


CERTIFICATION OF CLERK

I, Gary S. Fees, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Minutes were duly adopted at a meeting of the City of Manhattan, Kansas, held on the 17th day of February, 2009, and that said Minutes have been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, this 3rd day of March, 2009.





Gary S. Fees, MMC, City Clerk

MINUTES
CITY COMMISSION MEETING
TUESDAY, FEBRUARY 17, 2009
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Mark J. Hatesohl and Commissioners Bob Strawn, Bruce Snead, James E. Sherow, and Tom Phillips were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 9 staff, and approximately 70 interested citizens.

PLEDGE OF ALLEGIANCE

Boys and Girls Club of Manhattan led the Commission in the Pledge of Allegiance.

PRESENTATION

Sergeant Luke Burroughs was presented a "Life Saving Award" from Mayor Mark J. Hatesohl and Jerry Snyder, Director of Fire Services.

PROCLAMATION

Mayor Hatesohl proclaimed February 28, 2009, *National TRIO Day*. Kathy Zarka, Assistant Director, Educational Supportive Services/Academics Services Coordinator, McNair Scholars Program; and Quantrell Willis, Academic Services Coordinator, Educational Supportive Services, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Phillips thanked David McNeal, 1526 Houston Street, for his follow-up Letter to the Editor regarding the City's Code Department's willingness to work with him, allowing him time to make the necessary repairs to and around his home, knowing the fear he has of losing his home.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, January 27, 2009, and the Regular City Commission Meeting held Tuesday, February 3, 2009.

CLAIMS REGISTER NO. 2602 and 2603

The Commission approved Claims Register Nos. 2602 and 2603 authorizing and approving the payment of claims from January 28, 2009, to February 10, 2009, in the amounts of \$613,244.04 and \$1,814,047.38.

ORDINANCE NO. 6751 – ANNUAL PERMIT – PARKING PERMIT SYSTEM

The Commission approved Ordinance No. 6751 changing the City's parking permit system to an annual renewal of all parking permits.

FIRST READING – LEVY – SPECIAL ASSESSMENTS (GOB 2009-A)

The Commission approved first reading of an ordinance levying special assessments against the benefiting properties in the following eleven (11) projects, which have been completed: *Cedar Glen Addition – Street (ST0618); Grand Mere Vanesta, Unit Two – Street and Storm Drainage (ST0629/SM0605); Hawthorne Woods Addition – Sanitary Sewer (SS0711), Street (ST0715), Water (WA0709) and Trail (SP0707); Scenic Meadows Addition, Unit Two, Phase I – Sanitary Sewer (SS0702), Sanitary Sewer – Lift Station (SS0703), Street (ST0701), and Water (WA0702), and 1600 Block Alley between Houston and Pierre Streets – Street (ST0801).*

FIRST READING – BOYS & GIRLS CLUB REQUEST – 15 MINUTE LOADING ZONE

The Commission approved first reading of an ordinance removing a “2 hour parking” zone and installing a “15 Minute Loading Zone” on the west side of the 200 block of South 5th Street beginning 56 feet north of the center line of Pierre Street and continuing north 100 feet.

RESOLUTION NO. 021709-A – TEMPORARY NOTE SERIES NO. 2009-01

The Commission approved accepting the best bid from Commerce Bank, N.A., for selling the notes and approved Resolution No. 021709-A issuing Temporary Note Series No. 2009-01 in the amount of \$2,235,000.00 to finance the following six (6) special assessment and capital projects to be debt financed: *Carlson Street, Storm Water Improvements (SM0802) City Park Pavilion Project (CPX04P); Silo Townhomes, Sanitary Sewer (SS0803), Street (ST0808), and Water (WA0802) Improvements; and Marlatt Avenue - Tuttle Creek Boulevard to Casement Road Street Improvements (EN805P).*

CONSENT AGENDA (CONTINUED)

REQUEST FOR PROPOSALS – SMITH AND MANFAX SYSTEM SANITARY SEWER (SS0901)

The Commission authorized City Administration to solicit proposals for the design of the Smith and Manfax System Sanitary Sewer Project (SS0901).

- * **AWARD CONTRACT – STONE POINTE PEDESTRIAN BRIDGE (SP0701)**
Curt Loupe, Director of Parks and Recreation, and Ron Fehr, City Manager, provided additional information on the item and responded to questions from the Commission.

After additional discussion, Mayor Hatesohl requested that the item be pulled from the consent agenda and moved to the end of the general agenda.

- * **AWARD CONTRACT – CONCRETE PANEL REPLACEMENT PROJECT (ST0901)**

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

The Commission awarded a construction contract in the total amount of \$369,622.64 for the Concrete Panel Replacement Project (ST0901) to the low bidder, Pavers, Inc., of Salina, Kansas.

- * **CHANGE ORDER NO. 1-FINAL – SCENIC MEADOWS ADDITION,
PHASE 1 – STREET IMPROVEMENTS (ST0701)**

Robert Harris, Harris Custom Homes, Wichita, Kansas, informed the Commission that he was concerned with the work conducted by Cheney Construction. He voiced his displeasure with the change order that would result in the homeowners paying for construction mistakes and then answered questions from the Commission.

Rob Ott, City Engineer, provided additional information on the change order and the work that was done by Cheney Construction.

Dale Houdeshell, Director of Public Works, provided additional information on the item.

The Commission approved Change Order No. 1 – Final for Scenic Meadows Addition – Phase I Street Improvements (ST0701), resulting in a net increase of \$38,398.80 (+10.7%) to the contract with Cheney Construction Co., Inc., of Manhattan, Kansas.

CONSENT AGENDA (CONTINUED)

* **RESOLUTION NO. 021709-C – KDHE LOAN APPLICATION – WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION PROJECT (SP0705)**

Ron Fehr, City Manager, answered questions from the Commission regarding the funding source.

The Commission approved Resolution No. 021709-C authorizing filing an application with the Kansas Department of Health and Environment for a loan under the Kansas Water Pollution Control Revolving Fund to fund the construction phase of the Wastewater Treatment Plant Upgrade and Expansion Project (SP0705) and designating Mr. Dale Houdeshell, Director of Public Works, as the Authorized Representative for the City of Manhattan for the loan.

* **EMPLOYMENT AGREEMENT – CITY MANAGER**

Mayor Hatesohl and Commissioner Strawn provided additional information regarding the employment agreement and annual evaluation of the City Manager.

The Commission authorized the Mayor and City Clerk to execute the modified Employment Agreement between the City of Manhattan and City Manager Ronald R. Fehr retroactive to the first pay period of 2009.

FAA GRANT – RUNWAY 3/21 SAFETY AREA

The Commission authorized the Mayor and City Clerk to accept FAA Grant Offer (3-20-0052-37-2009) (Part A) in the amount of \$1,147,363.00 to improve the Runway 3/21 Safety Area at the Manhattan Regional Airport.

WORK AUTHORIZATION NO. 1 – DESIGN – AIRPORT WILDLIFE FENCE

The Commission authorized the Mayor and City Clerk to execute Work Authorization No. 1 with HWS Consulting Group, Inc., of Manhattan, Kansas, in the amount of \$48,980.00 to design the wildlife fence at the Manhattan Regional Airport.

BOARD APPOINTMENTS

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

City/University Special Projects Fund Committee

Appointment of Jeff Koenig, 203 North 14th Street, to a two-year Citizen term. Mr. Koenig's term begins immediately, and will expire June 30, 2010.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Downtown Business Improvement District Advisory Board

Appointment of Mark Skochdopole, 310 South 17th Street, to fill an unexpired term of Evan Grier. Mr. Skochdopole's term begins immediately, and will expire December 31, 2009.

Human Rights And Services Board

Reappointment of DeRay Gamble, 411 Brookmont Drive, to a three-year term. Mr. Gamble's term will begin March 10, 2009, and will expire March 9, 2012.

Appointment of Don Slater, 830 Yuma, to a three-year term. Mr. Slater's term will begin March 10, 2009, and will expire March 9, 2012.

Appointment of Kent Hampton, 917 Pierre Street, to a three-year term. Mr. Hampton's term will begin March 10, 2009, and will expire March 9, 2012.

Appointment of Kimberly Strawn, 3551 Everett Road, to a three-year term. Ms. Strawn's term will begin March 10, 2009, and will expire March 9, 2012.

After discussion, Commissioner Snead moved to approve the consent agenda, as amended. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item O, the Board appointment of Kimberly Strawn to the Human Rights and Services Board, which carried 4-0, with Commissioner Strawn abstaining from the appointment.

GENERAL AGENDA

FIRST READING – REGULATE - REGISTERED FAMILY DAY CARE HOMES

Lauren Palmer, Assistant City Manager, presented the item and responded to questions from the Commission.

Susanne Kufahl, Assistant Administrator, Riley County-Manhattan Health Department, provided additional information on the proposed ordinance to regulate registered family day care homes. She then answered additional questions from the Commission regarding the number of complaints received, the difference in registered and licensed providers, and the reasons for the proposed ordinance.

GENERAL AGENDA (CONTINUED)

FIRST READING – REGULATE - REGISTERED FAMILY DAY CARE HOMES (CONTINUED)

Christine Ross-Baze, Director, Child Care Licensing and Registration, Kansas Department of Health and Environment (KDHE), provided additional information to the Commission regarding other counties and cities that have adopted similar ordinances. She then answered questions about the proposed ordinance, the State of Kansas initiatives, and training requirements for providers.

Susanne Kufahl, Assistant Administrator, Riley County-Manhattan Health Department, provided clarification on the inspection requirements and status of the grant funding for this initiative.

Lauren Palmer, Assistant City Manager, and Jerry Snyder, Director of Fire Services, provided additional information on the item.

Melissa Cook, 6505 North 52nd Street, child care provider for 20 years, informed the Commission that she has her home inspected every year. She stated that she does not appreciate the intrusiveness of the Health Department coming into her home for inspections and asked the Commission to not pass the proposed ordinance.

Carol Ott, 117 Harvey Drive, registered provider, stated that she chose to be a registered provider because she does not need to have someone come in and enforce rules that are already in place. She informed the Commission that she has a quarterly inspection with her food program and is doing her best to provide quality child care at a reasonable rate. She stated that the proposed fines are excessive and asked the Commission not to pass the proposed ordinance.

Kristi Van Horn, 3150 Ella Lane, informed the Commission that the ordinance being proposed is about money and control by the Health Department. She voiced concern in the intimidating behaviors of the inspectors, the loss of provider privacy, and took offense with the perception of some that seem to think that registered providers are not as good.

Kristi Plummer, 2905 Nevada Street, former registered provider and inspector, informed the Commission that she understood the concerns of registered providers; however, she stated that the educational opportunities offered provide a safer environment for children and ensure better accountability.

GENERAL AGENDA (CONTINUED)

FIRST READING – REGULATE - REGISTERED FAMILY DAY CARE HOMES (CONTINUED)

Sally Frick, Director, Head Start of Riley County, informed the Commission that it is important to be able to ensure that all children are in a safe place with all child care providers in Manhattan. She stated that annual inspections are not fun, but can provide an opportunity to learn and build relationships. She said that we need to work together and do this for the right reasons.

Barbara Oard, 1706 Westbank Way, registered provider, informed the Commission that parents should be able to choose the provider and not have government involvement. She stated that the Fire Department inspects her home annually and that she provides the necessary KDHE forms to all parents. She stated that the proposed ordinance is not necessary.

Ashley McQuinn, Child Care Surveyor, Riley County-Manhattan Health Department, provided background information on their role as surveyors. She then answered questions from the Commission regarding the inspection process and areas in the home that would be inspected.

Suzanne Wedel, 808 Lee Street, registered provider, informed the Commission that being a registered provider has always been her choice and that she has always felt that the parents of her childcare children are her inspectors and hopefully, will stay that way.

Monte Wedel, 808 Lee Street, Director, Planning and Development for Riley County, voiced concern about the lack of public process and lack of participation with the providers of child care. He informed the Commission that he and his spouse respectfully disagree with the ordinance that is being proposed. He stated that the current system works well, provides for sufficient government oversight, and leaves child care decisions in the hands of the parents. He asked that additional public meetings take place for better understanding and asked that the proposed ordinance be denied.

Patty Peschel, 200 Northfield Road, Coordinator, Flint Hills Referral Agency, provided additional information regarding Fort Riley and the education process necessary for parents looking for child care in Manhattan and Junction City. She stated that some parents do not have much choice due to their job when looking for quality child care.

Linda Childress, 423 Edgerton Avenue, informed the Commission that she works with military families and has been involved in the child care profession for 25 years. She stated that the providers here tonight are probably not the providers that need annual inspections; however, she stated that restaurants and hair salons are inspected and we should expect the same for our children.

GENERAL AGENDA (CONTINUED)

FIRST READING – REGULATE - REGISTERED FAMILY DAY CARE HOMES (CONTINUED)

Ashley McQuinn, Child Care Surveyor, Riley County-Manhattan Health Department, provided additional information about the annual inspection process and responded to questions from the Commission.

Susanne Kufahl, Assistant Administrator, Riley County-Manhattan Health Department, responded to questions from the Commission regarding the methods of communication with current providers and prior meetings that this item was discussed.

Mayor Hatesohl stated that if we are concerned with only a small percentage of providers, then we should be focusing our attention on those poor providers and let the good providers continue to do their jobs in providing good care.

Commissioner Strawn thanked those who gave testimony on the item and stated that parents should be the regulators, not government. He voiced his concern in not being able to get a number of how many complaints are received by the Health Department and favored a voluntary program where providers could become certified.

Commissioner Phillips said the problem has not been clearly defined and that we need to know the depth of the problem before the Commission passes an ordinance to regulate this activity. He stated that the Health Department intentions are good and that continued education needs to be provided.

Commissioner Snead expressed appreciation to all the providers present and asked that they continue to provide quality care in our community. He stated that he has a thorough understanding of the child care needs in the region and the need to balance quality child care that is affordable and that which provides the assurances of safety and quality. He said the proposed ordinance is a reasonable step with reasonable requirements and asked that the Commission move forward to second reading of the item and that if necessary, the item can be discussed with the stakeholders and the Health Department prior to second reading.

After discussion, Commissioner Snead moved to approve first reading of an ordinance to establish regulations for family day care homes. Commissioner Sherow seconded the motion.

Bill Frost, City Attorney, provided background information on the proposed ordinance and the intent of the ordinance.

Ron Fehr, City Manager, provided additional information on the process between first and second reading considerations of the item.

GENERAL AGENDA (*CONTINUED*)

FIRST READING – REGULATE - REGISTERED FAMILY DAY CARE HOMES (*CONTINUED*)

Jerry Snyder, Director of Fire Services, provided clarification on the inspection process of registered and licensed providers by the Fire Department.

Monte Wedel, 808 Lee Street, Director, Planning and Development for Riley County, provided additional information on the inspection requirement of KDHE.

After additional discussion, on a roll call vote, motion failed 2-3, with Mayor Hatesohl and Commissioners Strawn and Phillips voting against the motion.

At 9:45 p.m., the Commission took a brief recess.

AWARD CONTRACT - DESIGN/BUILD - CITY PARK POOL, PHASE 1

Curt Loupe, Director of Parks and Recreation, presented the item.

Cary Dennis, President, Capri Pools & Aquatics, provided additional information on the item.

Ron Fehr, City Manager, and Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission regarding the final design, project timeline, construction, and project funding.

Cary Dennis, President, Capri Pools & Aquatics, responded to questions from the Commission and said the intent would be to use local contractors on the project.

After discussion, Commissioner Sherow moved to approve the recommendation of the Selection Committee and authorize the Mayor and City Clerk to execute a contract in an amount not to exceed \$154,440.00 with Capri Pools & Aquatics, of St. Louis, Missouri, for City Park Pool, Phase 1, Design-Build Services for the City Park Pool Replacement Project. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

AWARD CONTRACT - CITY PARK SPRAY PARK

Commissioner Strawn recused himself from the item stating that his future son-in-law is a consultant involved in the process of the item.

GENERAL AGENDA (CONTINUED)

AWARD CONTRACT - CITY PARK SPRAY PARK (CONTINUED)

Curt Loupe, Director of Parks and Recreation, presented the item.

After discussion, Commissioner Snead moved to approve the selection of Capri Pool & Aquatics, of St. Louis, Missouri, and authorize the Mayor and City Clerk to execute a contract for the purchase and installation of a City Park Splash Playground (CP907P) in the amount of \$250,000.00, with the remaining \$50,000.00 reserved for utility extensions and site accessibility improvements. Commissioner Phillips seconded the motion.

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission regarding hours of operation.

After discussion, on a roll call vote, motion carried 4-0.

Commissioner Strawn returned to the dais.

RESOLUTION NO. 021709-B – AUTHORIZE REFINANCING - SOUTH-END LAND NOTE

Bernie Hayen, Director of Finance, presented the item. He then responded to questions from the Commission regarding the interest rate achieved, the relationship with Key Bank and the status of the STAR Bonds and the City's Utility Reserve Fund.

Ron Fehr, City Manager, informed the Commission that the City's bond counsel and financial advisor has stated that the City would not find a better deal than this.

After discussion, Commissioner Strawn moved to approve Resolution No. 021709-B authorizing the execution of Supplemental Bond Trust Indenture No. 1 with Security Bank of Kansas City and the re-issuance of \$15,500,000.00 in special obligation revenue bonds for the South Project area of the Downtown Redevelopment. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

INTERLOCAL AGREEMENT - KONZA AREA SEWER EXTENSION

Dale Houdeshell, Director of Public Works, presented the item.

Clancy Holeman, County Counselor, Riley County, informed the Commission that a lot of contact has occurred with residents in the area and that there has been plenty of information provided on the item.

Ron Fehr, City Manager, responded to questions from the Commission regarding the agreement and stated that Riley County requested to proceed with sewer first and then take a look at providing water to the service area. He said there will be an update to the Gateway Plan with public input.

GENERAL AGENDA (CONTINUED)

INTERLOCAL AGREEMENT - KONZA AREA SEWER EXTENSION (CONTINUED)

Vincent Tracey, 304 Knoxberry Drive, stated that he has talked with residents in the service area and that questions were asked by residents about individual wells and sanitary fields, and if annexations will occur.

Clancy Holeman, County Counselor, Riley County, responded to questions from the Commission and stated that he has relied on the Riley County Public Works Department to contact residents affected and said the assumption has been, as this area develops and services are provided, annexations will occur.

Commissioner Strawn stated that he would request that Riley County send notices to the residents and would bring this up during the monthly City/County meeting.

After discussion, Commissioner Phillips moved to authorize the Mayor and City Clerk to execute an Interlocal Agreement to participate in the Konza Area Sewer Project for the extension of the City Sewer System into the Konza area. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - STONE POINTE RESIDENTIAL TOWNHOMES, UNIT

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

Mark Bachamp, Schultz Development, informed the Commission that this is a good project that will leave a natural barrier to make it a better development.

After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning the proposed Stone Pointe Townhomes, Unit Two, generally located north of Stone Crest Drive along the east side of North Scenic Drive, from R, Single-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District, based on the findings in the Staff Report (*See Attachment No. 1*), with the five conditions recommended by the Manhattan Urban Area Planning Board. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

ITEM REMOVED FROM CONSENT AGENDA

AWARD CONTRACT – STONE POINTE PEDESTRIAN BRIDGE (SP0701)

Ron Fehr, City Manager, presented background information on the item.

ITEM REMOVED FROM CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – STONE POINTE PEDESTRIAN BRIDGE (SP0701)
(CONTINUED)

Rob Ott, City Engineer, provided additional information on the bids received and stated that R.M. Baril is the recommended General Contractor.

Bill Frost, City Attorney, provided information on the process involved in creating a benefit district and responded to questions from the Commission.

Dale Houdeshell, Director of Public Works, provided additional information and stated that if the bids are delayed, that most likely, the cost of the project will be much higher.

Rob Ott, City Engineer, provided additional detail on the proposed bridge.

Curt Loupe, Director of Parks and Recreation, informed the Commission of the location of the City property and linkages between multiple properties.

Bill Frost, City Attorney, provided additional clarification on the benefit district.

Mark Bachamp, Schultz Development, informed the Commission that this bridge and the connectivity to other properties is a benefit to the whole area and to go through the benefit petition process again would be extremely difficult.

After discussion, Commissioner Snead moved to accept the Engineer's Estimate in the amount of \$389,500.00, and award a construction contract to the low bidder, R.M. Baril General Contractor, Inc., of Manhattan, Kansas, in the amount of \$316,530.01 for the construction of Stone Pointe Pedestrian Bridge (SP0701). Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 11:30 p.m. the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: R, Single-Family Residential District and AO, Airport Overlay District.

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

OWNER/APPLICANT: Stone Crest Land Company, LLC - Tim Schultz.

ADDRESS: 1213 Hylton Heights Road, Ste. 129, Manhattan, KS 66502.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, December 29, 2008.

DATE OF PUBLIC HEARING: PLANNING BOARD: Thursday, January 22, 2009.

CITY COMMISSION: Tuesday, February 17, 2009.

LOCATION: North of Stone Crest Drive along the east side of N. Scenic Drive.

AREA: 33,015 square feet (.75 acres); Lot 111 and Lot 112, Stone Pointe Addition, Unit Two.

PROPOSED USES: The Permitted use is a four-family attached residential townhome. Common area, Tract D, will be owned and maintained by the Stone Point Townhomes Community Association (Declarations attached.)

PROPOSED BUILDINGS AND STRUCTURES: One residential building consisting of four, single-family townhome units. Each unit is a two-story, three bedroom townhome with two and one-half bathrooms, living room, kitchen and dining room. Each unit has a two car enclosed garage with a driveway for two additional cars. Building heights are approximately 28 feet from grade to roof peak. Exterior materials are vinyl siding with first floor brick accent on the front and architectural roof shingles. Colors are in a range from earth tone colors such as brown, beige, and grey to muted shades such as red, blue and green. Each unit has a first floor covered rear patio..

Attachment No. 1

Building setbacks generally range from 27-31 feet from south lot line off Stone Crest Drive, 78-85 feet from west lot line off N. Scenic Drive, 37-57 feet from the north lot line, and 17-32 feet off the east lot line.

Proposed residential density is approximately 5.2 dwelling units per net acre.

The target market is primarily the military due to the site's location along N. Scenic Drive.

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Building	5,366 square feet	16.3%
Driveways	2,520 square feet	7.6%
Landscape/Open Space/Common Area	25,129 square feet	76.1%

PROPOSED SIGNS

No signs are proposed. Exempt signs such as address numerals, real estate signs and similar signs will be permitted. A ground entry signage for the Stone Pointe Townhomes PUD is located in the entry island off Stone Crest Drive with a second future sign at the Scenic Park Lane entry. The Townhomes Community Association is responsible for maintenance of both signs.

PROPOSED LIGHTING: One standard Westar street light pole will be in the public street. Residential lights are standard residential front door and porch lights (see building elevation).

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The site will be landscaped with a mixture of deciduous, ornamental, and evergreen trees, primarily along streets and at entrances to the PUD. Areas around the dwelling units will be seeded. Landscape planting beds are proposed at the exterior fronts of dwellings. Underground irrigation will be provided to maintain these areas. Tract D will be landscaped and owned and maintained by the Townhomes Community Association.

Attachment No. 1

The proposed townhome's location along N. Scenic Drive could be buffered with a combination of shade and evergreen trees along the western part of the site, which would minimize the impact of views along Scenic Drive corridor. This landscape buffer would implement policy statement MR 5: Views from Scenic Drive (see below under Comprehensive Plan.)

2. SCREENING: No dumpsters are proposed and units will have individual trash pickup.

3. DRAINAGE: The tract drains to the east to a natural drainage ravine. A letter (attached), dated December 31, 2008, was submitted by Monty Prescott P.E. at the request of the City Engineer, regarding drainage impacts associated with the rezoning. The letter indicates negligible effects generated from storm water associated with the proposed development. The finding was accepted by the City Engineer.

4. CIRCULATION: Internal circulation is safe and efficient. Driveway access is off Stone Crest Drive.

A sidewalk will be provided on the south side of Stone Crest Drive. Sidewalks along N. Scenic Drive should be provided when the street is built to an urban section, which has been noted with the previously approved Preliminary Plat of Stone Pointe Addition, Unit Two, and Stone Pointe Townhomes PUD.

Off-street parking should be adequate for the townhome units, which consists of four off-street parking spaces per unit, two in the garage and two on the driveway for each three bedroom unit.

A letter (attached), dated December 31, 2008, was submitted by Monty Prescott P.E. at the request of the City Engineer, regarding traffic impacts associated with the rezoning. The letter indicates insignificant traffic impacts from the proposed development. The finding was accepted by the City Engineer.

5. OPEN SPACE AND COMMON AREA: Each residential building and a portion of the surrounding yard will be platted as individual lots. The remainder of the PUD is common area/open space, which will be owned and maintained by the Townhomes Community Association.

6. CHARACTER OF THE NEIGHBORHOOD: The area to the south, east and northeast is characterized as a developing growth corridor of the City with single-family, two-family and multiple-family residential development, as well as a large undeveloped tract, which remains in Riley County. Development occurring in the Lee Mill Heights and Miller Ranch areas, which are further to the east, can be expected to grow towards the site. Street connections with Lee Mill Heights and Miller Ranch will accommodate future access to the eastern parts of the City. The single-family, two-family and multiple-family residential development in the Highland Meadows Additions are to the northwest. The area to the west of N. Scenic Drive is largely open range land with some low density residential homes to the southwest.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

- 1. EXISTING USE:** The site is platted as two vacant single-family residential lots.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site slopes downhill from west to east and drains to a natural drainage channel and easement along the east side of the site. There are large mature cedar trees on the north part of the site and mature deciduous trees along the east side of the site.

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

3. SURROUNDING LAND USE AND ZONING:

- (a.) NORTH:** Agricultural wooded and rural home site; G-1 District.
- (b.) SOUTH:** Residential four-family and six-family single-family attached residential townhomes, with two townhome buildings under construction, and common area in Stone Pointe Townhomes PUD; Residential Planned Unit Development District.
- (c.) EAST:** Platted and vacant single-family residential lots in Stone Pointe Addition, Unit Two; R/AO Districts.
- (d.) WEST:** N. Scenic Drive, agricultural and rural single-family dwellings; G-1 District and A-5, Single Family Residential District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Lot 111 and Lot 112 are suitable for one single family residential building on each separate lot, subject to the requirements of the R/AO Districts.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The site is in a growth corridor of the City. Increases in light, noise and traffic are expected, which should be similar to the same affects generated by Highland Meadows and Stone Pointe subdivisions. The Stone Pointe Townhomes PUD was anticipated with the rezoning to R-3/AO District in 2006. The proposed four family townhome is consistent with the character of the neighborhood. In addition, the proposed townhome building will be separated from single-family development to the east by the 70-foot wide natural drainage channel and easement, which provides greater than normal spacing between the different types residential uses.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed site is shown on the Future Land Use map in the Southwest Planning Area, generally in an area consisting of a combination of Residential Medium High Density (RMH), and Preserved Open Space. The site is also located in the Miller Ranch Special Planning Area and is in the Conical Zone of the Manhattan Regional Airport. The AO, Airport Overlay District will be added as an overlay district due to the Conical Zone.

Residential designations: Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or four-plexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

Applicable policies to The Miller Ranch Special Planning Area include:

MR 5: Views from Scenic Drive

Development, including signage, should be set back from Scenic Drive to protect views and existing vegetation. The master plan for Miller Ranch should incorporate a buffer zone or overlay area along Scenic Drive designed to protect views, existing vegetation, and other important attributes of the area's scenic quality. Development of a neighborhood center, as described in MR 4, should occur east of the Scenic Drive buffer or overlay and be sited in a manner that minimizes visual impact on the Scenic Drive Corridor.

MR 7: Airport Airspace Regulations

Development shall be consistent with established airspace regulations for the Manhattan Regional Airport and the Airport Master Plan.

The existing R District would allow no more than eleven dwelling units per net acre. The proposed net density is 5.2 dwelling units per net acre. Additional landscape buffering on the western part of the site will minimize the visual impact of the development from N. Scenic Drive.

The proposed rezoning conforms to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The chronology below describes all of Stone Pointe Addition, Unit Two, to include Lots 111 and 112, and the existing Stone Pointe Townhomes PUD.

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|-------------------|---|
| July 17, 2006 | Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Stone Pointe Addition, Unit Two, from G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District. |
| August 15, 2006 | City Commission approves first reading of annexation and rezoning to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District. |
| September 5, 2006 | City Commission approves Ordinance Nos. 6564 and 6564 annexing and rezoning Stone Pointe Unit Two, to R, Single-Family Residential District with AO, Airport Overlay District; and R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District. |
| November 6, 2006 | Manhattan Urban Area Planning Board approves Preliminary Plat of Stone Pointe Addition, Unit Two. |

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- December 19, 2006 Manhattan Urban Area Planning Board approves Final Plat of Stone Pointe Addition, Unit Two.
- January 9, 2007 City Commission accepts easements and right-of-way as shown on the Final Plat of Stone Pointe Addition, Unit Two.
- March 17, 2008 Manhattan Urban Area Planning Board recommends approval of the rezoning of the Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- April 1, 2008 City Commission approves first reading of the rezoning of the Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- April 15, 2008 City Commission approves Ordinance No. 6693 rezoning Stone Pointe Townhomes PUD, from R-3, Multiple-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District.
- June 2, 2008 Manhattan Urban Area Planning Board approves the Final Plat and the Final Development Plan of the Stone Pointe Townhomes Residential Planned Unit Development.
- June 17, 2008 City Commission accepts easements and right-of-way as shown on the Final Plat of Stone Pointe Residential Townhomes Planned Unit Development.

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.

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

Subject to the conditions of approval, proposed Stone Pointe Townhomes PUD, Unit Two, is consistent with the Zoning Regulations.

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

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: There appears to be no relative gain to the public, which denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Public improvements, including street, water, fire service and sanitary sewer are adequate and available to serve the PUD.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of the Stone Pointe Townhomes Residential Planned Unit Development, Unit Two, from R, Single-Family Residential District and AO, Airport Overlay District, to PUD, Residential Planned Unit Development District and AO, Airport Overlay District, with the conditions:

1. The Permitted Use shall include one residential four-family attached townhome unit.
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. Exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2), of the Manhattan Zoning Regulations shall be permitted.
4. All landscaping and irrigation shall be maintained in good condition.
5. To minimize the impact of views along N. Scenic Drive, a combination of shade and evergreen trees shall be shown on the Final Development Plan's Landscape Plan, which shall generally be located to the west of the townhome building.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Stone Pointe Townhomes Residential Planned Unit Development, Unit Two, from R, Single-Family Residential District and AO, Airport Overlay District, to PUD, Residential Planned Unit Development District and AO, Airport Overlay District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of the Stone Pointe Townhomes Residential Planned Unit Development, Unit Two, from R, Single-Family Residential District and AO, Airport Overlay District, to PUD, Residential Planned Unit Development District and AO, Airport Overlay District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.

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Recommend denial of the proposed rezoning, stating the specific reasons for denial.

3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the Stone Pointe Townhomes Residential Planned Unit Development, Unit Two, from R, Single-Family Residential District and AO, Airport Overlay District, to PUD, Residential Planned Unit Development District and AO, Airport Overlay District, based on the findings in the staff report, with the five (5) conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: January 15, 2008

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