

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, JULY 3, 2007***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Tom Phillips and Commissioners Mark Hatesohl, Bob Strawn, Bruce Snead, and James E. Sherow 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, 14 staff, and approximately 71 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Phillips led the Commission in the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Phillips opened the public comments.

Dee R. Ross, 2304 Brockman Street, voiced his displeasure with the Heritage Square island annexation and funds being used to support the project. He then spoke about the Parks and Recreation Department activities associated with misappropriation of City funds and misuse of City equipment.

Jean Hill, 1818 Cedar Crest Drive, representing the Manhattan Historic Resources Board, informed the Commission that the Historic Resources Board members are concerned with the neglect of the stone house located in the 300 block of Laramie Street in the north redevelopment area and the immediate need to rectify the situation. She also voiced concern about the proposed roundabout on the north end of the redevelopment area and the proposed plans for demolition of a historic house identified in the historic survey. She asked the Commission to use the Historic Resources Board for guidance and asked that the City become more proactive in the preservation of historic structures and attractiveness. She then responded to questions from the Commission.

Ron Fehr, City Manager, informed the Commission that Dial Realty is the owner of the stone house and is responsible for its upkeep.

## PUBLIC COMMENTS (*CONTINUED*)

Dale Houdeshell, Director of Public Works, stated the bricks being removed from the project will be stored at the City's farm and will be reused as the project moves forward.

Mayor Phillips requested that City Staff follow-up with the owner of the property, Dial Realty, and to ensure that the stone house in the North Project area is being properly maintained. He also asked that City Staff review possible options to the proposed plans for demolition of the historic house identified, including relocation of the house, near the proposed roundabout on the north end of the redevelopment.

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

## COMMISSIONER COMMENTS

There were no Commissioner comments.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 19, 2007.

### CLAIMS REGISTER NO. 2594

The Commission approved Claims Register No. 2594 authorizing and approving the payment of claims from June 13, 2007, to June 26, 2007, in the amount of \$4,125,341.00.

### ORDINANCE NO. 6627 – ANNEX – LEE MILL VILLAGE

The Commission approved Ordinance No. 6627 annexing a 31-acre tract of land for the proposed Lee Mill Village PUD, generally located north of Lee Mill Heights, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

### ORDINANCE NO. 6628 – REZONE – LEE MILL VILLAGE

The Commission overrode the Planning Board's recommendation and approved Ordinance No. 6628 rezoning the proposed Lee Mill Village PUD, generally located north of Lee Mill Heights, from County G-1, General Agricultural District, to PUD, Residential Planned Unit Development District with Airport Overlay

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 6628 – REZONE – LEE MILL VILLAGE (CONTINUED)

District, based on the findings in the Staff Report (*See Attachment No. 1*), with the six (6) conditions recommended by the Manhattan Urban Area Planning Board, and with the three (3) additional conditions identified by the City Commission at its meeting on June 19, 2007.

### ORDINANCE NO. 6629 – ANNEX – LEE MILL HEIGHTS ADDITION, UNIT FOUR

The Commission approved Ordinance No. 6629 annexing a 121-acre tract of land for the proposed Lee Mill Heights Addition, Unit Four, generally located west of existing Miller Parkway, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

### ORDINANCE NO. 6630 – REZONE – LEE MILL HEIGHTS ADDITION, UNIT FOUR

The Commission approved Ordinance No. 6630 rezoning the proposed Lee Mill Heights Addition, Unit Four, generally located west of existing Miller Parkway, from County G-1, General Agricultural District, to R-1, Single-Family Residential District with Airport Overlay District; R-3, Multiple-Family Residential District with Airport Overlay District; and, R-3, Multiple-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 2*).

### ORDINANCE NO. 6631 – REZONE – BARTON PLACE ADDITION

The Commission approved Ordinance No. 6631 rezoning of the Barton Place Addition from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 3*), with the ten (10) conditions recommended by the Manhattan Urban Area Planning Board.

### ORDINANCE NO. 6632 – REZONE – 1125 WATERS STREET

The Commission approved Ordinance No. 6632 rezoning 1125 Waters Street from C-5, Highway Service Commercial District, to R, Single-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 4*).

### ORDINANCE NO. 6633 – ANNEX – HAWTHORNE WOODS ADDITION

The Commission approved Ordinance No. 6633 annexing an 18-acre tract of land for the proposed Hawthorne Woods Addition, generally located north of the intersection of Gary Avenue and Churchill Street, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

## CONSENT AGENDA (CONTINUED)

### **ORDINANCE NO. 6634 – REZONE – HAWTHORNE WOODS ADDITION**

The Commission approved Ordinance No. 6634 rezoning the Hawthorne Woods Addition from County G-1, General Agricultural District, to R, Single-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 5*)

### **FIRST READING – LEVY – SPECIAL ASSESSMENTS –GENERAL OBLIGATION BONDS 2007C**

The Commission approved first reading of an ordinance levying special assessments against the benefiting property in the following six (6) projects, which have been completed: *Lee Mill Heights Addition, Unit Two – Street (ST0509); Abbott Acres Addition – Street (ST0605); Hylton Heights Road – Street (ST0504); Miller Ranch Addition, Unit Three, Phase One – Street (ST0521); and Kimball Townhomes – Sanitary Sewer (SS0609) and Water (WA0621).*

### **FIRST READING – NO PARKING – EAST SIDE OF KNOX CIRCLE**

The Commission approved first reading of an ordinance establishing a “No Parking” zone on the east side of Knox Circle.

### **RESOLUTION NO. 070307-B – MILLER RANCH ADDITION, UNIT 3, PHASE 2 – SANITARY SEWER (SS0610)**

The Commission rescinded Resolution No. 071106-F and approved Resolution No. 070307-B finding the project advisable and authorizing construction for the Miller Ranch Addition, Unit 3, Phase 2, Sanitary Sewer (SS0610) improvements.

### **RESOLUTION NO. 070307-C – MILLER RANCH ADDITION, UNIT 3, PHASE 2 –WATER (WA0612) IMPROVEMENTS**

The Commission rescinded Resolution No. 071106-G and approved Resolution No. 070307-C, finding the project advisable and authorizing construction for the Miller Ranch Addition, Unit 3, Phase 2, Water (WA0612) improvements.

### **RESOLUTION NO. 070307-A – SCENIC MEADOWS, PHASE 1 – WATER IMPROVEMENTS (WA0702)**

The Commission rescinded Resolution No. 022007-F and approved Resolution No. 070307-A, finding the project advisable and authorizing construction for Scenic Meadows, Phase 1, Water (WA0702) Improvements.

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – SCENIC MEADOWS, PHASE 1 – STREET (ST0701), SANITARY SEWER (SS0702), AND WATER (WA0702) IMPROVEMENTS

The Commission accepted the Engineer's Estimate for 2007 Street, Water, and Sanitary Sewer Improvements for Scenic Meadows Addition, Phase 1, in the amount of \$701,786.70 and awarded a construction contract in the amount of \$609,978.92 to the low bidder, Cheney Construction, Inc., of Manhattan, Kansas. Scenic Meadows, Phase 1, Street (ST0701), Sanitary Sewer (SS0702), and Water (WA0702) Improvements.

\* **AWARD CONTRACT – WASTEWATER TREATMENT PLANT ELECTRICAL EQUIPMENT REPLACEMENT PROJECT (SS0608)**

Item removed from the consent agenda at the request of the consultant.

### AGREEMENT – DESIGN SERVICES – MARLATT AVENUE DRAINAGE CHANNEL REHABILITATION (SM0701)

The Commission authorized the Mayor and City Clerk to enter into an agreement with HWS Consulting Group, Inc., of Manhattan, Kansas, for the design of the Marlatt Avenue Drainage Channel Rehabilitation (SM0701), based on the Scope of Services.

### CHANGE ORDER NO. 1-FINAL – LEE MILL HEIGHTS ADDITION, UNIT 2 – STREET IMPROVEMENTS (ST0509)

The Commission approved Change Order No. 1-Final for the 2005 Street (ST0509) Improvements for Lee Mill Heights Addition, Unit 2, resulting in a total increase of \$22,393.55 (+3.44%) to the contract with Ebert Construction Co., of Wamego, Kansas.

### CHANGE ORDER NO. 1-FINAL – FOUR WINDS VILLAGE ADDITION, UNIT 2 – SANITARY SEWER IMPROVEMENTS (SS0601)

The Commission approved Change Order No. 1-Final for the 2006 Sanitary Sewer (SS0601) Improvements for Four Winds Village Addition, Unit 2, resulting in a total decrease of \$13,028.20 (-5.03%) to the contract with Nowak Construction Co., Inc., of Goddard, Kansas.

### AGREEMENT – MICROSOFT VOLUME LICENSE AND SOFTWARE ASSURANCE SERVICES

The Commission authorized the City of Manhattan to renew the agreement for a term of July 1, 2007, to June 30, 2010, in the amount of \$23,639.00 with Software House International, of Austin, Texas, for Microsoft Volume License and Software Assurance services.

## CONSENT AGENDA (*CONTINUED*)

### BOARD APPOINTMENTS

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

#### *Airport Advisory Board*

Re-appointment of Dick Hayter, 1920 Grandview Drive, to a three-year term. Mr. Hayter's term begins immediately and will expire on June 26, 2010.

#### *Douglass Center Advisory Board*

Appointment of Cathy Hubbard, 106 Knox Lane, to fill an unexpired term. Ms. Hubbard's term begins immediately and will expire on October 2, 2009.

After discussion, Commissioner Snead moved to approve the consent agenda. Commissioner Strawn seconded the motion as read. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### FIRST READING - DANGEROUS DOGS

Curt Loupe, Director of Parks and Recreation, introduced the item and provided an overview of the work that had been conducted by the task force.

Brian Williams, Management Intern, presented background information on the item and outlined the proposed draft ordinances for consideration. He then answered questions from the Commission.

Bill Frost, City Attorney, provided clarification on the proposed ordinances.

Brian Williams, Management Intern; Katie Jackson, Assistant City Attorney; and Bill Frost, City Attorney, responded to questions from the Commission.

Lori Neer, 9696 Blue River Hills Road, spoke in opposition to any Breed Specific Legislation (BSL) and stated that if a BSL ordinance is passed, a lot of dogs will die and the ordinance would punish everyone.

A woman (name and address was not provided) showed the Commission her dog's muzzle and said that the muzzle doesn't allow her dog to pant or drink. She stated that the only dangerous dog she has encountered was a collie.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - DANGEROUS DOGS (CONTINUED)

Penny Stover, 2141 Prairie Lake, informed the Commission that she has a service dog that is registered by a company in Concordia, Kansas. She said that if her dog is required to wear a muzzle that it would not work for her because she relies on her dog to pick things up that she's dropped.

Ilene Strauss, lives near Riley, asked the Commission how the ordinance will affect her when she brings her dog into the City of Manhattan. She asked that the focus be on education and to hammer the problem pet owners.

Midge Grinstead, Executive Director, Lawrence Humane Society, provided additional information about the dangerous dog ordinance in Lawrence and responded to questions from the Commission. She stated that irresponsible pet owners need to be targeted.

Brian Williams, Management Intern, responded to questions about the similarities of the Lawrence ordinance and the proposed ordinances being considered.

Anthony Barnett, representing the Lawrence Humane Society, provided additional information on the item and stated that the media is not a reliable source of information when it comes to accurate reporting of dog attacks and breeds of dogs.

Vincent Tracey, 304 Knoxberry Drive, asked the Commission to punish the deed, not the breed. He stated that muzzling is cruel, tethering is not enforceable, and did not see a provision for service dogs in the proposed ordinances.

Samuel Roman (no address given) informed the Commission that the size of any dog can cause life-threatening injuries. He stated that Commissioner Sherow's dog, a Jack Russell Terrier, attacked a Corgie dog down the street from his home. He stated that animal control was notified and that the Corgie needed stitches and was disturbed that Commissioner Sherow was not fined according to the ordinance.

Ty Cobb, 1011 Kearney Street, MARCO member, stated that everyone is for public safety; however, Breed Specific Legislation provides a false sense of security and has failed in many other cities. He asked for freedom from unjust laws and arbitrary enforcement.

Dave Karnowski, owner of Scaley Dave's, informed the Commission that the information posted on the *Manhattan Mercury* was inaccurate regarding the selling of pit bull pups and invited the public to his store to discuss the matter.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - DANGEROUS DOGS (CONTINUED)

Cathy Hays, from Salina, Kansas, presented a photograph of her German Shepherd and informed the Commission that 90 percent of people will mis-identify breeds. She asked Commission to ban the deed and don't put the burden on responsible dog owners.

Richard Brusk, 1112 North Juliette Avenue, informed the Commission that the responsibility lies with the owner and that additional laws only infringe on the civil liberties of everyone in our city. He asked that we strengthen the legal and administrative ability against dangerous dogs as an alternative to breed specific legislation.

Cheryl May, 2005 Summerset Square, informed the Commission that she owns two German Shepherds and that the fencing required in ordinance options two and three would cost almost \$1,500.

Karen Pratt, Hunter's Island, President, Manhattan Kennel Club, stated that there is not an ethical and caring way to tether a dog. She asked the Commission to enforce the current laws and to increase the fine.

Kyle Toon, 11<sup>th</sup> and Houston, informed the Commission that he has a pit bull and that muzzles are not healthy for dogs. He said that students and renters would not be able to comply with the fencing requirements.

Michael Larson, representing the Riley County Humane Society and task force member, stated that the Breed Specific Legislation provides a false sense of security and aims us in the wrong direction of enforcement. He informed the Commission that he favored the option number one ordinance for better enforcement.

Kara Rogers, second year veterinary student at Kansas State University, informed the Commission that therapy dogs can not do their jobs with a muzzle, as presented earlier. She requested the Commission drop the Breed Specific Legislation and focus on the leash law.

Caroline Minsky, lives in Riley, informed the Commission that she has taken her German Shepherd dogs to nursing homes and provides training rescue. She asked that the problems be addressed and don't punish the good citizens and responsible pet owners.

Doug Wilson, lives in Pottawatomie County, stated the soldiers with animals do not have the same options that many of us do with their animals.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - DANGEROUS DOGS (CONTINUED)

Samuel Roman asked why Mr. Sherow didn't report the attack of his Jack Russell Terrier, and stated that his pit bull was near the Corgie many times without any problems. He stated the animal control officer did not give Mr. Sherow a ticket and was told the owner of the Corgie did not want to press charges.

Mayor Phillips informed Mr. Roman that this was not the appropriate forum for this discussion and asked that he contact the City Manager who will take the complaint under advisement and investigate.

Samuel Roman stated that the City is not enforcing the laws and that the current laws need to be enforced.

LeAnn Eicham, resident of Pottawatomie County, informed the Commission that she has four German Shepherds, owns a business, is a landlord, and has small dog rescue in Pottawatomie County. She said the City needs to enforce the laws that it currently has and said as a landlord, that she would not help her tenant with the required fencing.

At 9:44 p.m., the Commission took a brief recess

Commissioner Sherow stated that no person is above the law and called upon the City Manager and City Attorney to investigate the claim against him by Mr. Roman, and to make sure the facts are clear and understood.

Brian Williams, Management Intern, responded to questions from the Commission regarding the leash law and definition of therapy dogs.

Lynn Schumacher, Animal Shelter Control Supervisor, T. Russell Reitz Animal Shelter, provided recommendations and feedback on the effectiveness of Breed Specific Legislation from other communities. She then answered questions from the Commission on enforcement, documentation, and record keeping.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance amending Chapter 6 of the Code of Ordinances, relating to the regulation of animals in the City of Manhattan that incorporates legal and administrative changes. Commissioner Strawn seconded the motion.

The Commission discussed the merits of incorporating the anti-tethering provisions of Overland Park and the City of Salina as noted in the agenda packet.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - DANGEROUS DOGS (CONTINUED)

On a roll call vote, motion carried 5-0.

### MID-YEAR REPORT - CHAMBER OF COMMERCE

Lyle Butler, President, Manhattan Area Chamber of Commerce, introduced the item.

Brad McCune, Board Chair, Manhattan Area Chamber of Commerce, thanked the Commission for allowing the Chamber to partner with the City of Manhattan for economic development initiatives.

Karen Hibbard, Director, Manhattan Area Convention and Visitors' Bureau, presented an update on the Convention and Visitors' Bureau activities and programs. She then answered questions from the Commission.

Ron Fehr, City Manager, provided additional information on the Chamber's budget process with the City.

Lyle Butler, President, Manhattan Area Chamber of Commerce, presented an update on Advantage Manhattan, retail sales, Flint Hills Horse Park and Events Center, Retire to the Flint Hills program, and Fort Riley Workforce Taskforce and military relations.

Joelle Mauslauf, Military Relations Manager, provided additional information on Fort Riley activities and relationships.

The Commission took no formal action on the item.

### FIRST READING - ADOPT- - 2006 INTERNATIONAL FIRE, BUILDING, MECHANICAL, PLUMBING, FUEL GAS, PROPERTY MAINTENANCE, RESIDENTIAL, EXISTING BUILDINGS CODES - 2005 NATIONAL ELECTRICAL CODE - CHANGES TO THE CONTRACTOR AND TRADE LICENSING REQUIREMENTS

Brad Claussen, Building Official, and Jim McDiffett, Fire Marshall, presented the item and answered questions from the Commission regarding sprinkler costs and requirements.

After further discussion, Commissioner Snead moved to approve first readings of ordinances adopting the 2006 editions of the International Fire Code, International Building Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Property Maintenance Code, International Residential Code, International Existing Buildings Code and amending the respective articles of Chapters 8

GENERAL AGENDA (CONTINUED)

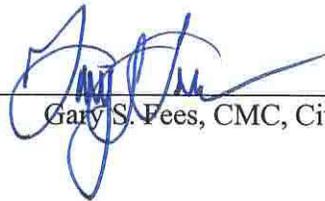
FIRST READING - ADOPT- - 2006 INTERNATIONAL FIRE, BUILDING, MECHANICAL, PLUMBING, FUEL GAS, PROPERTY MAINTENANCE, RESIDENTIAL, EXISTING BUILDINGS CODES - 2005 NATIONAL ELECTRICAL CODE - CHANGES TO THE CONTRACTOR AND TRADE LICENSING REQUIREMENTS (CONTINUED)

and 13 of the Code of Ordinances, relating to Fire Prevention, Buildings and Buildings Regulations; first reading of an ordinance adopting the National Electrical Code, 2005 edition, and amending Chapter 8, Article IV of the Code of Ordinances; and first reading of an ordinance amending Chapter 8, Article I of the Code of Ordinances, regarding General Contractors licensing requirements. Commissioner Sherow seconded the motion.

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

ADJOURNMENT

At 12:21 a.m., the Commission adjourned.

A handwritten signature in blue ink, appearing to read "Gary S. Fees", is written over a horizontal line.

Gary S. Fees, CMC, City Clerk

**STAFF REPORT**

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

**BACKGROUND**

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

**TO:** PUD, Residential Planned Unit Development District, and AO, Airport Overlay District.

**OWNER/APPLICANT:** Lee Mill Land Company, LLC – Roger Schultz.

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

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, April 30, 2007

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, May 21, 2007.

**CITY COMMISSION:** Tuesday, June 19, 2007.

**LOCATION:** Generally located north of an extension of an extension of existing S. Wreath Avenue in Lee Mill Heights Addition, Unit Two.

**AREA:** Approximately 31-acres.

**PROPOSED USES:** The proposed Lee Mill Village Residential PUD, is a townhome development to consist of fifty-two (52) residential buildings, with four townhouse dwelling units per building, which equals 208 total townhouse dwelling units. In addition, common areas, play areas, pool, off-street parking on driveways and 76 guests parking spaces, landscaping, are proposed. The 52 buildings are proposed on both the east and west sides of S. Wreath Avenue, with the majority, or 41 on the west side, and 11 on the east side. Buildings on the west side are served by two proposed curb cut entry exits and internal Travel Easements. The eleven (11) buildings on the east side are served by two Travel Easement cul-de-sacs.

The application notes that land transfer from the applicant to “For Sale By Developer” will occur upon approval of the PUD and filing of the Final Plat.

*Attachment No. 1*

The proposed target market are military families, but a mixture of professional, military and students can be expected.

The Lee Mill Village Home Owner Covenants and Deed Restrictions indicate the Association will own and maintain the recreational facilities, structures, landscaping, trees and other improvements, including Travel Easements.

**PROPOSED BUILDINGS AND STRUCTURES:** Two-story residential buildings approximately 27 in height constructed of 30 year composite shingles, vinyl siding, and cultured stone fronts. Each building has two, two-bedroom units, and two, three-bedroom units. Each unit has a garage and driveway. A pool and gazebo is at the south end of the PUD. A tot lot and play area are proposed on the west side of the PUD.

**PROPOSED LOT COVERAGE**

<b><i>USE</i></b>	<b><u>Acres</u></b>	<b><u>Percentage</u></b>
Buildings	4.16 acres	14%
Green space	20.60 acres	67%
Street, drives, and walks	5.86 acres	19%

**PROPOSED SIGNS**

<b><u>Type</u></b>	<b><u>Dimensions</u></b>	<b><u>Lighting</u></b>
Two entry ground signs	3 feet by 7 feet (21 sq. ft.) 2 feet by 5 feet (10 sq. ft)	Ground lit

Signs will be constructed entirely of PVC, to include the sign and support columns. Given the natural setting of the PUD, support columns should be constructed of masonry and cultured stone.

**PROPOSED LIGHTING:** Standard street lights with residential fixture lighting, no greater than 100 watts, generally located at garage doors and front and rear entry ways. Lights should be a full cut-off design.

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

**1. LANDSCAPING:** The disturbed parts of the site will be landscaped with a mixture of trees: large deciduous, ornamental, and small and large evergreen trees. Areas around the dwelling units will be seeded or sodded. Landscape planting beds are proposed at driveway and edges of the dwelling units. A Type A and Type B exterior dwelling landscaping plan is proposed to vary front entry areas. Underground irrigation will be provided to maintain these areas.

Disturbed natural areas will be seeded with native grasses and wildflowers. Other natural areas will remain unchanged.

**2. SCREENING:** Rear entry areas face the west side of S. Wreath Avenue. Patio areas are not depicted on the plan, but should be anticipated as space where homeowners will store items such as grills and similar items. A landscape plan of ornamental and evergreen trees should buffer the rear of buildings from the public view. If patio areas will be provided, landscaping, patios and any fencing, along both sides of the street, should be shown on the Final Development Plan to ensure effective screening will be provided.

Dumpsters are not proposed for trash service. A note on the PUD indicates trash service will be administered by the Association per individual units.

**3. DRAINAGE:** The site drains to the north to Barton Lake and Wildcat Creek. A Drainage Report Supplement to the 2004 Lee Mill Heights Drainage Report. The City Engineer (memo attached) indicates the, "Majority of the stormwater runoff will enter the Barton Lake detention area, the sizing of the pond was intended to accommodate the runoff from this development."

**4. CIRCULATION:** An internal circulation plan provides for safe, convenient and efficient movement of motorists. Travel easements connect access to dwellings and guest parking from S. Wreath Avenue. All other vehicle access along S. Wreath Avenue, except at Travel Easement locations, is prohibited.

Conflicts between motorists and pedestrians are minimized. Sidewalks are shown on the plan along both sides of S. Wreath Avenue, which connect to an internal pedestrian plan on the west side of S. Wreath Avenue. Internal sidewalks should be provided in the cul-de-sacs.

*Attachment No. 1*

Two off-street parking spaces are proposed per dwelling unit, one in a garage and a second on the driveway. In addition, 76 guest parking spaces are proposed throughout the development. Travel easement driving lanes are 11 feet in width, or 22 feet in total width. On-street parking would block driving lanes.

Proposed townhome units consist of 208 total dwelling units. Each dwelling unit has two, two-bedroom units (104 two-bedroom units or 208 bedrooms), and two, three-bedroom units (104 three bedroom units or 312 bedrooms).

The Zoning Regulations would require 3 parking spaces per unit for two-bedroom units, or 312 off-street parking spaces, and 3.5 off-street parking spaces per three bedroom unit, or 364 parking spaces. A total of 676 parking spaces would be required.

If one parking space per bedroom was required, such as required in the M-FRO District east of KSU campus, 520 parking spaces would be required.

If each dwelling unit is considered as a single-family dwelling unit, then 2 off-street parking spaces are required per unit, which is the proposed number per unit in the PUD. Based on the number of dwelling units, 416 parking spaces are provided for the dwelling units plus 76 for guests, a total of 492 parking spaces. Off-street parking may be adequate. The PUD will have to be self-regulating to ensure adequate off-street parking spaces are available.

A Traffic Study Supplement to the 2004 Lee Mill Heights Traffic Study. The City Engineer (memo attached) indicates, "The developer will need to construct Wreath Avenue to continue the roadway that will meet our design standards for a street classified as a "Collector".

It's the opinion of City Administration a roadway connection needs to be provided to the adjacent property to the west of this development. If the property to the west of Lee Mill Village is developed then a connection that provides an east and west mobility will be necessary to Wreath Avenue to help reduce demands on Miller Parkway. A preliminary concept of the connector road is shown on the plat for a future phase of Lee Mill Village."

The applicant has shown an east west connection through Tract 4, which is part of the annexation and rezoning of Lee Mill Heights Addition, Unit Four. The applicant has not shown a concept for development on Tract 4, other than the possible street. Tract 4 is proposed to be R-3, Multiple- Family Residential District. A filed restrictive covenant limits net density on Tract 4 to no more than 11 dwelling units per net acre. As of the time of this writing, City Administration has recommended the east west street connection by

*Attachment No. 1*

provided as platted in the Barton Place Addition, which abuts the northern boundary of Tract 4.

**5. OPEN SPACE AND COMMON AREA:** Approximately 20.6 acres of the 31 acre tract is open space, which will be owned and maintained by a home association.

**6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is in a growth area of the community and consists of low density single-family residential neighborhood consisting primarily of detached single-family homes and a mixture of attached single-family homes and townhomes.

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

**1. EXISTING USE:** Agricultural land.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is typical Flint Hills land form, with native grasses and mature trees. The site drains to the north to Wildcat Creek. Approximately one-half of the PUD is in the Conical Zone of the Manhattan Airport.

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

**(a.) NORTH:** single-family detached dwelling units (Barton Place Addition); R District.

**(b.) SOUTH:** single-family dwellings (Lee Mill Heights Addition, Unit One, Two and Three), single-family attached (The Townhomes at Miller Ranch), and townhomes (Oaktree Townhomes Addition); R Single-Family Residential District and PUD.

**(c.) EAST:** undeveloped school district site, single-family lots: G-1 District and R District.

**(d.) WEST:** rural low density residential and grazing land: G-1 District.

**4. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is in a growth area of the community and consists of low density single-family residential neighborhood consisting primarily of detached single-family homes and a mixture of attached single-family homes and townhomes.

*Attachment No. 1*

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is County G-1 District and is suitable for agricultural uses, such as grazing.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed use will add more traffic, light and noise to the growing residential neighborhood. Increases in all three are consistent with new low density residential growth.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The proposed PUD is shown on the Future Land Use map in the Southwest Planning Area as a combination of Residential Low Medium (RLM), and Preserved Open Space. A large portion of the site is in the Conical Zone of the Manhattan Regional Airport. The AO District will be added as an overlay district with the rezoning to those parts within the Conical Zone.

RLM policies include:

**RLM 1: Characteristics**

*The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.*

**RLM 2: Appropriate Density Range**

*Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.*

**RLM 3: Location**

*Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.*

**RLM 4: Variety of Housing Styles**

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.*

Lee Mill Village PUD is 7.76 dwelling units per net acre.

Mobility and Transportation policies include:

**Page 8-1, Goal #1** is to “*Ensure that new development patterns facilitate safety, connectivity, and mobility for all modes of transportation in established and developing areas of the community*”.

**Page 8-2, Policy MTO 3: Establish Interconnected Neighborhood Street and Sidewalk Patterns**

*“Neighborhood streets and sidewalks in both new and existing areas shall form an interconnected network, including vehicular, bicycle, and pedestrian routes within and between neighborhoods, in order to connect neighborhoods together and with other parts of the community and region. In particular, direct walkway and bicycle routes to schools and parks, employment and service centers, and other community facilities should be provided”.*

The Bicycle Master Plan for KSU and City of Manhattan provides policy guidance for bike facilities and routes. S. Wreath Avenue is designated as a bike route in the Bicycle Plan and bike route lanes should be provided.

Natural Resources and Environment Policies include:

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

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

Common area will maintain portions of the open spaces in natural conditions.

The PUD conforms to the Comprehensive Plan.

*Attachment No. 1*

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** Vacant and zoned County G-1 District for approximately 30 years.

**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, subject to the conditions of approval.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There appears to be no gain to the public that denial would accomplish, compared to the hardship to the owner.

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

**12. OTHER APPLICABLE FACTORS:**

**13. STAFF COMMENTS AND RECOMMENDATION:**

City Administration recommends approval of the proposed rezoning of Lee Mill Village from County G-1, General Agricultural District, to PUD, Residential Planned Unit Development District, with the following conditions:

1. Permitted uses shall include two hundred and eight (208) townhouse 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.

*Attachment No. 1*

4. Two ground entry signs shall be permitted, as proposed. Support columns, base and caps shall be constructed of masonry and cultured stone. 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 shall also be permitted.
5. If patio areas are provided, the Final Development Plan shall show the patios, landscaping, and any fencing, along both sides of S. Wreath Avenue, to ensure effective buffering and/or screening is provided.
6. Lighting shall be a full cut-off design.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Lee Mill Village from County G-1, General Agricultural 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 Lee Mill Village from County G-1, General Agricultural 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 Lee Mill Village from County G-1, General Agricultural District, to PUD, Residential Planned Unit Development District, based on the findings in the staff report, with the six (6) conditions recommended by City Administration.

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

**DATE:** May 17, 2007

**STAFF REPORT**

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

**TO:** Tract 1: R-1, Single-Family Residential District, with AO, Airport Overlay District.

Tract 2: R-3, Multiple-Family Residential District with AO, Airport Overlay District

Tract 3: R-3, Multiple-Family Residential District with AO, Airport Overlay District.

Tract 4: R-3, Multiple-Family Residential District.

**APPLICANT/OWNER:** SSF Development, LLC - Roger Schultz.

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

**LOCATION:** Tracts 1-3 are generally located west of an extension of Miller Parkway and the existing Lee Mill Heights subdivisions. Tract 4 is approximately 2,000 feet north of the existing dead-end of S. Wreath Avenue and adjoins the southern boundary of proposed Barton Place Addition and the western boundary of existing Miller Ranch Addition, Unit Three.

**AREA:** Total: 121-acres: Tract 1 (100 acres); Tract 2 (10 acres); Tract 3 (5 acres); and, Tract 4 (6 acres).

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, April 30, 2007

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, May 21, 2007

**CITY COMMISSION:** Tuesday, June 19, 1007

**EXISTING USE:** Flint Hills land form, with field grasses and wooded draws.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is rolling terrain, which slopes and drains to the north. Wooded areas are in drainage ravines.

Tracts 1, 2, and 3 are in the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site. Future uses (structures and trees), which are within the limits of the Conical Zone may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (*see below under CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE for further information concerning the AO District*). Tract 4 is outside of the AO District.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Rural single-family residential; G-1 District.
- (2) **SOUTH:** Agricultural and steep slope; G-1 District.
- (3) **EAST:** Lee Mill Heights Additions, Units One, Two, and Three, proposed Lee Mill Village PUD; G-1 District (proposed PUD) and R, Single-Family Residential District.
- (4) **WEST:** Agricultural; G-1 District.

**GENERAL NEIGHBORHOOD CHARACTER:** The area is characterized as a developing westward growth corridor of the City with single-family development occurring in the Lee Mill Heights and Miller Ranch areas to the east. Further to the west along the Scenic Drive corridor is similar low density residential and neighborhood commercial. Low density rural single-family uses are to the north. Future similar low density development is expected to occur to the north and to the south.

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

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site is in a growth corridor of the City. Increases in light, noise and traffic are expected, which should be similar to the same affects generated by nearby single-family subdivisions.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The proposed annexation site is shown on the Future Land Use map in the Southwest Planning Area as a combination of Residential Low Medium (RLM), and Preserved Open Space. A large portion of the site is in the Conical Zone of the Manhattan Regional Airport. The AO District will be added as an overlay district with the rezoning to those parts within the Conical Zone.

RLM policies include:

**RLM 1: Characteristics**

*The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or*

*Attachment No. 2*

*special mixed-use district, provided open space requirements are adequate to stay within desired densities.*

**RLM 2: Appropriate Density Range**

*Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.*

**RLM 3: Location**

*Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.*

**RLM 4: Variety of Housing Styles**

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.*

Based on a note on the Preliminary Plat, the proposed R-1 District net density is 2.29 dwelling units per net acre. Restrictive covenants, which have been filed by the owner, will limit density of the R-3 District lots to no more than 11 dwelling units per net acre.

Mobility and Transportation policies include:

**Page 8-1, Goal #1** is to “*Ensure that new development patterns facilitate safety, connectivity, and mobility for all modes of transportation in established and developing areas of the community*”.

**Page 8-2, Policy MTO 3: Establish Interconnected Neighborhood Street and Sidewalk Patterns**

*“Neighborhood streets and sidewalks in both new and existing areas shall form an interconnected network, including vehicular, bicycle, and pedestrian routes within and between neighborhoods, in order to connect neighborhoods together and with other parts of the community and region. In particular, direct walkway and bicycle routes to schools and parks, employment and service centers, and other community facilities should be provided”.*

The Bicycle Master Plan for KSU and City of Manhattan provides policy guidance for bike facilities and routes. Miller Parkway is designated as a bike route in the Bicycle Plan and bike route lanes should be provided.

Natural Resources and Environment Policies include:

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

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

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

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

An existing pond is shown on the Comprehensive Plan map as a possible wetland, which is shown on the Preliminary Plat within Tract 1 and set aside in Conservation Easement. Steep slopes shown on the Preliminary Plat, which are along the southern boundary of the Preliminary Plat, are in Conservation Easements. Drainage ways are proposed to be in Drainage Easements.

The proposed rezonings conform to the Comprehensive Plan.

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

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

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

The R-3 District is designed to provide a dwelling zone at a density no less than one (1) dwelling unit per 1,000 square feet. The proposed R-3 Districts are sufficient in area for the multiple-family district. The R-3 District would allow greater than 19-dwelling units per net acre. Restrictive covenants will limit the total number of units to no more than 11-dwelling units per net acre. The net density is at the upper end, but within the RLM category.

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. The Preliminary Plat of the proposed Lee Mill Addition Unit Four shows 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.

*Attachment No. 2*

**OTHER APPLICABLE FACTORS:** The Preliminary Plat must address the requirements of the three zoning districts, Comprehensive Plan, and Subdivision Regulations. The Manhattan Parks and Recreation Advisory Board has discussed the possibility of public park land in the Lee Mill Heights area; however, no final decision has been made regarding location. Options include either of the two R-3 District lots or a larger tract to the west of Lee Mill heights Unit Four.

**STAFF COMMENTS:** The applicant has filed restrictive covenants limiting net density to the upper end of the RLM category, which is consistent with the Comprehensive Plan.

City Administration recommends approval of the rezoning of the proposed Lee Mill Heights Addition Unit Four from County G-1, General Agricultural District, to R-1, Single-Family Residential District, with AO, Airport Overlay District; R-3, Multiple-Family Residential District, with AO, Airport Overlay District; and, R-3, Multiple-Family Residential District.

**ALTERNATIVES:**

1. Recommend approval of the rezoning of the proposed Lee Mill Heights Addition Unit Four from County G-1, General Agricultural District, to R-1, Single-Family Residential District, with AO, Airport Overlay District; R-3, Multiple-Family Residential District, with AO, Airport Overlay District; and, R-3, Multiple-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the rezoning of the proposed Lee Mill Heights Addition Unit Four from County G-1, General Agricultural District, to R-1, Single-Family Residential District, with AO, Airport Overlay District; R-3, Multiple-Family Residential District, with AO, Airport Overlay District; and, R-3, Multiple-Family Residential District, based on the findings in the Staff Report .

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

**DATE:** May 16, 2007

**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:** Cedar Hills Development, Inc. - Frank Tillman.

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

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, April 30, 2007.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, May 21, 2007.

**CITY COMMISSION:** Tuesday, June 19, 2007.

**LOCATION:** generally located south of Wildcat Creek Golf & Fitness, and approximately 950 feet west of that portion of Amherst Avenue.

**AREA:** Approximately 60 acres.

**PROPOSED USES:** Single-Family Residential.

The annexation, rezoning, and platting of Barton Place Addition were approved in 2006. The applicant verbally advised City Administration that special assessments were too high due to improvement costs. The Final Plat was not filed at the request of the applicant. The applicant met with City Administration in 2007 and proposed the Barton Place PUD.

**PROPOSED BUILDINGS AND STRUCTURES:** Eight (8) up-scale single-family residential dwellings constructed subject to Covenants (attached) and approval of individual sites with submittal of a Final Development Plan. Lot sizes range from 2.5 acres to 7 acres with the majority in the 3-4 acre size. Net density is less than one (1) dwelling per net acre, or .14 dwelling units per net acre.

Specific building floor plans and elevations, as well as landscape plans, will be considered as a part of a Final Development Plan. General descriptions of buildings are described in the Architectural Standard and Construction Regulations of Barton Place (attachment), pages 3-7. Common area will be owned and maintained by a home association (attachment).

### PROPOSED LOT COVERAGE

<u>Use</u>	<u>Acres</u>	<u>Percentage</u>
Residential and common area	56.80	94%
Right-of-way and Travel Easement.	3.88	6%
<b>Expected Coverage</b>		
Buildings	1.20	2%
<i>Driveways</i>	0.40	1%
<i>Public and Private Streets and Sidewalks</i>	2.41	4%
Open Space/Common Areas	46.81	77%
<i>Active Recreational</i>	9.86	16%

**PROPOSED SIGNS:** None. Exempt signs will be allowed, such as address numerals and real estate signs, which are added as condition of approval.

**PROPOSED LIGHTING:** Street lights and typical single-family residential lights.

### REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

- 1. LANDSCAPING:** Individual home lots will be landscaped.
- 2. SCREENING:** Not required and none is proposed.
- 3. DRAINAGE:** The site drains from the south to the north to Wildcat Creek through drainage ravines. The storm drainage plan also proposes Barton Lake for retention of storm water. Storm water from proposed subdivisions to the north in the Lee Mill Heights area will drain to the lake.

*Attachment No. 3*

A Drainage Study was submitted for the original subdivision, which was previously reviewed by the City Engineer (attachment), with the following comments:

“The developer’s consultant prepared a drainage analysis that included this proposed development. The drainage analysis did not have any recommendations or specific design details of the lake or outflow control structures that satisfied the Storm Water Management Master Plan (SWMMP) for this drainage basin.

The Final Plat was approved subject to conditions of approval associated with the Preliminary Plat, both of which remain applicable with the PUD (staff comments in italics):

1. The applicant’s consultant shall complete all tasks as stated in the conclusion of the drainage report that the lake will provide the necessary detention. *Tasks will have to be completed with the submittal of street and storm water plans, subject to approval by the Public Works Department.*
2. The applicant shall determine if Corps of Engineer permitting is required for the proposed lake prior to submittal of the Final Plat and provide a written documentation regarding the permit. *The applicant contracted with Terracon Consulting Engineers & Scientists (attached), who prepared a Preliminary Jurisdictional Determination for Barton Lake. The document has been submitted to the Corps of Engineers for review. The Preliminary Jurisdictional Determination permit may be necessary. Wetlands associated with Barton Place Addition will be subject to the requirements of the Corps of Engineers.*

In addition, City Administration prepared an Agreement Creating a Restrictive Covenant on Real Estate concerning maintenance of Barton Lake and the dam between the City and Cedar Hills development Corporation. The Agreement was to be filed with the Final Plat.

**4. CIRCULATION:** Street access will be from extensions of proposed Silverleaf Circle, Hemlock Avenue, and future Wreath Avenue. Three lots will be accessed from Wreath Avenue, which is otherwise restricted, and a Travel Easement, Dobenin Place. Sidewalk is required and will be provided on both sides of Wreath Avenue, a collector street. Sidewalk is not proposed along the Travel Easement.

Travel easement driving lanes are 11 feet in width, or 22 feet in total width. The private street will not be constructed to City standards (see City Engineer’s memo). The Travel Easement is proposed to be gated at the entrance off Wreath Avenue. No details are provided with the PUD. The gate must be reviewed and approved by emergency service providers, prior to construction.

*Attachment No. 3*

The maximum dead-end length of cul-de-sac is 600-feet in length. Proposed Dobenin Place is 1,281 feet in depth. Fire hydrants will be spaced according to the requirements of the Fire Department. Cul-de-sac depths were varied with the original Preliminary Plat of Barton Place. Previous findings included and are still applicable:

1) *Granting of the variation will not be detrimental to the public health, safety or general welfare or be injurious to adjacent property.* The depth of the cul-de-sacs is greater than the maximum dead-end length of 600-feet. Fire hydrants are placed at 300 foot intervals, as suggested by the Manhattan Fire Department, rather than standard 400 foot spacing interval. A traffic island in the eyebrow cul-de-sac will prohibit backing movements onto the collector streets.

(2) *There are unique physical characteristics of the property for which the variation is sought and not generally applicable to other property.* Streets follow the natural contours and bank of the proposed lake. Terrain prohibits alternative street layout configurations.

(3) *Due to the unique physical characteristics of the property, its shape or topography, an unnecessary hardship to the subdivider would result, as distinguished from a mere inconvenience, and such hardship is not based solely on economics.* Same as No. 2.

(4) *No provision of any zoning regulations, other regulation, ordinance, or the Comprehensive Plan would be varied.* No other provisions are varied.

A Traffic Impact Study, consistent with the requirements of the City's Manhattan Area Transportation Strategy, was submitted for the Preliminary Plat, and was updated with the PUD submittal (attachment). The original study was reviewed and accepted by the City Engineer (attachment), who had additional comments concerning extension of Wreath Avenue, "City Administration had requested that supplemental study be completed by the developer for a Wreath Connection revision to the 2002 plan that was developed. The report provided basic information about the grade and profile of the future Wreath connection. The Wreath extension can be designed and built to meet our current standards in terms of sidewalks on both sides and maximum grades. The report indicated that the developer is willing to pay a substantial amount of the cost for the construction of Wreath Avenue because of the direct benefit to this subdivision on saving the current dry lake as an amenity to the subdivision. City Administration accepts the transportation impact study report and supplemental Wreath Connection Study without exception." The February 7, 2007, Traffic Study indicates minimal impact on the surrounding street system due to the 8 single-family lots the PUD will create.

In addition, the applicant proposes to construct Wreath Avenue only to the intersection of Wreath Avenue and Hemlock Avenue. The construction of Wreath Avenue beyond the intersection of Hemlock Avenue and Wreath Avenue is no longer needed to serve any lots

*Attachment No. 3*

in the PUD. Right-of-way will be platted to the north boundary of the PUD for future construction of Wreath Avenue. City Administration has accepted this change; however, the extension of the public street to the west should be dedicated in a form similar to platted Dobenin Drive.

The Final Plat dedicated a public street, Dobenin Drive to the western boundary of the subdivision. The PUD eliminates the street. The Manhattan Urban Area Subdivision Regulations indicate in Article X, Subdivision Layout Standards that, *In order to promote connectivity to adjacent properties, every plat shall provide multiple access points, to the greatest extent possible. Streets in a proposed subdivision must connect, where feasible, to existing streets in abutting platted subdivisions, and streets must be continued to the boundaries of the tract being platted, such that future abutting subdivisions may be connected, unless the MUAPB finds that the minimum requirements are not reasonable, due to the topography or other existing physical conditions of the site; or, if the MUAPB finds that such minimum requirements are not necessary, or desirable, for coordination of the subdivision's layout with existing adjoining layouts, or the most advantageous future layouts of adjoining tracts. In making findings that the minimum requirements are not required, the MUAPB shall consider the recommendations of the applicable Fire Department.*

The Preliminary and Final Plat of Barton Place Addition were approved with a western extension of public street, Dobenin Drive. The applicant has provided no written documents or analysis on which to base the elimination of the street. Given that Wreath Avenue is proposed to not be constructed beyond the intersection of Hemlock Avenue and Wreath Avenue, it is reasonable to require that public right-of-way be provided to the western boundary of the PUD to ensure future abutting subdivisions are connected.

**5. OPEN SPACE AND COMMON AREA:** Approximately 77% of the PUD is open space and common area. Common areas will be owned and maintained by a home association.

**6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is in a growth area of the community and consists of low density single-family residential neighborhood consisting primarily of detached single-family homes and a mixture of attached single-family homes.

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

**1. EXISTING USE:** The 60 acre tract of land is zoned R District. The Preliminary Plat and Final Plat of Barton Place Addition were approved by the Planning Board. The City Commission accepted easements and rights-of-ways. At the applicant's request, the Final Plat was not filed.

The Final Plat of the Barton Place Addition is an approximate 60-acre tract of land, which was intended to establish 40 single-family residential lots, common areas: Tract A, common area along Wildcat Creek flood plain and Tract B consisting of Barton Lake. Common areas, which include the lake, were proposed to be owned and maintained by a homeowners association.

A Letter of Map Revision to move the Floodway and 100 Year Flood Plain boundaries was approved by the Federal Emergency Management Agency. Revised boundaries are shown on the proposed PUD.

An "Agreement Creating a Restrictive Covenant on Real Estate" was prepared by the City of Manhattan in concert with the applicant's attorney. The Agreement sets out responsibilities of the Cedar Hills Development Corporation and individual lot owners regarding the ongoing maintenance of Tract B, which consists of Barton Lake and the dam, as well as the ability of the City to assess individual owners for maintenance costs, if necessary. The Agreement was finalized and signed by the owner and the City.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is typical Flint Hills land form, with native grasses and mature trees. The site drains to the north to Wildcat Creek, which is in the northwest corner of the site. There is an existing pond on the site constructed in the 1930's.

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

(a) **NORTH:** Wildcat Creek Golf course and Wildcat Creek; G-1 District.

(b) **SOUTH:** Miller Ranch Addition, Unit Three future single-family residential, or The Villa at Liberty Park single-family attached dwellings, and grazing land; R District and G-1 District.

*Attachment No. 3*

(c) **EAST:** Miller Ranch Addition, Unit Three and Unit Four, future single-family residential, Amherst Avenue and Miller Ranch Addition, Unit Two, single-family residential; R District and R-1, Single-Family Residential District.

(d) **WEST:** Rural single-family homes on large unplatted tracts; G-1 District.

**4. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is in a growth area of the community and consists of low density single-family residential neighborhood consisting primarily of detached single-family homes and a mixture of attached single-family homes and townhomes.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is platted and zoned for R District single-family use and is suitable for the current zoning.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed PUD adjoins Miller Ranch Addition, Unit Three and Four, which are zoned R District, and proposed R-2 District in the Villas at Liberty Park Addition. Minimal impact is expected as the proposed PUD is consistent with the low density single-family character of the neighborhood. Traffic generated by the PUD and its affect on the street system should be minimal.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The proposed site is shown on the Future Land Use map in the Southwest Planning Area as a combination of Residential Low Medium (RLM), Preserved Open Space, and Flood Hazard area (100-Year Flood Plain). A possible wetland is shown in the approximate center of the tract. A portion of the Wreath Avenue extension from the Miller Ranch area, which is intended to eventually connect to Anderson Avenue, is also shown on the tract. On June 5, 2006, the Planning Board found the annexation and rezoning requests to be in conformance with the Comprehensive Plan.

The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the 60-acre tract as Residential Low/Medium density (RLM). 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 town homes. The proposed density is 1.33 dwelling units per net acre.

## **Mobility and Transportation Options**

*Page 8-1, Goal #1 is to “Ensure that new development patterns facilitate safety, connectivity, and mobility for all modes of transportation in established and developing areas of the community”.*

*Page 8-2, Policy MTO 3: Establish Interconnected Neighborhood Street and Sidewalk Patterns*

*“Neighborhood streets and sidewalks in both new and existing areas shall form an interconnected network, including vehicular, bicycle, and pedestrian routes within and between neighborhoods, in order to connect neighborhoods together and with other parts of the community and region. In particular, direct walkway and bicycle routes to schools and parks, employment and service centers, and other community facilities should be provided”.*

The Bicycle Master Plan for KSU and City of Manhattan provides policy guidance for bike facilities and routes. Wreath Avenue is designated as a bike route in the Bicycle Plan and bike route lanes should be provided.

## **Miller Ranch**

Miller Ranch is identified as a Special Planning Area in which development should be focused around open space areas, provision for bike and pedestrian traffic to connect to Warner Park and housing and airspace issues. Relevant policy issues in the Miller Ranch area include: providing for a mixture of housing types and densities, preservation of drainage ways, future street extensions to the north, and airspace regulations.

The PUD will implement the policy recommendations of the Miller Ranch area.

*Page 13-5, Policy MR 1: Mixture of Housing Types*

*“Residential neighborhoods within Miller ranch should include a mix of housing types and densities.”*

*Page 13-5, Policy MR 2: Preservation of Drainage Areas*

*“Drainage ways, wetlands, and other sensitive natural features shall be preserved and incorporated into the overall design of neighborhoods as buffers and open space amenities.”*

The PUD preserves drainage ways and ravines in conservation and drainage easements. Proposed Barton Lake is shown as a wetland in the Comprehensive Plan. Barton Lake will be preserved in a conservation easement. The Army Corps of Engineers have not acted on a permit request from the applicant.

*Page 13-5, Policy MR 3: Future ROW Preservation*

*“Right-of-way for the future extension of Miller Parkway and Wreath Avenue shall be identified on development proposals and preserved, through platting and other tools.”*

An extension of Wreath Avenue is shown on the PUD. Right-of-way will be dedicated to the north boundary of the PUD.

The PUD conforms to the Comprehensive Plan.

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

- |               |   |
|---------------|---|
| June 5, 2006  | Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Barton Place Addition from County G-1, General Agricultural District, to R, Single-Family Residential District.     |
| June 19, 2006 | Manhattan Urban Area Planning Board conducts a public hearing to consider the Preliminary Plat of Barton Place Addition and approves Preliminary Plat.  |
| June 20, 2006 | City Commission approves first reading of annexation and rezoning of Barton Place Addition to R, Single-Family Residential District.  |
| July 11, 2006 | City Commission approves Ordinance Nos. 6551 and 6552 annexing and rezoning Barton Place to R, Single-Family Residential District.  |
| Nov. 6, 2006  | Manhattan Urban Area Planning Board approves the Final Plat of Barton Place Addition.   |
| Nov. 21, 2006 | City Commission accepts easements and rights-of-way as shown on the Final Plat of Barton Place Addition and authorizes the Mayor and City Clerk to execute an Agreement regarding maintenance of Barton Lake. |

**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, subject to the conditions of approval.

**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:** On balance, there may be a gain to the public that denial would accomplish if public right-of-way is not provided to the western boundary of the PUD, compared to the hardship upon the owner. The public would gain by extension of public right-of-way to the western boundary of the PUD to ensure future abutting subdivisions are connected.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate streets, sanitary sewer and water are available to serve the site. Street connections are from future Hemlock Avenue and Silverleaf Circle in the proposed The Villas at Liberty Park, a replat of part of Miller Ranch Addition, Unit Three. Wreath Avenue will be extended from the south to the PUD and continue to the intersection of Hemlock Avenue.

A sanitary sewer Force Main to serve the lots and individual collection and pumping systems are proposed to be owned by each lot owner. Maintenance of the individual systems shall be the responsibility of the individual home owner. The City Engineer (memo attached) notes the need for a restrictive covenant regarding maintenance of the force main by the property owners in Barton Place PUD. Also noted is the fact that Dobenin Place will not be eligible for snow removal or future maintenance.

**12. OTHER APPLICABLE FACTORS:** The approved Final Plat of Barton Place Addition, approved November 6, 2006, shall be set aside prior to approval of a new Final Plat for Barton Place Addition.

**13. STAFF COMMENTS AND RECOMMENDATION:**

City Administration recommends approval of the proposed rezoning of the Barton Place Addition from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, with the conditions:

1. Permitted Uses shall be limited to detached single-family residential dwelling units.
2. An Agreement Creating a Restrictive Covenant on Real Estate between the City and Cedar Hills Development Corporation concerning maintenance of Barton Lake and the dam shall be filed with the Final Plat.
3. An Agreement Creating a Restrictive Covenant on Real Estate between the City and Cedar Hills Development Corporation concerning maintenance of the force main shall be filed with the Final Plat.
4. The applicant's consultant shall complete all tasks as stated in the conclusion of the Barton Place Drainage Report, dated June 2006, that the lake will provide the necessary detention. Tasks shall be completed with the submittal of street and storm water plans, subject to approval by the Public Works Department.
5. A sixty (60) foot wide public right-of-way shall be provided to the western boundary of the PUD to ensure future abutting subdivisions are connected.
6. Prior to construction of the gate, all emergency service providers shall approve the design of the gate.
7. Wetlands associated with Barton Place Addition will be subject to the requirements of the Corps of Engineers.
8. 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.
9. All landscaping and irrigation shall be maintained in good condition.
10. Exempt signage shall be permitted as described in Article VI, Section 6-104 (A)(1),(2),(4), and (7), of the Manhattan Zoning Regulations.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the Barton Place Addition 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.

*Attachment No. 3*

2. Recommend approval of the proposed rezoning of a the Barton Place Addition 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 Barton Place Addition from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the staff report, with the ten (10) conditions recommended by City Administration.

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

**DATE:** May 16, 2007

07047

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

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

**TO:** R, Single-Family Residential District.

**APPLICANT/OWNER:** Janice A. and Leland C. Reitz.

**ADDRESS:** 3009 Claflin Road.

**LOCATION:** 1125 Waters Street.

**AREA:** Approximately .37 acres (16,117 square feet).

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday April 30, 2007.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday May 21, 2007.

**CITY COMMISSION:** Tuesday, June 19, 2007.

**EXISTING USE:** Nonconforming single-family residential dwelling unit. The commercial building was converted to a residential use.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The approximate .37 acre (16,117 square feet) unplatted tract of land is accessed by an approximate 22-23 foot wide concrete driveway off the west side of Waters Street. The converted commercial structure is setback approximately 55 feet from the front lot line along Waters Street; 29 feet from the eastern boundary; 6-9 feet from the northern boundary; and, 45 feet from the southern boundary line. Accessory buildings are to the immediate southwest of the main structure. A large part of the area south of the converted structure is concrete with an access drive to the rear of the structure. The approximate first 21 feet of the front yard along Waters Street consists of landscaped space lawn, trees and driveway. Additional lawn, trees, and shrubs are along the northern part of the site between the converted structure and Waters Street and in the western part of the site. The site drains to the street. No part of the site is in a 100 or 500 Year Flood Plain.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Single-family dwellings; R District.
- (2) **SOUTH:** Office commercial/service commercial, auto dealership; C-2, Neighborhood Shopping District and C-5 District.
- (3) **EAST:** Waters Street, dance studio, off-street parking for auto service, commercial professional office use; C-2 District, and PUD.
- (4) **WEST:** Auto dealership storage and single-family dwellings; C-5 and R Districts.

**GENERAL NEIGHBORHOOD CHARACTER:** The neighborhood is a mixture of service commercial, professional office, other retail and service commercial uses, and single-family homes.

The character of the area has a distinct boundary between the commercial neighborhood and the residential neighborhood. In 1952, the Final Plat of the Village Acres-Dickens Development Addition, which is to the north of the rezoning site, created residential neighborhood. The commercial area, which is between the residential neighborhood and Anderson Avenue, and the residential area were concurrently annexed and rezoned in 1962.

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

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezoning will be compatible with the existing R District, which abuts the northern boundary of the site. The change in zoning to R District should result in less traffic, light, and noise than would be expected with the current C-5 District zoning of the site.

Adjoining commercial districts to the south and west could be adversely impacted by the rezoning than would occur under the current zoning. Change of use or development could require screening or setbacks that would not otherwise be required if the site remains C-5 District.

The western boundary of the site abuts C-5 District and a 6-foot tall wood fence screens the C-5 area from the rezoning site. In addition, the C-5 area to the west of the rezoning site abuts R District to its north and west boundaries. Setbacks in the existing C-5 District

*Attachment No. 4*

area to the west of the rezoning site would only be required, under current zoning requirements, if a Bed and Breakfast Inn was developed, which would require a 10-foot side yard and 20-foot rear yard setback. Otherwise there is no side or rear yard setback required in a C-5 District when the boundary abuts a residential district; however, sight obscuring screening of no less than 6-feet in height is required along boundary lines that abut a residential district.

The C-2 District to the south of the rezoning site would require an 8-foot side yard setback and/or screening of off-street parking if new construction occurs. Commercial uses to the east are separated by Waters Street and should not be adversely affected because the properties do not abut the rezoning site.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is identified as Community Commercial (CC) on the Northwest Planning Area Future Land Use Map of the Manhattan Urban Area Comprehensive Plan. The area to the north of the site is Residential Low/Medium density (RLM).

Relevant Community Commercial policies include:

*CC 1: Characteristics*

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

*CC 2: Location*

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

CC 3: Size

*Typically require a site of between 10 and 30 acres.*

Policies of the RLM category include:

**RLM 1: Characteristics**

*The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.*

**RLM 2: Appropriate Density Range**

*Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.*

**RLM 3: Location**

*Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.*

**RLM 4: Variety of Housing Styles**

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.*

The Comprehensive Plan reflects existing uses. It is unlikely that the rezoning site would be incorporated with existing commercial uses to the south and west and developed into a larger community development, consistent with the CC policies. The area to the immediate north of the rezoning site is designated for RLM uses. The proposed rezoning site abuts R District, a zoning district, which implements the RLM recommendation.

The proposed rezoning is generally in conformance with the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The building has been on the site for an undetermined period of time.

1962            Annexation  
1962-1969    C, Local Business District  
1969-Present C-5 District

**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, 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. The tract of land to be rezoned is approximately 16,117 square feet in area and meets other minimum lot requirements of the R District. The rezoning is consistent with the R District and Zoning Regulations. The rezoning will bring the use of the structure into conformance.

**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. It may be a hardship to the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public streets, sanitary sewer, storm sewer, and water are available to serve the site.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of 1125 Waters Street from C-5, Highway Service Commercial District, to R, Single-Family Residential District.

### **ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of 1125 Waters Street from C-5, Highway Service Commercial District, to R, Single-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

*Attachment No. 4*

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning 1125 Waters Street from C-5, Highway Service Commercial District, to R, Single-Family Residential District, based on the findings in the Staff Report.

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

**DATE:** May 16, 2007

07039

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

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

**TO:** R, Single-Family Residential District.

**APPLICANT:** Roger Schultz.

**ADDRESS:** 1213 Hylton Heights Road.

**OWNER:** Kansas Farm Bureau.

**ADDRESS:** 2627 KFB Plaza, Manhattan KS 66503.

**LOCATION:** located generally north of the intersection of Gary Avenue and Churchill Street, east of Grand Mere Vanesta Addition, Unit 3, and west of the Kansas Farm Bureau.

**AREA:** approximately 18 acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, May 14, 2007

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday June 4, 2007.

**CITY COMMISSION:** Tentatively June 19, 2007.

**EXISTING USE:** undeveloped range land.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is typical Flint Hills land form, with native grasses and mature trees. The western portion of the site drains to the west to Little Kitten Creek. The eastern portion drains to east/southeast. A portion of the site also drains onto Farm Bureau property to a storm water detention basin.

**SURROUNDING LAND USE AND ZONING:**

(1) **NORTH:** Washington Marlatt Memorial Park and rural single family residential; County U, University Development District and County G-1.

*Attachment No. 5*

- (2) **SOUTH:** Candlewood single-family residential homes and Bergman Elementary school: R District.
- (3) **EAST:** Vacant agricultural land, Kansas Farm Bureau: G-1 District and I-5, Business Park District.
- (4) **WEST:** Single-family residential lots in Grand Mere Vanesta Unit 3; R District.

**GENERAL NEIGHBORHOOD CHARACTER:** The site is at the northern edge of the City limits located in an area, which is predominately a neighborhood of low density single-family residential homes. Large open space uses including Washington Marlatt Memorial Park and Colbert Hills Golf Course are part of the neighborhood, as well as a corporate office headquarters.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable for permitted uses of the County G-1 District,

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** Additional light, noise, and traffic can be expected as a result of the rezoning, but should not adversely impact neighboring properties. The proposed R District adjoins existing R District areas to the south and west of the site. Two lots proposed in the Hawthorne Woods Addition are existing Lot 111 and Lot 112 in Candlewood Addition, Unit Eleven. To the north is a park and to the east is an undeveloped area between the rezoning site and Kansas Farm Bureau that remains undeveloped due its steep slope.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The proposed rezoning site is shown on the Future Land Use map in the Northwest Planning Area as Residential Low Medium (RLM).

RLM policies include:

**RLM 1: Characteristics**

*The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.*

**RLM 2: Appropriate Density Range**

*Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.*

**RLM 3: Location**

*Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.*

**RLM 4: Variety of Housing Styles**

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.*

Based on a note on the Preliminary Plat, the proposed R District net density is 1.95 dwelling units per net acre.

The proposed rezoning of the Hawthorne Woods Addition conforms to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained vacant and zoned County G-1 for approximately 30 years.

**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, 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. Lots in the proposed Hawthorne Woods Addition range from 15,840 square feet in area to 39,471 square feet in area. All lots exceed minimum lot size requirements of the R District.

**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 compared to the hardship to the public.

*Attachment No. 5*

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public streets, sanitary sewer, storm sewer, and water are available to serve the site.

**OTHER APPLICABLE FACTORS:** A Preliminary Plat was submitted by the applicant, which will be considered at the June 4, 2007 Manhattan Urban Area Planning Board meeting. A shared extension of the Grand Mere Linear Trail is along the boundary of Grand Mere Vanesta Unit 3 and the proposed Hawthorne Woods Addition. On May 2, 2005, the Manhattan Parks and Recreation Advisory Board discussed and accepted the proposal with Grand Mere Vanesta Unit 3 (Minutes attached).

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of the Hawthorne Woods Addition from County G-1, General Agricultural District, to R, Single-Family Residential District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the Hawthorne Woods Addition from County G-1, General Agricultural District, to R, Single-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 the Hawthorne Woods Addition from County G-1, General Agricultural District, to R, Single-Family Residential District, based on the findings in the Staff Report.

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

**DATE:** May 30, 2007

07050