

MINUTES
CITY COMMISSION MEETING
TUESDAY, MARCH 18, 2008
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Tom Phillips and Commissioners Mark Hatesohl, Bob Strawn, Bruce Snead, and James E. Sherow were present. Also present were the Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 11 staff, and approximately 18 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Phillips led the Commission in the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Snead informed the community that the Kansas Department of Transportation would be hosting a meeting update on K-18 and the Eureka Valley Drainage Study on Wednesday, March 26, 2008, from 4:30 p.m. to 7:30 p.m., at the Headquarters Fire Station. He also encouraged the community to attend EGGstravaganza on Saturday, March 22, 2008, from 12:00 Noon to 5:00 p.m., at Sunset Zoo.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, March 4, 2008.

CLAIMS REGISTER NOS. 2575 and 2576

The Commission approved Claims Register Nos. 2575 and 2576 authorizing and approving the payment of claims from February 27, 2008, to March 11, 2008, in the amounts of \$97,730.13 and \$1,098,887.30, respectively.

CONSENT AGENDA (CONTINUED)

* **FIRST READING – INDUSTRIAL REVENUE BONDS – BROOKFIELD RESIDENCES**

Dee R. Ross, 2304 Brockman Street, asked how much money was involved with the Industrial Revenue Bonds for Manhattan Housing Investors and who owns this corporation.

Jason Hilgers, Assistant City Manager, responded to questions and provided additional information on the issuance of Industrial Revenue Bonds for Manhattan Housing Investors.

The Commission approved first reading of an ordinance issuing Industrial Revenue Bonds financing to Manhattan Housing Investors, L.C., for the construction of 112 affordable tax-credit residential units located in Brookfield Addition, Unit 5.

AWARD CONTRACT – WELL REHABILITATION PROJECT (SP0803)

The Commission awarded a contract in the amount of \$148,346.00 to the low bidder, Sargent Drilling of Geneva, Nebraska, for the Well Rehabilitation Project (SP0803).

AMENDMENT – ENGINEERING SERVICES – HAWTHORNE WOODS ADDITION – STREET AND STORMWATER DRAINAGE IMPROVEMENT (ST0715)

The Commission approved the amendment to the Engineering Service Agreement for Hawthorne Woods Addition, Street and Stormwater Drainage Improvements (ST0715), and authorized the Mayor to execute the amendment, resulting in a net increase in the amount of \$20,900.00 (+25.78%) to the contract with BG Consultants, Inc., of Manhattan, Kansas.

AMENDMENT – ENGINEERING SERVICES – CEDAR GLEN ADDITION – STORMWATER DRAINAGE IMPROVEMENTS (SM0602)

The Commission approved the amendment to the Engineering Service Agreement, for Cedar Glen Addition, Stormwater Drainage Improvements, and authorized the Mayor to execute the amendment, resulting in a net increase in the amount of \$12,025.00 (+12.54%) to the design contract with Ruggles and Bohm P.A., of Wichita, Kansas.

* **CONTRACT – CONCESSION STANDS**

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

CONSENT AGENDA (CONTINUED)

* **CONTRACT – CONCESSION STANDS (CONTINUED)**

Mayor Phillips requested that the communication between the Parks and Recreation staff and Streeter Enterprises be improved to provide concessions for all tournaments at Anneberg Park.

The Commission approved and authorized the Mayor to execute the concessions contract with Streeter Enterprises, LLC, of Manhattan, Kansas, for the period of 2008-2012.

* **AGREEMENT – BEVERAGE SUPPLIER**

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

The Commission approved and authorized the Mayor to execute the Agreement between the City of Manhattan and Pepsi Cola Bottling of Marysville, Inc. for the exclusive provision of Pepsi Cola products for a period of five years.

AGREEMENT – VETERINARY SERVICES – SUNSET ZOO

The Commission authorized the City of Manhattan to renew the agreement with Kansas State University in connection with "Veterinary Services at Sunset Zoological Park".

* **CONTRACT FOR SALE OF REAL ESTATE – NATIONAL GUARD ARMORY – 721 LEVEE DRIVE**

Bill Frost, City Attorney, provided background information on the item and provided clarification on the motion.

Dee R. Ross, 2304 Brockman Street, asked National Guard Building Sale to the Kansas Military Board.

Jason Hilgers, Assistant City Manager, provided an overview of the item and responded to questions on the sale of property to the Kansas Military Board.

The Commission authorized the Mayor and City Clerk to execute the proposed Contract for Sale of Real Estate and Deed with the Kansas Military Board for the purchase of the property at 721 Levee Drive and accepted the purchase price of \$371,842.03 (includes purchase price, insurance, and special assessments).

CONSENT AGENDA (CONTINUED)

PURCHASE/INSTALL – WARNING SIREN – CITY PARK LOCATION

The Commission authorized City Administration to enter into a purchase agreement in the amount of \$18,307.35 with Blue Valley Public Safety, of Grain Valley, Missouri, for the purchase and installation of a Federal Signal Corporation warning siren in City Park.

BOARD APPOINTMENT

The Commission approved the re-appointment of Torry Dickinson, 2391 Grandview Terrace, to a four-year term to the Housing Authority Board of Commissioner. Ms. Dickinson's appointment begins immediately and will expire March 3, 2012.

Dee R. Ross, 2304 Brockman Street, asked the Commission why individuals in this city receive different percentages of city funded participation for private developments.

Mayor Phillips and Jason Hilgers, Assistant City Manager, provided an explanation of public participation projects for new developments and the process used to determine what the percentage of public participation should or should not be.

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.

GENERAL AGENDA

FIRST READING – REZONE - WEST OF THE EXISTING MANHATTAN MEDICAL CENTER

Eric Cattell, Assistant Director for Planning, presented the item and responded to questions from the Commission regarding lighting the parking area and adjacent homes.

Bob Dieball, Facility Manager, Manhattan Medical Center, provided additional information on the expansion plans of the Medical Center and responded to questions regarding the lights and timers in the parking lot.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - WEST OF THE EXISTING MANHATTAN MEDICAL CENTER (CONTINUED)

After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning Lots 3, 4, 9, 10, and 11, University Acres Addition, and Lot 6, North Timberlane Addition, generally located south of Claflin Road and north of Buena Vista Drive, from R, Single-Family Residential District, to C-1, Restricted Business District, based on the findings in the Staff Report (*See Attachment No. 1*). Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

SOLICIT PROPOSALS - FLINT HILLS PRAIRIE DISCOVERY CENTER MUSEUM CONSULTING SERVICES

Lauren Palmer, Assistant City Manager, provided an overview on the item and highlighted portions of the Request for Proposals (RFP) document.

Commissioner Strawn requested that the RFP include asking the consultant to tell us that the Discovery Center has merit, can attract 70,000 to 100,000 visitors annually, and will be revenue neutral with support from the community.

Commissioner Snead requested that the consultant chosen revisit the prior study conducted by Dr. David Edgell of the Discovery Center and to reflect current market conditions.

Jason Hilgers, Assistant City Manager, responded to questions from the Commission and provided background information on the item and proposed components of the South Redevelopment Project.

The Commission discussed the makeup and size of the selection committee, with Commissioner Sherow identifying several community members with professional experience that could provide valuable assistance on the selection committee.

Mayor Phillips requested that the consultant selected prepare and clearly identify annual salaries and operational budgets associated with the Discovery Center.

Commissioner Strawn requested that Commissioners Snead and Sherow represent the City Commission on the selection committee and decide with the help of City Staff on the makeup of the selection committee.

After further discussion, Mayor Phillips requested that the Commission be kept informed on the selection and progress of the selection committee.

GENERAL AGENDA (*CONTINUED*)

SOLICIT PROPOSALS - FLINT HILLS PRAIRIE DISCOVERY CENTER MUSEUM CONSULTING SERVICES (*CONTINUED*)

Dee R. Ross, 2304 Brockman Street, asked the Commission how many small museums are already located in Manhattan and nearby communities, and asked if their attendance figures been looked at.

Commissioner Sherow stated that there were numbers provided on other local museums in a previous report on the Discovery Center. He also clarified that the Union Pacific Depot is a public use facility, not a museum.

Lauren Ritterbush, 3331 Newbury Street, informed the Commission that the analysis needs to determine if the community is in support of the proposed Discovery Center. She asked that the market analysis be revisited, that additional community input be sought, and determine if the museum is feasible in our community. She then answered questions regarding community support, financial support, and asked the Commission to have the consultant help envision what this Discovery Center can be.

Jason Hilgers, Assistant City Manager, provided additional information about the Discovery Center.

After discussion, Commissioner Strawn moved to authorize City Administration to solicit proposals for museum consulting services to further refine the concept for the Flint Hills Prairie Discovery Center and appoint Commissioners Snead and Sherow to serve on the Selection Committee. Commissioner Hatesohl seconded the motion.

Mayor Phillips asked that the discussions tonight be incorporated into the consultant services.

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

AGREEMENT - DESIGN - SOUTH REDEVELOPMENT DISTRICT PUBLIC UTILITIES (SM0806, WA0803, WA0804, SS0806, SS0807)

Rob Ott, City Engineer, provided background information on the item.

Brad Waller, HWS Consulting, provided an outline of the process of the proposed water lines, sanitary sewer, drainage areas, and proposed utilities. He then answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

AGREEMENT - DESIGN - SOUTH REDEVELOPMENT DISTRICT PUBLIC UTILITIES (SM0806, WA0803, WA0804, SS0806, SS0807) (CONTINUED)

Rob Ott, City Engineer, and Brad Waller, HWS Consulting, responded to questions from the Commission regarding utility layout and flexibility, size of lines, connection to existing water lines, project timeline, communication with neighbors, and coordination of utilities.

Dixie West, 1014 Houston Street, asked about the storm water drainage plans for the development and impact on the neighborhood.

Brad Waller, HWS Consulting, provided additional information on the drainage plans.

After discussion, Commissioner Hatesohl moved to authorize the Mayor and City Clerk to enter into an agreement with HWS Consulting Group, Inc., of Manhattan, Kansas, for the design of public utilities on the South Redevelopment District related to stormwater, water, and sanitary sewers (SM0806, WA0803, WA0804, SS0806 and SS0807). Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

RESOLUTION NO. 031808-A - ISSUE GENERAL OBLIGATION BONDS - FOURTH STREET AND BLUEMONT AVENUE INTERSECTION IMPROVEMENTS (ST0703)

Jason Hilgers, Assistant City Manager, presented the item. He then responded to questions from the Commission regarding the proposed roundabout, the McCall Street extension to the north, the historic properties near the intersection and mitigation efforts, and potential financing options for the project.

After discussion, Commissioner Snead moved to approve Resolution No. 031808-A, which amends and supplements Resolution No. 121807-L, authorizing the issuance of general obligation bonds not to exceed \$3,205,000.00 to finance improvements for the Intersection at Fourth Street and Bluemont Avenue (ST0703). Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

At 9:25 p.m., Mayor Phillips moved to recess into Executive Session until 9:45 p.m. for the purpose of preliminary discussions related to the acquisition of real estate. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION (*CONTINUED*)

At 9:45 p.m., the Commission reconvened with Mayor Phillips, and Commissioners Hatesohl, Strawn, and Snead in attendance. Commissioner Snead moved to recess into Executive Session until 10:00 p.m. for the purpose of preliminary discussions related to the acquisition of real estate. Commissioner Strawn seconded the motion. On vote, motion carried 4-0.

At 10:00 p.m., the Commission reconvened with Mayor Phillips and Commissioners Hatesohl, Strawn, Snead, and Sherow in attendance. Commissioner Hatesohl moved to adjourn. Commissioner Snead seconded the motion. On vote, motion carried 5-0.

ADJOURNMENT

At 10:01 p.m. the Commission adjourned.

Gary S. Fees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY An approximate 1.68 acre tract of land consisting of Lots 3, 4, 9, 10, and 11, University Acres Addition and Lot 6, North Timberlane Addition.

FROM: R, Single-Family Residential District

TO: C-1, Restricted Business District

APPLICANT: Manhattan Medical Center – Rick G. Fulton, President

ADDRESS: 1133 College Avenue, Manhattan, KS 66502

OWNERS: Manhattan Medical Center (Lots 3, 9, 10 and 11, University Acres Addition and Lot 6, North Timberlane Addition);
Jane W. Wasson Trust and Clyde E. Wasson Trust (Lot 4, University Acres Addition).

ADDRESS: 1133 College Avenue, Manhattan, KS 66502; and 2407 Buena Vista Drive, Manhattan, KS 66502.

LOCATION: Lots 9, 10 and 11, University Acres Addition are generally located south of Claflin Road, and are approximately 380 feet east of Hylton Heights Road. Lots 3 and 4, University Acres Addition and Lot 6, North Timberlane Addition are generally located north of Buena Vista Drive and are approximately 150 feet north of the intersection of Buena Vista Drive and Rebecca Road.

AREA: 1.68 Acres

DATE OF PUBLIC NOTICE PUBLICATION: January 14, 2008

DATE OF PUBLIC HEARING: PLANNING BOARD: February 4, 2008
(Tabled at the request of the applicant to March 3, 2008)

CITY COMMISSION: March 17, 2008

EXISTING USE: Two vacant residential lots, two residential lots with two-family dwellings unit on each lot, and two residential lots with single-family dwellings on each lot.

Attachment No. 1

The applicant has submitted a Replat of Lots 3, 4, 9, 10, and 11, University Acres Addition, Lot 6, North Timberlane Addition and Lot 4, Manhattan Medical Center P.U.D. The Replat will combine all of these lots into one lot, vacate and establish easements and restrict access to existing and proposed driveways along Claflin Road and Buena Vista Drive. The Final Plat also creates no access along the entire front property line of existing Lot 6. The Replat will be known as the Final Plat the Manhattan Medical Center, Unit II.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site consists of six residential lots, all of which slope to the southeast into a drainage channel located further to the southeast. There are two vacant lots located in the site; Lot 11, University Acres Addition (vacant) is a large residential lot that had the residential dwelling demolished in July, 2007 and is now a grassy, open space. Lot 6, North Timberlane Addition (vacant) is an unimproved, nonconforming triangular shaped lot east of Buena Vista Drive and north of an undeveloped, unnamed, public right-of-way that leads into the Manhattan Medical Center property to the east. There are several mature trees and open grassy areas on the property. The residential lots south of Claflin Road (Lots 9 and 10, University Acres Addition) consist of nonconforming, two-family dwelling units. Each of these duplex lots share a driveway and curb cut to gain access to Claflin Road, with the exception of the east dwelling unit on Lot 10, University Acres Addition, which has its own driveway and curb cut. The residential lots north of Buena Vista Drive (Lots 3 and 4, University Acres Addition) contain two-story, single-family homes with attached garages that gain direct access to Buena Vista Drive from separate driveways and curb cuts.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** An approximate 70 foot wide collector street right-of-way (Claflin Road), commercial office, Kansas State University Forestry property, and multi-family residential units; C-1, U and PUD Districts.
- (2) **SOUTH:** An approximate 60 foot wide local, residential street right-of-way (Buena Vista Drive), single-family dwelling units; R District.
- (3) **EAST:** Medical office complex set out in individual buildings in a campus setting; C-1 and PUD Districts.
- (4) **WEST:** Single-Family residential dwelling units and religious center/church; R District.

Attachment No. 1

GENERAL NEIGHBORHOOD CHARACTER: The neighborhood is characterized by a mixture of low density, single-family and high density, multi-family residential uses, a religious center and church, commercial and medical offices and university uses. The high density residential uses are to the northwest in a residential PUD consisting of apartments that was approved in May, 1990. The low density, single-family dwellings are concentrated to the south and southwest of the subject area. These dwellings are a mixture of single-story and two-story homes built in the 1960's. The commercial office uses in the neighborhood include the Manhattan Medical Center complex to the east and a real estate office to the north. The Kansas Forest Service is located to the north of the subject area. The existing uses within the rezoning site and surrounding neighborhood have been present for many years.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The single-family dwellings on Lots 3 and 4, University Acres Addition and the vacant Lot 11, University Acres Addition are generally suitable for the permitted uses in the R, Single-Family Residential District. The two-family dwellings on Lots 9 and 10, University Acres Addition are nonconforming uses in the R, Single-Family Residential District, subject to the requirements for Nonconforming Uses, Article VIII, of the Zoning Regulations. These two-family dwellings were built in 1963 and were a permitted use in the "A" Single and Two Family Dwelling District from 1965 to 1968. Lot 6, North Timberlane Addition is an unimproved, nonconforming lot in terms of lot depth, lot width, and lot area for the R District (Section 4-102 (C)) and is subject to the requirements for Nonconforming Uses, Article VIII, of the Zoning Regulations. This lot could not be developed in its existing configuration. While the lots along the south side of Claflin Road are all generally suitable for uses in the R District, there is some concern about having multiple private drives from these lots onto the busy Claflin Road corridor, which can pose a turning movement hazard.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:

The C-1, Restricted Commercial District is intended to be compatible with adjacent residential districts. An increase in traffic, light and noise can be expected with the proposed rezoning and would be consistent with the character of the Claflin Road corridor. The proposed rezoning of the residential lots along Buena Vista Drive (Lots 3 & 4, University Acres Addition and Lot 6, North Timberlane Addition) encroaches upon an established residential neighborhood, particularly if access to the site could be gained from Buena Vista Drive, a local residential street. The permitted uses in the C-1 District include banks and financial institutions (including drive-in types), mortuaries and funeral homes, cultural facilities and business and professional offices. The traffic generated by these uses would be incompatible with the surrounding residential neighborhood and the local residential street.

Attachment No. 1

However, the applicant has proposed a restrictive covenant which would restrict the use of the land to business and professional offices, churches, chapels, temples, synagogues, cultural facilities and government buildings along Buena Vista Drive. The restrictive covenant also eliminates access to Buena Vista Drive once the residential dwellings were removed. The covenant would be enforceable by the City Commission and can only be altered or removed by the owner and written consent of the City Commission. Limiting access and future uses on the property through the self-imposed covenant will reduce the potential for adverse impacts on the neighborhood, while allowing expansion of the Manhattan Medical Center campus along Claflin Road.

The C-1 District requires sight obscuring screening of not less than six (6) feet in height to be provided along the entire length of all property lines that share a common boundary with property, except public rights-of-ways, in a residential district. The C-1 District requires that exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street. The applicant has stated that parking lot lighting will utilize a timer to turn-off the lights from 10:00 pm to 6:00 am. The exterior lights on the proposed building will remain on for security purposes. The C-1 District also limits storage activities associated with a business or professional use to be limited to storage that supports the daily activities occurring within the business or professional office environment. These use limitations and self-imposed restrictive covenant would minimize the affects caused by the rezoning on the surrounding properties.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Northwest Planning Area designates the site as Residential Low/Medium Density (RLM). The RLM category policies include the following:

RESIDENTIAL LOW/MEDIUM DENSITY (RLM)

RLM 1: Characteristics

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

RLM 2: Appropriate Density Range

Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

The background and intent of the Commercial policy section of the Comprehensive Plan state:

“The City contains numerous commercial areas that provide the necessary goods and services for residents of the community and region as well as visitors. Commercial developments must be located and designed to balance market opportunities with access and location. In addition, the location and design of commercial areas must be incorporated into surrounding areas, rather than altering the character of surrounding neighborhoods. While the Downtown, or Central Core District, will remain the primary focus of regional commercial activity for the community and region, a variety of other community and neighborhood scale commercial centers will be distributed throughout the community to provide for the day-to-day needs of residents.”

The subject lots on Claflin Road abut office and professional uses to the north and east, and similar professional offices farther to the west along Hylton Heights Road and Claflin Road. It is anticipated that this RLM area could be redeveloped to office/research park uses and be compatible with the Comprehensive Plan.

Rezoning the subject lots that gain direct access on Buena Vista Road would encroach into a residential neighborhood that has been established since the 1960's. However, the applicants have proposed a restrictive covenant that would limit the uses and prohibit access onto Buena Vista Drive. The self-imposed covenant reduces the potential that the character of the surrounding neighborhood would be altered by developing the lots to office or business uses. Therefore the rezoning generally conforms to the intent of the policies associated with the Comprehensive Plan's Commercial section.

The Land Use and Growth Management chapter of the Comprehensive Plan provides the following policies regarding the Office/Research Park (OFF/RP) category, which most closely matches the proposed C-1 District:

OR 1: Characteristics

The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, “campus-like” setting. Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17th Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.

OR 2: Location

Office/Research Park facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access.

OR 3: Site Layout and Design

Office/Research Park developments should be organized in a planned, “campus-like” setting that is heavily landscaped. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces.

OR 5: Unified Architectural Character

Buildings within an Office/Research Park setting should have a unified architectural character achieved through the use of similar elements, such as rooflines, materials, colors, signage, landscaping and screening and other architectural and site layout details.

OR 6: Common Areas

Plazas and other common outdoor gathering spaces should be provided as part of the “campus” environment. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces, such as quads, courtyards, patios, or seating areas for employees and visitors.

OR 7: Circulation and Access

Building entrances, outdoor gathering spaces, and parking areas shall be linked with clear, direct pedestrian walkways.

OR 8: Outdoor Storage

The functions of an Office/Research Park facility should generally be completely contained within buildings. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.

The proposed rezoning generally conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

- | | |
|-----------------|---|
| 1953 | City Commission accepts easements and rights-of-way as shown on the Final Plat of North Timberlane Addition. |
| 1954 | North Timberlane Addition was annexed into the City and zoned "A" First Dwelling House. |
| 1959 | City Commission accepts easements and rights-of-way as shown on the Final Plat of University Acres Addition. |
| 1961 | University Acres Addition was annexed into the city and zoned "A" First Dwelling House District. |
| 1964 – 1965 | The entire subject area was rezoned from "A" First Dwelling House to "A-A" Single Family Dwelling District. |
| 1965 – 1968 | Lots 3, 4, 9, 10, and 11, University Acres Addition, Lot 6, North Timberlane Addition was rezoned to "A" Single and Two-Family Dwelling District. |
| 1969 – Present: | The entire subject area was rezoned to R, Single-Family Residential District. |

Lot 6, North Timberlane Addition has been vacant since it was platted in 1953.

Lot 11, University Acres Addition has been vacant since July, 2007.

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 C-1, Restricted Business District is designed to provide for non-retail commercial, and business and professional activities adjacent to arterial and collector streets. This district is intended to be compatible with adjacent residential districts.

Attachment No. 1

The minimum lot area in the C-1 District is 15,000 square feet. Individually, only two (2) Lots (Lot 3 & 11, University Acres Addition) meet the minimum lot area for the C-1 District. The applicant has proposed to replat all of the subject area to be rezoned, along with Lot 4 of the Manhattan Medical Center P.U.D., into one large lot, totaling 356,068 square feet (8.17 acres) in area.

The self-imposed restrictive covenant will prohibit the follow uses permitted in the C-1 District: business and professional offices, churches, chapels, temples, synagogues, cultural facilities and government buildings. Conditional uses may be considered subject to a public hearing, notification to surrounding owners and consideration and approval or denial by the Manhattan Board of Zoning Appeals prior to issuance of a building permit.

The C-1 District requires sight obscuring screening of not less than six (6) feet in height to be provided along the entire length of all property lines that share a common boundary with property in a residential district and exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street. The zoning district limits storage activities associated with a business or professional use to be limited to storage that supports the daily activities occurring within the business or professional office environment.

If the Final Plat is approved, the proposed rezoning of the entire subject area will be consistent with the intent and purpose of the C-1 District.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: With the self-imposed restrictive covenant, there appears to be no gain to the public health, safety and welfare that denial would accomplish, compared to the hardship to the applicant if the request to Rezone was denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The site can be adequately served with existing public utilities and services.

SUCH ADDITIONAL MATTERS AS MAY APPLY IN INDIVIDUAL CIRCUMSTANCES: The self-imposed restrictive covenant limits land uses on the site and removes future access to Buena Vista Drive once the two houses are removed, thus reducing potential impact on the Buena Vista neighborhood.

Attachment No. 1

STAFF COMMENTS: The applicant has submitted a Final Plat of the Manhattan Medical Center, Unit II, a Replat of Lots 3, 4, 9, 10, and 11, University Acres Addition, Lot 6, North Timberlane Addition and Lot 4, Manhattan Medical Center P.U.D. The approval of the Final Plat is conditional upon the final approval of the Rezoning request by the City Commission.

City Administration recommends approval of the proposed rezoning of Lots 3, 4, 9, 10 and 11, University Acres Addition and Lot 6, North Timberlane Addition from R, Single-Family Residential District to C-1, Restricted Business District, as it generally conforms with the Comprehensive Plan and access to the site will be from Claflin Road and not through the adjacent neighborhood.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lots 3, 4, 9, 10 and 11, University Acres Addition and Lot 6, North Timberlane Addition from R, Single-Family Residential District to C-1, Restricted Business 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 Lots 3, 4, 9, 10 and 11, University Acres Addition and Lot 6, North Timberlane Addition from R, Single-Family Residential District to C-1, Restricted Business District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, Planner

DATE: February 25, 2008