

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

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bob Strawn and Commissioners Bruce Snead, James E. Sherow, Loren J. Pepperd, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 8 staff, and approximately 22 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Strawn led the Commission in the Pledge of Allegiance.

PRESENTATION

Manhattan Konza Rotary Club and Manhattan Rotary Club representatives presented checks to Mayor Strawn and Curt Loupe, Director of Parks and Recreation, to purchase new rental ice skates for the new GTM Sportswear Family Center, located at the Jon and Ruth Ann Wefald Pavilion in City Park.

COMMISSIONER COMMENTS

Commissioner Sherow thanked everyone who worked on and helped build the new Jon and Ruth Ann Wefald Pavilion in City Park and encouraged the public to enjoy ice skating in the facility.

Commissioner Snead shared with the community that Sunset Zoo recently was recognized for 20 years of accreditation by the Association of Zoos and Aquariums. He also stated that he was pleased to see progress being made on the voter-approved, Zoo Education Center and looked forward to reviewing the plans and beginning construction of the new facility.

Commissioner Pepperd thanked everyone involved in making the Veteran's Day parade and associated events terrific this year.

COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Morris-Hardeman informed the community that she recently attended the National League of Cities conference in San Antonio and shared some of the discussion sessions that she attended. She then thanked those soldiers serving in the military and their families.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 3, 2009, and the Special City Commission Meeting held Thursday, November 5, 2009.

CLAIMS REGISTER NO. 2624

The Commission approved Claims Register No. 2624 authorizing and approving the payment of claims from October 23, 2009, to November 10, 2009, in the amount of \$2,141,351.84.

LICENSES

The Commission approved a *Merchant Guard Agency License* for calendar year 2010 for MVM, Inc., 44620 Guilford Drive, Suite 150, Ashburn, Virginia; The Wackenhut Corp., d/b/a G4S Wackenhut, 10540 Marty Street, Suite 160, Overland Park; a *Tree Maintenance License* for calendar year 2010 for Blueville Nursery, Inc., 4539 Anderson Avenue; Carnahan Creek Tree Service, 12615 Carnahan Road, Olsburg; Elite Tree and Bobcat Service, 517 Stone Drive, Apt. 4201; Kanscapes, Inc., 8455 River Valley Drive; Tree Design, d/b/a Three Men Tree Service, 255 Ridge Drive; Wright Tree Service, Inc., 139 6th Street, West Des Moines, Iowa; and an annual *Cereal Malt Beverage Off-Premises License* for Dillon Stores #15, 130 Sarber Lane; and Dillon Stores #46, 1000 Westloop Place.

* **ORDINANCE NO. 6793 – ANNEX – EUREKA DRIVE STORAGE ADDITION**

Dale Houdeshell, Director of Public Works, and Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on the item.

The Commission approved Ordinance No. 6793 annexing the proposed 11.3-acre Eureka Drive Storage Addition, generally located west of the Flint Hills Job Corps Center, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program, and the findings of the Board of Riley County Commissioners.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6794 – REZONE – EUREKA DRIVE STORAGE ADDITION

The Commission approved Ordinance No. 6794 rezoning the site as proposed, to I-3, Light Industrial District, with AO, Airport Overlay District; based on the findings in the Staff Report (*See Attachment No. 1*).

FINAL PLAT – EUREKA DRIVE STORAGE ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Eureka Drive Storage Addition, generally located on the north side of Eureka Drive, immediately west of the Flint Hills Job Corp Center, based on conformance with the Manhattan Urban Area Subdivision Regulations.

RESTRICTIVE COVENANT – EUREKA DRIVE STORAGE ADDITION

The Commission authorized the Mayor and City Clerk to execute the Agreement regarding construction and maintenance of on-site drainage improvements.

* **ORDINANCE NO. 6795 – ISSUE STAR AND TIF BONDS – DOWNTOWN REDEVELOPMENT**

Ron Fehr, City Manager, provided an overview on the item and recognized the work of David McGillivray, Springsted, Inc, (City's financial advisor); Joe Norton, Gilmore & Bell (City's bond counsel); and, Andy Kane, D.A. Davidson (City's Bond underwriter).

Dave McGillivray, Springsted, Inc., provided results of the financing associated with the item and a summary of the TIF and STAR Bonds sale, discussed the City's annual appropriations, net proceeds available, and summarized the City's credit rating with the three rating agencies. He provided a summary on the General Obligation Bond and Temporary Note sales. He then responded to questions from the Commission regarding the City's credit rating and bid results.

Ron Fehr, City Manager, provided additional information on the item and gave a summary of the project expenditures planned for the South Redevelopment Project.

The Commission approved Ordinance No. 6795 issuing STAR bonds (Series No. 2009-A, Senior Lien Bonds and Special Obligation Revenue Bonds and Series No. 2009-B, Subordinate Lien Bonds) and Ordinance No. 6796 issuing TIF bonds (Series No. 2009-A and Taxable Sales Tax Special Obligation Revenue Bonds and Series No. 22009-2, Build America Bonds).

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6797 – ISSUE INDUSTRIAL REVENUE BONDS – GTM SPORTSWEAR

The Commission approved Ordinance No. 6797 authorizing the issuance of Industrial Revenue Bonds (Series No. 2009-A, 2009-B, and 2009-C) to GTM Sportswear, Inc., for the purpose of acquiring, constructing, expanding, and equipping the company's existing manufacturing facility located at 520 McCall Road; and authorized the Mayor and City Clerk to execute documents related to the bond sale.

ORDINANCE NO. 6798 – KDHE LOAN AGREEMENT

The Commission approved Ordinance No. 6798 authorizing the execution of a new loan agreement between the City of Manhattan, Kansas, and the State of Kansas, acting by and through the Kansas Department of Health and Environment, for the purpose of obtaining a loan from the Kansas Water Pollution Control Revolving Loan Fund in order to finance water pollution control projects; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the loan agreement.

ORDINANCE NO. 6799 – ISSUE – GENERAL OBLIGATION BONDS

The Commission approved Ordinance No. 6799 issuing \$11,110,000.00 in general obligation bonds (Series 2009-C) to finance nine (9) special assessment projects (*Lee Mill Village – Storm Drainage (SM0702); Gravity Sanitary Sewer (SS0704); Lift Station (SS0709); Street (ST0709); and Water (WA0705); Stone Pointe Addition, Unit Two – Storm Drainage (SM0606) and Street (ST0630); Carlson Street – Storm Drainage (SM0802); and Prairie Lakes Addition, Unit Three – Street (ST0619)* and five (5) capital improvement projects (relocation of the 4th Street sanitary sewer 18" trunk main (SS0625); reconstruction of 4th Street between Leavenworth Street and Moro Street (ST0712); signal and intersection improvements at K-18 and Miller Parkway/Davis Drive (ST0713); Siphon Odor Control improvements (SP0702); and Marlatt Waterway Storm Drainage Improvements (SM0701) and Resolution No. 111709-A authorizing delivery of the bonds to the low bidder, UBS Financial Services Inc., of New York, New York.

ORDINANCE NO. 6800 – ISSUE – GENERAL OBLIGATION REFUNDING BONDS

The Commission approved Ordinance No. 6800 issuing \$8,870,000.00 in general obligation refunding bonds (Series 2009-D) to refund Bond Series 211, 214, 216 and 2002A and Resolution No. 111709-B authorizing delivery of the bonds to the low bidder, Robert W. Baird & Co., Inc., of Winston-Salem, North Carolina.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 111709-A – TEMPORARY NOTE SERIES 2009-04

The Commission approved accepting the best bid from UMB Bank, n.a., of Kansas City, Missouri, for selling the notes and approved Resolution No. 111709-A issuing Temporary Note Series No. 2009-04 in the amount of \$5,590,000.00 to finance the following eleven (11) special assessment and capital projects to be debt financed: *Barton Place, Unit 2, Phase 1, Street Improvements (ST0620); City Park Pool Replacement (CP0901); Grand Mere Vanesta, Unit 3, Sanitary Sewer (SS0905), Street (ST0904), and Water (WA0902) Improvements; Scenic Meadows, Unit 2, Sanitary Sewer (SS0813) and Water (WA0810) Improvements; 2007 New and Parallel Water Lines, Phase 1 (WA0703); Animal Shelter Air Exchange and Cat Enclosure (AS901P); Downtown Redevelopment (South End) – Discovery Center Exhibit Design (DC0902); and Manhattan Mennonite Church, Sanitary Sewer Improvements (SS0909).*

* **FIRST READING – 2010 SALARY ORDINANCE**

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

The Commission approved first reading of the 2010 Salary Ordinance to establish a range of salaries for City employees.

PUBLIC HEARING – VACATE UTILITY EASEMENT – LOT 9, OAK HILL ADDITION

Mayor Strawn opened the public hearing. Hearing no comments, Mayor Strawn closed the public comments.

* **FIRST READING – VACATE UTILITY EASEMENT – LOT 9, OAK HILL ADDITION**

Commissioner Pepperd stated that he would be recusing himself from this item.

The Commission approved first reading of an ordinance vacating a portion of a utility easement on Lot 9, Oak Hill Addition, in the City of Manhattan, Riley County, Kansas.

* **AGREEMENT – TRANSFER OF LAND AND DESIGN COSTS - MANHATTAN DAY CARE AND LEARNING CENTERS**

Ron Fehr, City Manager, informed the Commission that the City has received a federal earmark from our congressional delegation to assist with childcare needs in the community and that these funds will be split between Kansas State University Child Development Center and Manhattan Day Care and Learning Center.

CONSENT AGENDA (CONTINUED)

* **AGREEMENT – TRANSFER OF LAND AND DESIGN COSTS -
MANHATTAN DAY CARE AND LEARNING CENTERS (CONTINUED)**

Lauren Palmer, Assistant City Manager, responded to questions from the Commission regarding the congressional earmark and formal grant application that was submitted and approved by the City Commission.

The Commission authorized the Mayor and City Clerk to sign an agreement with Manhattan Day Care and Learning Centers, Inc., regarding transfer of land and payment of design costs.

* **REQUEST FOR QUALIFICATIONS – DESIGN SERVICES –
MANHATTAN DAY CARE AND LEARNING CENTERS**

Ron Fehr, City Manager, informed the Commission that the City has received a federal earmark from our congressional delegation to assist with childcare needs in the community and that these funds will be split between Kansas State University Child Development Center and Manhattan Day Care and Learning Center.

Lauren Palmer, Assistant City Manager, responded to questions from the Commission regarding the congressional earmark and formal grant application that was submitted.

The Commission authorized City Administration to advertise a Request for Qualifications for professional design services and appointed Commissioner Snead to serve on the Selection Committee.

**RESOLUTION NO. 111709-D – SUPPLEMENTAL AGREEMENT – US 24
AND MCCALL ROAD INTERSECTION)(ST0907)**

The Commission approved Resolution No. 111709-D authorizing the Mayor and City Clerk to execute a supplemental agreement (Supplemental No. 1 to Agreement No. 60-09) with KDOT for the project at the intersection of McCall Road and US-24 (East Poyntz Avenue) (ST0907).

KDOT AMENDMENT – 2001 TRANSIT PLAN UPDATE

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an amendment (Supplemental Agreement #1 to Project #PT-0704-09) to the grant agreement with the Kansas Department of Transportation.

CONTRACT – 2001 TRANSIT PLAN UPDATE

The Commission authorized the Mayor and City Clerk to execute a contract with TranSystems Corporation, of Kansas City, Missouri, for preparation of an update to the *2001 Transit Implementation Plan* and appointed Commissioner Morris-Hardeman to serve on the Steering Committee.

CONSENT AGENDA (CONTINUED)

CHANGE ORDER NO. 2 – RUNWAY 13/31 EXTENSION (GRANT 39)

The Commission authorized the Mayor and City Clerk to execute Change Order No. 2 for the installation of redesigned sanitary sewer lines for the extension of Runway 13/31 (Grant 39), resulting in a net increase in the amount of \$19,782.95 to the contract with Pavers, Inc., of Salina, Kansas.

After additional discussion, Commissioner Snead moved to approve the consent agenda. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item F - *Ordinance No. 6797 – Issue Industrial Revenue Bonds – GTM Sportswear*- which carried 4-0, with Mayor Strawn abstaining from the item; Item J - *2010 Salary Ordinance* - which carried 3-2, with Mayor Strawn and Commissioner Pepperd voting against the item; Item K - *Vacate Utility Easement – Lot 9, Oak Hill Addition* - with Commissioner Pepperd recusing himself from the item; and Item L - *Agreement – Transfer of Land and Design Costs - Manhattan Day Care and Learning Centers – and - Request for Qualifications – Design Services – Manhattan Day Care And Learning Centers* - which carried 3-2, with Mayor Strawn and Commissioner Pepperd voting against the item.

GENERAL AGENDA

AWARD CONTRACT - CONSTRUCTION MANAGER AT-RISK FOR THE FLINT HILLS DISCOVERY CENTER

Lauren Palmer, Assistant City Manager, presented the item.

Ron Fehr, City Manager, responded to questions from the Commission regarding concerns with green roof technology and sub-contractor work with a Construction Manager At-Risk process. He stated that the Commission would have greater input and involvement in the design process.

Lauren Palmer, Assistant City Manager, informed the Commission that they would have the ability to make a decision whether or not excess funds would be put back into the project and stated there will be specific provisions in the approval process of sub-contractors.

GENERAL AGENDA (CONTINUED)

AWARD CONTRACT - CONSTRUCTION MANAGER AT-RISK FOR THE FLINT HILLS DISCOVERY CENTER (CONTINUED)

Mayor Strawn stated that he understood the rationale for this process to be used for City Park Pool, but asked why the City would want to use the Construction Manager At-Risk for the Discovery Center. He provided an example of the savings achieved with the recent bid opening for the South Downtown Redevelopment Storm Sewer Project and was troubled that City Administration is not planning on using the traditional competitive bid process with the Discovery Center, so that the City would benefit with 100 percent on any savings achieved.

Ron Fehr, City Manager, responded to questions from the Commission regarding the potential savings that would be shared by the City and with the contractors. He stated that this approach will allow the City to better position itself for the sale of bonds that are financing the South District.

Shelly Koehler, Project Manager, McCown Gordon Construction, provided additional information on the gross maximum price (GMP) and stated that this will be a competitive process with qualified contractors. She then responded to questions from the Commission regarding the GMP and potential savings with the Construction Manager At-Risk process.

Lauren Palmer, Assistant City Manager, provided additional information on the item.

Mayor Strawn voiced concern in the process with an east coast architect and cost consultant with the Construction Manager At-Risk process.

Ron Fehr, City Manager, provided additional information on the item. He then informed the Commission that Bowman Bowman and Novick would be engaged with the team.

Commissioner Snead informed the community that he served on the steering committee and was pleased with the work done thus far. He stated that the Discovery Center director indicated to him that he had never seen such a cooperative effort to maximize the budget for this project. He stated that the Construction Manager At-Risk approach is appropriate and savings can be achieved to get the highest quality facility possible, with a limited budget.

Ron Fehr, City Manager, provided additional information regarding the proposed contract with McCown Gordon and delivery method with this type of specialized facility.

Commissioner Sherow stated that he also served on the steering committee for the Discovery Center. He said this is a unique building with a special design and cost savings can be achieved with this process.

GENERAL AGENDA (CONTINUED)

AWARD CONTRACT - CONSTRUCTION MANAGER AT-RISK FOR THE FLINT HILLS DISCOVERY CENTER (CONTINUED)

Commissioner Pepperd stated that architects are looking at this facility and voiced concern that this process is a non-competitive structure and will not result in project savings.

Commissioner Morris-Hardeman stated that the City will only have one opportunity to construct this building right and STAR Bond proceeds can be utilized to accomplish this. She said that the incentives are there for the contractors and for the City to both benefit from savings realized from the construction of the Discovery Center.

Commissioner Snead stated that he was comfortable with the level of scrutiny with the costs associated with the building to maximize the dollar value of the amount budgeted to achieve the highest quality, most significant facility possible. He said that the team assembled gives the City the best chance to achieve success with a unique building and given his professional experience, this approach makes sense with McCown Gordon.

Mayor Strawn stated that although McCown Gordon is fully qualified to build this building, it's not the only qualified firm in the United States that can build it. He voiced concern with the risks that the taxpayers of Manhattan and Kansas will pay a significant price with the lack of competition and incentives to save taxpayer money.

After discussion, Commissioner Sherow moved to authorize the Mayor and City Clerk to execute a contract with McCown Gordon Construction, of Kansas City, Missouri, for Construction Manager At-Risk services for the Flint Hills Discovery Center. Commissioner Snead seconded the motion. On a roll call vote, motion carried 3-2, with Mayor Strawn and Commissioner Pepperd voting against the motion.

GRANT APPLICATION – OFFICE OF ECONOMIC ADJUSTMENT

Karen Davis, Director of Community Development, presented the item. She then responded to questions from the Commission regarding the Office of Economic Adjustment (OEA) and prior regional projects funded by the OEA.

Commissioner Sherow stated that he is on the Regional Planning Steering Committee and informed the Commission that this is a planning agency that can benefit all other governmental agencies in the region regarding transportation, child care, economic development, data collection, and many other areas.

Ron Fehr, City Manager, provided additional information on the item and informed the Commission that Fort Riley has offered to provide free office space and will have an ex-officio position on the Regional Planning Organization.

GENERAL AGENDA (CONTINUED)

GRANT APPLICATION – OFFICE OF ECONOMIC ADJUSTMENT (CONTINUED)

After discussion, Commissioner Sherow moved to approve Resolution No. 111709-E and authorize the City Manager to execute a grant application for funds from the Office of Economic Adjustment and any related grant agreement should funds be awarded for creation of the Flint Hills Regional Council. Commissioner Morris-Hardeman seconded the motion.

Karen Davis, Director of Community Development, said consultants will be hosting public open houses November 18-19, 2009, in Geary, Pottawatomie, and Riley Counties.

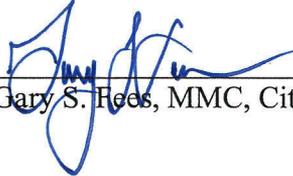
After additional discussion, on a roll call vote, motion carried 5-0.

Ron Fehr, City Manager, recognized Kristina Hyland, Regional Growth Coordinator, and thanked Katie Jackson, Assistant City Attorney; Dale Houdeshell, Director of Public Works; and Lauren Palmer, Assistant City manager, for their work on the documents involved with the Construction Manager At-Risk contracts and work on the Discovery Center.

Mayor Strawn thanked Commissioners Snead and Sherow for their work on the Discovery Center Steering Committee.

ADJOURNMENT

At 8:40 p.m. the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

- FROM:** N-1, Airport Noise Hazard District
- TO:** I-3, Light Industrial District, with AO, Airport Overlay District.
- APPLICANT:** K & M Holdings, Inc. – Jon Mansel, President
- ADDRESS:** 258 NW 30th Street, St. John, KS 67576
- OWNERS:** The Grand Lodge of the Independent Order of Odd Fellows (I.O.O.F.)
– Vernon Bartlett, President, Jerry J. and Sharon K. Martin, and
Richard E. Jr. and Angela G. Britt
- ADDRESS:** PO Box 9271, Wichita, KS 67277, 4001 Kitten Creek Road,
Manhattan, KS 66503, 1400 S. Scenic Drive, Manhattan, KS 65502
- LOCATION:** Generally located approximately 3,000 feet west of the Scenic Drive
and Eureka Drive intersection and is on the north side of Eureka Drive,
west of the Flint Hills Job Corp.
- AREA:** Approximately 11.3 acres
- DATE OF PUBLIC NOTICE PUBLICATION:** Thursday, August 20, 2009
- DATE OF PUBLIC HEARING: PLANNING BOARD:** Thursday, September 10,
2009
- CITY COMMISSION:** Anticipated on Tuesday, November 3,
2009
- EXISTING USE:** Farm field, vacant agricultural land, vacant land in the 100-Year Flood
Plain and a portion of the Eureka Drive right-of-way.
- PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is comprised
of three separate tracts of land for an approximate total of 11.3 acres. The annexation
requests is comprised of approximately 9.2 acres tract of owned by The Grand Lodge
I.O.O.F, an approximate 1.6 acre tract owned by the Martin and a one (1) acre tract owned

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by the Britts. The Grand Lodge I.O.O.F. tract is a farm field with a thick stance of deciduous trees lining the south side of the property along Eureka Drive. The Martin tract is vacant agriculture land that is heavily wooded and has one deteriorated building located on the tract. The portion of the Britt tract is vacant land located in the 100-Year Floodplain that was once the old Kansas River oxbow. This area of the development is marsh land that is under shallow water during most of the year. Other portions are not within the special flood hazard areas (floodway, 100-year flood plain or 500-year flood plain).

The site also consists of approximately 11,587 square feet of Eureka Drive road easement to be dedicated to the City as Eureka Drive right-of-way (ROW). The existing southern property line does not extend to the centerline of Eureka Drive. Riley County has purchased a permanent road right-of-way easement from the Grand Lodge of the I.O.O.F. to expand and improve the County Road. This easement is the portion of the property that is to be dedicated to the City.

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

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Farm field, Airport Road, a county road; N-1, Airport Noise Hazard District, G-1, General Agriculture District.
- (2) **SOUTH:** Eureka Drive, a county road, single-family dwellings and vacant residential lots, K-18 Highway; County A-1, Single Family Residential District, A-2, Single Family Residential District, A-4, Single Family Residential District, B-1, Two Family Residential District and G-1, General Agriculture District
- (3) **EAST:** Flint Hills Job Corps. Center, vacant agricultural land and farm field, Eureka Drive Addition; U, University District, County N-1, Airport Noise Hazard District, G-1, General Agriculture District, I-2, Light Manufacturing District, I-3, Light Industrial District, C-6 Heavy Commercial District, PUD, Industrial Planned Unit Development.

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(4) WEST: The Grand Lodge I.O.O.F. cemetery, farm field, single-family dwelling; N-1 Airport Noise Hazard District, County A-4, Single-Family Residential District, G-1, General Agriculture District.

GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood is a mix of agricultural land, residential uses, an educational campus and property zoned industrial and heavy commercial. The properties to the north and west of the site are mostly farm fields. The Flint Hills Job Corps Center and the Eureka Addition Industrial Park is located to the east of the site. To the south of the site are single-family residential dwellings and vacant residential lots in the Ady Addition. The Manhattan Regional Airport is located to the southwest of the site.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is zoned County N-1, Airport Noise Hazard District, which permits agricultural uses. The site is suitable for the current use in the current County Zoning District.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: To the south of Eureka Drive are single-family homes and vacant residential lots. The homes along Eureka Drive face the roadway and gain direct access to the County Road. To the south of these properties are single-family homes and several vacant, residential lots. Some of the vacant lots are owned by Riley County. These lots gain access from local, residential gravel streets (Ady Drive and Roever Road) that connect to Eureka Drive to the north. To the north and west of the site are farm fields and one single-family residential home. To the east of the site are the Flint Hills Job Corp. and farm fields.

The I-3, Light Industrial District, is designed to allow manufacturing, processing, assembly, and nonretail service activities (*The I-3 Zoning District regulations, including the permitted and conditional uses, are attached*). The I-3 District incorporates use limitations that are intended to mitigate the impact of the I-3 District uses. These use limitations include:

- All operations, activities and storage shall be conducted inside a building, or buildings except that storage may be maintained outside the building, provided that it is enclosed by sight obscuring screening of not less than six (6) feet in height, and provided that it is not located within a required front, side or rear yard.
- No retail sales or services shall be permitted except as an accessory-use.

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- Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that either share a common boundary with property, except streets, in a residential district, or are separated from such property by only an alley.
- No building shall be used for residential purposes except that a night watchman may reside on the premises.
- There shall be no noise, smoke, dust, odor or vibrations emanating from the property which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons off of said property.
- Exterior lighting 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.
- No drive-in establishments are permitted, except those specifically listed.

Minimal impacts are anticipated to the properties to the north, east and west as a result of the proposed rezoning.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Southwest Planning Area of the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the majority of the proposed Eureka Drive Storage Addition as Industrial (IND). The northeastern portion of the site is designated Environmentally Sensitive Area. The southwest corner of the site is within the Approach and Transitional Zones of the Manhattan Regional Airport, and entirely within the Horizontal and Conical Zones of the Airport, as shown on the Environmental Values and Constraints Map. The site is also within a Special Planning Area, the Eureka Valley.

Specific policy statements of the Comprehensive Plan, as they relate to the proposed Eureka Drive Storage Addition, include:

Chapter 4: Land Use and Growth Management

I 1: Characteristics. *The Industrial designation is intended to provide locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations. Typically, heavy industrial uses involve more intensive work processes, and may involve manufacturing or*

basic resource handling and/or extraction. Design controls within an Industrial area are not as extensive as in the Office/Research Park category and a broader range of uses is permitted.

I 2: Location. *Because of their potential environmental impacts, Industrial uses should generally be located away from population centers or must be adequately buffered. Traffic generated by industrial uses should not pass through residential areas. Sites should have access to one or more major arterials or highways capable of handling heavy truck traffic. Railroad access is also beneficial to certain types of heavy industrial uses. Light industrial uses can typically be located in areas that also contain some highway-oriented commercial uses, and might benefit from close proximity and better access to their local customer base.*

I 3: Screening. *Storage, loading and work operations should be screened from view along all industrial area boundaries (when adjacent to non-industrial uses) and along all public streets.*

Chapter 5: Natural Resources and Environment

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.

Chapter 13: Special Planning Area Policies – Eureka Valley

EV 1: Manhattan Regional Airport

The location and design of future development should be compatible and consistent with the goals and policies of the Airport Master Plan.

EV 4: Industrial and Commercial Development Growth Area

The Valley's capacity will be expanded to include additional industrial and employment uses along Eureka Drive north and east of the airport and south of Eureka Drive east of the airport. A community commercial center could potentially be located along Ft. Riley Boulevard near the Scenic Drive intersection, if sufficient market demand can support such activity in the future. The timing of development of such a center will be important so as not to be premature.

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The I-3, Light Industrial District allows manufacturing and industrial services consistent with the Comprehensive Plan.

The 100-Year Flood Plain (Zone AE) is identified on the Preliminary Plat and Final Plat. The area within the 100-Year Flood Plain was once the old Kansas River oxbow. This area of the development is marsh land that is under shallow water during most of the year. A steep bank separates the shallow water from the elevated land of the Martin tract. This portion of the development will be regulated within the 100-Year Flood Plain, according to the Flood Plain Regulations of the Manhattan Zoning Regulations. The area within the 100-Year Flood Plain is shown as being in a Drainage Easement on the Preliminary Plat and Final Plat, which will limit the development of this portion of the site to only structures required for the retention, detention or flow of stormwater runoff (City of Manhattan Code of Ordinance Sec. 32-186).

The AO, Airport Overlay District is proposed to be added to the underlying zoning districts, which will control construction within the AO District.

The rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site is County N-1, Airport Noise Hazard District. The majority of the site is farm field or vacant land associated with the 100-Year Floodplain of the old Kansas River oxbow. A dilapidated structure is located on vacant agricultural land (the Martin tract). It is undeterminable how long the property has been vacant.

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 I-3, Light Industrial District, is designed to allow manufacturing, processing, assembly, and nonretail service activities (*I-3 District regulations attached*).

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

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airport's operation or the public welfare.” Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit (*AO District regulations attached*).

Development in the 100-Year Flood Plain is subject to the requirements of the Flood Plain Regulations of the Manhattan Zoning Regulations, which are intended to protect life and property from flooding.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. The area located within the 100-Year Floodplain is to be dedicated as a drainage easement with the Preliminary and Final Plats. This dedicated easement will limit the use to only structures required for the retention, detention or flow of stormwater runoff. It may be a hardship to the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate streets, sanitary sewer and water services are available to serve the propose Eureka Drive Storage Addition.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Eureka Drive Storage Addition from County N-1 to I-3, Light Industrial District, with AO, Airport Overlay District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Eureka Drive Storage Addition from County N-1 to I-3, Light Industrial District, with AO, Airport Overlay 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.

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POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Eureka Drive Storage Addition from County N-1, Airport Noise Hazard District to I-3, Light Industrial District, with AO, Airport Overlay District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, Planner II

DATE: August 25, 2009

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