

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, DECEMBER 5, 2006***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bruce Snead and Commissioners Tom Phillips, Mark Hatesohl, Jayme Morris-Hardeman, and Ed Klimek were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 48 interested citizens.

**PLEDGE OF ALLEGIANCE**

Barbara Crooks, Manhattan High School Instructor, and students from the Interpersonal Skills Class led the Commission in the Pledge of Allegiance.

**PRESENTATIONS/RECOGNITIONS**

Mayor Snead received an Award of Excellence in Historic Preservation Certificate for the restoration of the Union Pacific Depot from Judine and Mike Mecseri, representing the Manhattan/Riley County Preservation Alliance.

Mayor Snead presented Judine and Mike Mecseri, representing the Manhattan/Riley County Preservation Alliance, with a photograph of the Union Pacific Depot.

Mayor Snead recognized Bruce McMillan AIA, Architects, P.A., for receiving an award for the renovation of the Union Pacific Depot.

Mayor Snead and City Manager Ron Fehr presented Roger Reitz, M.D. and Russell Reitz, M.D., with photographs of the Union Pacific Depot for their significant contributions for the restoration of the Depot. The Mayor also recognized the Caroline Peine Foundation and the work of the Manhattan/Riley County Preservation Alliance to secure the grant for furnishings and equipment for the Depot.

## PUBLIC COMMENTS

Mayor Snead opened the public comments.

Dee R. Ross, 2304 Brockman Street, informed the Commission that he was concerned that taxpayers, not the developer, would be paying for the improvements made to the Limey Point area.

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

## COMMISSIONER COMMENTS

Commissioner Morris-Hardeman informed the community that Downtown Manhattan has received approval from the State Historical Society and its application has been submitted for national approval. She also stated that the Manhattan Housing Authority was successful in its effort to receive a tenant-based rental-assistance grant.

Mayor Snead invited those interested to attend an open house at the Ogden Community Center on Wednesday, December 6, 2006, to look at the preferred option for the K-18 highway alignment from Manhattan to Ogden. He also extended an invitation to the community and to the Advisory Boards and Committees of the City to attend a public Holiday Reception on Tuesday, December 19, 2006, from 5:30 to 6:30 p.m., in the foyer of the City Commission Room, City Hall, 1101 Poyntz Avenue.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 21, 2006, and the Special City Commission Meeting held November 28, 2006.

### CLAIMS REGISTER NO. 2573

The Commission approved Claims Register No. 2573 authorizing and approving the payment of claims from November 15, 2006 to November 28, 2006, in the amount of \$3,175,377.81.

### LICENSES

The Commission approved renewal applications for Cereal Malt Beverage and Tree Maintenance licenses for calendar year 2007 and Fireworks Displays license for December 31, 2006. (*See Attachment No. 6*)

## CONSENT AGENDA (CONTINUED)

### CHARTER ORDINANCE NO. 43 – AMEND – STORMWATER FEES

The Commission approved Charter Ordinance No. 43, amending Charter Ordinance No. 31 relating to the Kansas Water Pollution Act and providing substitute and additional provisions affecting the fees of the Stormwater Fund for the City of Manhattan.

### ORDINANCE NO. 6591 – VACATE RIGHT-OF-WAY – EIGHTH STREET

The Commission approved Ordinance No. 6591 vacating portions of a sixty (60) foot right-of-way on Eighth Street in Ward 5, an addition to the City of Manhattan, Riley County, Kansas.

### ORDINANCE NO. 6592 – INDUSTRIAL REVENUE BONDS – GTM SPORTSWEAR

The Commission approved Ordinance No. 6592 authorizing the issuance of up to \$6 million in industrial revenue bonds to finance the first phase of the expansion of GTM Sportswear.

### AWARD CONTRACT - EUREKA VALLEY ADDITION IMPROVEMENTS (ST0613, SS0607, WA0610)

The Commission accepted the Engineer's Estimate in the amount of \$1,500,414.35 and awarded a construction contract in the amount of \$1,191,765.00 to the low bidder, Pavers, Inc., of Salina, Kansas, for street (ST0613), water (WA0610), and sanitary sewer (SS0607) improvements for Eureka Valley Addition.

### \* VEHICLE PURCHASE – FORESTRY DIVISION

Curt Loupe, Director of Parks and Recreation, provided additional information on the item and responded to questions from the Commission.

The Commission authorized the purchase of a 2007 GMC flatbed truck for the Forestry Division from Omaha Truck Center, of Omaha, Nebraska, in the amount of \$35,494.00.

### AGREEMENT – INTERSECTION DESIGN – US 24/MARLATT AVENUE (ST0612)

The Commission authorized the Mayor and City Clerk to enter into an agreement with Bartlett and West Engineers, Inc., of Manhattan, Kansas, for the design of intersection improvements at U.S. 24 and Marlatt Avenue.

## CONSENT AGENDA (CONTINUED)

### AGREEMENTS – EXTERNAL (ST0627)/INTERNAL (ST 0623) IMPROVEMENTS - LIMEY POINTE (

The Commission authorized the Mayor and City Clerk to enter into agreements with BG Consultants, Inc., of Manhattan, Kansas, to complete the design of both the external (ST0627) and internal (ST0623) improvements associated with Limey Pointe Addition.

### PURCHASE – UTILITY BILLING SOFTWARE

The Commission approved the purchase of Click2Gov online utility billing software in the amount of \$28,690.00.

### BOARD APPOINTMENTS

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

#### *Aggieville Business Improvement District Advisory Board*

Re-appointment of Belinda Snyder, % Sheer Dynamics, 1125 A Laramie Street, to a three-year term. Ms. Snyder's term begins January 1, 2007, and will expire on December 31, 2009.

#### *Board of Zoning Appeals*

Re-appointment of Calvin Emig, 1400 Sharingbrook Drive, to a three-year term. Mr. Emig's term begins January 1, 2007, and will expire on December 31, 2009.

#### *Cemetery Board*

Re-appointment of Patrick Gormely, 434 Wickham Road, to a three-year term. Mr. Gormely's term begins January 1, 2007, and will expire on December 31, 2009.

#### *Neighborhood Grant Review Committee*

Re-appointment of Sara Fisher, 811 Osage Street, to a one-year term. Ms. Fisher's term begins January 1, 2007, and will expire on December 31, 2007.

Re-appointment of Tim Lindemuth, 500 Denison Avenue, to a one-year term. Mr. Lindemuth's term begins January 1, 2007, and will expire on December 31, 2007.

Re-appointment of Karen McCulloh, 1516 Leavenworth Street, to a one-year term. Ms. McCulloh's term begins January 1, 2007, and will expire on December 31, 2007.

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### Neighborhood Grant Review Committee (CONTINUED)

Re-appointment of Jami Ramsey, 831 Bertrand Street, to a one-year term. Ms. Ramsey's term begins January 1, 2007, and will expire on December 31, 2007.

#### Special Alcohol Funds Advisory Committee

Re-appointment of Amy Gross, 1713 Hudson Avenue, to a three-year term. Ms. Gross's term begins January 1, 2007, and will expire on December 31, 2009.

### ORDINANCE NO. 6593 – HEALTH CARE REVENUE BONDS – MEADOWLARK HILLS

The Commission approved Ordinance No. 6593 issuing \$27.5 million in health care facility revenue bonds for Meadowlark Hills.

After discussion, Commissioner Phillips moved to approve the consent agenda. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item D, *Charter Ordinance No. 43 – Amend – Stormwater Fees*, which carried 4 to 1, with Commissioner Klimek voting against the item.

## GENERAL AGENDA

### FIRST READING - REZONE - THE MANHATTAN EMERGENCY SHELTER PUD

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

Mandy Chapman Semple, Executive Director, Manhattan Emergency Shelter, informed the Commission that having the Emergency Shelter close to downtown is very important to its mission and clients. She then spoke about the design of the facility and answered questions regarding the timeline of the facility and the Community Development Block Grant (CDBG) application.

Bruce McMillan, Project Architect, provided additional information on the facility construction documents.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - REZONE - THE MANHATTAN EMERGENCY SHELTER PUD (CONTINUED)

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning the proposed Manhattan Emergency Shelter PUD, generally located at the northwest corner of South 4<sup>th</sup> Street and Yuma Street, from C-5, Highway Service Commercial District, to PUD, Residential Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 1*), with the four conditions recommended by the Manhattan Urban Area Planning Board. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

### PUBLIC HEARING - ANNEX, REZONE, AND STATE OWNED AND OPERATED FACILITY - KANSAS VETERANS' CEMETERY ADDITION

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

Ron Fehr, City Manager, answered questions about Wildcat Creek Road.

Mayor Snead opened the public comments.

Ken Kallenbach, the applicant's consultant, provided additional information on the item and timeframe of the project. He then answered additional questions from the Commission regarding burials being projected and right-of-way.

Dick Jepson, provided background information on the Veterans' Cemetery and requested support from the City Commission on the item.

George Webb, Director, Kansas Commission on Veterans Affairs, thanked the Commission for looking at this project and appreciated the support from the Manhattan Urban Area Planning Board and City staff.

Zora McWhorter, 5226 Wildcat Creek Road, was concerned with the quality of water of their private well with this project and wanted reassurance, in writing, that the proposal would not affect their water supply.

Ken Kallenbach, informed the Commission that they met with the neighbors and addressed their concerns with water and provided additional information on water run-off for the project. He said a copy of the report would be provided to Mrs. McWhorter and informed the Commission that they would buy processed water from the City.

Hearing no comments, Mayor Snead closed the public hearing.

## GENERAL AGENDA (CONTINUED)

### FIRST READINGS - ANNEX, REZONE, AND STATE OWNED AND OPERATED FACILITY - KANSAS VETERANS' CEMETERY ADDITION (CONTINUED)

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance annexing the 90-acre Kansas Veterans' Cemetery site, generally located west of Wildcat Creek Road, based on general conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision and Capital Improvements Program. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning the Kansas Veterans' Cemetery site to C-1, Restricted Business District with AO, Airport Overlay District, based on the findings in the Staff Report (*See Attachment No. 2*). Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

Commissioner Hatesohl moved that the City Commission finds that the public interests to be served by the proposed Kansas Veterans' Cemetery, outweigh the impacts upon legitimate community interests, as mitigated by the conditions of approval; and, approve first reading of an ordinance authorizing the proposed Kansas Veterans' Cemetery, based on the findings in the Staff Report (*See Attachment No. 3*), with the three conditions of approval recommended by the Planning Board. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING – AMEND - MEADOWLARK HILLS RESIDENTIAL PLANNED UNIT DEVELOPMENT

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

Leon Brown, Schwab-Eaton, stated that Schwab-Eaton was part of the design team and provided additional information on the site plan and overview of the project timeframe.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance amending the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development, located at 2121 Meadowlark Road, generally north of Kimball Avenue and west of Tuttle Creek Boulevard, and Ordinance Nos. 6049, 6464, and 6528, as proposed, based on the findings in the Staff Report (*See Attachment No. 4*), with the two conditions of approval recommended by the Planning Board. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - LOTS 280, 281, AND 282, BROOKFIELD ADDITION, UNIT SEVEN

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

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance rezoning Lots 280 - 282, Brookfield Addition, Unit Seven, generally located south of Walters Drive along the east and west sides of Donna's Way, from R-3, Multiple-Family Residential District, to R-2, Two-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 5*). Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

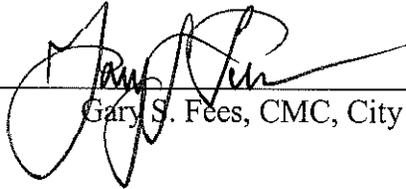
### EXECUTIVE SESSION

Mayor Snead moved to recess into Executive Session until 8:55 p.m. for the purpose of preliminary discussions related to the acquisition of real estate. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

At 8:55 p.m., the Commission reconvened with Mayor Snead and Commissioners Phillips, Hatesohl, Morris-Hardeman, and Klimek in attendance.

### ADJOURNMENT

Mayor Snead moved to adjourn the meeting. Commissioner Hatesohl seconded the motion. At 8:56 p.m., on vote, the Commission adjourned.

  
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Gary S. Fees, CMC, City Clerk

**STAFF REPORT**

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

**BACKGROUND**

**FROM:** C-5, Highway Service Commercial District.

**TO:** PUD, Planned Unit Development District.

**OWNER/APPLICANT:** Manhattan Emergency Shelter, Inc.

**ADDRESS:** 831 Leavenworth Street, Manhattan KS 66502.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, October 30, 2006

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, November 20,  
2006

**CITY COMMISSION:** Tuesday, December 5, 2006

**LOCATION:** northwest corner of S. 4<sup>th</sup> Street and Yuma Street (South 114 feet of Lots 417 and 418 and all of Lots 419 and 420, Ward 1).

**AREA:** 0.607-acres (26,441 square feet).

**PROPOSED USES:** Manhattan Emergency Shelter residential building and a Transitional Housing residential building, as well as other improvements to include, but not limited to, off-street parking, landscaping, screening, a play area, and other site improvements.

**PROPOSED BUILDINGS AND STRUCTURES:**

Phase 1: Emergency Shelter Building: two-story (29 feet in height to roof peak) with basement, constructed of asphalt shingled roof, masonite siding and stone veneer facades. The first floor is common area (dining room, staff, laundry and other similar activities). The second floor is living space (10 family rooms, a men's and a women's dorm, and bathrooms). The basement is unfinished. Porches are on the S. 4<sup>th</sup> Street frontage and on the west side of the building. The applicant indicates occupancy is 53 persons, which includes 1-4 staff persons.

*Attachment No. 1*

Phase 2: Transitional Housing Building: two-story (23 feet in height to roof peak) constructed of asphalt shingled and masonite siding. The building is constructed of two matching halves, with each floor plan consisting of a lounge, bathroom and three bedrooms, and either half with a common kitchen/laundry area. A total of 24 bedrooms are proposed. The building will accommodate eight families or a maximum of 32 persons. No staff will be in the building.

### **PROPOSED LOT COVERAGE**

<b><i>USE</i></b>	<b><u>Square Feet</u></b>	<b><u>Percentage</u></b>
Buildings	9,951 sf	38%
Driveways/Parking	8,670 sf	33%
Open/Landscape Space	7,782 sf	29%
Play Area	560 sf	Less than 1%

### **PROPOSED SIGNS**

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

Exempt signage will be allowed, such as address numerals and other exempt signage.

**PROPOSED LIGHTING:** Building lights described as downcast and full cutoff and one 16 foot parking lot light pole are proposed.

## **REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

**1. LANDSCAPING:** Yards will be lawn and maintained by the owner. Irrigation will be by water hose and spigot connections. Four new deciduous trees are proposed. Street trees will be maintained and preserved and protected during construction (note on landscape plan sheet).

**2. SCREENING:** Six foot wood fencing is proposed on the west property line and adjacent to the parking lot adjacent to the residential/commercial building to the immediate north, as well as around the dumpster located off the alley.

*Attachment No. 1*

**3. DRAINAGE:** A drainage report was submitted, reviewed, and accepted by the City Engineer (attachment), with the following comments, “The developer’s consultant prepared a drainage analysis of the proposed development to understand how the post development condition would affect the existing storm sewer system. There are drainage impacts that need to be mitigated in the full post development condition. The developer will construct an underground storm water detention system that will keep the post condition of runoff volume for a 10 year storm equal to today’s current site conditions. City Administration accepts the drainage report provided on October 31, 2006 to this department.”

**4. CIRCULATION:** Access is from a single curb cut off S. 4<sup>th</sup> Street to an off-street parking area on the north side of the site. Exiting is to the alley. Five of the 24 off-street parking spaces are accessed directly off the alley. A traffic report was not required due to the minimal impact of the proposal on the surrounding street system.

Twenty four (24) off street parking spaces are proposed. Previously approved shelter/transitional units were considered by the Board of Zoning Appeals. Information considered by the BZA was that 85% of the tenants would not have cars. Based on a total occupancy of 85 persons, and applying the 85% expectation, then resident demand would be 13 off-street parking spaces. Staff requirements are for four of the 24 spaces, with the remainder, 13, for the shelter and transitional occupants. Adequate off-street parking should be available.

Pedestrians are accommodated by public sidewalks on S. 4<sup>th</sup> Street and Yuma Street, with walkways connecting from the public sidewalk to the residential buildings.

**5. OPEN SPACE AND COMMON AREA:** Approximately 29% of the site is open space. A small play area is proposed between the two residential buildings, to be constructed with the Transitional Housing

**6. CHARACTER OF THE NEIGHBORHOOD:** A mixed use neighborhood with residential uses to the north/northwest and service commercial to the east, south and southwest. The site borders the future downtown redevelopment area, which is proposed to the east of S. 4<sup>th</sup> Street.

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

**1. EXISTING USE:** Vacant C-5 District tract of land.

*Attachment No. 1*

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** generally flat with grass and several mature trees scattered on the site. The site is in the 500 Year Flood Plain, an area that is not subject to the Flood Plain Regulations.

**3. SURROUNDING LAND USE AND ZONING:**

(a.) **NORTH:** alley, multiple-family and single-family dwellings, mid rise apartments; R-M, Four-family Residential District, R-M District with TNO, Traditional Neighborhood Overlay District, PUD.

(b.) **SOUTH:** Yuma Street, church, service commercial; C-5 District.

(c.) **EAST:** S. 4<sup>th</sup> Street, service commercial; C-5/RDO, Redevelopment Overlay District.

(d.) **WEST:** Service commercial; C-5 District.

**4. CHARACTER OF THE NEIGHBORHOOD:** See above.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable in size for the uses allowed in the C-5 District.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** Minimal impact is expected on adjoining property. Property to the north is R-M District and is separated by setback and public alley from the proposed residential buildings. Uses to the north have off-street parking off the alley. To the east, south, and west are service commercial uses, which should not be adversely impacted. Properties to the east and south are also separated from the site by public streets. Some increase in traffic can be expected, but due to the likelihood that fewer than normal cars will be present, traffic impacts should be minimal. Drainage is to the street and the proposed drainage plan will reduce the increased run-off. Building setbacks along the streets are consistent with the TNO Districts 14 foot minimum front yard setback. An eight foot side yard is proposed on the west, which is consistent with residential setbacks for multiple-family buildings. The Manhattan Emergency Shelter Building is setback approximately 35 feet from the existing residential /commercial building to the north. The Transitional Housing building is approximately 70 feet from the north lot line and public alley.

## **7. CONFORMANCE WITH COMPREHENSIVE PLAN:**

The Manhattan Urban Area Comprehensive Plan shows the site as Central Core District. Applicable policies include:

### **CENTRAL CORE DISTRICT (CCD)**

#### *CCD 1: Characteristics*

The Central Core District is a special purpose designation for the Downtown Core and “Aggieville”, which both have a unique historical character and importance to the broader community. Although the two areas are not physically connected, they both consist of a variety of civic, cultural, retail, commercial, business and professional offices and financial institutions, as well as residential uses in a compact, vibrant setting enhanced by a large inventory of older, and in some cases historic, structures and a pedestrian-friendly scale. “Superstores” and big box centers could be incorporated into identified redevelopment areas in the downtown core, if they are designed as part of a master planned development that is compatible with and complimentary to the traditional downtown urban fabric by maintaining a pedestrian oriented streetscape, and are of exceptional design quality. (Note: “master planned” refers to the process of developing an overall concept or neighborhood level plan for an area, prior to development, that takes into consideration the relationships between land uses, buildings, access and site characteristics, in order to establish a more unified and compatible development. It can apply to a large single site, a whole neighborhood, or series of neighborhoods.)

#### *CCD 2: Infill and Redevelopment*

Infill and redevelopment that is in keeping with the historic character and scale of the established neighborhood is strongly encouraged to utilize vacant or underutilized sites and enhance the vitality of the Central Core.

### **Applicable Housing and Neighborhoods Policies include:**

#### **HN 2: Encourage Construction of Affordable Housing**

There is growing concern about the availability of affordable housing for low and moderate-income families within the Manhattan Urban Area. The City and County shall work with the private sector and non-profit agencies to ensure that sites that are potentially suitable for affordable housing are available in the Urban Area. This should include sites at a variety of scales to accommodate both small infill projects and larger redevelopment or green field projects. In addition, the City should encourage innovative design in housing by promoting such programs as design competitions, financial incentives, or other mechanisms to reduce development costs.

*Attachment No. 1*

**HN 5: Promote Infill and Redevelopment**

The City and County should encourage infill development and redevelopment on vacant or underutilized parcels where infrastructure and services are readily available and where it would foster the stabilization or revitalization of an existing area. Infill and redevelopment should be sensitive to the established character of the surrounding neighborhood. *Infill* means the development of new housing or other buildings on scattered vacant sites in a built-up area. *Redevelopment* means the replacement or reconstruction of buildings that are in substandard physical condition, or that do not make effective use of the land on which they are located. If properly designed, infill and redevelopment can serve an important role in achieving quality mixed use neighborhoods.

**The site is in a Special Planning Area. Applicable policies include:**

**DT 1: Reinforce the Role of the Downtown**

The City and County will continue to reinforce the role of the Downtown area by making Downtown more accessible; supporting a variety of uses and activities as the focal point of the community; and promoting redevelopment of underutilized lands at the periphery of the downtown area.

**DT 3: Promote Appropriate Infill and Redevelopment**

The City shall encourage residential, commercial, office, and mixed-use infill and redevelopment within the downtown area, as identified in the Downtown Tomorrow Plan. Development design standards in the Downtown shall be considered in order to maintain and enhance the area's character.

The proposed rezoning is an infill project utilizing underdeveloped land, which will provide affordable temporary housing for individuals and families. Residential uses are encouraged in the Central Core area. The rezoning conforms to the Comprehensive Plan.

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

The site is part of the original town plat and is currently vacant. A building along S. 4<sup>th</sup> Street and one along Yuma Street were removed from the site within the last five years.

1925-1940	D Light Industrial District
1940-1965	E Heavy Industrial District
1965-1969	E Light industrial District
1969-2006	C-5, Highway Service Commercial District

**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

*Attachment No. 1*

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

The proposed PUD is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There appears to be no relative gain to the public, which denial would accomplish. No adverse impacts to the public are expected. There may be a hardship to the applicant if the amendment is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary and water service is available to serve the site. An additional fire hydrant is required in order to provide adequate fire fighting protect, which must be located at S. 4<sup>th</sup> and Colorado Street. The site plan notes the addition of a hydrant at the intersection. There is an existing sidewalk on abutting street frontage along S. 4<sup>th</sup> Street and Yuma Street.

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS AND RECOMMENDATION:**

City Administration recommends approval of the proposed rezoning of the Manhattan Emergency Shelter PUD from C-5, Highway Service Commercial District, to PUD, Residential Planned Unit Development District, with the conditions:

1. Permitted uses shall include a Manhattan Emergency Shelter building and Transitional Housing building.
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. Exempt signage shall be permitted as 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 Manhattan Emergency Shelter PUD from C-5, Highway Service Commercial 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 Manhattan Emergency Shelter PUD from C-5, Highway Service Commercial 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 Manhattan Emergency Shelter PUD from C-5, Highway Service Commercial 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:** November 15, 2006

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** No current zoning designation as the site is on the Ft. Riley Military Reservation.

**TO:** C-1 Restricted Business District, with AO, Airport Overlay District.

**APPLICANT:** Kansas Commission on Veterans' Affairs.

**ADDRESS:** Jayhawk Towers, 700 SW Jackson, Suite 701, Topeka KS 66603-375.8

**OWNERS:** Same.

**ADDRESS:** Same.

**LOCATION:** generally located south and west of Wildcat Creek Road and Corporate Drive intersection.

**AREA:** 90-acres.

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

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, October 16, 2006  
(Note: the Public Hearing was originally scheduled for August 21, 2006, and was tabled twice at the request of the applicant).

**CITY COMMISSION:** Tuesday, December 5, 2006.

**EXISTING USE:** Ft. Riley Military Reservation.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Rolling Kansas prairie with scattered woodland. The site drains to the east and west. A fire break is located along the eastern side of the site. No portion of the site is in the 100 or 500 Year Flood Plain.

**SURROUNDING LAND USE AND ZONING:**

**(1) NORTH:** Ft. Riley Military Reservation.

**SOUTH:** Airport approach; AO District.

**(3) EAST:** Wildcat Creek Road, Corporate Technology Park, Manhattan Regional Airport: County A-4, Single family and N-1 Noise Hazard, I-2, Industrial Park District, I-3, Light-Industrial District and AO District.

**(4) WEST:** Ft. Riley Military Reservation.

**GENERAL NEIGHBORHOOD CHARACTER:** Neighborhood character consists of limited low density single-family residential, with the majority of the area industrial park, Ft. Riley Military Reservation and municipal airport.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is not zoned as it is part of the Ft. Riley Military Reservation.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed C-1/AO District will be for a Kansas Veterans' Cemetery, which will be approved subject a Municipal Facility and Preliminary and Final Plat. Minimal impact is expected on nearby properties, which consist of rural low density single-family dwelling and the Corporate Technology Park, as well as Ft. Riley. Storm water detention will be provided on the cemetery grounds. Subsoil analysis has determined ground water is not present to allow burial nitrates to be carried to nearby water wells of single-family dwellings. An increase in traffic can be expected, but should be limited in intensity due to the nature of the cemetery, which should only generate burial and visitor traffic.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** Although the site is outside of the Study Area boundary of the Comprehensive Plan, it is adjacent to the Southwest Planning Area of the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan. The site is shown as Ft. Riley Military Reservation, which was not anticipated to be developed in the same manner as the surrounding community within the Study Area boundary. The C-1 District was chosen because government buildings are a permitted use and the Comprehensive Plan does not support residential development in the Eureka Valley. Additionally, the Veteran's Cemetery is a consistent use with the general character of Ft. Riley. The existing cemetery on Ft. Riley is full, as note din the applicant's documents.

The proposed annexation generally conforms to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has been part of the Ft. Military Reservation until it was deeded to the Kansas Commission on Veterans' Affairs in March 2006.

**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 C-1 District is designed to provide for non-retail commercial, and business and professional activities adjacent to arterial and collector streets. This district is intended to be compatible with adjacent residential districts. Low density residential is to the east of the site as well as the municipal airport.

Because the site must be zoned to a City zoning classification, the C-1 District is appropriate. Governmental buildings are a permitted use in the district, not unlike the administrative office associated with the proposed cemetery. In addition, a residential zone would not be appropriate due to the municipal airport adjoining the site and in close proximity to the east.

However, the cemetery is the principal use of the property, not the administrative building. Cemeteries are not listed as a use in the Manhattan Zoning Regulations. As such, the proposed cemetery is subject to municipal facility process.

A municipal facility is defined in the Manhattan Zoning Regulations as, "Any public utility, or facility, owned and operated by either the State or a Municipality is hereby authorized as a permitted use in any zoning district, subject to the remaining provisions of this section." If the use is specifically listed in the zoning district in which it is proposed, its development is subject to the requirements of that district, or the process for approval of a municipal facility set out in the Manhattan Zoning Regulations in Article III, Section 3-412, State or Municipally Owned and Operated Public Utilities and Public Facilities.

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. 2*

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public, which denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. The Concurrent Plat of the Kansas Veterans' Cemetery Addition will indicate the subdivision is in the AO District. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

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

**OTHER APPLICABLE FACTORS:** Concurrent Plat and Municipal Facility applications must be approved.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of the Kansas Veterans' Cemetery to C-1, Restricted Business District with AO, Airport Overlay District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the Kansas Veterans' Cemetery to C-1, Restricted Business 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 the Kansas Veterans' Cemetery to C-1, Restricted Business District with AO, Airport Overlay District, based on the findings in the Staff Report.

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

**DATE:** October 10, 2006

06025

**STAFF REPORT  
STATE OR MUNICIPAL FACILITY REVIEW**

**APPLICANT:** Kansas Commission on Veterans' Affairs.

**ADDRESS:** Jayhawk Towers, 700 SW Jackson, Suite 701, Topeka KS 66603-3758.

**LOCATION:** generally located south and west of Wildcat Creek Road and Corporate Drive intersection.

**AREA:** 90-acres.

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

**DATE OF PUBLIC HEARING:**

**PLANNING BOARD:** Monday, October 16, 2006 (Note: the Public Hearing was originally scheduled for August 21, 2006, and was tabled twice at the request of the applicant).

**CITY COMMISSION:** Tuesday, December 5, 2006.

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*At the conclusion of the hearing, the Manhattan Urban Area Planning Board shall forward its recommendation to the Governing Body. Such recommendation shall include all factors and reasons the Board relies upon to support such recommendation. In arriving at such recommendation, the Planning Board shall balance the public interests to be served by the construction or expansion of the utility or facility, as opposed to the impact upon interests intended to be protected by the Zoning Regulations. In balancing such interests, the Planning Board shall consider factors, such as:*

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**EXISTING USE:** Ft. Riley Military Reservation.

**PROPOSED USE:** Kansas Veteran's Cemetery will be owned and operated by the Kansas Commission on Veterans' Affairs. The cemetery will have an approximate 90

*Attachment No. 3*

year capacity for approximately 55,000 grave sites. (Note: application documents project a 40 year period and provide 16,000 burial sites consisting of 10,400 full casket spaces, 2,800 in-ground cremains and 2,800 above ground spaces (wall columbarium niches), which is provided to demonstrate to state and federal agencies that a minimum 40 year site capacity is available). The service radius of the cemetery is an area within 75 miles of the site to include 21 counties, and 33,528 veterans, and eligible family members.

### Fencing and Screening

The site development plan shows a landscaped median entrance and ornamental gate and limestone walls at the entrance. A 6 foot entry gate and wall will be a combination of metal wrought iron appearance fence, 6-8 foot tall limestone walls, with 6-8 foot tall stone columns. Fence materials beyond the gate and entry will be constructed along an approximate 1,000 feet of Wildcat Creek Road frontage consisting of 6 foot black vinyl chain link to be located at the property line. Fencing will end at the south where Wildcat Creek Road turns southwest, at which point, the existing right-of-way fence will be retained. The fence is a "T" post and barbed wire fence.

The black vinyl fence continues to the north property line, at which point barbed wire fencing will extend along the north, west and south boundary, except for a portion of fencing which will not be built in the northwest corner of the site due to a detention dam on Ft. Riley. The barbed wire is intended to keep elk out of the cemetery. The fence could be electrified if elk become a problem. An 8 foot tall solid wood screening fence will be located around the maintenance area.

### Signs

An approximate 5 square foot Kansas Veterans Affairs plaque and an approximate 28 square foot wall mounted aluminum letter sign identifying the name of the cemetery will be mounted on a limestone wall. Internal post and panel signs will provide directional information to visitors.

### Site, Building and Landscaping

The entry drive will extend along an "Avenue of Flags", which will have flags, on special occasions, located along internal drives to the committal shelter, and located approximately 1,000 feet from the entrance. An administrative and maintenance building compound is located west of the entrance approximately 250 feet west of the entrance. Shelter, administrative and maintenance facilities are one story in height, approximately 18-20 feet. Building materials are brick and limestone with metal shingled roofs.

*Attachment No. 3*

The site will be graded and seeded. Few existing trees will be preserved. New trees will be planted along drives and between burial areas to create a park like setting. The overall impression will be, in the words of the applicant, “one of rolling hillsides of green lawns and white, upright grave markers. Views from the committal service center will be to the southeast overlooking the wooded river valley with the flag plaza in the foreground and the burial section beyond.” Burial areas will be defined by various types of trees, open space, headstones, and markers. Cremain burial walls will be located throughout the site. A group memorial is shown at the north end of the site.

### Operational Characteristics

**Staffing:** Five staff initially (cemetery manager, office assistant and 3 grounds people); in the future several other employees and summer and grounds temporary positions will likely be added.

**Hours of operation:** Office hours — 8 AM to 4:30 PM; gate and grounds are open dawn to dusk. Common service times: 10 AM, 11 AM 2 PM and 3 PM. **Lighting:** Ground lighting on the entry wall/sign; security packs on the buildings; and up lighting on the 3 flags at the flag plaza. No other lighting on the buildings, the roads or grounds.

Written, site plan and architectural plans and elevation application documents are attached, which provide an extensive overview of the proposed facility. Photographs are of equivalent facilities in Kansas.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The 90 acre tract is open Kansas prairie and scattered woodland. A fire break exists along the eastern boundary of the site. The eastern portion of the site drains to the east to a concrete pipe under Wildcat Creek Road. The western portion sheet flows to the west onto Ft. Riley.

**THE NATURE AND SCOPE OF THE MUNICIPALITY OR STATE AGENCY:** The applicant is the Kansas Commission on Veterans’ Affairs, which is authorized by Senate Bill 19 to establish, operate and maintain state veterans’ cemeteries for veterans, spouses and eligible dependents. Veterans’ cemeteries are located in Fort Dodge, WaKeeney and Winfield. The proposed cemetery will be the fourth veterans’ cemetery in Kansas.

**THE FUNCTION OF THE UTILITY OR FACILITY:** The applicant states, “The

*Attachment No. 3*

mission of the Kansas State Veteran's Cemetery program is to provide veterans and their eligible dependents with interment opportunities for burial in a Kansas Veterans' cemetery. The program is to establish, manage, and operate four state veterans' cemeteries and provide staff support and assistance to veterans state-wide regarding their interment options and the procedures for pre-registration. The goal is to provide a final resting place for our veterans', spouses, and dependents to be maintained in a manner that reflects respect for our veterans' and their families."

**THE EXTENT OF THE PUBLIC INTEREST TO BE SERVED BY THE UTILITY OR FACILITY:** The applicant states, "The proposed cemetery will be able to serve the regional population of 33,528 that now resides in the northeast quadrant of Kansas within a 75 mile radius of the proposed site. A total of 503 burials are projected annually. Based on the predicted long term demand for interments, the proposed site should meet these needs for over 90 years. The existing Fort Riley cemetery has nearly reached its capacity and will soon not be able to accept eligible veterans for interment. Without this facility families of veterans would have to seek alternative locations for interment." The Ft. Riley cemetery has been expanded to areas to meet some demand by removing trees and altering roadways for limited grave sites.

**THE EFFECT THAT REGULATION OF THE CONSTRUCTION, OR EXPANSION, EITHER BY THE IMPOSITION OF REQUIREMENTS NECESSARY TO MITIGATE IMPACTS OR BY A COMPLETE DENIAL, WILL HAVE UPON THE MUNICIPALITY'S, OR STATE AGENCY'S, ABILITY TO EFFICIENTLY, ECONOMICALLY AND PRUDENTLY MEET THE PUBLIC INTERESTS THEY ARE SERVING:** The applicant states, "While we recognize that the imposition of regulations and requirements to mitigate negative impacts is likely, they could have budgetary impacts that would reduce the amount of developed burial space. Complete denial would be quite detrimental to the region's veterans and their families."

**THE IMPACT THAT CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY WILL HAVE UPON THE LEGITIMATE INTERESTS OF THAT PORTION OF THE COMMUNITY IN WHICH IT IS PROPOSED TO BE LOCATED:** Minimal impact on adjacent property is expected. Residential uses to the east are low density single-family dwelling units and the Corporate Technology Park. The proposed site will be developed in a manner which mitigates its impact on adjacent properties to the east. Storm water detention, fencing, building architecture, landscaping and increased setbacks for buildings and off-street parking are intended to provide an attractive and low impact land use in proximity to residential uses to the east of the site. Subsurface soils analysis has been conducted by the applicant's consultant Kaw Valley

*Attachment No. 3*

Engineering. Minimal ground water was found and high water tables are not present. Water wells of residential dwellings to the east will not be affected. Increased traffic can be expected; however, the applicant has indicated that burials will be scheduled to not coincide with shift changes at the various industries in the Corporate Technology Park. In addition, burial traffic patterns will be limited in comparison to typical traffic patterns associated with residential, commercial and industrial uses, which occur over extended periods of the day. Taper lanes are recommended by the City Engineer (attachment) for improved vehicular traffic entering and exiting movements to and from the site.

**IF THE OWNER OF THE UTILITY OR FACILITY IS THE CITY OF MANHATTAN, AND IF THE FACILITY OR UTILITY IS OF A TYPE EMBRACED WITHIN THE COMPREHENSIVE PLAN, WHETHER OR NOT IT IS IN CONFORMITY WITH THAT PLAN:**

The owner is not the City of Manhattan. Although the site is outside of the Study Area boundary of the Comprehensive Plan, it is adjacent to the Southwest Planning Area of the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan. The site is shown as Ft. Riley Military Reservation, which was not anticipated to be developed in the same manner as the surrounding community within the Study Area boundary. The C-1 District was chosen because government buildings are a permitted use and the Comprehensive Plan does not support residential development in the Eureka Valley. Additionally, the Veteran's Cemetery is consistent with the general character of Ft. Riley, in which there is an existing cemetery. The proposed annexation generally conforms to the Comprehensive Plan.

**OTHER FACTORS AS THE PLANNING BOARD DEEMS APPROPRIATE AND RELEVANT:**

**STAFF RECOMMENDATION:** City Administration recommends that the Planning Board approve the Kansas Veterans' Cemetery, with the following conditions of approval:

1. Annexation, rezoning and platting shall be approved.
2. The proposed Kansas Veterans' Cemetery shall be developed as proposed in the application documents.
3. A 50 foot taper shall be added on both sides of the entrance starting at a width of 0 feet and widening to 6 feet at the entrance to provide additional maneuverability of entering and exiting vehicles into the site.

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*The Planning Board shall not recommend approval of the request unless it determines, by a preponderance of the evidence, that the public interests to be served by the construction or expansion of the utility or facility outweigh any impact upon legitimate community interests, as such impact is mitigated by any requirements of the Planning Board.*

*If the Planning Board recommends approval, they shall also recommend any requirements or conditions they deem necessary to mitigate impacts caused by such use. Such requirements or conditions may include, but are not limited to, any bulk, or other requirements, which would have otherwise been applicable within the zoning district in which the proposed use is to be placed.*

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## **ALTERNATIVES**

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

1. Hold a public hearing on the proposal and, following the hearing, recommend approval of a proposed Kansas Veteran's Cemetery, based on the findings in the staff report, with the two conditions of approval recommended by City Administration.
2. Hold a public hearing on the proposal and, following the hearing, recommend denial of the proposed Kansas Veteran's Cemetery, for specifically stated reasons.
3. Hold a public hearing on the proposal and, following the hearing, modify the site plan and/or conditions of approval, to meet the needs as perceived by the Planning Board, and establish such conditions, if any, as deemed necessary to mitigate any impacts created by the proposed Kansas Veteran's Cemetery.
4. Table the public hearing of a proposed Kansas Veteran's Cemetery, for specifically stated reasons and provide further direction to City Administration.

## **RECOMMENDATION**

City Administration recommends that the Planning Board:

1. Hold a public hearing on the proposed Kansas Veteran's Cemetery;

*Attachment No. 3*

2. Determine by a preponderance of the evidence, that the public interests to be served by the proposed Kansas Veteran's Cemetery, outweigh the impacts upon the legitimate community interests, as mitigated by requirements of the Planning Board; and,
3. Recommend approval of the proposed Kansas Veteran's Cemetery, with the two conditions of approval recommended by City Administration. This recommendation is based on the findings in the Staff Report.

## **POSSIBLE MOTION**

The Manhattan Urban Area Planning Board finds that the public interests to be served by the proposed Municipal Facility, outweigh the impacts upon the legitimate community interests and recommends approval of a proposed Kansas Veteran's Cemetery, based on the findings in the Staff Report, with the three conditions of approval recommended by City Administration.

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

**DATE:** October 10, 2006

06026

**STAFF REPORT**

**ON AN APPLICATION TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD)**

**BACKGROUND**

**APPLICANT:** Manhattan Retirement Foundation, Inc.

***ADDRESS:*** *2121 Meadowlark Road, Manhattan, Kansas 66502*

**OWNERS:** Manhattan Retirement Foundation, Inc./City of Manhattan.

***ADDRESSES:*** *2121 Meadowlark Road, 66502; 1101 Poyntz Avenue, Manhattan KS 66502.*

**LOCATION:** Generally north of Kimball Avenue and Blue Hills Shopping Center, west of Tuttle Creek Boulevard, and south and east of undeveloped Kansas State University range land.

**AREA:** approximately 55.8-acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, October 16, 2006

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, November 6, 2006.  
Tabled

to Monday, November 20,  
2006

**CITY COMMISSION:** Tuesday, December 5, 2006

**DESCRIPTION OF PROPOSED AMENDMENT:** new single-family attached dwelling units (cottages), a proposed Healthcare Households (HCH) building for skilled nursing residents, a community center remodel/addition in the existing five story apartment building, interior remodeling in the five story apartment building, and other amenities to include, but not limited to, landscaping, off-street parking, an internal street extension, trails, and other improvements.

### Phase I

Eleven (11) new cottages (single-family attached dwellings), or 22 new dwelling units, will be constructed with similar floor plans and building architecture as existing cottages. Proposed landscaping (lawn, trees and shrubs) and underground irrigation will be similar to existing landscaping plans for cottages.

### Phase II

A new Healthcare Households (HCH) building is proposed to the north of the existing apartment building, generally the northwest part of the site. The HCH building is a three story structure, two stories on the south, or front, elevation (approximately 48-feet in height to the roof peak) and three stories on the north, or rear, elevation (approximately 59-feet in height to the roof peak) due to slope. The lower floor is generally mechanical and storage space. Floors two and three are primarily for assisted living, dining and common area. The HCH building is for skilled nursing residents. A total of 80 private resident rooms are proposed, each of the four household consists of 20 resident spaces, or 40 resident spaces, per floor. The building will be constructed of similar color and materials as the existing facilities (brick and cementitious siding and asphalt roof shingles).

The first two of the four households, the western portion of the structure, will be built with Phase II. The first 40 residents will be moved from a current skilled nursing area in a one story building north of the existing apartment building.

### Phase III

Once Phase II is complete current remodeling of interior space in two wings of the first floor of the five story apartment building will begin as well as two wings of the skilled nursing area. A community center is proposed to include a wellness center, out-patient rehabilitation, bank sidewalk café and other common use facilities. A new addition is also proposed on the interior courtyard for an enclosed pool (sheet A-213). A rehab area will be added with the remodeling.

### Phase IV

The eastern half of the HCH building will be constructed.

The application documents indicate a future amendment will include a new apartment building with 50 dwelling units.

See written application documents for details on Phasing and living unit counts.

## **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 proposed Amendment is consistent with the master plan for the development. The improvements are located to maintain the attractive nature of the Meadowlark Hills community.

**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 notes that, “Changes have occurred in recent years and continue to occur that will impact the way Meadowlark Hills operates if it is to continue to be a national leader in providing a quality living environment and care for our senior citizens.” Earlier in 2006, the applicant added land to the PUD anticipating change and the current request refines the prior adjustment.

**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 proposed Amendment provides opportunities for living and health care choices that benefit the public rather than a specific person.

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

- 1. LANDSCAPING:** Landscaping and irrigation in and around the proposed cottages will reflect similar lawn, trees and shrub patterns associated with existing cottages.
- 2. SCREENING:** A new enclosed dumpster is proposed in the northwest corner of the site adjacent to the HCH building.
- 3. DRAINAGE:** A drainage report was submitted by the applicant’s consultant and reviewed by the City Engineer (attachment), which states that, “The developer’s consultant prepared a drainage analysis of the proposed development to understand how the post development condition would affect the downstream drainage basin. There are drainage impacts that need to be mitigated in the full post development condition. The developer

*Attachment No. 4*

will need to make a series of modification and new improvements to be in compliance with Stormwater Master Plan.” The modifications noted in the memo will need to be made with the final designs and must conform to the requirements of the SWMMP.

**4. CIRCULATION:** The Amendment shows a proposed entrance off Tuttle Creek Boulevard at an existing access point, which also serves Bluehills Shopping Center. Sidewalk and trails are throughout the site. A new loop road extends off a previously approved extension off the northeast part of Meadowlark Road and will reconnect to the southeast part of the road.

Off-street parking is managed and controlled by the applicant. The development is self-contained and separate from adjoining property. The existing parking is divided between residents, employees and guests. Currently 232 off-street parking spaces are provided for residents and 54 for staff and visitors. The Amendment results in 486 total parking spaces: 272 for residents and 152 for staff and visitors. New parking is provided on the west side of the site and in front of the existing five story apartment building. Parking should be adequate.

A traffic report was submitted by the applicant and reviewed and accepted by the City Engineer (attachment). Minimal impact on the surrounding street network is expected as a result of the Amendment.

**5. OPEN SPACE AND COMMON AREA:** Approximately 74% of the site is open space, after the proposed construction associated with the Amendment. Within open space areas, trails and garden area are provided for the residents.

**6. CHARACTER OF THE NEIGHBORHOOD:** The Meadowlark Hills PUD is a neighborhood of its own with full care, assisted care, and independent living dwellings, which are separated from adjacent residential neighborhoods to the south by a major street. Commercial properties to the east are separated by open space. KSU range land is to the north and west. The retirement community was established in 1977.

**EXISTING USE:** Meadowlark Hills Retirement Community.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** There are building, private streets, steep slopes, open land and landscaped areas throughout the entire site. The site drains to the east.

**SURROUNDING LAND USE AND ZONING:**

**(1) NORTH:** Open range land; County U, University Development District.

(2) **SOUTH:** Kimball Avenue, existing Flinthills Place dwellings, Gardens at Flint Hills apartments, and single-family residential development; Gardens at Flint Hills Place Planned Unit Development, and R, Single-Family Residential District

(3) **EAST:** Blue Hills Shopping Center, Tuttle Creek Boulevard, and single-family development; C-2, Neighborhood Shopping District, C-5, Highway Service Commercial District, and R-1, Single-Family Residential District.

(4) **WEST:** Open rangeland, Manhattan Headquarters Fire Station; U, University District.

**GENERAL NEIGHBORHOOD CHARACTER:** See above.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The PUD is suitable for the existing and proposed changes.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed cottages are a permitted use in the PUD. Adjacent properties should not be adversely affected by the proposed changes. There appears to be no adverse affect on adjacent properties based on the existing PUD and Amendment. The adjacent properties are separated from the retirement community by open land.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The Comprehensive Plan designates the area Residential High Density, and Open Space (steep slopes). The modification of the steep slope area is shown on the Existing Slope Analysis Vacated Conservation Easement sheet. The applicant has demonstrated that the majority of steep slope areas are preserved although some steep areas will be graded for the internal street and pad sites for four (4) of the proposed 11 cottages. The Amendment is in general conformance with the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:**

June 3, 1977	Annexation.
August 23, 1977	Rezoning to Planned Unit Development.
September 10, 1985	Manhattan Urban Area Planning Board amends the Final Development Plan.
March 17, 1986	Manhattan Urban Area Planning Board amends the Final
	Development Plan.
October 19, 1992	Manhattan Urban Area Planning Board conducts Public Hearing to rezone to new PUD.
November 17, 1992	Rezoned to new PUD.

*Attachment No. 4*

January 4, 1993	Manhattan Urban Area Planning Board approves Phase I of Final Development Plan.
April 6, 1998	Manhattan Urban Area Planning Board recommends annexation of an approximate 34 acre tract to be added to the PUD.
April 21, 1998	The Manhattan City Commission approves first reading of an ordinance annexing an approximate 34 acre tract of land.
November 2, 1998	Manhattan Urban Area Planning Board recommends approval of new PUD.
November 17, 1998	City Commission approves First Reading of the
December 1, 1998	rezoning City Commission approves second read of Ordinance 6049
April 5, 1999	Planning Board approves Final Development Plan and Final Plat
February 7, 2005	Planning Board recommends approval of amendment to Final Development Plan and Ordinance No. 6049.
March 1, 2005	City Commission approves first reading of the amendment to Final Development Plan and Ordinance No. 6049.
March 22, 2005	City Commission approves Ordinance No. 6464 amending the Final Development Plan and Ordinance No. 6049, and accepts easements and rights-of-ways.
February 6, 2006	Planning Board recommends approval of the annexation of a 0.2 acre tract of land; rezoning of three (3) tracts of land; and, amending the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development.
February 21, 2006	City Commission considers first reading of the annexation; and, amending the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development to allow for two (2) new cottages (duplexes), or four (4) new dwelling units, and new ground lit entry signage at the intersection of Meadowlark Road and Tuttle Creek Boulevard as well as identify areas for future Final Development Plan amendments.
March 7, 2006	City Commission approves Ordinance Nos. 6527 & 6528.

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

**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 that denial would accomplish; however, it may be a hardship on the applicant if the amendment is denied. There is an apparent need for cottages, Healthcare Households, and other facility changes and denial would prohibit the future planning for an increasing residential retirement market and other health and services to serve the residents of the PUD.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public facilities and services are available to serve the site.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:** City Administration recommends approval of the proposed Amendment of the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development, with the following conditions:

1. 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.
2. All landscaping and irrigation shall be maintained in good condition.

**ALTERNATIVES:**

1. Recommend approval of the proposed Amendment of the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development, stating the basis for such recommendation.

*Attachment No. 4*

2. Recommend approval of the proposed Amendment of the Final Development Plan of the Meadowlark Hills 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, stating the specific reasons for denial.
4. Table the proposed Amendment to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment of the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development, based on the findings in the Staff Report, with the two (2) conditions recommended by City Administration.

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

**DATE:** November 15, 2006

06027

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** R-3, Multiple-Family Residential District.

**TO:** R-2, Two-Family Residential District.

**APPLICANT:** Knight Investments, LLC – Dan Knight.

**ADDRESS:** 7645 Saddle Drive, Manhattan KS 66503.

**OWNER/ADDRESS:** Same.

**LOCATION:** Lots 280, 281 and 282, in Brookfield Addition, Unit Seven, generally located south of Walters Drive on the east and west sides of Donna's Way.

**AREA:** 45,891 square feet.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, October 30, 2006

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, November 20, 2006  
**CITY COMMISSION:** Tuesday, December 5, 2006

**EXISTING USE:** Vacant multiple-family residential lots. The applicant has submitted a replat of Unit Seven, to be known as Unit Nine, which will create single-family attached lots. The Final Plat is scheduled for the December 4, 2006, Planning Board meeting.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Undeveloped site generally graded for development. No part of the site is in a flood plain.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Walters Drive, Eisenhower Middle School playing fields, City Baseball Field; R District.
- (2) **SOUTH:** Undeveloped Prairie Lakes Addition, Unit 3; R-3 District.
- (3) **EAST:** Brookfield Residences apartments; Residential Planned Unit Development District.

**(4) WEST:** single-family attached dwellings; R-2 District.

**GENERAL NEIGHBORHOOD CHARACTER:** Generally characterized as a developing low and medium density residential neighborhood. Eisenhower Middle School is a part of the established neighborhood. Portions of the undeveloped Prairie Lakes Addition, Unit 3, are to the south. Brookfield Residences PUD, a medium density apartment complex, is to the immediate east.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable for multiple-family uses; however, lot depth may be a constraint for multiple family buildings. Off-street parking is required to be located to the side or rear of a multiple-family building.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** To the immediate west of the rezoning site is R-2 District, which are single-family attached lots in Brookfield, Unit Seven. R-2 District is located along the south side of Walters Drive further to the west extending to Tuttle Creek Boulevard. Prairie Lakes Unit 3 to the south is subdivided for single-family attached dwelling units, as is proposed Unit Nine. The proposed R-2 District is consistent with the character of the neighborhood. No detrimental affects are expected as a result of rezoning from R-3 District to R-2 District.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan shows site as Residential Low/Medium density (RLM). The density range for the RLM designation is one-dwelling unit up to 11-dwelling units per net acre. The RLM category suggests a range of housing types, from single-family and two-family to townhomes. Planned unit developments in the RLM category are suggested to be small-scale apartment buildings, with sufficient open space to meet the RLM density. The R-2 District density range is up to 11-dwelling units net acre.

The proposed rezoning conforms to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** Brookfield Addition, Unit Seven, was originally intended to be part of the Prairie Lakes subdivision, but was sold to SSF Development, LLC, and has remained vacant to date. Unit Seven created Lots 280-282, which are zoned R-3, Multiple-Family Residential District, and Lots 283-A and 283-B through 286-A and 286-B, which are zoned R-2, Two-Family Residential District. The applicant applied to the Board of Zoning Appeals for several Variances of the Zoning Regulations, but withdrew the applications.

*Attachment No. 5*

- April 4, 2005                      Manhattan Urban Area Planning Board recommended approval 5-0 of annexation and rezoning of Prairie Lakes from G-1, General Agricultural District, and PDD, Planned Development District, to R-2, Two-Family Residential District, and from G-1, General Agricultural District, to R-3, Two-Family Residential District.
- April 18, 2005                      Manhattan Urban Area Planning Board approved the Preliminary Plat of Prairie Lakes.
- April 19, 2005                      City Commission approves first reading of annexation and rezoning of Prairie Lakes on a vote of 5-0.
- May 3, 2005                         City Commission approves Ordinance No. 6471 annexing and Ordinance Nos. 6472 & 6473 rezoning Prairie Lakes.
- July 18, 2005                         Manhattan Urban Area Planning Board approves the Final Plat of Brookfield Addition, Unit Seven.
- July 19, 2005                         City Commission accepts easements and rights-of-way as shown on the Final Plat of Brookfield Addition, Unit Six.
- August 2, 2005                         City Commission accepts easements and rights-of-way as shown on the Final Plat of Brookfield Addition, Unit Seven.
- September 13, 2006                 Board of Zoning Appeals (BZA) conducts public hearing to consider Variances of off-street parking, landscaping and screening requirements and tables applications to the October 11, 2006 BZA meeting.
- October 2, 2006                         Applicant withdraws BZA application.

*(Note: The original owner of the property rezoned the site, and Prairie Lakes subdivision to the south, to R-3 District subject to a restrictive covenant, which limited density to no more than 18-dwelling units per net acre. )*

**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-2, Two-Family Residential District, is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. Minimum lot area for single-family

*Attachment No. 5*

attached lots is 3,750 square feet per lot. The rezoning site is sufficient in area to conform to the R-2 District requirements. Proposed Unit Nine will create conforming lots.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. It may be a hardship upon the owner if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the rezoning site.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of proposed Brookfield Addition, Unit Nine, from R-3, Multiple-Family Residential District, to R-2, Two-Family Residential District.

**ALTERNATIVES:**

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

**POSSIBLE MOTION:**

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

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

**DATE:** November 15, 2006

CMB-ON

Third Street Pizza Hut – 231 Moro St.  
Westloop Pizza Hut – 2931 Claflin Rd.  
Aggieville Pizza Hut – 1121 Moro St.

CMB-OFF

Ampride – 215 E. Poyntz Ave.  
Hop-N-Skip – 2233 Tuttle Creek Blvd.  
Dara's Fast Lane #1 – 1816 Claflin Rd.  
Dara's Fast Lane #2 – 3270 Kimball Ave.  
Dara's Fast Lane #3 – 473 East Poyntz Ave.  
Dara's Fast Lane #5 – 1102 Laramie St.  
Dara's Fast Lane #6 – 2707 Anderson Ave.  
Dara's Fast lane #7 – 1709 Fort Riley Blvd.  
Kwik Shop #733 – 1337 Anderson Ave.

TREE MAINTENANCE

Horticultural Services, Inc. – 11524 Landscape Ln., St. George

FIREWORKS DISPLAY

Manhattan Festivals at the City Park and Varney's Roof