



MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 5, 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, 8 staff, and approximately 26 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Snead proclaimed September 17-23, 2006, *Community Cultural Harmony Week*. Doug Benson and Candi Hironaka, Co-Chairs, Community Cultural Harmony Week Planning Committee, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Snead opened the public comments.

Paula Goldwyn, representing her mother Bernice Enlow, 601 North Juliette Avenue, informed the Commission that her mother received Helping Hands program funds for a house furnace and water heater repairs provided by Henton Plumbing; however, the company has a remaining balance to be paid in the amount of \$2,500 and has filed a mechanics lien against her mother's home. She requested the Helping Hands funds that were returned to the City's General Fund be used to pay for the repairs.

Mayor Snead responded to Ms. Goldwyn and informed her that this matter will be taken under advisement.

PUBLIC COMMENTS (CONTINUED)

Dee R. Ross, 2304 Brockman, informed the Commission that he was concerned by the activities regarding the Heritage Square development and spoke against the use of taxpayer funds to support such a development. He also voiced his concern with the misuse of Parks and Recreation funds and requested that the public have a vote with the proposed smoking ordinance. He then answered questions from the Commission.

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

COMMISSIONER COMMENTS

Commissioner Morris-Hardeman informed the community that the United Way campaign is kicking-off its annual campaign and encouraged participation from the community. She also stated that local schools are looking for community members to serve on site councils in an advisory capacity.

Mayor Snead shared with the community an upcoming play open to the public at Nichols Theatre reflecting on the anniversary of September 11, 2001, and encouraged everyone to attend.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, August 15, 2006, and the minutes of the Special City Commission Meeting held Tuesday, August 22, 2006.

CLAIMS REGISTER NO. 2567

The Commission approved Claims Register No. 2567 authorizing and approving the payment of claims from July 30, 2006, to August 29, 2006, in the amount of \$4,631,585.16.

FINAL PLAT – EUREKA ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Eureka Addition, generally located south of Eureka Drive and the Flint Hills Job Corps Center, based on conformance with the Manhattan Urban Area Subdivision Regulations.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6564 – ANNEX – STONE POINTE ADDITION, UNIT TWO

The Commission approved Ordinance No. 6564 annexing a 103-acre tract of land for the proposed Stone Pointe Addition, Unit Two, generally located along the east side of Scenic Drive, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

ORDINANCE NO. 6565 – REZONE – STONE POINTE ADDITION, UNIT TWO

The Commission approved Ordinance No. 6565 rezoning Stone Pointe Addition, Unit Two from County G-1, General Agricultural District, to: R, Single-Family Residential District; R-3, Multiple-Family Residential District; and, C-2, Neighborhood Shopping District, all with the AO, Airport Overlay District, based on the findings in the Staff Report and the recommendation of the Planning Board. *(See Attachment No. 1)*

ORDINANCE NO. 6566 – REZONE – LIMEY POINTE

The Commission approved Ordinance No. 6566 rezoning the proposed Limey Pointe development generally located northeast of McCall Road and Tuttle Creek Boulevard, to PUD, Planned Unit Development District, based on the findings in the Staff Report, with the ten conditions as modified and recommended by the Manhattan Urban Area Planning Board. *(See Attachment No. 2)*

PUBLIC HEARING – VACATE EASEMENTS – LOT 2, MANHATTAN MARKET PLACE ADDITION

Mayor Snead opened the public hearing.

Hearing no comments, Mayor Snead closed the public hearing.

FIRST READING – VACATE EASEMENTS – LOT 2, MANHATTAN MARKET PLACE ADDITION

The Commission approved first reading of an ordinance vacating portions of a twenty (20) foot utility easement and twenty five (25) foot easement on Lot 2, Manhattan Market Place Addition, City of Manhattan, Riley County, Kansas.

PUBLIC HEARING – VACATE UTILITY EASEMENT – GARDENS AT FLINT HILLS ADDITION

Mayor Snead opened the public hearing.

Hearing no comments, Mayor Snead closed the public hearing.

CONSENT AGENDA (CONTINUED)

FIRST READING – VACATE UTILITY EASEMENT – GARDENS AT FLINT HILLS ADDITION

The Commission approved first reading of an ordinance vacating a portion the twenty (20) foot utility easement on Lot 2 in The Gardens at Flint Hills Addition, City of Manhattan, Riley County, Kansas.

FIRST READING – ESTABLISH STOP SIGNS – KNOX CIRCLE

The Commission approved first reading of an ordinance establishing a stop sign on Knox Circle at Knox Lane.

FIRST READING – ESTABLISH STOP SIGNS – CROSS STREETS ON MILLER PARKWAY

The Commission approved first reading of an ordinance establishing stop signs on cross streets of Miller Parkway.

RESOLUTION NO. 090506-A – PETITION – CEDAR GLEN ADDITION – STREET IMPROVEMENTS (ST0618)

The Commission found the petition sufficient and approved Resolution No. 090506-A finding the project advisable and authorizing construction for Cedar Glen Addition, Street Improvements (ST0618).

RESOLUTION NO. 090506-B – PETITION – CEDAR GLEN ADDITION – STORM DRAINAGE (SM0602)

The Commission found the petition sufficient and approved Resolution No. 090506-B finding the project advisable and authorizing construction for Cedar Glen Addition, Storm Drainage Improvements (SM0602).

RESOLUTION NO. 090506-C – PETITION – CEDAR GLEN ADDITION – WATER IMPROVEMENTS (WA0617)

The Commission found the petition sufficient and approved Resolution No. 090506-C finding the project advisable and authorizing construction for Cedar Glen Addition, Water Improvements (WA0617).

RESOLUTION NO. 090506-D – PETITION – CEDAR GLEN ADDITION IMPROVEMENTS – SANITARY SEWER IMPROVEMENTS (SS0615)

The Commission found the petition sufficient and approved Resolution No. 090506-D finding the project advisable and authorizing construction for Cedar Glen Addition, Sanitary Sewer Improvements (SS0615).

CONSENT AGENDA (CONTINUED)

AGREEMENT – ENGINEERING SERVICES – CEDAR GLEN IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with Ruggles & Bohm, P.A., of Wichita, Kansas, to perform engineering services for Cedar Glen improvements.

RESOLUTION NO. 090506-E – STONE POINTE ADDITION, UNIT 1, PHASE 2, - STREET IMPROVEMENTS (ST0607)

The Commission found the petition sufficient and approved Resolution No. 090506-E, 090506-F, and 090506-G, finding the projects advisable and authorizing construction Stone Pointe Addition, Unit 1, Phase 2, Street Improvements (ST0607).

RESOLUTION NO. 090506-F – STONE POINTE ADDITION, UNIT 1, PHASE 2 – SANITARY SEWER IMPROVEMENTS (SS0614)

The Commission found the petition sufficient and approved Resolution No. 090506-E, 090506-F, and 090506-G, finding the projects advisable and authorizing construction Stone Pointe Addition, Unit 1, Phase 2, Sanitary Sewer Improvements (SS0614).

RESOLUTION NO. 090506-G – STONE POINTE ADDITION, UNIT 1, PHASE 2 – WATER IMPROVEMENTS (WA0616)

The Commission found the petition sufficient and approved Resolution No. 090506-E, 090506-F, and 090506-G, finding the projects advisable and authorizing construction Stone Pointe Addition, Unit 1, Phase 2, Water Improvements (WA0616).

AGREEMENT – ENGINEERING SERVICES – STONE POINTE ADDITION, UNIT 1, PHASE 2

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, P.A., of Manhattan, Kansas, to perform engineering services for improvements of Stone Pointe Addition, Unit One, Phase Two.

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CHANGE ORDER NO. 1 – 2004 DENISON AVENUE IMPROVEMENT (ST0411)

Rob Ott, City Engineer, answered questions from the Commission.

Jeff Hancock, Director of Public Works, and Ron Fehr, City Manager, provided additional information on the item.

CONSENT AGENDA (CONTINUED)

* **CHANGE ORDER NO. 1 – 2004 DENISON AVENUE IMPROVEMENT (ST0411) (CONTINUED)**

The Commission approved Change Order No. 1 for the 2004 Denison Avenue Improvements (ST0411) resulting in a net increase in the amount of \$120,594.49 to the contract with Pavers, Inc., of Salina, Kansas.

CHANGE ORDER NO. 1-FINAL – FIRE HYDRANT AND VALVE REPLACEMENT PROJECT (WA0609)

The Commission approved Change Order No. 1-Final for Fire Hydrant and Valve Replacement Project (WA0609) resulting in a net decrease in the amount of \$11,930.35 (-12.4%) to the contract with Walters-Morgan Construction Company, of Manhattan, Kansas.

CHANGE ORDER NO. 4 – NISTAC INCUBATOR FACILITY (SP0406)

The Commission approved Change Order No. 4 resulting in a net increase in the amount of \$38,181.00 (+2.84% change to date over original contract) to the contract with Cheney Construction, Inc., of Manhattan, Kansas, for NISTAC Incubator Facility.

AMENDMENT NO. 3 – FAMILY INDOOR RECREATION/AQUATIC FACILITY

The Commission approved Amendment No. 3 with reimbursable expenses not to exceed 13.5% or \$29,319.00 with RDG Planning and Design, of Kansas City, Missouri, for the preliminary design, construction and operating cost, and determining the preferred site for the Family Indoor Recreation/Aquatic Facility; analyze and make recommendations on three outdoor pools; master plan City Park for the future; and authorize the Mayor to execute the amendment.

OUTSIDE CITY WATER SERVICES AGREEMENT – 692 EAST MARLATT AVENUE

The Commission authorized the Mayor and City Clerk to execute an agreement permitting connection to the City of Manhattan's public water supply system by Jack and Marcia Roets for the real estate located at 692 East Marlatt Avenue, Riley County, Kansas.

OUTSIDE CITY SANITARY SEWER SERVICES AGREEMENT – 2812 MARLATT AVENUE

The Commission authorized the Mayor and City Clerk to execute an agreement permitting connection to the City of Manhattan's sanitary sewer system by the Church of Jesus Christ of Latter-Day Saints for property located at 2812 Marlatt Avenue, Manhattan, Kansas.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS

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

Code of Appeals Board

Appointment of Bruce Ewing, 5009 Murray Road, to a two-year (Master Plumber) term. Mr. Ewing's term begins immediately, and will expire on May 31, 2008.

Board of Zoning Appeals

Appointment of Kate Watson, 2035 Rockhill Circle, to an unexpired term of Daniel Morin. Ms. Watson's term begins immediately and will expire on December 31, 2007.

Manhattan Municipal Band Board

Re-appointment of James Shanteau, 1209 Meadowlark Circle, to a four-year term. Mr. Shanteau's term will September 1, 2006 and will expire on August 31, 2010.

AWARD CONTRACT – TUTTLE CREEK BOULEVARD SIDEWALK IMPROVEMENTS PROJECT (SW0602)

The Commission accepted the Engineer's Estimate in the amount of \$24,560.00 and awarded a construction contract in the amount of \$22,456.00 to Hedke Construction, of Manhattan, Kansas, for the Tuttle Creek Boulevard Sidewalk Improvements Project (SW0602).

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

GENERAL AGENDA

REQUEST TO PARTICIPATE - FUNDING OF EQUICENTER FEASIBILITY STUDY

John Pagen, Economic Development Director, Manhattan Area Chamber of Commerce, presented the item.

Bob Cole, Economic Development Director, Pottawatomie County, provided additional information on the item and supported the regional opportunity to partner in the proposed study.

GENERAL AGENDA (CONTINUED)

REQUEST TO PARTICIPATE - FUNDING OF EQUICENTER FEASIBILITY STUDY (CONTINUED)

Josh McKim, Executive Director, Geary County/Junction City Economic Development, informed the Commission that this is an opportunity for the region and allows another opportunity to work as a region.

Christy Lenders, 3630 Marlatt Avenue, voiced her support for the equestrian center. She provided her personal experience with the center in St. Louis and stated that there is an opportunity in Manhattan to serve a large region. She then answered questions from the Commission.

John Pagen, Economic Development Director, Manhattan Area Chamber of Commerce, provided additional information on the item and responded to questions from the Commission.

Mike Shilling, 2110 Lawrence Road, informed the Commission that the purpose of the study is to answer many questions and that it was not their intent to use tax money, other than the initial study.

Christy Lenders, 3630 Marlatt Avenue, provided additional information on the facility in St. Louis.

Bob Cole, Economic Development Director, Pottawatomie County, provided additional information on the request.

Ron Fehr, City Manager, provided additional information on the item and stated the role of the consultant will be to analyze the feasibility and identify recommendations.

After discussion, Commissioner Morris-Hardeman moved to approve the contribution of \$20,000 by the City from Economic Development funds for the feasibility study for an Equicenter. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - 514 AND 522 YUMA STREET (TREASURES OF THE HEART)

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

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - 514 AND 522 YUMA STREET (TREASURES OF THE HEART) (CONTINUED)

Tracy Anderson, Project Architect, provided additional information on the item and answered questions from the Commission.

Eric Cattell, Assistant Director for Planning, and Tracy Anderson, Project Architect answered questions from the Commission.

After discussion, Commissioner Phillips moved to approve first reading of an ordinance rezoning 514 and 522 Yuma Street, to PUD, Mixed-Use Planned Unit Development District, based on the Staff Report as modified by the findings expressed during the public hearing, with the five conditions, as recommended by the Planning Board, and with the condition of outdoor storage and merchandise prohibited. (*See Attachment No. 3*) Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - INVERNESS TOWNHOMES

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

Tracy Anderson, Project Architect, provided information on the design.

Zach Burton, owner and developer of the property, provided additional information about the item and communications that have occurred with members of the Miller Ranch neighborhood.

John Alstadt, 3700 Crossgate Circle, Vice President, Auth-Florence, requested that the governing body not move forward with the proposed ordinance at this time and asked for additional time to allow the majority of homeowners in Miller Ranch to better understand the proposed project and to ensure that the project is following the restrictive covenants.

Paul Dittmar, 913 Overhill Road, informed the Commission that the homeowners may not fully understand the impact of the proposed development and requested additional time to communicate with people in the community.

Bill Norton, 3700 Birch Court, informed the Commission that he was disappointed in his homeowners association and stated that Mr. Burton has been upfront with the people at Miller Ranch. He requested additional time for the homeowners to better understand what's going on.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - INVERNESS TOWNHOMES (CONTINUED)

Zach Burton, owner and developer of the property, provided some zoning history, an update on the proposed road, and stated that he received a letter from the Miller Ranch Architectural Control Committee with plan approval. He then answered questions from the Commission.

Bill Frost, City Attorney, provided clarification on the proposed travel easement and answered questions from the Commission.

Eric Cattell, Assistant Director for Planning, informed the Commission that the private street will be dedicated to the public for access, but will be the responsibility of the owner. He then answered additional questions.

Zach Burton, owner and developer of the property, stated the responsibility for the street would be the responsibility of the owners of the townhomes. He reiterated to the Commission that he has done everything required of him and wants to have a quality project. He then answered questions regarding buffering on Lot 49.

Barb Alstadt, Miller Ranch Homeowners Association board member, stated that 14 units attached, as proposed, would look horrendous and would prefer to see groups of two to three townhouses. She requested that more time be given and that the developer makes a proposal to the community at large.

John Alstadt, 3700 Crossgate Circle, said modification to the covenants can only be approved by the majority of homeowners in the Association. He requested that reasonable time be given for the developer to meet with the community at large.

Mike Evangelids, 3824 Stratford Drive, informed the Commission that he recently purchased the property at Miller Ranch and that he appreciates that Mr. Burton has responded to their questions. He stated that this is the best plan they've seen and that it's difficult to get all the homeowners to agree, and that it is largely because of the disfunctionality of the homeowner association.

Ike Ehle, 3820 Stratford Terrace, said that it was disturbing that he didn't have the information earlier and that there needs to be a balance between profit of the development and acceptance of the homeowners.

Zach Burton, owner and developer, informed the Commission that two meetings have taken place behind Mr. Ehle's house, a public hearing sign has been posted and that he communicated with Miller Ranch residents the best he could.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - INVERNESS TOWNHOMES (CONTINUED)

Scott Gillam, 3816 Stratford Drive, informed the Commission that the general concern is with the design and layout of the units, and in meeting the five requirements outlined in the Staff Report.

Eric Cattell, Assistant Director for Planning, provided additional information on the five requirements in the Staff Report. (*See Attachment No. 4*)

Zach Burton, owner and developer, provided additional information on the item.

Paul Dittmar, 913 Overhill Road, stated that the homeowners association is a group of volunteers and has not done a perfect job, but this has our attention. He asked for a little more time to communicate to others.

Bill Frost, City Attorney, responded to questions from the Commission regarding the relationship between zoning and restrictive covenants of the homeowner's association. He then answered additional questions from the Commission on the timing of second reading and alternatives presented.

Zach Burton, owner and developer, informed the Commission that the proposed structure could be broken up into four, five and four units, instead of one continuous building. He stated that time was a concern to him.

Eric Cattell, Assistant Director for Planning, provided additional information on the item.

After discussion, Commissioner Morris-Hardeman moved to table first reading of an ordinance rezoning the tract of land, to allow additional time for the homeowners association to have further discussion for two weeks. Mayor Snead seconded the motion.

Zach Burton, owner and developer, asked for clarification and desire of the Commission.

Ron Fehr, City Manager, provided clarification that the intent of the Commission was to reconsider first reading of the ordinance on September 19, 2006.

After additional discussion, on roll call vote, motion carried 5-0.

The Commission took a brief recess at 10:20 p.m.

GENERAL AGENDA (CONTINUED)

FIRST READING - AMEND THE FINAL DEVELOPMENT PLAN AND ORDINANCE NO. 6254 - TOWNHOMES AT MILLER RANCH PUD- AND - REZONE - THE TOWNHOMES AT MILLER RANCH

Eric Cattell, Assistant Director for Planning, presented the item.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance amending The Townhomes at Miller Ranch Residential Planned Unit Development, and Ordinance No. 6254; and rezoning a portion of the PUD as proposed, to add the Airport Overlay District; based on the findings in the Staff Report, with the four conditions of approval recommended by the Planning Board. (*See Attachment No. 5*) Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - UNIVERSITY TERRACE CONDOMINIUMS PUD (1510-1534 COLLEGE AVENUE)

Eric Cattell, Assistant Director for Planning, presented the item.

Chris Elsey, Elsey Partners, 2052 Hunting Avenue, provided additional information on the item and was available to answer questions.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning the proposed University Terrace Condominiums, generally located at 1510-1534 College Avenue, from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the eight conditions recommended by the Manhattan Urban Area Planning Board. (*See Attachment No. 6*) Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

At 10:30 p.m. Mayor Snead moved to recess into Executive Session until 11:10 p.m. for the purpose of discussing personnel matters of non-elected personnel, which need to remain confidential and also for the purpose of discussing matters of attorney/client privilege relative to pending litigation. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION (CONTINUED)

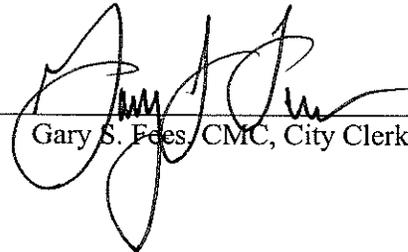
At 11:12 p.m., the Commission reconvened with Mayor Snead and Commissioners Phillips, Hatesohl, and Morris-Hardeman in attendance. Mayor Snead moved to recess into Executive Session until 11:30 p.m. for the purpose of discussing personnel matters of non elected personnel, which need to remain confidential. Commissioner Phillips seconded the motion. On vote, motion carried 4-0.

At 11:30 p.m., the Commission reconvened with Mayor Snead, and Commissioners Phillips, Hatesohl and Morris-Hardeman is attendance. Mayor Snead moved to recess into Executive Session until 11:45 p.m. for the purpose of discussing personnel matters of non elected personnel, which need to remain confidential. Commissioner Hatesohl seconded the motion. Motion carried 4-0.

At 11:46, the Commission reconvened with Mayor Snead and Commissioners Phillips, Hatesohl, Morris-Hardeman, and Klimek in attendance.

ADJOURNMENT

At 11:47 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

STAFF REPORT

FROM: County G-1, General Agricultural District.

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

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

LOCATION: generally located northeast of the intersection of Scenic Drive and Powercat Place, and southeast of the intersection of Scenic Drive and Highland Ridge Drive. All of the tracts are along the east side of Scenic Drive.

AREA: Total: 103-acres; Tract 1: 23.8-acres; Tract 2: 40.7, 13.9-acres, and 16.6-acres;
and, Tract 3: 8.5-acres.

Note: the R-3 District portion is divided into three sub-areas.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, June 26, 2006

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

CITY COMMISSION: Tuesday, August 1, 2006

EXISTING USE: agricultural range land.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is typical Flinthills landform consisting of open range land, rolling terrain, wooded draws. The site slopes uphill to the south from and drains generally to the north-northeast to Wildcat Creek.

Attachment No. 1

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 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:** Single-family dwelling and undeveloped Stone Pointe Addition; G-1 District, and R-1/AO District.
- (2) **SOUTH:** Agricultural; G-1 District.
- (3) **EAST:** Agricultural; G-1 District.
- (4) **WEST:** Scenic Drive, agricultural and single-family dwellings; G-1 District and A-5, Single Family Residential District.

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 north. Development occurring in the Lee Mill Heights and Miller Ranch areas can be expected to grow towards the site. Highland Meadows Additions are to the northwest. Street connections from Lee Mill Heights and Miller Ranch with Stone Pointe 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 and Stone Pointe subdivisions.

CONFORMANCE WITH COMPREHENSIVE PLAN:

Attachment No. 1

The proposed site is shown on the Future Land Use map in the Southwest Planning Area as a combination of Residential Low Medium (RLM), Residential Medium High Density (RMH), Preserved Open Space, and Special Planning Area policies. The site 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.

Applicable Policy Statements include:

CHAPTER 4, LAND USE AND GROWTH MANAGEMENT

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 wi

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: R-2, Two-Family Residential District; I-2, Industrial Park District; C-6, Heavy Commercial District; and, C-5, Highway Service Commercial District.

TO: PUD, Planned Unit Development District.

OWNER/APPLICANT: Dial Realty Development Corp. and City of Manhattan/ Dial Realty Development Corp.

ADDRESS: 11506 Nicholas Street, Omaha NE 68154.

DATE OF PUBLIC NOTICE PUBLICATION: June 26, 2006.

DATE OF PUBLIC HEARING: PLANNING BOARD: July 17, 2006, tabled to August 7, 2006

CITY COMMISSION: August 22, 2006.

LOCATION: generally located along the north side of McCall Road, east of Tuttle Creek Boulevard and on the east and west side of Hostetler Drive.

AREA: 13 acres.

PROPOSED USES: Proposed Permitted Uses include all of the Permitted and Conditional Uses of the C-5, Highway Service Commercial District, except for Adult Businesses, which will not be allowed.

PROPOSED BUILDINGS AND STRUCTURES: The PUD, in part, will relocate the existing Wendy's and Pizza Hut restaurants currently located on N. 3rd Street in Manhattan Marketplace PUD, Unit Two. The proposed International House of Pancakes (I-HOP) restaurant is a new business. The remaining three lots are unknown and will require an amendment of the PUD, prior to development of the lot. Based on plans submitted with the PUD, businesses appear to be standard prototypes of the chain restaurant. Architectural, floor and sign plans are attached.

Phasing includes the first phase to include Lots 1, 2 and 4, internal private street and other public and private improvements in the Fall of 2006. Phasing of Lots 3, 5 and 6 will require an amendment of the PUD as development of the lots is unknown at this time.

PROPOSED LOT COVERAGE

Proposed lot coverage for Lots 1-6 for building, streets and parking, and open/landscaped space are shown on the PUD's site plan.

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Pole and ground signs	1 square foot of sign area per foot of street frontage	Internal
Wall signs	Vary per business	Internal

Signs generally follow the C-2, Neighborhood Shopping District sign requirements; however, ground and pole signs are shown on the architectural building sheets differ from the skirted pole sign shown on the Preliminary Development Plan's site plan. Likewise, each lot would be allowed to construct a pole sign which varies in size due to frontage along the street. Uniformity in size would be inconsistent. A note on the PUD site plan indicates, "Metal skirting to match building design" is vague. Overall, the sign plan is confusing and inconsistent.

Ground and/or pole signs will have a visual affect and can be used to create a unifying theme in the PUD. City Administration recommends that the applicant provide an architecturally unifying pole and/or ground sign plan with the Final Development Plan. The plan should consist of a unifying architectural designs the pole and/or ground signs throughout the entire PUD, which should include clear architectural elements and ground treatments such as stone planters and landscaping at the sign base. Height, maximum gross surface area, structural type, setback and illumination should be clearly set out in the plan. No more than one (1) pole and/or ground sign should be allowed per lot. See policy CC 4 below under the Comprehensive Plan regarding unified site design.

Wall signs are internally lit and well scaled to the building facades and shall be permitted as proposed.

Temporary banner signs should be limited to no more than one (1) banner sign per lot. Exempt signage shall include 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. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.

PROPOSED LIGHTING: Light poles will be 28 feet in height, which includes the base. Light poles should be full cutoff design to reduce glare on streets and adjacent properties. Light fixtures will be provided on individual buildings according to architectural plans and not cast direct light on streets or adjacent property.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Landscaping is functional for the service commercial nature of the site and will consist of canopy, ornamental and evergreen trees, shrubs and lawn areas to be owned and maintained by individual lot owners. Landscaped areas will be irrigated with underground systems.

2. SCREENING: Dumpster locations will be screened with materials consistent with the building materials of each respective business.

3. DRAINAGE: The site will drain to the west and south to the drainage channel along Tuttle Creek Boulevard or to a drainage detention basin proposed northwest of the PUD. The City Engineer has reviewed the drainage study. The utility and grading plan indicates storm water improvements including inlets on Hostetler Drive. The drainage study, however, notes that Hostetler Drive inlet improvements should be made at a later date and existing improvements, although inadequate, do not make conditions much worse after development. The City Engineer's memo (attached) recommends that the inlet improvements on Hostetler Drive be made with the development, since there are no plans to improve Hostetler Drive. The memo otherwise accepts the consultant's drainage study.

4. CIRCULATION: Access is from McCall Road and Hostetler Drive. Lots 1-4 will be served by two Travel Easements, Limey Place and Goodfood Place, which will be privately owned and maintained by the owners of Lots 1-4. Restrictive covenants will be provided with the Final Development Plan addressing the private streets.

Lots 5-6 will be accessed from Hostetler Drive, a public street.

Attachment No. 2

No lots will be directly accessed from McCall Road or Tuttle Creek Boulevard. Access is prohibited from those two streets.

Sidewalk connections are provided along streets and travel easements for pedestrian access.

Off-street parking for Lots 1, 2 and 4 are based on the parking ratio for a restaurant, which requires at least one (1) parking space for each three (3) customers based upon the maximum design occupancy and one (1) parking space for each employee as related to the work shift when the maximum number of employees are present. Based on occupancy and employee counts provided by the applicant and a separate review by Code Services, Lot 1 will provide 83 parking spaces, which reflects a surplus of parking spaces. Lot 2 provides 46 parking spaces, which is the minimum required. Lot 4 provides 76 parking spaces. Based on the applicant's information, 70 parking spaces would be required. Code Services review would require 81. Seventy six (76) parking spaces for Lot 4 should be adequate, although no handicapped spaces are shown. The proposed total will likely be reduced by several spaces to accommodate handicapped stalls.

A traffic report was submitted and reviewed by the City Engineer with comments (attached memos). The traffic study indicates that the major impacts to the street network can be expected as a result of the proposed development. Proposed improvements on the site plans address the major impacts as described in the City Engineer's memo dated July 31, 2006; however a response from the VFW concerning a proposed median for new access lanes adjacent to the VFW entrance has not been provided, as requested.

5. OPEN SPACE AND COMMON AREA: Each lot is individually owned and consists of building, off-street parking and landscaped areas.

6. CHARACTER OF THE NEIGHBORHOOD: Generally characterized as a mix of retail and industrial service businesses.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: A combination of industrial park, highway service commercial and heavy commercial lots. The former lime sludge ponds along McCall Road and Tuttle Creek Boulevard, which are being excavated. The R2 District portion of the site is a small part of the site in the northwestern corner and is in the lime sludge part of the site.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally a flat site located in the build-able portion of the 100 Year Flood Plain. The 100 Year Flood elevation is 1008 feet. Finished floors of proposed buildings are shown 2-3 feet above the flood elevation. The eastern part of the site consists of Hostetler Drive and a recently demolished commercial building on the west side of Hostetler Drive. An existing former truck/transportation site and building are on the east side of Hostetler Drive. The eastern portion of the site is in Riley County and the western, or majority portion of the site, is in Pottawatomie County. The site drains to the west to the drainage ditch along Tuttle Creek Boulevard and partly to the north along Hostetler Drive to undersized storm water inlets.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** Industrial services; I-2 District.

(b.) **SOUTH:** McCall Road, American Legion, Super-Walmart; C-5 and PUD.

(c.) **EAST:** heavy commercial; C-6 District.

(d.) **WEST:** Tuttle Creek Boulevard, N. 3rd Street, highway and neighborhood commercial businesses on N. 3rd Street; C-5 and C-2, Neighborhood Shopping District.

4. CHARACTER OF THE NEIGHBORHOOD: Generally characterized as a mix of retail and industrial service businesses.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Except for the lime sludge pond areas, individual sites in existing zoning districts could accommodate permitted uses in the zoning district in which they are located.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND

EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The site is commercial growth corridor and its development as a commercial PUD should be compatible with the surrounding neighborhood..

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Northeast Planning Area designates the site as Community Commercial (CC). Applicable policies include:

COMMUNITY COMMERCIAL (CC)

CC 1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC 2: Location

Community Commercial Centers should be located at the intersection of one or more major arterial streets. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as “big-box” stores) shall only be permitted in areas of the City where adequate access and services can be provided.

CC 3: Size

Typically require a site of between 10 and 30 acres.

CC 4: Unified Site Design

A unified site layout and design character (buildings, landscaping, signage, pedestrian and vehicular circulation) shall be required and established for the center to guide current and future phases of development. Building and site design should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.

CC 5: Architectural Character

Community Commercial Centers shall be required to meet a basic level of architectural detailing, compatibility of scale with surrounding areas, pedestrian and bicycle access, and mitigation of negative visual impacts such as large building walls, parking areas, and service and loading areas. While these requirements apply to all community commercial development, they are particularly important to consider for larger

footprint retail buildings, or “big-box” stores. A basic level of architectural detailing shall include, but not be limited to, the following:

- Façade and exterior wall plane projections or recesses;
- Arcades, display windows, entry areas, awnings, or other features along facades facing public streets;
- Building facades with a variety of detail features (materials, colors, and patterns); and
- High quality building materials.

CC 6: Organization of Uses

Community commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Within each activity center or node, complementary uses should be clustered within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses. Isolated single store developments are strongly discouraged.

CC 7: Parking Design and Layout

Uninterrupted expanses of parking should be avoided. Parking areas should be broken into smaller blocks divided by landscaping and pedestrian walkways. Parking areas should be distributed between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible.

CC 8: Circulation and Access

Clear, direct pedestrian connections should be provided through parking areas to building entrances and to surrounding neighborhoods or streets. Integrate main entrances or driveways with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles.

The PUD is in general conformance to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has been zoned various commercial and industrial districts over time. Annexation was in 1968 and 1969. Commercial and industrial buildings have occupied the site.

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.

Attachment No. 2

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 generally consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, except that a unifying sign plan should be provided.

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 if the rezoning is denied and it may be a hardship to the owner if the rezoning is denied. Two businesses will be relocated from Manhattan Marketplace PUD, Unit Two. In order for the phasing to occur in a timely manner the rezoning is necessary. Street improvements, however, are necessary so that negative traffic impacts on public streets do not occur.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate sanitary sewer and water are available. Storm sewer pipes and inlets are proposed to divert storm water and must be provided. Sidewalk is proposed for pedestrian access. The traffic study by the applicant's consultant indicates major impacts to the street network, which are shown, in part, and must be built to serve the public.

Utility releases have been provided by private utility companies.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of Limey Pointe PUD from R-2, Two-Family Residential District; I-2, Industrial Park District; C-6, Heavy Commercial District; and, C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, with the following conditions:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-5, Highway Service Commercial District, except for Adult Businesses.
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.

Attachment No. 2

3. All landscaping and irrigation shall be maintained in good condition.
4. Light poles shall be provided as described in the application documents and shall be full cutoff design. Building lighting shall be provided as proposed and shall not cast direct light onto public or private streets or adjacent property.
5. An architectural unifying pole and/or ground sign plan shall be submitted with the Final Development Plan for the first phase. The sign plan shall apply to the entire PUD, and shall include, but not be limited to, clear architectural elements, materials and lighting and ground treatments, such as stone planters and landscaping at the sign base. Height, maximum gross surface area, structural type, setback and illumination shall be clearly set out in the sign plan. The sign plan shall indicate that there shall be no more than one (1) pole and/or ground sign per lot.
6. Wall signs shall be permitted as proposed.
7. Temporary banner signs should be limited to no more than one (1) banner sign per lot. Exempt signage shall be 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. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.
8. Traffic improvements cited in the July 31, 2006, Inter-Office Memorandum from the City Engineer shall be constructed with the first phase of the development to include:
 - (a.)The second through lane for westbound traffic on McCall Road between Hays Drive and Hostetler Drive shall be added.
 - (b.)The westbound and eastbound left turn lanes shall be aligned at the intersection of Hostetler Drive & McCall Road.
 - (c.)Hostetler Drive shall match the south leg of the intersection in terms of number of lanes and configuration.
 - (d.)An urban section shall be shown on the plans along the north side of McCall Road and shall include curb and gutter.
9. Drainage improvements cited in the July 31, 2006, Inter-Office Memorandum from the City Engineer for storm inlets and storm sewer pipes shall be provided with the first phase of the development.
10. Prior to the development of Lots 3, 5 and 6, an amendment of the PUD shall be submitted and approved prior to issuance of any necessary permits.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Limey Pointe from R-2, Two-Family Residential District; I-2, Industrial Park District; C-6, Heavy Commercial District; and, C-5, Highway Service Commercial District, to PUD, 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 Limey Pointe from R-2, Two-Family Residential District; I-2, Industrial Park District; C-6, Heavy Commercial District; and, C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such 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 Limey Pointe from R-2, Two-Family Residential District; I-2, Industrial Park District; C-6, Heavy Commercial District; and, C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, based on the findings in the staff report, with the conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: August 2, 2006

STAFF REPORT

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

BACKGROUND

FROM: R-M, Four-Family Residential District with TNO, Traditional Neighborhood
Overlay District

TO: PUD, Planned Unit Development

OWNER/APPLICANT: Jon and Marian Henry

ADDRESS: 20949 Tuttle Creek Blvd., Randolph, KS

DATE OF PUBLIC NOTICE PUBLICATION: July 17, 2006

DATE OF PUBLIC HEARING: PLANNING BOARD: August 21, 2006

CITY COMMISSION: September 5, 2006

LOCATION: Lots 541-543, Ward 1; otherwise known as 514 and 522 Yuma, generally
located north of Yuma St., between 5th and 6th Streets.

AREA: approximately 22,500 square feet.

PROPOSED USES: Proposed Permitted Uses include Single-Family, Two-Family, and
Multiple-Family Residential; Antiques and Collectibles; and a selected number of the C-2
Neighborhood Shopping District Permitted Uses. (*See Attached Proposed Covenants*).

PROPOSED BUILDINGS AND STRUCTURES:

The PUD is proposed to maintain the existing two-family and four-family residential
dwelling structures currently on Lots 541-543, Ward 1, with a new two story
commercial/residential building between the existing two residences. Twenty-one (21)
off-street parking spaces are proposed throughout the site.

Proposed Lot 1

Attachment No. 3

The existing residential building currently consists of an existing two-story, four dwelling unit residence with four bedrooms; a detached two car garage will be expanded to include storage space; an off-street parking area; and, a cellar. Four off-street parking spaces are proposed on Lot 1.

Proposed Lot 2

A new two-story building with commercial floor space on the first floor and a three bedroom dwelling on the second floor is proposed on Lot 2. Twelve (12) off-street parking spaces are proposed off the alley. The building is 28 feet in height constructed with lap siding and asphalt shingled roof. A porch is on the Yuma Street front of the building.

Proposed Lot 3 will consist of the existing two family dwelling unit, and a detached two car garage. The existing detached garage is setback from the north property line along the alley approximately 18-feet. The garage will remain and provide two-off street parking spaces with three parking spaces off the alley, a total of 5 off-street parking spaces.

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Building Footprints	0.11 acres/4,792 square feet	21.2%
Parking and Driveways	0.12 acres/5,227 square feet	23.1%
Open Space/ Landscape	0.29 acres/12,632 square feet	55.8%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Ground	6 feet by 4.5 feet	Not illuminated
Wall	4.5 feet by 2.5 feet	Not illuminated

One ground sign identifying the commercial use is proposed to be located on Lot 2, in the south portion of the lot. The ground sign will consist of two 4.5-foot tall painted posts (wood, steel, or aluminum) and a 6-foot wide by 3-foot tall sign body (wood, steel aluminum, or composite material). Two wall signs are proposed to be located on the new building structure on proposed Lot 2. One wall sign is proposed on the lower gable of the south façade, while the other is proposed on the north façade. The signs are not proposed to be illuminated.

PROPOSED LIGHTING: Proposed lighting will be characteristic of residential lighting, consisting of porch lights on the north and south facades of the structures, with the exception of a wall pack light fixture on the north façade of the new building structure on proposed Lot 2. Given the residential character of the neighborhood, the proposed light on the north façade of the proposed structure should be a full cut off type and not a wall pack. An existing light located on a pole in the alley, provides lighting to the parking area and the north portions of the three proposed lots.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Existing landscaping consisting of four trees and grass is proposed to remain. Additional landscaping consists of a proposed tree on the southeast corner of the parking area on proposed Lot 2, as well as shrubs and grasses proposed to be located along the south façade of the proposed structure on proposed Lot 2.

2. SCREENING: A 6-foot tall, wood screening fence is proposed along a portion of the east property line of proposed Lot 1, beginning 39-feet north of the south property line and ending approximately 31-feet from the rear property line. The screening fence will provide privacy and screening of the neighboring parking area and commercial use to the east. An existing 6-foot high, wood privacy fence on proposed Lot 3 is along the west boundary and generally encompasses the rear yard. The existing screening on Lot 3 is proposed to remain, providing screening to the adjacent residential property to the west. A trash enclosure is proposed to be located south of the existing parking area, northwest of the proposed building on proposed Lot 2. The trash enclosure is proposed to be screened with a 6-foot tall, wood screening fence.

3. DRAINAGE:

The applicants submitted a drainage report for Lots 541-543, Ward 1, which currently contains two existing structures and consists of approximately one ½ acre. The drainage report identified “approximately 54% percent of the site drains to the north into an existing alley. The alley flows east into the curb and gutter drainage along 5th Street meeting with the existing drainage on Yuma. The remaining area generally drains to Yuma on the south side of the property. The entire site eventually drains south to 5th Street and Yuma then travels down Yuma via curb and gutter to the intersection of 4th and Yuma and enters two existing storm sewer inlets. These storm sewer inlets are part of a larger drainage shed, referred to as the Downtown East Watershed.” City Engineer has reviewed and accepted the drainage report (attachment).

4. CIRCULATION: Access to proposed Lots 1-3 is from the south by Yuma Street and to the north from an alley. Twenty one (21) off-street parking spaces are proposed off the alley, with the majority serving the commercial use. Driveways and parking areas are currently accessed from the alley along the north portion of the proposed lots. Primary entrance for the existing and proposed structures is from the south. An internal sidewalk connects the south sidewalk along Yuma St. with the south and west portion of the residential structure located on proposed Lot 3 and the parking area in the north portion of proposed Lot 2. An additional sidewalk located on the northern portion of the residential structure on proposed Lot 3, will provide a connection to the parking area located on the north portion of Lot 3 and Lot 2. The proposed circulation plan encourages use of the alley, which primarily serves residential uses.

Twenty one (21) off-street parking spaces are proposed. Residential parking is based on 1 parking space per bedroom. There are 11 bedrooms in the three dwelling units. The remaining 10 parking spaces would be for the commercial floor area. Based on net floor area, approximately 1,108 square feet, and using a ratio of 1 parking space per 200 square feet of floor area, the commercial space would need 5.5, or 6, parking spaces. Parking should be adequate.

A traffic report was submitted and reviewed and accepted by the City Engineer (attachment). Minor impacts on the street network are expected.

5. OPEN SPACE AND COMMON AREA: Approximately 55.8% percent of the proposed PUD will be open space, generally consisting of the front, side, and rear yards.

6. CHARACTER OF THE NEIGHBORHOOD

The overall character of the surrounding neighborhood is generally medium density residential, with a combination of owner occupied and rental homes throughout the established neighborhood. Further to the east, on both the north and south sides of Yuma Street, are two sites zoned C-5, Highway Service Commercial District. Document Resources and associated parking area occupies the lot on the north side of Yuma, while the zoning lot to the south is currently vacant and used as vehicle storage.

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

1. EXISTING USE: Two-family and multiple-family residential.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Proposed Lots 1-3 are relatively flat with a little more than half of the site draining to the north into the alley while the remainder drains generally to the south onto Yuma Street. Grass and trees are on the site, which is in the 500 Year Flood Plain, which is not regulated for flood plain development purposes.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District. Directly to the north is an alley followed by a mix of owner occupied and rental homes.

(b.) SOUTH: R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District. Yuma Street is directly to the south followed by a mix of owner occupied and rental homes located within a residential district.

(c.) EAST: R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, followed by C-5, Highway Service Commercial District. Adjacent to the east is an existing parking lot located in a residential district, used by a commercial office building which is located further to the east in the C-5 Highway Service Commercial District. South 5th Street, a collector street, is further to the east. To the southeast is an existing commercial parking area currently utilized for storing vehicles.

(d.) WEST: R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District. A mix of owner occupied and rental homes located within the residential district, followed by South 6th Street.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:

The site is currently zoned R-M, Four-Family Residential District and TNO, Traditional Neighborhood Overlay District. The R-M, Four-Family Residential District is designed to promote a medium density mixture of single-family, two-family, and small multi-family residential developments, with a maximum of four (4) dwelling units per structure on a single lot and at a density no greater than four (4) dwelling units per 9,000 square feet. The TNO, Traditional Neighborhood Overlay District is intended to conserve the traditional character of the older neighborhoods through Compatibility Standards. The Compatibility Standards require that new infill residential buildings, and additions or modifications to existing residential buildings, incorporate basic design and site layout elements characteristic of homes in the traditional neighborhoods.

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

The proposed PUD would allow for a mix of residential and commercial uses. Two existing residential structures currently exist on proposed Lots 1 and 3, which are proposed in the application documents to remain as residential uses. Commercial uses proposed on the first floor, and a residential three-bedroom apartment on the second floor, are not consistent with the Comprehensive Plan, nor is it consistent with the intent of the residential neighborhood. Proposed commercial uses could include uses such as “Appliance Stores”, “Automobile Accessory Stores”, “Furniture Stores”, “Sporting Goods Stores” and others (*see attached proposed covenants*). The potential intensity of the proposed commercial uses as a whole may have detrimental affects on the surrounding neighborhood resulting in traffic, light and noise inconsistent with the residential character and uses permitted in the RM/TNO Districts. The introduction of a C2 District use is inconsistent with the residential character of the neighborhood.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown on the Downtown Core Neighborhoods Future Land Use Map of the Comprehensive Plan as Residential Medium High density (RMH). Applicable policies include:

RESIDENTIAL MEDIUM/HIGH DENSITY (RMH)

RMH 1: Characteristics

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

RMH 2: Appropriate Density Range

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

RMH 3: Location

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

RMH 4: Variety of Housing Styles

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

Reference to policies for Neighborhood Commercial Centers in policy RMH1 above include:

NEIGHBORHOOD COMMERCIAL CENTER (NCC)

NCC 1: Characteristics

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

NCC 2: Location

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

NCC 3: Size

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

NCC 4: Architectural Character

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

NCC 5: Circulation and Access

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

NCC 6: Parking Location and Design

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

NCC 7: Transitions between Uses

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

In addition, the Downtown Tomorrow Redevelopment Plan shows the area west of s. 5th Street along Yuma Street as RMH, with commercial uses to the east of S. 5th Street. The rezoning of the site to RM/TNO District was intended to encourage the preservation of the residential character of the neighborhood west of S.5th Street.

The proposed PUD does not conform to the policies of the NCC policies referenced in the RMH policies of the Plan, nor the Downtown Tomorrow Redevelopment Plan. The site is located mid-block on Yuma Street, a local street. Nearby street streets, S. 5th Street and S. 6th Street are local streets. Primary access to the site is off an alley serving residential uses. The commercial use is mid-block in a RM/TNO neighborhood. The rezoning to RM/TNO District reinforced the fact that the area west of S. 5th Street along Yuma Street is intended to be a residential neighborhood.

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

In 1925, Lots 541-543 were zoned “A” Residence; 1940-1955, Lot 541 was zoned “F” Heavy Industrial while Lots 542-543 were zoned “B” Residence; 1965, Lot 541 was zoned “C” Local Business, while Lots 542-543 were zoned “B” Multiple Family Dwelling; 1970 Lot 541 was zoned C-5 Service Commercial while Lots 542-543 were zoned R-3, Multi Family Residential; 1987 to current Lots 541-543 have been zoned R-M, Four-Family Residential. In 2003, the TNO, Traditional Neighborhood Overlay District was added to the three lots. There are two existing residential buildings on the site.

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

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: Denial of the request would maintain the residential character of the surrounding neighborhood and would prevent commercial uses from locating within a residential neighborhood. It does not appear that a hardship would be imposed on the owner if the application was denied. The site would accommodate residential uses consistent with the RM/TNO Districts.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities and services currently serve the site.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends denial of the proposed rezoning of Lots 541-543, Ward 1 from R-M, Four-Family Residential District and TNO, Traditional Neighborhood Overlay District, to PUD, Planned Unit Development, based on the findings in the staff report.

If the Planning Board is inclined to approve the rezoning, the Board will need to identify the commercial uses, which should be permitted, as well as other conditions of approval.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lots 541-543, Ward 1, from R-M, Four-Family Residential, to PUD, Planned Unit Development, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Lots 541-543, Ward 1, from R-M, Four-Family Residential, to PUD, Planned Unit Development, 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 denial of the proposed rezoning of Lots 541-543, Ward 1 from R-M, Four-Family Residential, to PUD, Planned Unit Development, based on the findings in the Staff Report.

PREPARED BY: Jeremy Frazzell, Planner, and Steve Zilkie, AICP, Senior Planner

DATE: August 15, 2006

STAFF REPORT

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

BACKGROUND

FROM: C-2, Neighborhood Shopping District.

TO: PUD, Residential Planned Unit Development District.

APPLICANT: Chapel Hill Inc.

ADDRESS: 2300 Heartland Drive; Manhattan, KS 66503

OWNER: Capital Connections, Inc.

ADDRESS: 15934 Avalon; Olathe, KS 66062

DATE OF PUBLIC NOTICE PUBLICATION: Monday, July 17, 2006

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, August 7, 2006

CITY COMMISSION: Tuesday, September 5, 2006

LOCATION: Lot 57 of Miller Ranch Subdivision, Unit One; generally located east along Amherst Avenue; north along Miller Parkway; west of Miller Ranch, Unit One; and south of Miller Ranch, Unit Two.

AREA: 2.74 acres

PROPOSED USES: Single-family attached residential townhomes and common open space east of a proposed travel easement (Burton Place), which provides access to the homes. Permitted uses include the residential townhome units.

PROPOSED BUILDINGS AND STRUCTURES: The proposed PUD will contain fourteen (14) attached single-family dwelling units (on Lots 1-14) along Burton Place, and Lot 15, which will be used for common open space. Each town home will be two stories with three bedrooms and each will have a two-car garage. Building materials for the proposed structures include a mixture of brick veneer and lap siding for the easterly-facing front façade with two sets of double hung windows on the second floor over the garage and a smaller fixed window on the second floor over the front door. The sides and rear of

Attachment No. 4

the structures will contain lap siding exterior walls. Roofing will consist of asphalt shingles that are brownish to grayish in color. Each structure is proposed to contain approximately 1,930 square feet of living space with an approximate 480 square foot garage, and the height of each structure is proposed to be twenty nine (29) feet, six (6) inches. Exterior lighting will be residential in scale and downcast and shaded. No street lights are proposed on Burton Place. No sign is proposed.

Aluminum picket style fences are proposed to separate the back yards of each lot, each at a height of approximately four (4) feet. Each structure will be served by driveways of approximately eighteen (18) feet in width and twenty (20) to twenty five (25) feet in length, which will provide access to each structure from Burton Place. Lots will range from about 4,053 square feet to about 10,612 square feet in area. The overall lot coverage for the PUD is about 20.4%. The lot coverage for proposed Lot 13 is approximately 44% while Lot 1 is approximately 17%. Each lot will have frontage along the proposed travel easement, and the back yards of each will abut Amherst Avenue.

The entire subdivision will be subject to the Miller Ranch Home Association. Inverness Townhomes Association will be created to collect dues to maintain Lot 15 and Burton Place. The applicant indicates that the Miller Ranch Home Association may purchase Lot 15 and Burton Place in the future, at which time the Miller Ranch Home Association will maintain Lot 15 and Burton Place.

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Building Footprints	0.56 acres/24,394 square feet	20.4%
Parking and Driveways	0.14 acres/6,098 square feet	5.1%
Open Space/ Landscape	1.67 acres/72,745 square feet	61%
Private Travel Easement	0.37 acres/16,117 square feet	13.5%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
None proposed		

PROPOSED LIGHTING: No street lighting is proposed on Burton Place. Residential lighting is proposed on the front and rear of the townhomes and should be downcast and shaded.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The landscaping plan consists primarily of screening of the back yards of each proposed lot from Amherst Avenue with Ash, Cherry, Maple, and Crabapple trees as well as the southern portion of Lot 1 from Miller Parkway with deciduous trees and a variety of shrubs and flowers. Where the proposed travel easement (Burton Place) will intersect with Amherst Avenue, three (3) Crabapples and one (1) Maple tree are proposed. Aside from the mentioned trees, each town home will have a lawn in their back yards of each lot abutting Amherst Avenue. Lots 1 – 14 will have planters along the south side of each town home's driveway consisting of a mixture of evergreen and deciduous shrubs, flowers, evergreen vines, and grasses. These planter areas will provide the only separation between the town homes' driveways. Proposed Lot 15 will be preserved as common open space with some Turf Type Fescue and native grasses (see landscape plan) and may aid in buffering the Inverness Townhomes site from the Miller Ranch subdivisions.

2. SCREENING: There are no screening requirements applicable to the development.

3. DRAINAGE: The site is proposed to drain to the northeast toward a conservation, drainage and pedestrian easement already established with the Miller Ranch, Unit One, which feeds into Warner Park retention pond located just west of, and in, Warner Park. Flume and storm sewer pipes are proposed to drain the site to the drainage easement on the east side of the site. A drainage analysis was done for the site with the Preliminary Plat of the Miller Ranch subdivision in 1993. An additional drainage plan was submitted with the proposed PUD assessing the impact of additional runoff from the proposed site to the Warner Park retention pond. The additional runoff from the site was reviewed by the City Engineer (attachment) and is anticipated by the Drainage Impact Study (attached) to have a very minimal impact on the elevation of Warner Park retention pond.

4. CIRCULATION: The townhomes will be internally accessed by the proposed travel easement, Burton Place, which will connect to both Amherst Avenue and Miller Parkway, both of which are collectors. A proposed sidewalk on the west side of Burton Place will connect to existing sidewalks on Amherst Avenue and Miller Parkway. A minimum of two (2) off street parking spaces are required per unit. Two on the driveway and two in the garage are provided for each unit. A Traffic impact Study was prepared by HWS Engineering and reviewed and accepted by the City Engineer (attachment). Minimal impact on the surrounding street network is expected.

Burton Place is 27 feet in width and parking is proposed on the east side of the private street.

5. OPEN SPACE AND COMMON AREA: Approximately 61% of the PUD is open space that will be owned and maintained by a home association.

6. CHARACTER OF THE NEIGHBORHOOD: The site is located in an area dominated by single-family detached residential homes to the north and east. Townhome development is to the south in the Townhomes at Miller Ranch PUD and the Oaktree PUD. Open and undeveloped unincorporated land is located west of the site across from Amherst Avenue. Directly south of the site, across from Miller Parkway, is an area zoned I-5, Business Park District, which is largely undeveloped. Structures proposed to be erected on the site will be single-family attached residential homes, generally reflective of the single family character of the residential neighborhoods.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Vacant C-2, Neighborhood Shopping District lot.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is down-sloped toward the northeast and is completely vacant of any structures. The site is generally located on and surrounded by gently rolling topography and currently contains native grasses, brush, and trees. Drainage for the site diverts storm water to the northeast toward a drainage easement in Miller Ranch, Unit One. A 100 foot overhead electric line easement crosses the site from north to south along the eastern side of the lot, which restricts its developable area.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Miller Ranch Addition, Unit Two; single-family detached homes, R-1 District.

(b.) SOUTH: Unimproved land with a mixture of grasses, brush, shrubs, and trees; I-5 District.

(c.) EAST: Miller Ranch Addition, Unit One, single-family detached homes, R District.

(d.) WEST: Amherst Avenue and unincorporated open space with natural vegetation; County G-1, General Agricultural District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Because the lot is currently vacant, there are no current improved uses. However, under current zoning, commercial uses designed to serve residential areas are permitted. Examples of such uses include banks, apparel stores, drug stores, pet stores, garden stores, and restaurants without a drive-in. Reportedly, the Miller Ranch Home Association restrictive covenants restrict the use of Lot 57 to residential only. This restriction was likely added inadvertently by the developer of Miller Ranch, Kert Rabe.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Minimal impact, is anticipated on nearby properties. The increases in light, noise and traffic associated with the low density single-family PUD is consistent with the character of the neighborhood.

Although currently zoned C-2, Neighborhood Shopping District, in meetings with homeowners in Miller Ranch, the applicant states that residents of the surrounding neighborhood were much more “in favor of a proposed town home development” than a neighborhood shopping area. The applicant also received the support of seventeen (17) residents, through a petition (*attached*), to support a townhome development, and “that they would support the development through their attendance at the Manhattan Urban Area Planning Board meetings, Manhattan City Commission meetings, and any public hearings associated with the process.”

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Southwest Planning Area of the Comprehensive Plan reflects the existing C-2 District zoning designation of the site and indicates the site should development as a Neighborhood Community Center (NCC).

The surround residential area is designated Residential Low/Medium Density (RLM). The RLM category suggests that single-family, duplex and townhomes are an appropriate range of dwelling types. The site is in the Special Miller Ranch Planning Area, which also suggests that a mix of housing types and densities should be provided in Miller Ranch.

Residential density should be from less 1 dwelling per net acre up to 11 units per net acre. The proposed density is 5.9 units per net acre.

The proposed PUD conforms to the Comprehensive Plan.

Attachment No. 4

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: Lot 57, Miller Ranch Addition, Unit One, was annexed and zoned C-2 District in 1994. The site has remained vacant to date.

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

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public utilities and facilities are available to serve the site. Utility releases have been provided by private companies.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the rezoning of proposed Inverness Townhomes PUD, from C-2, Neighborhood Shopping District, to PUD, Residential Planned Unit Development District, with the following conditions:

9. Permitted uses shall include fourteen (14) townhouse units.
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. On-street parking shall be limited to east side of Burton Place.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of proposed Inverness Townhomes PUD from C-2, Neighborhood Shopping 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 proposed Inverness Townhomes PUD from C-2, Neighborhood Shopping 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 proposed Inverness Townhomes PUD, from C-2, Neighborhood Shopping District, to PUD, Residential Planned Unit Development District, based on the findings in the staff report, with the four (4) conditions recommended by City Administration.

PREPARED BY: Bret (Bee) Martin, Planning Intern; Steve Zilkie, AICP, Senior Planner

DATE: August 1, 2006

STAFF REPORT

ON AN APPLICATION TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD) AND REZONE A PORTION TO ADD THE AO, AIRPORT OVERLAY DISTRICT

BACKGROUND

APPLICANT: Purple Pride Developers.

ADDRESS: 1228 Westloop Place, PMB 360, Manhattan KS 66502.

OWNERS: Purple Pride Developers, Steven and Cherie Graham, Andrew Shermak, Frederic C and Natalie Appl, SW and Carol Gunter Trust, George E Ham Trust and Alice S Ham Trust, Thomas E and Linda Floersch, and Robert and Margaret Barber.

LOCATION: north of the intersection of Miller Parkway and Brianna Court.

AREA: 9.5 acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, July 31, 2006

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, August 21, 2006

CITY COMMISSION: Tuesday, September 5, 2006

DESCRIPTION OF PROPOSED AMENDMENT: Modify the approved PUD Final Development Plan and Ordinance No. 6254 to add an one, two-family dwelling unit (proposed Lot 12A/12B) in the southwestern part of the PUD on the west side of Brianna Court in common area Lot 1; and, add a single-family dwelling (proposed Lot 13) in the interior common area Lot 2 along Brianna Court. Homes are constructed with materials approved with the PUD, except that dwellings are one story with basement, rather two-stories.

In addition, a portion of the site is in the AO, Airport Overlay District. That part of the PUD affected by the AO District will be rezoned from PUD, Residential Planned Unit Development District, to PUD, Residential Planned Unit Development District with AO District. The AO District affects parts of common areas, Lots 1 and 2, and Lots 1A/1B to 5A/5B, and 9A/9B to 13. Lots 6A/6B to 8A/8B are outside the AO District.

**MATTERS TO BE CONSIDERED WHEN AMENDING A
PLANNED UNIT DEVELOPMENT**

WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The applicant indicates that, “The intent of The Town homes at Miller Ranch was to provide up-scale medium density residential housing with an association that takes care of the day-to-day maintenance of mowing, moving snow, etc. We believe that purpose is preserved with the proposed revisions.”

The PUD is a low density residential neighborhood and the intent is met.

WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The applicant indicates in the attached documents that terrain changed the original intent to have side loaded garage entries. Front entrances allow for the additional proposed dwelling units.

For financial reasons, the original owner did not pursue the project and the applicant purchased the property and has developed the site, which would otherwise likely be vacant.

WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The addition of the AO District to that part of the PUD affected by the Conical Zone will ensure construction conforms with the AO District. The public is otherwise not adversely affected by the proposal. The additional dwellings units are available to the general public.

**ADDITIONAL MATTERS TO BE CONSIDERED WHEN
AMENDING A PLANNED UNIT DEVELOPMENT**

APPROVED 2002 LOT COVERAGE

<u>Use</u>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Residential Structures	1.15 Acres	12%
Open/Green Space	7.02 Acres	74%
Streets, Drives and Walks	1.34 Acres	14%

PROPOSED 2006 LOT COVERAGE

<u>Use</u>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Residential Structures	1.79 Acres	19%
Open/Green Space	6.29 Acres	66%
Streets, Drives and Walks	1.41 Acres	15%

PROPOSED SIGN

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
1 ground signs	<i>Approx. 4 feet in height</i>	<i>Externally lit</i>

The proposed ground sign is a brick post with optional external light on the post.

PROPOSED LIGHTING: Street light poles are proposed to be located within the public right-of-way. Standard residential house lighting will be on the dwelling unit porches and garages.

1. LANDSCAPING: The site will have a mixture of lawn, deciduous shade trees, evergreen trees and ornamental trees. A boundary of native field grasses will border the improved part of the site. The trees are mostly concentrated along the Miller Parkway frontage and within the central common area. The Townhomes at Miller Ranch Home Owners Association will be responsible for the maintenance of the common areas and traffic islands.

2. SCREENING: There are no proposed structure or uses, which require screening.

3. DRAINAGE: Storm water is directed to an existing pond in the northwest corner of the site which serves the detention needs of the site, as well as part of Lee Mill Heights. An updated drainage report was not required with the amendment as the additional run-off is minimal. Adequate drainage easements are provided to serve the subdivision.

Attachment No. 5

4. CIRCULATION: Access to lots is from Brianna Court, a circular street, which intersects with Miller Parkway. Sidewalk is provided along the outside of Brianna Court and will connect to sidewalk on Miller Parkway. The minimum off-street parking required for a duplex and single-family dwelling are two spaces per unit. Each home will provide a driveway and two off-street parking spaces, within an enclosed garage. In addition, six off-street guest parking spaces are proposed off Brianna Court.

5. OPEN SPACE AND COMMON AREA: The approved PUD notes that 7.2 acres, or 74% of the site, will consist of open green space common area. The proposed amendment reduces open space to 6.29 acres, or 66% of the site.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is developing as a mixture of single-family detached and residential townhomes. An I-5 District is in the neighborhood and, for the most part, is undeveloped, except for a federal office building, which is under construction.

EXISTING USE: A two-family residential PUD. Dwelling units on Lots 4A/4B to 8A/8B have been constructed. Lot 10A/10B is under construction. Common areas are owned and maintained by a home owner's association.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The land is rolling with ravines along three (3) property lines. The ravines are heavily timbered with rock outcroppings. An existing detention basin is located at the north end of the PUD.

SURROUNDING LAND USE AND ZONING:

(1) **NORTH:** Vacant range land owned by USD 383 and Miller Ranch, Unit 3; G-1 District, and R, Single-Family Residential District.

(2) **SOUTH:** Miller Parkway and undeveloped Miller Ranch Office Park; G-1 District, and I-5, Business Park District.

(3) **EAST:** Undeveloped neighborhood shopping site proposed as Inverness Townhomes PUD, and single-family homes; I-5 District, C-2, Neighborhood Shopping District, proposed PUD, and R District.

(4) **WEST:** Single-family residential townhomes and single-family dwelling units; PUD/AO and R District/AO.

GENERAL NEIGHBORHOOD CHARACTER: see above.

Attachment No. 5

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is zoned and is suitable for two-family dwelling units, subject to Ordinance No. 6254 (attached).

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: An increase in light, noise and traffic is expected. These impacts are minimal. Three total dwelling units are proposed, which are consistent with the developed low density residential character of the neighborhood.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the site as Residential Low/Medium density (RLM) (*Southwest Planning Area Future land Use Map attached*). Appropriate density range for development in the RLM designation is one-dwelling unit up to 11-dwelling units per net acre. The RLM category is intended to incorporate a range of housing types, from single-family and two-family to townhomes.

Net density is 3 dwelling units per net acre. The existing PUD was found to conform to the Plan in 2002.

CHAPTER 13: SPECIAL PLANNING AREA POLICIES

MILLER RANCH

MR 7: Airport Airspace Regulations

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

The amendment and rezoning conform to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The Townhomes at Miller Ranch Residential PUD was established in 2002 and is developing with two-family dwelling units.

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 amendment and addition of the AO District is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations.

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.”

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. No adverse impacts to the public are expected. There may be a hardship to the applicant if the amendment and rezoning are denied

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The site is served by public street, sanitary sewer and water. Services are adequate.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed Amendment of the Final Development Plan of The Townhomes at Miller Ranch and Ordinance No. 6254, and, the rezoning of a part of The Townhomes at Miller Ranch from PUD, Residential Planned Unit Development, to PUD, Residential Planned Unit Development, with AO, Airport Overlay District, the following conditions:

Attachment No. 5

1. Permitted uses shall include single-family dwelling unit and two-family dwelling units.
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 and shall include 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.

ALTERNATIVES:

1. Recommend approval of the proposed Amendment of the Final Development Plan of The Townhomes at Miller Ranch and Ordinance No. 6254, and, the rezoning of a part of The Townhomes at Miller Ranch from PUD, Residential Planned Unit Development, to PUD, Residential Planned Unit Development, with AO, Airport Overlay District , stating the basis for such recommendation.
2. Recommend approval of the proposed Amendment of the Final Development Plan of The Townhomes at Miller Ranch Residential Planned Unit Development, 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 Amendment and rezoning, stating the specific reasons for denial.
4. Table the proposed Amendment and rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment of the Final Development Plan of The Townhomes at Miller Ranch and Ordinance No. 6254, and, the rezoning of a part of The Townhomes at Miller Ranch from PUD, Residential Planned Unit Development, to PUD, Residential Planned Unit

Attachment No. 5

Development, with AO, Airport Overlay District, based on the findings in the Staff Report, with the four (4) conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: August 13. 2006

06019
number

STAFF REPORT

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

BACKGROUND

FROM: R, Single-Family Residential District.

TO: PUD, Residential Planned Unit Development District.

OWNER/APPLICANT: Elsey Partners.

ADDRESS: 2054 Hunting Avenue, Manhattan KS 66502.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, July 31, 2006.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, August 21, 2006
CITY COMMISSION: Tuesday, September 5, 2006.

LOCATION: 1510-1534 College Avenue, which is generally southeast of the intersection of Dickens Avenue and College Avenue.

AREA: 4.1 acres.

PROPOSED USES: A condominium development to consist of 76 multiple-family residential dwelling units, 58 existing and 18 proposed dwelling units, in five (5) existing apartment buildings (A-E) and two (2) proposed apartment buildings (F and G). In proposed building G, a community room,, exercise/computer room and meeting room are also proposed

PROPOSED BUILDINGS AND STRUCTURES:

Existing

58 dwelling units consisting of: 1, 1-bedroom unit; 24, 2-bedroom units; and 33, 3 bedroom units, or 148 total bedrooms.

Building A – Total: 12 units, 3-stories: 6, 2- bedroom and 6, 3-bedroom units.

Building B – Total: 12 units, 3-stories: 6, 2-bedroom and 6, 3-bedroom units.

Building C – Total: 10 units, 2 -story and 3-story: 6, 2- bedroom and 4, 3-bedroom units.

Building D – Total: 12 units, 3-stories: 1, 1-bedroom, 3, 2- bedroom and 8, 3-bedroom units.

Building E – Total: 12 units, 3-stories: 6, 2- bedroom and 6 3-bedroom units.

Existing buildings are three story apartment structures with cream concrete block and vinyl siding with flat and mansard roofs.

An existing swimming pool is in the northeast part of the site, south of Building C.

Proposed

Building F – 3 story, 35 feet in height, peaked 30 year asphalt shingle roof, lap siding and brick facades- 12, 2-bedroom units with balconies.

Building G – 3 story, 6, 2-bedroom units with same design and materials as Building F. The common use portions of Building G are two stories in height with a community room on the first floor and an exercise/computer room on the second floor.

An Association will own and maintain the buildings, common areas, and facilities. Individual condominium spaces will be owned and maintained privately. The Declaration of Collegiate Villa Condominiums (application documents) indicates each unit will be for a single-family private dwelling (page 11, Section 7 (a).)

Building setbacks from the front lot line along College Avenue are approximately 79 feet; side yard setbacks from the north and south lot lines are approximately 47-60 feet and 50 feet, respectively; and, the rear, or east lot line, is 50 feet. In comparison, the R-3, Multiple-Family Residential District front yard and rear yard setback is 25 feet, with side yard setback 8-10 feet.

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Square Feet</u>	<u>Percentage</u>
Building	28,847	16%
Driveway/Parking	71,992	40%
Open/Landscape Space	74,578	42%
Active Recreation	3510	2%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Ground	10 feet long by 5 feet tall	Ground lit

One ground sign is proposed to the east of the south entrance in a landscape island. Smooth faced, rough edge limestone slab with apartment name on slab. Exempt signage is noted as a condition of approval.

PROPOSED LIGHTING: Wall and pole lights. New lights should be full cut-off design.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The site is a combination of existing and proposed lawns, shrubs and ornamental, evergreen and deciduous trees. Irrigation is underground with maintenance by a home association.

2. SCREENING: A dumpster location is shown on the plan on the south side of the site, which will be enclosed by 6 foot tall wood and/or masonry screening. An adjoining fence on the Chase Manhattan site screens both parking areas. Parking along the north side exists and screening within 25 feet is commonly required; however, the proposed and existing conditions are generally the same. The proposed impact is consistent with the existing condition. Areas to the north are opens fields and fencing. Proposed off-street parking on the east side of the site is 24 feet from the east lot line. Screening is not proposed and generally is not necessary as the adjoining property is a wooded drainage easement with no residential dwellings.

Attachment No. 6

3. DRAINAGE: The site will drain to the east through a series of storm water inlets and pipes and a proposed detention area generally south of Building C. Pipes are sized to reduce the increased peak flow equal to the current rate of run-off. A drainage analysis was submitted by the applicant's consultant and reviewed by the City Engineer (attachment), who accepted the analysis.

4. CIRCULATION: Access to the site is from College Avenue along the western side of the site. Three existing curb cuts at the northern, middle and southern frontage of the site will remain. Internal access will be through existing parking lot driving aisles. The driving aisle along the western frontage is one way south to north. Parking areas on the south, east and north sides will be accessed by a one-way drive around the building. A fire lane is provided at the rear of the site to allow for adequate emergency access to the rear of the site. Ingress and egress, as well as, internal access are safe and convenient.

Sidewalk exists along the east side of College Avenue and provides pedestrian access to the surrounding neighborhood. A sidewalk along the northern boundary, but outside the PUD, provides access to the east and towards KSU and nearby neighborhoods. A proposed internal sidewalk system is shown throughout the site.

Off-street parking will consist of both existing and proposed. Currently, there are 115 off-street parking spaces on site, with 26 additional parking spaces partially in the College Avenue right-of-way. The analysis of off-street required for the PUD does not include the 26 parking spaces, which could at some future date be removed if street improvements to College Avenue are needed. However, the 26 spaces will remain subject to an Agreement, which would allow the 26 parking spaces in the College Avenue right-of-way until such time as the City requires their removal.

Based on current Manhattan Zoning Regulations, off-street parking standards for multiple family dwelling units are based on the following ratios: one bedroom dwelling units: 2 parking spaces per unit; two bedroom dwelling units: 3 parking spaces per unit; three bedroom dwelling units: 3.5 parking spaces per unit; and, four bedroom dwelling units: 4 parking spaces per unit. The existing apartment complex consists of 1, 1-bedroom unit; 24, 2-bedroom units; and, 33, 3 bedroom units, which means that a minimum of 190 parking spaces would be required, assuming the project was new construction. The addition of the proposed 18, 2-bedroom units would require an additional 54 parking spaces, or a total of 244 off-street parking spaces for the proposed PUD.

The application proposes off-street parking be based on the total number of bedrooms. The site plan indicates 192 off-street parking spaces will be provided, based on one parking space per bedroom, 184, plus 8 guest spaces. Off-street parking, based on one parking space per bedroom, was approved, in general, for the adjoining Chase Manhattan

Attachment No. 6

and Founders Hill apartment complexes, as well as other PUDs. One parking space per bedroom is also used in the M-FRO District east of KSU. As proposed, off-street parking should be adequate and is consistent with similar parking ratios in the neighborhood and recent trends for multiple-family dwellings in the City.

A traffic report was submitted by the applicant and reviewed and accepted by the City Engineer (attachment). Minimal impacts on the street network are expected.

5. OPEN SPACE AND COMMON AREA: Approximately 42 % of the site is open space with an additional 2% active recreational (swimming pool), all of which will be owned and maintained by a home owner's association.

6. CHARACTER OF THE NEIGHBORHOOD: A mixed use neighborhood, which consists primarily of existing apartment complexes, a large government office building, and KSU athletic facilities.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: University Terrace Apartments.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: an existing apartment complex consisting of 5 apartment buildings, driving aisles, off-street parking, and landscape areas. The site slopes to the east. No part of the site is in a Flood Plain.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: KSU athletic fields: R District and U, University District.

(b.) SOUTH: multiple-family residential apartments (Chase Manhattan and Founders Hill); PUD.

(c.) EAST: detention and open space, single family residential; PUD and R-1 Single-Family Residential District.

(d.) WEST: College Avenue, government office/research: R District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The existing 5 apartment buildings are nonconforming to the R District. The R District would not allow the existing 5 apartment buildings. Some of the buildings were constructed at a time when multiple-family was permitted and some building expansions appear to have occurred during the time the property was zoned R District. Based on the available information, it is inconclusive whether the multiple-family use of the property is legally nonconforming.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND

EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The existing apartment complex has been a part of the neighborhood since at least the 1960's. Minimal impacts are expected on the neighborhood. Additional traffic, light and noise can be expected, but are not inconsistent with the current conditions of the area. Access to the PUD is from existing curb cuts onto College Avenue and does not change as a result of the rezoning. Storm drainage is detained underground before being released downstream.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The PUD is shown on the Future Land Use Map, designated a Residential Medium/High (RMH), as being within the Northwest Planning Area of the Comprehensive Plan. Applicable policies include:

RESIDENTIAL MEDIUM/HIGH DENSITY (RMH)

RMH 1: Characteristics

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

RMH 2: Appropriate Density Range

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

RMH 3: Location

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

RMH 4: Variety of Housing Styles

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

The proposed net density is 18.5 dwelling units per acre. The PUD is in general conformance with the Comprehensive Plan.

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

Annexation	November 9, 1956
1956-1964	B, Second Dwelling House District
1964- 1969	B, multiple Family Dwelling District
1969- 2006	R District

Apartment building construction possibly began around the 1960's. No permits are available to confirm construction dates. At least one building, probably others, were expanded in the 1970's when the tract was R District. For a period of time, the apartments were faculty housing before becoming market housing in the late 1970's.

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; however, the existing 26 parking spaces in the College Avenue right-of-way are inconsistent with the use of the street to meet the off-street parking requirements of the Zoning Regulations, as well as any future expansion of College Avenue. An Agreement for Use of City Right-of-Way would allow the parking spaces in the right-of-way to, in part, remain until the City directs the owner to remove the parking.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public utilities and facilities are available to serve the PUD. Private utility companies have reviewed the PUD and utility releases have been submitted, as required.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of the University Terrace Condominium PUD from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, with the following conditions:

1. The Permitted Use shall be multiple-family residential.
2. A total of seven (7) multiple-family residential apartment buildings, a maximum of 76 dwelling units, and 184 bedrooms shall be allowed in the development.
3. A minimum of 192 off-street parking spaces shall be provided.
4. Lights shall be downcast and full cut-off design.
5. 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.
6. All landscaping and irrigation shall be maintained in good condition.
7. Twenty-six (26) existing parking spaces in the College Avenue right-of-way shall be subject to an Agreement for Use of City Right-of-Way.
8. Signs shall include one (1) ground sign, as proposed, and 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.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the University Terrace Condominium PUD from R, 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 University Terrace Condominium PUD from R, 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 University Terrace Condominium PUD from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the staff report, with the conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: August 15, 2006