



MINUTES
CITY COMMISSION MEETING
TUESDAY, AUGUST 18, 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 Bob Strawn and Commissioners Bruce Snead, James E. Sherow, Loren J. Pepperd, and Jayme Morris-Hardeman 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 85 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Strawn led the Commission in the Pledge of Allegiance.

PRESENTATION

Mayor Strawn, Fire Chief Jerry Snyder, and City Manager Ron Fehr, presented Master Code Professional recognition to Brad Claussen, Building Official, and Executive Fire Officer Designation recognition to Scott Clark, Training Officer, Manhattan Fire Department.

PROCLAMATION

Mayor Strawn proclaimed September, 2009, *Live United. Give. Advocate. Volunteer.* Dianne Paukstelis, Executive Director, United Way of Riley County, and Tom Phillips, President, United Way of Riley County Board, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Morris-Hardeman highlighted the Manhattan Crisis Center and provided statistics on calls the Crisis Center received during the past year and voiced concern with the number of women being abused in our community. She then encouraged the community to attend an interesting series of topics facing teens at the Eisenhower Middle School at 7:00 p.m., on September 15 and 29, October 20, and November 3 related to this topic or to contact the Manhattan Crisis Center for additional information.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, August 4, 2009.

CLAIMS REGISTER NO. 2618

The Commission approved Claims Register No. 2618 authorizing and approving the payment of claims from July 29, 2009, to August 11, 2009, in the amount of \$1,503,760.69.

ORDINANCE NO. 6774 – AMEND SCHOOL ZONES

The Commission approved Ordinance No. 6774 lengthening the school zone along Walters Drive related to Eisenhower Middle School and shortening the school zone along Casement Road related to Northview Elementary School.

* **ORDINANCE NO. 6775 – ADOPT – 2010 CITY BUDGET**

The Commission approved Ordinance No. 6775 adopting the 2010 City Budget.

ORDINANCE NO. 6776 – INCREASE – WATER RATE STRUCTURE

The Commission approved Ordinance No. 6776 increasing the water rate structure.

ORDINANCE NO. 6777 – INCREASE – SANITARY SEWER RATE STRUCTURE

The Commission approved Ordinance No. 6777 increasing the wastewater rate structure.

CHARTER ORDINANCE NO. 47 – INCREASE – STORMWATER RATES

The Commission approved Charter Ordinance No. 47 increasing the stormwater rates.

RESOLUTION NO. 081809-A – ADOPT – 2010-2013 CAPITAL IMPROVEMENT PROGRAM

The Commission approved Resolution No. 081809-A adopting the 2010-2015 Capital Improvement Program.

* **RESOLUTION NO. 081809-B/FIRST READING – EMINENT DOMAIN – US 24 AND MCCALL ROAD INTERSECTION (ST0907)**

Ron Fehr, City Manager, provided an overview on the item.

CONSENT AGENDA (CONTINUED)

* **RESOLUTION NO. 081809-B/FIRST READING – EMINENT DOMAIN – US 24 AND MCCALL ROAD INTERSECTION (ST0907) (CONTINUED)**

The Commission approved Resolution No. 081809-B declaring the necessity to acquire the required properties by Eminent Domain and directing that surveys of the properties be completed and filed with the City Clerk for US-24 (East Poyntz) at McCall Road Intersection Improvement Project (ST0907) utilizing ARRA Funds and approve first reading of an ordinance authorizing the acquisition of the required properties by condemnation.

RESOLUTION NO. 081809-C – AMEND – LOCAL 2275 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS MEMORANDUM OF AGREEMENT

The Commission approved Resolution No. 081809-C adopting changes within the Memorandum of Agreement with Local 2275 of the International Association of Firefighters.

* **RESOLUTION NO. 081809-D – TEMPORARY NOTE SERIES NO. 2009-03**

Ron Fehr, City Manager, provided the results from the Temporary Note Sale held earlier in the day.

The Commission approved accepting the best bid for selling the notes from UMB Bank, n.a., Kansas City, Missouri, and approved Resolution No. 081809-D issuing Temporary Note Series No. 2009-03 in the amount of \$10,980,000 to finance the following eleven (11) special assessment and capital projects to be debt financed: *Airport-Relocation of Navigational Equipment; Airport-Runway 3 Extension and Taxiway Improvements; City Park Pool Replacement (CP0901); Gary Avenue and Treemill Circle/Court (Effingham) Drainage Improvements, Phase 2 (SM0807); Marlatt Avenue Street Improvements (EN701P/ST0612); Wildcat Creek Lift Station Improvements (Phase 1, Pump Replacement) (SP0604); Claflin Road and Sunset Avenue Intersection Improvements (EN704P); Downtown Redevelopment (South End) – 4th Street from Fort Riley Boulevard to Pierre Street (DT805P/ST0813), Water (WA0803/WA0804), and Sanitary Sewer (SS0806/SS0807) Improvements; and Kimball Avenue and Manhattan Avenue Street Improvements (ST0010).*

RESOLUTION NO. 081809-E – REVISED PETITION – GARY AVENUE AND TREESMILL CIRCLE – STORM SEWER IMPROVEMENTS (SM0807)

The Commission found the revised petition sufficient and approved Resolution No. 081809-E finding the Gary Avenue and Treemill Circle Storm Sewer Improvements (SM0807) project advisable, authorizing construction, and rescinding Resolution No. 070709-A.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 081809-F – PETITION – MANHATTAN MENNONITE CHURCH – SANITARY SEWER IMPROVEMENTS (SS0909)

The Commission found the petition sufficient and approved Resolution No. 081809-F, finding the Manhattan Mennonite Church Sanitary Sewer Improvements project (SS0909) advisable and authorizing construction via a US-24 and Marlatt Avenue project change order.

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RESOLUTION NO. 081809-G – 2009 HOME INVESTMENT PARTNERSHIP PROGRAM

Karen Davis, Director of Community Development, provided an overview of the item. She then answered questions from the Commission.

The Commission approved Resolution No. 081809-G authorizing submission of an application for 2009 HOME Investment Partnerships Program funds and authorized the Mayor to execute the application and the grant agreement if funding is awarded.

AGREEMENTS – PURCHASE OF 330 AND 401 BLUEMONT AVENUE

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate and execute agreements with Linda Olson-Bongers, of Manhattan, Kansas, for the transfer of ownership of the structure located at 401 Bluemont Avenue and with Wamego Lumber Company, Inc., of Wamego, Kansas, for the transfer of ownership of the structure located at 330 Bluemont Avenue.

AGREEMENT – RELOCATION SERVICES – 330, 401, AND 402 BLUEMONT AVENUE (SP0909)

The Commission authorized City Administration to execute an agreement with Valley Moving, LLC, of Wamego, Kansas, for relocation services (SP0909) for 330, 401, and 402 Bluemont Avenue (SP0909), in the total amount of \$211,445.00.

AWARD CONTRACT – CITY PARK POOL SANITARY SEWER IMPROVEMENTS (SS0908)

The Commission accepted the Engineer's Estimate in the amount of \$92,064.00 and awarded a construction contract to Larson Construction, Inc., of Manhattan, Kansas, in the amount of \$87,915.00 for the City Park Pool Sanitary Sewer Improvements (SS0908).

CONSENT AGENDA (CONTINUED)

KDOT 5-YEAR PLAN – BLUEMONT TO MCCALL ROAD CONNECTION

The Commission approved the submittal of the City of Manhattan's Five-Year-Plan to the Kansas Department of Transportation as drafted by City Administration, authorized the Mayor and City Clerk to execute the Request for Construction Project Form on behalf of the City of Manhattan, and authorized City Administration to proceed with the Request for Proposal process this fall.

PURCHASE – OZONE INJECTION EQUIPMENT – JOB CORPS LIFT STATION

The Commission authorized City Administration to purchase the previously installed ozone injection equipment at the Job Corps Lift Station, from Adaptive Ozone Solutions, of Lenexa, Kansas, in the amount of \$38,040.00 for odor control.

AGREEMENT – PURCHASE – 5146 WILDCAT CREEK ROAD

The Commission authorized the Mayor and City Clerk to execute a purchase agreement with Aaron and Karen Franklin and Howard and Heather Franklin for 3.84 acres of property located at 5146 Wildcat Creek Road and authorized City Administration to allocate Economic Development Funds for the property purchase and associated transaction fees.

* APPLICATION – HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM FUNDS

Commissioner Morris-Hardeman highlighted the significance of the homelessness prevention and rapid re-housing program.

The Commission authorized the Mayor and City Clerk to sign the application for Homelessness Prevention and Rapid Re-Housing Program funds and any implementation agreements with the Kansas Housing Resources Corporation and Manhattan Emergency Shelter should funding be awarded.

After discussion, Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item D: Adopt 2010 City Budget, which carried 3-2, with Mayor Strawn and Commissioner Pepperd voting against the item.

GENERAL AGENDA

EX-OFFICIO REPRESENTATION - MANHATTAN AREA CHAMBER OF COMMERCE BOARD OF DIRECTORS

Mayor Strawn provided background information on the item and on the City's Code of Ethics policy. He stated that the Commission requested an open discussion regarding having an ex-officio representation on the Manhattan Area Chamber of Commerce Board of Directors, since he recently declined to participate as an ex-officio member of the Chamber's Board. He stated that he chose not to participate on the Chamber Board because he should not have access to financial information that is largely withheld from fellow Commissioners and to the public; and, that having the Mayor serve on the Chamber Board is a direct conflict of interest. He said with the Code of Ethics in place, any decision should include an evaluation of transparency, if it is a direct conflict of interest, and if it is a conflict of interest from the perspective of a reasonable citizen. Mayor Strawn stated that to go behind closed doors with a private organization, the Manhattan Chamber of Commerce, on a monthly basis and talk about transparency, is the antithesis of transparency. He said that the Chamber doesn't need the Mayor at Chamber Board meetings to accomplish the Chamber's objectives, and that it makes it more difficult for both parties. He then closed by saying that the Code of Ethics policy guided his decision to not participate as an ex-officio member on the Chamber Board.

Commissioner Snead stated that this is an important issue and during his three terms serving as Mayor, he attended Chamber Board meetings as ex-officio and never experienced issues or observed conflicts of interest associated with being on the Chamber Board. He said the principle of stewardship was a primary reason for attending with the City Manager. He stated that having representation from the City Commission to see, hear, listen, and communicate on items regarding the performance of contracts with the Chamber are critical and having City Commission representation helps to oversee the Chamber as a primary subcontractor to the City, especially, with the sales tax initiative for the purposes of economic development activities.

Commissioner Sherow stated his prior experience from serving on the Downtown Manhattan, Inc., Board of Directors and stated that having representation from the City Commission on the Chamber Board helps to ensure that City funds are being used appropriately. He said that if ex-officio concerns us, then, invite us and we would attend. He stated that information exchanged between the Chamber and City is in the best interests of our community and did not have trouble with a City Commissioner attending Chamber Board meetings to make sure of transparency.

GENERAL AGENDA (CONTINUED)

EX-OFFICIO REPRESENTATION - MANHATTAN AREA CHAMBER OF COMMERCE BOARD OF DIRECTORS (CONTINUED)

Commissioner Morris-Hardeman read an excerpt from the Chamber By-Laws regarding extending invitations to the City of Manhattan, Kansas State University, USD 383, Riley County, Pottawatomie County, Manhattan Area Technical College, and Fort Riley. She stated that she respects the Mayor's decision; however, she supported having a non-voting Commission representative on the Chamber Board given the City's extremely important relationship with the Chamber of Commerce.

Commissioner Pepperd stated that he understood the Mayor's position and that it should be the Mayor's decision if he wants to attend or not. He said that he has served on the Chamber Board of Directors and that the City is represented with City Manager Fehr attending and that it should be a mayoral decision whether he attends.

Glenda Phillips, 2201 Hillview Drive, President, Riley County League of Women Voters, informed the Commission of the Code of Ethics and the significant considerations of transparency and conflict of interest. She stated that other cities were examined in the State of Kansas and did not see city official's names serving on the Chamber Board. She stated that if the City Manager attends the Chamber Board meetings, then the City Manager can report back to the Commission or possibly, the City Commission could take turns attending Chamber Board meetings. She asked that consideration be given to keep the City Commission separate from the Manhattan Area Chamber of Commerce Board.

Ruth Schrum, 720 Midland Avenue, stated that she agreed with Mayor Strawn and that if he felt strongly about this, that he should not be forced to do this. She voiced support to not have another Commissioner sit on the Chamber Board.

Linda Weis, Chairman, Manhattan Area Chamber of Commerce Board of Directors, provided clarification about the Chamber Board and the importance of transparency. She stated that she understood the Mayor's personal feelings as being an ex-officio member to the Chamber Board. She provided information on the long-standing tradition of ex-officio members that attend Chamber Board meetings and the importance in receiving monthly reports and updates from the ex-officio members. She then stated that a letter dated August 10, 2009, was provided to the City Commission, requesting that the City Commission designate a representative from the Commission to serve as ex-officio representative on the Chamber Board.

Commissioner Snead provided additional information on the contractual responsibility with the Chamber of Commerce and the semi-annual reports provided to the Commission and to the public to assess performance and expenditure of city funds.

GENERAL AGENDA (CONTINUED)

EX-OFFICIO REPRESENTATION - MANHATTAN AREA CHAMBER OF COMMERCE BOARD OF DIRECTORS (CONTINUED)

After additional discussion, Commissioner Snead moved that the Mayor or a City Commissioner designated by the City Commission serve as the invited representative to the Manhattan Area Chamber of Commerce Board of Directors. Commissioner Sherow seconded the motion.

Mayor Strawn stated that he didn't agree with the decision made, but stated that progress has been made on the discussion and that concerns and views of the Commission were expressed.

On a roll call vote, motion carried 3-1, with Mayor Strawn voting against the motion and Commissioner Pepperd abstaining from the item.

FIRST READING – LEVY - TRANSIENT GUEST TAX TO SIX PERCENT (6%)

Bernie Hayen, Director of Finance, presented the item.

Jason Hilgers, Assistant City Manager, responded to questions from the Commission and provided clarification on the proposed increase to the transient guest tax.

After discussion, Commissioner Sherow moved to approve first reading of an ordinance authorizing the levy of a transient guest tax, at a rate not to exceed six percent (6%), upon the gross receipts derived from or paid by transient guests for sleeping accommodations. Commissioner Pepperd seconded the motion.

Bill Frost, City Attorney, provided clarification on the item that the motion should read at a rate of 6 percent, not at a rate not to exceed 6 percent.

Mayor Strawn provided clarification on the motion.

Commissioners Sherow and Pepperd agreed to the clarification.

The motion now reads,

“approve first reading of an ordinance authorizing the levy of a transient guest tax, at a rate of six percent (6%), upon the gross receipts derived from or paid by transient guests for sleeping accommodations.”

On a roll call vote, motion carried 4-1, with Commissioner Pepperd voting against the motion.

GENERAL AGENDA (CONTINUED)

CONSTRUCTION CONTRACT - CAT FACILITY AT THE T. RUSSELL REITZ ANIMAL SHELTER

Curt Loupe, Director of Parks and Recreation, presented the item. He then responded to questions from the Commission regarding the design specification, performance measurements, and process used.

John Fischer, subcontractor for VanNahmen Construction, Inc. (Vanko), provided additional information on the facility and responded to questions from the Commission.

Larry Potter, 1228 Westloop Place #217, citizen and volunteer at the Animal Shelter, expressed the needs of the Shelter for a cat facility. He stated that a separate space for cats needs to be provided to lower the level of diseases, added space, and to provide better opportunities for cats to be adopted.

Lori Neer, 9696 Blue River Hills Road, spoke in favor of the addition to the Animal Shelter and informed the Commission that the current situation for cats is not appropriate. She stated that the cat facility would provide an opportunity for more adoptions and result in less euthanasia. She said that she is continuing to seek grant money for the facility.

Bryan Newell, Riley Construction, informed the Commission of his concerns with the Request for Proposal process that the Parks and Recreation Department used regarding the requirements and clarity of the heating, ventilation, and air conditioning (HVAC) design and code review process. He then voiced displeasure that others had opportunities for face-to-face meetings with Parks and Recreation Department personnel that were not afforded to everyone and stated that he disagreed with the recommendation of Vanko receiving the contract recommendation. He then responded to questions from the Commission and stated that discussions with City staff have not been satisfactory.

Curt Loupe, Director of Parks and Recreation, responded to questions regarding the Request for Proposal process and review of submittals, requirements for the HVAC system, specifications and selection criteria, stamp drawings and review process, and contacts made with Riley Construction and Vanko.

Bryan Newell, Riley Construction, informed the Commission that his concern was in the clarity of the process and in the transparency of the project. He stated that he was relying on the information presented in the Request for Proposal and asked that the process be followed.

Jessica Long, 2201 Blaker Drive, Riley County Humane Society, informed the Commission that the high number of animals at the Shelter is due to the transient nature of Manhattan. She asked the Commission to support the facility.

GENERAL AGENDA (CONTINUED)

CONSTRUCTION CONTRACT - CAT FACILITY AT THE T. RUSSELL REITZ ANIMAL SHELTER (CONTINUED)

John Fischer, subcontractor for VanNahmen Construction, Inc. (Vanko), responded to questions from the Commission and stated that the Request for Proposals provided a contact and phone number for questions and that he was only asking questions about the cat facility project.

After discussion, Commissioner Snead moved to award a contract in the amount of \$299,952.11 to VanNahmen Construction, Inc., (Vanco), of Manhattan, Kansas, for a new Metal Building Addition (Alternate No. 1 with Options 2, 3, and 4) (AS901P) for cats at the T. Russell Reitz Animal Shelter and approve Resolution No. 081809-H authorizing the issuance of temporary notes for a new Metal Building Addition at the T. Russell Reitz Animal Shelter. Commissioner Morris-Hardeman seconded the motion.

Commissioner Sherow stated that he appreciated the discussion and that the need for a cat facility is obvious. He asked that the process be evaluated so that all bidders receive equitable treatment and to ensure that all bidders understand that they are working on a level playing field.

Mayor Strawn stated that the item could be tabled and have City staff review the item. If the bidding process wasn't correct, the City Commission needs to do something about it.

Commissioner Snead recognized the concern expressed with the procedural aspects of the item voiced tonight and addressed the partnership of funds being provided for this facility. He stated that this is a great example of a public-private partnership to achieve the expansion of the facility.

Commissioner Morris-Hardeman stated the transient nature of pets in our community is a concern and stressed the importance to spade and neuter your pets.

Mayor Strawn stated that having private money matched with public funds is good for Manhattan. He asked that City Staff visit with Riley Construction to discuss why expectations regarding concerns expressed by one of our local contractors weren't met.

Ron Fehr, City Manager, informed the Commission that Staff would visit with Riley Construction and examine the process that was used.

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

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - GRAND CHAMPIONS DEVELOPMENT

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

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance annexing Grand Champions Development, an approximate five-acre tract of land, generally located 630 feet south of the intersection of Grand Mere Parkway and Colbert Hills Drive along the east side of Grand Mere Parkway, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and, approve first reading of an ordinance rezoning Grand Champions Development from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report and the recommendation of the Planning Board (*See Attachment No. 1*). Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

Mayor Strawn announced that he would be recusing himself from the next item, because his wife's business included landlords and property manager customers in Manhattan and that it would be improper to be part of this given his conflict of interest. He then asked for a short recess and announced that Mayor Pro-Tem Snead would be managing the discussion on this item.

FIRST READING OF AN ORDINANCE TO ESTABLISH A RENTAL LICENSING AND INSPECTION PROGRAM

Mayor Pro-Tem Snead asked how many in the audience wanted to speak on this item and requested that speakers observe a three minute timeframe to allow time for all speakers.

Lauren Palmer, Assistant City Manager, presented background information on the item and presented the proposed ordinance options for consideration.

Brad Claussen, Building Official, responded to questions from the Commission regarding requirements of the proposed rental inspection program, grandfathering provisions, overhead conductors, hand rails and guardrails, deadbolt locks, door and window screens, and electrical service.

Katharine Jackson, Assistant City Attorney, responded to questions from the Commission regarding the proposed ordinance, the Landlord/Tenant Act, rights of a private property owner, and outlined the legal process to gain access to a property.

Glenda Phillips, 2201 Hillview Drive, President, Riley County League of Women Voters, thanked the Rental Inspection Committee members, the City Commission, and those individuals who have worked on this item. She urged the Commission to support Option 1 for the health, safety, and welfare of citizens that would provide decent and affordable

GENERAL AGENDA (CONTINUED)

FIRST READING OF AN ORDINANCE TO ESTABLISH A RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

housing and neighborhood stability. She said that rentals are a big business in Manhattan and that other businesses are regulated, as should rental businesses should be accountable for their product. She stated the League did not support a sunset provision in the ordinance.

Ann Hill, 1518 Barrington Drive, voiced opposition to the proposed ordinance and asked why the ordinance excludes all dwelling units, including the exclusion of Section 8 Housing, fraternities, and sororities. She stated that tenants will be negatively impacted because rent rates will be driven up, reducing the availability of affordable housing. She then stated that the proposed ordinance was another example of the hypocritical nature of local government and should be the same for all dwellings, and that the proposed ordinance being recommended will affect all business owners.

Larry Froese, 1226 Cherokee Road, Inman, Kansas, owner of several rental properties in Manhattan, stated that he was opposed to the proposed ordinance and that this would only add another financial housing hurdle to students wanting to attend K-State.

Sara Fisher, 811 Osage Street, informed the Commission that she moved to Manhattan nine years ago and that the Traditional Neighborhood Overlay (TNO) has been at the cost of her neighborhood, going from owner-occupied to primarily rentals. She voiced support for the proposed ordinance Option 1 and stated that it would have a positive impact for Home Depot and hardware stores to bring properties up to code.

Gary Conrad, 610 Fairchild Terrace, informed the Commission that he hears K-State students complain about the quality of the apartments they rent and suggested that housing rental units be inspected every year or when occupancy changes, to better ensure safety for the students.

Mary Ann Fleming, 215 S. 8th Street, representing South Manhattan Neighborhood Association, stated the need for a rental inspection ordinance to help maintain and improve property values and for the health and safety of our residents. She said that rentals are a big business here and should be inspected, as food service establishments are inspected. She stated that many renters fear retaliation and asked the Commission to pass a meaningful rental inspection ordinance.

Maureen Kerrigan, owner of rental property in Manhattan, stated that landlords need to provide safe housing and supported housing inspections. She favored Option 1 with a \$20 fee and asked what penalties would be in place for those landlords that have multiple problems with rentals.

GENERAL AGENDA (CONTINUED)

FIRST READING OF AN ORDINANCE TO ESTABLISH A RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

Dixie West, 1014 Houston Street, Rental Inspection Committee member, informed the Commission that seven Committee members voted for Option 1, two Committee members voting against. She stated that the fire code option doesn't address enough safety issues and encouraged the Commission to support Option 1, to provide a safer quality of life for renters and to improve the quality of the neighborhoods.

Lawrence Vogel, 5405 Terra Heights Drive, informed the Commission that this proposed ordinance would punish the majority of good landlords in Manhattan that provide good rental housing. He stated that there is nothing wrong with what we currently have and that this proposed ordinance could adversely affect rental costs for tenants.

Steve Graber, 5765 Tuttle Cove Road, Manhattan Attorney, stated that he has properties in Manhattan and said that an option to consider would be to have the community discuss a mandatory notice provided by the landlords as to what is considered a healthy living environment and an ombudsman arrangement with a community group to discuss issues when they come up, instead of creating an adversarial relationship. He stated that this is not just a landlord issue.

Todd Thaemert, 1817 Concord Lane, informed the Commission that a voluntary inspection is sufficient and has worked adequately for many years, but if the Commission planned to adopt one, he favored a fire inspection plan. He recommended that the Fire Department continue to conduct the inspections and stated that feedback that he has received from his tenants is to not have inspections, since the cost of rent would likely increase. He provided personal experience with tenants and voiced concern with the proposal and how it would impact his business and the inspection process and costs.

Bill Muir, Kansas State University representative on the Rental Inspection Committee, provided clarification that fraternities and sororities are not exempt from this inspection and would be considered as one unit in this proposed ordinance. He stated that all fraternities and sororities are currently inspected annually by the Fire Department. He provided an analysis on monthly cost increases of the program and stated that as Housing Appeals Board Chair, he looked forward to the challenge of dealing with expanded issues with the adoption of the proposed ordinance.

Chris Sook, Attorney, representing Manhattan Landlords Association, informed the Commission that the Landlords Association has not changed their position and is not in favor of any options presented by staff for your consideration. He stated that the Kansas Landlord/Tenant Act already provides obligations for landlord's responsibilities and that the City already has existing ordinances to enforce the code for dilapidated properties. He stated that this proposed action is contrary to Kansas law and potentially unconstitutional.

GENERAL AGENDA (CONTINUED)

FIRST READING OF AN ORDINANCE TO ESTABLISH A RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

He encouraged the Commission to not adopt the ordinance, and at the very least, to table the item for future consideration.

Robert Swift, 1806 Laramie Street, K-State student, stated that he supported Option 1, and fee Option 2. He informed the Commission that he served as an intern in the City Manager's Office and initially presented background information on the Big 10 and Big 12 universities to see what programs they had in place. He urged the Commission to pass ordinance Option 1 and fee Option 2.

Regina Schroeder, Emerald Property Management, Rental Inspection Committee member, informed the Commission why she voted against the proposed ordinance and voiced concern with the word "agent" in the draft ordinance and asked that it be removed. She stated that many homes are now being rented that used to be the primary residence of the owner and that the proposed ordinance will create a financial burden for these owners. She asked where the tenant is held responsible in this proposed ordinance if there is damage done to the property.

Fred Willich, 7260 West 59th Avenue, voiced opposition of the proposed ordinance and stated that as a responsible landlord, he would not own rental property that he would not want his own children in. He asked what the ratio of complaints to number of rental units are in Manhattan and why the tenant is not held accountable in this proposed ordinance. He stated that if a tenant assumes ownership of a home with a lease agreement, they need to take care of it and be responsible for the property. He asked why every home in Manhattan is not required to meet codes for the safety and welfare of all.

Ruth Schrum, 720 Midland Avenue, Manhattan landlord, informed the Commission that she works on her apartments all the time and rents to students and to working people. She stated that the Fire Department inspections are good and voiced concern with University Professors telling us the problems, without providing any detail. She stated that if the proposed ordinance is approved, she would need to increase her rents and was not happy with the amount of money being asked for.

Megan Pinegar, 405 North Tenth, provided her personal experience as a tenant and asked the Commission to make something that will work for landlords and tenants.

Stacey Lippoldt, 7108 Redbud Drive, informed the Commission that she works for Hill Investments and that if the proposed ordinance is approved, it would be harder to get people qualified if rents are increased. She asked that consideration be given to what this is really about and to take everybody into consideration.

GENERAL AGENDA (CONTINUED)

FIRST READING OF AN ORDINANCE TO ESTABLISH A RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

Tim Lindemueth, 500 Denison Avenue, Coalition of Neighborhoods representative on the Rental Inspection Committee, recommended to the Commission to approve the International Property Maintenance Code as a basis for the rental inspections and to amend the proposed ordinance by adding protective treatment for exterior lead-based paint, as it is a very serious problem, especially for older homes. He stated that rental properties is a business and needs to be inspected and governed. He said that there are about 3,000 older properties in Manhattan that haven't been inspected and have been neglected for years and that this ordinance would do something about that. He stated that the proposed ordinance will help both the landlords and the tenants to be responsible.

Krista Heline, 813 Allison Avenue, Apt. B, voiced concern with the proposed rental inspection item and with rents possibly being increased during a difficult economic time. She stated that tenants can request inspections currently and that landlords will pay an unnecessary price for mandatory inspections. She asked the Commission to vote against the proposed rental inspection program.

Amy Schultz, 1224 Thurston Street, informed the Commission that the K-State Student Governing Association passed a mandatory rental inspection by 52-0-1 and the K-State Faculty Senate also voted in support of a mandatory rental inspection program. She voiced support for ordinance Option 1 to protect the safety, welfare, and health of all renter occupants and was in support of fee Option 2, with financial incentives provided for property owners. She stated that this item has been discussed since the 1980s and that it was time to pass a rental inspection program.

Brice Ebert, 1410 Poyntz Avenue, Rental Inspection Committee member, voiced his concern with the rental inspection recommendation and asked the Commission to look at the International Property Maintenance Code book, the Kansas Tenant Handbook, and the Kansas Landlord Handbook. He stated that the laws are already in place and that it would not just be the rental inspection fee, but our time to coordinate with tenants and City staff, which would mean increasing the rents. He stated that the mold in the bathroom is used as a very loose term, and may be mildew. He said rental rates are based on free enterprise and informed the Commission that the landlords are united and will fight in the courts, in the public arena, or whatever it takes.

Richard Hill, 3513 Stagecoach Circle, Hill Investment, informed the Commission that the landlord has very little control over maintaining the tenant controls and that every three years, landlords are faced with new codes, taxes, and increased insurance premiums. He stated that Manhattan has better rentals than surrounding communities and that Manhattan has overbuilt in housing. He stated that the proposed rental inspection program will only drive costs up and can't withstand any further costs. He asked that all organizations or

GENERAL AGENDA (CONTINUED)

FIRST READING OF AN ORDINANCE TO ESTABLISH A RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

individuals that think this program is needed, to step up and include their organization, group, or home and see if it meets the same codes and standards.

Danny Unruh 1632 McCain Lane, K-State Student Senate member, stated that it is the responsibility for all to ensure that rentals are safe for everyone. He said that it is critical that we have safe housing units for all and encouraged the City Commission to support proposed ordinance one with fee Option 2.

Larry Limbocker, 2108 Snowbird Drive, asked to keep this simple, with efficient government, and to not create a bigger government. He stated that the problem is communicating to students on property rights and need to do a better job with communication. He said that having 24 beds in one room at a fraternity is a health and safety issue and that there are health and safety issues everywhere. He asked the Commission to keep it simple, practical, and to use the entities you already have to enforce it.

Crystal Smith, 517 Stone Drive, stated that she opposed this proposal and was a single mother of three children. She was very concerned with the higher costs associated with this program and said that some would be forced to leave the community if the proposed ordinance was approved. She informed the Commission that a system is already in place and a renter can call the City and ask for an inspection.

Donna Schenck-Hamlin, 1922 Leavenworth Street, informed the Commission that she would be happy to pay an inspection fee in this competitive rental environment and to say that their house passed inspection. She voiced support for Option 1.

Linda Glasgow, 2236 Snowbird Drive, representing Manhattan-Riley County Preservation Alliance, thanked the Rental Inspection Committee and voiced support for Option 1. She voiced concern and asked for sensitivity when inspecting historic properties.

Michele Hoffman, 1813 Kingwood Drive, stated that she was not against conducting inspections, but against the proposed ordinance. She said that they have fire inspections and favored providing more education for tenants, especially young renters in Manhattan. She voiced opposition to the proposed ordinance based on additional costs incurred for the landlords, tenants, office staff, and accessibility issues.

Conn Harrison, 8720 Hughes Drive, informed the Commission that he was opposed to Option 1, but would support Option 2 with fire inspections and supported the health and safety of tenants. He stated that we still don't have the data on problem properties and need to focus on those landlords that are cited regularly with proper enforcement. He

GENERAL AGENDA (CONTINUED)

FIRST READING OF AN ORDINANCE TO ESTABLISH A RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

asked to provide an additional education component for the university, City, and landlords.

Jeremy Meyer voiced opposition to the proposed ordinance and asked to impose a fine schedule with the existing fire inspections and to also fine tenants.

Brad Hoffman, 1813 Kingwood Drive, informed the Commission that he was a property owner and was opposed to the proposed ordinance and asked that the item be tabled for more input. He stated that there needs to be further consideration in regards to re-addressing the item in the future and wanted to have a sunset provision.

Roger Seymour, 1181 Rock Springs Lane, informed the Commission that he supports the current voluntary inspection program and was not in favor of expansion of further government mandates, given the current economy. He stated that the direct costs to him will either be absorbed or passed on to the tenant and provided several examples of tenants who can't find affordable housing and experiences with poor tenants. He stated that rules and regulations with additional expenses like this are causing lower priced housing to disappear in Manhattan.

James Marstall, 2221 Prairie Hills Place, voiced opposition to the proposed ordinance because tenants will continue to cause problems and break things. He stated that tenants need to take pride in the place that they live and didn't think the proposed ordinance would do any good.

The Commission took a brief recess.

Lauren Palmer, Assistant City Manager, responded to questions from the Commission regarding the ability to review the ordinance at the end of the fourth year of the program.

Katharine Jackson, Assistant City Attorney, provided additional information to the Commission and stated that the ordinance would apply to all landlords, whether they lived in or outside of Manhattan. She then responded to questions from the Commission regarding the designation of an agent, the definition of rent, and proposed educational materials that would be provided to educate landlords and tenants.

Brad Claussen, Building Official, and Lauren Palmer, Assistant City Manager, explained the process, plans for notifications, budget allocation, and implementation plans for the proposed program.

GENERAL AGENDA (CONTINUED)

FIRST READING OF AN ORDINANCE TO ESTABLISH A RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

Katharine Jackson, Assistant City Attorney, responded to questions from the Commission about notification and response time if a violation is found.

Bill Frost, City Attorney, provided additional information about the proposed ordinance and responded to questions from the Commission regarding the term “reasonable grounds” and the Landlord/Tenant Act.

Lauren Palmer, Assistant City Manager, provided clarification on the exemption of federal assisted housing program fees. She then provided clarification on the possible motion in the City Commission packet.

Brad Claussen, Building Official, informed the Commission that historic properties are addressed and the code provides latitude for homes on the Register or in a historic district. He then answered additional questions from the Commission regarding exceptions for outlets in older homes through code or the Housing Appeals Board.

Ryan Almes, Fire Marshall, responded to questions from the Commission regarding safety and stated that more intense inspections may not cover everything, but would provide a safer housing picture.

Lauren Palmer, Assistant City Manager, and Brad Claussen, Building Official, responded to questions from the Commission regarding Ft. Riley’s inspection process and acceptance of proposed Option 1 if approved in lieu of their off-post housing inspection, proposed educational brochure, proposed fee structure, and ground fault outlets.

Ron Fehr, City Manager, informed the Commission that if first reading is passed tonight, additional information and issues raised tonight could be provided during second reading of the ordinance.

Commissioner Pepperd moved to table the item until the rest of the items are worked out and more definitions on items asked tonight and better definition on property maintenance and inspection guidelines. The motion failed for lack of a second.

Commissioner Sherow asked to see incentives built into the program for landlords and stated that a central question is one of enforcement. He said that each time a tenant vacates the property it should require making sure the property is inspected and code compliant before renting it again and is a cost of doing business. He stated that at the end of the four year period the program can be re-assessed. He asked to see the time compliant aspects discussed in Option 1 be brought in sync with each other and to look at the term agent and reasonable grounds.

GENERAL AGENDA (CONTINUED)

FIRST READING OF AN ORDINANCE TO ESTABLISH A RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

Commissioner Pepperd stated that he is not a landlord or an agent, but did not believe that the proposed fee structure was fair and equitable, given that most problem properties exist in older neighborhoods and that large apartment owners will be paying the same as single-family rentals. He also voiced concerns with costs associated with this program, impacts to the Traditional Neighborhood Overlay (TNO) properties, police power and Landlord/Tenant Act, added bureaucracy, zoning concerns with the TNO, lead-based paint on our municipal and school buildings, lack of consideration for private home inspections, and increasing the housing costs to our military and citizens, which will drive them out of the Manhattan market because of affordability. He stated that he could not support the Rental Inspection Program as presented.

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance authorizing the establishment of a Rental Licensing and Inspection Program based on limited portions of the International Property Maintenance Code as outlined in Ordinance Option 1 and Fee Option 2, as presented by City Administration. Commissioner Sherow seconded the motion.

Commissioner Morris-Hardeman asked to see timelines addressed before the next time this item was discussed and stated that Ft. Riley inspections should count in place of City's inspections. She stated that she was interested in fire inspections plus and as a landlord, supported this item. She asked that exterior paint be addressed in the ordinance to address health and safety. She stated that the current system is not working and there is fear of retaliation for those living in substandard housing conditions. She didn't support a sunset provision and stated that the ordinance could be re-evaluated in the fourth year or earlier, if needed.

Commissioner Sherow stated that the Ft. Riley inspections should be a suitable alternative and accepted as a reasonable addition to the proposed ordinance.

Mayor Pro-Tem Snead thanked everyone for their input and supported moving forward with first reading of the ordinance with the clarifications and concerns that were expressed by the Commission. He asked that Section 304.2 of the International Property Maintenance Code be addressed and stated that there is not a good time to do this and that a single-family owner-occupied home is not a business. He thanked the Rental Inspection Committee for their work and stated that the item needs to proceed with second reading, with clarification. He stated that compliance is always the goal and appreciated the challenges being in the rental business.

On a roll call vote, motion carried 3-1, with Commissioner Pepperd voting against the motion.

GENERAL AGENDA (CONTINUED)

FIRST READING OF AN ORDINANCE TO ESTABLISH A RENTAL LICENSING AND INSPECTION PROGRAM (CONTINUED)

Mayor Pro-tem Snead stated that he didn't expect to see second reading of the ordinance in two weeks, but will expect City Administration to have second reading of the item on a future agenda.

ADJOURNMENT

At 12:15 a.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County R-PUD, Residential Planned Unit Development District.

TO: R-3, Multiple-Family Residential District.

APPLICANT: Grand Mere Development – Mary L. Vanier for Field House Development, Inc. – Zachary J. Burton, President.

ADDRESS: 2021 Vanesta Drive, Suite A, Manhattan, KS 66503; 2520 Heartland Drive, Manhattan, KS 66503.

OWNER: Grand Mere Development – Mary L. Vanier.

ADDRESS: 2021 Vanesta Drive, Suite A, Manhattan, KS 66503.

LOCATION: Generally located six hundred and thirty (630) feet south of the intersection of Grand Mere Parkway and Colbert Hills Drive along the east side of Grand Mere Parkway.

AREA: Approximately five acres (5.20)

DATE OF PUBLIC NOTICE PUBLICATION: Monday, July 13, 2009.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, August 3, 2009.

CITY COMMISSION: Tuesday, August 21, 2009.

EXISTING USE: Open undeveloped space in a phase of Grand Mere.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Open range land with native grass cover. The site slopes to the south and partly to the north.

SURROUNDING LAND USE AND ZONING:

(1) NORTH: Undeveloped space (future Grand Mere neighborhood recreation), Colbert Hills Drive; R-S, Single-Family Residential Suburban District.

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(2) **SOUTH:** Undeveloped space (future Grand Mere townhomes); County R-PUD, Residential Planned Unit Development District.

(3) **EAST:** Colbert Hills Golf Course (par three course); R-S District.

(4) **WEST:** Grand Mere Parkway, Undeveloped space (future Grand Mere Villas, single-family and open space), Colbert Hills Golf Course; County R-PUD, Residential Planned Unit Development District, and R-S District.

GENERAL NEIGHBORHOOD CHARACTER: Currently a mix of low density residential and golf course uses developing within a comprehensively planned neighborhood.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site was rezoned to R-PUD in 1997. At the time of the rezoning, the developer of the golf course wanted assurance that when the golf course was annexed a zoning, specifically the R-PUD for the golf course was attached. The rezoning was done primarily for the benefit of the golf course development. Those portions of Grand Mere that are not annexed remain County R-PUD. The current R-PUD predated the Grand Mere Master Plan and Comprehensive Plan, which currently recommend townhomes and medium density residential, respectively. Development in Grand Mere is progressing to ensure attractive and orderly neighborhoods in response to changing market demand.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The site is generally in an area that is undeveloped to the north, south and west. To the east is a par three golf course. Access to the site will off Grand Mere Parkway. An increase in light, noise and traffic can be expected with minimal impact on the largely undeveloped surrounding area. To ensure compatibility within Grand Mere, architectural guidelines and design standards provide for building review and approval. A design review committee is responsible for enforcement of guidelines and standards (*see policy statement below under Comprehensive Plan, part III Community Concepts and Development Strategy.*)

CONFORMANCE WITH COMPREHENSIVE PLAN: THE PROPOSED SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE NORTHWEST PLANNING AREA AS RESIDENTIAL MEDIUM HIGH DENSITY (RMH). The Grand Mere Community Master Plan was originally adopted in April 2000, and is included as a specific Land Use Element of the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the site, which notes the annexation site as “Townhomes”. Applicable policies of the Comprehensive Plan and Grand Mere, a Master Planned Golf Course Community, are set out below in italics.

COMPREHENSIVE PLAN

Residential Medium/High Density (RMH)

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes 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.

RMH 2: Appropriate Density Range

Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.

RMH 3: Location

Residential Medium/High Density neighborhoods should be located close to arterial streets and be bounded by collector streets where possible, with a direct connection to work, shopping, and leisure activities.

RMH 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged.

Grand Mere, a Master Planned Golf Course Community

I. INTRODUCTION

A. PURPOSE OF SUBMITTAL

This Grand Mere submittal is a proposed amendment to the 1991 City of Manhattan Comprehensive Land Use Plan. It is intended to be the guide for future zoning requests as the Grand Mere Community develops.

B. PROJECT INTENT

The overall Land Use Amendment is intended to create a community designed within a park. By responding to the natural terrain, preserving natural corridors, protecting the slopes and riparian environment, a harmonious relationship with the land can be created for the community.

Grand Mere is envisioned as an upscale residential community, with the University's Colbert Hills Golf Course and preserved open space interwoven throughout the development. The community is made up of individual neighborhoods defined by open space features, topography, connection to the Grand Mere Parkway, and the golf course. A strong joint effort has integrated the golf course design (Colbert Hills) and the overall community design (Grand Mere Development). The interconnectivity of automobile circulation, pedestrian/bicycles, and open space, as well as residential neighborhood placement and overall community utility location, has created a well integrated community with both future residences and community recreation as the main focus. Flexibility is built into the land use plan to allow the development to respond to market demand.

Specific types of residential product may subtly change in the future due to market demand as the development pattern becomes clearer and as the community matures. The community will offer a high level of design quality, architectural variety, and a wide range of housing types to address the potential markets appropriate for an upscale development.

5 KEY DESIGN CONCEPTS

1. Create a high quality residential community

Create a community of villages, residential neighborhoods, and neighborhood commercial areas centered along the projects' spine, Grand Mere Parkway. Through the use of architectural design guidelines and development reviews the quality of building construction will be maintained at the highest level.

2. Integrate the Natural Environment

Preserve the natural slopes and open space features. Provide a visual connection to the natural beauty of the development: the golf course in the valleys, the long vistas/views, and the prairie environment.

3. Offer a Variety of Residential Living

Offer a wide range of residential products and lot types to address the market demands of the well informed and upscale consumer. An integrated community of many housing types will help to provide an interesting streetscape, a quality neighborhood texture, and a sustainable development.

4. Create a Pedestrian/Bicycle System

*Provide pedestrian/bicycle connections throughout the development, following the Grand Mere Parkway, open space corridors and the linear park connections provided as part of the Master Plan along Little Kitten Creek and the continuation of the Hudson trail.
Grand Mere Community Overall Development Plan*

5. Establish a 'heart' to the community

Provide a central community feature for the residents of Grand Mere. Utilizing the golf clubhouse access as a link between the east and west parts of the property, a private community recreation complex would be provided at the intersection of Grand Mere Parkway and Colbert Hills Drive. This central location along the bike trail and pedestrian sidewalk connections to all the neighborhoods would provide an accessible 'recreational heart' for the community.

III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY

Grand Mere is proposed as a Master Planned Community consisting of a wide range of residential housing types and densities and will be utilizing both Planned Unit Development and Conventional Zoning Development standards based on specific sites and development types.

The overall Grand Mere Project consists of 1,054 (estimated) acres, including the Colbert Hills Golf Course. Rather than dispersing development throughout the entire property, the project purposes to "concentrate" neighborhood development within residential and commercial villages on approximately 543 acres preserving almost 50% of the land as natural open space or golf course. This concept, while proposing a variety of home types and densities, provides large natural open spaces, golf course amenity for the general public, and peripheral residential villages as large lot or low density residential products that create an overall density (1.5 du/ac) for the site, consistent with the surrounding neighborhoods. All housing types shall belong to the Master Homes Association, which will be responsible for enforcing the covenants and restrictions, and maintaining the common grounds.

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Within the community, residential neighborhoods are supported by neighborhood commercial services, which provides a focus and entry element for the development. These neighborhood office and retail villages are envisioned as community services located at the development entries along the Little Kitten Creek entry and Kimball Ave. and the future northern entry on Marlatt.

Throughout the plan, connecting open space systems, sidewalks and bike trails provide pedestrian connections between residential neighborhoods, public amenities and the neighborhood services. These are planned connections to occur in a variety of types and locations. As each phase of development is planned in detail, the specific pedestrian connections will be part of each village plat and relate back to the overall Circulation Parks & Open Space Plan.

Grand Mere Community Architectural Guidelines and Design Standards will provide for the review and approval of all site and building plans for the Grand Mere property. The Design Review Committee of Grand Mere will be responsible for enforcement of these guidelines and standards. The Developer believes that careful planning and enforcement of design and development standards will ensure orderly, attractive, and lasting development, all of which will preserve and enhance the value of the community.

A. Residential Neighborhoods

The planning concept proposes a wide range of residential uses, with densities ranging from 1 to 20 dwelling units per acre (du/ac) within individual parcels. Generally, individual neighborhoods are envisioned as small enclaves in order to promote a mix of different product types, create intimate neighborhoods, and to build a strong community image from the project's onset. The key to a sustainable successful development is quality design and construction, and a variety of housing price points to attract a wide spectrum of residential consumers. Higher density residential, as well as small lot single-family opportunities are integrated into the community along Grand Mere Parkway, rather than isolated or located along the site's edges. While building a stronger new community, this concept also reduces impact on existing adjacent neighborhoods by focusing the traffic and circulation internally.

Residential Types:

Townhomes (RMH)

The townhomes proposed for Grand Mere are located along the parkway or the golf course for direct access to the recreation center, open space, and bike trail systems. These homes would offer a two and three bedroom configuration in groups of two to six homes

per building, depending on site conditions and planning. The homes association would provide maintenance for the common areas within the neighborhood. The architecture would be designed to provide an overall theme and consistent material quality throughout the neighborhood. Attached garages and individual entries for each home would be provided. Depending on the market demands an amenity center might be planned for the various townhome parcels.

C. Streets and Circulation System

Residential streets within Grand Mere are envisioned as a key element of “neighborhood quality,” offering a place to walk and play, as well as to drive and park. The streetscape in and along the roads will reflect the quality of the community through the use of signage monumentation and landscaping depending on the location and natural conditions of the space providing strong visual “cues” to better orient drivers to their locations and destinations.

When utilizing the approved Manhattan street system standards the hierarchy, street-widths, design speeds, and travel/parking lanes are consistent and will not compromise auto on-street parking, or bike and pedestrian access. The street layout will frame important views and vistas, including buildings, golf course, and natural features. On-street parking is available on all local streets.

The Master Planned Community will be accessed from Kimball Avenue and Marlatt Avenue. Additional access points into the Community from surrounding residential streets are shown on the Master Plan.

D. Pedestrian and Bicycle Circulation System

Connectivity with the City of Manhattan Linear Park Master Plan is our main focus for the overall trails system. A comprehensive pedestrian and bicycle system is proposed for the community to provide access to individual neighborhoods, the Club Facility and Hotel site, commercial services, and open space amenities~ Elements include both off-street and on street bike paths, natural unimproved trails, and a 17.2 acre linear park along Little Kitten Creek. An easement shall be provided for the extension of the Hudson trail northward, along the east property line to northeast corner section 3-10-7. All trail/path systems will be site- specifically designed at the time of construction. Each will be reviewed on a site-by-site basis to ensure sensitive placement and minimum disturbance. This will be coordinated with the Park & Recreation Board and the Parks and Recreation Department.

G. Golf Course Development

The Grand Mere development drainage and detention system shall be designed to work in concert with the golf course drainage and detention system. The course was designed to meet the environmental goals of the Audubon International Signature Status Program.

Bike Paths, Trails and Sidewalks

Bike paths, trails and sidewalks are provided along the internal streets and open spaces to provide internal connections between the villages where possible. See the Circulation Parks & Open Space Plan

M. Current School District Boundaries

The school district boundary between Manhattan U.S.D. 383 and Riley County U.S.D. 378 divides Grand Mere into east and west jurisdictions crossing the property beginning at the S.W. Corner of Section 3-10-7 and continuing north to the N.W. Corner of Section 3-10-7.

As noted on the Preliminary Plat, the proposed density range is generally in the 8 to 10 dwelling units per net acre, which is based on a range of 36 total dwelling units (two, 14 unit apartment buildings and eight single family dwellings) to 42 total dwelling units (two, 17-unit apartment buildings and eight single-family dwellings.) The Comprehensive Plan suggests up to 19 dwelling units is appropriate in the RMH category and the Grand Mere Plan suggests a range of one up to 20 units.

THE REZONING OF PROPOSED GRAND CHAMPIONS DEVELOPMENT CONFORMS TO THE POLICIES OF Grand Mere, a Master Planned Golf Course Community and the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

August 7, 1997	Riley County Commission approved Preliminary Development Plan of Colbert Hills and the Wildcat PUD.
August 14, 1997	Riley County Commission approved Final Development Plan.
February 7, 2000	Planning Board approves resolution adopting Grand Mere Community Master Plan and amendment of Comprehensive Land Use Plan.

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- March 7, 2000 City Commission approved first reading of an ordinance adopting the Grand Mere Community Master Plan.
- April 2003 Comprehensive Plan adopted. Grand Mere Community Master Plan adopted as a related plan and implementation document.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The R-3, Multiple-Family Residential District is designed to provide for multiple-family development at a density no greater than one dwelling unit per 1,000 square feet. Multiple family lots are approximately 43,247 square feet and 47,536 square feet in area. Single-family lots range from approximately 10,091 square feet in area to 15,757 square feet in area. Both uses are permitted in the R-3 District and sufficient land area is set aside for the residential uses. The proposed rezoning is consistent with the intent and purpose of the Manhattan 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 that denial would accomplish. No expected adverse affects on the public health, safety and welfare as a result of the rezoning. Development of the site cannot proceed until a Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.

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

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Grand Champions Development from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Grand Champions Development from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Grand Champions Development from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report .

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: July 30, 2009