

MINUTES
CITY COMMISSION MEETING
TUESDAY, NOVEMBER 1, 2011
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor James E. Sherow and Commissioners Loren J. Pepperd, John Matta, Wynn Butler, and Richard B. Jankovich 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

Mayor Sherow led the Commission in the Pledge of Allegiance.

MAYOR'S COMMUNITY SERVICE AWARDS

Mayor Sherow recognized the Take Charge Energy Challenge Leadership Team, recipients of the Mayor's Community Service Award. Those members present to accept the recognition were Co-Chair Noel Schulz, Co-Chair Bruce Snead, Ben Champion, Simon Sylvester-Chaudhuri, Lauren Palmer, Bonnie Lynn-Sherow, Eileen Meyer, and Grant Hill.

PROCLAMATION

Mayor Sherow proclaimed November 5, 2011, ***Buddy Poppies***. Marvin Ketterer, Commander, Veteran's of Foreign Wars Post #1786, was present to receive the proclamation.

PUBLIC COMMENTS

Mayor Sherow opened the public comments.

PUBLIC COMMENTS (CONTINUED)

Richard Hill, 3513 Stagecoach Circle, informed the Commissioners that he appreciated their efforts to reduce the tax budget. He stated that social services are worthy, but need to be funded through traditional collections via fund drives.

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

COMMISSIONER COMMENTS

Commissioner Jankovich provided an update from the Wildcat Creek Watershed Working Group meeting held on Thursday, October 27, 2011. He informed the public that the next Wildcat Creek Watershed Working Group meeting would be on Thursday, November 17, 2011, at 7:00 p.m., in the City Commission Room, City Hall, 1101 Poyntz Avenue.

Commissioner Butler thanked the Little Apple Business Women for hosting the Holiday Harvest Showcase this past weekend at the Wareham Opera House with proceeds going to The Crisis Center. He stated that he appreciated their efforts to take a positive approach to the issue with social services and how they should be funded.

Commissioner Matta stated that he wanted to revisit the current sign ordinance and restrictions regarding digital signs. He requested that this item and potential modifications be discussed at a future work session. After discussion, the Commission concurred that this item be placed on a future work session.

Commissioner Pepperd thanked Richard Hill for his comments. He stated that the City of Manhattan would be hosting a Housing Roundtable in December 2011 and invited the public to attend this important topic.

Mayor Sherow provided an overview of items mentioned during the Discussion/Briefing Session held prior to the City Commission Legislative Meeting. The Commission discussed an upcoming Housing Roundtable planned for December 16, 2011, beginning at 8:00 a.m., at the new conference center, mentioned items on the agenda, and encouraged the public to attend; discussed calendar items for the next Joint City/Riley County/Pottawatomie County meeting on November 17, 2011; received an update on the bridge piers and billboard moratorium; discussed the progression of the proposed Candlewood Hotel on Lot 9 and when the item would be coming back to the Commission; and discussed potential Kansas Department of Transportation grants for intersections in the community and provided permission for City staff to pursue those grant opportunities, and if successful, to bring the item to the Commission for approval.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, October 18, 2011.

* CLAIMS REGISTER NO. 2683

Bernie Hayen, Director of Finance, responded to questions from the Commission and provided additional information on the item.

Curt Loupe, Director of Parks and Recreation, provided clarification on an item in the Claims Register for cheerleading equipment.

The Commission approved Claims Register No. 2683 authorizing and approving the payment of claims from October 12, 2011, to October 25, 2011, in the amount of \$7,863,807.44.

LICENSES

The Commission approved Tree Maintenance Licenses for the calendar year 2012 for Blueville Nursery, Inc., 4539 Anderson Avenue; Capital City Tree Care, Inc., 7920 NW 35th, Silver Lake; Carnahan Creek Tree Service, Inc., 12415 Carnahan Road, Olsburg; Don's Stump Removal & Tree Service, 3761 S 33rd Street; Eager Beavers Landscaping, Inc., 7020 Cedar Creek Road; Growing Concerns, Inc., PO Box 1354; Wright Tree Service, Inc., 139 6th Street, West Des Moines, Iowa; and an annual Cereal Malt Beverage Off-Premises License for Kwik Shop #733, 1337 Anderson Avenue.

ORDINANCE NO. 6925 – MUNICIPAL FACILITY REVIEW – TRAFFIC OPERATIONS FACILITY

The Commission found that the public interests to be served by the proposed Traffic Operations Facility and existing unimproved storage and parking area, outweigh the impacts upon legitimate community interests; and approved Ordinance No. 6925 authorizing the proposed Municipal Facility for the Traffic Operations Facility and its future expansion, and existing unimproved storage and parking area, generally located north of Fort Riley Boulevard and south of El Paso Lane, on both sides of South 11th Street, based on the findings in the Staff Report (*See Attachment No. 1*), with the one condition of approval.

ORDINANCE NO. 6926 – DESIGNATED PARKING STALLS – COMMUNITY BUILDING PARKING LOT

The Commission approved Ordinance No. 6926 amending Section 31-86 of the Code of Ordinances allowing for publicly designated parking stalls in the public parking lot on the south side of Humboldt Street between Third and Fourth Streets.

CONSENT AGENDA (CONTINUED)

FIRST READING – DESIGNATION – MAIN TRAFFICWAYS AND TRAFFICWAY CONNECTIONS

The Commission approved first reading of an ordinance designating various routes in the city limits of Manhattan as “Main Trafficways” and other routes as “Trafficway Connections.”

FIRST READING – AMEND – PERMITTED ALCOHOL USAGE

The Commission approved first reading of an ordinance amending Section 4-2 of the Code of Ordinances for the City of Manhattan to permit alcohol usage under certain conditions at the Sunset Zoo, the Manhattan Regional Airport, and the Flint Hills Discovery Center.

* CHANGE ORDER NO. 4 – MCCALL ROAD, PHASE II (ST0821)

Commissioner Jankovich stated that he had a conflict of interest on the item and would be abstaining.

Ron Fehr, City Manager, responded to questions from the Commission regarding the alternatives for as-built change orders and allocation of funds.

The Commission approved As-Built Change Order No. 4 for McCall Road Phase II, (ST1111) resulting in a net increase in the amount of \$96,438.44 (+3.92%) to the contract with Bayer Construction, of Manhattan, Kansas.

* AUTHORIZE PURCHASE – UNIT 235 – 2011 GLOBAL ALLIANZ MX3 STREET SWEEPER (CIP SW002E)

Ron Fehr, City Manager, responded to questions from the Commission and provided clarification on the funding source to be used for the purchase of the item.

The Commission authorized the purchase of a mechanical street sweeper in the amount of \$146,333.00 from Sellers Tractor Company, of Salina, Kansas; and authorized the Mayor and/or City Clerk to execute the lease purchase agreement once the sweeper is delivered.

HANGAR LEASE AGREEMENT – KANSAS AIR CENTER, INC.

The Commission authorized the Mayor and City Clerk to execute a five-year Hangar Lease Agreement between the City of Manhattan and Kansas Air Center, Inc., of Manhattan, Kansas.

* BOARD APPOINTMENTS

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

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

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

Airport Advisory Board

Appointment of Cynthia Morris, 2020 Arthur Drive, to fill the unexpired At-Large term of Dick Hayter. Ms. Morris' term begins immediately, and will expire June 26, 2013.

Social Services Advisory Board

Appointment of Andrew Rickel, 1705 Hillcrest Drive #308, to a three-year term. Mr. Rickel's term begins immediately, and will expire June 30, 2014.

After discussion, Commissioner Jankovich moved to approve the consent agenda, as presented. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item H, CHANGE ORDER NO. 4 – MCCALL ROAD, PHASE II (ST0821), which carried 4-0-1, with Commissioner Jankovich abstaining from the item.

GENERAL AGENDA

RESOLUTION NO. 110111-A - FLINT HILLS DISCOVERY CENTER - HOURS OF OPERATION, ADMISSION FEES, AND FACILITY USAGE FEES

Bob Workman, Director, Flint Hills Discovery Center, presented the proposed hours of operation, proposed admission fees, revenue and attendance projections, local attractions comparisons, and proposed facility rental packages and hourly fees. He then responded to questions from the Commission regarding family memberships, reciprocal opportunities with other institutions, catering options, and technology support for room rental usage.

Curt Loupe, Director of Parks and Recreation, informed the Commission that the Convention and Visitors Bureau view the Flint Hills Discovery Center as an extra value to bring conventions and tourists to the community.

Bob Workman, Director, Flint Hills Discovery Center, provided additional information received from the Convention and Visitors Bureau regarding upcoming conferences and conventions that have been booked or are considering Manhattan. He then provided additional information on revenue projections and expenses for 2012 and 2013, and comparisons with local commercial and regional attractions.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 110111-A - FLINT HILLS DISCOVERY CENTER - HOURS OF OPERATION, ADMISSION FEES, AND FACILITY USAGE FEES (CONTINUED)

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission regarding the proposed school groups admission fee of \$3.00 to the Flint Hills Discovery Center. He then responded to questions from the Commission and discussed facility uses between the City of Manhattan and U.S.D. 383.

Ron Fehr, City Manager, provided additional information on questions from the Commission regarding school groups and students attending Sunset Zoo.

Bob Workman, Director, Flint Hills Discovery Center, and Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission about the proposed admission fees and classroom tours for student groups. They informed the Commission that this item can be revisited after the Discovery Center has been operating for a while.

Ron Fehr, City Manager, provided additional information on the proposed admission fees. He then responded to questions from the Commission on the potential to explore possible opportunities with the school districts for school groups.

Bob Workman, Director, Flint Hills Discovery Center, responded to additional questions from the Commission regarding the proposed rental and admission fees, availability of tables and chairs, and operational costs.

Curt Loupe, Director of Parks and Recreation, and Bob Workman, Director, Flint Hills Discovery Center, responded to additional questions from the Commission on group admission fees, activities, and associated fees. They provided additional information on the item and informed the Commission that additional research can be done on what other facilities are charging for school groups and provide additional information to the Commission, including considerations for the Flint Hills-wide school districts and children that are home schooled.

Ron Fehr, City Manager, informed the Commission that the proposed resolution can be revisited and amended at any time to address admission fees by the Commission.

After discussion and comments from the Commission, Commissioner Butler moved to approve Resolution No. 110111-A establishing the hours of operation, admission, and facility usage fees of the Flint Hills Discovery Center. Commissioner Jankovich seconded the motion.

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

GENERAL AGENDA (CONTINUED)

REQUEST - NATIONAL RESOURCES CONSERVATION SERVICE - CONSIDER AN EMERGENCY WATERSHED PROGRAM (EWP) PROJECT ALONG GARDENWAY ON WILDCAT CREEK

Rob Ott, City Engineer, presented the item and responded to questions from the Commission.

After discussion, Commissioner Jankovich moved to authorize the Mayor to execute the proposed sponsor commitment letter and forward it to National Resources Conservation Service (NRCS) in support of the proposed project in Wildcat Creek near Gardenway. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

DISCUSSION - REPLACEMENT OF THE 2002 RILEY COUNTY "ROADS AND JOBS" HALF-CENT SALES TAX

Ron Fehr, City Manager, presented background information on the item, the Interlocal Agreement, and the proposed ballot language. He asked the Commission to provide feedback on whether or not it will consider a new interlocal agreement to establish the distribution of proceeds from the replacement Riley County Sales Tax that is proposed for an election in August 2012, to become effective January 2013, and to discuss and provide guidance on priorities and how City funds will be spent with the new sales tax proceeds.

Commissioner Butler stated that his opinion was that the City should not renew an interlocal agreement with Riley County but instead follow the existing state statute related to future sales tax distributions. He mentioned that the Commission has had different discussions on options for this sales tax for property tax relief, infrastructure, and economic development. He stated it needs to be clear the City Commission's position and therefore should vote on the item.

Commissioner Matta informed the community that the City of Manhattan previously suggested an alternative city-wide sales tax, which would bring in more revenues with additional city participation, but the City deferred to Riley County. He said that a large part of growth has been adding retail establishments to make Manhattan a regional draw to capture those sales tax dollars into the community to be used for debt reduction, infrastructure, and economic development. He stated that he was okay with the state statute formula regarding sales tax distributions and did not want an interlocal agreement with Riley County.

Commissioner Jankovich stated that the dynamics have changed since the original issue was passed. He said the statutory limits related to future sales tax distributions is appropriate and that the City needs to retain as much as possible given the growth of the city and increased infrastructure requirements. He stated that the interlocal agreement can be decided tonight, but wanted additional discussion on the public policy regarding the use of the sales tax proceeds.

GENERAL AGENDA (CONTINUED)

DISCUSSION - REPLACEMENT OF THE 2002 RILEY COUNTY "ROADS AND JOBS" HALF-CENT SALES TAX (CONTINUED)

Commissioner Pepperd voiced support for staying with the state statutory percentages and proceeding forward with the question in August 2012 to meet the requirements of Riley County, without an interlocal agreement.

Mayor Sherow voiced concern in taking action on the interlocal agreement and wanted additional time to work with Riley County about the matter. He stated that he preferred to have a separate meeting on the item in order to provide additional time for the public to comment. He stated that the City needs to maintain a good working relationship with Riley County and concerned that the Commission is sending the right message regarding the interlocal agreement. He also requested that after the first of the year when revenue projections are received, to have U.S.D. 383 Superintendent, Board of Riley County Commissioner Chair, Director of Riley County Police Department, and the City Manager get together and share overall budgets and requests so that they have a better understanding on what is on the horizon in the community.

Ron Fehr, City Manager, responded to questions from the Commission regarding the timeline of the City's 2013 Budget adoption process and educational message for the half-cent sales tax, and provided clarification on the interlocal agreement.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve a motion to utilize state statutory limits on sales tax distribution for the half-cent sales tax referendum. Commissioner Pepperd seconded the motion.

After additional discussion and comments from the Commission and City Manager, the motion carried 4-1, with Mayor Sherow voting against the motion.

The City Commission discussed potential modifications to the existing Manhattan Economic Development Funds Process and Procedures policy to guide the use of sales tax proceeds, the proposed ballot language for the August 2012 Election, and how the distribution of funds generated by successful campaign be distributed.

Lyle Butler, President, Manhattan Area Chamber of Commerce, responded to questions from the Commission regarding the economic development process and varying timelines for economic development prospects. He then provided additional information on the Economic Development Funds Process and Procedures that was approved by the Commission and responded to additional questions.

GENERAL AGENDA (CONTINUED)

DISCUSSION - REPLACEMENT OF THE 2002 RILEY COUNTY "ROADS AND JOBS" HALF-CENT SALES TAX (CONTINUED)

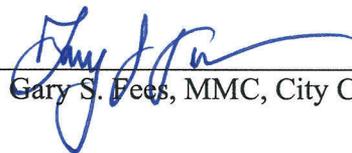
Ron Fehr, City Manager, provided additional information to the Commission on the current Economic Development Fund and funding commitments. He informed the Commission that the continued policy discussions can be part of the 2013 Budget process and deliberations.

After discussion and comments from the Commission, Mayor Sherow stated there was a consensus to move forward with the language as it is and to continue discussions on the policy to further clarify how the Commission will make decisions regarding the use of sales tax funds during the 2013 Budget discussions. He stated that additional analysis and discussion would be needed on the current economic development scoring model.

Ron Fehr, City Manager, informed the Commission that the feedback received will provide a good starting point to bring back additional information to the Commission.

ADJOURNMENT

At 9:18 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

**STAFF REPORT
STATE OR MUNICIPAL FACILITY REVIEW**

APPLICANT: City of Manhattan and Public Works Department.

ADDRESS: 1101 Poyntz Avenue.

LOCATIONS:

Eastern Tract: The proposed Traffic Operations Facility is generally located north of Ft. Riley Boulevard, south of El Paso Lane, and east of S. 11th Street, consisting of WARD 5, Lots 435, 436, 437 and 438, and the South 130 feet of Lots 439 and 440.

Western Tract: The existing parking and storage area is generally located north of Ft. Riley Boulevard, south of El Paso Lane, and west of S. 11th Street, consisting of WARD 5, Lots 504 and 505.

AREA:

The Eastern Tract is 47,916 square feet (1.1 acres) in area.

The Western Tract is 15,000 square feet (0.34 acres) in area.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, September 12, 2011.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, October 3, 2011.

CITY COMMISSION: Tuesday, October 18, 2011.

At the conclusion of the hearing, the Manhattan Urban Area Planning Board shall forward its recommendation to the Governing Body. Such recommendation shall include all factors and reasons the Board relies upon to support such recommendation. In arriving at such recommendation, the Planning Board shall balance the public interests to be served by the construction or expansion of the utility or facility, as opposed to the impact upon interests intended to be protected by the Zoning Regulations. In balancing such interests, the Planning Board shall consider factors, such as:

MUNICIPAL FACILITY PROCESS:

The Municipal Facility Review process is outlined in Section 3-412 of the Manhattan Zoning Regulations (attached), which indicates, in part, that: “Any public utility, or facility, owned and operated by either the State or a Municipality is hereby authorized as a permitted use in any zoning district, subject to the remaining provisions of this section.”

If a utility or facility is specifically listed in a zoning district as a permitted or conditional use, the municipality can follow the requirements set out in Article IV, District Regulations, or follow the provisions of Section 3-412. If the utility or facility is not set out in a zoning district in which it is proposed, the utility or facility must follow the provisions of Section 3-412.

The process requires that both the Manhattan Urban Area Planning Board and the City Commission hold public hearings on the proposal. This process is not a rezoning action, but a process whereby the Planning Board and the City Commission consider the proposal by balancing the public interests to be served by a proposed Municipal Utility or Facility, as opposed to the impact upon public interests intended to be protected by the Zoning Regulations. In performing this balancing test and evaluating a proposed facility, the Planning Board and City Commission must consider the factors listed under the Staff Report headings.

The City Commission is not bound by the recommendations of the Planning Board, nor is it obligated to return the matter to the Planning Board for reconsideration, unless the City Commission chooses to do so. If the City Commission approves the request, it does so by adoption of an ordinance, following a public hearing.

EXISTING USE:

1. Eastern Tract: The existing use of the tract of land on which the proposed Traffic Operations Facility will be located is an open unimproved parking area surfaced with asphalt millings, which is currently zoned R-2, Two-Family Residential District, with TNO, Traditional Neighborhood Overlay District. The site has been used in the past for parking for Griffith Field to the south of the site and Ft. Riley Boulevard. There are no structures on the property and there several vehicles parked generally on the eastern part of the property.

The tract was the former location of gas manufacturing plant that had hazardous chemicals in the soil. The Kansas Department of Health and Environment (KDHE) removed the contaminants and placed restrictions on the use and future digging on the site (*see attachment*).

2. Western Tract: The existing use of the tract is a parking and storage area with asphalt millings and gravel, which is currently zoned R-2, Two-Family Residential District with TNO, Traditional Neighborhood Overlay District. There are no structures on the property. When no other property is available for staging and storage (pipes for example) for certain public works projects, such as sewer and water line upgrades in the older neighborhoods. The property is used for staging and storage of the public project on an as needed basis for its duration.

PROPOSED USES:

Traffic Operations Facility

Building and Site

The Western Tract for the Traffic Operations Facility is proposed as the new location for the facility previously housed at the City's street shops located at S. Juliette and Ft. Riley Boulevard. The facility was damaged and determined to be uninhabitable after a severe storm on August 15, 2010. The facility was temporarily relocated to the Fire Station Headquarters building at Kimball and Denison Avenues until a more permanent facility at the Manhattan Airport was available, which is not considered a permanent location due to its distance from the majority of the City's street system. In addition, the airport site is under consideration by the Airport for sale in the near future.

Site, off-street parking, building, lighting, and screening plans are included as a part of the proposal (*attached*). The proposal includes an 8,000 square foot one story building with offices and garage space (elevations and floor plans attached) and capacity for expansion. A monitoring well in the bay area of the proposed structure will be relocated. The Public Works Department has contacted KDHE regarding its relocation. A 75 foot tall monopole tower with antenna for the City's Intelligent Transportation System (ITS) will be constructed on the operations site to the northeast of the building on that portion of the site that is not subject to the KDHE agreement. The monopole will have wireless line-of-sight to the Bluemont Water Tower to link to individual traffic signals.

The proposed building is designed to accommodate future eastern and western building expansions totaling 4,400 square feet in floor area. The future eastern 2,600 square foot expansion is for a mirror image of the proposed eastern bay and work space for storage, as described in the written documents, and the future western 1,800 square foot expansion towards S. 11th Street would be for additional office space that could be used as a consolidated dispatch center and also serve as back-up Emergency Operations Center (EOC). The architectural design of the expansions will be consistent with the proposed design.

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For a more complete description of the municipal facilities see the attached memorandum dated September 27, 2011, from Robert K. Ott, P.E., City Engineer, and Peter Clark, P.E., Civil Design Engineer.

Landscaping

Minimal landscape grass areas will be on the eastern and southern portions of the site due to the KDHE restrictions limiting ground water infiltration. In addition, the site will be screened with a six foot chain link fence with slats. Note that the building elevation depicts the building as landscaped, which is contrary to the KDHE limitations.

Sign

A note of the site plan indicates a less than 40 square foot sign will be located on the western side of the site to identify the use. The sign may be a ground sign or may be placed on the fence. The size of the sign is consistent with the maximum allowable square footage in a residential district.

Lighting

Lighting is noted on the site plan as full cut-off to reduce glare on streets and nearby residential property.

Off-Street Parking

Up to 14 city employees will occupy the proposed facility, seven from the traffic department, and a possible traffic engineer and engineering aide, and five water meter readers from the Utilities Division that will temporarily occupy the building. Sixteen concrete curbed and paved spaces, driveway and driving aisle will be provided with the initial construction and the balance to remain as asphalt millings on the eastern side of the property until the eastern expansion is constructed, at which time the millings area will be paved with concrete and a minimum of eleven additional parking spaces will be added. The millings space will continue to be used for parking until it is improved. Adequate parking is available to serve the proposed municipal facility and its future expansions.

Using the office space standard of the Manhattan Zoning Regulations of one space per 300 square feet of floor area and the manufacturing/assembly/disassembly and cleaning requirement of one space per 2,000 square feet of floor area, the initial 8,000 square foot building would generate a need for seven off-street parking spaces for the office space and one off-street space for the traffic signal and assembly space. The eastern garage and storage addition would not generate a need for additional off-street parking. The western

Attachment No. 1

office area would require approximately six off-street parking spaces based on a gross floor area of 1,800 square feet. (Storage, garage, mechanical and bathroom space does not require parking. The conference room was also deducted as it will serve those already using the building.)

Total on-site demand on the Eastern Tract for proposed and future off-street parking is 14 spaces on the proposed site. Twenty seven total off-street parking spaces are proposed, not including overflow parking on the Western Tract. Adequate off-street parking is available to serve the proposed municipal facility and its future expansions.

Parking and Storage Area

The Western Tract for parking and storage area will continue to be used for its existing purpose and for overflow parking for the Traffic Operations Facility, if necessary. The site plan notes the northern, western and southern property lines will be screened with a six foot fence and slats. The design is proposed to allow a zero foot setback along S. 11th Street to maximize parking but would otherwise meet parking standards of the Zoning Regulations. Timing for improvements is unknown and dependent upon financing.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:

Eastern Tract: The proposed Traffic Operations Facility's physical and environmental characteristics are that it is flat and vacant tract of land, the majority of which is covered with asphalt millings with some grass and a tree on the east side of the tract. Access to the tract is from S. 11th Street and the El Paso Lane, a public alley. There is a public sidewalk along the south property line in the Ft. Riley Boulevard right-of-way and a sidewalk along the west property line in the S. 11th Street right-of-way. Drainage is to street and alley rights-of-way to inlets at S. 11th and Yuma Streets.

Western Tract: The parking and storage area is a flat and vacant tract, which is covered with asphalt millings and gravel with large mature shade trees and grass generally on the south and west sides of the tract. Dense plant growth is generally on the western part of the tract along the common property line with the adjacent lot. Access is from two curb cuts off S. 11th Street and El Paso Lane. Drainage is to the street and alley rights-of-way and inlets at S. 11th and Yuma Streets.

THE FOLLOWING SEVEN (7) FACTORS SHALL BE CONSIDERED WHEN BALANCING THE PUBLIC INTERESTS TO BE SERVED BY THE CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY, AS OPPOSED TO THE IMPACT UPON THE INTERESTS INTENDED TO BE PROTECTED BY THE ZONING REGULATIONS:

1. THE NATURE AND SCOPE OF THE MUNICIPALITY OR STATE AGENCY:

The City of Manhattan is a municipality, which provides a full range of services to its population of 52,386 citizens. The Public Works Department provides a broad range of services related to public improvements and maintenance including the proposed Traffic Operations Facility and the existing parking and storage site.

2. THE FUNCTION OF THE UTILITY OR FACILITY: The function of the Traffic Operations Facility and its future expansions is described in the September 27, 2011 memorandum from Robert K. Ott, P.E., City Engineer, and Peter Clark, P.E., Civil Design Engineer, "This facility will house the Traffic Division of the Public Works Department, which is responsible for the maintenance of all traffic signals, traffic signs, and pavement markings throughout the City of Manhattan." The facility will improve the operations ability to provide quick access to public streets and traffic infrastructure due to its proximity to the intersection of Ft. Riley Boulevard and S. 10th Street, as well as the balance of the City's street system. The future office space may accommodate a consolidated dispatch center that could serve as a back-up EOC.

3. THE EXTENT OF THE PUBLIC INTEREST TO BE SERVED BY THE UTILITY OR FACILITY: The extent of the public to be served by the proposed Traffic Operations Facility and future expansions is the entirety of the public street system in the City of Manhattan and a consolidated back-up dispatch center. The storage and parking area are for overflow traffic and storage as needed.

4. THE EFFECT THAT REGULATION OF THE CONSTRUCTION, OR EXPANSION, EITHER BY THE IMPOSITION OF REQUIREMENTS NECESSARY TO MITIGATE IMPACTS OR BY A COMPLETE DENIAL, WILL HAVE UPON THE MUNICIPALITY'S, OR STATE AGENCY'S, ABILITY TO EFFICIENTLY, ECONOMICALLY AND PRUDENTLY MEET THE PUBLIC INTERESTS THEY ARE SERVING: The property is currently zoned R-2 District with TNO District. Municipal facilities and/or government buildings are not listed as a permitted or conditional use in R-2/TNO District. The site is restricted by KDHE from being used for residential purposes and is further limited to how deep excavations can be made in order to prevent contact with potential contaminants and/or transport of contaminants. Denial of the request would adversely affect the City's ability to provide timely and cost efficient traffic maintenance and operations services and the potential for a consolidated dispatch and a back-up EOC serving all of Riley County.

- 5. THE IMPACT THAT CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY WILL HAVE UPON THE LEGITIMATE INTERESTS OF THAT PORTION OF THE COMMUNITY IN WHICH IT IS PROPOSED TO BE LOCATED:** There should be a minimal impact as a result of construction of the proposed Traffic Operations Facility and its future expansions upon the legitimate interests of that portion of the community in which the facility is proposed. The facility will be screened by a six foot chain link fence with slats. Access to the site is from S. 11th Street which connects to Yuma Street and the surrounding streets system in a manner consistent with traffic activity in the area, with some traffic related to the facilities using the public alley, El Paso Lane. Minimal impact is expected on the local street system including the public alley, El Paso Lane. Traffic volumes are consistent with residential uses as the hours of operation are consistent with normal operating work hours, 8 AM to 5 PM.

The impact that construction or expansion of the proposed Traffic Operations Facility and its future expansions and existing parking and storage area will have upon the legitimate interests of that portion of the community should be minimal. The site provides for quicker response times to traffic and maintenance problems and other emergencies in the City. The proposed facility will have a positive impact on the City` and use of the brown-field site that cannot be used for residential or park purposes.

The proposed facilities immediate neighborhood is characterized as a combination of highway commercial and industrial uses to the south of Ft. Riley Boulevard and low density residential to the north, east and west. No adverse affects or impacts are expected due to light, noise, and traffic generated by the proposed facilities.

Proposed building, fencing and off-street parking, are set back consistent with the requirements of the underlying R-2/TNO Districts. Adequate off-street parking spaces are proposed. The Manhattan Zoning Regulations do not specify a minimum required number of off-street parking spaces for a “traffic operations facility.” Given the nature of the office and light industrial activities of the proposed facility, the Manhattan Zoning Regulations requirement for office and a manufacturing, production, processing, assembly, disassembly, cleaning, service, testing or repairing goods, material or products is one space per 300 square feet of floor area for office and two spaces per 1,000 square feet of floor area for the light industrial activity. The ratios were applied to the proposed facility and future expansions. Adequate off-street parking is available to serve the proposed facility and future expansions.

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In addition, the proposed facility and its future expansions are consistent with city municipal facilities along Ft. Riley Boulevard generally between S. 14th Street and S. Juliette Avenue including Parks Forestry Horticulture Maintenance Shop facilities south of El Paso Lane and north of Ft. Riley Boulevard in the 1400 block of El Paso lane, Douglas Center Park facilities in the 900 block of Yuma Street between Yuma Street and Ft. Riley Boulevard; the City Public Works Maintenance Division facilities south of Ft. Riley Boulevard and on either side of S. Juliette Avenue, between Fair Lane and the railroad line; and, the Douglas Park facilities in a residential neighborhood to the east of the proposed facility between Ft. Riley Boulevard and Yuma Street.

- 6. IF THE OWNER OF THE UTILITY OR FACILITY IS THE CITY OF MANHATTAN, AND IF THE FACILITY OR UTILITY IS OF A TYPE EMBRACED WITHIN THE COMPREHENSIVE PLAN, WHETHER OR NOT IT IS IN CONFORMITY WITH THAT PLAN:** The City of Manhattan is the owner of the proposed facility and its future expansions.

Municipal facilities, such as those proposed, would be designated in the Comprehensive Plan as a Public/Semi-Public use, or possibly Industrial. The proposed facilities are shown on the Downtown Core Neighborhoods Future Land Use map and designated Parks and Recreation for the Eastern Tract and Low/Medium Density residential (RLM) for the Western Tract, which means the tracts were envisioned to develop with neighborhood park or recreational facilities and residential dwelling units or other types of uses in residential neighborhoods, such as parks, schools, churches, group day care centers or similar uses. The RLM category might also accommodate neighborhood commercial activities in a master planned setting.

Residential dwelling units, day care and parks are prohibited by an agreement with KDHE, due to the hazardous chemicals under the Traffic Operations Facility site. KDHE has agreed to the use of the Eastern Tract for the Traffic Operations Facility and future western expansion.

The existing parking and storage area is adjacent to FT. Riley Boulevard will serve its current use as temporary parking and storage and may serve as overflow parking in the future. The site has limited capacity for residential development due to its location on Ft. Riley Boulevard.

The Comprehensive Plan's recommended land uses for both tracts are generally inconsistent and unrealistic with the Plan's recommendations due to environmental limitations and proximity to Ft. Riley Boulevard. The proposed land uses are appropriate due to location and environmental limitations of the tracts and are consistent with other city municipal facilities along Ft. Riley Boulevard.

- 7. OTHER FACTORS AS THE PLANNING BOARD DEEMS APPROPRIATE AND RELEVANT:** If the Planning Board believes there are other factors to consider, the Board should determine those factors it deems appropriate and relevant and clearly articulate the factors.

STAFF RECOMMENDATION: City Administration recommends approval of the proposed Traffic Operations Facility and its future expansion, and the existing parking and storage area to the west of S. 11th Street, with the following condition:

1. When the Western Tract is improved, it shall conform to the off-street parking requirements of the Manhattan Zoning Regulations, except the minimum front yard setback along S. 11th Street may be as close as zero (0) feet.

The Planning Board shall not recommend approval of the request unless it determines, by a preponderance of the evidence, that the public interests to be served by the construction or expansion of the utility or facility outweigh any impact upon legitimate community interests, as such impact is mitigated by any requirements of the Planning Board.

If the Planning Board recommends approval, they shall also recommend any requirements or conditions they deem necessary to mitigate impacts caused by such use. Such requirements or conditions may include, but are not limited to, any bulk, or other requirements, which would have otherwise been applicable within the zoning district in which the proposed use is to be placed.

ALTERNATIVES

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

1. Hold a public hearing on the proposal and, following the hearing, recommend approval of a proposed Traffic Operations Facility and its future expansion, and the existing parking and storage area, based on the findings in the staff report, with the one condition of approval recommended by City Administration.
2. Hold a public hearing on the proposal and, following the hearing, recommend denial of the proposed municipal facilities, for specifically stated reasons.

3. Hold a public hearing on the proposal and, following the hearing, modify the site plan and/or conditions of approval, to meet the needs as perceived by the Planning Board, and establish such conditions, if any, as deemed necessary to mitigate any impacts created by the proposed Traffic Operations Facility and existing parking and storage area.
4. Table the public hearing of the proposed municipal facilities, for specifically stated reasons and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends that the Planning Board:

1. Hold a public hearing on the proposed and future municipal facilities;
2. Determine by a preponderance of the evidence, that the public interests to be served by the proposed Traffic Operations Facility and existing parking and storage area, outweigh the impacts upon the legitimate community interests, as mitigated by requirements of the Planning Board; and,
3. Recommend approval of the proposed and future municipal facilities, with the one condition of approval recommended by City Administration. This recommendation is based on the findings in the Staff Report.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board finds that the public interests to be served by the proposed Municipal Facility, outweigh the impacts upon the legitimate community interests and recommends approval of the proposed Traffic Operations Facility and its future expansion, and the existing parking and storage area, based on the findings in the Staff Report, with the one condition of approval recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner.

DATE: September 28, 2011.

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