

MINUTES
CITY COMMISSION MEETING
TUESDAY, MAY 4, 2010
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bruce Snead and Commissioners James E. Sherow, Loren J. Pepperd, Jayme Morris-Hardeman and Bob Strawn were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, Assistant City Attorney Katharine Jackson, City Clerk Gary S. Fees, 25 staff, and approximately 20 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Snead proclaimed May 2010, ***National Preservation Month***. Pat O'Brien, President, Manhattan/Riley County Preservation Alliance, and Ray Weisenburger, Chair, Historic Resources Board, were present to receive the proclamation.

Mayor Snead proclaimed May 2010, ***Mental Health Month***. Robbin Cole, Executive Director, Pawnee Mental Health Services; Bill Meredith, Chairperson, Board of Directors of Pawnee Mental Health Services; and Carroll Hess and Stan Wilson, Members, Board of Pawnee Mental Health Services, were present to receive the proclamation.

Mayor Snead proclaimed May 16-22, 2010, ***National Public Works Week***. Dale Houdeshell, Director, Rob Ott, City Engineer/Assistant Director of Public Works; Robert Pugh, Assistant Director of Public Works-Utilities; Jeff Walters, Street Superintendent; and Nick Arena, Public Works Management Assistant, City of Manhattan, were present to receive the proclamation.

Mayor Snead proclaimed May 8, 2010, ***Letter Carrier Food Drive Day***. Fred Stork, Food Drive Coordinator, and two other representatives, National Letter Carriers Association, was present to receive the proclamation.

PROCLAMATIONS (CONTINUED)

Mayor Snead proclaimed May 3-9, 2010, ***Public Service Recognition Week***. Rod Klinkner, Airport Technician II; Freddie Goggins, Airport Technician II; Judy Wells, Finance Technician; Julie Eisenhut, Finance Technician; Brunell Butler, Finance Technician; Rina Neal, Operations Officer; Mike Mohler, Cemetery Sexton; Travis Longren, Maintenance Worker II; Rodney Johnson, Maintenance Technician; Sheri West, Secretary; Donnis Eichem, Administrative Assistant; Linda Gibbs, Secretary/Receptionist; Lorie Glaser, Communications Specialist; Frank Young, Building Maintenance Supervisor; Victor Ibarra, Maintenance Crew Leader I; Dallas Klepper, Equipment Operator; and Theresa Crubel, Storm Water Officer I, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Snead opened the public comments.

Stan Hoerman, 2021 Bluehills Road, informed the Commission of his recent experiences working construction on the new Olive Garden building. He asked that the City code inspection process and regulations be more reasonable and requested that a standard code be adopted.

Ben Champion, representing the Bicycle Advisory Committee, informed the Commission that the Advisory Committee wanted to see better access and security for bicycles in the community. He also asked that priority be given for sidewalks to be constructed on Fort Riley Boulevard, as part of the Community Development Block Grant Consolidated Plan.

Betty Knapp, 700 Pottawatomie Avenue, Property Manager, voiced concerns regarding making lids mandatory on trash receptacles and asked that there be requirements for all properties to have trash receptacles.

Hearing no other comments, Mayor Snead closed the public comments.

COMMISSIONER COMMENTS

Commissioner Morris-Hardeman informed the public of an opportunity to ride along with a police officer to better understand their responsibilities and activities in the community. She asked for those interested to contact the Riley County Police Department.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held on Tuesday, April 13, 2010, and the Regular City Commission Meeting held on Tuesday, April 20, 2010.

CLAIMS REGISTER NO. 2641

The Commission approved Claims Register No. 2641 authorizing and approving the payment of claims from April 14, 2010, to April 27, 2010, in the amount of \$3,612,220.82.

LICENSES

The Commission approved an annual Cereal Malt Beverage License for Valentino's, 3003 Anderson Avenue Suite 901; Tubby's, LLC, 1127 Moro Street; and Happy Valley, LLC, 1120 Laramie Street.

FINAL PLAT – EUREKA ADDITION, UNIT THREE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Eureka Addition, Unit Three, generally located southwest of the intersection of Eureka Drive and Eureka Terrace, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – JUNGHANS ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Junghans Addition, generally located south of the Fair Lane alley and between South 4th Street and South 3rd Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

* ORDINANCE NO. 6823 – AMEND – 2006 INTERNATIONAL FIRE CODE

The Commission approved Ordinance No. 6823 amending Section 13-16 of the Code of Ordinances modifying the exception of allowing only one means of access, if sprinklers are provided, to require sprinklers in only those residences beyond the first 30.

ORDINANCE NO. 6824 – ANNEX – GRANDE BLUFFS AT MILL POINTE ADDITION

The Commission approved Ordinance No. 6824 annexing the proposed Grande Bluffs at Mill Pointe Addition, generally located at the southern end of Leone Ridge Drive, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6825 – REZONE – GRANDE BLUFFS AT MILL POINTE ADDITION

The Commission approved Ordinance No. 6825 rezoning the proposed Grande Bluffs at Mill Pointe Addition, generally located at the southern end of Leone Ridge Drive, from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District, based on the findings in the Staff Report (*See Attachment No. 1*) and the recommendation of the Planning Board.

FINAL PLAT – SCENIC MEADOWS ADDITION, UNIT THREE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Scenic Meadows Addition, Unit Three, generally located east of Fossilridge Drive within Scenic Meadows Addition, Unit Two, based on conformance with the Manhattan Urban Area Subdivision Regulations.

RESTRICTIVE COVENANT – SCENIC MEADOWS ADDITION, UNIT THREE

The Commission authorized the Mayor and City Clerk to execute the Agreement regarding provision of in-home fire sprinklers in exchange for allowing one means of access for Scenic Meadows Addition, Unit Three.

ORDINANCE NO. 6826 – VACATE EASEMENT – LOT 5, BLOCK 3, HOWENSTINE ADDITION, NUMBER ONE

The Commission approved Ordinance No. 6826 vacating the sidewalk portion of a sidewalk and utility easement on Lot 5, Block 3, Howenstine Addition, Number One, City of Manhattan, Riley County, Kansas.

NEGOTIATE CONTRACT – WASTEWATER TREATMENT PLANT LABORATORY IMPROVEMENTS (SP1005)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with Treanor Architects, of Lawrence, Kansas, for Design Services for the Wastewater Treatment Plant Laboratory Improvements Project (SP1005).

* AWARD CONTRACT – PIERRE STREET FROM FOURTH STREET TO THE K-177 BRIDGE (ST0910)

The Commission accepted the Engineer's Estimate in the amount of \$1,556,677.50 and awarded a construction contract in the amount of \$1,056,495.88 to the low bidder, Pavers, Inc., of Salina, Kansas, for the Pierre Street from Fourth Street to the K-177 Bridge (ST0910).

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 050410-A – ISSUE – GENERAL OBLIGATION BONDS- PIERRE STREET FROM FOURTH STREET TO THE K-177 BRIDGE (ST0910)

The Commission approved Resolution No. 050410-A declaring it necessary to repair and resurface a street within the city of Manhattan, Kansas, and authorizing and providing for the payment of the costs for Pierre Street from Fourth Street to the K-177 Bridge.(ST0910)

AGREEMENT – ENGINEERING SERVICES – CICO PARK STORM WATER DRAINAGE STUDY (SM1001)

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$48,774.00 with Olsson Associates, of Manhattan, Kansas, for engineering services related to the CiCo Park Storm Water Drainage Study (SM1001; CIP SW011P).

* PURCHASE – TRAFFIC CONTROLLERS (SP1006)

The Commission authorized the purchase of 10 Eagle Siemens Traffic Controllers in the amount of \$26,500.00 from Gades Sales Corporation, Inc., of Wichita, Kansas (SP1006; CIP TR007P).

AGREEMENT – LEVEE CERTIFICATION STUDY, PHASE ONE (SM1003)

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an agreement in the amount of \$37,500.00 with AMEC Earth and Environmental, Inc., of Topeka, Kansas, for the Phase One Study of the Levee Certification Project (SM1003; CIP SW023P).

* LEASE PURCHASE – 25-PASSENGER BUS – RECREATION DEPARTMENT

Ron Fehr, City Manager, provided additional information on the item and responded to questions from the Commission regarding the use of school buses.

Curt Loupe, Director of Parks and Recreation, provided additional information on the item and informed the Commission that the size of the Day Camp program will increase and the demands for additional transportation will as well.

The Commission approved the purchase of a 25-passenger bus (CIP RC002E) from Diamond Coach, of Oswego, Kansas, in the amount of \$49,482.00 and authorized the Mayor and/or City Clerk to execute the lease purchase agreement.

CONSENT AGENDA (CONTINUED)

ADDENDUM – AIR SERVICE MARKETING AGREEMENT

The Commission authorized the Mayor and City Clerk to execute the Addendum to the Air Service Marketing Agreement with the Manhattan Chamber of Commerce.

* YEAR TWO ALLOCATION – AIR SERVICE AGREEMENT

Ron Fehr, City Manager, provided an overview of the Airport Service Agreement and responded to questions from the Commission.

The Commission authorized City Administration to allocate Economic Development Funds in an amount not to exceed \$250,000.00 in order to advance the necessary funds for escrow purposes and to satisfy the terms of the support agreement with the Manhattan Area Chamber of Commerce for the second year of the Air Service Agreement with American Eagle.

BYLAWS – AMEND – BICYCLE ADVISORY COMMITTEE

The Commission approved the amended bylaws of the Bicycle Advisory Committee.

BOARD APPOINTMENTS

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

Housing Authority Board of Commissioners

Appointment of Bob Strawn, 1551 Williamsburg Court, to fill the unexpired Commissioner term of Jim Sherow. Mr. Strawn's term begins immediately and will expire on March 3, 2013.

Human Rights and Services Board

Appointment of Kerry Wefald, 3428 Churchill Street, to fill the unexpired term of Andrew Baker. Ms. Wefald's term begins immediately and will expire on March 9, 2011.

Manhattan Area Urban Planning Board

Re-appointment of Mike Hill, 625 Pebblebrook Circle, to a three-year term. Mr. Hill's term begins immediately and will expire on April 30, 2013.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Riley County Law Enforcement Board

Appointment of Jim Sherow, 617 Colorado Street, to fill the unexpired Commissioner term of Bruce Snead. Mr. Sherow's term begins May 17, 2010, and will expire on December 31, 2010.

Riley County-Manhattan Health Board

Appointment of Loren Pepperd, 1404 Oaktree Place to fill the unexpired Commissioner term of Bob Strawn. Mr. Pepperd's term begins immediately and will expire on January 31, 2012.

Commissioner Strawn asked if the Mayor would be taking the seat on the Manhattan Area Chamber of Commerce Board or would Commissioner Pepperd continue in that role.

Commissioner Pepperd stated that he was pleased to serve, but that his preference would be for Mayor Snead to serve on the Chamber Board.

Mayor Snead informed the Commission that it was his intent to serve on the Chamber Board. He then responded to questions from the Commission.

After discussion, Commissioner Sherow moved to approve the consent agenda, as presented. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item F, ORDINANCE NO. 6823 – AMEND – 2006 INTERNATIONAL FIRE CODE, which carried 4-1, with Commissioner Pepperd voting against the motion; with the exception of Item O, LEASE PURCHASE – 25-PASSENGER BUS – RECREATION DEPARTMENT, which carried 3-2, with Commissioners Pepperd and Strawn voting against the item; and, with the exception of Item H, FINAL PLAT – SCENIC MEADOWS ADDITION, UNIT THREE, which carried 4-1, with Commissioner Pepperd voting against the item.

GENERAL AGENDA

2010-2014 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN

Karen Davis, Director of Community Development, presented the item. She then responded to questions from the Commission regarding the public projects identified, involvement with the Social Services Advisory Board, program administration, and plans to fill in sidewalk gaps along portions of Fort Riley Boulevard.

GENERAL AGENDA (CONTINUED)

2010-2014 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN (CONTINUED)

Ron Fehr, City Manager, and Karen Davis, Director of Community Development, provided additional information on the program administration of the Community Development Block Grant and plans for the Riley County Senior Center facility and sidewalk project for Fort Riley Boulevard.

Jami Ramsey, Director, Riley County Senior Center, expressed appreciation for their facility being included in the grant, as maintenance issues and costs are starting to escalate.

After discussion, Commissioner Sherow moved to authorize the Mayor and City Clerk to sign the City of Manhattan's Community Development Block Grant 2010-2014 Consolidated Plan, approve the Analysis of Impediments to Fair Housing Choice, and authorize the Mayor and City Clerk to sign applicable grant agreements. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

PUBLIC HEARING - CEREAL MALT BEVERAGE LICENSE - LEMMY'S PIZZARIA

Katharine Jackson, Assistant City Attorney, presented background information on the item and informed the Commission of the public hearing process. She then responded to questions from the Commission and stated that the evidence needs to be related to the question of good character and reputation in the community to determine whether the applicant is eligible for a cereal malt beverage license.

Mayor Snead opened the public hearing.

Katharine Jackson, Assistant City Attorney, provided background information and evidence regarding the applicant, Jason Lembright. She stated that applicant is a registered sex offender and that his records reflect that his 10-year registration began September 20, 2007, and will end in 2017. She then provided additional background information on the item and responded to questions from the Commission regarding the ownership of the business.

Jason Lembright, owner of Lemmy's Pizzeria, provided letters of support to the Commission regarding his character and informed the Commission that he has always wanted to live in Manhattan and that it's a great place to raise a family. He provided background information on himself, his business operations and change of ownership, and his involvement in the community. He then responded to questions from the Commission and stated that when he hires new employees, especially females, he informs them and asks that they tell their parents that he is a sex offender.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - CEREAL MALT BEVERAGE LICENSE - LEMMY'S PIZZARIA (CONTINUED)

Katharine Jackson, Assistant City Attorney, responded to additional questions from the Commission regarding her conversation with the Assistant Attorney General and their process of administrative denial at the state level for registered sex offenders applying for liquor licenses. She then reiterated and clarified the public hearing process and asked the Commission to make its decision based upon the evidence presented during the hearing if Mr. Lembright is of good character and reputation in the community.

Jason Lembright, owner of Lemmy's Pizzeria, responded to additional questions from the Commission regarding Alcohol Beverage Control and current beer sales at his business.

Katharine Jackson, Assistant City Attorney, provided additional information on the annual license renewal process for a cereal malt beverage and enforcement activities.

After additional discussion by the Commission, Jason Lembright, owner of Lemmy's Pizzeria, informed the Commission that it would hurt business if he could not sell beer. He then responded to questions from the Commission regarding his responsibility as a cereal malt beverage license holder and requirements of the law. He then responded to additional questions from the Commission regarding his prior convictions and record, victim response to being in good character and reputation in the community, and to the article in *The Manhattan Mercury* regarding alcohol use and a breathalyzer in his vehicle.

Katharine Jackson, Assistant City Attorney, responded to additional questions from the Commission regarding the evidence presented during the hearing.

Jason Lembright, owner of Lemmy's Pizzeria, reiterated how much he enjoyed being in the City of Manhattan and assured the Commission that he would do his best to run an honest and family-friendly business.

Natalie Birzer, 621 Ford Hall, informed the Commission that Mr. Lembright seemed to be an honest person and asked that they listen to what he has said and to consider giving him the cereal malt beverage license.

Hearing no other comments, Mayor Snead closed the public hearing.

After additional discussion, Commissioner Morris-Hardeman moved to find that the applicant does not meet the requirement for the issuance of a cereal malt beverage license that he is "of good character and reputation in the community in which he resides," for the following reason(s): sex offender registry and conviction, and therefore deny the application for the annual on-premises CMB license for Jason Lembright, Lemmy's Pizzeria, 600 South 4th Street. Commissioner Sherow seconded the motion.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - CEREAL MALT BEVERAGE LICENSE - LEMMY'S
PIZZARIA (CONTINUED)

After discussion of the Commission, on a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:06 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County G-1, General Agricultural District.

TO: R, Single-Family Residential District with AO, Airport Overlay District.

APPLICANT/OWNER: Mill Pointe Land Company LLC-Tim Schultz.

ADDRESS: 1213 Hylton Heights Road, Ste. 129, Manhattan, KS 66502.

LOCATION: Generally located south of an extension of the existing dead end of Leone Ridge Drive, or a distance of about 1,000 feet south of the intersection of Miller Parkway and Leone Ridge Drive.

AREA: Approximately 60-acres.

DATE OF PUBLIC NOTICE PUBLICATION: Thursday, January 28, 2010.

DATE OF PUBLIC HEARING: PLANNING BOARD: Thursday, February 18, 2010.
CITY COMMISSION: Tuesday, March 23, 2010.

EXISTING USE: Open rangeland.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is covered with native grasses, scattered evergreen trees and dense deciduous tree coverage in natural drainage ravines. The approximate upper one-third slopes and drains to the north. The lower two-thirds slopes and drains to the south. The entire site is entirely within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site. Future uses (structures and trees), which are within the limits of the Conical Zone 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: Developing single-family residential neighborhoods: R-1, Single-Family Residential District with AO, Airport Overlay District and R/AO District.

Attachment No. 1

(2) SOUTH: Rangeland and Eureka Valley farmland, developing single-family residential neighborhood; G-1 District and R-1/AO and R/AO Districts..

(3) EAST: Developing single-family residential neighborhoods; R/AO District.

(4) WEST: Rangeland and developing single-family residential neighborhood; G-1 District and R-1/AO and R/AO Districts..

GENERAL NEIGHBORHOOD CHARACTER: Developing single-family residential neighborhoods.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable as open rangeland for pasture or grazing uses; however, the site is bounded by urban development on the north, east and west, and a steep hillside on the south. The suitability of the site for County G-1 uses is limited by surrounding uses and steep topography.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The adjoining neighborhoods are low density single-family residential subdivisions. While an increase in traffic, light, and noise will occur with the change from open rangeland to single-family dwelling units, the proposed affects are consistent with the character of the neighborhoods in which the development is proposed. The proposed rezoning is compatible with nearby properties of the same zoning and no adverse affects are expected.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the 60-acre tract as Residential Low/Medium density (RLM) and shown on the Southwest Planning Area Future Land Use Map. Applicable policies in bold and italics include:

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.

RLM 4: Variety of Housing Styles

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

Chapter 8: Mobility and Transportation Options

Page 8-2, Policy MTO 4: Accessible, Pedestrian-friendly Development

“Future commercial and residential projects in the Urban Service Area Boundary shall be planned to ensure that sites and land uses are readily accessible to all modes-pedestrians, bicycles, autos, and future public transit.”

Chapter 13: Special Planning Area Policies

Miller Ranch

Background and Intent

Miller Ranch will continue to develop as a series of mixed-use neighborhoods. Development should be focused around an open space network created by the area’s many natural drainages, preserving existing trees and vegetation and providing pedestrian and bicycle linkages between neighborhoods and Warner Park. Miller Ranch will contain a variety of housing types and densities, including some higher density residential use, and will include a neighborhood commercial center.

Policies

MR 1: Mixture of Housing Types

Residential neighborhoods within Miller Ranch should include a mix of housing types and densities.

MR 2: Preservation of Drainage Areas

Drainage ways, wetlands, and other sensitive natural features shall be preserved and incorporated into the overall design of neighborhoods as buffers and open space amenities.

MR 3: Future ROW Preservation

Right-of-way for the future extension of Miller Parkway and Wreath Avenue shall be identified on development proposals and preserved, through platting and other tools.

MR 4: Establish a Neighborhood Commercial Center

The development of a neighborhood center should be encouraged at the planned intersection of Miller Parkway and Scenic Drive to provide a range of services for residents of Miller Ranch and surrounding neighborhoods, and to minimize the need for cross-town trips to meet day-to-day needs.

MR 5: Views from Scenic Drive

Development, including signage, should be set back from Scenic Drive to protect views and existing vegetation. The master plan for Miller Ranch should incorporate a buffer zone or overlay area along Scenic Drive designed to protect views, existing vegetation, and other important attributes of the area's scenic quality. Development of a neighborhood center, as described in MR 4, should occur east of the Scenic Drive buffer or overlay and be sited in a manner that minimizes visual impact on the Scenic Drive Corridor.

MR 6: Views on K-18 Approach to Manhattan

The corridor along the Fort Riley Boulevard/K-18 Highway cut, leading up the west side of Stagg Hill, should be protected through use of a buffer zone or overlay, designed to protect views, existing vegetation and other important scenic attributes.

MR 7: Airport Airspace Regulations

Development shall be consistent with established airspace regulations for the Manhattan Regional Airport and the Airport Master Plan.

Attachment No. 1

The proposed density of Grande Bluffs at Mill Pointe is 0.93 dwelling units per net acre. The development will provide sidewalk on one side of all streets and street access to the north for connection to public sidewalks and streets, Warner Park and other parts of the City. A pedestrian easement on the west side of the site, generally along the military trail, will connect the Lee Mill Heights residential areas to the north of the rezoning site with Scenic Meadows to the south. Steep slopes are within conservation easements to protect hillsides from development. The proposed site is within the Conical Zone of the Manhattan Regional Airport. The AO District will be added as an overlay district to the R District.

The proposed rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has remained undeveloped to date and zoned County G-1 District.

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 District is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. Lots shown on the R District portion of the proposed Preliminary Plat of the Grand Bluffs at Mill Pointe Addition, exceed 10,000 square feet in area.

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 airport's operation or the public welfare.”

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone (pages 6-9 of the AO District regulations attached).

Attachment No. 1

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 proposed Preliminary Plat conforms to the Manhattan Urban Area Subdivision Regulations. It may be a hardship to the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public services, sanitary sewer, water, and public streets can be extended to serve the development.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of the Grande Bluffs at Mill Pointe Addition, generally located south of an extension of the existing dead-end of Leone Ridge Drive, or a distance of about 1,000 feet south of the intersection of Miller Parkway and Leone Ridge Drive, from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Grande Bluffs at Mill Pointe Addition from County G-1, General Agricultural District, to R, Single-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the Grande Bluffs at Mill Pointe Addition, generally located south of an extension of the existing dead end of Leone Ridge Drive, or a distance of about 1,000 feet south of the intersection of Miller Parkway and Leone Ridge Drive, from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner.

DATE: February 11, 2010.

10014}SR}RezoneGarndewBluffsatMillPointe