

CERTIFICATION OF CLERK

I, Gary S. Fees, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Minutes were duly adopted at a meeting of the City of Manhattan, Kansas, held on the 3rd day of February, 2009, and that said Minutes have been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, this 4th day of February, 2009.





Gary S. Fees, MMC, City Clerk



MINUTES
CITY COMMISSION MEETING
TUESDAY, JANUARY 20, 2009
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Mark J. Hatesohl and Commissioners Bob Strawn, Bruce Snead, James E. Sherow, and Tom Phillips were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 6 staff, and approximately 20 interested citizens.

PLEDGE OF ALLEGIANCE

Manhattan Catholic School students led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Hatesohl proclaimed January 25, 2009, to February 1, 2009, ***Catholic Schools' Week in Manhattan***. Representatives from the Manhattan Catholic Schools were present to receive the proclamation.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, January 6, 2009.

CONSENT AGENDA (CONTINUED)

CLAIMS REGISTER NOS. 2598 AND 2599

The Commission approved Claims Register Nos. 2598 and 2599 authorizing and approving the payment of claims from December 31, 2008, to January 13, 2009, in the amounts of \$569,752.43 and \$2,010,750.23.

LICENSES - RENEWALS

The Commission approved a Tree Maintenance License for calendar year 2009 for Wright Tree Service, Inc., 139 6th Street, West Des Moines, Iowa, and a Cereal Malt Beverages Off-Premises License for calendar year 2009 for Little Apple Express, 809 North 3rd Street.

* FINAL PLAT – GTM SPORTSWEAR ADDITION, UNIT FIVE

Commissioner Strawn stated that he would be abstaining from voting on this item as his son is the President of GTM Sportswear.

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of GTM Sportswear Addition, Unit Five, generally located south of McCall Road, and northwest of the intersection of Enoch Lane and U.S. Highway 24, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6748 – REZONE – CEDAR GLEN ADDITION

The Commission approved Ordinance No. 6748 rezoning Lots 7B, 8A-9B, and Lots 10 – 56, Cedar Glen Addition, generally located west of and adjacent to Little Kitten Avenue and Buckner Drive, from R-M, Four-Family Residential District, to R-2, Two-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 1*).

ORDINANCE NO. 6749 – NO PARKING – NORTHFIELD ROAD (INTERSECTION OF CASEMENT ROAD)

The Commission approved Ordinance No. 6749 removing parking to a point 75 feet west of the centerline of Casement Road on Northfield Road.

ORDINANCE NO. 6750 – AMEND SCHOOL TIME ZONES – ELIMINATE ELEMENTARY NOON HOUR

The Commission approved Ordinance No. 6750 amending the existing school time zones by eliminating the 11:00 a.m. to 1:00 p.m. reduced speed limits in the existing school zones around the elementary schools, effective for the 2009-2010 school year.

CONSENT AGENDA (CONTINUED)

SUBLEASE AGREEMENT – ROBERT F. SAGER TRUST NO. 1 TO FLYING CATS, LLC

The Commission consented to the subletting of the Aircraft Hangar property and authorized City Administration to finalize and the Mayor and City Clerk to execute a sublease Agreement between the City of Manhattan and the Robert F. Sager Trust, No. 1 to Flying Cats, LLC.

* BOARD APPOINTMENTS

Commissioner Strawn applauded the Mayor for making a citizen appointment to the Riley County Law Enforcement Board.

Mayor Hatesohl thanked Commissioner Phillips for his service on the Law Enforcement Board.

Karen Mayse, 3340 Newbury Street, President, Riley County League of Women Voters, thanked Mayor Hatesohl for appointing a citizen to the Riley County Law Board in an effort to strengthen democracy and improve transparency.

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

Downtown Business Improvement District Advisory Board

Appointment of Carolyn Arand, 221 North 4th Street, to a two-year term. Ms. Arand's term begins immediately, and will expire December 31, 2010.

Riley County Law Enforcement Board

Reappointment of Bruce Snead, 810 Pierre Street, to a two-year City Commissioner term. Mr. Snead's term begins immediately, and will expire December 31, 2010.

Reappointment of Mark Hatesohl, 501 Highland Ridge, to a two-year At-Large term. Mr. Hatesohl's term begins immediately, and will expire December 31, 2010.

Appointment of Connie Casper, 3700 Bradford Terrace, to a two-year At-Large term. Ms. Casper's term begins immediately, and will expire December 31, 2010.

Riley County-Manhattan Health Board

Appointment of Paul Benne, 1915 Crescent Drive, to a two-year At-Large term. Mr. Benne's term will begin February 1, 2009, and will expire January 31, 2011.

CONSENT AGENDA (CONTINUED)

After discussion, Commissioner Sherow moved to approve the consent agenda. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item D: *Final Plat GTM Sportswear Addition, Unit Five*, which carried 4-0, with Commissioner Strawn abstaining from the item.

GENERAL AGENDA

FIRST READING – AMEND - PARKING PERMIT PROCESS

Bernie Hayen, Director of Finance, presented the item and informed the Commission that the ordinance would be in the packet for second reading.

After discussion, Commissioner Snead moved to approve first reading of an ordinance changing the City's parking permit system to an annual renewal of all parking permits. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

AMEND - AIRPORT ADVISORY BOARD BYLAWS

Peter Van Kuren, Airport Director, presented the item. He then answered questions from the Commission regarding term limits on the Airport Advisory Board.

After discussion, Commissioner Sherow moved to approve an amendment to the City of Manhattan, Kansas, Airport Advisory Board Bylaws amending the composition of the Airport Advisory Board to include a position representing Pottawatomie County. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

At 7:20 p.m., Commissioner Snead moved to recess into Executive Session until 8:20 p.m. for the purpose of discussing personnel matters of non-elected personnel pertaining to the evaluation of the City Manager. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

At 8:20 p.m., the Commission reconvened with Mayor Hatesohl and Commissioners Strawn, Snead, Sherow, and Phillips in attendance. Commissioner Snead moved to recess into Executive Session until 9:00 p.m. for the purpose of discussing personnel matters of non-elected personnel pertaining to the evaluation of the City Manager. Commissioner Sherow seconded the motion. Motion carried 5-0.

EXECUTIVE SESSION (*CONTINUED*)

At 9:01 p.m., the Commission reconvened with Mayor Hatesohl and Commissioners Strawn, Snead, Sherow, and Phillips in attendance. Commissioner Snead moved to recess into Executive Session until 9:15 p.m. for the purpose of discussing personnel matters of non-elected personnel pertaining to the evaluation of the City Manager. Commissioner Sherow seconded the motion. Motion carried 5-0.

ADJOURNMENT

At 9:16 p.m., the Commission reconvened and adjourned the meeting.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R-M, Four-Family Residential District

TO: R-2, Two-Family Residential District

APPLICANT/ ADDRESS: Doug DeMondbrun 1430 Poyntz Avenue, Manhattan, KS,

OWNERS/ADDRESS: G. Doug DeMondbrun Trust and Linda J. Conderman Trust/1430 Poyntz Avenue, Manhattan, KS,
Prairie Flower Homes, LLC/1430 Poyntz Avenue, Manhattan, KS,
Abbott/Anderson Development Company, Inc./225 McCall Road, Manhattan, KS
Western Hills, LLC/ 6803 NW Monticello Court, Kansas City, MO

LOCATION: Lots 7B, 8A-9B and Lots 10 – 56, Cedar Glen Addition. The site is generally located approximately 1,800 feet north of the intersection of Kimball Avenue and Little Kitten Avenue, adjacent to Little Kitten Avenue and Buckner Drive.

AREA: Approximately 12.11 acres (527,713 square feet)

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 24, 2008

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 15, 2008
CITY COMMISSION: Tuesday, December 30, 2008

EXISTING USE: Vacant residential lots appropriate for single-family, two-family and three- and four-family residential uses.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is rolling terrain which slopes to the west toward Little Kitten Creek. The site has been filled and graded for the construction of single-family homes. Public streets and utilities have been installed throughout the subdivision.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Vanesta Drive, an unplatted right-of-way, approximately 260 feet in width at its widest point, Grand Mere, Unit Three and Grand Mere Vanesta, Unit Two; R District.
- (2) **SOUTH:** Grand Mere Village and Stoneybrook Retirement Center; Commercial PUD District and R-3 District.
- (3) **EAST:** Little Kitten Avenue, a platted 60 foot right-of-way, Cedar Glen Addition, Unit One, Western Hills, Unit 14 and Western Hills, Unit 10; R-M District, R-2 District and R District.
- (4) **WEST:** Grand Mere Vanesta, Unit Two, Vanesta Drive, an unplatted right of way, approximately 240 feet in width at its widest point, Grand Mere, Unit Three; R District

GENERAL NEIGHBORHOOD CHARACTER: The area is characterized as a developing neighborhood in the northwest part of the City. To the north and west is large lot, single-family homes in the Grand Mere and Grand Mere Vanesta developments, and to the east is a mix of different types of housing with single-family attached and single-family detached homes. To the south are the Stoneybrook Retirement Community and the Grand Mere Village Commercial PUD.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:

The site is suitable for the permitted uses under the R-M, Four-Family Residential District. The original plat of the Cedar Glen Addition, which was platted in July, 2006 conforms to the requirements of the R-M District. The applicant is requesting the rezoning so that the homes designed for the lots on the subdivision will fit between the side property lines without requiring actions by the Board of Zoning Appeals. A Replat of Lots 10-18 and 33 – 56, Cedar Glen Addition has also been proposed so that the residential building design will fit on the lot. The existing R-M District requires a minimum side yard setback of eight (8) feet. The proposed R-2, Two-Family Residential District, requires a minimum of side yard setback of six (6) feet.

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

The site is in a growth area in the northwest part of the City. An increase in light, noise and traffic is expected. This increase will be consistent with the area which consists of single-family detached and single-family attached homes.

CONFORMANCE WITH COMPREHENSIVE PLAN: The rezoning site is shown on the Northwest Planning Area Future Land Use Map of the Comprehensive Plan as a combination of RMH, Residential Medium/High Density and OS, Open Space.

Policies of the RMH designation include:

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 four plexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

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.

Based the number of lots established on the Final Plat of Cedar Glen Addition and the proposed replat of Cedar Glen Addition, Unit Two, the proposed R-2 District net density is 4.29 dwelling units per net acre

The OS designation is primarily due to the Little Kitten Creek 100 Year Flood Plain, which is located along the west site of the development.

Policies of the OS designation include:

NRE 1: Corridors, Buffers, and Linkages and Preserved Open Space

The City and County should use a variety of methods (both public and private) to facilitate the creation of a continuous, permanent, system of open space corridors using natural features such as preserved open space areas, drainages, streams, and rivers to the extent possible. Corridors should be identified during the subdivision or master planning process and should be used to provide linkages within and between non-contiguous parks, environmentally sensitive and preserved open space areas, as well as neighborhoods and other development areas. Buffers can also be used to provide a transition between different intensities of uses. The current width and shape and other features of a naturally occurring corridor (such as a drainageway) should be preserved, in order to maintain its environmental integrity and avoid creating an “engineered” appearance.

NRE 2: Parks and Recreation

The City and County should ensure that park and recreation facilities provide an adequate range of recreational opportunities. Facilities shall be designed in a manner that responds to the needs of the intended users. More specific policies and design guidelines are provided in the previously developed Comprehensive Parks Master Plan, Linear Park Master Plan - Phase II, Strategic Park Plan, Bicycle Master Plan, and the Fairmont Park Master Plan.

NRE 3: Trails Network

The City and County shall use a variety of methods to develop a system of open space that is connected, continuous, and permanent. The Linear Trail, which currently follows parts of Wildcat Creek, and the Big Blue and Kansas Rivers, represents the beginnings of a network of trails and open space that will link various areas of the City. Tributary drainage channels and other potential pedestrian corridors should also be incorporated as part of the overall network as they become integrated into residential areas.

NRE 4: Environmentally Sensitive Areas: Wildlife Habitat and Corridors, Wetlands, Riparian Areas and Prairie Ecosystems

The Urban Area is home to a variety of environmentally sensitive areas, including: Wildcat Creek, the Big Blue and Kansas Rivers, numerous secondary stream corridors, drainage areas, and wetlands, as well as prairie ecosystems. In addition to their scenic quality, these areas provide other benefits, such as water quality enhancement and flood control, potential ecotourism, and also serve as important wildlife habitat. The City and County shall work to ensure that development impacts upon these areas are minimized.

NRE 5: Environmentally Sensitive Site Design

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

NRE 6: Natural Hazards

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

The Little Kitten Creek 100 year flood plain is located on the west side of the development. The developer has applied for and received a Letter of Map Revision-Based on Fill (LOMR-F), dated November 4, 2008, from the Federal Emergency Management Agency (FEMA) that has determined that portions of Lots 23 – 22, 36, 37, 38 and 50 through 56, Cedar Glen Addition, Unit One (subject property) has been removed from the Flood Zone AE based fill. Based on this determination, these portions of the subject property are located in Zone X (shaded). Portions of Lots 13 -18 remain in the Floodway District, Zone AE, and shall conform to the requirements of Article X, Flood Plain Regulations of the Zoning Regulations.

A note is on the Final Plat of Cedar Glen Addition, Unit Two, detailing the LOMR-F determination and the need for the determination document is to be filed with the plat for future reference.

The proposed rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

- | | |
|----------------|--|
| June 1, 1998 | Manhattan Urban Area Planning Board recommended approval of annexation of Tract VIII of Grand Mere, which would become known as the Cedar Glen Addition in 2002. |
| June 16, 1998 | City Commission approved first reading of annexation of Tract VIII of Grand Mere. |
| Sept. 10, 1998 | Manhattan Urban Area Planning Board recommended approval of rezoning Tract VIII to RM, Four-Family Residential District. |

Attachment No. 1

- Oct. 6, 1998 City Commission approved first reading of rezoning of Tract VIII of Grand Mere.
- Oct. 20, 1998 City Commission approved second reading of Ordinance No. 6041 rezoning Tracts VIII to RM, District.
- October 2, 2000 Manhattan Urban Area Planning Board recommended approval of rezoning eastern portion of Tract VIII, as a part of proposed Western Hills, Unit 11, to R2, Two-Family Residential District. (Note: the site would become part of Cedar Glen Addition in 2002.)
- October 17, 2000 City Commission approved first reading of rezoning of the eastern portion of Tract VIII, as a part of proposed Western Hills, Unit 11, to R2, Two-Family Residential District.
- November 7, 2000 City Commission approved second reading of Ordinance No. rezoning the eastern portion of Tract VIII, as a part of proposed Western Hills, Unit 11, to R2, Two-Family Residential District.
- July 1, 2002 Manhattan Urban Area Planning Board approves Preliminary Plat of the Cedar Glen Addition.
- June 29, 2006 Manhattan Urban Area Planning Board approves Final Plat of the Cedar Glen Addition.
- July 18, 2006 City Commission accepts easements and right -of-way as shown on the Final Plat of the Cedar Glen Addition.

The site has remained vacant for an undetermined length of time.

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-2, Two-Family Residential District is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. The proposed rezoning is consistent with the intent and purposes of the 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 relative gain to the public that denial would accomplish in comparison to the hardship to the owner. The February 4, 2005 revised NFIP map shows the west side of the development to be located in the Little Kitten Creek 100 year flood plain. The developer has applied for and received a Letter of Map Revision- Based on Fill (LOMR-F), dated November 4, 2008. The LOMR-F has determined that portions of Lots 23 – 22, 36, 37, 38 and 50 through 56, Cedar Glen Addition, Unit One (subject property) has been removed from the Flood Zone AE based fill. Based on this determination, these portions of the subject property are located in Zone X (shaded). Portions of Lots 13 -18 remain in the Floodway District, Zone AE, and shall conform to the requirements of Article X, Flood Plain Regulations of the Zoning Regulations.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The site is served by adequate public improvements, including street, water, fire service and sanitary sewer.

OTHER APPLICABLE FACTORS: None

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Lots 7B, 8A-9B and Lots 10 – 56, Cedar Glen Addition from R-M, Four-Family Residential District to R-2, Two-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lots 7B, 8A-9B and Lots 10 – 56, Cedar Glen Addition from R-M, Four-Family Residential District to R-2, Two-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

Attachment No. 1

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lots 7B, 8A-9B and Lots 10 – 56, Cedar Glen Addition from R-M, Four-Family Residential District to R-2, Two-Family Residential District, based on the findings in the Staff Report .

PREPARED BY: Chad Bunger, Planner

DATE: November 25, 2008

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