



***MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 16, 2014
7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Wynn Butler and Commissioners Karen McCulloh, Usha Reddi, Richard B. Jankovich, and John Matta were present. Also present were the Deputy City Manager Jason Hilgers, City Attorney Bill Raymond, City Clerk Gary S. Fees, 8 staff, and approximately 30 interested citizens.

PLEDGE OF A LLEGIANCE

Mayor Butler led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Butler proclaimed September 2014, ***Recovery Month***. Adam McCaffrey, Director of Prevention, Treatment, and Recovery Services, Pawnee Mental Health Services, was present to receive the proclamation.

Mayor Butler proclaimed September and October 2014, ***PrepareAthon Months*** and September 20, 2014, ***PrepareAthon Day***. Lynda Bachelor, Project Coordinator, Kansas State University School of Leadership Studies; Cari Olberding and Lucy Finocchiaro, Student Program Coordinators, Manhattan Good Neighbors; and Laurie Harrison, Riley County Emergency Management Coordinator, were present to receive the proclamation.

Mayor Butler proclaimed October 3, 2014, ***Manufacturing Day***. Stacy Kohlmeier, Florence Manufacturing Company, was present to receive the proclamation.

Mayor Butler proclaimed October 5-11, 2014, ***Fire Prevention Week***. Rick Stillwagon, Fire Marshal, Manhattan Fire Department, was present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Jankovich stated that there would be another Citizen Forum regarding local law enforcement with representatives from the Riley County Law Board and the Riley County Police Department's (RCPD) Community Advisory Board on Wednesday, September 24, 2014, at 6:00 p.m., in the Groesbeck Room in the Manhattan Public Library. He encouraged anyone wishing to talk about concerns or issues about RCPD to attend this public forum.

Commissioner Reddi informed the community that the Manhattan-Ogden USD383 school district kindergarten through sixth grade students and teachers would be collaborating on science education with 15 different agencies and organizations on September 26, 2014. She reminded citizens that voter registration ends October 14, 2014, and provided an update regarding the Manhattan/Riley County League of Women Voters providing voter registration information at various locations in the community. She stated that Wednesday, September 17, 2014, is Constitution Day; wished the K-State Wildcats well on their football game on Thursday, September 18, 2014, versus the Auburn Tigers; and urged citizens to be careful while traveling through the city on Thursday.

Commissioner McCulloh spoke in support of the proclamation for Recovery Month. She urged citizens to seek help if they know of someone needing mental health assistance and to talk with elected officials in Topeka for additional mental health funding. She stated that she recently held a birthday party for her husband at the Flint Hills Discovery Center and encouraged people to consider renting space for birthday and event occasions. She also encouraged everyone to visit the upcoming Flint Hills FORCES II: Our Town, Our Fort, Our University exhibit at the Discovery Center.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 2, 2014.

CLAIMS REGISTER NO. 2770

The Commission approved Claims Register No. 2770 authorizing and approving the payment of claims from August 27, 2014, to September 9, 2014, in the amount of \$6,204,525.47.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7089 – NO PARKING ZONE – LITTLE KITTEN AVENUE

The Commission approved Ordinance No. 7089 designating a “No Parking Zone” along the east side of Little Kitten Avenue from the intersection of Kimball Avenue thence north to the intersection of Everett Drive.

ORDINANCE NO. 7090 – NO PARKING ZONES – GRAND LUXE ADDITION, CONGRESSIONAL ADDITION, INTERLACHEN ADDITION, AND NORTHLAKE ADDITION, UNITS 1 AND 2

The Commission approved Ordinance No. 7090 designating a "No Parking Zone" along:

- **Tobacco Circle** – south side beginning at the Bellerive Drive intersection thence east 104 feet;
- **Tobacco Road** – south side beginning at the intersection of Bellerive Drive thence west 302 feet, north side beginning 302 feet west of Bellerive Drive thence north and west 1,100 feet to the end;
- **Players Terrace** - north side beginning at the intersection of Grand Mere Parkway proceeding west to Bellerive Drive;
- **Bellerive Drive** – west side in those portions of roadway that are 27-feet-wide from back of curb to back of curb;
- **Grand Luxe Drive** beginning at the intersection of Mackintosh Court thence west 100 feet;
- **Mackintosh Court** beginning at a the intersection of Grand Luxe Drive thence south 100 feet;
- **Back Nine Circle** – west side beginning at the intersection of Vanesta Drive to cul-de-sac;
- **Fieldhouse Drive** – south side beginning at the intersection of Colbert Hills Drive thence east to cul-de-sac;
- **Society Circle** – east side beginning at the intersection of Colbert Hills Drive thence southeast to cul-de-sac;
- **Colbert Hills Drive** – north side beginning at the intersection of Merced Drive thence southeast to the intersection of Vanesta Drive;
- **Half Full Drive** – west side beginning at the east intersection of Northfield Drive proceeding north thence west on the south side thence south on the east side to the west intersection of Northfield Drive;
- **Northfield Drive** – north side beginning at the east intersection of Optimist Drive thence east to end; and
- **Optimist Drive** – west side beginning at the east intersection of Northfield Drive proceeding north thence west on the south side thence south on the east side to the west intersection of Northfield Drive.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7091 – NO PARKING ZONE – BLUELINE CIRCLE AND BUTTONWOOD DRIVE

The Commission approved Ordinance No. 7091 designating a “No Parking Zone” along:

- **Blueline Circle** - east side of Blueline Circle from the intersection with Buttonwood Drive thence south 220 feet; and
- **Buttonwood Drive** - south side of Buttonwood Drive beginning at the west intersection with Butterfield Road proceeding northeasterly thence south, ending 230 feet north of the east intersection with Butterfield Road.

ORDINANCE NO. 7092 – VACATE DRAINAGE EASEMENT – LOT 101, LEE MILL HEIGHTS ADDITION, UNIT THREE

The Commission approved Ordinance No. 7092 vacating a drainage easement on Lot 101 in Lee Mill Heights Addition, Unit Three.

ORDINANCE NO. 7093 – ANNEX – TRAILS AT MANHATTAN

The Commission approved Ordinance No. 7093 annexing the proposed Trails at Manhattan, an approximate 37.6 acre tract of land located 1,000 feet west of the intersection of Casement Road and Marlatt Avenue on the north side of Marlatt Avenue, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program, and based on the recommendation of the Planning Board.

ORDINANCE NO. 7094 – REZONE – TRAILS AT MANHATTAN

The Commission approved Ordinance No. 7094 rezoning the Trails at Manhattan, from County AG, General Agriculture, and SF-2, Single-Family Residential District, to PUD, Residential Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 1*) with the 15 conditions of approval as modified and recommended by the Planning Board.

FIRST READING – AMEND TEMPORARY NOTES – EUREKA VALLEY COMMERCIAL SANITARY SEWER IMPROVEMENTS (SS1401)

The Commission approved first reading of an ordinance amending Ordinance No. 7076, which authorized and provided for the construction and payment for the Eureka Valley Commercial Sanitary Sewer Improvements (SS1401).

RESOLUTION NO. 091614-A – PETITION – OLYMPIC ADDITION – SANITARY SEWER IMPROVEMENTS (SS1415)

The Commission found the petition sufficient and approved Resolution No. 091614-A finding the project advisable and authorizing construction for the Olympic Addition Sanitary Sewer (SS1415) Improvements.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 091614-B – PETITION – OLYMPIC ADDITION – STREET IMPROVEMENTS (ST1418)

The Commission found the petition sufficient and approved Resolution No. 091614-B finding the project advisable and authorizing construction for the Olympic Addition Street (ST1418) Improvements.

RESOLUTION NO. 091614-C – PETITION – OLYMPIC ADDITION – WATER IMPROVEMENTS (WA1413)

The Commission found the petition sufficient and approved Resolution No. 091614-C finding the project advisable and authorizing construction for the Olympic Addition Water (WA1413) Improvements.

AGREEMENT – ENGINEERING SERVICES – OLYMPIC ADDITION – SANITARY SEWER (SS1415), STREET (ST1418), AND WATER (WA1413) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$129,905.00 with SMH Consultants, of Manhattan, Kansas, to perform professional services for the Olympic Addition Sanitary Sewer (SS1415), Street (ST1418), and Water (WA1413) Improvements.

* AWARD CONTRACT – COMMUNICATION TOWER INSTALLATION (WA1114)

Mayor Butler commented on the efficiencies to be achieved with the installation of the new communication tower as part of the overall water meter replacement and automation system.

Commissioner McCulloh provided clarification that the amount of the contract was significantly less than the Engineer's Opinion of Probable Cost.

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$140,794.50; awarded a contract in the amount of \$52,565.00, subject to the approval of Kansas Department of Health and Environment, to Hayden Tower Services, Inc., of Topeka, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Communication Tower Installation Project (WA1114).

AWARD CONTRACT – MANHOLE LID AND FRAME REPLACEMENT (SS1406)

The Commission awarded a construction maintenance contract and authorized the Mayor and City Clerk to execute the contract in the amount of \$45,425.00 with Manhattan Trenching, Inc., of Manhattan, Kansas, for the 2014 Manhole Lid and Frame Replacement project (SS1406).

CONSENT AGENDA (CONTINUED)

REJECT BID – SANITARY SEWER FLUSH TANK ELIMINATION (SS1407)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$39,500.00 and rejected the lone bid submitted by Westland Construction, Inc., of Basehor, Kansas, in the amount of \$103,250.00 for the Sanitary Sewer Flush Tank Elimination project (SS1407).

AWARD CONTRACT – LEE MILL HEIGHTS, UNIT 9 – SANITARY SEWER (SS1412), STREET (ST1412), AND WATER (WA1410) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,228,000.00; awarded a construction contract in the amount of \$1,135,814.85 to Paver's, Inc., of Salina, Kansas; and authorized the Mayor and City Clerk to execute the contract for Lee Mill Heights, Unit 9, Sanitary Sewer (SS1412), Street (ST1412), and Water (WA1410) Improvements.

REJECT BIDS – BLUEMONT HILL WATERLINE (WA1211)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$447,600.00; rejected all bids; and authorized City staff to rebid the Bluemont Hill Waterline (WA1211) project at a later date.

PURCHASE – WARNING SIREN (CIP #FR011E)

The Commission authorized purchase of a Federal Signal Corporation warning siren in the amount of \$24,496.84 with Federal Signal, of University Park, Illinois; and authorized installation in the 4000 block of Anderson Avenue and relocation of three existing sirens to the following locations to Blue Valley Public Safety, of Grain Valley, Missouri, in the amount of \$29,233.60:

- Scenic Drive and Ledge Stone Drive (from the 4000 block of Anderson Avenue),
- 5952 Corporate Drive (from the 5500 block of Fort Riley Boulevard), and
- Grand Mere Parkway and Colbert Hills Drive (from Little Kitten Avenue and Everett Drive).

BOARD APPOINTMENTS

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

Bicycle Advisory Committee

Appointment of Cydney Alexis, 728 Poyntz Avenue Apt. #1, to a three-year KSU term. Ms. Alexis' term will begin November 1, 2014, and will expire October 31, 2017.

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS (*CONTINUED*)

Douglass Center Advisory Board

Re-appointment of Stan Hoerman, 2021 Blue Hills Road, to a three-year At-Large term. Mr. Hoerman's term will begin October 3, 2014, and will expire October 2, 2017.

Re-appointment of Floyd Rogers, 2304 Skyvue Lane, to a three-year At-Large term. Mr. Rogers' term will begin October 3, 2014, and will expire October 2, 2017.

Re-appointment of Donald Slater, 830 Yuma Street, to a three-year Geographical term. Mr. Slater's term will begin October 3, 2014, and will expire October 2, 2017.

Parks and Recreation Advisory Board

Appointment of Pat Hudgins, 3416 Westbaker Street, to fill the unexpired USD 383 term of Aaron Estabrook. Ms. Hudgins' term begins immediately, and will expire June 30, 2015.

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

PRESENTATION - 2013 CITY AUDIT

Hillary Badger, Assistant Director of Finance, introduced the item.

Matt Schwartz, CPA, Varney & Associates CPAs, LLC, presented background information on the audit process and items reviewed during the 2013 City audit. He mentioned City employees responsible for providing information to complete the audit. He highlighted portions of the Management Letter for the 2013 City audit, Independent Auditor's Report, Sales Tax Revenue (STAR) Bond procedures report, Federal Awards reporting package, and Passenger Facility Charge (PFC) reporting package for the Manhattan Regional Airport.

GENERAL AGENDA (*CONTINUED*)

PRESENTATION - 2013 CITY AUDIT (*CONTINUED*)

Dr. Eric Higgins, Chair, Municipal Audit Committee, thanked the Committee members that serve on the Municipal Audit Committee, finance staff, and the auditors with Varney & Associates CPAs, LLC. He provided background information on the formation of the Municipal Audit Committee and presented additional information on the auditor's comments regarding payroll processing and reporting, economic development loans, capital asset worksheets, and financial reporting deadlines. He then responded to questions from the Commission.

Bernie Hayen, Director of Finance, responded to questions from the Commission regarding the payroll process and function. He stated that the payroll function is presently located with the Human Resources Department and informed the Commission that the Finance Department provides emergency back-up payroll with the Information Technology Division, where the payroll and accounting software system reside. He responded to questions from the Commission regarding current staffing and having a second set of eyes to review documents and reports.

Jason Hilgers, Deputy City Manager, provided additional information regarding discussions with Human Resources and the Finance Department about payroll responsibilities, procedures, and staffing. He then responded to questions from the Commission.

Matt Schwartz, CPA, Varney & Associates CPAs, LLC, provided additional information on the payroll procedures. He stated that the clerical error in payroll did not result in any serious consequences and provides an opportunity to have a conversation to improve the payroll procedures and review process.

Hillary Badger, Assistant Director of Finance, informed the Commission that Rina Neil, City Controller, would be doing the second reviews for Internal Revenue Service (IRS) items submitted.

Dr. Eric Higgins, Chair, Municipal Audit Committee, and Matt Schwartz, CPA, Varney & Associates CPAs, LLC, responded to additional questions from the Commission regarding internal controls and use of Excel spreadsheets.

Rina Neil, City Controller, provided additional information on the use of spreadsheets by the Finance Department and responded to questions from the Commission.

GENERAL AGENDA (CONTINUED)

PRESENTATION - 2013 CITY AUDIT (CONTINUED)

Hillary Badger, Assistant Director of Finance, and Bernie Hayen, Director of Finance, provided additional information on the item and informed the Commission that the Finance Department purchased an inexpensive financial software product seven years ago; however, the software was not utilized due to issues experienced with the software company in providing support and software updates.

Dr. Eric Higgins, Chair, Municipal Audit Committee, provided additional information on the use of spreadsheets, potential database solutions, and the financial reporting deadline required to meet the requirement set by the Government Finance Officers Association (GFOA).

Jason Hilgers, Deputy City Manager, and Bernie Hayen, Director of Finance, informed the Commission that the City has received the Manhattan Housing Authority's financial statements after the deadline set by GFOA and is working with them to receive their financial statements earlier.

After discussion and comments from the Commission, Dr. Eric Higgins, Chair, Municipal Audit Committee, informed the Commission that the City needs to be responsive to what the auditor wants and discussed the collectability of economic development loans, account receivables, and the creation of an allowance valuation account.

Matt Schwartz, CPA, Varney & Associates CPAs, LLC, provided additional information on the economic development loans and discussed the importance in having the best financial picture going forward to know what resources will be coming back in from loans in order to foster future economic development.

Hillary Badger, Assistant Director of Finance, provided additional information regarding the involvement of the Finance Department in monitoring loans and providing oversight of the economic development accounts.

Jason Hilgers, Deputy City Manager, provided information on the economic development loan program and stated that the oversight and financial accountability would be assumed by the Finance Department. He informed the Commission that the annual Economic Development Report would be presented during the October 7, 2014, City Commission meeting.

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed public comments.

GENERAL AGENDA (CONTINUED)

FLINT HILLS METROPOLITAN PLANNING ORGANIZATION (MPO)
TRANSPORTATION PLAN UPDATE

After additional discussion and comments from the Commission, Commissioner Jankovich moved to receive and accept the Auditor's reports for the 2013 City Audit. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

Stephanie Watts, Transportation Planner, Flint Hills MPO, presented information on the Flint Hills Transportation Plan, WikiMap tool, key stakeholder needs and issues, roadway level of service, and informed the community that there would be a Flint Hills Transportation Plan (FHTP) Open House on Wednesday, September 24, 2014, from 4:30 p.m. to 7:00 p.m., in the Manhattan City Commission Room, City Hall, 1101 Poyntz Avenue. She then responded to questions from the Commission regarding projections and provided clarification on the multi-model transportation plan and future opportunities to update the plan every five years.

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

As this was a discussion item only, no formal action was taken.

ADJOURNMENT

At 8:35 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

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

BACKGROUND

FROM: County AG, Agriculture District and SF-2, Single-Family District

TO: PUD, Residential Planned Unit Development

OWNERS: Lynda & Ronnie Phillips
700 Marlatt Avenue, Manhattan, Kansas

Jason Huff
698 E. Marlatt Avenue, Manhattan, Kansas

K R & C S McKay Trust
265 Flicker Circle
Carson City, Nevada

Mary Beth Irvine
3370 Casement Road, Manhattan, Kansas

APPLICANT: The Trails at Manhattan, a Limited Partnership (to be formed)
1200 E. Joyce Blvd, Fayetteville, Arkansas

DATE OF NEIGHBORHOOD MEETING: June 26, 2014

DATE OF PUBLIC NOTICE PUBLICATION: July 28, 2014

DATE OF PUBLIC HEARING: PLANNING BOARD: August 18, 2014
CITY COMMISSION: September 2, 2014

LEGAL DESCRIPTION: Portions of four (4) unplatted tracts in Section 31, Township 9 South, Range 8 East (*see attached location map and legal description for boundary of proposed development*)

LOCATION: Generally located 1,000 feet to the west of the intersection of Casement Road and Marlatt Avenue on the north side of Marlatt Avenue.

Attachment No. 1

AREA: Approximately 37.60 acres. 1.36 acres of the area is proposed to be dedicated as Marlatt Avenue right-of-way.

PROPOSED USES: The proposed use is multiple-family residential. The applicant indicates they are planning “to serve the housing market of Manhattan, KS including the community of students, teaches, and support staff from Kansas State University, military personnel at Fort Riley and the general public at large.”

PROPOSED BUILDINGS AND STRUCTURES: An apartment complex consisting of forty (40), 18-unit apartment buildings with a mixture of one-bedroom and two-bedroom units for a total of 720 dwelling units (240 one-bedroom units and 480 two-bedroom units) and a two-story clubhouse, with fitness room, office space, meeting space and other related amenities on the first floor and a two-bedroom and a three-bedroom dwelling unit on the second floor. Additional improvements include an outdoor swimming pool and accessory building for mechanical equipment and restrooms, recreation area, signage, surface parking, and landscaping. Other structures that are tentatively proposed are a mailbox pavilion for the housing of the mailboxes for the entire development, storage buildings and cabana.

The application materials state the development will occur in two (2) phases, with the second phase to begin once the first phase is at capacity, which is anticipated in 5 – 10 years. Twenty-eight (28) apartment buildings, the clubhouse, recreation area, parking for those structures and the proposed retention basin will be constructed in the first phase. The remaining twelve (12) apartment buildings and associated parking will be constructed in the second phase.

Apartment Buildings

Two (2) different building models are proposed for the development. The site plan references them as “Custom” or “Classic. There are to be twenty-four (24) “Custom” buildings and sixteen (16) “Classic” buildings in the development.

“Custom” Building Design

The “Custom” building plans are 3-stories, approximately thirty-five (35) feet in height. Each building will have a footprint of approximately 5,900 square feet. The building will house twelve (12) two-bedroom units and six (6) one-bedroom units. The one-bedroom units will have a kitchen, one (1) bathroom and living room. The two-bedroom units will have a kitchen, two (2) bathrooms and a living room. Stairwells on both the front and rear of the building will provide access to the upper floors of the development. The upper floors will have a balcony. The first floors will have a patio. The exterior materials of the building will be brick and hardi-board lap siding and composite material roofing.

“Classic” Building Design

The “Classic” building plans are 3-stories, approximately thirty-three (33) feet in height. Each building will have a footprint of approximately 4,800 square feet. The building type will house twelve (12) two-bedroom units and six (6) one-bedroom units. All units will have a kitchen, one (1) bathroom and living room. Stairwells on both the front and rear of the building will provide access to the upper floors of the development. The exterior materials of the building will be brick and hardi-board lap siding and composite material roofing.

Clubhouse

The clubhouse is two (2) stories tall (approximately 26 feet in height), with a footprint of approximately 4,500 square feet in area. The first floor will include a fitness room, business center, office and meeting spaces, a kitchen, two (2) tanning bedrooms and four (4) bathrooms. The second floor will consist of a two-bedroom dwelling unit, with a kitchen, two (2) bathrooms and a living room, and a three-bedroom dwelling unit with a kitchen, master bathroom, and a second bathroom and utility room. Both of these units will have balconies at the rear of the building.

Other Buildings

Other buildings proposed in the development include a mailbox pavilion, storage building, cabana and pool building, which include the mechanical equipment for the pools, restrooms and vending machines for the pool and recreation area. The site plan does not specifically show the location of these various structures. The details of these other structures are below.

Building	Height	Footprint	Materials
Mailbox pavilion	~17.5 feet	~ 270 sq. ft.	Brick, EIFS and composition roofing
Storage building	~ 18 feet	~ 1870 sq. ft.	Brick and composition roofing
Cabana	~ 15.5 feet	~ 620 sq. ft.	Brick, EIFS and composition roofing
Pool building	~ 14.5 feet	~ 1100 sq. ft.	Brick, EIFS and composition roofing

PROPOSED LOT COVERAGE

Use	Square Feet	Percentage
Building	219,886.5	13.93%
Paved Area (Parking & Driveways)	428,681.1	27.16%
Sidewalks	36,575	2.32%
Active Recreation Areas	50,640	3.21%
Total Open Space	842,832.1	53.4%
Total Impervious	685,145.6	46.6%

PROPOSED SIGNS:

The application materials show two (2) permanent signs on curved brick veneer walls are proposed near the entrances to the development on Marlatt Avenue. The signs are to be identical and be approximately four (4) feet tall by twenty-three (23) feet wide (total of 92 square feet in area) and include the development name and phone number. The application materials show the signs to be externally illuminated. The brick walls where the signs are to be located are approximately forty (40) feet long and five (5) feet tall. The end caps of the walls will be approximately seven (7) feet tall and have decorative lights located on top of the caps.

Exempt signs for addressing and similar exempt signs will be permitted.

PROPOSED LIGHTING:

The site plan shows light poles along the parking lots throughout the development. There will be typical residential building lighting. The Zoning Regulations requires that all lighting be shielded and fully cut off.

SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Landscaping is functional for the site and consists of deciduous trees, bushes and shrubs and grass yard areas. The trees, shrubs and bushes are dispersed throughout the development. Significant plant materials are proposed along Marlatt Avenue and the west property line to buffer the development from the roadway and screen/buffer the development, including its parking lot from the adjacent single-family homes to the west. The application materials state that the proposed landscaping will be irrigated by underground sprinklers. The applicant will be responsible for maintenance of landscaped areas.

2. SCREENING: Deciduous trees, shrubs and bushes are proposed to be planted along Marlatt Avenue and west property line to buffer the parking. No screening on the north or east property lines is proposed. The trash dumpsters shown throughout the development are shown to be screened by a six (6) foot tall brick enclosure with solid screening gates.

The proposed swimming pool is to be enclosed by a five (5) foot tall wrought iron looking fence. This area is also to be buffered by deciduous shrubs and bushes.

Due to the size of development, including the number of off-street parking spaces and driveways, additional screening in the form of sight-obscuring fencing should be provided. City Administration recommends that a six (6) foot tall sight-obscuring fence be constructed at the perimeter of the entire site, except along Marlatt Avenue, to reduce any potential negative impacts on existing and future adjacent residential properties.

Attachment No. 1

3. DRAINAGE: The northern portion of the development is a natural drainage area from properties to the west. The proposed development plan shows an underground storm sewer that will collect the stormwater coming into the site and direct it towards a large wet detention basin proposed at the western side of the development.

The stormwater runoff from the development will be collected by curb and gutter along the parking lots and directed to area inlets, where underground storm sewers will take the stormwater to the proposed detention basin. Area inlets and underground storm sewer is also proposed along the rear yards of the buildings to collect those area's runoff.

The wet detention basin will drain to an underground storm sewer that will empty into the Marlatt Ditch to the south of Marlatt Avenue, where it will then drain to the Big Blue River. The wet detention basin is shown to be within a drainage easement.

On the east side of the development is a drainage swale that will collect the stormwater and empty the eastern area's storm water runoff to the Marlatt Ditch.

A Storm Water Management Report was provided by the applicant's consultant, Blew & Associates, P.A., dated July 23, 2014 (*see attachment*). The Report outlines the proposed stormwater infrastructure improvements and calculates the pre-development conditions vs. post-development conditions rates of runoff. According to the Report, the post-development rate of runoff is decreased by approximately 6 cfs to 8 cfs across the 2-year, 10-year and 100-year storms. The consulting engineer has stated that the proposed drainage plan "is not deemed to increase existing risk to downstream life or property."

The preliminary FEMA Flood Insurance Rate Maps show the northern area, where the natural drainage area is located to be within the 1% Annual Chance Floodplain. The boundary of the future conditions flood model is present on the outer edge of this mapped floodplain. The FEMA base flood elevation (BFE) is shown to range from 1019 feet in the southeast to 1020 feet in the northwest area of this mapped floodplain. City Administration has requested that the lowest enclosed floors of all structures in the development be at least 1022 feet, to ensure that the FEMA and future conditions flood model are met.

IT APPEARS THAT A SIGNIFICANT AMOUNT OF THE FILL REQUIRED TO ELEVATE THE SITE WILL COME FROM THE PROPOSED WET DETENTION BASIN ON THE WESTERN BORDER OF THE SITE. THIS ON-SITE CUT AND FILL PROPOSAL SHOULD MITIGATE ADVERSE IMPACTS, FROM THE REQUIRED ELEVATION OF THE BUILDINGS, ON ADJACENT PROPERTIES, AS IT PARTIALLY COMPENSATES FOR THE FILL NEEDED TO ELEVATE THE SITE ABOVE THE MAPPED BASE FLOOD ELEVATION.

Attachment No. 1

The City Storm Water Engineer reviewed the proposed development and the drainage study and finds that the development meets the detention requirements of the Storm Water Management Master Plan (SWMMP). The Storm Water Engineer also reviewed the post construction BMP analysis conducted by the consultant and determined that the requirements have been met.

THE PUD IS CONDITIONED UPON THE SUBMITTAL OF AN AGREEMENT, WHICH WILL NEED TO BE REVIEWED AND APPROVED BY THE CITY. THE AGREEMENT WILL SET OUT RESPONSIBILITIES OF THE OWNERS OF PUD REGARDING MAINTENANCE OF STORM WATER IMPROVEMENTS, DRAINAGE EASEMENTS AND THE DETENTION AREAS. THE AGREEMENT GIVES THE CITY THE ABILITY TO ASSESS THE OWNERS FOR MAINTENANCE COSTS, IF NECESSARY.

4. CIRCULATION: The internal circulation plan provides for safe, convenient and efficient movement of motorists and pedestrians. Two curb cuts are proposed onto Marlatt Avenue to provide access to the site. A shared driveway is proposed at the western entrance. The apartment complex will share a driveway with the two (2) adjacent single-family homes. The two (2) homes already share a driveway onto Marlatt Avenue. This existing driveway leading to the homes will be removed to avoid any conflict with the two access points. City Administration recommends a condition of approval that a long-term agreement between the applicant and these property owners shall be provided at the time of the application for the Final Development Plan and Final Plat. Conflicts between motorists and pedestrians are minimized. Internal access is by parking drives, which are maintained by the applicant.

The Traffic Study for the proposed PUD was prepared by Peters & Associates Engineers, Inc., dated July 14, 2014 (*see attachment*). The study determined that a total of approximately 358 new vehicle trips would be generated by the proposed development in the AM peak hour and approximately 435 new vehicle trips would be generated in the PM peak hour.

The Study also considered the projected traffic conditions for twenty (20) years in the future. Using the complete build-out of the PUD project and a two (2%) percent per year growth rate, the traffic study found that the current road network, including intersections would be adequate to handle the proposed development and community growth.

The Study concluded that the proposed development in its initial completion would not degrade the existing level of service at the existing intersections at Marlatt Avenue and Tuttle Creek Boulevard or Marlatt Avenue and Casement Road. The traffic study stated that although it was not warranted, a left-turn lane on Marlatt Avenue into the site is recommended at the western intersection to provide a safe turning movement into the development and to not impede eastbound through traffic on Marlatt Avenue.

Attachment No. 1

The proposed Preliminary Development Plan shows approximately 70 feet of additional right-of-way on the north side of Marlatt Avenue to be dedicated to the City to construct such street improvements.

The City Engineer has reviewed the development plan and traffic study and accepts the finding of the traffic study, which concludes that trips generated by the development will not negatively impact the level of service of the roadway and area interactions. The City Engineer also accepts the recommendation that a left-turn lane be provided for the east board traffic at the western access into the site.

Pedestrian and Bicycle Access

Pedestrian traffic is accommodated within the proposed development by sidewalks from the parking lots to the various apartments and accessory buildings. An eight (8) foot paved walking trail is also shown throughout the development to provide pedestrian and bicycle travel outside of the parking lots. This trail provides a pedestrian access to the south side of Marlatt Avenue, where a sidewalk exists.

The proposed walking trail mentioned above is located along Marlatt Avenue, but does not connect to the edges of the development. No sidewalk is currently located on the north side of Marlatt Avenue. At the time of the approval of the Preliminary and Final Plats of the Northwing Addition to the west, it was assumed that the street improvements of Marlatt Avenue by Riley County would include a sidewalk along the north side of Marlatt Avenue. However, that sidewalk was not constructed. To being the pedestrian infrastructure on the north side of the street, City Administration is recommending that the proposed trail or other type of ADA accessible sidewalk be extended to the edges of the development so that future developments can connect to it and complete the sidewalk network along Marlatt Avenue in the area. Other existing sidewalk gaps in the area will be completed when new development or redevelopment occurs.

Bike racks are not shown on the Preliminary Development Plans. Bike racks should be provided and shown on the Final Development Plan.

Off-Street Parking

The Manhattan Zoning Regulations for multiple-family dwellings base the required number of parking spaces on bedrooms per dwelling unit (one bedroom units – 2 spaces per unit; two bedroom units – 3 spaces per unit; and three bedroom units - 3.5 spaces per unit). Based on these requirements, the proposed PUD would need to provide a minimum of 1,927 off-street parking spaces (240-one bedroom units (480 spaces); 481-two bedroom units (1443 spaces); 1-three bedroom units (3.5 spaces)). The applicant has proposed 1,212 total off-street parking spaces, equivalent to 1.01 parking spaces per bedroom, which appears to be adequate to serve the mixture of bedroom types and tenant mix in the proposed PUD.

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5. OPEN SPACE AND COMMON AREA: The applicant has made provisions for the continuity, preservation, care, conservation and maintenance of all open space within the PUD. Upon installation of landscaping, it will be maintained by the owner and watered by an underground sprinkling system.

A large active recreation area is proposed on the southern portion of the development, which includes a swimming pool, playground, tennis court, basketball court and putting green. A schematic of the playground and pool structure is provided (*see attached*). This active recreation area will be controlled and maintained by the owner.

6. CHARACTER OF THE NEIGHBORHOOD: The area can be characterized as a growth corridor of the City with single-family, two-family and multiple-family residential developments to the west of the site and south of Marlatt Avenue. Nelson's Landing subdivision, a Riley County development, consists of small-lot mobile home, modular, and single-family residential structures, located immediately to the west. Farther to the west is the Northwing Addition, a City single-family development in its early stages of being constructed. Further to the west are the Tuttle Creek Residences PUD apartment complex development, and the Colonial Gardens Manufactured Home Park. To the south of Marlatt Avenue is the Brookfield Neighborhood, which consists of single-family and two-family homes. The Eisenhower Middle School and sports complex is located to the southeast.

THIRTEEN MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Undeveloped row crop land. The site currently is planted with summer crops. The western portion of the site consists of two very deep single-family home lots. Both of the unplatted lots are over 1,000 feet in depth. The western lot is over 2,000 feet deep. The single-family homes are not included in the rezoning site and will remain.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is typical Big Blue River Valley agriculture land, which is generally flat. The irregular shaped site has a natural drainage channel collecting stormwater from the northwest and directing the runoff to the southeast corner of site, where it empties into the Marlatt Ditch to the south, and eventually drains to the Big Blue River.

A portion of the site, generally along the natural drainage channel, is shown on the preliminary FEMA Flood Insurance Rate Maps as the 1% Annual Chance Floodplain. The City's Future Condition Flood Model is also present along the natural channel. The FEMA base flood elevation is 1019 feet in the southeast and 1020 in the northwest.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Agricultural land; County Ag, General Agriculture District

SOUTH: Marlatt Avenue, a minor arterial road with varying right-of-way width, the Brookfield neighborhood, consisting of single-family detached, single-family attached and two-family dwellings; R-2, Two-Family Residential District; and R-1, Single-Family Residential District.

EAST: Row crop agricultural land and single-family homes in rural Riley County; County Ag District and SF-2, Single-Family District, and SF-4, Single-Family District

WEST: Single-family homes in the Nelson's Landing Neighborhood, vacant industrial land and the Northwing Neighborhood; County SF-2 District, D-2, Light Industrial District and City R-1, Single-Family Residential District.

4. CHARACTER OF THE NEIGHBORHOOD: See above under PUD Criteria Number 6, CHARACTER OF THE NEIGHBORHOOD.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is currently in rural Riley County and zoned AG, Agricultural District and SF-2, Single-Family Residential District. The rezoning site is entirely being used for agriculture production.

The southern third of the SF-2 District tracts include single-family detached homes. These homes are not proposed to be within the rezoning site and will remain as they currently are. The remaining area of these tracts is used for row crop agriculture production.

The site's current use is suitable under its current zoning districts.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:

The site is in a growth corridor of the City. Increases in light, noise and traffic are expected. The applicant has taken appropriate measures to mitigate any potential adverse impacts on the adjacent properties, particularly the single-family residences to the west. The applicant is proposing a mixture of trees and shrubs along the west and southern property line to buffer the multiple-family development from the existing neighbors. City Administration is recommending a sight-obscuring fence, at least six (6) feet in height be located along the east, north and west property lines to further mitigate any light and noise impacting the existing and future neighbors of the development.

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Parking lot lighting shall be fully shielded and cutoff at all property lines to minimize adverse impacts on the adjacent properties. City Administration recommends that a complete illumination study be provided with the Final Development Plan of the proposed PUD to ensure that no lighting will extend beyond the development boundaries.

The applicant's traffic study shows that while a significant traffic increase will occur with the proposed development, Marlatt Avenue is designed and constructed as a minor arterial corridor, which is intended to accommodate such traffic volumes. The traffic study recommends that an eastbound left turn lane be constructed for traffic movements into western entrance to the development for the safety and convenience of travelers on Marlatt Avenue and the residents and visitors to the development.

The applicant held a neighborhood meeting on June 26, 2014. According to the meeting summary, approximately 10 citizens from the area, mostly from Nelson's Landing attended. The summary states that the concerns raised in the meeting were:

1. Current drainage issues with the existing ditch that flows through the site.
2. The effect of the development would have on their access to potable water and sewer.
3. The negative effect that the development would have on their view across the site.
4. The neighbors in Nelson's Crossing (*Nelson's Landing*) did not want traffic on their street.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE PROPOSED SITE IS SHOWN ON THE FUTURE LAND USE MAP AS A COMBINATION OF RESIDENTIAL LOW/MEDIUM DENSITY (RLM) AND ENVIRONMENTALLY SENSITIVE AREA/FLOOD HAZARD AREA. THE APPLICABLE POLICY STATEMENTS FOR THE RLM DESIGNATION ARE:

Residential Low/Medium Density (RLM)

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 Preliminary Development Plan shows 722 dwelling units within the 41 buildings. The net density, based on the application materials is 19.9 dwelling units per net acre. The most applicable policy statements for the proposed development are Residential High Density (RHD). The policy statements are:

Residential High Density (RHD)

RHD 1: Characteristics

The Residential High Density designation is designed to create opportunities for higher density neighborhoods in both an urban downtown setting and a suburban setting. Within an urban or downtown setting, the designation accommodates higher-intensity residential housing products, such as mid to high-rise apartments, townhomes and condominiums, combined with complementary non-residential land uses, such as retail, service commercial, and office uses, often within the same building. In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or urban fashion, such as in planned apartment communities with complimentary neighborhood service commercial, office and recreational facilities. These neighborhoods could be implemented through a Planned Unit Development or by following design and site plan standards (design review process).

RHD 2: Appropriate Density Range

Possible densities under this designation are 19 dwelling units per net acre and greater.

RHD 3: Location

Residential High Density uses are typically located near intersections of arterials and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. High-density neighborhoods should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods. In a more urban or downtown setting, residential high density may be combined with active non-residential uses in a vertically mixed-use building.

RHD 4: Building Massing and Form

Plain, monolithic structures shall be avoided. Infill projects should be compatible with the established mass and scale of other buildings along the block. In a planned apartment community context, large buildings shall be designed with a variety of wall planes and roof forms to create visual interest.

RHD 5: Mix of Uses

Non-residential uses should generally not exceed 25% of the total floor area in a mixed-use structure.

RHD 6: Parking Location and Design

Within an established urban neighborhood, such as the downtown core, adequate off-street parking should be located behind buildings or within mixed-use parking structures.

RHD 7: Structured Parking

Structured parking garages, often necessary for this type of development intensity, should be designed with a similar level of architectural detail as the main building. Incorporating active uses, such as retail spaces, into the ground floor is strongly encouraged, particularly in downtown settings.

The Comprehensive Plan's Future Land Use Map designates the site for RLM Low to Medium density residential development with a net density of up to eleven (11) dwelling units per net acre. The proposed development has a net density of slightly over 19 dwelling unit per net acre, at 19.9 dwelling units per net acre. However, the site location and proposed PUD do conform to the policies of the Residential Medium to High Density (RHD) classification, as the complex is located along a minor arterial street and is being designed through the Planned Unit Development process with attention paid to the massing and design of the apartment buildings, location of parking and providing a variety of on-site amenities for the complex's residents and visitors.

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The Comprehensive Plan's Future Land Use Map shows higher density residential development in the neighborhood directly south of the site and Marlatt Avenue and to the northeast of the site along the west side of Casement Road, and is designated as Residential Medium/High Density (RMH) from eleven (11) dwelling units to nineteen (19) dwelling units per net acre. The PUD proposal shifts the higher density residential development envisioned for the neighborhood from the south side of Marlatt Avenue, which was built out as a low to medium density neighborhood, and from along the unimproved rural section of Casement Road which is not in the City, to the proposed site along the north side of the Marlatt Avenue arterial corridor which has already been improved to urban standards and annexed in 2011.

A portion of the rezoning site is also designated as **ENVIRONMENTALLY SENSITIVE AREA/FLOOD HAZARD AREA. THE APPLICABLE POLICIES ARE AS FOLLOWS:**

CHAPTER 5: NATURAL RESOURCES AND ENVIRONMENT

NRE 1: Corridors, Buffers, and Linkages and Preserved Open Space

The City and County should use a variety of methods (both public and private) to facilitate the creation of a continuous, permanent, system of open space corridors using natural features such as preserved open space areas, drainages, streams, and rivers to the extent possible. Corridors should be identified during the subdivision or master planning process and should be used to provide linkages within and between non-contiguous parks, environmentally sensitive and preserved open space areas, as well as neighborhoods and other development areas. Buffers can also be used to provide a transition between different intensities of uses. The current width and shape and other features of a naturally occurring corridor (such as a drainageway) should be preserved, in order to maintain its environmental integrity and avoid creating an "engineered" appearance.

NRE 4: Environmentally Sensitive Areas: Wildlife Habitat and Corridors, Wetlands, Riparian Areas and Prairie Ecosystems

The Urban Area is home to a variety of environmentally sensitive areas, including: Wildcat Creek, the Big Blue and Kansas Rivers, numerous secondary stream corridors, drainage areas, and wetlands, as well as prairie ecosystems. In addition to their scenic quality, these areas provide other benefits, such as water quality enhancement and flood control, potential ecotourism, and also serve as important wildlife habitat. The City and County shall work to ensure that development impacts upon these areas are minimized.

NRE 5: Environmentally Sensitive Site Design

The City and County shall ensure that environmentally sensitive site design practices are used in new development. Sensitive site design practices can minimize unnecessary physical and visual impacts upon the surrounding landscape, caused by excessive removal of existing vegetation or severe roadway cuts, and excessive grading of natural topography.

NRE 6: Natural Hazards

Development shall be prohibited in areas where natural hazards have been identified which have the potential to endanger life, resources, and property. Within the Manhattan Urban Area, these hazards include steep slopes (20% or greater, floodways, and other special flood hazard areas.

The portion of the rezoning site is shown in the **ENVIRONMENTALLY SENSITIVE AREA/FLOOD HAZARD AREA AND IS RELATED TO THE 1993 FLOOD EVENT. THAT FLOOD EVENT FOLLOWED THE NATURAL DRAINAGE CHANNEL ON THE SITE AND WAS THE EXTREME UPSTREAM EXTENT OF THE BACKWATER FROM THE BIG BLUE RIVER FLOOD. THIS AREA WAS MODELED IN THE PRELIMINARY FLOOD INSURANCE RATE MAPS AND IS REPRESENTED AS THE 1% ANNUAL CHANCE FLOODPLAIN (100-YEAR FLOOD). THE NEW MAPPED FLOODPLAIN SHOWS A LARGER AREA OF THE 1% ANNUAL CHANCE FLOODPLAIN, AS IT WAS DETERMINED THAT THE 1993 FLOOD EVENT WAS RECENTLY ESTIMATED TO BE SLIGHTLY GREATER THAN A 75-YEAR STORM (1.5% ANNUAL CHANCE STORM).**

AT THE REQUEST OF CITY ADMINISTRATION, THE APPLICANT HAS ESTABLISHED A LOWEST ENCLOSED FLOOR ELEVATION OF 1022 FEET TO ENSURE BUILDINGS ARE AT LEAST TWO (2) FEET HIGHER IN ELEVATION THAN THE FEMA BASE FLOOD ELEVATION OF 1020 FEET THAT IS PRESENT IN THE NORTHWEST AREA OF THE MAPPED FLOODPLAIN. IT APPEARS THAT A SIGNIFICANT AMOUNT OF FILL REQUIRED TO ELEVATE THE SITE WILL COME FROM THE PROPOSED WET DETENTION BASIN ON THE SITE. THIS ON-SITE CUT AND FILL SHOULD MITIGATE IMPACTS ON ADJACENT PROPERTIES, AS IT COMPENSATES FOR THE FILL NEEDED TO ELEVATE THE SITE ABOVE THE MAPPED BASE FLOOD ELEVATION.

THE PROPOSED ANNEXATION GENERALLY CONFORMS TO THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The majority of the site has remained vacant to date as agricultural land in rural Riley County. The western portion of the site is part of two (2) single-family residential tracts in Riley County. The northern portions of these two (2) tracts have been used for agricultural purposes and are included in the rezoning site. The location of the single-family homes is not proposed to be included in the rezoning site and will remain in their current condition.

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 INDIVIDUAL OWNER: There appears to be no gain to the public that denial would accomplish. Traffic increases can be adequately handled by Marlatt Avenue and pedestrian safety is accommodated. 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 currently available to serve the development.

Assistant Director of Public Works for Water and Wastewater has reviewed the preliminary development plans and has provided a memo (*see attached*) on the availability of sanitary sewer capacity in the Casement Interceptor Sewer that will serve the site. The Casement Interceptor Sewer is a large capacity sewer line that collects sewer from the “area roughly north of Kimball Avenue from Seth Child Avenue to Tuttle Creek Boulevard, as well as all areas east of Tuttle Creek Boulevard north of McCall Road.” Through a preliminary sanitary sewer analysis, using the best data available of existing

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conditions and the assumptions for proposed development, it was determined that adequate capacity is available downstream to serve the proposed development.

The memo states that “the Public Works Department does not reserve system capacity for proposed developments. When future phases of this development are planned to be constructed, the downstream sewer system capacity must be reconsidered.” City Administration recommends a condition of approval be made that the downstream sanitary sewer shall be further studied for capacity constraints prior to the beginning of the second phase of the development, which is shown on the Preliminary Development Plan as the construction of the 30th apartment building.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of the Trails at Manhattan Planned Unit Development from County AG, General Agriculture and SF-2, Single-Family Residential District, to PUD, Residential Planned Unit Development District, with the following conditions of approval:

1. The Permitted Use shall be Multiple-Family Residential.
2. A maximum of 722 total dwelling units shall be allowed.
3. A maximum of 480, one bedroom; 241, two-bedroom; and 1, three bedroom dwelling units shall be allowed.
4. The lowest enclosed floors of all structures in the development shall be at least 1022 feet.
5. A private cross access easement shall be filed between the applicant and the two (2) adjacent single-family residential property owners before the application of the Final Development Plan and Final Plat that outlines the long term agreement for the shared driveway on the western side of the development.
6. An agreement outlining the on-going maintenance responsibility and enforcement rights of the City for the drainage easements and detention areas shall be created and approved by the City prior to completion the Final Development Plan and Final Plat.
7. A minimum six (6) foot tall sight-obscuring fence shall be constructed along the perimeter of the entire site, except along Marlatt Avenue.
8. Prior to issuance of a building permit for the 30th building of the proposed development, a study of the downstream capacity constraints of the Casement Interceptor Sanitary Sewer shall be provided by the property owner and approved by City Administration.
9. Additional bike racks shall be provided in areas adjacent to apartment buildings and shall be shown on Final Development Plans.

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10. 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.
11. All landscaping and irrigation shall be maintained in good condition.
12. The proposed walking trail or other type of ADA accessible sidewalk shall be extended to the edges of the development along Marlatt Avenue.
13. An eastbound left turn lane on Marlatt Avenue shall be provided at the western entrance and the design shall be submitted with the Final Development Plan for review and approval by the City.
14. The design of the pedestrian/bicycle crossing of Marlatt Avenue shall be submitted with the Final Development Plan for review and approval by the City.
15. A complete site illumination study shall be provided with the Final Development Plan.

ALTERNATIVES:

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

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of The Trails at Manhattan Planned Unit Development from County AG, General Agriculture and SF-2, Single-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the fifteen (15) conditions recommended by City Administration.

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

DATE: August 13, 2014

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