



MINUTES
CITY COMMISSION MEETING
TUESDAY, MAY 16, 2006
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bruce Snead and Commissioners Tom Phillips, Mark Hatesohl, Jayme Morris-Hardeman, and Ed Klimek were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government Representative Ravi Reddi, 6 staff, and approximately 54 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

RECOGNITION

Mayor Snead recognized the Youth in Government students.

PROCLAMATIONS

Mayor Snead proclaimed May 2006, ***Mental Health Month***. Robbin Cole, Executive Director, Pawnee Mental Health Board, was present to receive the proclamation.

Mayor Snead proclaimed May 19, 2006, ***Manhattan Bike to Work Day***. Jim Lewis, Director, Office of International Pre-Admissions and Recruiting at Kansas State University, and Brady Irwin, Treasurer and Past President, Kansas State University Cycling Club, was present to receive the proclamation.

Mayor Snead proclaimed May 20, 2006, ***Poppy Day***. Judy H. Roland, Vice President, American Legion Auxiliary, and Samantha Osbourn, Poppy Girl, were present to receive the proclamation.

COMMISSIONER COMMENTS

Mayor Snead informed the community of their recent trip to Germany to visit Big Red One in preparation for its return home to Fort Riley and to the region.

Commissioner Klimek stated that the trip to Germany was very productive and encouraged the community to welcome this well-trained professional force to our area, as they return to Fort Riley.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 2, 2006.

CLAIMS REGISTER NO. 2560

The Commission approved Claims Register No. 2560 authorizing and approving the payment of claims from April 9, 2006, to April 22, 2006, in the amount of \$706,283.42.

ORDINANCE NO. 6539 – GENERAL OBLIGATION BOND SERIES 2006A; RESOLUTION NO. 051606-A – DELIVERY OF BONDS

The Commission approved Ordinance No. 6539 issuing \$1,540,000.00 in general obligation bonds (Series 2006A) to finance the following six (6) special assessment projects - *Brookfield Addition, Unit 4 – Sanitary Sewer (SS0406), Street (ST0414), and Water (WA0411); Lee Mill Heights, Unit 1 – Sanitary Sewer (SS0407), Street (ST0415), and Water (WA0412);* and approve Resolution No. 051606-A authorizing delivery of the bonds to the low bidder.

ORDINANCE NO. 6540 – ANNEX – STONE POINTE ADDITION

The Commission approved Ordinance No. 6540 annexing a 78-acre tract of land for the proposed Stone Pointe Addition, generally located south of Wildcat Creek, east of Scenic Drive and west of Anneberg Park, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

ORDINANCE NO. 6541 – REZONE – STONE POINT ADDITION

The Commission approved Ordinance No. 6541 rezoning the site from County 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, based on the findings in the Staff Report. (*See Attachment No. 1*)

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6542 – ESTABLISH – TRANSPORTATION DEVELOPMENT DISTRICT (TDD)

The Commission approved Ordinance No. 6542 establishing a Transportation Development District within the City of Manhattan, in the Downtown Redevelopment District.

RESOLUTION NO. 051606-I – SHORT-TERM FINANCING – GENERAL OBLIGATION TEMPORARY NOTES - RIGHT-IN RIGHT-OUT AGREEMENT – DIAL REALTY

The Commission approved the Right-in, Right-out Agreement with Dial Realty and approved Resolution No. 051606-I authorizing the use of General Obligation temporary notes for the short-term financing of the RIRO project.

PUBLIC HEARING – VACATE EASEMENT – 1000, 1004, and 1008 BRIERWOOD DRIVE

Mayor Snead opened the public hearing.

Hearing no comments, Mayor Snead closed the public hearing.

FIRST READING – VACATE EASEMENT – 1000, 1004, and 1008 BRIERWOOD DRIVE

The Commission approved first reading of an ordinance vacating a portion of the utility easement on a portion of a twenty (20) foot utility easement on Lots 75, 76, and 77, Woodland Hills Addition, Unit Five, an addition to the City of Manhattan, Riley County, Kansas.

FIRST READING – ADOPT – REDEVELOPMENT PLAN FOR THE NORTH PROJECT

The Commission approved first reading of an Ordinance adopting the Redevelopment Plan for the North Project.

RESOLUTION NO. 051606-C – TEMPORARY NOTE SERIES NO. 2006-03

The Commission approved accepting the best bid for selling the notes and approve Resolution No. 051606-C issuing Temporary Note Series No. 2006-03 in the amount of \$10,085,000 to finance the following thirty special assessment and capital projects to be debt financed: *Brookfield Addition, Units 5 & 7, Phase 1, Sanitary Sewer (SS0503), Street (ST0507), and Water (WA0503) Improvements; Brookfield Addition, Units 5 & 7, Phase 2, Sanitary Sewer (SS0503), Street*

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 051606-C – TEMPORARY NOTE SERIES NO. 2006-03 (CONTINUED)

(ST0507), and Water (WA0503) Improvements; Brookfield Addition, Units 5 & 7, Phase 3, Sanitary Sewer (SS0503), Street (ST0507), and Water (WA0503) Improvements; Brookfield Addition, Unit 6, Sanitary Sewer (SS0505), Street (ST0510) and Water (WA0505) Improvements; Grand Mere Vanesta, Unit 1, Sanitary Sewer, Street, and Water Improvements (SP0505); Hackberry Addition, Unit 2, Sanitary Sewer (SS0512), Street (ST0518) and Water (WA0512) Improvements; Highland Meadows Addition, Unit 1, Sanitary Sewer (SS0501), Street (ST0503) and Water (WA0501) Improvements; Lee Mill Heights Addition, Unit 2, Street Improvements (ST0509); Platt Addition, Sanitary Sewer (SS0511), Street (ST0517) and Water (WA0511) Improvements; Prairie Lakes Addition, Storm Water Improvements (SM0404); Prairie Lakes Addition, Unit 1, Sanitary Sewer (SS0508), Street (ST0514) and Water (WA0508) Improvements; Woodland Hills, Unit 5 Phase 2/Unit 6 Phase 1, Sanitary Sewer (SS0516) and Water (WA0517) Improvements; and CICO-Eisenhower Irrigation Improvements (CP224P/CP225P).

AWARD CONTRACT – HOUSING REHABILITATION PROJECT

The Commission accepted the bids for the 601 North Juliette Avenue, awarded the bid to the lowest responsible bidder, authorized City Administration to approve any necessary change orders, and authorized the Mayor and City Clerk to enter into agreements with the contractors and property owners for expenditure of Housing Rehabilitation Funds.

CHANGE ORDER NO. 2-FINAL – UNION PACIFIC DEPOT

The Commission approved Change Order No. 2-Final for the Union Pacific Depot Project, resulting in a net increase in the amount of \$25,536 (+ 3%) and adding 10 days to the contract with Ron Fowles Construction Management Services, of Manhattan, Kansas.

RESOLUTION NO. 051606-F – SUPPLEMENT NO. 1 – KDOT KLINK 1R RESURFACING IMPROVEMENTS – FORT RILEY BOULEVARD/RICHARDS DRIVE (ST0501)

The Commission approved Resolution No. 051606-F authorizing the Mayor and City Clerk to execute Supplement No. 1 to Agreement No. 64-03, and Cancellation of Agreement 14-05 and rescinded Resolution No. 030105-B with the Kansas Department of Transportation for the KLINK 1R Resurfacing improvements on Fort Riley Boulevard at Richards Drive.

CONSENT AGENDA (CONTINUED)

* **RESOLUTION NO. 051606-H – KDOT SAFETY IMPROVEMENT – SUNSET AVENUE/JARVIS DRIVE AND CLAFLIN ROAD (ST0601)**

Rob Ott, City Engineer, provided additional information on the item and answered questions from the Commission.

The Commission approved Resolution No. 051606-H authorizing the Mayor and City Clerk to execute the agreement with the Kansas Department of Transportation for the safety improvements to the intersection of Sunset Avenue/Jarvis Drive and Claflin Road.

RESOLUTION NO. 051606-G – KDOT SAFETY IMPROVEMENTS – 15TH STREET AND FORT RILEY BOULEVARD INTERSECTION (ST0602)

The Commission approved Resolution No. 051606-G authorizing the Mayor and City Clerk to execute the agreement with the Kansas Department of Transportation for the safety improvements to the intersection of 15th Street and Fort Riley Boulevard.

* **BOARD APPOINTMENTS**

Mayor Snead responded to questions on the appointment to the Manhattan Urban Area Planning Board.

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

Library Board

Re-appointment of Lee Ruggles, 1515 Williamsburg Drive, to a four-year term. Mr. Ruggles's term begins immediately and will expire on April 30, 2010.

Housing Authority Board of Commissioners

Appointment of Torry Dickins, 2391 Grandview Terrace, to fill Phil Anderson's unexpired term. Ms. Dickins's term begins immediately and will expire on March 3, 2008.

Manhattan Urban Area Planning Board

Appointment of Stephanie Rolley, 3773 Anderson Avenue, to a three-year term. Ms. Rolley's term begins immediately and will expire on April 30, 2009.

CONSENT AGENDA (CONTINUED)

* BOARD APPOINTMENTS (CONTINUED)

Historic Resources Board

Re-appointment of Bonnie Lynn Sherow, 529 Pierre Street, to a three-year term. Ms. Sherow's term begins immediately and will expire on April 30, 2009.

At 7:20 p.m., Commissioner Hatesohl left the meeting.

After discussion, Commissioner Phillips moved to approve the consent agenda. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 4-0, with the exception of Item N: *Board Appointment for the Manhattan Urban Area Planning Board*, which carried 3-1, with Commissioner Klimek voting against.

GENERAL AGENDA

FIRST READING – REZONE - MANHATTAN MARKETPLACE ADDITION, UNIT TWO

Ron Fehr, City Manager, introduced the item and provided updated information.

Eric Cattell, Assistant Director for Planning, presented the item. He then answered questions from the Commission.

Patrick Schaub, Bowman Bowman and Novick Architects, provided additional information on the item and answered questions from the Commission.

Commissioner Hatesohl returned to the meeting.

Bob Welstead, Dial Realty, responded to questions from the Commission.

Ron Fehr, City Manager, provided additional information on the agreement and answered questions from the Commission.

Bob Welstead, Dial Realty, and Bill Frost, City Attorney, provided additional information on the item and answered questions from the Commission.

Ruth Schrum, 720 Midland, voiced a complaint in receiving a package from Dial Realty and stated this is a terrible way to treat people who are selling their property.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - MANHATTAN MARKETPLACE ADDITION, UNIT TWO (CONTINUED)

Ron Fehr, City Manager, provided additional information on the changes that were made and the recommendation being made from what was previously approved by the Manhattan Urban Area Planning Board.

After discussion, Commissioner Morris-Hardeman moved to override the Manhattan Urban Area Planning Board and approve the modified Manhattan Marketplace Addition, Unit 2, replacing the hotel use with the residential use at the corner of 4th Street and Leavenworth Street, with the four conditions recommended by the Planning Board in the Staff Report. (*See Attachment No. 2*) Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

RESOLUTION AND FIRST READING – AUTHORIZE \$25 MILLION - SPECIAL OBLIGATION TAX INCREMENT FINANCING (TIF) REVENUE BONDS

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, presented the item.

Ron Fehr, City Manager, provided additional information on the item and answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 051606-D authorizing the negotiation for sale of special obligation TIF revenue bonds; and approve first reading of an ordinance authorizing the issuance of up to \$25 million in special obligation TIF revenue bonds for the North Project area of Downtown Redevelopment. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

ECONOMIC DEVELOPMENT ASSISTANCE - GTM SPORTSWEAR

Diane Stoddard, Deputy City Manager, presented the item and answered questions from the Commission.

Ron Fehr, City Manager, expended on proposed abatement and provided additional information regarding the applicant and the project.

Diane Stoddard, Deputy City Manager, answered questions from the Commission regarding the economic development package proposed.

Bill Frost, City Attorney, provided additional information regarding the bond ordinance related to the project.

GENERAL AGENDA (*CONTINUED*)

ECONOMIC DEVELOPMENT ASSISTANCE - GTM SPORTSWEAR (*CONTINUED*)

Diane Stoddard, Deputy City Manager, and Ron Fehr, City Manager, provided additional information regarding the tax abatement.

Dave Dreiling, President, GTM Sportswear, provided additional information regarding his company, the proposed agreement, and responded to a series of questions regarding his request. He then answered additional questions from the Commission.

Steve Ballard, 333 Denison Avenue, voiced initial concerns about the project, but was satisfied with the process used and procedures used to treat everyone fairly. He requested the Commission use the same standards and consistency for everyone.

Shawn Williamson, owner, Walson Ink, spoke in concern to the competitive aspects of the proposal. He also questioned the accounting of full time equivalents and the level of industrial revenue bonds being offered.

Lyle Butler, President, Manhattan Area Chamber of Commerce, informed the Commission of the process to develop the economic development model that was used and said that local companies are very important to the economic growth of our community. He asked the Commission to support the proposal and GTM's endeavors for expansion.

Steve Kirby, Owner, Henton Plumbing and Air Conditioning, informed the Commission that Mr. Dreiling's business has created a lot of jobs for others in the community. He asked the Commission to consider the proposal and to work on keeping GTM in the community.

Jane Marks, CPA, Varney and Associates, stated that she has worked with Mr. Dreiling and his company since the mid 1990's and has a proven track record. She asked the Commission to support the proposal.

Pat Alexander, President, Landmark National Bank, spoke in support of GTM in its desire to make a significant capital investment and create jobs.

Terry Harts, 126 Longview Drive, spoke in support of Mr. Dreiling and was satisfied in the level of detail provided on the return on investment portion of the application.

GENERAL AGENDA (CONTINUED)

ECONOMIC DEVELOPMENT ASSISTANCE - GTM SPORTSWEAR (CONTINUED)

John Pagen, Manhattan Area Chamber of Commerce, informed the Commission that the applicant is committed in making a substantial capital investment and in creating flexible jobs. He urged the support of the Commission.

Tony Gagnon, 2705 Saint Michaels Circle, stated that he supports the request and that Mr. Dreiling is a good employer and does what is needed to keep good people.

Diane Stoddard, Deputy City Manager, and Dave Dreiling, GTM, provided additional information regarding the model and employment numbers projected. Both then answered questions from the Commission.

After discussion, Commissioner Phillips moved to authorize City Administration to finalize and the Mayor and City Clerk to execute an economic development incentive agreement with GTM Sportswear based upon the outline of incentives including a forgivable loan, tax abatement and annual performance measures. Mayor Snead seconded the motion. On a roll call vote, motion carried 5-0.

PUBLIC HEARING – RESOLUTION NO. 051606-B - DEMOLITION PERMIT - 2300 CLAFLIN ROAD

Karen Davis, Director of Community Development, presented the item. She then answered questions from Commission.

Joe Knopp, 104 Oakwood Circle, Housing Corporation President of Delta Upsilon Fraternity, provided a history of the fraternity and the property at 2300 Claflin Avenue. He then answered questions from the Commission. He then answered questions from the Commission.

Karen Davis, Director of Community Development, and Ron Fehr, City Manager, provided additional information on the item and clarified the proposed resolution.

Mayor Snead opened the public hearing.

Cheryl Collins, Director, Riley County Historic Society, provided historic background information on the Goodnow House and the house at 2300 Claflin. She encouraged the City to provide advance notice of agenda items to enable good public policy with all the facts, and stated that the house at 2300 Claflin is important to the environs and to the community.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING – RESOLUTION NO. 051606-B - DEMOLITION PERMIT - 2300 CLAFLIN ROAD (CONTINUED)

Bonnie Lynn-Sherow, representing the Historic Resources Board, said the Board was provided with limited information and at a very short notice before the meeting. She said the Board voted in favor of the demolition based on the limited information that it received, but was confident the Board would not have recommended the demolition of the house if more information would have been provided at that time. She asked that other viable options for the building be determined and was disappointed with staff's recommendation.

Hal Dace, 2217 Stone Post Road, voiced concern that a new structure housing students could turn into another party house on Claflin Road and said that it would be a dreadful shame to tear the house down.

Hearing no other comments, Mayor Snead closed public hearing.

RESOLUTION NO. 051606-B - DEMOLITION PERMIT - 2300 CLAFLIN ROAD

Ron Fehr, City Manager, answered questions from the Commission.

Bonnie Lynn-Sherow, representing Historic Resources Board, said the purview of who is going to pay for the restoration is not up to the State Historical Preservation Officer (SHPO), it is the responsibility of the property owner and there are viable options that should be considered.

Joe Knopp, 104 Oakwood Circle, Housing Corporation President of Delta Upsilon Fraternity, provided additional information about the house at 2300 Claflin Road and informed the Commission that as a residential property they cannot come up with anything feasible for this property.

Ron Fehr, City Manager, and Bill Frost, City Attorney, provided additional information on the item and proposed resolution.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 051606-B, making certain findings of fact regarding the demolition of a structure located at 2300 Claflin Road and authorizing the issuance of a demolition permit no sooner than 31 days after this date. Commissioner Klimek seconded the motion. On a roll call vote, motion carried 3-2, with Mayor Snead and Commissioner Morris-Hardeman voting against the motion.

GENERAL AGENDA (CONTINUED)

RESOLUTION OF INTENT - \$5 MILLION IN INDUSTRIAL REVENUE BONDS - FARRAR CORPORATION EXPANSION

Diane Stoddard, Deputy City Manager, introduced the item and provided an overview.

Joe Farrar, President, Farrar Corporation, provided additional information on the item. He said the total goal is to have a foundry and heat treating capabilities in Manhattan. He then answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 051606-E indicating the Commission's intent to issue up to \$5 million in Industrial Revenue Bonds for Farrar Corporation for the purpose of expanding and equipping an existing manufacturing facility located in Manhattan and authorize the Mayor and City Clerk to execute an engagement letter with Gilmore & Bell for bond counsel services. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

CONFERENCE CENTER - FEASIBILITY ASSESSMENT PRESENTATION

Karen Hibbard, Manhattan Convention and Visitor's Bureau, introduced the item.

Tony Peterman, Strategic Advisory Group, presented the item and answered questions from the Commission.

Karen Hibbard, Manhattan Convention and Visitor's Bureau, provided additional information on the item and answered questions from the Commission.

Ron Fehr, City Manager, highlighted the data that the Strategic Advisory Group collected and discussed possible sites that were considered.

Colin Noble, Owner, Manhattan Ramada Inn, voiced concern with a conference center and said that it would be difficult to support with the market that we have. He said the report is beyond Manhattan's dreams and capability.

Jennifer Fritchen, Director of Sales, Manhattan Holiday Inn, spoke on behalf of its new owners and said the presentation does not take into account the improvements being made to the Holiday Inn.

There was no action taken on this item.

GENERAL AGENDA (CONTINUED)

ORDINANCE NO. 6543 - RULES, REGULATIONS, AND RENTAL FEES FOR DEPOT

Terry DeWeese, Director of Parks and Recreation, presented the item.

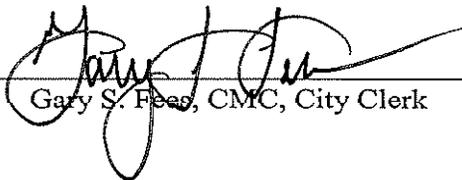
Linda Glasgow, 2236 Snowbird Drive, representing the Riley County/ Preservation Alliance, spoke in concern for non-profit organizations that need meeting space. She recommended an hourly fee of no more than \$15 an hour.

Terry DeWeese, Director of Parks and Recreation, informed the Commission that there would be a supervisor and a janitor there when rented, and discussed rental fees.

After discussion, Commissioner Morris-Hardeman moved to approve Ordinance No. 6543 amending Article I, Section 4-2, allowing alcohol to be served at the Union Pacific Depot, subject to appropriate rules and regulations and approve recommended fees for the facility use. Mayor Snead seconded the motion. On a roll call vote, motion carried 5-0

ADJOURNMENT

At 12:40 a.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE THE PROPOSED STONE POINTE ADDITION

FROM: County G-1, General Agricultural District.

TO: Tract 1: R-1, Single-Family Residential District, with AO, Airport Overlay District;
Tract 2: R-2, Two-Family Residential District; and,
Tract 3: R-3, Multiple-Family Residential District.

APPLICANT: Stone Crest Land Company, LLC Roger Schultz

ADDRESS: 1213 Hylton Heights Road, Manhattan, KS 66502.

OWNERS: Stone Crest Land Company, LLC Roger Schultz; and, G. Rex Stone Trust and Shirley L. Stone Trust, Shirley L. Stone.

ADDRESSES: 1213 Hylton Heights Road, Manhattan, KS 66502; 900 N. Scenic Drive, Manhattan KS 66503.

LOCATION: generally located south and west of Wildcat Creek, Anneberg Park, and Pebblebrook Apartments, and east of Scenic Drive and the Highland Meadows subdivision.

AREA: Total: 78-acres; Tract 1: 41-acres; Tract 2: 15-acres; and, Tract 3: 22-acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, March 27, 2006

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 17, 2006

CITY COMMISSION: Tuesday, May 2, 2006

EXISTING USE: Agricultural fields, wooded draws, and Wildcat Creek.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is rolling terrain, and agricultural field, which slopes and drains to the north-northeast and east. Wooded areas are along the creek and in drainage ravines.

A small portion on the site in the south part of the site is within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site. Future uses (structures and trees), which are within the limits of the Conical

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Zone may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (*see below under CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE for further information concerning the AO District*).

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Wildcat Creek, 100 year Flood Plain, undeveloped land, vacant dwelling unit, Cumberland Road, professional offices (medical); G-1 District, C-2, Neighborhood Shopping District, and Planned Unit Development.
- (2) **SOUTH:** Agricultural; G-1 District.
- (3) **EAST:** Wildcat Creek, 100 Year Flood Plain, Pebblebrook Apartments, two-family dwellings, and Anneberg Park; R-3 District, R-S, Single-Family Residential Suburban District.
- (4) **WEST:** Scenic Drive and Highland Meadows subdivision; R-1/AO, R-2 and R-3 Districts.

GENERAL NEIGHBORHOOD CHARACTER: The area is characterized as a developing growth corridor of the City with single-family, two-family and multiple-family residential development to the immediate west of the site and future residential development to the east and southeast. Development occurring in the Lee Mill Heights and Miller Ranch areas can be expected to grow towards the site. Wildcat Creek is a natural boundary separating the site from existing public park, apartments and professional offices to the north and east of the creek. The neighborhood connects with the City by existing Scenic Drive. Street connections from Lee Mill Heights and Miller Ranch will accommodate future access to other parts of the City.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for general agricultural activities as currently zoned.

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, which should be similar to the same affects generated by Highland Meadows subdivision.

CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed site is shown on the Future Land Use map in the Southwest Planning Area as a combination of Residential High Density (RHD), Residential Low Medium (RLM), Preserved Open Space, and Flood

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Hazard area (100-Year Flood Plain). A small portion of the site in the southern part of the subdivision is in the Conical Zone of the Manhattan Regional Airport. The AO District will be added as an overlay district to the specific part of Stone Pointe Addition that is affected by the Conical Zone.

The RHD category is along the northern part of the site. The density range of RHD is 19-dwelling units per net acre or greater. The proposed R-3 District is along the Scenic Drive frontage, extending along the southern side of Wildcat Creek and west of Pebblebrook Apartment and Anneberg Park. The remainder of the site is RLM, which has a density range of less than one up to 11-dwelling units per net acre. Wooded ravines cross the site are shown as Preserved Open Space. The 100 Year Flood Plain consists of a Floodway and a Floodway Fringe. The Floodway portion of the Flood Hazard Area along Wildcat Creek is an environmentally sensitive area and cannot to be developed. The Floodway Fringe portion is the buildable part of the 100 Year Flood Plain and can be development.

Applicable Policy Statements include:

CHAPTER 4, LAND USE AND GROWTH MANAGEMENT: 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

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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.

**CHAPTER 4, LAND USE AND GROWTH MANAGEMENT: 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.

CHAPTER 5: NATURAL RESOURCES AND ENVIRONMENT

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

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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 3: Trails Network

The City and County shall use a variety of methods to develop a system of open space that is connected, continuous, and permanent. The Linear Trail, which currently follows parts of Wildcat Creek, and the Big Blue and Kansas Rivers, represents the beginnings of a network of trails and open space that will link various areas of the City. Tributary drainage channels and other potential pedestrian corridors should also be incorporated as part of the overall network as they become integrated into residential areas.

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

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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 slope), floodways, and other special flood hazard areas.

MR 7: Airport Airspace Regulations

Development shall be consistent with established airspace regulations for the Manhattan Regional Airport and the Airport Master Plan.

The rezoning conform to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has remained vacant and used for agricultural purposes for an undetermined length of time.

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 R-1 District is designed to provide a dwelling zone at a density no greater than one (1) attached dwelling units per 6,500 square feet. The proposed R-1 District is sufficient in area for the proposed district.

The R-2 District is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. The proposed R-2 District is sufficient in area for the proposed district.

The R-3 District is designed to provide a dwelling zone at a density no less than one (1) dwelling unit per 1,000 square feet. The proposed R-3 District is sufficient in area for the proposed R-3 District.

The AO District “is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by the facility to the region. The district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport's operation or the public welfare.”

Attachment No. 1

The site is partially within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone.

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 relative gain to the public, which denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. The Preliminary Plat of the proposed Stone Pointe Addition will need to show the AO District. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The site can be served by public improvements, including street, water, fire service and sanitary sewer

OTHER APPLICABLE FACTORS: The Preliminary Plat must address the requirements of the three zoning districts, Comprehensive Plan, and Subdivision Regulations.

STAFF COMMENTS:

City Administration recommends approval of the rezoning of the proposed Stone Pointe Addition from County 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.

ALTERNATIVES:

1. Recommend approval of the rezoning of the proposed Stone Pointe Addition from County 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, 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.

Attachment No. 1

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the rezoning of the proposed Stone Pointe Addition from County 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, based on the findings in the Staff Report .

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: April 11, 2006

06008

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT FOR MANHATTAN MARKETPLACE ADDITION, UNIT TWO

BACKGROUND

FROM: R-2, Two-Family Residential District; R-3, Multiple-Family Residential District; C-2, Neighborhood Shopping District; C-4, Central Business District; C-5, Highway Service Commercial District; I-3, Light Industrial District; and, PUD, Commercial Planned Unit Development District

TO: PUD, Commercial Planned Unit Development District

OWNERS: Dial Manhattan LLC and others. The Manhattan City Commission authorized City Administration to initiate the unilateral rezoning of the 22 acre tract.

APPLICANT: Dial Manhattan LLC

ADDRESS: 11506 Nicholas St. #200, Omaha Ne, 68154-4421

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 10, 2006

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 1, 2006

CITY COMMISSION: Tuesday May 16, 2006

LOCATION: an area generally bounded by Tuttle Creek Boulevard to the east, Bluemont Avenue to the north, North 4th Street to the west, and Leavenworth Street to the south.

(Note: Properties located at 312 Fremont Street and 318 Fremont Street are within the area to be rezoned; however, both properties have been left out of the rezoning site and will not be rezoned. 312 Fremont Street is zoned C-5 District. The current occupant is a plumbing business. The use at 318 Fremont Street is an apartment building, which is currently zoned R-3 District.)

AREA: approximately 22-acres

Attachment No. 2

PROPOSED USES: Permitted uses are proposed to consist of all of the Permitted Uses and Conditional Uses of the C-4, Central Business District.

PROPOSED BUILDINGS AND STRUCTURES:

The site is within the North Project Area of the Downtown Redevelopment Plan and identified as the Tuttle Creek District in the Design Guidelines for Downtown Redevelopment.

Proposed Manhattan Marketplace Addition, Unit Two, will consist of lots for commercial, residential, and commercial/residential uses. A public plaza is proposed on Lot 15. There is an existing residential structure on lot 11, which will remain. All other proposed development is new construction.

Proposed Buildings by Use and Area

Note: lot coverage is generally equivalent to gross floor area for buildings described below. Residential buildings are described in terms of numbers of dwelling units.

Lot 6: One and two-story commercial Buildings K, J, I and O. Lot coverage is approximately 62,700 square feet. Building K is also proposed to have 10 second floor residential dwelling units. Height: 24-39 feet.

Lot 7: One-story commercial Buildings G and H. Lot coverage is approximately 22,233 square feet. Height: 22-30 feet.

Lot 8: One-story commercial Building F. Lot coverage is approximately 73,000 square feet. Height: 35 feet.

Lot 9: One-story commercial Buildings L, M and N. Lot coverage is approximately 17,295 square feet. Height: 22-28 feet.

Lot 10: Two-story residential Buildings S with 12 total dwelling units. Height: 27 feet.

Lot 11: Existing residential structure to remain on the site. Lot coverage is approximately 1,980 square feet and may be used by the applicant as their real estate office. Height: estimated 25 feet.

Lot 12: Two-story residential Buildings T and U with 14 (labeled 16 on plan sheet) dwelling units. Height: 26-25 feet

Attachment No. 2

Lot 13: Two-story residential Buildings R with 20 residential dwelling units. Height: 26-25 feet

Lot14: Three-story commercial/residential Building Q approximately 11,000 gross square feet of commercial floor area square on the first floor, and 22 residential apartments, 11 units per floor, on floors 2 and 3. Height: 46 feet

Lot 15: Four-story commercial/residential Building P with commercial, hotel, apartments and a parking garage, consisting of approximately 14,800 gross square feet of first floor commercial space; a hotel and restaurant on the first floor with 93 rooms on floors 2-4; 51 residential apartments, 17 units per floor, on floors 2-4; and a parking garage with approximately 270 parking spaces. Height: 57-66 feet

Lot 16: One-story commercial Building E. Lot coverage is approximately 7,429 square feet. Height: 24-28 feet

See building elevations and floor plans on PUD plan sheets for details on architecture and materials.

Construction Phasing

- Phase 1: Fall 2006 utility relocations
- Phase 2 & 3: Spring 2007: Lot 6, 7 and 9
- Phase 4: Fall 2007: Lots 10, 13 and 13
- Phase 5: Spring 2008 and Beyond: Lots 8, 14, 15, and 16

Design Guidelines for Downtown Redevelopment

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

The Design Guidelines are an Exhibit to the Final Development Agreement between the City and Dial Realty Development Corp. The Agreement requires Dial realty to identify that the proposed improvements comply with the Design Guidelines. A letter in the application from Patrick Schaub, AIA, Bowman Bowman Novick Inc., notes that the proposed development is in substantial conformance with the Design Guidelines.

Design Guideline Exceptions

City Administration notes that an Exception is applicable to Building L, due to orientation and siting of the building façade, form and detailing with respect to Bluemont Avenue and Tuttle Creek Boulevard frontages. Both street frontages are high traffic streets. Doorways facing the streets are undesirable. Orientation is more appropriate to the internal parking area. Pedestrian access is provided from abutting street sidewalks. Frontages are landscaped to reduce the building's façade, which does not address the street frontage according to the Guidelines.

Buildings E, L, M and N's rear facades are visible from public streets and do not have a consistent visual interest as front facade treatments. The rear façade of E is visible from Leavenworth Street, N and L from Bluemont Avenue, and L and M from Tuttle Creek Boulevard. All buildings must have a rear façade. In these cases, the rear facades face high traffic streets. In addition, materials are similar to front façade treatments and include pilasters, as well as intensive plantings on L, M, and N's street facades.

PROPOSED LOT COVERAGE

<i>Use</i>	<u>Square Feet</u>	<u>Percentage</u>
Buildings	299,124.8	35%
Parking and Driving Lanes	280,965.33	33%
Streets (Travel Easements)	63,213.84	7%
Open/Landscape Space	213,858.25	25%
Total	857,162.53	100%

All buildings will use wall signs. No other type of signage is proposed in Unit Two. Signs are located over building entrances as depicted on elevation drawings.

PROPOSED LIGHTING: There are four types of pole mounted lights: 14-foot pedestrian scale lights, 27-foot parking lot lights and 32-foot entry lights off Tuttle Creek Boulevard. Building lights are decorative exterior lights. All lights are downcast and shaded, full cut-off except for those lights used for building accent.

**REVIEW CRITERIA FOR PLANNED UNIT
DEVELOPMENTS**

Attachment No. 2

1. LANDSCAPING: The proposed landscape plan is exceptionally well done in terms of coverage, number and variety of shade and ornamental trees, evergreen trees, shrubs, foundation plantings, parking lot landscaping, screening, and ground cover throughout the site. The landscaping plan conforms to the requirements of the Design Guidelines. Underground irrigation is proposed to maintain the landscaping, which will be maintained by the owner.

2. SCREENING: Dumpsters are proposed to be screened by masonry enclosures with doors and. Loading and trash compacter locations adjacent to the rear of Building F will be screened from residential Buildings T and U by an 8 foot masonry screen wall with a green trellis attached to the face. Other residential building will be screened by landscaping from commercial area. Roof-top equipment will need to be screened by parapet walls or similar treatment.

3. DRAINAGE: The site is proposed to drain to the east to inlets and then to the drainage channel along the east side of Tuttle Creek Boulevard. A comprehensive drainage plan was submitted for the North Project Area. The drainage system has been reviewed and accepted by the City Engineer (*see attached memo from the City Engineer*).

Adequate inlets and improvements will be provided to assure the drainage system will work.

4. CIRCULATION:

Public Access

The proposed internal circulation plan provides for safe, convenient and efficient movement of goods, motorists, bicyclists, and pedestrians. Conflicts between motorists and pedestrians are minimized. The site will be accessed from the surrounding street system and a right-in and right-out off Tuttle Creek Boulevard. Internal travel easements and public streets will provide access to all lots in the PUD. Sidewalks are proposed throughout the site, as well as along Tuttle Creek Boulevard (see comment below on proposed KDOT Grant). Sidewalks in traffic ways will be brick paved to emphasize pedestrian crossings.

The Bicycle Master Plan shows a bike route along Tuttle Creek Boulevard, which will be provided by the proposed sidewalk along the street and also serves as a connecting link of the Linear Trail, subject to KDOT approving a grant for the improvement. Bike racks are shown on the north sides of Buildings O and F.

The applicant's traffic analyses were comprehensive for the entire North Project Area and indicate nominal impact on the surrounding transportation network as a result of the proposed development. The City Engineer has reviewed and accepted the analysis, with comments about future street improvement projects and their timing (*attachment*).

Attachment No. 2

Properties located at 312 Fremont Street and 318 Fremont Street will not be rezoned. Both properties are bounded on all sides by the proposed PUD. In order to maintain public access to the properties, Fremont Street right-of-way will be reduced from 60 feet in width to 30 feet in width. The 15 foot public alley will remain. The remainder of access to the two properties from the surrounding street system will be provided by travel easements, which serve in lieu of a public street. Travel easements are a grant of easement to the public for travel to the same extent as would be permitted over a public street. Travel easements are dedicated with the Final Plat.

The two properties not included in the rezoning must be provided adequate public access. 312 Fremont Street has parking access off the existing public alley and no driveway access off Fremont Street. 318 Fremont Street has driveway access off Fremont Street and the public alley.

The Subdivision Regulations indicate that travel easements are to be used to provide internal access within a subdivision and shall not be permitted to provide access between subdivisions. For the proposed PUD to function in the form that has been proposed, internal access by travel easements are needed throughout Manhattan Marketplace Unit Two. It is impractical to maintain the 60 feet of right of way for Fremont Street. The combination of travel easements and public rights-of-way to 312 Fremont Street and 318 Fremont Street will provide adequate public access.

Off-Street Parking

The off-street parking requirements of the Manhattan Zoning Regulations do not require parking in the C-4 District for any use. Regardless, the applicant has proposed a total of 1,063 parking spaces consisting of 1,034 off-street parking spaces and 29 handicap parking spaces. The total does not include parking garage spaces, which is estimated at 270 spaces. Off-street parking is provided in parking lots and travel easements. On street parking on 4th Street is not included in the PUD parking space count, but, as proposed by the applicant, is expected to meet a part of the residential demand.

The proposed number of parking spaces should be adequate. Without specific detailed floor plans, parking must be calculated based on gross floor area. Off-street parking demand is based on net floor area. Storage, bathrooms, mechanical rooms and similar areas that do not create parking demand are deducted from the total floor area. It is assumed that actual demand would be less than demand based on gross floor area. It should also be assumed that demand for every commercial and residential use will have to be met at the same time.

Attachment No. 2

Total gross commercial building floor area for the entire site is approximately 209,000 square feet. Using the most restrictive commercial ratio from the Zoning Regulations of 1 parking space per 200 square feet of floor area would require 1,045 off-street parking spaces. Using the Zoning Regulations shopping center ratio of 5.5 spaces per 1,000 square feet would require 1,150 off-street parking spaces.

The applicant has proposed to use shared as well as on street parking to provide for residential off-street parking demand. One hundred and seven (107) dwelling units are proposed. Total bedroom counts are unknown. Parking is proposed to the rear of buildings R, S, T and U and should provide at least one space per unit. On-street parking is expected to provide additional tenants with parking spaces. Parking for dwellings in Q and P will be assigned spaces in the parking garage. Residential uses in Building K will have to use parking in a similar manner. The hotel will be assigned a level of the parking garage as well. There are 270 estimated parking spaces in the garage.

5. OPEN SPACE AND COMMON AREA: Approximately 25% of the site is open space, which will be maintained by the applicant.

6. CHARACTER OF THE NEIGHBORHOOD: The site is within a commercial service/retail corridor, and bounded on the east by Tuttle Creek Boulevard, on the west by North 4th Street, on the south by the Central Business District, and the north by Bluemont Avenue and a mixture of retail and service retail uses. A mix of single-family, two-family and multiple-family buildings are within the site. The area to the west of the site is characterized as a mix of low and medium density residential uses. Community facilities and commercial uses are west of the site along Osage and Leavenworth Streets.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: The site is dominated by the C-5 District. Residential dwellings are generally located in the western part of the site.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally flat with commercial and residential structures throughout the tract. Residential yards have lawns and trees. Commercial properties are dominated by the commercial building. Many of the commercial sites are not landscaped. Existing drainage is to the east to the ditch along the west side of Tuttle Creek Boulevard. The site is located in a 500 Year Flood Plain and is not subject to flood plain development regulations

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Bluemont Avenue, commercial retail and service uses; C-5 District and PUD

(b.) SOUTH: Leavenworth Street, Manhattan Town Center; C-4 District.

(c.) EAST: Tuttle Creek Boulevard, commercial/retail uses: C-5 District and PUD.

(d.) WEST: N. 4th Street, single-family, two-family, multiple-family residential uses, community facilities (Senior Center); R-M, Four Family Residential District and R-2 District with TNO, Traditional Neighborhood Overlay District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The existing uses in the various zoning districts throughout the 22 acre tract are suitable for the districts in which they are located, either as a permitted, conditional or nonconforming use.

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

The proposed PUD will allow as permitted uses all of the permitted and conditional uses of the C-4 District. Expected increases in traffic, light, and noise will be consistent with the commercial and residential character of the neighborhood. Minimal impact on adjacent properties is anticipated. N. 4th Street will separate the PUD from residential uses to the west. The increased width of N. 4th Street right-way and the orientation of proposed residential buildings in the PUD, which are proposed to front on the east side of N. 4th Street are a compatible use consistent with the residential neighborhood to the west. Commercial areas in the PUD are to the east of the proposed residential dwellings along N. 4th Street.

The site is east of the Runyon house, which is a designated historic structure. As a part of the overall project, Dial Realty applied for a National Pollution Discharge Elimination System (NPDES) permit, which necessitated a review as per Section 106 of the National Historic Preservation Act. The City is working with State Historic Preservation Officer of the Kansas State Historical Society to address impacts on historic properties in the project site. This process will supersede the environs review required by State law.

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

The proposed rezoning conforms to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has been zoned a variety of commercial, industrial and residential districts over time. Numerous buildings are located in the site with residential structures being some of the oldest and commercial more modern construction.

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

The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed PUD is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: There appears to be no relative gain to the public that denial would accomplish in comparison to the hardship to the owner. The site is part of the overall downtown redevelopment project and is an integral part of that project.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The PUD plans show existing and proposed public utilities and services, which will adequately serve the site. Utility releases have been provided by private companies, except for Westar Energy, which has indicated a concern regarding the distribution of electricity and its electric lines and substation and the costs and impacts to the system. The applicant will need to ensure that Westar Energy provides a utility release with the Final Development Plan. Easements have been reviewed by City Administration and will adequately serve the development.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of Manhattan Marketplace Addition, Unit Two from R-2, Two-Family Residential District; R-3, Multiple-Family Residential District; C-2, Neighborhood Shopping District; C-4, Central Business District; C-5, Highway Service Commercial District; I-3, Light Industrial District; and, PUD, Commercial Planned Unit Development District, to PUD, Commercial Planned Unit Development District, with the following conditions:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses of the C-4, Central Business District.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations, and temporary grand opening signs; and, menu boards for drive-up window restaurants.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Manhattan Marketplace Addition, Unit Two from R-2, Two-Family Residential District; R-3, Multiple-Family Residential District; C-2, Neighborhood Shopping District; C-4, Central Business District; C-5, Highway Service Commercial District; I-3, Light Industrial District; and, PUD, Commercial Planned Unit Development 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 Manhattan Marketplace Addition, Unit Two from R-2, Two-Family Residential District; R-3, Multiple-Family Residential District; C-2, Neighborhood Shopping District; C-4, Central Business District; C-5, Highway Service Commercial District; I-3, Light Industrial District; and, PUD, Commercial Planned Unit Development 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.

Attachment No. 2

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 Manhattan Marketplace Addition, Unit Two from R-2, Two-Family Residential District; R-3, Multiple-Family Residential District; C-2, Neighborhood Shopping District; C-4, Central Business District; C-5, Highway Service Commercial District; I-3, Light Industrial District; and, PUD, Commercial Planned Unit Development District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the following conditions:

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: April 26, 2006

06009