

CITY COMMISSION AGENDA MEMO
June 27, 2007

FROM: Eric Cattell, AICP, Assistant Director for Planning

MEETING: July 3, 2007

SUBJECT: Approve Ordinance Nos. 6627 and 6628 Annexing and Rezoning Lee Mill Village Residential Planned Unit Development with Airport Overlay District

PRESENTER: Eric Cattell, AICP, Assistant Director for Planning

BACKGROUND

This is the second reading of ordinances annexing and rezoning the proposed Lee Mill Village PUD, an approximate 31-acre tract of land, from County G-1, General Agricultural District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District. The approximate southern half of the PUD is under the Conical Zone of the Manhattan Airport. The proposed PUD is generally located north of existing S. Wreath Avenue in Lee Mill Heights Addition, Unit Two, and west of the USD 383 school site along the west side of Amherst Avenue. The requests are from Lee Mill Land Company, LLC – Roger Schultz.

The site is characterized as typical Flint Hills land form, with native grasses and drainage ravines with mature trees. The site drains to the north to Wildcat Creek, through the Barton Lake area.

ANNEXATION

When considering an annexation request, the Manhattan Urban Area Planning Board makes a recommendation to the City Commission based on the Comprehensive Plan, Growth Vision, and the Capital Improvements Program.

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 Density (RLM), and Preserved Open Space.

RLM policies include the following:

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.

The proposed Lee Mill Village PUD has a density of 7.76 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.

Mobility and Transportation policies include the following:

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.

Proposed common areas will maintain portions of the open space in natural conditions.

The proposed annexation conforms to the Comprehensive Plan.

Growth Vision, Serviceability and Capital Improvements Program:

The 31-acre tract is within the Urban Service Area and can be served by public improvements, including street, water, fire service and sanitary sewer.

The proposed annexation conforms to the policy directions provided by the Growth Vision, adopted in 2003 in the Comprehensive Plan. The site is in an identified growth area. The Growth Vision reflects the values of the community and its vision for annexation, growth and development. The Growth Vision recommends the incorporation into the City of those areas that are physically, socially, and economically a part of the City, and encourages orderly, contiguous growth and expansion into areas that can be serviced with City services.

REZONING

Proposed Uses and Buildings

The proposed Lee Mill Village Residential PUD is a townhome development, which will consist of fifty-two (52) residential buildings, with four townhouse dwelling units per building, resulting in a total of 208 townhouse dwelling units. The 52 buildings are proposed along both 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, Oakbrook Place and Wildflower Place. The eleven (11) buildings on the east side are served by two Travel Easement cul-de-sacs; Pepper Tree Place and Rosewalk Place.

The proposed target market are military families, but a mixture of professional, military and students can be expected. The application notes that land transfer from the applicant to a "For Sale By Developer" will occur upon approval of the PUD and filing of the Final Plat.

The proposed townhomes consist of two-story buildings approximately 27 in height, with 30 year composite shingles, vinyl siding, and cultured stone fronts. Each building has two (2), two-bedroom dwelling units, and two (2), three-bedroom dwelling units. Each dwelling has a single-car garage and driveway. A pool, club house and gazebo are at the southern end of the PUD. A tot lot and play area are proposed on the west side of the PUD.

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

Signage Two ground-lit, ground entry signs are proposed to be constructed entirely of PVC, to include the sign and support columns. The main entry sign is 21 square feet in area. The second entry sign is 10 square feet in area. Given the natural setting of the PUD, City Administration recommends that the support columns should be constructed of masonry and cultured stone.

Lighting Proposed lighting includes 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.

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 was submitted by the applicant's consultant. The City Engineer 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."

Circulation, Traffic, Parking 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 also be provided in the cul-de-sacs on the east side of S. Wreath Avenue with the Final Development Plan.

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 building has two, two-bedroom units (104 two-bedroom units or 208 bedrooms), and two, three-bedroom units (104 three bedroom units or 312 bedrooms).

Because these are technically multifamily units, the Zoning Regulations would require 3 parking spaces per two-bedroom unit, 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 was submitted. The City Engineer 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."

Two alternative routes for this east-west connect have been discussed with the applicant, Schwab-Eaton and the developer of Barton Place to the north. One route goes through Tract 4 to the north of this proposed PUD which is part of the annexation and rezoning of Lee Mill Heights Addition, Unit Four. The second alternative route would utilize the previously platted street, going west out of Barton Place Addition farther to the north.

Due to the timing of the ongoing discussion regarding these two alternative routes, the Lee Mill Village PUD shows a possible conceptual east-west connection through Tract 4, just north of the PUD. 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 be provided as platted in the Barton Place Addition, which abuts the northern boundary of Tract 4, instead of utilizing the southern alternative.

Landscaping and Screening The disturbed parts of the site will be landscaped with a mixture of trees including deciduous, ornamental, and evergreen trees. Areas around the dwelling units will be seeded or sodded. Landscape planting beds are proposed at driveways and edges of the dwelling units. A Type A and Type B exterior 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.

Some of the rear building 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 be included to buffer the rear of buildings from the public view. If patio areas will be provided, the 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 Homeowner's Association per individual units.

Neighborhood Character and Compatibility The neighborhood is in a growth area of the community, consisting of lower density single-family residential neighborhoods, including primarily detached single-family homes and a mixture of attached single-family homes and townhomes.

The proposed PUD will add more traffic, light and noise to this growing residential area of the community. Anticipated increases in all three are consistent with new residential growth in the area.

DISCUSSION

On May 21, 2007, the Manhattan Urban Area Planning Board considered the annexation of the proposed 31-acre Lee Mill Village PUD, as part of the larger Lee Mill Heights, Unit Four annexation (152 acres in all); and held the public hearing on rezoning Lee Mill Village PUD.

Annexation. Kirk Hoke, Schwab-Eaton, spoke representing the applicant. Tim Schultz, SSF Development, described how they are mixing residential densities, including some multi-family buildings and smaller lots for smaller homes.

Following discussion, the Manhattan Urban Area Planning Board, on a vote of 4-0, recommend approval of the annexation of the proposed Lee Mill Heights, Unit Four, and Lee Mill Village Residential Planned Unit Development, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

Rezoning. Kirk Hoke, Schwab-Eaton, indicated the parking provided will be adequate because townhomes will be marketed heavily towards Fort Riley and not towards KSU students. Jud Gladin, Schwab-Eaton, described the landscaping plan. No one else spoke during the PUD zoning hearing.

Following discussion the Planning Board, on a vote of 4-0, recommended approval of the rezoning of the proposed Lee Mill Village PUD from County G-1, General Agricultural District, to PUD, Residential Planned Unit Development District, based on the findings in the staff report, with the following six (6) conditions recommended by City Administration:

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.
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.

On June 19, 2007, the City Commission, on a vote of 5-0, approved first reading of an ordinance 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; and,

On a vote of 5-0, overrode the Planning Board's recommendation and approved first reading of an ordinance rezoning the proposed Lee Mill Village PUD from County G-1, General Agricultural District, to PUD, Residential Planned Unit Development District with Airport Overlay District, based on the findings in the Staff Report, with the six (6) conditions recommended by the Manhattan Urban Area Planning Board, and with the following three (3) additional conditions:

1. Parking shall be increased to a minimum of 520 total off-street parking spaces.
2. The Common Area, located between South Wreath Avenue and the eastern boundary of the Lee Mill Village PUD, shall also serve as a pedestrian easement.
3. A consistent fencing design and installation shall be provided for screening along Wreath Avenue.

The pedestrian easement is to provide flexibility in locating a future pedestrian sidewalk or trail, to connect the PUD to the USD 383 School site located on the adjacent property to the east at the time the school is constructed.

ALTERNATIVES

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

1. Approve Ordinance No. 6627 annexing the approximate 31-acre site for the proposed Lee Mill Village PUD, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program, as recommended by the Manhattan Urban Area Planning Board; and,

Approve Ordinance No. 6628 rezoning the site to PUD, Residential Planned Unit Development with Airport Overlay District, as proposed, based on the findings in the Staff Report, with the six (6) conditions of approval as recommended by the Manhattan Urban Area Planning Board.

2. Deny Ordinance No. 6627 annexing the 31-acre site for the proposed Lee Mill Village PUD, based on specifically stated reasons, and override the Manhattan Urban Area Planning Board's recommendation on the rezoning by a two-thirds majority vote of the membership of the City Commission and deny Ordinance No. 6628 rezoning the site, based on specifically stated reasons. *(Note: To override the Planning Board's recommendation a minimum 4 votes are necessary.)*
3. Override the Manhattan Urban Area Planning Board's recommendation on the PUD rezoning by a two-thirds majority vote of the membership of the City Commission and modify the PUD and/or conditions of approval to meet the needs as perceived by the Commission, based on specifically stated reasons.

4. Return the recommendations of the Planning Board for further consideration, together with a statement specifying the basis for the City Commission's failure to approve or disapprove the annexation and rezoning, and provide further direction to the Planning Board.
5. Table Ordinance Nos. 6627 and 6628 annexing and rezoning the site, for specifically stated reasons and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends that the City Commission approve Ordinance No. 6627 annexing a 31-acre tract of land for the proposed Lee Mill Village PUD, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision and the Capital Improvements Program, and the recommendation of the Planning Board.

Note: The PUD rezoning Staff Report to the Planning Board inadvertently left out the need to include the Airport Overlay District as a part of the motion rezoning the PUD and the Planning Board also left that out of its motion.

City Administration recommends that the City Commission override the Planning Board's recommendation (*Alternative 3 above*) and approve Ordinance No. 6628 rezoning the proposed Lee Mill Village PUD from County G-1, General Agricultural District, to PUD, Residential Planned Unit Development District with Airport Overlay District, based on the findings in the Staff Report with the six (6) conditions of approval, as 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.

These recommendations are also based on the City Commission's approval of first reading of ordinances annexing and rezoning the PUD and the City Commission's desire to modify the conditions of approval by adding the three additional conditions.

POSSIBLE MOTIONS

Approve 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; and,

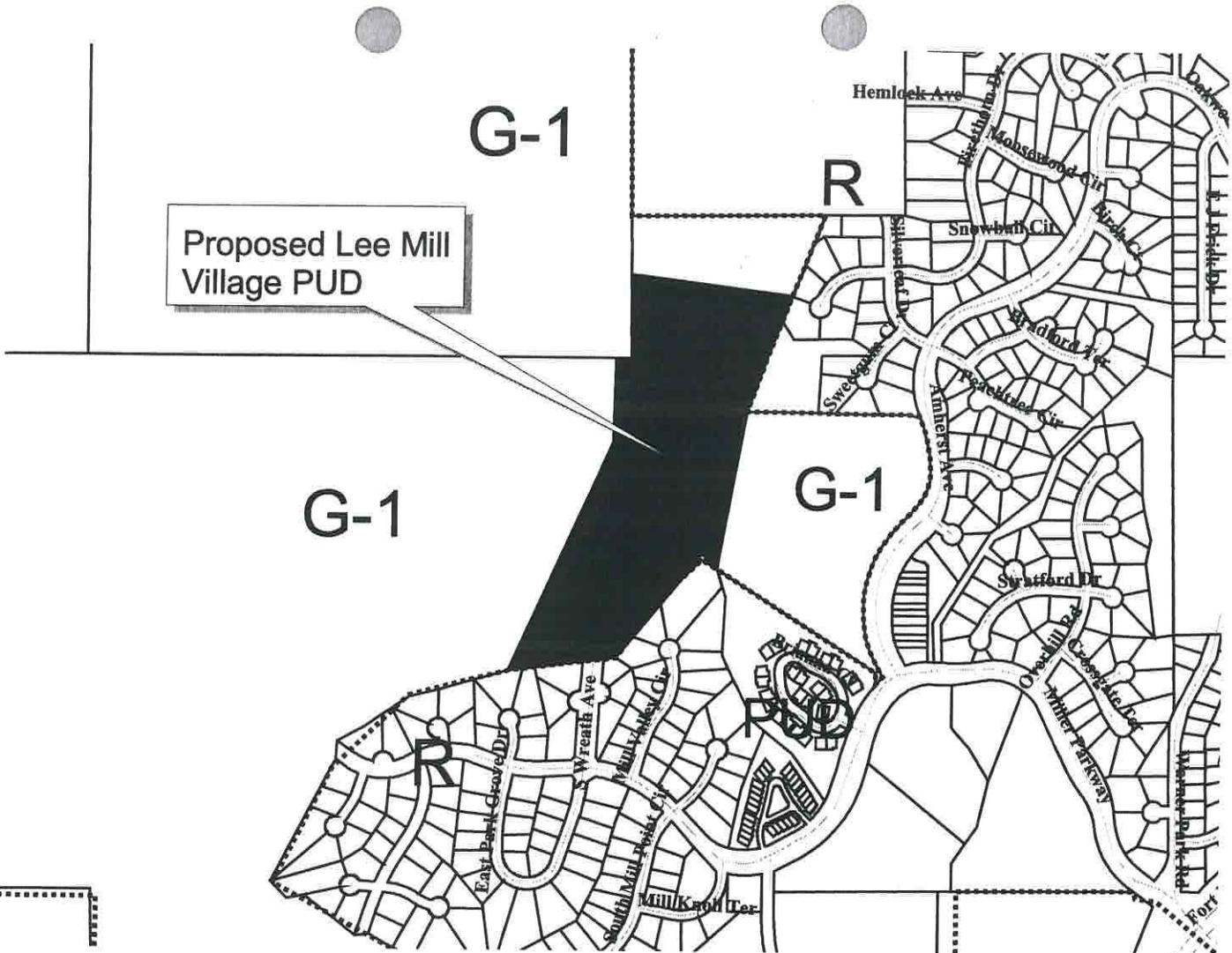
Override the Planning Board's recommendation and approve Ordinance No. 6628 rezoning the proposed Lee Mill Village PUD from County G-1, General Agricultural District, to PUD, Residential Planned Unit Development District with Airport Overlay District, based on the findings in the Staff Report, with the 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.

EC

07068}CC}2ndRdg}Annex-Rezone}LeeMillVillagePUD

Enclosures:

1. Location Map
2. Ordinance Nos. 6627 and 6628
3. Project Chronology



General Location Map Proposed Lee Mill Village PUD Rezone G-1 to PUD/AO



ORDINANCE NO. 6627

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF MANHATTAN, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-520.

WHEREAS, all of the owners of the real estate described on Exhibit A, attached hereto, and incorporated herein by reference, and hereinafter referred to as the “Real Estate”, have filed a petition, in writing, with the City, asking for the annexation of the Real Estate into the City of Manhattan, Kansas; and,

WHEREAS, THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS, hereby finds that some part of the Real Estate adjoins the City; that all matters prerequisite to the annexation of the Real Estate, pursuant to K.S.A. 12-520, have been satisfied; and that annexation of the Real Estate is in the public interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS:

SECTION 1. The Real Estate, generally known as Lee Mill Village Planned Unit Development, is hereby annexed and made a part of the City of Manhattan.

SECTION 2. This ordinance shall take effect and be in force from and after its passage and publication in The Manhattan Mercury.

PASSED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS, THIS 3RD DAY OF JULY, 2007.

(SEAL)

ATTEST: _____
GARY S. FEES, CMC, CITY CLERK

TOM PHILLIPS, MAYOR

Exhibit A
Annexation
Lee Mill Village PUD

Legal Description

A tract of land in the Southwest Quarter of Section 14, the Northeast Quarter of Section 22, and the Northwest Quarter of Section 23, in Township 10 South, Range 7 East of the 6th Principal Meridian in Riley County, Kansas described as follows:

Beginning at the Northeast Corner of the Northeast Quarter of said Section 22;

THENCE North 00 degrees 11 minutes 44 seconds West for a distance of 453.15 feet along the West line of the Southwest Quarter of said Section 14;

THENCE North 72 degrees 08 minutes 54 seconds East for a distance of 37.54 feet;

THENCE along a curve to the right having a radius of 370.00 feet and an arc length of 338.22 feet, being subtended by a chord of South 81 degrees 39 minutes 53 seconds East for a distance of 326.56 feet;

THENCE South 55 degrees 28 minutes 39 seconds East for a distance of 15.25 feet;

THENCE South 44 degrees 10 minutes 38 seconds East for a distance of 81.94 feet;

THENCE South 57 degrees 06 minutes 28 seconds East for a distance of 362.78 feet to the West line of Miller Ranch, Unit Three, an Addition to the City of Manhattan;

THENCE South 21 degrees 57 minutes 15 seconds West for a distance of 454.88 feet to the Southwest Corner of said Miller Ranch, Unit Three;

THENCE South 11 degrees 15 minutes 30 seconds West for a distance of 808.90 feet along the West line of a U S D 383 tract to the Southwest Corner thereof;

THENCE North 59 degrees 12 minutes 58 seconds West for a distance of 88.46 feet along the North line of Lee Mill Heights, Unit Two, an Addition to the City of Manhattan;

THENCE South 46 degrees 44 minutes 16 seconds West for a distance of 243.19 feet along the North line of said Lee Mill Heights, Unit Two;

THENCE South 36 degrees 31 minutes 32 seconds West for a distance of 397.02 feet along the North line of said Lee Mill Heights, Unit Two;

THENCE South 82 degrees 38 minutes 18 seconds West for a distance of 529.65 feet along the North line of said Lee Mill Heights, Unit Two;

THENCE South 75 degrees 38 minutes 39 seconds West for a distance of 38.63 feet along the North line of said Lee Mill Heights, Unit Two;

THENCE North 18 degrees 12 minutes 24 seconds East for a distance of 410.85 feet;

THENCE North 25 degrees 47 minutes 30 seconds East for a distance of 876.70 feet;

THENCE North 08 degrees 24 minutes 28 seconds East for a distance of 405.14 feet to the North line of the Northeast Quarter of said Section 22;

THENCE South 89 degrees 51 minutes 02 seconds East for a distance of 79.43 feet along the North line of the Northeast Quarter of said Section 22 to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 30.987 acres more or less.

ORDINANCE NO. 6628

AN ORDINANCE REZONING A TRACT OF LAND IN THE CITY OF MANHATTAN, RILEY COUNTY, KANSAS, AND AMENDING THE ZONING MAP ACCORDINGLY.

FROM: County G-1, General Agricultural District

TO: PUD, Residential Planned Unit Development District with AO, Airport Overlay District

WHEREAS, the Manhattan Urban Area Planning Board, (“MUAPB”) of the City of Manhattan, Kansas, at a public hearing held on the 21st day of May, 2007, after notice therefore as provided by the Manhattan Zoning Regulations, considered an application for the establishment of a Planned Unit Development District with the AO, Airport Overlay District upon the real estate hereinafter described; and,

WHEREAS, the MUAPB of the City of Manhattan, Kansas, following its Public Hearing held on the 21st day of May, 2007, recommended approval of the proposed rezoning to PUD, Residential Planned Unit Development with six (6) conditions of approval; and,

WHEREAS, due to an error in the recommended motion in the staff report, the MUAPB inadvertently left out of its recommendation that the rezoning also includes the AO, Airport Overly District; and,

WHEREAS, on June 19, 2007, the Governing Body of the City of Manhattan, Kansas, gave due consideration to the proposed rezoning and the recommendation of the Manhattan Urban Area Planning Board, and following discussion, overrode the Manhattan Urban Area Planning Board’s recommendation by a two-thirds majority vote (5-0) of the membership of the Governing Body and added the AO, Airport Overlay District, as a part of the rezoning, and added three additional conditions of approval (Conditions 7, 8, and 9), as set forth hereinafter, to meet the needs of the City, as perceived by the Commission; and,

WHEREAS, the MUAPB and the Governing Body have considered and/or addressed all matters set forth within Sections 9-104 and 15-403 of the Manhattan Zoning Regulations and have found that the approval of the proposed amendment, subject to the restrictions, conditions, or limitations set forth hereinafter, is consistent with such provisions.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS:

Section 1. The tract of land (“Property”) subject to the rezoning contained hereinafter, is described as follows: Generally located north of Lee Mill Heights, Unit 3, along the future extension of South Wreath Avenue, and to be known as Lee Mill Village PUD. More specifically, see Exhibit A attached hereto.

Section 2. That the Property is hereby rezoned from County G-1, General Agricultural District, to PUD, Residential Planned Unit Development District with Airport Overlay District, in the City of Manhattan, Kansas, and the official Zoning District Map is hereby amended accordingly.

Section 3. There is hereby incorporated by reference, and adopted and enforceable, where applicable, as a part hereof, all drawings and documents submitted as a part of the application, as such drawings and documents have been revised with the approval of the MUAPB as a part of the Final Development Plan. No such drawing or document shall be deemed applicable, to the extent it is inconsistent or in conflict with the provisions of this Ordinance. All such documents shall be maintained along with the application for the establishment of the planned unit development district on file in the zoning administrator's office.

Section 4. The Property is subject to the following restrictions, conditions or limitations, and such restrictions, conditions or limitations shall supersede any portion of the application in conflict therewith:

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.
4. Two ground entry signs shall be permitted, as proposed. Support columns, bases 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 South Wreath Avenue, to ensure effective buffering and/or screening is provided.
6. Lighting shall be a full cut-off design.
7. There shall be a minimum of 520 total off-street parking stalls provided.
8. A blanket pedestrian easement shall be provided on the Common Area located between South Wreath Avenue and the eastern boundary of the Lee Mill Village PUD.
9. A consistent fencing design and installation shall be provided for screening along Wreath Avenue.

Section 5. The Final Development Plan, and all provisions of the application which are consistent with and in compliance with the Final Development Plan, as approved by the MUAPB, and all restrictions, conditions or limitations imposed hereby, however recorded, shall be considered to be covenants upon the Property and shall run in favor of the City and shall be enforceable in law or in equity by the City, without limitation on any power or regulation otherwise granted to the City by law.

Section 6. All owners, occupants and persons in charge of the Property shall comply with all applicable provisions of the Manhattan Zoning Regulations as well as all provisions of the application, the Final Development Plan and all restrictions, conditions or limitations imposed by this Ordinance. Any violation of the Ordinance shall be deemed a violation of the Manhattan Zoning Regulations.

Section 7. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND ADOPTED THIS 3RD DAY OF JULY, 2007, BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS.

(Seal)

ATTEST: _____
GARY S. FEES, CMC, CITY CLERK

TOM PHILLIPS, MAYOR

Exhibit A
Rezoning
Lee Mill Village PUD

Legal Description: Residential Planned Unit Development District

A tract of land in the Southwest Quarter of Section 14, the Northeast Quarter of Section 22, and the Northwest Quarter of Section 23, in Township 10 South, Range 7 East of the 6th Principal Meridian in Riley County, Kansas described as follows:

Beginning at the Northeast Corner of the Northeast Quarter of said Section 22;

THENCE North 00 degrees 11 minutes 44 seconds West for a distance of 453.15 feet along the West line of the Southwest Quarter of said Section 14;

THENCE North 72 degrees 08 minutes 54 seconds East for a distance of 37.54 feet;

THENCE along a curve to the right having a radius of 370.00 feet and an arc length of 338.22 feet, being subtended by a chord of South 81 degrees 39 minutes 53 seconds East for a distance of 326.56 feet;

THENCE South 55 degrees 28 minutes 39 seconds East for a distance of 15.25 feet;

THENCE South 44 degrees 10 minutes 38 seconds East for a distance of 81.94 feet;

THENCE South 57 degrees 06 minutes 28 seconds East for a distance of 362.78 feet to the West line of Miller Ranch, Unit Three, an Addition to the City of Manhattan;

THENCE South 21 degrees 57 minutes 15 seconds West for a distance of 454.88 feet to the Southwest Corner of said Miller Ranch, Unit Three;

THENCE South 11 degrees 15 minutes 30 seconds West for a distance of 808.90 feet along the West line of a U S D 383 tract to the Southwest Corner thereof;

THENCE North 59 degrees 12 minutes 58 seconds West for a distance of 88.46 feet along the North line of Lee Mill Heights, Unit Two, an Addition to the City of Manhattan;

THENCE South 46 degrees 44 minutes 16 seconds West for a distance of 243.19 feet along the North line of said Lee Mill Heights, Unit Two;

THENCE South 36 degrees 31 minutes 32 seconds West for a distance of 397.02 feet along the North line of said Lee Mill Heights, Unit Two;

THENCE South 82 degrees 38 minutes 18 seconds West for a distance of 529.65 feet along the North line of said Lee Mill Heights, Unit Two;

THENCE South 75 degrees 38 minutes 39 seconds West for a distance of 38.63 feet along the North line of said Lee Mill Heights, Unit Two;

THENCE North 18 degrees 12 minutes 24 seconds East for a distance of 410.85 feet;

THENCE North 25 degrees 47 minutes 30 seconds East for a distance of 876.70 feet;

THENCE North 08 degrees 24 minutes 28 seconds East for a distance of 405.14 feet to the North line of the Northeast Quarter of said Section 22;

THENCE South 89 degrees 51 minutes 02 seconds East for a distance of 79.43 feet along the North line of the Northeast Quarter of said Section 22 to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 30.987 acres more or less.

The AO, Airport Overlay District is being applied to the southern portion of the Lee Mill Village PUD, as follows:

Legal Description: Airport Overlay District

A tract of land in the Northeast Quarter of Section 22 and the Northwest Quarter of Section 23, in Township 10 South, Range 7 East of the 6th Principal Meridian in Riley County, Kansas, described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of said Section 22;

THENCE North 89 degrees 51 minutes 02 seconds West for a distance of 79.43 feet along the North line of the Northeast Quarter of said Section 22;

THENCE South 08 degrees 24 minutes 28 seconds West for a distance of 405.14 feet along the East line of a future Lee Mill Heights Addition to the City of Manhattan;

THENCE South 25 degrees 47 minutes 30 seconds West for a distance of 27.75 feet along the East line of a said future Lee Mill Heights Addition to the POINT OF BEGINNING;

THENCE along a curve to the right having a radius of 14424.85 feet and an arc length of 836.83 feet, being subtended by a chord of South 41 degrees 42 minutes 58 seconds East for a distance of 836.72 feet to the West line of a U S D 383 Tract;

THENCE South 11 degrees 15 minutes 30 seconds West for a distance of 12.44 feet to the Southwest Corner of said U S D 383 Tract;

THENCE North 59 degrees 12 minutes 58 seconds West for a distance of 88.46 feet along the North line of Lee Mill Heights, Unit Two, an Addition to the City of Manhattan;

THENCE South 46 degrees 44 minutes 16 seconds West for a distance of 243.19 feet along the North line of said Lee Mill Heights, Unit Two;

THENCE South 36 degrees 31 minutes 32 seconds West for a distance of 397.02 feet along the North line of said Lee Mill Heights, Unit Two;

THENCE South 82 degrees 38 minutes 18 seconds West for a distance of 529.65 feet along the North line of said Lee Mill Heights, Unit Two;

THENCE South 75 degrees 38 minutes 39 seconds West for a distance of 38.63 feet along the North line of said Lee Mill Heights, Unit Two;

THENCE North 18 degrees 12 minutes 24 seconds East for a distance of 410.85 feet along the East line of aforesaid future Lee Mill Heights Addition;

THENCE North 25 degrees 47 minutes 30 seconds East for a distance of 848.95 feet along the East line of aforesaid future Lee Mill Heights Addition to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 13.233 acres more or less.

PROJECT CHRONOLOGY

LEE MILL VILLAGE PUD

ANNEX AND REZONE

- May 21, 2007 Manhattan Urban Area Planning Board (MUAPB) holds public hearing and considers annexation and rezoning of the Lee Mill Village Residential Planned Unit Development. MUAPB recommends approval of annexation and rezoning with 6 conditions.
- June 19, 2007 City Commission approves first reading of ordinances annexing and rezoning Lee Mill Village PUD with 9 conditions.
- July 3, 2007 City Commission approves Ordinance Nos. 6627 and 6628 annexing ad zoning Lee Mill Village PUD.

ProjChron}LeeMillVillagePUD