoning of Tract 3 from R District, to C-2 District will increase noise, light and traffic. However, the proposed district should have minimal adverse impacts on existing and proposed developments on nearby properties. Tract 3 is to the east of a significant ridge that separates the proposed R-1 District area to the west from Tract 3. Proposed Society Circle is to be generally placed on the ridge line and the single-family homes accessed off of that new street will be below and west of the ridge that separates the two (2) areas. The ridge will effectively separate and screen the two (2) areas from each other. The single-family homes along proposed Fieldhouse Circle to the north will be separated by over 400 feet of distance as well as from a similar ridgeline on the northern portion of the subject site.

The properties to farther to the east along Vanesta Drive and Little Kitten Drive are effectively screened from the development by distance and dense trees along Little Kitten Creek. These properties are also over 400 feet from Tract 3. The property to the immediate east of the subject site is Tract B of the Grand Mere Village PUD. This is a platted tract reserved for the trail system in the development and open space along Little Kitten Creek.

The properties most likely to be impacted by the proposed commercial area will be the proposed townhomes immediately to the north that are to be along Colbert Hills Drive. The C-2 District requires that sight obscuring screening of no less than six (6) feet in

height be installed along the entire length of all property lines that abut a residential district. Screening of the Commercial District will be required on the north and west side of proposed Lot 8.

The area will also be required to conform to the Grand Mere architectural guidelines and design standards. A private design review committee is responsible for enforcement of the Grande Mere guidelines and standards (*see policy statement below under Comprehensive Plan, part III.*) The guidelines and standards are private and are not part of the rezoning. The policy statements are mentioned because they are part of the Grand Mere Master Community Master Plan policies, which was adopted as a part of the Manhattan Urban Area Comprehensive Plan.

As required by the rezoning application process, a neighborhood meeting was conducted by the applicant on October 3, 2013. The meeting summary stated that one (1) person was in attendance and “did not have any specific questions and was more interested in the general layout of the area.”

Due to the general terrain of the subject site and surrounding area, distance between the commercial area and existing residential developments, and the design and screening requirements, the proposed rezoning for Tract 3 from R District to C-2 District will be compatible with nearby properties and should not have any detrimental effects on these nearby properties.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

THE ENTIRE SITE IS SHOWN ON THE FUTURE LAND USE MAP AS A COMBINATION OF RESIDENTIAL LOW/ MEDIUM (RLM) AND RESIDENTIAL MEDIUM/HIGH (RMH). THE APPROXIMATE SOUTHERN 2/3 (APPROXIMATELY 17 ACRES) OF THE PROPOSED PRELIMINARY PLAT IS DESIGNATED RLM, WITH THE NORTHERN 1/3 (APPROXIMATELY 10 ACRES) DESIGNATED AS RMH. IN ADDITION, THE AREA DIRECTLY EAST OF THE TRACT 3 PORTION OF THE PROPOSED REZONING IS IDENTIFIED AS OFFICE/RESEARCH PARK (OFF/RP) IN THE COMPREHENSIVE PLAN AND AS OFFICE IN THE GRAND MERE COMMUNITY MASTER PLAN. THE APPLICABLE LAND USE POLICIES FOUND IN THE COMPREHENSIVE PLAN ARE BELOW.

RLM policies include:

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform

with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

RLM 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.

RMH policies include:

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

RMH 2: Appropriate Density Range

Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.

RMH 3: Location

Residential Medium/High Density neighborhoods should be located close to arterial streets and be bounded by collector streets where possible, with a direct connection to work, shopping, and leisure activities.

RMH 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged.

THE PROPOSED REZONING WOULD BE SIMILAR TO THE NEIGHBORHOOD COMMERCIAL CENTER (NCC) CATEGORY. THE LAND USE POLICIES FOR THIS DESIGNATION INCLUDE:

NCC 1: CHARACTERISTICS

NEIGHBORHOOD COMMERCIAL CENTERS ARE INTENDED TO PROVIDE A RANGE OF SERVICES, INCLUDING SUPERMARKETS, RESTAURANTS, MOVIE RENTALS, DRYCLEANERS, DRUGSTORES, FILLING STATIONS, SMALLER SPECIALTY SHOPS, RETAIL AND HEALTH SERVICES AND BUSINESS AND PROFESSIONAL OFFICES, FOR RESIDENTIAL AREAS. NEIGHBORHOOD CENTERS WILL VARY IN SCALE AND CHARACTER. SMALLER, LIMITED USE CENTERS MAY BE FULLY INTEGRATED INTO THE SURROUNDING NEIGHBORHOOD AND BE ACCESSED PRIMARILY BY PEDESTRIAN OR BICYCLE; WHILE LARGER CENTERS WILL FUNCTION MORE INDEPENDENTLY, PROVIDING AMPLE PARKING AND NUMEROUS STORES. MIXED-USE NEIGHBORHOOD CENTERS THAT ALSO INCORPORATE RESIDENTIAL USES ARE APPROPRIATE IN A MASTER PLANNED SETTING. NEIGHBORHOOD CENTERS OFTEN SERVE MORE THAN ONE NEARBY NEIGHBORHOOD IN ORDER TO MAINTAIN SUFFICIENT ECONOMY OF SCALE.

NCC 2: LOCATION

NEIGHBORHOOD CENTERS SHOULD GENERALLY BE LOCATED AT THE INTERSECTION OF ARTERIAL AND COLLECTOR STREETS. HOWEVER, SMALLER CENTERS WITH LIMITED USES MAY BE APPROPRIATE WITHIN A RESIDENTIAL AREA AT THE INTERSECTION OF TWO COLLECTOR STREETS, OR AT THE INTERSECTION OF A COLLECTOR AND A LOCAL STREET, PROVIDED THEY ARE DESIGNED TO BE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD AND MEET A MINIMUM LEVEL OF DESIGN CRITERIA.

NCC 3: SIZE

NEIGHBORHOOD CENTERS TYPICALLY REQUIRE A SITE OF APPROXIMATELY 10 ACRES, BUT MAY VARY, RANGING FROM AS SMALL AS 1-3 ACRES TO AS LARGE AS 15-20 ACRES DEPENDING ON THE SIZE OF ITS SERVICE AREA AND THE EXTENT OF ITS MIXED-USE CHARACTERISTICS.

NCC 4: ARCHITECTURAL CHARACTER

NEIGHBORHOOD CENTERS SHALL BE DESIGNED TO BE COMPATIBLE WITH AND SENSITIVE TO SURROUNDING RESIDENCES. BUILDING MATERIALS AND ARCHITECTURAL DETAILING SHOULD BE COMPATIBLE WITH AND REFLECT THE CHARACTER OF THE SURROUNDING NEIGHBORHOOD. BUILDING HEIGHTS AND SCALE SHOULD BE SIMILAR TO SURROUNDING RESIDENCES.

NCC 5: CIRCULATION AND ACCESS

MAIN ENTRANCES AND DRIVEWAYS SHOULD BE INTEGRATED WITH THE SURROUNDING STREET NETWORK TO PROVIDE CLEAR CONNECTIONS BETWEEN USES FOR VEHICLES, PEDESTRIANS, AND BICYCLES. CLEAR, DIRECT PEDESTRIAN CONNECTIONS SHALL BE PROVIDED BETWEEN USES WITHIN THE CENTER AND TO THE SURROUNDING NEIGHBORHOOD.

NCC 6: PARKING LOCATION AND DESIGN

LARGE, UNINTERRUPTED EXPANSES OF PARKING SHOULD BE AVOIDED. PARKING AREAS SHALL BE DIVIDED INTO SMALLER “BLOCKS” BY LANDSCAPING AND WALKWAYS. TO THE EXTENT POSSIBLE, PARKING BLOCKS SHALL BE DISTRIBUTED BETWEEN THE FRONT AND SIDES OF BUILDINGS, OR THE FRONT AND REAR, RATHER THAN PLACED SOLELY IN FRONT OF BUILDING.

NCC 7: TRANSITIONS BETWEEN USES

ATTRACTIVE TRANSITIONS SHOULD BE PROVIDED BETWEEN THE CENTER AND SURROUNDING RESIDENCES, WHILE NOT LIMITING ACCESS BETWEEN THE CENTER AND THE NEIGHBORHOOD FOR ALL MODES OF TRAVEL. TRANSITIONS CAN BE ACCOMPLISHED BY STEPPING DOWN THE HEIGHT OF TALLER STRUCTURES TO MEET RESIDENCES, PROVIDING LANDSCAPE BUFFERS OR SCREENING, OR SIMILAR MEANS. USE CREATIVE DESIGN TO AVOID SIMPLY “WALLING” OFF RESIDENTIAL AREAS FROM NEIGHBORHOOD CENTERS.

The Grand Mere Community Master Plan was originally adopted in April 2000, and is included as a specific Land Use Element of the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the site. The Grand Mere Master Plan map designates the southern portion of the entire site as Single-Family #13 (RLM) and the northern portion as Townhome #4 (RMH) on the site. Although the Grand Mere Master Plan does not show a commercial use on the subject site, the area to the immediate east, Tract B of the Grand Mere Village PUD is designated as Office (OFF). That area has been determined to be unusable space because of the various utility and pedestrian easements on the tract. These easements make the 3.45 acre Tract

B, Grand Mere Village PUD virtually undevelopable. The area to be rezoned is 4.02 acres, nearly the same size. The applicable policies of the Grand Mere Community Master Plan are as followed:

Grand Mere, a Master Planned Golf Course Community

B. PROJECT INTENT

The overall Land Use Amendment is intended to create a community designed within a park. By responding to the natural terrain, preserving natural corridors, protecting the slopes and riparian environment, a harmonious relationship with the land can be created for the community.

Grand Mere is envisioned as an upscale residential community, with the University's Colbert Hills Golf Course and preserved open space interwoven throughout the development. The community is made up of individual neighborhoods defined by open space features, topography, connection to the Grand Mere Parkway, and the golf course. A strong joint effort has integrated the golf course design (Colbert Hills) and the overall community design (Grand Mere Development). The interconnectivity of automobile circulation, pedestrian/bicycles, and open space, as well as residential neighborhood placement and overall community utility location, has created a well integrated community with both future residences and community recreation as the main focus. Flexibility is built into the land use plan to allow the development to respond to market demand.

Specific types of residential product may subtly change in the future due to market demand as the development pattern becomes clearer and as the community matures. The community will offer a high level of design quality, architectural variety, and a wide range of housing types to address the potential markets appropriate for an upscale development.

5 KEY DESIGN CONCEPTS

1. Create a high quality residential community

Create a community of villages, residential neighborhoods, and neighborhood commercial areas centered along the projects' spine, Grand Mere Parkway. Through the use of architectural design guidelines and development reviews the quality of building construction will be maintained at the highest level.

2. Integrate the Natural Environment

Preserve the natural slopes and open space features. Provide a visual connection to the natural beauty of the development: the golf course in the valleys, the long vistas/views, and the prairie environment.

3. Offer a Variety of Residential Living

Offer a wide range of residential products and lot types to address the market demands of the well informed and upscale consumer. An integrated community of many housing types will help to provide an interesting streetscape, a quality neighborhood texture, and a sustainable development.

4. Create a Pedestrian/Bicycle System

*Provide pedestrian/bicycle connections throughout the development, following the Grand Mere Parkway, open space corridors and the linear park connections provided as part of the Master Plan along Little Kitten Creek and the continuation of the Hudson trail.
Grand Mere Community Overall Development Plan*

5. Establish a 'heart' to the community

Provide a central community feature for the residents of Grand Mere. Utilizing the golf clubhouse access as a link between the east and west parts of the property, a private community recreation complex would be provided at the intersection of Grand Mere Parkway and Colbert Hills Drive. This central location along the bike trail and pedestrian sidewalk connections to all the neighborhoods would provide an accessible 'recreational heart' for the community.

III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY

Grand Mere is proposed as a Master Planned Community consisting of a wide range of residential housing types and densities and will be utilizing both Planned Unit Development and Conventional Zoning Development standards based on specific sites and development types.

The overall Grand Mere Project consists of 1,054 (estimated) acres, including the Colbert Hills Golf Course. Rather than dispersing development throughout the entire property, the project purposes to "concentrate" neighborhood development within residential and commercial villages on approximately 543 acres preserving almost 50% of the land as natural open space or golf course. This concept, while proposing a variety of home types and densities, provides large natural open spaces, golf course amenity for the general

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public, and peripheral residential villages as large lot or low density residential products that create an overall density (1.5 du/ac) for the site, consistent with the surrounding neighborhoods. All housing types shall belong to the Master Homes Association, which will be responsible for enforcing the covenants and restrictions, and maintaining the common grounds.

Within the community, residential neighborhoods are supported by neighborhood commercial services, which provide a focus and entry element for the development. These neighborhood office and retail villages are envisioned as community services located at the development entries along the Little Kitten Creek entry and Kimball Ave. and the future northern entry on Marlatt.

Throughout the plan, connecting open space systems, sidewalks and bike trails provide pedestrian connections between residential neighborhoods, public amenities and the neighborhood services. These are planned connections to occur in a variety of types and locations. As each phase of development is planned in detail, the specific pedestrian connections will be part of each village plat and relate back to the overall Circulation Parks & Open Space Plan.

Grand Mere Community Architectural Guidelines and Design Standards will provide for the review and approval of all site and building plans for the Grand Mere property. The Design Review Committee of Grand Mere will be responsible for enforcement of these guidelines and standards. The Developer believes that careful planning and enforcement of design and development standards will ensure orderly, attractive, and lasting development, all of which will preserve and enhance the value of the community.

A. Residential Neighborhoods

The planning concept proposes a wide range of residential uses, with densities ranging from 1 to 20 dwelling units per acre (du/ac) within individual parcels. Generally, individual neighborhoods are envisioned as small enclaves in order to promote a mix of different product types, create intimate neighborhoods, and to build a strong community image from the project's onset. The key to a sustainable successful development is quality design and construction, and a variety of housing price points to attract a wide spectrum of residential consumers. Higher density residential, as well as small lot single-family opportunities are integrated into the community along Grand Mere Parkway, rather than isolated or located along the site's edges. While building a stronger new community, this concept also reduces impact on existing adjacent neighborhoods by focusing the traffic and circulation internally.

Residential Types:

Single Family (RLM)

The 273.4 acres of single family proposed for Grand Mere represents 50% of the total proposed residential acreage. The detached single family products will range in size and density. The villages of single family will be developed as parcels and each will be controlled to maximize views, walkouts, and architectural design quality. The Grand Mere Architectural Review Committee will provide design review of the homes and general site development guidance. Each single family village will be signed and themed as a unique part to the overall Grand Mere development and developed as the market demands. Each parcel will provide internal open space, storm drainage controls, and pedestrian linkages between the villages in addition to the designated Grand Mere Circulation Park & Open Space Plan.

Townhomes (RMH)

The townhomes proposed for Grand Mere are located along the parkway or the golf course for direct access to the recreation center, open space, and bike trail systems. These homes would offer a two and three bedroom configuration in groups of two to six homes per buildings, depending on site conditions and planning. The homes association would provide maintenance for the common areas within the neighborhood. The architecture would be designed to provide an overall theme and consistent material quality throughout the neighborhood. Attached garages and individual entries for each home would be provided. Depending on the market demands an amenity center might be planned for the various townhome parcels.

Neighborhood Retail/Commercial, Office and Residential Areas

The Community Master Plan proposes a 21.3 acre neighborhood commercial center along Kimball Avenue near the entry to the community. The intent of this commercial 'village' is to provide a rural town setting with a traditional village square public gathering space enframed by 2 story buildings with residential over retail. The street scene would depict on street parking and minimize the large expanses of asphalt parking. In preliminary discussions with the Manhattan Fire Department the public building, traditionally the center piece in the rural town square, would be a Fire Station. This location would provide restaurant, retail, commercial, and office services conveniently assessable to residents in other nearby neighborhoods. Potential commercial uses would follow the C-2 Neighborhood Shopping District classification.

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The 4.4 acre northern neighborhood commercial area would provide neighborhood services to the future residents and villages of Grand Mere. The building would be 1-story in character in keeping with the Grand Mere design guidelines.

Two (2) parcels for corporate offices are located along the east property line near the Little Kitten Creek (8.3 acres) and in the northern part of the development at the future Marlatt entry (13.5 acres). All uses and architecture would follow the Grand Mere Community Architectural Guidelines and are subject to the review by Grand Mere Architectural Review Committee. The intent is to provide 1 and 2 story buildings along Little Kitten Creek and 2 to 3 story buildings laid into the slopes below the ridges on the northern parcel. Parking would be provided in small masses with existing trees and landscaping to buffer and screen views from adjacent roads and homes.

Architectural Treatment

Commercial and office structures shall have similar quality elevation treatments on all building sides. Service and loading areas must be enclosed with architectural treatment and the design intent shall be submitted as a part of the Final Site Planning Submittal, and will respond to the Grand Mere Community Architectural Guidelines.

It is the intent that neighborhood retail/commercial areas and the office parcels will be developed as individual parcels in phases with an overall architectural palette and theme in accordance to the Grand Mere Community Architectural Guidelines.

C. Streets and Circulation System

Residential streets within Grand Mere are envisioned as a key element of “neighborhood quality,” offering a place to walk and play, as well as to drive and park. The streetscape in and along the roads will reflect the quality of the community through the use of signage monumentation and landscaping depending on the location and natural conditions of the space providing strong visual “cues” to better orient drivers to their locations and destinations.

When utilizing the approved Manhattan street system standards the hierarchy, street-widths, design speeds, and travel/parking lanes are consistent and will not compromise auto on-street parking, or bike and pedestrian access. The street layout will frame important views and vistas, including buildings, golf course, and natural features. On-street parking is available on all local streets.

The Master Planned Community will be accessed from Kimball Avenue and Marlatt Avenue. Additional access points into the Community from surrounding residential streets are shown on the Master Plan.

D. Pedestrian and Bicycle Circulation System

Connectivity with the City of Manhattan Linear Park Master Plan is our main focus for the overall trails system. A comprehensive pedestrian and bicycle system is proposed for the community to provide access to individual neighborhoods, the Club Facility and Hotel site, commercial services, and open space amenities~ Elements include both off-street and on street bike paths, natural unimproved trails, and a 17.2 acre linear park along Little Kitten Creek. An easement shall be provided for the extension of the Hudson trail northward, along the east property line to northeast corner section 3-10-7. All trail/path systems will be site- specifically designed at the time of construction. Each will be reviewed on a site-by-site basis to ensure sensitive placement and minimum disturbance. This will be coordinated with the Park & Recreation Board and the Parks and Recreation Department.

G. Golf Course Development

The Grand Mere development drainage and detention system shall be designed to work in concert with the golf course drainage and detention system. The course was designed to meet the environmental goals of the Audubon International Signature Status Program.

Bike Paths, Trails and Sidewalks

Bike paths, trails and sidewalks are provided along the internal streets and open spaces to provide internal connections between the villages where possible. See the Circulation Parks & Open Space Plan

THE DESIGNATION OF THE SITE ON THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IS SIMILAR TO THE GRAND MERE MASTER PLAN, CREATED IN 2000. THE MASTER PLAN SHOWS THE NORTHERN 1/3 OF THE ENTIRE SITE TO BE DEVELOPED AS TOWNHOMES AND THE REMAINING PORTION TO BE DEVELOPED AS SINGLE-FAMILY HOUSES. HOWEVER, WHEN THE AREA WAS ANNEXED INTO THE CITY, IT WAS ZONED R, SINGLE-FAMILY RESIDENTIAL DISTRICT.

As previously stated, an approximate 3.45 acre tract of land designated at Office (OFF) in the Grand Mere Master Plan and Office-Research Park (OFF/RP) in the Comprehensive Plan Future Land Use Plan is located immediately to the east of the area to be rezoned to C-2 along Vanesta Drive. Because of existing pedestrian and utility easements, this area will remain as open space and cannot be developed as a commercial use. Although the C-2 District allows permitted and conditional uses that are beyond the business and professional office uses intended in the Office designation; a commercial use was envisioned in this general area. Rezoning the proposed 4.04 acre Tract 3 area to C-2,

Neighborhood Shopping District would be an extension of the existing commercial uses in Grand Mere Village to the south of Tract 3. The Grand Mere Village generally follows the uses, bulk regulations and use limitations of the C-2 District.

THE PROPOSED REZONING OF TRACT 3 FROM R DISTRICT TO C-2 DISTRICT GENERALLY CONFORMS TO THE COMPREHENSIVE PLAN AND GRAND MERE COMMUNITY MASTER PLAN . THE AREA WAS ZONED R DISTRICT WITH THE INTENT TO REZONE PORTIONS OF THE TRACT OF LAND APPROPRIATELY IN RESPONSE TO MARKET DEMAND FOR RESIDENTIAL USES.

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

August 7, 1997	Board of County Commissioners approved Preliminary Development Plan of The Wildcat (<i>Grand Mere</i>) and Colbert Hills R-PUD.
August 14, 1997	Board of County Commissioners approved Final Development Plan.
April 6, 1998	Manhattan Urban Area Planning Board recommended approval of annexation.
April 21, 1998	City Commission approved first reading of annexation.
June 1, 1998	Manhattan Urban Area Planning Board recommended approval of rezoning to R District.
June 16, 1998	City Commission approved first reading of rezoning Tract II of Grand Mere to R District.
September 3, 2008	Manhattan Urban Area Planning Board approves Preliminary Plat of Grand Mere Addition Unit Three.
November 17, 2008	Manhattan Urban Area Planning Board approves Final Plat of Grand Mere Addition Unit Three.
December 2, 2008	City Commission accepts rights-of-ways and easements as shown on the Final Plat of Grand Mere Addition, Unit Three.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Manhattan Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The C-2 District is designed to provide a broad range of neighborhood retail shopping facilities and services located to serve one or more residential areas. The area to be rezoned C-2 District exceeds the minimum lot size requirements of the district. The proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations because the proposed lot size of Lot 8 conforms to the minimum requirements of the C-2 District. In addition, the proposed Final Plat of the Interlachen Addition, which is a replat of Grand Mere Addition, Unit Three, dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision 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 of the rezoning of the subject site would accomplish. No expected adverse affects on the public health, safety and welfare as a result of the rezoning. A separate application was submitted for approval of a Final Plat of Interlachen Addition, which is a replat of Grand Mere Addition, Unit Three. The replat will conform to the proposed rezoning request. It may be a hardship upon the owner if the rezoning is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve Tract 3.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Tract 3 from R, Single-Family Residential District to C-2, Commercial Shopping District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Tract 3 from R, Single-Family Residential District to C-2, Commercial Shopping District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.

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3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Tract 3 from R, Single-Family Residential District to C-2, Neighborhood Shopping District, based on the findings in the Staff Report, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Planner II

DATE: November 22, 2013

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