

**CITY COMMISSION AGENDA MEMO**  
**April 29, 2015**

**FROM:** Chad Bunger, AICP, CFM, Senior Planner;  
Eric Cattell, AICP, Assistant Director for Planning

**MEETING:** May 5, 2015

**SUBJECT:** Ordinance No. 7134 Amending Ordinance No. 7094  
and the Preliminary Development Plan of Trails at  
Manhattan, Residential Planned Unit Development  
District

**PRESENTER:** Eric Cattell, AICP, Assistant Director for Planning

**BACKGROUND**

This is the second reading of an ordinance amending Ordinance No. 7094 and the Preliminary Development Plan of the Trails at Manhattan Residential Planned Unit Development (PUD), generally located 1,000 feet west of the intersection of Casement Road and Marlatt Avenue on the north side of Marlatt Avenue. The amendment is in the form of a Final Development Plan to be known as The Links at Manhattan Residential Planned Unit Development. The applicant is Blew & Associates, PA, on behalf of the owner, The Links at Manhattan, LLC.

An amendment is necessary whenever substantial changes to the approved Preliminary Development Plan including the permitted uses, layout of the site, or character of the development, and/or changes to the approved conditions of approval listed in the ordinance establishing the PUD are proposed.

**PROPOSED AMENDMENT.**

**Buildings:** The applicant has substantially redesigned the layout of the site. The original site consisted of 40 apartment buildings with 18 one-bedroom and two-bedroom units in each building, for a total of 720 dwelling units. The plan included a two-story clubhouse, with fitness room, office space, meeting space and related amenities on the first floor, and a two-bedroom and a three-bedroom dwelling unit on the second floor. A large retention/detention basin was proposed on the west property line, generally in the middle of the development. This basin was to address stormwater detention requirements on the site and in the area, as well as being a source for fill material to elevate the site.

The applicant has proposed a revised site plan that reduces the total number of apartment buildings and dwelling units; adds a Foot-golf course around the perimeter of the site; consolidates the entrance off Marlatt Avenue to the southeastern corner of the development; and moves the retention/detention basin to the northern edge of the site.

The revised plan has 29 apartment buildings with 612 dwelling units (348 two-bedroom units and 264 one-bedroom units) and the two-story clubhouse, with fitness room, office space, meeting space and other related amenities on the first floor and a two-bedroom and a three-bedroom dwelling unit on the second floor, for a total of 614 dwelling units in the PUD compared to 722 dwelling units previously. Additional improvements as previously proposed include an outdoor swimming pool and accessory building for mechanical equipment and restrooms, recreation area, signage, surface parking, landscaping and other structures that are tentatively proposed, such as a mailbox pavilion and storage buildings.

**Foot-golf Course:** A new amenity consisting of a 9-hole Foot-golf course is being proposed around the perimeter of the development, which will provide a recreational amenity for the residents of the PUD, landscaping buffers to adjacent properties, and provide additional space for stormwater management. The Foot-golf course creates depressions in the site that are also being used for fill material for the buildings. The course also functions as dry detention basins for stormwater management and water quality measures.

**Access Drive:** The original proposal was to have two entrances off Marlatt Avenue, one being a shared driveway with the two single-family homes to the west. This shared western entrance became infeasible, so the revised design is to create a divided entrance/exit for the site near the east property line. The site plan shows that both the entrance and exit would have two driving lanes for appropriate through and turning movements. Improvements on Marlatt Avenue are being proposed to provide appropriate acceleration and deceleration lanes within the Marlatt Avenue right-of-way. The Manhattan Fire Department and the Public Works Department's Traffic Division have reviewed the site plan and redesigned entrance to the development, and accept the revised design.

**Stormwater Retention/Detention:** The other significant change to the site plan is the location, size and depth of the stormwater retention/detention basin. The basin has moved to the extreme north end of the site and is shown to be 50 feet deep. One purpose of the basin is to provide on-site fill material to elevate the buildings to the minimum required elevation of 1,022 feet. The basin will also manage the stormwater runoff from the site, as well as runoff that drains from the adjacent properties to the northwest. In addition to the site draining to the basin, the Foot-golf area will also be used to manage stormwater runoff. More information on the drainage plan for the development is provided below.

**PROPOSED BUILDINGS AND STRUCTURES**

Four (4) different apartment building models are now proposed for the development. The site plan references them as “Custom Deluxe III, “Custom Deluxe III Big Boy,” “Classic Deluxe IV,” or “Classic Deluxe IV Big Boy.” The development will consist of the following:

Building Design	# of Buildings	# of Unit Types	Unit Types	Footprint Size	Building Height
Custom Deluxe III	6	6	1-bedroom	7,100 sq. ft.	42 ft.
		12	2-bedrooms		
Custom Deluxe III Big Boy	12	12	1-bedroom	8,800 sq. ft.	42 ft.
		12	2-bedrooms		
Classic Deluxe IV	8	6	1-bedroom	6,900 sq. ft.	38 ft.
		12	2-bedrooms		
Classic Deluxe IV Big Boy	3	12	1-bedroom	5,800 sq. ft.	38 ft.
		12	2-bedrooms		

A clubhouse is proposed in the southeast area of the development. It will be two stories tall (approximately 46 feet in height), and approximately 5,800 square feet in area. The first floor will include a fitness room, business center, office and meeting spaces, a kitchen, two (2) tanning bedrooms and four (4) bathrooms. The second floor will consist of a two-bedroom dwelling unit and a three-bedroom dwelling unit. Other buildings proposed in the development include a mailbox pavilion, storage building, cabana and pool building, which include the mechanical equipment for the pools, restrooms and vending machines for the pool and recreation area. The site plan does not specifically show the location of these various structures.

Proposed Sign:

The application shows one (1) permanent double-faced, externally illuminated monument sign on a brick veneer wall proposed in the median between the entrance and exit drives for the development on Marlatt Avenue. The sign will be approximately four (4) feet tall by twenty-three (23) feet wide (92 square feet in area). The brick wall where the sign is to be located is approximately forty (40) feet long and five (5) feet tall. The end caps of the walls will be approximately seven (7) feet tall and have decorative lights located on top of the caps.

Exempt signage shall be permitted as described in Article VI, Section 6-102(A)(2) (a),(b),(c),(g),(h),(i),(j),(l), (m), and (n) of the Manhattan Zoning Regulations.

Proposed Lighting:

The site plan shows light poles along the parking lots throughout the development. There will be typical residential building lighting. The Zoning Regulations requires that all lighting be shielded and fully cut off.

**LANDSCAPING AND SCREENING:** Landscaping is functional for the site and consists of deciduous trees, bushes and shrubs and grass yard areas. The proposed Foot-golf course provides grass open space around the perimeter of the site as an active recreational area. Trees, shrubs and bushes are dispersed throughout the development. Significant landscaping is proposed along Marlatt Avenue and the west property line to buffer the development from the roadway and screen/buffer the development, including its parking lots from the adjacent single-family homes to the west. The landscaping will be maintained with underground irrigation. The applicant will be responsible for maintenance of landscaped areas.

A six (6) foot tall sight-obscuring fence will be constructed along the west side of the development to reduce potential impacts on existing residential properties. The Planning board previously agreed to not require site-obscuring screening on the north and east property lines to meet the wishes of the neighboring property owner to the north and east. Trash dumpsters throughout the development are to be screened by six (6) foot tall brick enclosures with solid screening gates.

The proposed swimming pool is to be enclosed by a five (5) foot tall wrought iron looking fence. This area is also to be buffered by deciduous shrubs and bushes.

**STORM DRAINAGE:** The northern portion of the development is a natural drainage area flowing from properties to the west. The drainage plan shows that the inflow of the stormwater runoff will enter the retention/detention basin at the northern edge of the property. This water will first go into an approximately 10 foot deep sedimentation basin to address water quality issues. From there, the water flows into the larger basin. The outflow of the basin is along the east property line and consists of a 5 foot deep, concrete lined drainage channel to flow to the southeast corner of the property where it will go under Marlatt Avenue via a stormwater pipe and drain into the Marlatt Ditch.

The basin is shown to be approximately 50 feet deep. Due to ground water levels, it is anticipated that this basin will have a significant amount of water in it on a regular basis, and thus limit the amount of storage for stormwater. It can safely be assumed that the ground water level will be below elevation 1,015 feet, leaving approximately five feet of freeboard to manage the stormwater from the properties to the west.

Stormwater runoff from the development will be managed using the large retention/detention basin and two (2) dry detention basins that are part of the Foot-golf course in the center of the development and along the south, east and west property lines. Area inlets and underground stormwater pipes will direct stormwater to these dry detention basins where the water will be detained until it drains to the channel lined ditch on the east property line and to the south towards Marlatt Ditch.

A drainage study was conducted by Blew & Associates, P.A., dated January, 2015. The drainage study analyzed the pre- vs. post-development conditions for the surrounding area and the proposed drainage basins on the site. The analysis concluded that the peak runoff for the 2-year, 10-year and 100-year storms were all decreased by the proposed drainage system.

State of Project Site	Storm Event		
	2 – year	10-year	100-year
Total Post	72.18 cfs	150.08 cfs	373.09 cfs
Total Pre	73.85 cfs	154.29 cfs	383.75 cfs
<i>Net</i>	<i>-1.67 cfs</i>	<i>-4.21 cfs</i>	<i>-10.66 cfs</i>

The City’s Stormwater Engineer has reviewed the drainage study and accepts its findings. The Stormwater Engineer is requiring that analysis of stormwater quality will need to be performed using the City’s Post Construction BMP manual (available online) to determine that the extended wet detention basin is functioning correctly. More detail including calculations will need to be provided on the design of the wet detention basin, following the BMP design manual. City Administration is recommending a condition of approval that this analysis be provided before the Final Plat is filed and before any building permits are issued.

**CIRCULATION:** The internal circulation plan provides for safe, convenient and efficient movement of motorists and pedestrians. The new access plan creates one consolidated access point near the southeast corner of the site to provide ingress and egress of the development. Internal access is provided by parking drives, which are shown as Travel Easements, to be maintained by the applicant. The Final Development Plan shows that both the entrance and exit drives will consist of two lanes to provide for safe and effective movement and emergency access. Proposed improvements on Marlatt Avenue include a dedicated left turn lane into the development. The improvements will also include a pedestrian refuge island in the middle of Marlatt Avenue near the left turn lane.

The Traffic Study prepared by Peters & Associates Engineers, Inc., dated March 9, 2015, determined that a total of approximately 314 new vehicle trips would be generated by the proposed development in the AM peak hour and approximately 381 new vehicle trips would be generated in the PM peak hour.

The Study also considered the projected traffic conditions for 20 years into the future. Using the complete build-out of the PUD project and a two (2%) percent per year growth rate, the traffic study found that the current surrounding road network, including intersections along Marlatt Avenue would be adequate to handle the proposed development and community growth.

The Study concluded that the proposed development in its initial completion would not degrade the existing level of service at the existing intersections at Marlatt Avenue and Tuttle Creek Boulevard, or Marlatt Avenue and Casement Road. The traffic study stated that although it was not warranted, a left-turn lane on Marlatt Avenue into the site is recommended at the access point to provide a safe turning movement into the development and to not impede eastbound through traffic on Marlatt Avenue.

The proposed Final Development Plan shows approximately 70 feet of additional right-of-way on the north side of Marlatt Avenue to be dedicated to the City to construct such street improvements.

The City Engineer has reviewed the revised Development Plan and traffic study and accepts the findings of the traffic study, which concludes that trips generated by the development will not negatively impact the level of service of the roadway and area interactions. The City Engineer also accepts the recommendation that a left-turn lane be provided for the east bound traffic at the western access into the site.

#### Pedestrian and Bicycle Access

Pedestrian traffic is accommodated within the proposed development by sidewalks from the parking lots to the various apartments, club house and accessory buildings. An eight (8) foot wide walking trail was shown on the approved Preliminary Development Plan. This walking trail has been removed and replaced with the Foot-golf course for an active recreational amenity. Sidewalks are provided to the various parts of the Foot-golf course.

Pedestrian crosswalks across Marlatt Avenue are proposed on the east and west ends of the development to provide pedestrian access to an existing sidewalk on the south side of Marlatt Avenue. No sidewalk is currently located on the north side of Marlatt Avenue. To begin the pedestrian infrastructure on the north side of Marlatt Avenue, City Administration recommends that an Americans with Disability Act (ADA) accessible sidewalk be extended to the edges of the development so that future developments can connect to it and complete the sidewalk network along the north side of Marlatt Avenue in the area. Other existing sidewalk gaps in the area will be completed when new development or redevelopment occurs.

#### Off-Street Parking.

The Manhattan Zoning Regulations base the required number of parking spaces for multiple-family dwellings on bedrooms per dwelling unit (one bedroom units – 2 spaces per unit; two bedroom units – 3 spaces per unit; and three bedroom units - 3.5 spacers per unit). Based on these ratios, the proposed PUD would need a minimum of 1,584 off-street parking spaces. The revised Development Plan provides 1,004 off-street parking spaces, equivalent to 1.04 parking spaces per bedroom, which appears to be adequate to serve the mixture of bedroom types and tenant mix in the proposed PUD.

The original Preliminary Development Plan had an equivalent parking ratio of 1.01 parking spaces per bedroom.

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

**Whether the proposed amendment is consistent with the intent and purpose of the approved PUD, and will promote the efficient development and preservation of the entire PUD:** The intent of the PUD is to provide multiple-family apartment buildings and provide off-street parking at a ratio of approximately 1 parking space per bedroom. The overall intensity and density of the development has decreased. The previous plan had 722 dwelling units in 40 apartment buildings, with a net density of 19.9 dwelling units per net acre. The proposed Final Development Plan shows 614 dwelling units in 29 apartment buildings and club house for a net density of 16.9 dwelling units per net acre.

The approved Preliminary Development Plan provided off-street parking at a ratio of 1.01 parking spaces per bedroom. The Planning Board determined that the off-street parking that was provided was sufficient. The revised plan has 963 bedrooms proposed in the 614 dwelling units. One thousand four (1,004) parking spaces are showing on the site, for an off-street parking ratio of approximately 1.04 spaces per bedroom.

The other elements of the proposed revisions to the site plan include the Foot-golf course and changes to the location of the retention/detention basin and access points to the development on Marlatt Avenue. The Foot-golf course will add to the amount of landscape and open space area, as well as an added amenity to the development. The Public Works Department approves of the location and new retention/drainage basin shown in the revised site plan. Both the Fire Department and the Public Works Department approve of the location and configuration of the new access point to the development.

**Whether the proposed amendment is made necessary because of changed or changing conditions in or around the PUD, and the nature of such conditions:** The proposed amendment is made necessary because of changes to the development, which required substantially new layout. The change in the size, depth and location of the retention/detention basin is the result of the condition of approval that all buildings need to be at least 1,022 feet in elevation to protect against the risk of flooding from the Big Blue River. The proposed basin is being used for fill material to elevate the building in addition to the stormwater benefits.

The change in the location and design of the access point to the development is because a private cross-easement between the developer and the two neighboring single-family homes to the west could not be agreed upon to create the shared driveway. Without the private cross-easement, the City was unwilling to allow the location of the western driveway into the development because it did not meet the access management standard of having at least 500 feet of separation from driveways or road intersections along an arterial road (Section 10-207(B)(2)).

These two factors, in part, created the re-design of the overall site plan along with the developers desire to reduce the number of apartment units.

**Whether the proposed amendment will result in a relative gain to the public health, safety, convenience or general welfare, and is not granted solely to confer a special benefit upon any person:** The proposed changes to the site plan are related to the need to elevate the proposed building higher to protect against the flood risks from the Big Blue River and the need to meet the access management standards of the Subdivision Regulations and the Manhattan Area Transportation Strategy. The Manhattan Fire Department and the Public Works Department have reviewed the proposed access point to the development and approve of the location and design. Both of these standards are to protect the general health, safety and welfare and do not confer a special benefit to any person.

**Neighborhood Character and Compatibility.** The area can be characterized as a growth corridor of the city with single-family, two-family and multiple-family residential developments to the west of the site and south of Marlatt Avenue. The proposed amendment to the PUD reduced the overall number of dwelling units, as well as total number of bedrooms. The approved PUD had 722 dwelling units, while the proposed amendment will have 614 dwelling units.

The proposed Final Development Plan shows that the apartment buildings will be located more towards the center of the site, with the proposed Foot-golf course and stormwater basins to be along the perimeter. Compared to the original site plan, the Final Development Plan provides more open space and landscape areas between the adjacent properties and the dwelling units.

The Planning Board approved the original rezoning and Preliminary Development Plan on August 18, 2014. The revised site plan shown in the Final Development Plans will have less of an impact on nearby properties than originally proposed.

**Comprehensive Plan.**

The new 2015 Manhattan Urban Area Comprehensive Plan Future Land Use Map shows the site as Residential High Density. The proposed amendment conforms to the Comprehensive Plan.

**REVISED CONDITIONS OF APPROVAL:** As a result of the proposed amendment and redesigned Preliminary Development Plan, City Administration is recommending that a number of the original conditions of approval be revised or eliminated. The following is an explanation of these changed conditions of approval:

1. The Permitted Use shall be Multiple-Family Residential.
2. A maximum of 614 total dwelling units shall be allowed. *This condition is revised to reflect the new dwelling unit total.*
3. A maximum of 264, one-bedroom; 349, two-bedroom; and 1, three-bedroom dwelling units shall be allowed. *This condition is revised to reflect the new bedroom count total.*
4. The lowest enclosed floors of all structures in the development shall be at least 1,022 feet. *This condition was created to ensure that the proposed development was adequately protected from flooding on the Big Blue River and meet the City's new Floodplain Regulations. This condition is not proposed to be changed.*
5. A private cross-access easement shall be filed between the applicant and the two (2) adjacent single-family residential property owners before the application of the Final Development Plan and Final Plat that outlines the long-term agreement for the shared driveway on the western side of the development. *The Preliminary Development Plan site plan showed a shared driveway between the development site and the two (2) adjacent single-family homes to the west of the site. The shared driveway was done in response to the City's*



*requirements for driveways and streets intersecting an arterial street are no closer than 500 feet to each other. The condition was created to ensure that the site was developed as proposed to meeting the requirement. The revised site plan eliminates the need for this condition.*

6. An agreement outlining the on-going maintenance responsibility and enforcement rights of the City for the drainage easements and detention areas shall be created and approved by the City prior to completion the Final Development Plan and Final Plat.
7. A minimum 6-foot-tall sight-obscuring fence shall be constructed along the western property line and a fence on the east perimeter of the site.
8. Prior to issuance of a building permit for the 30<sup>th</sup> building of the proposed development, a study of the downstream capacity constraints of the Casement Interceptor Sanitary Sewer shall be provided by the property owner and approved by City Administration. *Future sewer capacity for the Casement Interceptor Sanitary Sewer infrastructure was a concern of the Public Works Department. At this time, capacity is present for the proposed development. Because the redesigned site plan reduced the number of buildings that would require sanitary sewer service to 30, the Public Works Department has asked to remove this condition of approval.*
9. Additional bike racks shall be provided in areas adjacent to apartment buildings and shall be shown on Final Development Plans. *This condition has been satisfied with the revised Preliminary Development Plan.*
10. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
11. All landscaping and irrigation shall be maintained in good condition.
12. The proposed walking trail or other type of ADA accessible sidewalk shall be extended to the edges of the development along Marlatt Avenue. *The original site plan showed a trail along Marlatt Avenue. That trail has been removed. To begin the pedestrian infrastructure in the area, a condition to require an ADA compliant sidewalk along the north side of Marlatt Avenue to the edge of the property.*
13. An eastbound left turn lane on Marlatt Avenue shall be provided at the western entrance and the design shall be submitted with the Final Development Plan for review and approval by the City. *The Preliminary Development Plan showed a main entrance onto Marlatt Avenue on the west side of the proposed development. Due to the amount of traffic and level of service of the proposed intersection, a left turn lane was proposed. The revised development*

*plan eliminates this entrance and shifts the intersection to the east. A condition of approval to install the new proposed turn lane on Marlatt Avenue has been recommended.*

14. The design of the pedestrian/bicycle crossing of Marlatt Avenue shall be submitted with the Final Development Plan for review and approval by the City. *This condition has been satisfied with the revised Preliminary Development Plan.*
15. A complete site illumination study shall be provided with the Final Development Plan. *This condition has been satisfied with the revised Preliminary Development Plan.*

## **DISCUSSION**

On April 6, 2015, the Manhattan Urban Area Planning Board held a public hearing to consider the amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and the approval of the Final Development Plan, to be known as The Links at Manhattan Residential Planned Unit Development. Hugh Jarratt, representative for the application, spoke at the meeting and answered questions from the Planning Board. No one else spoke during the public hearing. *(See draft Minutes of the April 6, 2015 Planning Board meeting.)*

Following discussion, the Planning Board, on a vote of 6-0, recommended approval of the proposed amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and the approval of the Final Development Plan, to be known as The Links at Manhattan Residential Planned Unit Development, based on the findings in the Staff Report, subject to the ten (10) conditions of approval recommended by City Administration and with clarification of Condition No. 6, as follows:

1. Replace Condition 2 of Ordinance No. 7094 with the following: A maximum of 615 total dwelling units shall be allowed.
2. Replace Condition 3 of Ordinance No. 7094 with the following: A maximum of 263, one-bedroom; 351, two-bedroom; and 1, three-bedroom dwelling units shall be allowed.
3. Eliminate Condition 5 of Ordinance No. 7094 because it is not needed with the proposed site plan.
4. Eliminate Condition 8 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
5. Eliminate Condition 9 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
6. Replace Condition 12 of Ordinance No. 7094 with the following: An ADA compliant sidewalk shall be provided along the north side Marlatt Avenue to the east and west edges of the property.
7. Replace Condition 13 of Ordinance No. 7094 with the following: An eastbound left turn lane on Marlatt Avenue shall be provided as proposed.
8. Eliminate Condition 14 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.

9. Eliminate Condition 15 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
10. Signs shall be provided as proposed in the application documents, and shall allow for Exempt signage shall be permitted as described in Article VI, Section 6-102(A)(2) (a),(b),(c),(g),(h),(i),(j),(l) (m) and (n), of the Manhattan Zoning Regulations.

On April 21, 2015, the City Commission, on a vote of 5-0, accepted the recommendation of the Planning Board with the understanding that a clerical error exists as to the number of dwelling units in the documents previously submitted; modified and amended the clerical error to the accurate number of units as set forth in the currently Corrected Staff Report; subject to a 2/3 majority vote of this Governing Body as authorized by KSA 12-757; and approved first reading of an ordinance amending Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and approving the Final Development Plan, to be known as The Links at Manhattan Residential Planned Unit Development, based on the findings in the Corrected Staff Report, with the ten conditions as corrected, and adding an eleventh condition as follows:

11. A fence shall be provided around the retention/detention containment pond.

## **FINANCING**

None.

## **ALTERNATIVES**

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

1. Accept the recommendation of the Planning Board with the understanding that a clerical error exists as to the number of dwelling units in documents previously submitted; modify and amend the clerical error to the accurate number of units as set forth in the currently Corrected Staff Report, subject to a 2/3 majority vote of this Governing Body as authorized by KSA 12-757; and further approve Ordinance No. 7134 amending Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and approving the Final Development Plan, to be known as The Links at Manhattan Residential Planned Unit Development, generally located 1,000 feet to the west of the intersection of Casement Road and Marlatt Avenue on the north side of Marlatt Avenue, based on the findings in the Corrected Staff Report, with the 11 conditions as corrected.

2. Override the Manhattan Urban Area Planning Board's recommendation by a two-thirds majority vote of the membership of the City Commission and deny Ordinance No. 7134 amending the PUD, based on specifically stated reasons. *(Note: To override the Planning Board's recommendation a minimum of four (4) votes are necessary.)*
3. Override the Manhattan Urban Area Planning Board's recommendation by a two-thirds majority vote of the membership of the City Commission and modify the PUD amendment and any conditions of approval, to meet the needs as perceived by the Commission, and approve first reading of an ordinance amending the PUD accordingly, based on specifically stated findings.
4. Return the recommendation of the Manhattan Urban Area Planning Board for further consideration, together with a statement specifying the basis for the City Commission's failure to approve or disapprove the proposed amendment, and provide further direction to the Planning Board.
5. Table Ordinance No. 7134 amending the PUD, for specifically stated reasons, and provide further direction to City Administration.

## **RECOMMENDATION**

City Administration recommends the City Commission accept the recommendation of the Planning Board with the understanding that a clerical error exists as to the number of dwelling units in documents previously submitted; modify and amend the clerical error to the accurate number of units as set forth in the currently Corrected Staff Report, subject to a 2/3 majority vote of the Governing Body; and approve Ordinance No. 7134 amending Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and approve the Final Development Plan, to be known as The Links at Manhattan Residential Planned Unit Development, based on the findings in the Corrected Staff Report and with the 11 conditions as corrected below. *(Note these corrections are in conditions 1 and 2).*

1. Replace Condition 2 of Ordinance No. 7094 with the following: A maximum of 614 total dwelling units shall be allowed.
2. Replace Condition 3 of Ordinance No. 7094 with the following: A maximum of 264, one-bedroom; 349, two-bedroom; and 1, three-bedroom dwelling units shall be allowed.
3. Eliminate Condition 5 of Ordinance No. 7094 because it is not needed with the proposed site plan.
4. Eliminate Condition 8 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
5. Eliminate Condition 9 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.

6. Replace Condition 12 of Ordinance No. 7094 with the following: An ADA compliant sidewalk shall be provided along the north side Marlatt Avenue to the east and west edges of the property.
7. Replace Condition 13 of Ordinance No. 7094 with the following: An eastbound left turn lane on Marlatt Avenue shall be provided as proposed.
8. Eliminate Condition 14 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
9. Eliminate Condition 15 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
10. Signs shall be provided as proposed in the application documents, and shall allow for Exempt signage shall be permitted as described in Article VI, Section 6-102(A)(2) (a),(b),(c),(g),(h),(i),(j),(l) (m) and (n), of the Manhattan Zoning Regulations.
11. A fence shall be provided around the retention/detention containment pond.

This recommendation is also based on approval of first reading of an ordinance amending the PUD as proposed, by the City Commission.

## **POSSIBLE MOTION**

Accept the recommendation of the Planning Board with the understanding that a clerical error exists as to the number of dwelling units in documents previously submitted; modify and amend the clerical error to the accurate number of units as set forth in the currently Corrected Staff Report, subject to a 2/3 majority vote of this Governing Body as authorized by KSA 12-757; and further approve Ordinance No. 7134 amending Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and approving the Final Development Plan, to be known as The Links at Manhattan Residential Planned Unit Development, generally located 1,000 feet to the west of the intersection of Casement Road and Marlatt Avenue on the north side of Marlatt Avenue, based on the findings in the Corrected Staff Report, with the 11 conditions as corrected.

CB

15062;CC}2ndRdg;AmendTrailAtManhattanPUD

Enclosures:

1. Ordinance No. 7134
2. Project Chronology

## **ORDINANCE NO. 7134**

### **AN ORDINANCE AMENDING THE PRELIMINARY DEVELOPMENT PLAN OF THE TRAILS AT MANHATTAN PLANNED UNIT DEVELOPMENT, AND ORDINANCE NO. 7094.**

**WHEREAS**, Ordinance No. 7094 was adopted by the Governing Body of the City of Manhattan, Kansas on September 16, 2014 establishing the current Trails At Manhattan Planned Unit Development; and

**WHEREAS**, The Manhattan Urban Area Planning Board of the City of Manhattan, Kansas at a Public Hearing held on Monday, April 6, 2015, recommended amending Ordinance No. 7094 and the Preliminary Development Plan of the Trails At Manhattan Planned Unit Development in the City of Manhattan, Kansas; and

**WHEREAS**, the amendment is in the form of a Final Development Plan and Final Plat, to be known as The Links at Manhattan Planned Unit Development, in the City of Manhattan, Riley County, Kansas; and,

**WHEREAS**, The Manhattan Urban Area Planning Board of the City of Manhattan, Kansas and the Governing Body of the City of Manhattan, Kansas, have considered all matters set forth in Section 9-108 and Section 15-403 of the Manhattan Zoning Regulations and have found that the approval of the proposed amendment, subject to the restrictions, conditions, or limitations set forth hereinafter, is consistent with such matters; and

**WHEREAS**, The Governing Body of the City of Manhattan, Kansas, has considered this ordinance at two meetings;

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

**SECTION 1.** The Preliminary Development Plan of the Trails At Manhattan Planned Unit Development and Ordinance No. 7094 are hereby amended to allow reconfiguration of the site layout and access from Marlatt Avenue, and reduction in the number of apartment buildings and dwelling units, as proposed and shown in the application documents.

**SECTION 2.** The tract of land (“Property”) subject to this amendment is described as follows: A 37.04 acre tract of land generally located 1,000 feet west of the intersection of Casement Road and Marlatt Avenue, along the north side of Marlatt Avenue. More specifically, see Exhibit A attached hereto. As part of this amendment the Property is being Final Platted as The Links at Manhattan Planned Unit Development, in the City of Manhattan, Riley County, Kansas

**SECTION 3.** There is hereby incorporated by reference and adopted, and enforceable, as a part hereof, all drawings and documents submitted as a part of the application, as well as the revisions of such drawings and documents, including those revisions which have been required, or approved, by the Manhattan Urban Area Planning Board or the Governing Body of the City of Manhattan, Kansas, except as provided in Section 4 of this Ordinance. All such documents shall be maintained, along with the application for amendment, on file in the Zoning Administrator’s Office.

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

1. Replace Condition 2 of Ordinance No. 7094 with the following: A maximum of 614 total dwelling units shall be allowed.
2. Replace Condition 3 of Ordinance No. 7094 with the following: A maximum of 264, one-bedroom; 349, two-bedroom; and 1, three-bedroom dwelling units shall be allowed.
3. Eliminate Condition 5 of Ordinance No. 7094 because it is not needed with the proposed site plan.
4. Eliminate Condition 8 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
5. Eliminate Condition 9 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
6. Replace Condition 12 of Ordinance No. 7094 with the following: An ADA compliant sidewalk shall be provided along the north side Marlatt Avenue to the east and west edges of the property.
7. Replace Condition 13 of Ordinance No. 7094 with the following: An eastbound left turn lane on Marlatt Avenue shall be provided as proposed.
8. Eliminate Condition 14 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
9. Eliminate Condition 15 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
10. Signs shall be provided as proposed in the application documents, and shall allow for Exempt signage shall be permitted as described in Article VI, Section 6-102(A)(2) (a),(b),(c),(g),(h),(i),(j),(l) (m) and (n), of the Manhattan Zoning Regulations.
11. A fence shall be provided around the retention/detention containment pond.

SECTION 5. All provisions of the application and the Final Development Plan, as submitted to and approved by the Planning Board, and all restrictions, conditions or limitations imposed hereby, however recorded, shall be considered to be covenants upon the Property and shall run in favor of the City and shall be enforceable in law or in equity by the City, without limitation on any power or regulation otherwise granted to the City by law.

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

SECTION 7. All provisions of Ordinance No. 7094 that are not in conflict with this amendment shall remain in force.

SECTION 8. This ordinance shall take effect and be in force from and after its passage and publication in The Manhattan Mercury.

**PASSED BY THE GOVERNING BODY THIS 5<sup>TH</sup> DAY OF MAY, 2015.**

(SEAL)

ATTEST: \_\_\_\_\_  
**Gary S. Fees, MMC, City Clerk**                      **Karen McCulloh, Mayor**



**Exhibit A**  
**Trails At Manhattan PUD**

**Legal Description:**

A PART OF THE SOUTHEAST QUARTER SECTION 31, TOWNSHIP 9 SOUTH, RANGE 8 EAST, RILEY COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT THAT IS S89°07'27"W 1002.90' FROM THE SOUTHEAST CORNER OF SECTION 31, SAID POINT BEING A SET IRON PIN AND RUNNING THENCE S89°07'27"W 837.67" TO A SET IRON PIN; THENCE N01°17'18"W 732.38' TO A SET IRON PIN; THENCE S88°42'42"W 187.50' TO A SET IRON PIN; THENCE N01°17'22"W 1568.21' TO A FOUND IRON PIN; THENCE N58°56'42"E 420.69' TO A SET IRON PIN; THENCE S01°18'33"E 857.00' TO A SET IRON PIN; THENCE S46°18'58"E 922.50' TO A SET IRON PIN; THENCE S01°41'25"E 1006.51' TO THE POINT OF BEGINNING. CONTAINING 37.04 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

**Project Chronology**  
**Trails at Manhattan PUD**  
**Renamed The Links At Manhattan PUD**

- August 18, 2014 Manhattan Urban Area Planning Board recommends approval of the annexation of the approximate 36.4 acre Trails at Manhattan PUD; and recommends approval of the rezoning of the Trails at Manhattan PUD, from County AG, General Agriculture and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development District, with fifteen (15) conditions of approval.
- September 2, 2014 City Commission approves first reading of ordinances annexing and rezoning the Trails at Manhattan PUD, from County AG, General Agriculture and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development District.
- September 16, 2014 City Commission approves Ordinance Nos. 7093 and 7094 annexing and rezoning the Trails at Manhattan PUD, from County AG, General Agriculture and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development District.
- April 6, 2015 Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and the approval of the Final Development Plan, to be known as The Links at Manhattan Residential Planned Unit Development, based on the findings in the Staff Report, subject to the ten (10) conditions of approval.
- April 21, 2015 City Commission, on a vote of 5-0, approves first reading of an ordinance amending Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD and approving the Final Development Plan, to be known as The Links at Manhattan Residential Planned Unit Development, based on the findings in the Corrected Staff Report, with eleven (11) conditions as corrected.
- May 5, 2015 City Commission approves Ordinance No. 7134 amending Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and approving the Final Development Plan, to be known as The Links at Manhattan Residential Planned Unit Development, based on the findings in the Corrected Staff Report, with the eleven (11) conditions as corrected.