

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, FEBRUARY 15, 2005***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Pro Tem Ed Klimek and Commissioners Bruce Snead, Mark Hatesohl, and Mark Taussig were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government Representative Felix Wang, 9 staff, and approximately 26 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Klimek led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Pro Tem Klimek proclaimed February 13-19, 2005, ***Career-Technical Education Week***. Dr. Linda Hertzell, Vice President of Instructional Services, Manhattan Area Technical College; Wade Chermis, Student Government President; Amy Lewis, Student Government Vice President; and Michelle Alquist, Student Government Treasurer, were present to receive the proclamation.

Mayor Pro Tem Klimek proclaimed February 23, 2005, ***Rotary International Day***. Ron Wilson, President, Manhattan Rotary Club, and David Urban, President, Manhattan Konza Rotary Club, were present to receive the proclamation.

Mayor Pro Tem Klimek proclaimed February 26, 2005, ***National Trio Day***. Crystal Davis, Assistant Director Educational Supportive Services, Salina Campus; and Kathy Zarka, Assistant Director Educational Supportive Services, Manhattan Campus, and McNair Scholars Program, were present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Hatesohl wished his wife a Happy 13<sup>th</sup> Anniversary.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, February 1, 2005.

### CLAIMS REGISTER NO. 2523

The Commission approved Claims Register No. 2523 authorizing and approving the payment of claims from January 26, 2005, to February 8, 2005, in the amount of \$307,601.68 and \$1,559,428.07, respectively.

### LICENSES - RENEWALS

The Commission approved renewal applications for Cereal Malt Beverage and Tree Maintenance licenses for calendar year 2005 for the following: *Outdoor Complete, Inc., 8095A East Highway 24,; Wildcat Tree Service, 3120 Heritage Lane; Hop-N-Skip, 2233 Tuttle Creek Blvd.; Wal-Mart SuperCenter #35, 101 East Bluemont Avenue; Aggie Lounge, 712 North 12<sup>th</sup> Street; and Oppy's Service Co., Inc., 605 South 3<sup>rd</sup> Street.*

### ORDINANCE NO. 6456 – NO PARKING – BROOKFIELD ADDITION

The Commission approved Ordinance No. 6456 establishing a “No Parking” zone on one side of all streets in all current and future units of the Brookfield Addition.

### ORDINANCE NO. 6457 – LEVY SPECIAL ASSESSMENTS

The Commission approved Ordinance No. 6457 levying special assessments against the benefiting property in the following eight (8) public improvement districts: *Brookfield Addition, Unit 3 – Sanitary Sewer, Street, Water; Hackberry Addition – Sanitary Sewer, Water; Stone Valley Addition, Phase I – Street; The Browning Project – Street; and Miller Ranch Addition, Unit 3, Landscape (SP0405).*

### AWARD CONTRACT – WATER TREATMENT PLANT PROCESS ANALYZERS AND CONTROL SYSTEMS UPGRADE PROJECT

The Commission approved the Engineer's Estimate in the amount of \$317,722.00 and awarded a construction contract in the amount of \$277,617.98 for the Process Analyzers and Control System Upgrade at the City's Water Treatment Plant to K.G. Moats and Sons, LLC, of Saint Marys, Kansas.

## CONSENT AGENDA (CONTINUED)

\* **AWARD CONTRACT – SECURITY FENCE AND GATES – WATER TREATMENT PLANT**

Jerry McIntyre, Deputy Director of Public Works/Utilities, answered questions from the Commission.

Ron Fehr, City Manager, provided clarification on the item.

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$88,573.00 with Bella Fence Company, of Junction City, Kansas, to construct a security fence and gates at the Water Treatment Plant.

**AWARD CONTRACT – HOUSING REHABILITATION PROJECTS**

The Commission accepted the bids for the Housing Rehabilitation Projects at 2100 Northview Drive and 2309 Brockman Street; awarded the bid to the lowest responsible bidders for the base price; authorized City Administration to approve any necessary change orders; and authorized the Mayor and City Clerk to enter into an agreement with the contractor and property owner for expenditure of Housing Rehabilitation Funds.

\* **AUTHORIZE STATE BID TABS – PURCHASE OF VEHICLES**

Jeff Hancock, Director of Public Works, answered questions from the Commission.

The City Commission removed the item from the table and authorized City Administration to use State bid tabs for vehicles to purchase three vehicles scheduled for replacement in the 2005 Capital Improvements Program.

\* **AGREEMENT – ENGINEERING SERVICES – DENISON AVENUE PROJECT**

Jeff Hancock, Director of Public Works, answered questions from the Commission.

The Commission authorized the Mayor and City Clerk to enter into an agreement with Schwab Eaton Engineering Consultants, of Manhattan, Kansas, to complete the design of the Denison Avenue Project.

**BOARD APPOINTMENTS**

The Commission approved appointments by Mayor Everett to the City/University Special Projects Fund Committee.

*City/University Special Projects Fund Committee*

Re-appointment of Becky Ballard, 333 Denison Avenue, to a two-year Citizen term. Ms. Ballard's term begins immediately and will expire June 30, 2006.

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### City/University Special Projects Fund Committee (CONTINUED)

Appointment of Jeff Chapman, 3430 Woodduck Way, to a two-year Citizen term. Mr. Chapman's term begins immediately and will expire June 30, 2006.

Re-appointment of Katha Hurt, 1927 Anderson Avenue, to a two-year Citizen term. Ms. Hurt's term begins immediately and will expire June 30, 2006.

Appointment of Roger C. Adams, 1609 Humboldt Street, to a one-year Faculty term. Mr. Adams' term begins immediately and will expire June 30, 2005.

Appointment of Tenisha Pettus, 915 Denison Avenue Apt. 1, to a one-year Student term. Ms. Pettus' term begins immediately and will expire June 30, 2005.

Appointment of Lindsay Porter, 1728 Laramie Street Apt. 2, to a one-year Student term. Ms. Porter's term begins immediately and will expire June 30, 2005.

After discussion, Commissioner Snead moved to approve the consent agenda, as discussed. Commissioner Taussig seconded the motion. On a roll call vote, motion carried 4-0.

## GENERAL AGENDA

### MANHATTAN-OGDEN SCHOOL DISTRICT REQUEST - SALES TAX BALLOT INITIATIVE

Diane Stoddard, Deputy City Manager, presented the item and answered questions from the Commission.

Ben Fenwick, 1430 Watson Place, Apartment 22, spoke on behalf of the Kansas State University Student Senate and informed the Commission that the Student Senate approved of the sales tax initiative and asked the Commission to approve the item. He then answered questions from the Commission.

Phyllis Pease, 1905 Leavenworth Street, applauded the actions of the Kansas State University Student Senate and urged the Commission to support the initiative. She then answered questions from the Commission.

## GENERAL AGENDA (CONTINUED)

### MANHATTAN-OGDEN SCHOOL DISTRICT REQUEST - SALES TAX BALLOT INITIATIVE (CONTINUED)

Lyle Butler, President, Manhattan Area Chamber of Commerce, said the Chamber's Board of Directors support the proposed ballot initiative and appreciated the Commission's leadership, especially in consideration of economic development and Fort Riley factors.

After discussion, Commissioner Snead moved to accept the Board of Education's request and approve Ordinance No. 6458 calling for the special sales tax question for education to be placed on the April 5, 2005, ballot. Mayor Pro Tem Klimek seconded the motion. On a roll call vote, motion carried 3-1, with Commissioner Taussig voting against the motion.

### FIRST READING – ANNEX AND REZONE - THE PROPOSED HIGHLAND MEADOWS ADDITION

Eric Cattell, Assistant Director for Planning, presented the item. He then answered questions from the Commission.

Ron Fehr, City Manager, provided clarification on the item.

Eric Cattell, Assistant Director for Planning, provided additional information on the item and answered questions from the Commission.

Roger Schultz, Developer, provided additional information on the item and addressed questions that were raised. He then answered additional questions from the Commission regarding the proposed zoning and annexation.

Kay Garrett, 762 Wildcat Creek Road, spoke against the proposal and opposed the high density proposed in an environmentally sensitive area. She encouraged the Commission to deny or table the item.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance annexing the 86-acre site of the proposed Highland Meadows Addition, generally located west of Scenic Drive and south of Wildcat Creek, 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; and, approve first reading of ordinances rezoning the site to the following designations, as proposed: R-1, Single-Family Residential District with AO, Airport Overlay District on the southern 20-acres; R-2, Two-Family Residential District; and R-3, Multiple-Family Residential District; based on the findings in the Staff Reports. *(See Attachment Nos. 1, 2, and 3)* Commissioner Taussig seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA (CONTINUED)

**FEDERAL AVIATION ADMINISTRATION (FAA) GRANT OFFER - AIP NO. 3-20-0052-24-2005 - ENVIRONMENTAL ASSESSMENT AND UPDATE AIRPORT LAYOUT PLAN**

Russ Johnson, Airport Director, presented the item and answered questions from the Commission.

Ron Fehr, City Manager, and Russ Johnson, Airport Director, provided additional clarification on the item and answered questions from the Commission.

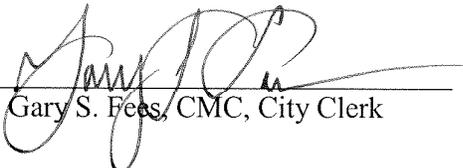
After discussion, Commissioner Taussig moved to authorize the Mayor and City Clerk to accept the FAA grant offer for AIP No. 3-20-0052-24-2005 in the amount of \$327,346.00 to prepare Environmental Assessment and Update Airport Layout Plan. Commissioner Snead seconded the motion. On a roll call vote, motion carried 4-0.

**NON-RESIDENT FEE - PARKS AND RECREATION PROGRAMS**

This item was removed from the agenda.

**ADJOURNMENT**

At 9:17 p.m., the Commission adjourned.

  
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Gary S. Fees, CMC, City Clerk

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** County G-1, General Agricultural District

**TO:** R-1, Single-Family Residential District, and AO, Airport Overlay District

**APPLICANT:** SSF Development LLC

**ADDRESS:** c/o Schultz Construction, 1213 Hylton Heights Road, Manhattan, KS 66502

**OWNER:** Bernard Wells Trust and New Hope Church

**ADDRESSES:** 4810 Anderson Avenue, Manhattan, KS 66503

**LOCATION:** generally located one thousand (1,000) feet southwest of the intersection of Wildcat Creek Road and Scenic Drive. The southern portion of the tract adjoins the western side of Scenic Drive, beginning approximately two thousand two hundred (2,200) feet south of the same intersection.

**AREA:** Approximately 52-acres

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, November 29, 2004

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, December 20, 2004  
**CITY COMMISSION:** Tentatively scheduled for  
Tuesday, January 18, 2005

**EXISTING USE:** generally agricultural fields.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is rolling terrain, and terraced agricultural field, which slopes and drains to the north-northeast and east. There is a wooded tree line along the western and northern boundary.

The southern portion of the site is 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*).

*Attachment No. 1*

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Future two-family and multiple-family uses in Highland Meadows, Wildcat Creek, Wildcat Creek Road, a rural residential dwelling to the immediate north and a second to the northeast, agricultural outbuildings, and a commercial nursery; G-1 District and C-4, Highway Business District.
- (2) **SOUTH:** Agricultural grazing and range lands, and rural residential; G-1 District and A-5, Single-Family Residential District.
- (3) **EAST:** Scenic Drive, future multiple-family uses in Highland Meadows, rural residential and agricultural fields; G-1 District
- (4) **WEST:** Agricultural grazing and range land, scattered rural residential single-family homes on very large tracts of land; G-1 District

**GENERAL NEIGHBORHOOD CHARACTER:** Generally characterized as an agricultural neighborhood with rural residential development.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site could be used for agricultural uses and rural residential development. The proposed single-family development requires annexation, rezoning, platting and the provision of urban services.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site will be within the proposed Highland Meadows Addition and surrounded by two-family and multiple-family to the north and east, as well as Scenic Drive to the east. A portion of the R-1 District will adjoin an area to the west, which is an agricultural field and grazing land. An increase in light and noise can be expected. No traffic impacts are expected; however, a street extension is proposed, which can provide fire fighting access to the west, or street extension to the west if that area develops at a later date.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The R-1 District portion of the proposed Highland Meadows Addition is shown on the Future Land Use map in the Southwest Planning Area as Agriculture. The R-1 District is adjacent to an area shown as appropriate for RHD, residential high density.

*Attachment No. 1*

The Agriculture category is an area intended for farming, ranching, other agricultural uses, and low density rural residential uses. The Agricultural area, which is to the west and south of the RHD category, was not anticipated to be developed within the 20-year planning horizon of the Plan. A characteristic of the Agricultural area is that Agricultural uses are encouraged to continue “within the context of market demand and the desires of the individual property owner”. Such is the case of the proposed Highland Meadows Addition. The owners and applicant desire to develop the land within a market demand for residential housing.

Within the Agricultural category, the applicant has proposed Residential Low to Medium (RLM) density uses consisting of single-family and two-family uses. The proposed net density for the R-1 District is approximately 2.5 dwelling units per net acre. (Note: the New Hope Church site was deducted from the total acreage to calculate density.)

In addition, the Highland Meadows Addition is in a growth corridor, as reflected by the RHD category, which is along the east and west sides of Scenic Drive. There was no expressed interest to expand the development opportunities beyond the RHD category, when the Comprehensive Plan was adopted. Since then, market demand and individual desires have changed.

Highland Meadows is within a Special Planning Area, referred to as “West of Scenic Drive”. The policies of Planning Area focus on preservation of scenic views and maintaining rural densities and it is recommended that cluster development should be for rural residential lots that are typically on 20-acre sites. As noted below under the Growth Vision, because the proposed Highland Meadows Addition is partially within an identified high-density residential growth area, straddles the Urban Service Area Boundary (USAB) and can be served, and lies outside the projected Fort Riley Land Use Protection Zone, City Administration believes the proposal conforms to the Future Land Use Map of the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas.

GROWTH VISION

The eastern portion of the proposed Highland Meadows development, which is proposed for high-density residential development, falls within the Urban Service Area Boundary (USAB) and is also consistent with the Comprehensive Plan and the land use designation for that area. The greater portion of the development proposal is located immediately to the west and just beyond the USAB. Comprehensive Plan policy requires future urban development to “be contained within the geographic limits of the Urban Service Area Boundary.” This policy is intended to minimize the potential for leapfrog development and the need to prematurely expand and deliver urban services to areas beyond the limits of current utility services. The policy also helps to insure that urban development is placed in areas that can be physically served.

*Attachment No. 1*

Although the proposed development site is partially outside the USAB, the Public Works Department has confirmed that there are both sufficient capacities in this area to effectively provide utility services to all of the proposed development, and the whole site can be physically served. It should be noted that the placement of the USAB line on the map is somewhat inexact and the serviceability of areas that straddle, or are adjacent to the line will need to be evaluated on a case-by-case basis.

Much of the area west of Scenic Drive was not originally included in areas identified for future urban growth, due in part to the fact that development in this area would be relatively close to the Fort Riley Military Base, creating a potential for land use conflicts, primarily involving noise impacts and potential noise complaints. The Flint Hills Joint Land Use Study (JLUS), which is currently underway, is looking at, among other things, how to reconcile the current and future training activities on Fort Riley with the growth needs of the surrounding communities and counties. The JLUS will provide recommendations that can be considered for implementation by Fort Riley and the surrounding local governments to reduce potential land use conflicts, while accommodating necessary growth and development and mutual economic sustainability. The projected future noise boundary associated with the Fort Riley Land Use Protection Zone, lies just west of the proposed Highland Meadows Addition and is outside that protection area.

It should be noted that due to several emerging issues including previous requests for water service in the Scenic Drive area and the projected Fort Riley Land Use Protection Zone, City and County Planning staffs have identified the need for a comprehensive review of the Scenic Drive Corridor in areas beyond this current Highland Meadows proposal. This will include reviewing the Urban Service Area Boundary (USAB) and the related growth issues and policies in the Comprehensive Plan, as well as the jurisdictional boundary of the Planning Board in the vicinity of the proposal. Once all the relevant information and JLUS recommendations are available in early 2005, the Community Development Department, together with the Riley County Planning and Development Department, will evaluate the area and make recommendations on possible amendments to the Comprehensive Plan, if necessary.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained vacant and used for agricultural purposes for an undetermined length of time.

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The R-1 District (*R-1 District regulations attached*) is designed to provide a dwelling zone at a density no

*Attachment No. 1*

greater than one (1) attached dwelling units per 6,500 square feet. The proposed R-1 District consists of 52-acres and is sufficient in area for the proposed district. Single-family lots in the Highland Meadows Addition exceed minimum lot area of the R-1 District.

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 partially 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*).

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public, which denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. The Manhattan Urban Area Planning Board approved the Preliminary Plat of the Highland Meadows Addition on December 6, 2004, which the Board found to be in conformance with the Manhattan Urban Area Subdivision Regulations. On December 6, 2004, the Planning Board recommended the annexation and rezoning of the remainder of Highland Meadows to R-2, Two-Family Residential District, and R-3, Multiple-Family Residential District. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The R-1 District can be served by public improvements, including street, water, fire service and sanitary sewer. Water is located along Scenic Drive. Sanitary sewer will need to be extended from a point north of the Wildcat Creek Bridge and along the east side of Scenic, which will connect into the proposed Highland Meadows Addition, at the northern street entrance of Highland Ridge Drive.

**OTHER APPLICABLE FACTORS:** None.

*Attachment No. 1*

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of an approximate 52-acre tract in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, and AO, Airport Overlay District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of an approximate 52-acre tract within the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, and 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.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of an approximate 52-acre tract in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, and AO, Airport Overlay District, based on the findings in the Staff Report.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** December 8, 2004

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** County G-1, General Agricultural District

**TO:** R-2, Two-Family Residential District

**APPLICANT:** SSF Development LLC

**ADDRESS:** c/o Schultz Construction, 1213 Hylton Heights Road, Manhattan, KS 66502

**OWNER:** Bernard Wells Trust

**ADDRESSES:** 4810 Anderson Avenue, Manhattan, KS 66503

**LOCATION:** generally located seven hundred (700) feet south of Wildcat Creek Road and seven hundred (700) feet west of Scenic Drive.

**AREA:** Approximately seven (7) acres (7.428 acres)

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, November 16, 2004

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, December 6, 2004

**CITY COMMISSION:** Tentatively scheduled for  
Tuesday, January 18, 2005

**EXISTING USE:** Agricultural fields.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is a relatively flat, terraced agricultural field, which slopes and drains to the north-northeast. There is a wooded ravine along the south part of the site, with a wooded tree line along the western boundary.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Future multiple-family uses, Wildcat Creek, Wildcat Creek Road, a rural residential dwelling to the immediate north and a second to the northeast, agricultural outbuildings, and a commercial nursery; G-1 District and C-4, Highway Business District.

*Attachment No. 2*

- (2) **SOUTH:** Future single-family uses, agricultural grazing and range lands, and rural residential; G-1 District and A-5, Single-Family Residential District.
- (3) **EAST:** Future multiple-family uses and New Hope Church site, Scenic Drive and agricultural fields; G-1 District
- (4) **WEST:** Agricultural grazing and range land, scattered rural residential single-family homes on very large tracts of land; G-1 District

**GENERAL NEIGHBORHOOD CHARACTER:** Generally characterized as an agricultural neighborhood with rural residential development.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site could be used for agricultural uses and rural residential development. The proposed two-family development would require annexation, rezoning, platting and the provision of urban services.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site will be within the proposed Highland Meadows Addition and surrounded by multiple-family to the north and east, single-family to the south, and New Hope Church to the east. A small portion of the R-2 District will adjoin an area to the west, which is an agricultural field and grazing land. An increase in light and noise can be expected. No traffic impacts are expected, since streets do not extend, nor are planned to extend to the adjoining land to the west of the R-2 District.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The R-2 District portion of the proposed Highland Meadows Addition is shown on the Future Land Use map in the Southwest Planning Area as Agriculture.

The Agriculture category is an area intended for farming, ranching, other agricultural uses, and low density rural residential uses. The Agricultural area, which is to the west and south of the RHD category, was not anticipated to be developed within the 20-year planning horizon of the Plan. A characteristic of the Agricultural area is that Agricultural uses are encouraged to continue "within the context of market demand and the desires of the individual property owner". Such is the case of the proposed Highland Meadows Addition. The owners and applicant desire to develop the land within a market demand for residential housing.

*Attachment No. 2*

In the Agricultural category, the applicant has proposed Residential Low to Medium (RLM) density uses consisting of single-family and two-family uses. The proposed net density for the R-2 District is 5.92 dwelling units per net acre.

In addition, the Highland Meadows Addition is in a growth corridor, as reflected by the RHD category, which is along the east and west sides of Scenic Drive. However, there was no expressed interest to expand the development opportunities beyond the RHD category, when the Comprehensive Plan was adopted. Since then, market demand and individual desires have changed.

Highland Meadows is within a Special Planning Area, referred to as "West of Scenic Drive". The policies of Planning Area focus on preservation of scenic views and maintaining rural densities and it is recommended that cluster development should be for rural residential lots that are typically on 20-acre sites. As noted below under the Growth Vision, because the proposed Highland Meadows Addition is partially within an identified high-density residential growth area, straddles the Urban Service Area Boundary (USAB) and can be served, and lies outside the projected Fort Riley Land Use Protection Zone, City Administration believes the proposal conforms to the Future Land Use Map of the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas.

GROWTH VISION

The eastern portion of the proposed Highland Meadows development, which is proposed for high-density residential development, falls within the Urban Service Area Boundary (USAB) and is also consistent with the Comprehensive Plan and the land use designation for that area. The greater portion of the development proposal is located immediately to the west and just beyond the USAB. Comprehensive Plan policy requires future urban development to "be contained within the geographic limits of the Urban Service Area Boundary." This policy is intended to minimize the potential for leapfrog development and the need to prematurely expand and deliver urban services to areas beyond the limits of current utility services. The policy also helps to insure that urban development is placed in areas that can be physically served.

Although the proposed development site is partially outside the USAB, the Public Works Department has confirmed that there are both sufficient capacities in this area to effectively provide utility services to all of the proposed development, and the whole site can be physically served. It should be noted that the placement of the USAB line on the map is somewhat inexact and the serviceability of areas that straddle, or are adjacent to the line will need to be evaluated on a case-by-case basis.

*Attachment No. 2*

Much of the area west of Scenic Drive was not originally included in areas identified for future urban growth, due in part to the fact that development in this area would be relatively close to the Fort Riley Military Base, creating a potential for land use conflicts, primarily involving noise impacts and potential noise complaints.. The Flint Hills Joint Land Use Study (JLUS), which is currently underway, is looking at, among other things, how to reconcile the current and future training activities on Fort Riley with the growth needs of the surrounding communities and counties. The JLUS will provide recommendations that can be considered for implementation by Fort Riley and the surrounding local governments to reduce potential land use conflicts, while accommodating necessary growth and development and mutual economic sustainability. The projected future noise boundary associated with the Fort Riley Land Use Protection Zone, lies just west of the proposed Highland Meadows Addition and is outside that protection area.

Because the Highland Meadows proposal is partially within an identified high-density residential growth area, straddles the USAB and can be served, and lies outside the projected Fort Riley Land Use Protection Zone, City Administration believes the proposal conforms to the Comprehensive Plan.

It should be noted that due to several emerging issues including previous requests for water service in the Scenic Drive area and the projected Fort Riley Land Use Protection Zone, City and County Planning staffs have identified the need for a comprehensive review of the Scenic Drive Corridor in areas beyond this current Highland Meadows proposal. This will include reviewing the Urban Service Area Boundary (USAB) and the related growth issues and policies in the Comprehensive Plan, as well as the jurisdictional boundary of the Planning Board in the vicinity of the proposal. Once all the relevant information and JLUS recommendations are available in early 2005, the Community Development Department, together with the Riley County Planning and Development Department, will evaluate the area and make recommendations on possible amendments to the Comprehensive Plan, if necessary.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained vacant and used for agricultural purposes for an undetermined length of time.

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The R-2 District (*R-2 District regulations attached*) is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. The proposed R-2 District consists of seven (7) acres and is sufficient in area for the proposed district.

*Attachment No. 2*

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public, which denial would accomplish. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The R-2 District can be served by public improvements, including street, water, fire service and sanitary sewer. Water is located along Scenic Drive. Sanitary sewer will need to be extended from a point north of the Wildcat Creek Bridge and along the east side of Scenic, which will connect into the proposed Highland Meadows Addition, at the northern street entrance of Highland Ridge Drive.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of an approximate seven (7) acre tract in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-2, Two-Family Residential District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of an approximate seven (7) acre tract within the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-2, Two-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of an approximate seven (7) acre tract in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-2, Two-Family Residential District, based on the findings in the Staff Report.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** November 29, 2004

04023

## **STAFF REPORT**

### **ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** County G-1, General Agricultural District

**TO:** R-3, Multiple-Family Residential District

(Note: the AO, Airport Overlay District, was advertised to be applied as an overlay district to the R-3 District. The applicant's consultant subsequently determined the AO District was to the south of the proposed R-3 District. Therefore, the AO District is not applicable to the rezoning.)

**APPLICANT:** SSF Development LLC

**ADDRESS:** c/o Schultz Construction, 1213 Hylton Heights Road, Manhattan, KS 66502

**OWNER:** Bernard Wells Trust and Shirley L. Stone Trust

**ADDRESSES:** 4810 Anderson Avenue, Manhattan, KS 66503, and 900 Scenic Drive, Manhattan, KS 66503

**LOCATION:** generally located seven hundred seventy (770) feet southwest of the intersection of Wildcat Creek Road and Scenic Drive, and a portion of which is along the western side of Scenic Drive, approximately three hundred thirty (330) feet south of the same intersection. The northwestern part of the site abuts Wildcat Creek Road.

**AREA:** Approximately 27-acres

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, November 16, 2004

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, December 6, 2004

**CITY COMMISSION:** Tentatively scheduled for  
Tuesday, January 18, 2005

**EXISTING USE:** Agricultural fields and Wildcat Creek.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is a relatively flat, terraced agricultural field, which slopes gently to the north-northeast and drains to Wildcat Creek. There is a wooded ravine along the south part of the site, with a wooded tree line along the western boundary. The northern part of the site is Wildcat Creek and the eastern edge adjoins Scenic Drive.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Wildcat Creek, Wildcat Creek Road, a rural residential dwelling to the immediate north and a second to the northeast, agricultural outbuildings, and a commercial nursery; G-1 District and C 4, Highway Business District.
- (2) **SOUTH:** Future two-family uses in the Highland Meadows Addition, range and grazing lands, and rural residential; G-1 District and A-5, Single-Family Residential District.
- (3) **EAST:** Scenic Drive and agricultural fields; G-1 District
- (4) **WEST:** Agricultural grazing and range land, rural residential single-family homes on very large tracts of land, future New Hope Church and single family homes; G-1 District

**GENERAL NEIGHBORHOOD CHARACTER:** Generally characterized as an agricultural neighborhood with rural residential development.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site could be used for agricultural uses and rural residential development. The proposed multiple-family development would require annexation, rezoning, platting and the provision of urban services.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site will be in the proposed Highland Meadows Addition and bounded by Wildcat Creek to the north and east, two-family uses to the south, and New Hope Church to the south and west. An increase in light and noise can be expected. No traffic impacts are expected, since streets do not extend, nor are planned to extend to the adjoining lands to the north or west of the proposed R-3 District. Street access will be from Scenic Drive or internal streets within the proposed Highland Meadows Addition.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The R-3 portion of the proposed Highland Meadows Addition is shown on the Future Land Use map in the Southwest Planning Area as a combination of Residential High Density (RHD), Agriculture, and Flood Hazard area (100-Year Flood Plain).

The RHD category is along the eastern part of the site, which suggest a density range of 19-dwelling units per net acre or greater. The proposed rezoning extends the R-3 District along the northern part of the site, and south of Wildcat Creek. The Preliminary Plat indicates the density is 12.29-dwelling units per net acre, which is below the possible density of the RHD category.

*Attachment No. 3*

The Flood Hazard Area is along Wildcat Creek, which is an environmentally sensitive area, and cannot to be developed. The Floodway is designated as a drainage easement on the Preliminary Plat.

The Agriculture category is an area intended for farming, ranching, other agricultural uses, and low density rural residential uses. The Agricultural area, which is to the west and south of the RHD category, was not anticipated to be developed within the 20-year planning horizon of the Plan. A characteristic of the Agricultural area is that Agricultural uses are encouraged to continue “within the context of market demand and the desires of the individual property owner”. Such is the case of the proposed Highland Meadows Addition. The owners and applicant desire to develop the land within a market demand for residential housing.

In addition, the Highland Meadows Addition is in a growth corridor, as reflected by the RHD category, which is along the east and west sides of Scenic Drive. However, there was no expressed interest to expand the development opportunities beyond the RHD category, when the Comprehensive Plan was adopted. Since then, market demand and individual desires have changed.

Highland Meadows is within a Special Planning Area, referred to as “West of Scenic Drive”. The policies of Planning Area focus on preservation of scenic views and maintaining rural densities and it is recommended that cluster development should be for rural residential lots that are typically on 20-acre sites. As noted below under the Growth Vision, because the proposed Highland Meadows Addition is partially within an identified high-density residential growth area, straddles the Urban Service Area Boundary (USAB) and can be served, and lies outside the projected Fort Riley Land Use Protection Zone, City Administration believes the proposal conforms to the Future Land Use Map of the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas.

GROWTH VISION

The eastern portion of the proposed Highland Meadows development, which is proposed for high-density residential development, falls within the Urban Service Area Boundary (USAB) and is also consistent with the Comprehensive Plan and the land use designation for that area. The greater portion of the development proposal is located immediately to the west and just beyond the USAB. Comprehensive Plan policy requires future urban development to “be contained within the geographic limits of the Urban Service Area Boundary.” This policy is intended to minimize the potential for leapfrog development and the need to prematurely expand and deliver urban services to areas beyond the limits of current utility services. The policy also helps to insure that urban development is placed in areas that can be physically served.

*Attachment No. 3*

Although the proposed development site is partially outside the USAB, the Public Works Department has confirmed that there are both sufficient capacities in this area to effectively provide utility services to all of the proposed development, and the whole site can be physically served. It should be noted that the placement of the USAB line on the map is somewhat inexact and the serviceability of areas that straddle, or are adjacent to the line will need to be evaluated on a case-by-case basis.

Much of the area west of Scenic Drive was not originally included in areas identified for future urban growth, due in part to the fact that development in this area would be relatively close to the Fort Riley Military Base, creating a potential for land use conflicts, primarily involving noise impacts and potential noise complaints.. The Flint Hills Joint Land Use Study (JLUS), which is currently underway, is looking at, among other things, how to reconcile the current and future training activities on Fort Riley with the growth needs of the surrounding communities and counties. The JLUS will provide recommendations that can be considered for implementation by Fort Riley and the surrounding local governments to reduce potential land use conflicts, while accommodating necessary growth and development and mutual economic sustainability. The projected future noise boundary associated with the Fort Riley Land Use Protection Zone, lies just west of the proposed Highland Meadows Addition and is outside that protection area.

Because the Highland Meadows proposal is partially within an identified high-density residential growth area, straddles the USAB and can be served, and lies outside the projected Fort Riley Land Use Protection Zone, City Administration believes the proposal conforms to the Comprehensive Plan.

It should be noted that due to several emerging issues including previous requests for water service in the Scenic Drive area and the projected Fort Riley Land Use Protection Zone, City and County Planning staffs have identified the need for a comprehensive review of the Scenic Drive Corridor in areas beyond this current Highland Meadows proposal. This will include reviewing the Urban Service Area Boundary (USAB) and the related growth issues and policies in the Comprehensive Plan, as well as the jurisdictional boundary of the Planning Board in the vicinity of the proposal. Once all the relevant information and JLUS recommendations are available in early 2005, the Community Development Department, together with the Riley County Planning and Development Department, will evaluate the area and make recommendations on possible amendments to the Comprehensive Plan, if necessary.

*Attachment No. 3*

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained vacant and used for agricultural purposes for an undetermined length of time.

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The R-3 District (*R-3 District regulations attached*) is designed to provide a dwelling zone at a density no less than one (1) dwelling unit per 1,000 square feet. The site contains 27-acre and is sufficient in area for the proposed R-3 District.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public, which denial would accomplish. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The R-3 District can be served by public improvements, including street, water, fire service and sanitary sewer. Water is located along Scenic Drive. Sanitary sewer will need to be extended from a point north of the Wildcat Creek Bridge and along the east side of Scenic, which will connect into the proposed Highland Meadows Addition, at the northern street entrance of Highland Ridge Drive.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of an approximate 27-acre tract of land in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-3, Multiple-Family Residential District.

### **ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of an approximate 27-acre tract in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-3, Multiple-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 an approximate 27-acre tract in the proposed Highland Meadows Addition, from County G-1, General Agricultural District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** November 29, 2004  
04024