



**MINUTES**  
**SPECIAL CITY COMMISSION MEETING**  
**TUESDAY, SEPTEMBER 11, 2007**  
**7:00 P.M.**

The Special 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, 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, 8 staff, and approximately 26 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Phillips led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Phillips proclaimed September 12, 2007, **80<sup>th</sup> Anniversary of Manhattan Christian College's Founding**. Kevin Ingram, President, Manhattan Christian College, was present to receive the proclamation.

Mayor Phillips proclaimed September 16-21, 2007, **Community Cultural Harmony Week**. Doug Benson and Candi Hironaka, Co-Chairs, Community Cultural Harmony Week Planning Committee, were present to receive the proclamation.

Mayor Phillips proclaimed September 17-23, 2007, **Constitution Week**. Dixie Roberts, Regent; Susan Metzger, Vice Regent; Dee Dalkins, Treasurer; Peggy Flowers, Secretary, and Rebecca Rose, Outgoing Regent, Polly Ogden Chapter, and additional members of the Daughters of the American Revolution, were present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Phillips opened the public comments.

Hearing no comments, Mayor Phillips closed the public comments.

## COMMISSIONER COMMENTS

Commissioner Strawn thanked Manhattan Mercury reporter Jeff Wright for his work reporting the city news and wished him the best in his new endeavors in Texas.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the City Commission Meeting held Tuesday, August 21, 2007.

### CLAIMS REGISTER NO. 2598

The Commission approved Claims Register No. 2598 authorizing and approving the payment of claims from August 15, 2007, to September 4, 2007, in the amount of \$4,431,579.07.

### FINAL PLAT – LEE MILL VILLAGE RESIDENTIAL PLANNED UNIT DEVELOPMENT

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Lee Mill Village Residential Planned Unit Development Addition, located along the proposed extension of South Wreath Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 6659 – STORMWATER MANAGEMENT SYSTEM REGULATION

The Commission approved Ordinance No. 6659 amending Article IV of Chapter 32 of the Code of Ordinances of the City of Manhattan, Kansas; and adding new Division 2, Sections 32-188 through 32-198; relating to the prevention of pollution of the stormwater management system.

### \* RESOLUTION NO. 091107-B – ADDITIONAL CITY STAFF – ISSUE CITATIONS

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information.

The Commission approved Resolution No. 091107-B confirming the designation of certain additional positions as “City Officers”, pursuant to Charter Ordinance No. 39, giving the positions the authority to issue complaints for violations of City ordinances.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 6660 – AMEND – LOT 5, SOUTH WIND OFFICE PARK PLANNED UNIT DEVELOPMENT

The Commission approved Ordinance No. 6660 amending Lot 5 of South Wind Office Park Planned Unit Development, generally located at 222 Southwind Place, and Ordinance No. 3770, based on the findings in the Staff Report (*See Attachment No. 1*).

### ORDINANCE NO. 6661 – REZONE – SOUTHWIND LOFTS PLANNED UNIT DEVELOPMENT

The Commission approved Ordinance No. 6661 rezoning Southwind Lofts Planned Unit Development, generally located at 230 Shuss Road, based on the findings in the Staff Report (*See Attachment No. 1*), with the eight conditions of approval recommended by the Planning Board.

### ORDINANCE NO. 6662 – AMEND LOT 5 – LIMEY POINTE PLANNED UNIT DEVELOPMENT

The Commission overrode the Manhattan Urban Area Planning Board's recommendation; modified the amendment of the Final Development Plan for Lot 5 of Limey Pointe PUD, generally located at McCall Road and Hostetler Drive, and Ordinance No. 6566; and approved Ordinance No. 6662 to incorporate the building and signage changes shown in the revised application documents, based on the findings in the Staff Report (*See Attachment No. 2*) and Supplemental Memorandum (*See Attachment No. 3*), and includes the one condition of approval recommended by the Manhattan Urban Area Planning Board and the second condition of approval recommended by City Administration.

### AGREEMENT – ENGINEERING SERVICES – 4<sup>TH</sup> STREET (ST0712), 3<sup>RD</sup> STREET, AND OSAGE STREET (ST0631) PROJECT

The Commission authorized the Mayor and City Clerk to enter into an agreement with HWS Consulting Group, Inc., of Manhattan, Kansas, in the amount of \$187,567.50 to perform construction engineering services related to the 4<sup>th</sup> Street (ST0712), 3<sup>rd</sup> Street, and Osage Street (ST0631) Project.

\* RESOLUTION NO. 091107-A – GENERAL OBLIGATION BONDS – 4<sup>TH</sup> STREET (ST0712), 3<sup>RD</sup> STREET, AND OSAGE STREET (ST0631) PROJECT

Ron Fehr, City Manager, provided clarification on the item and answered questions from the Commission.

## CONSENT AGENDA (CONTINUED)

\* **RESOLUTION NO. 091107-A – GENERAL OBLIGATION BONDS – 4<sup>TH</sup> STREET (ST0712), 3<sup>RD</sup> STREET, AND OSAGE STREET (ST0631) PROJECT (CONTINUED)**

The Commission approved Resolution No. 091107-A for the issuance of general obligation bonds not to exceed \$3,465,000.00 to finance street improvements for the 4<sup>th</sup> Street project (ST0712) and \$1,050,000.00 to finance street improvements for the 3<sup>rd</sup> Street and Osage Street projects (ST0631) in the North Project area.

**CHANGE ORDER NO. 1-FINAL – 4<sup>TH</sup> STREET SANITARY SEWER PROJECT (SS0625)**

The Commission approved Change Order No. 1-Final for the 4<sup>th</sup> Street Sanitary Sewer Project (SS0625), resulting in a total increase of \$37,666.00 (+4.96%) to the contract with Meadows Construction, Inc., of Tonganoxie, Kansas.

\* **AWARD CONTRACT – BLUEMONT TANK PAINTING (SP0706)**

Ron Fehr, City Manager, provided background information on the item and logos used on past water towers.

The Commission accepted the bids and awarded a contract to the low bidder, Utility Service Company, Inc., of Pittsburg, Kansas, in the amount of \$174,250.00 for the Bluemont Tank Painting (SP0706).

**AWARD CONTRACTS – HOUSING REHABILITATION PROJECTS**

The Commission accepted the bids for 736 Frey Drive and 740 Tuttle Street; awarded the bids to the lowest responsible bidder; authorized the Mayor and City Clerk to enter into agreements with the contractors and property owners for expenditure of Housing Rehabilitation Funds; authorized City Administration to approve any necessary change orders; and rejected all bids for 317 South 5<sup>th</sup> Street for being over the maximum allowable rehabilitation cost amount.

**OPTION TO PURCHASE REAL ESTATE - CONTROLLED ENVIRONMENTAL WAREHOUSING (AKA FLINT HILLS BEVERAGE)**

The Commission authorized the Mayor and City Clerk to execute an Option to Purchase Real Estate agreement with the Controlled Environmental Warehousing, in the amount of \$15,000.00 for Lot 21A in the Manhattan Corporate Tec Park.

After discussion, Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 4-0.

## GENERAL AGENDA

### FIRST READING - ANNEX/REZONE - PROPOSED WOODLAND HILLS ADDITION, UNIT EIGHT

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

Mike Hill, Applicant, provided additional information on the item and responded to questions regarding access, price range of housing, construction quality, and notifications that were conducted as required by the City of Manhattan.

Larry Hollis, 1713 Kingwood Drive, informed the Commission that he recently noticed the sign for the item in question and, voiced concern for the additional traffic and accessibility issues that this development would bring to the area.

Eric Londeen, 1705 Kingwood Drive, voiced concern with the size of existing streets in the area and stated that access for emergency vehicles would be difficult. He asked that the item go back to the Manhattan Urban Area Planning Board for further consideration.

Eric Cattell, Assistant Director for Planning, provided additional information regarding emergency access and the potential of an additional access to the development in the future. He then answered additional questions from the Commission.

Ron Fehr, City Manager, and Bill Frost, City Attorney, responded to questions from the Commission on the notification requirements and stated that the City goes beyond what the State Statutes require.

Mike Hill, Applicant, responded to concerns raised by the Commission with respect to density of the project, fire protection, access, and stated that there will be a minimum affect on existing traffic patterns. He then responded to additional questions from the Commission.

Larry Hollis, 1713 Kingwood Drive, informed the Commission of another access point with a private drive that could be an option.

After discussion, Commissioner Sherow moved to approve first reading of an ordinance annexing a 9.7-acre tract of land for the proposed Woodland Hills Addition, Unit Eight, generally located south of the intersection of Sumac Circle and Woodbridge Drive, and west of Rosencutter Road, based on conformance with the Comprehensive Plan, the

## GENERAL AGENDA (CONTINUED)

### FIRST READING - ANNEX/REZONE - PROPOSED WOODLAND HILLS ADDITION, UNIT EIGHT (CONTINUED)

Growth Vision, and the Capital Improvements Program; and, approve first reading of an ordinance rezoning the site from County G-1, General Agricultural District, to R-2, Two-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 4*). Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 3-1, with Commissioner Strawn voting against the motion.

### 24/7 MARKETING CAMPAIGN REQUEST - MANHATTAN AREA CHAMBER OF COMMERCE

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

Jan Miller, Chairperson, Manhattan Area Chamber of Commerce Marketing Committee, and Beverly Orr, Membership Program Manager, Manhattan Area Chamber of Commerce, presented the item. They then answered questions from the Commission.

Ron Fehr, City Manager, responded to questions from the Commission.

Jan Miller, Chairperson, Manhattan Area Chamber of Commerce Marketing Committee, informed the Commission that a recent pull factor study indicated that Manhattan is becoming a stronger trade center, capturing an increasing number of shoppers from Riley County and from the eight surrounding counties.

After discussion, Commissioner Strawn moved to authorize City Administration to finalize and the Mayor and City Clerk to execute an agreement with the Manhattan Area Chamber of Commerce providing \$40,000.00 in funding during 2007-08 for the community marketing campaign. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 4-0.

### ADJOURNMENT

At 8:45 p.m. the Commission adjourned.

  
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Gary S. Fees, OMC, City Clerk

## **STAFF REPORT**

### **APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT AND THE AMENDMENT OF A FINAL DEVELOPMENT PLAN**

#### **BACKGROUND**

**PROPOSED CHANGES:** The rezoning for the proposed Southwind Lofts PUD is to allow a total of thirteen (13) residential dwelling units in four (4) buildings, one of which is an existing building. Proposed Permitted Uses include: Two-family dwellings and Multiple-family dwellings. The Final Development Plan amendment modifies the traffic circulation and off-street parking. The proposed project consists of two parts:

1. The rezoning of Lots 6 and 7, in the Bullock Addition; and,
2. An Amendment of the approved Final Development Plan of Lot 5, South Wind Office Park Addition.

**REZONING LOCATION:** 230 Shuss Road.

#### **PROPOSED REZONING:**

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

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

#### **PROPOSED FINAL DEVELOPMENT PLAN AMENDMENT:**

The Amendment of the Final Development Plan of Lot 5 is to modify the traffic circulation and off-street parking on Lot 5 to allow access across Lot 5 to the proposed Southwind Lofts PUD and to relocate a five (5) of the off-street parking on Lot 5 and to allow shared off-street parking with the proposed Southwind Lofts PUD. No other changes to the Southwind Office Park are proposed.

There are 28 existing off-street parking spaces serving the office building. Five (5) spaces on the southwestern part of the parking area are relocated along a driveway leading to Southwind Lofts PUD. Total number of spaces after amendment is 28.

**AMENDMENT LOCATION:** 222 Southwind Place.

*Attachment No. 1*

**OWNER/APPLICANT:** Fowles-Riffel, LLC (Ron Fowles and Gwyn Riffel).

**OWNER/APPLICANT ADDRESSES:** 222 Southwind Place and 230 Shuss Road.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, June 25, 2007

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, July 16, 2007  
Tabled to August 6, 2007

**CITY COMMISSION:** Tuesday, August 21, 2007.

**REZONING AND AMENDMENT AREA:** Total area: 1.9 acres or 82,328 square feet.

Rezoning: approximately .97 acres (42,253 square feet).

Amendment: approximately .92 acres (40,075 square feet).

**PROPOSED BUILDINGS AND STRUCTURES:** No change is proposed to the interior or the exterior of the Southwind Office Park office building.

Proposed residential buildings include three new buildings and the modification of an existing one story single family dwelling to a two-family dwelling. Fowles-Riffel, LLC will own and maintain the common areas.

Proposed buildings consist of:

Units 1, 2 and 3: Three family one-bedroom dwelling units in a one story building approximately 11 feet in height.

Units 4 and 5: Two family dwelling two-bedroom and three-bedroom dwelling units in a one story building (conversion of existing single family dwelling unit) approximately 11 feet in height.

Units 6 and 7: Two family dwelling one-bedroom units in a one story dwelling building approximately 11 feet in height.

Units 8-13: Six family one-bedroom dwelling units in a two story building approximately 32 feet in height.

A total of 18 bedrooms are proposed.



*Attachment No. 1*

Buildings are proposed to be constructed with EFIS walls and standing seam metal roofs with metal clad windows. Entrances are from the front of each building in Units 1-5 have no rear access or decks/patios on the west or north sides of the site. A rear deck is proposed on the east side with Unit 6 and a patio with Unit 7.

The two story six unit building is proposed to be constructed with the same exterior and roof materials as the other buildings. Each first floor unit has a patio on the north and south sides of the unit. Each second floor unit has a deck on the north side and balcony on the south side along Shuss Road. Each unit is offset at an angle to the street at an approximate 5 foot front yard setback for the building wall and 2 feet for roof overhang. The walkway along Shuss Road is at the property line and is access from off-street parking to the unit.

**PROPOSED LOT COVERAGE**

<b><i>USE</i></b>	<b><u>Square Feet (sf)</u></b>	<b><u>Percentage</u></b>
Building (lots 6 and 7)	10,040 sf	23.7%
Parking/Drives	9,771 sf	23.1%
Landscaping/Open space	22,469 sf	53.1%

**PROPOSED SIGNS**

<b><u>Type</u></b>	<b><u>Dimensions</u></b>	<b><u>Lighting</u></b>
Wall	8 ft long by 4 feet tall	External goose neck lamps

Identification signs, "Southwind Lofts", are proposed on the east and west walls of the two story building along Shuss Road. Materials may be wood or metal.

Exempt signage described in Article VI, Section 6-104 of the Zoning Regulations such as flags, address numerals, directional, holiday lighting, campaign and other exempt signs will be allowed.

**PROPOSED LIGHTING:** All lighting will be downcast and shaded. Lights will be wall packs, light poles (10 feet tall near residential entrances) and new light poles to match existing in Southwind Office Park.

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

**1. LANDSCAPING:** A large mature oak tree will be preserved as a focal point within the Southwind Lofts PUD with additional landscape plantings, trees, shrubs and lawn throughout the site. Water source is underground irrigation to be maintained by the applicant/owner.

Lot 5 remains unchanged. A landscape berm at the entrance will be modified to improve sight distance, but no other changes to landscaping are proposed.

**2. SCREENING:** Off-street parking will be internal to the site and separated by buildings from a two family zone to the west of the PUD. A trash dumpster will be screened with a 6 foot tall wood fence. No changes on Lot 5.

**3. DRAINAGE:** The rezoning site drains to Shuss Road to an existing concrete box. On-site detention is not required. The applicant proposes to vacate the existing drainage easement along Shuss Road and construct an underground concrete box from the southwest corner of the site across Shuss Road to the existing box. The site will drain to storm sewer inlets, which will connect to the proposed box. A drainage report was submitted by the applicant's consultant and reviewed and accepted by the City Engineer (attachment).

**4. CIRCULATION:** The Amendment shows the entrance off Shuss Road unchanged. A new driveway will connect to the west to the proposed Southwind Lofts area. Private access across Lot 5 to Southwind Lofts will be provided. A Travel Easement off Shuss Road to Southwind Lofts is proposed and named South Oak Place. Emergency Service providers will need to review the name, which may need to change with the Final Development Plan and Final Plat.

Off-street parking is managed and controlled by the applicant/owner. A total of 28 off-street parking spaces will serve the office, consistent with the existing conditions.

The residential portion consists of 18 total bedrooms and 19 parking spaces are proposed with 8 to the east of the lofts that can be shared with Lot 5.

Pedestrian access will be from internal walks from parking areas. Sidewalk will need to be provided along Shuss Road to connect to internal walks when Shuss Road is improved to an urban section. If Shuss Road is not improved, a sidewalk connection to the southeast along the north side of Shuss Road to the improved portion on Southwind Road will need to be provided.

*Attachment No. 1*

A traffic report was submitted by the applicant and reviewed and accepted by the City Engineer (attachment). Minimal impact on the surrounding street network is expected as a result of the Amendment. The City Engineer recommends that, *“The development should be required to bring this portion of Shuss Road up to the City of Manhattan current urban standards for public streets. The street condition today is a gravel road with a horizontal curve that is sharper than was is allow on our streets today for new roadways. The developer should be required construct new curb & gutter, new street pavement, any required storm sewers structures and new sidewalks to be in conformance with our current specification for city streets.”*

The applicant has indicated a benefit district should be created with adjoining owners to improve Shuss Road to Brushcreek Lane.

**5. OPEN SPACE AND COMMON AREA:** Approximately 53 % of the PUD rezoning site is open space, after the proposed construction of driveway and off-street parking.

**6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is generally characterized by a large community commercial shopping development and professional and business office activities along a major street. Low density two family residential is a lesser part of the area with low density single family separated by terrain and dense tree and other natural vegetation.

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

**WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE  
INTENT**

**AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE  
EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:**

The proposed changes are consistent with the office/business nature of the PUD and, at a minimum, maintain the number of off-street parking spaces and circulation pattern for Lot 5.

**WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE  
OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND  
THE NATURE OF SUCH CONDITIONS:**

The amendment is necessary to accommodate a circulation and shared parking arrangement with the proposed Southwind Lofts PUD, a residential development. The neighborhood has changed in recent years to include a large commercial shopping center and corresponding intensity of activity.

*Attachment No. 1*

**WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The proposed amendment will remove a visual barrier that partially blocks views of drivers making left hand turns to Southwind Lofts at the dividing point of Southwind Place. The amendment to modify the circulation and shared parking is intended to serve clients of the office use on Lot 5 in Southwind Park and the residents of Southwind Lofts PUD. The proposed amendment, in association with the rezoning, provides a housing opportunity in proximity to a commercial shopping center with retail, restaurant, and other services.

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

1. **EXISTING USE:** single family dwelling on two lots and office building on one lot.
  
2. **PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The proposed rezoning site consists of a vacant residential lot along Shuss Road with an existing residence on the northern lot. The site slopes and drains downhill from north to south to an open drainage swale along Shuss Road, which directs run-off to the southeast to a concrete box. The frontage is dominated by a large oak tree, which will be preserved. The remainder of the yard is open landscaped space with scattered trees throughout the site. Access to the house is a gravel driveway on the eastern side of the site connecting with Shuss Road.

Lot 5 is a developed site consisting of an office building and off-street parking with lawn and trees.

No portion of either site is in a flood plain.

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

- (a.) **NORTH:** Professional and business office, single-family dwellings; PUD and R, Single-Family Residential District.
- (b.) **SOUTH:** Commercial retail shopping center and gravel public street (Shuss Road); PUD.
- (c.) **EAST:** Seth Child Road and commercial retail; PUD.
- (d.) **WEST:** Two-family dwellings; R-2, Two-Family Residential District.

*Attachment No. 1*

**4. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is generally characterized by a large community commercial shopping development and professional and business office activities along a major street. Low density two family residential is a lesser part of the area with low density single family separated by terrain and dense tree and other natural vegetation.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The rezoning and amendment sites are suitable for the uses for which they are currently zoned.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed residential dwellings are consistent with the character of the area. The site will serve as a transitional zone between professional office, community commercial and lower density single and two family dwellings. No detrimental impacts are anticipated as a result of the proposed changes. Access will be from Shuss Road and a professional office area. Drainage will be improved with a proposed concrete box replacing an open swale along Shuss Road. Lighting will be downcast and shaded and residential in scale and character.

Dwelling units are oriented inward with the rear of residential buildings on the west side of the PUD facing the rear of two family dwellings to the west. The western yard would be considered a side yard with a minimum 8 foot setback, which is the proposed setback. Single family residential to the north is buffered by terrain changes and densely vegetated space along the northern boundary of the PUD. Reduced setbacks along the north lot line are proposed at 2 feet and are separated from areas to the north by the dense vegetation on the adjacent property. The closest house to the north is approximately 216 feet north of the northern boundary of the building location at 2 feet. Setbacks on the east side of the PUD are as close as zero feet to 1 foot. The applicant's office building is approximately 13-22 feet from the proposed residential building. Reduced front yards along Shuss Road will not impact views of other property in the vicinity of the site.

The owners of the Southwind Office Park have agreed to the amendment (attachment).

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan shows site in the Southwest Planning Area as a combination of Office/Research Park and Residential Low/Medium density (RLM) development.

*Attachment No. 1*

Applicable goals, principles, and policies related to the proposed rezoning consist of:

*Chapter 4: Land Use and Growth Management*

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.*

***Chapter 9: Housing and Neighborhoods***

Relevant Goal, Guiding Principles, and Policy:

***Goal #2:***

*Ensure that new housing represents a variety of housing types and costs appropriate to the neighborhood.*

**Guiding Principles:**

*Provide opportunities for a greater mix of housing types, which are appropriately located, scaled and designed in relation to surrounding neighborhoods.*

*Provide housing opportunities for all income levels.*

**Goal #3:**

*Guide the development of new housing and neighborhoods to ensure connectivity, sustainability and quality of life.*

**Guiding Principle:**

*Promote neighborhood design that allows for multi-modal connectivity between adjacent neighborhoods, commercial areas, and parks and open space.*

Relevant Policy:

**HN 1: Mixture of Housing Types**

*The City and County shall encourage, through their land use regulations and incentive programs, the private sector to provide a mixture of housing types with varied price ranges and densities, that attempt to meet the needs of all elements of the Urban Area population*

**HN 5: Promote Infill and Redevelopment**

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

The proposed net density is 14.9 dwelling units per net acre, based on the lot and common areas shown on the proposed site plan. The Comprehensive Plan recommends net density should not exceed 11 dwelling units per net acre. While the density is greater than the recommendations of the Comprehensive Plan, the nature of the infill project appears to be

*Attachment No. 1*

appropriate and serves as a transition between the commercial use to the south and low density to the north of the proposed PUD. The proposed PUD generally conforms to the policies of the Comprehensive Plan. The mix of housing is appropriate for the predominately commercial and professional office nature of the neighborhood. Its location will allow for residents to walk to nearby commercial retail and commercial services.

The existing Southwind Office Park PUD conforms to the Office/Research designation.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The existing residence and office building were constructed in 1972 and 1982, respectively.

1966           Annexation.  
1966-1969    AA, Single Family Residence.  
1969-1973    R, Single-Family Residential District.  
1973-Present R-2 District (PUD rezoning site)

Lot 5 Final Plan approved 1982. Zoning related memorandums indicate the original Southwind PUD was established in 1965 and amended in 1969.

**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 and amendment are 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. Proposed storm water improvements by the applicant, and street improvements, as recommended by the City Engineer, will be a gain to the public.



*Attachment No. 1*

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate streets, sanitary sewer and water are available to serve the site. Shuss Road will need to be improved, at a minimum, for that part of the street, which abuts the proposed PUD frontage.

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

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed Amendment to Final Development Plan of the Final Development Plan of Lot 5 of the Southwind Office Park Planned Unit Development, and approval of the rezoning of Southwind Lofts from R-2, Two-Family Residential District, to PUD, Planned Unit Development District , with the following conditions:

1. Permitted uses shall include two-family and multiple-family residential dwelling units.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Two wall signs shall be permitted, as proposed. 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. Lighting shall be a full cut-off design.
6. The development shall be required, at a minimum, to bring that portion of Shuss Road abutting the Southwind Lofts PUD to the City of Manhattan current urban standards for public streets. The developer shall be required to construct new curb and gutter, new street pavement, any required storm sewers structures and new sidewalks to be in conformance with the City's current specifications for city streets.
7. If Shuss Road is not constructed to an urban section, pedestrian access to Southwind Road shall be provided and shown on the Final Development Plan.
8. The proposed Travel Easement street name shall conform to the requirements Manhattan Urban Area Subdivision requirements.

### **ALTERNATIVES:**

1. Recommend approval of the proposed Amendment of the Final Development Plan of Lot 5 of the Southwind Office Park Planned Unit Development, and rezone of Southwind Lofts from R-2, Two-Family Residential District, to PUD, Planned Unit Development District, stating the basis for such recommendation.
2. Recommend approval of the proposed Amendment of Lot 5 of the Final Development Plan of Southwind Office park and proposed Southwind Lofts PUD, and modify the conditions, and any other portions of the proposed Amendment and PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed Amendment and rezoning, stating the specific reasons for denial.
4. Table the proposed Amendment and rezoning to a specific date, for specifically stated reasons.

### **POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment of the Final Development Plan of Lot 5 of the Southwind Office Park Planned Unit Development; and, the rezoning of Southwind Lofts, from R-2, Two-Family Residential District to PUD, Planned Unit Development District, based on the findings in the Staff Report, with the eight (8) conditions recommended by City Administration.

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

**DATE:** July 31, 2007

07076

**STAFF REPORT**

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

**BACKGROUND**

**APPLICANT/OWNER:** Dial-McCall Road, LLC – Robert Welstead

**ADDRESS:** 11506 Nicholas Street, Suite, 200 Omaha, NE

**LOCATION:** Lot 5, Limey Pointe Addition, which is generally located along the north side of McCall Road, northeast corner of the McCall Road and Hostetler Drive intersection.

**AREA:** 45,738 square feet (1.05 acres).

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, July 16, 2007

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, August 6, 2007

**CITY COMMISSION:** Tuesday, August 21, 2007

**DESCRIPTION OF PROPOSED AMENDMENT:** Amend Lot 5 of the Limey Pointe Commercial Planned Unit Development District, Ordinance No. 6566, for a proposed Firestone automobile maintenance and tire retail facility.

The Limey Pointe PUD was approved with the following conditions of approval:

9. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C- 5, Highway Service Commercial District; except for Adult Businesses which shall be prohibited.
10. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
11. All landscaping and irrigation shall be maintained in good condition.
12. Light poles shall be provided as described in the application documents and shall be full cutoff design. Building lighting shall be provided as proposed and shall not cast direct light onto public or private streets or adjacent property.

*Attachment No. 2*

13. An architecturally unifying pole and/or ground signage plan shall be submitted with the Final Development Plan for the first phase. The signage plan shall apply to the entire PUD, and shall include, but not be limited to, clear architectural elements, materials and lighting, and ground treatments, such as stone planters and landscaping at the sign base. Height, maximum gross surface area, structural type, setback and illumination shall be clearly set out in the signage plan. The signage plan shall indicate that there shall be no more than one (1) pole or ground sign per lot. In addition, pole signs shall have a maximum height of 30 feet above the ground; the total gross surface area of pole and ground signs including reader-boards shall be limited to no more than 1 square foot of sign area per 1 foot of linear street frontage and shall not exceed a maximum 200 square feet in area; skirting for pole signs and the base of pole and ground signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and signs shall include a landscaped area around the base.
14. Wall signs shall be permitted as proposed.
15. Temporary banner signs shall be limited to no more than one (1) banner sign per lot. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.
16. Traffic improvements cited in the July 31, 2006, Inter-Office Memorandum from the City Engineer shall be constructed with the first phase of the development to include:
  - (a.)The second through lane for westbound traffic on McCall Road between Hays Drive and Hostetler Drive shall be added.
  - (b.)The westbound and eastbound left turn lanes shall be aligned at the intersection of Hostetler Drive & McCall Road.
  - (c.)Hostetler Drive shall match the south leg of the intersection in terms of number of lanes and configuration.
  - (d.)An urban section shall be shown on the plans along the north side of McCall Road and shall include curb and gutter.
9. Drainage improvements cited in the July 31, 2006, Inter-Office memorandum from the City Engineer for storm inlets and storm sewer pipes shall be provided with the first phase of the development.
10. Prior to the development of Lots 3, 5 and 6, an amendment of the PUD shall be submitted and approved prior to issuance of any necessary permits.

**PROPOSED BUILDINGS AND STRUCTURES:** One-story, Firestone retail tire store and automobile maintenance facility approximately 24 feet to the roof line. The new building will be 48 feet by 167 feet (including eaves and gutters) for an approximate building area of 8016 square feet. The front façade will be tan in color with a 4' 8" aluminum fascia panel under the roof line to mount the proposed signage. The rear and

*Attachment No. 2*

side facades will also be painted tan and grey to match the front façade. The building fronts to the west; the automobile maintenance bays and walk-in doors for the office and retail section are located on the west side of the building. Forty four (44) off-street parking spaces are proposed, which includes two (2) handicapped accessible parking stalls. Based on the number of service bays, the automobile service and retail store would be required to provide 20 stalls. Access is from private travel easement that is described as a “Public Access Easement” on the Final Development Plan. This private travel easement is located on Lot 6, Limey Point PUD and will be privately owned and maintained. The private travel easement acts as a public driveway to both Lots 5 & 6 and is proposed to become a named street via a public travel easement that will connect Hostetler Drive to Hayes Drive in a future PUD.

### **PROPOSED LOT COVERAGE**

Proposed lot coverage: building (17%), drives and parking, (53%), and open/landscaped space (30%).

### **PROPOSED SIGNS**

The pole sign is along the McCall Road frontage and is 30 feet in height with 167 square feet of readable sign area on both sides. The base is a painted metal and is designed to form a revered “L” shape that will face east and west along McCall Avenue. The base is in a landscape space along the street frontage and parking lot. Wall signs are internally lit and well scaled to the building facades.

**PROPOSED LIGHTING:** Light poles are a cut-off design. Exterior wall mounted lights illuminate both wall signs and exterior areas.

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

**WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:** The proposed use and site is consistent with the commercial highway business nature of the PUD and is intended for relocation of businesses from the north Manhattan Marketplace PUD, as well as new and similar businesses such as IHOP and Taco Bell.

*Attachment No. 2*

**WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** The amendment is necessary because the specific occupant of the site was unknown at the time the PUD was approved. It was generally expected that an automobile repair/service facility would develop on Lot 5.

**WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The proposed amendment was anticipated with the original approval, with the exception of the “public assess easement” that will connect Hostetler Drive and Hayes Drive. No adverse impact on the public is expected. The proposed use is a permitted use in the PUD and does not grant a special benefit to any person.

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

**1. LANDSCAPING:** Landscaping exceeds that proposed with the approved PUD and consist of canopy, ornamental and evergreen trees, shrubs, ornamental grasses and lawn areas to be owned and maintained by the owner. Landscaped areas will irrigated with underground systems.

**2. SCREENING:** The 6 foot, 9 inch tall block wall dumpster is located in the northeast part of the site with materials consistent with the building materials.

**3. DRAINAGE:** The site will drain to storm sewers.

**4. CIRCULATION:** Access is from the “Public Access Easement” that will be privately owned and maintained by the owners of Lots 6.

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

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

**EXISTING USE:** Vacant commercial lot.

*Attachment No. 2*

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Generally a flat site located in the build-able portion of the 100 Year Flood Plain. The 100 Year Flood elevation is 1008 feet. Finished floor elevation of the proposed building is 1010.50 feet, or 2.5 feet above the flood elevation. The site drains to the northwest to the drainage ditch along Hostetler Drive and then on to a drainage ditch along McCall Road.

**SURROUNDING LAND USE AND ZONING:**

(a.) **NORTH:** “Public Access Easement” and Lot 6, future development site in Limey Pointe; PUD

(b.) **SOUTH:** McCall Road, Super-Walmart; PUD.

(c.) **EAST:** Waste Management; C-6.

(d.) **WEST:** Hostetler Drive, Lot 4, Limey Pointe, Pizza Hut restaurant under construction; Limey Pointe PUD.

**GENERAL NEIGHBORHOOD CHARACTER:** Generally characterized as a mix of retail and industrial service businesses.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** Limey Pointe PUD uses: Permitted Uses include all of the Permitted and Conditional Uses of the C-5, Highway Service Commercial District, except for Adult Businesses, which will not be allowed. Automobile service centers are a permitted use in the PUD and the site is suitable for the use.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site is a commercial growth corridor and its development as a commercial PUD should be compatible with the surrounding neighborhood.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map for the Northeast Planning Area designates the site as Community Commercial (CC). The PUD amendment is in general conformance to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has been zoned various commercial and industrial districts over time. Annexation was in 1968 and 1969. Commercial and industrial buildings have occupied the site. Limey Pointe PUD was approved on September 5, 2006 (Ordinance No. 6566).

*Attachment No. 2*

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The amendment is consistent with the approved PUD and Zoning Regulations.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public if the amendment is denied and it may be a hardship to the owner if the amendment is denied. The proposed land use and PUD were approved in 2006.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer, storm sewer, and water are available.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed Amendment of Lot 5, Limey Pointe Commercial Planned Unit Development District and Ordinance No. 6566, and the Final Development Plan, with the following conditions of approval:

1. The Final Development Plan shall be subject to the conditions of approval of Ordinance No. 6566.

**ALTERNATIVES:**

1. Recommend approval of the proposed Amendment of the Limey Pointe Commercial Planned Unit Development, and Ordinance No. 6566, and the Final Development Plan, stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment of the Limey Pointe Commercial Planned Unit Development, and Ordinance No. 6566, stating the basis for such recommendation.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.



*Attachment No. 2*

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment of the Limey Pointe Commercial Planned Unit Development, and Ordinance No. 6566, and approval of the Final Development Plan, based on the findings in the Staff Report, with the one condition recommended by City Administration.

**PREPARED BY:** Chad Bunger, Planner

**DATE:** July 25, 2007

07081

*Attachment No. 3*

The changes are as follows:

- **Building**: Removing a metal fascia along the top of the overhead service-bay doors on the front (i.e. west) elevation and replacing it with painted masonry block.
- **Signage**: Increasing the size of the wall signs on the northern and eastern (i.e. rear) elevations from 56 sq ft to 75 sq ft.; and reducing the wall signs on the southwest corner building tower from 56 sq ft, to 47 sq ft. They are also removing some signage from the front fascia (i.e. "maintenance-repairs-tires"). Also, the can-logo wall signs are now individual letters with separate a logo can. These signage changes are due to a recent corporate change in the Firestone signage package, so the signs also look a little different from the original amendment proposal. (*See letter from Embree Group Construction, dated August 17, 2007*).
- The final issue is that the applicant needs to add a masonry planter around the base of the skirted pole sign, to incorporate materials similar to the building, (as per Ordinance No. 6566, which established the PUD). City Administration discussed this with the applicant and Firestone has agreed to incorporate a three (3) foot tall masonry planter around the base of the skirted pole sign, as shown on the revised landscape site plan.

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

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

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

**APPLICANT:** Jan and Kris Kissinger

**ADDRESS:** Rt. 3 Clay Center, KS 67432

**LOCATION:** Generally located south of the intersection of Sumac Circle and Woodbridge Drive, and west of Rosencutter Road.

**AREA:** 9.7 acres

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

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, August 20, 2007  
**CITY COMMISSION:** Tuesday, September 11, 2007

**EXISTING USE:** Vacant and undeveloped woodlands.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Much of the site is covered with dense stands of cedar trees and other mature deciduous trees. The site is a hilly area with an extremely steep slope along Rosencutter Road and more gently sloping terrain to the west.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Woodland Hills, Unit Six subdivision, agriculture land and woodlands, several developed and undeveloped single-family residential uses; R-1, Single-Family Residential District and County G-1, General Agricultural District.
- (2) **SOUTH:** Farmsteads and hilly woodlands; G-1, District
- (3) **EAST:** Rosencutter Road, farmsteads; G-1 District

**(4) WEST:** Woodland Hills, Brier Heights, Sunrise Cemetery and agricultural land; G-1 District, R-1, Single-Family Residential District, R-S, Single-Family Residential Suburban District.

**GENERAL NEIGHBORHOOD CHARACTER:** The area is located at the southwest edge of the community's urban development. The area is primarily characterized by existing and developing single-family neighborhoods to the northwest. There area is also characterized by steep slopes to the east, which place the site well above Rosencutter Road and farmsteads further to the east. The remainder of the area is primarily open woodland areas that are located to the west and south.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is zoned County G-1, General Agricultural District, which permits a broad range of agricultural uses, single-family homes and mobile homes associated with farming operations, oil and gas drilling, and a number of conditional uses such as quarries, outdoor recreational uses, kennels and feed lots. The site does not appear to be suitable for most of these uses, due the steep slopes and heavy forestation.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** As with most vacant land converted to single-family and two-family uses, there will be an increase in traffic, noise, and light. However, it is not anticipated that these changes will have a substantially adverse impact on nearby properties, which are zoned R-1 District and R-S District to the north and northwest. Due to the steep slope along Rosencutter Road no vehicular access will be obtained from Rosencutter Road. Rather, the site will gain access from Woodbridge Drive, a proposed street in the Woodland Hills Addition, Unit Six. The site will drain primarily to the east. Prior to future development, the site will have to be platted and the future developed site will be subject to the requirements of the Manhattan Urban Area Subdivision Regulations and the Stormwater Management Master Plan to ensure that storm water run-off is adequately handled.

**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) and Environmentally Sensitive Areas. The density range RLM is less than one up to 11-dwelling units per net acre.

The Environmentally Sensitive Areas include steep, wooded slopes that run along the west side of Rosencutter Road. The remaining portion of the subject site in comprised of land covered in mature stands of cedar trees and other deciduous trees. The applicants have stated in their written application that conservation easements will be established during

the platting process to preserve and protect the steep slopes on the eastern edge of the property and the natural ravines running through the property.

Applicable Policy Statements include:

#### CHAPTER 4, LAND USE AND GROWTH MANAGEMENT

##### **RLM 1: Characteristics**

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

#### CHAPTER 5: NATURAL RESOURCES AND ENVIRONMENT

##### **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 open space 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.*

**NRE 5: Environmentally Sensitive Site Design**

*The City and County shall ensure that environmentally sensitive site design practices are used in new development. Sensitive site design practices can minimize unnecessary physical and visual impacts upon the surrounding landscape, caused by excessive removal of existing vegetation or severe roadway cuts, and excessive grading of natural topography.*

**NRE 6: Natural Hazards**

*Development shall be prohibited in areas where natural hazards have been identified which have the potential to endanger life, resources, and property. Within the Manhattan Urban Area, these hazards include steep slopes (20% or greater slope), floodways, and other special flood hazard areas.*

The rezoning conforms to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has been under the County G-1, General Agricultural District zoning classification, and has remained vacant as zoned.

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent of the Zoning Regulations is to protect the public health, safety and general welfare, and to protect property values, through the creation of zoning districts in which land uses are controlled in order to be compatible with other nearby uses. The proposed R-2 District is designed to provide for low to medium density with a mix of single-family, single-family attached and two-family dwelling within the development. The proposed R-2 District and proposed Single-Family Attached housing is consistent with the intent and purpose of the Zoning Regulations by providing for development which is compatible with the surrounding developing neighborhoods. The applicants have proposed to develop the property into single-family attached homes.

*Attachment No. 4*

**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 is no apparent significant gain to the public health, safety and general welfare that denial of the request would accomplish, compared to the hardship, if any, that would be imposed upon the applicant.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The site can be adequately served with public utilities and services through the extension of existing systems from adjacent areas. Street connections from the platted Woodbridge Drive will be extended in the near future for access.

**OTHER APPLICABLE FACTORS:** A preliminary plat will need to be approved prior to development of the 9.7 acre tract of land.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of Woodland Hills, Unit Eight from County G-1, General Agriculture District, to R-2, Two-Family Residential District

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Woodland Hills, Unit Eight from County G-1, General Agriculture District to R-2, Two-Family Residential District stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Woodland Hills, Unit Eight from County G-1, General Agriculture District to R-2, Two-Family Residential District, based on the findings in the Staff Report.

**PREPARED BY:** Chad Bunger, Planner

**DATE:** August 10, 2007