



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, SEPTEMBER 19, 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, 9 staff, and approximately 28 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Snead led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Snead proclaimed September 17 - 23, 2006, ***Constitution Week***. Rebecca Rose, Regent; Dixie Roberts, Vice-Regent; Linda Weis, Past Regent; Susan Metzger, Chair, and Chairperson, Commemorative Events, Polly Ogden Chapter, Daughters of the American Revolution, and Jana Fallin were present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Klimek commented on the Parks and Recreation situation. He asked for the support of the Commission to take additional corrective and constructive actions, in order to bring some kind of closure and accountability on this activity.

**CONSENT AGENDA**

(\* denotes those items discussed)

**MINUTES**

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 5, 2006.

## CONSENT AGENDA (CONTINUED)

### CLAIMS REGISTER NO. 2568

The Commission approved Claims Register No. 2568, authorizing and approving the payment of claims from August 13, 2006, to September 12, 2006, in the amount of \$1,342,510.79.

### LICENSES – CEREAL MALT BEVERAGE

The Commission approved 2006 renewal applications for Cereal Malt Beverage license for Ray's Apple Market, 222 North 6<sup>th</sup> and 3011 Anderson Avenue, and Tree Maintenance license for Asplundh Tree Expert Co., 2901 Princeton Place.

### ORDINANCE NO. 6567 – REZONE – UNIVERSITY TERRACE CONDOMINIUMS

The Commission approved Ordinance No. 6567 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. 1*)

### ORDINANCE NO. 6568 – REZONE – 514 and 522 YUMA STREET

The Commission overrode the Manhattan Urban Area Planning Board, to add a sixth condition of approval, and approved Ordinance No. 6568 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 (5) conditions recommended by the Planning Board and adding a sixth (6<sup>th</sup>) condition prohibiting outdoor storage of merchandise and equipment. (*See Attachment No. 2*)

- \* ORDINANCE NO. 6569 – REZONE – TOWNHOMES AT MILLER RANCH  
Neal Farmer, 3700 Persimmon Circle, asked to clarify agenda item F.

Mayor Snead and Ron Fehr, City Manager, summarized the item and provided additional clarification.

The Commission approved Ordinance No. 6569 amending The Townhomes at Miller Ranch Residential Planned Unit Development, generally located north of the intersection of Miller Parkway and Brianna Court, and Ordinance No. 6254; and rezoning a portion of the PUD to add the AO, 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. 3*)

## CONSENT AGENDA (CONTINUED)

### FINAL PLAT – TOWNHOMES AT MILLER RANCH, UNIT FIVE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of The Townhomes at Miller Ranch, Unit Five, a Residential Planned Unit Development, generally located north of the intersection of Miller Parkway and Brianna Court, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 6570 – INSTALL STOP SIGN – KNOX CIRCLE

The Commission approved Ordinance No. 6570 establishing a stop sign on Knox Circle at Knox Lane.

### ORDINANCE NO. 6571 – INSTALL STOP SIGNS – ALONG MILLER PARKWAY

The Commission approved Ordinance No. 6571 establishing stop signs on cross streets of Miller Parkway.

### ORDINANCE NO. 6572 – VACATE UTILITY EASEMENT – LOT 2, MANHATTAN MARKET PLACE ADDITION

The Commission approved Ordinance No. 6572 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.

### ORDINANCE NO. 6573 – VACATE UTILITY EASEMENT – THE GARDENS AT FLINT HILLS ADDITION

The Commission approved Ordinance No. 6573 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.

\* **RESOLUTION NO. 091906-A – APPOINTMENT POLICY – RILEY COUNTY LAW ENFORCEMENT AGENCY**

Item was moved to the end of the General Agenda at the request of Commissioner Klimek.

\* **EUREKA ADDITION IMPROVEMENTS (ST0613, SS0607, WA0610)**

Item was moved to the end of the General Agenda at the request of Mayor Snead.

### **RESOLUTION NO. 091906-E – KDOT AGREEMENT – GEOMETRIC IMPROVEMENTS – EAST POYNTZ AVENUE AND ENTRANCE TO MANHATTAN TOWN CENTER (ST0502)**

The Commission approved Resolution No. 091906-E authorizing the Mayor and City Clerk to execute Agreement No. 129-06 with the Kansas Department of

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 091906-E – KDOT AGREEMENT – GEOMETRIC IMPROVEMENTS – EAST POYNTZ AVENUE AND ENTRANCE TO MANHATTAN TOWN CENTER (ST0502) (CONTINUED)

Transportation for geometric improvements to the intersection of East Poyntz (US-24) and the Entrance to Manhattan Town Center.

### CHANGE ORDER NO. 1-FINAL – 2006 STREET MAINTENANCE, PHASE 1, MICROSURFACE (ST0606)

The Commission approved Change Order No. 1-Final for 2006 Street Maintenance, Phase 1, Microsurface (ST0606) resulting in a net increase in the amount of \$16,587.15 (+15.17%) to the contract with Ballou Construction Company, Inc., of Salina, Kansas.

### CHANGE ORDER NO. 1-FINAL – NORTH MANHATTAN CROSSWALK IMPROVEMENTS (ST0614)

The Commission approved Change Order No. 1-Final for North Manhattan Crosswalk Improvements, Street Improvements (ST0614) resulting in a net increase in the amount of \$1,200.00 (+9.67%) to the contract with J. Warren Company, Inc., of Topeka, Kansas.

### AGREEMENT – DESIGN SERVICES – MILLER RANCH WATER MAIN EXTENSION

The Commission authorized the Mayor and City Clerk to enter into an agreement with Schwab Eaton, P.A., of Manhattan, Kansas, to complete the design of the Miller Ranch Water Main Extension.

### RESOLUTION NO. 091906-F – KDOT AGREEMENT – ENGINEERING SERVICES – FORT RILEY BOULEVARD AND WILDCAT CREEK ROAD INTERSECTION (ST0303)

The Commission approved Resolution No. 091906-F authorizing the Mayor and City Clerk to execute an agreement with KDOT for preliminary engineering services for economic improvements to the intersection of Fort Riley Boulevard (K-18) and Wildcat Creek Road.

### NEGOTIATE CONTRACT – DESIGN SERVICES – TUTTLE CREEK BOULEVARD/MARLATT AVENUE (ST0612)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with Bartlett and West Engineers, of Manhattan, Kansas, for the design of geometric, safety, and pedestrian improvements at the intersection of U.S. 24 and Marlatt Avenue.

## CONSENT AGENDA (CONTINUED)

### EASEMENT AGREEMENT – MANHATTAN CORPORATE TECHNOLOGY PARK – AT&T

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an easement agreement with AT&T for a telecommunications easement in the Manhattan Corporate Technology Park.

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

## GENERAL AGENDA

### FIRST READING – REZONE - INVERNESS TOWNHOMES

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

Zach Burton, owner and developer of the property, informed the Commission of the communications that recently occurred with members of the Miller Ranch neighborhood. He then answered questions from the Commission.

Neil Farmer, 3700 Persimmon Circle, President, Miller Ranch Homeowners Association, thanked the Commission for allowing additional time to consider the item and to be well-informed on the proposed project.

Paul Dittmar, 913 Overhill Road, presented a timeline of the proposed development and stated that he was pleased with the revisions made by the developer.

John Alstadt, 3700 Crossgate Circle, thanked the Commission for the extension of time and said this is a project that the neighborhood can support. He provided clarification on the maintenance responsibilities of the development and thanked Mr. Burton and members of the Homeowners Association.

After discussion, Commissioner Phillips moved to override the recommendation of the Manhattan Urban Area Planning Board to modify the Preliminary Development Plan as proposed by the applicant, and approve first reading of an ordinance rezoning the site, generally located northeast of the intersection of Amherst Avenue and Miller Parkway, from C-2, Neighborhood Shopping District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, as modified by the revised proposal, with the six conditions of approval, as modified and recommended by City Administration. (*See Attachment No. 4*) Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### DOWNTOWN REDEVELOPMENT – SOUTH END - PREDEVELOPMENT AGREEMENT

Jason Hilgers, Assistant City Manager, presented the item and answered questions from the Commission.

Bob Welstead, Dial Realty, provided additional information on the item and informed the Commission that the use of eminent domain would be the last resort. He then answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve the South End Pre-Development Agreement between the City of Manhattan and Dial Realty. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

### DOWNTOWN REDEVELOPMENT – PREENGINEERING SERVICES CONTACT

Jeff Hancock, Director of Public Works, presented the item. He then answered questions from the Commission regarding potential utility issues.

After discussion, Commissioner Hatesohl moved to authorize the Mayor and City Clerk to enter into an agreement with HWS Consulting Group, of Manhattan, Kansas, to perform pre-engineering services related to the South End Redevelopment Project. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING – ANNEX/REZONE - SCENIC MEADOWS ADDITION

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

Leon Brown, Landscape Architect, Schwab-Eaton, provided additional information on the proposal and stated that he is working on finalizing additional items, including detention and drainage strategies, as well as a plan to retain as many trees as possible. He then answered questions from the Commission.

Frank Tillman, Developer, informed the Commission that this is a challenging site and will be one of the most beautiful developments in Manhattan. He thanked the Commission for their guidance and patience.

Leon Brown, Landscape Architect, Schwab-Eaton, responded to questions regarding a possible trail system and connectivity possibilities.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – ANNEX/REZONE - SCENIC MEADOWS ADDITION (CONTINUED)

Eric Cattell, Assistant Director for Planning, and Ron Fehr, City Manager, answered questions from the Commission regarding park ground and pedestrian trails.

Leon Brown, Landscape Architect, Schwab-Eaton, provided additional information on access to the site.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance annexing the proposed 117-acre Scenic Meadows Addition, generally located on the east side of South Scenic Drive, based on general conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program, and the findings of the Board of Riley County Commissioners; and, approve first reading of an ordinance rezoning the site as proposed to R, Single-Family Residential District and R-1, Single-Family Residential District with the AO, Airport Overlay District; based on the findings in the Staff Report. (*See Attachment No. 5*) Commissioner Klimek seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING – AMEND - I-2, INDUSTRIAL PARK DISTRICT, OF THE MANHATTAN ZONING REGULATIONS -ADD DOG WASHES AS A CONDITIONAL USE

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

Tom Abbott, Abbott Management, Inc., provided additional information on the item and asked the Commission to support the proposed amendment.

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance amending Section 4-302 (B)(1) of the Manhattan Zoning Regulations, I-2, Industrial Park District - Conditional Uses, by modifying “Car and truck washes”, to “Car, truck and/or dog washes”, based on the findings in the Staff Memorandum. (*See Attachment No. 6*) Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING - CHARTER ORDINANCE - INCREASING COMMISSIONERS SALARY - AND - FIRST READING – 2007 SALARY ORDINANCE

Cathy Harnes, Director of Human Resources, presented the item and answered questions from the Commission.

Diane Stoddard, Deputy City Manager, and Bernie Hayen, Director of Finance, answered questions from the Commission regarding the item and budget impact.

## GENERAL AGENDA (*CONTINUED*)

### FIRST READING - CHARTER ORDINANCE - INCREASING COMMISSIONERS SALARY - AND - FIRST READING - 2007 SALARY ORDINANCE (*CONTINUED*)

Ron Fehr, City Manager, and Cathy Harmes, Director of Human Resources, provided additional information and answered questions from the Commission.

After discussion, Commissioner Phillips moved to approve first reading of the 2007 Salary Ordinance to establish a new range of salaries for City employees, and approve first reading of a Charter Ordinance establishing revised 2007 compensation for City Commissioners. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

### *ITEMS REMOVED FROM CONSENT AGENDA*

#### EUREKA ADDITION IMPROVEMENTS

Jeff Hancock, Director of Public Works, presented the item.

Ron Fehr, City Manager, provided additional information on the item and discussed potential funding sources.

Roger Schultz, Developer, presented additional information on the Eureka Addition and informed the Commission that he wants to complement the City's Technology Park.

Ron Fehr, City Manager, answered questions from the Commission regarding the infrastructure required and stated that it would be unusual to extend a potential tax abatement for a business at that location, but not impossible.

After discussion, Commissioner Morris-Hardeman moved to find the petitions sufficient, approved Resolution Nos. 091906-B, 091906-C, and 091906-D finding the projects advisable and authorizing construction, and authorized the Mayor and City Clerk to execute an agreement with BG Consultants, of Manhattan, Kansas, to perform engineering services for improvements of Eureka Addition. Commissioner Hatesohl seconded the motion.

Ron Fehr, City Manager, provided clarification on the motion, indicating that the Resolutions and petitions in the packet would be modified contingent on the development agreement.

ITEMS REMOVED FROM CONSENT AGENDA

FIRST READING - CHARTER ORDINANCE - INCREASING  
COMMISSIONERS SALARY - AND - FIRST READING - 2007 SALARY  
ORDINANCE

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

RESOLUTION NO. 091906-A - APPOINTMENT POLICY - RILEY COUNTY  
LAW ENFORCEMENT AGENCY

Mayor Snead presented the item and discussed benefits of the proposed Resolution. He then answered questions from the Commission.

Commissioner Morris-Hardeman moved to approve Resolution No. 091906-A adopting a policy requiring all City appointees to the Riley County Law Enforcement Agency to consent to certain conditions and for any City Commissioner appointed to any position on the Riley County Law Enforcement Agency to cease serving when their term on the City Commission ends. Commissioner Phillips seconded the motion. On vote, motion carried 4-1, with Commissioner Klimek voting against the motion.

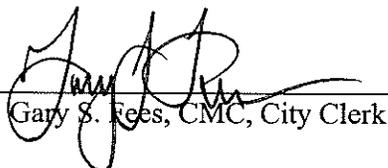
EXECUTIVE SESSION

At 9:45 p.m., Mayor Snead moved to recess into Executive Session until 10:15 p.m. for the purpose of preliminary discussions related to the acquisition of real estate. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

At 10:17 p.m., the Commission reconvened with Mayor Snead and Commissioners Phillips, Hatesohl, Morris-Hardeman, and Klimek in attendance.

ADJOURNMENT

At 10:18 p.m., Mayor Snead adjourned the Commission meeting.

  
\_\_\_\_\_  
Gary S. Rees, CMC, City Clerk

**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.

*Attachment No. 1*

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**

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

### **PROPOSED SIGNS**

<b><u>Type</u></b>	<b><u>Dimensions</u></b>	<b><u>Lighting</u></b>
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. 1*

**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. 1*

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***

*Attachment No. 1*

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.

*Attachment No. 1*

**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

**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 5<sup>th</sup> and 6<sup>th</sup> 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. 2*

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**

<b><i>USE</i></b>	<b><u>Acres/Square Feet</u></b>	<b><u>Percentage</u></b>
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**

<b><u>Type</u></b>	<b><u>Dimensions</u></b>	<b><u>Lighting</u></b>
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 5<sup>th</sup> 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 5<sup>th</sup> Street and Yuma then travels down Yuma via curb and gutter to the intersection of 4<sup>th</sup> 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).

*Attachment No. 2*

**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 5<sup>th</sup> 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 6<sup>th</sup> 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. 5<sup>th</sup> Street along Yuma Street as RMH, with commercial uses to the east of S. 5<sup>th</sup> 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. 5<sup>th</sup> Street and S. 6<sup>th</sup> 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. 5<sup>th</sup> 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**

### **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. 3*

**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. 3*

**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

*Attachment No. 3*

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. 3*

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. 3*

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

## **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. 4*

**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:**

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

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

(4) **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.

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

**GENERAL NEIGHBORHOOD CHARACTER:** see above.

*Attachment No. 4*

**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

*Attachment No. 4*

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. 4*

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

5. 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.
6. 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.
7. Recommend denial of the proposed Amendment and rezoning, stating the specific reasons for denial.
8. 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. 4*

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**

### **ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** County G-1, General Agricultural District

**TO:** Two tracts of land in the proposed Scenic Meadows Addition:

Tract 1, an approximate 77-acre tract, rezone to: R-1, Single-Family Residential District with AO, Airport Overlay District.

Tract 2, an approximate 40-acre tract, rezone to: R, Single-Family Residential District with AO, Airport Overlay District.

**APPLICANT/OWNER:** Frank A. Tillman, Tillman Partners LLC

**ADDRESS:** 1328 Sharingbrook Drive, Manhattan, KS 66503

**LOCATION:** generally located 2,600 feet north of the intersection of Eureka Drive and Scenic Drive along the east side of South Scenic Drive, which is at the northern edge of the Eureka Valley, on the east side of South Scenic Drive and north of the Faith Baptist Church, 1001 S. Scenic Drive

**AREA:** approximately 117-acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, May 29, 2006

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, June 19, 2006  
**CITY COMMISSION:** Tuesday, August 1, 2006

**EXISTING USE:** Agricultural fields, woodlands, including steeply sloped wooded areas, and wetland.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** A portion of the site is in the 100 Year Flood Plain. Drainage is to the south and east. Cultivated farm fields separated by a wooded area. The northern portion of the site is a steeply sloped wooded area. There is a wetland in the southern portion of the site, as well as streams designated as Waters of the U.S.

**SURROUNDING LAND USE AND ZONING:**

(1) **NORTH:** rangeland, and single-family dwelling; G-1 District.

(2) **SOUTH:** church, agricultural fields; G-1 District.

(3) **EAST:** agricultural fields; G-1 District.

(4) **WEST:** agricultural fields; G-1 District.

**GENERAL NEIGHBORHOOD CHARACTER:** Generally characterized as an agricultural neighborhood with rural residential uses to the north. There has been faster than anticipated residential growth in the Miller Ranch Planning Area to the north and northeast. Developments such as Lee Mill Heights and Stone Pointe in the Miller Ranch area may approach the boundary of Scenic Meadows within the next several years, assuming the City continues to expand at the present rate.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable for the agricultural purposes of the G-1 District.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in light, noise, and traffic can be expected with the proposed Scenic Meadows Addition, which will consist of approximately 142 single-family dwelling units. Rural residential uses to the north should not be adversely affected. A church abutting the southern boundary of the site should not be adversely impacted.

**CONFORMANCE WITH COMPREHENSIVE PLAN:**

Southwest Planning Area

The 117-acre site is shown on the Southwest Planning Area Future Land Use map of the Comprehensive Plan as a combination of Agriculture, Environmentally Sensitive Areas and Residential Low/Medium Density (RLM). The RLM portion is a small area located in the northeastern part of the site on an upper ridge, with the remainder of the site designated agricultural and environmentally sensitive areas. Policy statements are in Chapter 4 of the Comprehensive Plan.

**Residential Low/Medium Density (RLM) Policies**

The RLM category is most often characterized by single-family, single-family attached, duplex, and town homes. Densities in the RLM designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre. Residential Low/Medium Density

neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities.

### **Agricultural Policies**

Agricultural areas are primarily areas for farming, ranching, and other agriculturally related uses and very low density rural residential. The Agricultural category can be characterized in several ways, including: areas that are not anticipated to be developed within the 20-year planning horizon of this plan; areas which are encouraged to continue to be used for agriculture within the context of both market demand and the desires of individual property owners; and, residences, which are typically limited to those for owners/operators of the agricultural enterprise.

### **Environmental Values and Constraints Policies**

Environmentally sensitive constraints on the site consist of steep slope, 100 and 500 Year Flood Plain, the Conical zone of the Airport, wetlands, and secondary streams. As noted on the Environmental Values and Constraints Map, steep slope and wetland areas, both within the site and in other areas in the community, were identified by the Northern Flinthills Audubon Society as natural areas of highest priority for preservation. A small portion of the site is identified as Prime Agricultural Land. Steep slopes of greater than 20%, wetlands, secondary stream corridors, and flood plains should incorporate sensitive design practices to minimize physical and environmental impacts, reduce excessive grading of natural topography and excessive removal of natural vegetation. Policy statements are in Chapter 5 of the Comprehensive Plan.

### **Eureka Valley Special Planning Area Policies**

The site is located at the northeast edge of the Eureka Valley Special Planning Area as described in Chapter 13 of the Comprehensive Plan. The Eureka Valley is intended to be an area for service industrial, office and research park, and limited heavy industrial uses in targeted areas. Commercial uses are encouraged within employment areas to serve employees. Future development should be compatible and consistent with the goals and policies of the Airport Master Plan. Wetlands should be protected.

Growth Management policies in Chapter 4 of the Comprehensive Plan encourage: the City and County to strive to balance outward growth and redevelopment of established areas; locate future urban development within the geographical limits of the Urban Service Area Boundary; ensure that all development within these areas shall be compatible with the

*Attachment No. 5*

future vision and principles of this Comprehensive Plan; and, consider new growth based on the adequacy of facilities and services, environmental constraints and market considerations. Leapfrog development should be minimized by efficient use of services.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained vacant, except for those areas used for agricultural purposes. The site has been zoned G-1 District for an undetermined length of time. An application to plat and rezone the site to a Planned Unit Development was submitted to the Riley County Planning and Development Department and was tabled at the May 15, 2006, Manhattan Urban Area Planning Board for a maximum of one year in order for annexation, rezoning, and platting requests to proceed through the City.

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

The R-1, Single-Family Residential District, is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. Minimum lot area is 6,500 square feet for a single-family dwelling. The R, Single-Family Residential District, is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. Minimum lot area is 10,000 square feet for a single-family dwelling. The sites are adequate in area to conform to the requirements of the Zoning Regulations.

Lots located in the 100 Year Flood Plain are subject to the requirements of the Flood Plain Regulations of the Manhattan Zoning Regulations, which require homes to be elevated on fill with the lowest enclosed floor, including a basement, to be at least one foot above the 100 Year Flood elevation..

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

*Attachment No. 5*

The site is within the Conical Zone, which in general terms, is 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:** The applicant has requested water and sanitary sewer services from the City in order to protect the public health, safety, and welfare. If City services are not provided, the applicant would likely request alternative services from Riley County. Denial of the request may be an adverse impact on the future public living in Scenic Meadows, if City services are not provided. It may be a hardship on the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The 117-acre tract is within the Urban Service Area and can be served by public improvements, including street (South Scenic Drive), water (located along South Scenic Drive), fire service (located at the Manhattan Regional Airport), and sanitary sewer, which must be extended to the site from approximately 2,000 feet to the southeast at an existing sanitary sewer lift station near K-18 highway. Easements across adjacent property must be obtained for sanitary sewer to be provided.

**OTHER APPLICABLE FACTORS:** The Preliminary Plat of the Scenic Meadows Addition will be considered by the Manhattan Urban Area Planning Board on June 19, 2006. Approval of the Plat is subject to the requirements of the Manhattan Urban Area Subdivision Regulations.

**STAFF COMMENTS:** In general, the rezonings to R/AO and R-1/AO do not conform to the Comprehensive Plan based on policy statements in the Comprehensive Plan for the Eureka Valley Special Planning area. However, as a growth management issue, and if it is assumed the site will be developed as proposed, then Scenic Meadows must be served with City water and sanitary sewer services because the proposed subdivision is located in the Urban Service Area. Subdivisions, which are in the Urban Service Area, are required to be designed to conform to City design standards for services and storm water requirements. Alternative rural services to serve the subdivision would be inconsistent with the Comprehensive Plan, as well as contrary to the public interest. Rural alternative systems should not be encouraged as the site is in the Urban Service Area.

*Attachment No. 5*

Based on growth factors and the importance of ensuring that Scenic Meadows is served with the full range of City services, rather than rural alternative services, City Administration recommends approval of the rezonings of the Scenic Meadows Addition, from County G-1, General Agricultural District, to: Tract 1, rezone to: R-1, Single-Family Residential District with AO, Airport Overlay District; and, Tract 2, rezone to: R, Single-Family Residential District with AO, Airport Overlay District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Scenic Meadows Addition from County G-1, General Agricultural District, to: Tract 1, rezone to: R-1, Single-Family Residential District with AO, Airport Overlay District; and, Tract 2, rezone to: R, Single-Family Residential District with AO, Airport Overlay District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Scenic Meadows Addition from County G-1, General Agricultural District, to: Tract 1, rezone to: R-1, Single-Family Residential District with AO, Airport Overlay District; and, Tract 2, rezone to: R, Single-Family Residential District with AO, Airport Overlay District, based on the findings in the Staff Report .

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** June 14, 2006

06012



## INTER-OFFICE MEMORANDUM

**DATE:** July 31, 2006

**TO:** Manhattan Urban Area Planning Board

**FROM:** Bret (Bee) Martin, Planning Intern

**RE:** Proposed Amendment to the Manhattan Zoning Regulations to Allow Dog Washes as a Conditional Use in the I-2, Industrial Park District.

### BACKGROUND

Tom Abbott (attachment) has requested a text amendment to the Manhattan Zoning Regulations to modify Article IV, District Regulations, Section 4-302, I-2, Industrial Park District, (B)(2) Conditional Uses, in order to allow "Dog washes" as a Conditional Use. The applicant's proposed amendment reads, "Car, truck and dog washes." The proposed wording expands the existing the vehicle wash facilities, car and truck washes, which are a Conditional Use in the I-2 District and specifically allows only dog washes.

The applicant currently owns a self-storage and car wash facility located at 470 and 480 McCall Road on one 4.44-acre lot, where the proposed dog wash is to be located. In January, 2002, the car wash at 470 McCall Road, under different ownership, was granted a Conditional Use for a car/truck wash in the I-2 District. The Zoning Regulations do not include "dog washes" as a permitted or conditional use, and the amendment is necessary for Abbott to be able to apply for a Conditional Use Permit to include a dog wash as a use at the existing car wash.

The term "Dog Washes" is not defined in the Manhattan Zoning Regulations, and currently, dog washes are not a permitted or conditional use in any district within the City; however, Pet Grooming Shops are a permitted use in certain commercial districts. The applicant currently owns a car wash at the intersection of Bluemont Avenue and N. 12<sup>th</sup> Street, which is in the C-3, Aggieville Business District. The dog wash at the Aggieville location is allowed because Pet Grooming Shops are a permitted use in the C-3 District. The existing dog wash facility in Aggieville is a small self-contained unit with a walk-up wash basin for pets, with coin operated washing devices, cleaning materials, and bags for

*Attachment No. 6*

any animal waste attached to the walls of a partially enclosed metal washing area (see attached picture). The single washing area on the property is located between two sets of two wash bays for cars.

Dog washes exist in many communities in the U.S., both as indoor and outdoor self-serve facilities. Dog washes have been permitted either as a conditional use or accessory use in a number of different zones in these communities ranging from commercial to industrial. City Administration's research found that during an analysis of communities in various states, the most common way to address the zoning necessity of dog washes is to treat it as a conditional use.

Through discussions with cities, City Administration determined that no major health or general welfare issues or concerns were emphasized. Some minor concerns included the filtration of dog hair from getting into the City's wastewater system; the possible corrosive or toxic nature of chemicals used for animal bathing or other fluids generated getting into the wastewater system; and whether or not an attendant would be present to clean bathing tubs or remove any potential animal waste on-site. All of these issues were concerns, whether the proposed use would be indoors or outdoors. Every community contacted expressed the concern of pet hair filtration, and most expressed the concern of having an attendant present on-site to ensure the facility is clean and free of animal waste. These concerns can be addressed through the conditional use process.

Within commercial and industrial districts, noise from animals was not conveyed as a concern in other communities. In one community that included dog washes as an accessory use to a proposed car wash with a conditional use application, City Administration, the Governing Body, and the Planning and Zoning Commission had no concerns regarding the dog wash as a part of the car wash. In that particular case, because the proposed facility abuts an airport, additional noise from the pet wash use was not a concern. Generally, in the communities surveyed, in areas where noise levels are not as serious of a concern, dog washes have been permitted to operate. (See attached pictures for existing dog washes in other communities.)

**AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS**

When a proposed amendment results in a change to the text of the Zoning Regulations, the report from the Planning Staff shall contain a statement as to the nature and effect of the proposed amendment, and determinations as to the following:

**WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS**

*Attachment No. 6*

The intent and purpose of the Zoning Regulations is to divide the City of Manhattan into zones and districts; to regulate and restrict the location and use of buildings and the uses of land within each district and zone; to restrict the use of buildings and land for agriculture, dwellings, business, industry, conservation and other purposes; to promote the health, safety, morals, comfort and general welfare; and to conserve and protect property values throughout the City. Their intent is also to regulate and restrict the height, number of stories and size of buildings; the percentage of a lot that may be occupied by buildings and other structures; the size of yards, courts and other open spaces; the density of the population; the location, use and appearance of buildings, structures and land for residential, commercial, industrial and other purposes; the conservation of natural resources, including agricultural land; and the use of land located in areas designated as flood plains and other areas, including the distance of any buildings and structures from a street or highway.

The I-2 District is designed to allow a broad range of manufacturing and research activities in a large lot industrial park setting. Permitted Uses in this district include light manufacturing activities engaged in the transformation of predominantly secondary or partially finished materials; adult businesses; bulk storage; kennels; animal shelters; public utilities that are not owned or operated by a municipality; research and testing laboratories; transportation systems facilities; vehicle towing and storage service; vocational educational facilities; and warehousing and distribution. Conditional uses in the district include car and truck washes, group day care centers, and health and fitness clubs.

Permitted Uses are those that are allowed “by right”, subject to use limitations and bulk regulations and require no public review prior to construction, unless the Board of Zoning Appeals (BZA) considers an Exception or Variance of a zoning requirement as a result of some part of the use not fully complying as proposed.

A Conditional Use is one that is generally considered to be allowed, but may have adverse affects on adjacent property and must first be considered by the BZA, prior to construction. The Conditional Use process requires notification to property owners within 200 feet of the property for which the Conditional Use Permit is requested and a public hearing to evaluate the impacts or any concerns of the specific proposal. The BZA considers the application based on a set of standards, all of which must be met in order for the Board to grant the Conditional Use. The Board may approve, approve with conditions, or deny a request. Its decisions are final and may be appealed to District Court.

As proposed by the applicant, dog washes are generally outdoor operations, even though, as observed in other communities, they can also function indoors. A patron would drive up to the facility and walk their dog outdoors up to a wash basin containing a jet sprayer that releases water and shampoo, a drying hose, and bags for any animal waste generated from

*Attachment No. 6*

the dogs. The wash basin is controlled by a coin-operated machine providing a variety of cleaning services. In this case, a vehicle using the facility would need to be parked somewhere on-site.

This particular use may have impacts on some of the permitted activities in the I-2 District such as research and testing laboratories or vocational educational facilities. However, other uses such as light manufacturing, adult businesses, bulk storage, animal shelters, kennels, vehicle towing, and warehousing and distribution would not likely be adversely affected by a dog wash. Because several of the permitted uses in the I-2 District are pet- or animal-related, the proposed conditional use should fit in the I-2. Considering the proposed use on a case-by-case basis is consistent with the intent of the Conditional Use process.

**AREAS WHICH ARE MOST LIKELY TO BE DIRECTLY AFFECTED BY SUCH CHANGE AND IN WHAT WAY THEY WILL BE AFFECTED**

The I-2 District is the only district affected by the proposed amendment. There are two I-2 District locations in the City. The first location, where the applicant proposes the dog wash, includes a large portion of the part of the City located in Pottawatomie County east of Tuttle Creek Boulevard and includes much of McCall Road, Hayes Drive, Hostetler Drive, Levee Drive, and Kretschmer Drive. Uses currently existing in this district include self-serve storage units, a health and fitness club, machine shops, vehicle towing and storage, pest control services, shipping service companies, heating and cooling service business, and light production operations among others. The second I-2 District is located east of the intersection of Amherst Avenue and Seth Child Road, north of Amherst Avenue and west of Wildcat Creek. Some properties and uses within the I-2 District may be affected, however, the conditional use process will determine if there are any adverse effects on adjacent properties, and the BZA may place limitations and/or conditions on the use to mitigate those effects.

**WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN THE AREAS AND ZONING DISTRICTS AFFECTED, OR IN THE CITY PLANNING AREA, GENERALLY, AND IF SO, THE NATURE OF SUCH CHANGED OR CHANGING CONDITIONS**

There is a general lack of available vacant commercial land within the City for non-retail service commercial uses. Also, no district within the City currently allows dog washes as a Permitted or Conditional Use, although Pet Grooming Shops are allowed in some districts. Dog washes are a relatively new business concept in the Manhattan area and the U.S. The proposed amendment is made necessary because the current text of the Zoning

*Attachment No. 6*

Regulations does not accommodate this particular use in the form it is proposed, although it could be allowed as a pet Grooming Shop if it were within certain commercial districts.

**WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICY AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY**

The Manhattan Urban Area Comprehensive Plan (the Plan) indicates that the Industrial (IND) category is “intended to provide locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations.” The uses permitted in IND may generate an excessive amount of noise relative to residential and commercial districts and the Plan notes that industrial “should have access to one or more arterials or highways” to accommodate for heavier traffic demands and larger vehicles. The Plan also states, “Industrial uses should generally be located away from population centers or must be adequately buffered.” According to the Plan, “Light industrial uses can typically be located in areas that also contain some highway-oriented commercial uses, and might benefit from close proximity and better access to their local customer base.” Car and truck washes as well as the proposed dog wash are generally highway-dependent operations that largely rely on a high volume of traffic and street visibility for their business. Allowing dog washes in the I-2 District would generally be consistent with the previous statement regarding the compatibility of highway-dependent operations in a light industrial district.

**ALTERNATIVES**

It appears the MUAPB has the following alternatives concerning the issue at hand. The Board may:

1. Recommend approval of the proposed amendment to the City Commission.
2. Recommend denial of the proposed amendment to the City Commission.
3. Modify the proposed amendment and forward the modifications, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, and provide further direction to City Administration.

**RECOMMENDATION**

City Administration recommends approval of an amendment to modify Section (B) (1), Conditional Uses, “Car and truck washes”, in Article IV, District Regulations, Section 4-302, of the I-2, Industrial Park District, to allow “Car, truck and/or dog washes”.

**POSSIBLE MOTION**

The Manhattan Urban Area Planning Board recommends approval of an amendment to modify Section (B) (1), Conditional Uses, "Car and truck washes", in Article IV, District Regulations, Section 4-302, I-2, Industrial Park District, to allow "Car, truck and/or dog washes", based on the findings in the Staff Memorandum.

06143