

MINUTES
SPECIAL CITY COMMISSION MEETING
TUESDAY, MARCH 28, 2006
5:00 P.M.

The Special Meeting of the City Commission was held at 5:00 p.m. in the City Commission Room. Mayor Ed Klimek and Commissioners Bruce Snead, Tom Phillips, Mark Hatesohl, and Jayme Morris-Hardeman; Parks and Recreation Advisory Board members Randy Martin, Marie Steichen, and Beverly Page were present. Also present were City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 28 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Klimek led the Commission in the Pledge of Allegiance.

WORK SESSION

The City Commission held a Work Session regarding the Consultant's Report on Site Selection for the Proposed Family Indoor Recreation/Aquatic Facility; Master Plan Alternatives for City Park; and Outdoor Aquatic Facility Options.

At 7:22 p.m., the Commission took a brief recess.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, February 28, 2006, and the Regular City Commission Meeting held Tuesday, March 7, 2006.

CONSENT AGENDA (CONTINUED)

CLAIMS REGISTER NOS. 2553 and 2554

The Commission approved Claims Register No. 2553 and 2554 authorizing and approving the payment of claims from March 1, 2006, to March 21, 2006, in the amounts of \$125,761.35 and \$3,046,217.82, respectively.

LICENSES – CEREAL MALT BEVERAGE

The Commission approved the applications for 2006 Cereal Malt Beverage Licenses for Rusty's Last Chance, 1213 Moro Street, and Holiday Inn-Manhattan, 530 Richards Drive.

RESOLUTION NO. 032806-A – WOODLAND HILLS ADDITION, UNIT 5, PHASE 2, AND UNIT 6, PHASE 1 - STREET IMPROVEMENTS (ST0523)

The Commission found the revised petition sufficient and approved Resolution No. 032806-A repealing Resolution No. 12605-C and finding the project advisable and authorizing construction for the Woodland Hills Addition, Unit 5, Phase 2, and Unit 6, Phase 1, Street Improvements (ST0523).

RESOLUTION NO. 032806-B – WOODLAND HILLS ADDITION, UNIT 5, PHASE 2, AND UNIT 6, PHASE 1 – SANITARY SEWER IMPROVEMENTS (SS0517)

The Commission found the revised petition sufficient and approved Resolution No. 032806-B repealing Resolution No. 120605-A and finding the project advisable and authorizing construction for the Woodland Hills Addition, Unit 5, Phase 2, and Unit 6, Phase 1, Sanitary Sewer Improvements (SS0517).

RESOLUTION NO. 032806-C – WOODLAND HILLS ADDITION, UNIT 5, PHASE 2, AND UNIT 6, PHASE 1 – WATER IMPROVEMENTS (WA0517)

The Commission found the revised petition sufficient and approved Resolution No. 032806-C repealing Resolution No. 120605-B and finding the project advisable and authorizing construction for the Woodland Hills Addition, Unit 5, Phase 2, and Unit 6, Phase 1, Water Improvements (WA0517).

RESOLUTION NO. 032806-D – SUPPORT TAX CREDIT – FLINT HILLS PLACE

The Commission approved Resolution No. 032806-D indicating the City of Manhattan's support for a tax credit application to pursue a redevelopment project at Flint Hills Place.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – PLATT ADDITION – STREET IMPROVEMENTS (ST0517)

The Commission accepted the Engineer's Estimate in the amount of \$108,912.00 and awarded a contract in the amount of \$100,124.00 to Larson Construction, Inc., of Manhattan, Kansas, for the Platt Addition Street Improvements (ST0517).

CONTRACT – PRELIMINARY DESIGN – WILDCAT CREEK LIFT STATION PUMP REPLACEMENTS AND PARALLEL FORCEMAIN IMPROVEMENTS

The Commission authorized the Mayor to enter into a contract with BG Consultants, Inc., of Manhattan, Kansas, for the preliminary design of the Wildcat Creek Lift Station Pump Replacements and Parallel Forcemain Improvements.

APPLICATION – KDOT SAFETY PROJECTS REVIEW

Rob Ott, City Engineer, answered questions from the Commission.

Jeff Hancock, Director of Public Works, presented additional information on the item.

The Commission expressed interest in pursuing the grant offers from KDOT for the intersections of Tuttle Creek Boulevard and Griffith Drive, 4th Street and Poyntz Avenue, 4th Street and Bluemont Avenue, and Juliette Avenue and Bluemont Avenue, and directed City Administration to proceed toward submitting these locations to KDOT for review.

AGREEMENT – DOWNTOWN FARMER'S MARKET, INC.

The Commission authorized the Mayor and City Clerk to execute an agreement with the Downtown Farmer's Market, Inc.

AGREEMENT – VETERINARY SERVICES – SUNSET ZOO

The Commission authorized the City of Manhattan to renew the agreement with Kansas State University in connection with "Veterinary Services at Sunset Zoological Park."

AGREEMENT – CONCESSION OPERATIONS

Ron Fehr, City Manager, and Terry DeWeese, Director of Parks and Recreation, provided additional information about the item and answered questions from the Commission.

CONSENT AGENDA (CONTINUED)

AGREEMENT – CONCESSION OPERATIONS (CONTINUED)

The Commission approved the concession operating agreement between the City of Manhattan and Streeter Enterprises LLC, of Manhattan, Kansas, for calendar year 2006.

BOARD APPOINTMENTS

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

Special Alcohol Funds Advisory Committee

Re-appointment of Matthew Schindler, 1923 Humboldt Street, to a three-year term. Mr. Schindler's term begins immediately and will expire on December 31, 2008.

Re-appointment of Mary DeLuccie, 430 Shelle Road, to a three-year term. Ms. DeLuccie's term begins immediately and will expire on December 31, 2008.

Appointment of Douglas Chapman, 508 N. Juliette, to a three-year term. Mr. Chapman's term begins immediately and will expire on December 31, 2008.

Appointment of Captain Robert Buttrey, 308 Poyntz Ave., to a three-year term. Mr. Buttrey's term begins immediately and will expire on December 31, 2008.

City University Special Projects Fund Committee

Appointment of Ken Garwick, 1900 Lincoln Dr., to a two-year Citizen's term. Mr. Garwick's term begins immediately and will expire on June 30, 2007.

After discussion, Commissioner Snead moved to approve the consent agenda as presented. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING – ANNEX/REZONE - BROOKFIELD ADDITION, UNIT EIGHT

Eric Cattell, Assistant Director for Planning, presented the item.

GENERAL AGENDA (CONTINUED)

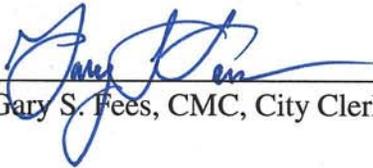
FIRST READING – ANNEX/REZONE - BROOKFIELD ADDITION, UNIT EIGHT (CONTINUED)

Roger Schultz, Developer, provided additional information on the item and answered questions from the Commission.

After discussion, Commissioner Snead moved to approve first reading of an ordinance annexing a 22-acre tract of land generally located southwest of Casement Road and Marlatt Avenue, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and, approve first reading of an ordinance rezoning the site, as proposed, from County G-1, General Agricultural District, to R-1, Single-Family Residential District and R-2, Two-Family Residential, based on the findings in the Staff Report. (*See Attachment No. 1*) Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:02 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

PROPOSED DEVELOPMENT: Brookfield Addition, Unit Eight, a low density single-family and two-family residential subdivision, which is an extension of existing Brookfield subdivisions to the south and west.

FROM: County G-1, General Agricultural District.

TO: Tract 1: R-1, Single-Family Residential District; and, Tract 2: R-2, Two Family Residential District.

APPLICANTS: SSF Development, LLC-Roger Schultz, Dale Knight, and Katherine E. Elliott Trust.

ADDRESSES: 1213 Hylton Heights Road; 2320 Bailey Road; and, 2729 Casement Road, Manhattan KS, 66502

OWNERS: SSF Development, LLC-Roger Schultz, Dale Knight, and Katherine E. Elliott Trust.

ADDRESSES: 1213 Hylton Heights Road; 2320 Bailey Road; and, 2729 Casement Road, Manhattan KS, 66502

LOCATION: southwest of the intersection of Marlatt Avenue and Casement Road, to include a portion of adjoining Casement Road.

AREA: approximately 22 acres. Tract 1: approximately 15-acres; and, Tract 2: approximately 6.5-acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, February 13, 2006

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, March 6, 2006
CITY COMMISSION: Tuesday, March 28, 2006

EXISTING USE: agricultural fields and single-family residence with agricultural outbuildings.

Attachment No. 1

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: generally flat with drainage to the Marlatt drainage ditch and open swales along Casement Road. The majority of the site is crop land.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Marlatt Avenue, single-family residential; County G-1 District, and County A-2 and A-3, Single Family Residential Districts.
- (2) **SOUTH:** single-family residential (Brookfield subdivisions); R-1 District.
- (3) **EAST:** Casement Road, single-family dwelling unit, and agricultural fields; G-1 District.
- (4) **WEST:** single-family residential (Brookfield subdivisions); R-1 District and R-2 District.

GENERAL NEIGHBORHOOD CHARACTER: The neighborhood is at the northeastern boundary of the City and is characterized by low density residential and agricultural uses.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The majority of the site is an agricultural field. There is an existing single family dwelling on the site as well. Both uses are permitted in the G-1. The remainder of the site is Casement Road right-of-way.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed R-1 and R-2 Districts are a low density zoning, which is consistent with the established Brookfield Additions to the south and west. An increase in traffic, light, and noise can be expected, which are similar to the same conditions existing in nearby neighborhoods within the City. The site is in a growth corridor for the city and additional urban growth can be expected to the north of the site.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the rezoning site as Office-Research Park, Residential Medium/High (RMH) (*Northeast Planning Area Future Land Use Map attached*), and Neighborhood Community Center. The applicant's proposal is Residential Low/Medium (RLM) development. Policy characteristics cited in the Comprehensive Plan are:

OFFICE/RESEARCH PARK (OFF/RP)

OR 1: Characteristics

The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, "campus-like" setting. Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17th Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.

RESIDENTIAL MEDIUM/HIGH DENSITY (RMH)

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

RMH 2: Appropriate Density Range

Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.

NEIGHBORHOOD COMMERCIAL CENTER (NCC)

NCC 1: Characteristics

Neighborhood Commercial Centers are intended to provide a range of services, including supermarkets, restaurants, movie rentals, drycleaners, drugstores, filling stations, smaller specialty shops, retail and health services and business and professional offices, for residential areas. Neighborhood centers will vary in scale and character. Smaller, limited

use centers may be fully integrated into the surrounding neighborhood and be accessed primarily by pedestrian or bicycle; while larger centers will function more independently, providing ample parking and numerous stores. Mixed-Use Neighborhood Centers that also incorporate residential uses are appropriate in a master planned setting. Neighborhood Centers often serve more than one nearby neighborhood in order to maintain sufficient economy of scale.

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.

BLUE RIVER VALLEY SPECIAL PLANNING AREA

Background and Intent

The Blue River Valley is planned as a mixed-use residential area. The area will contain a series of low/medium density residential neighborhoods, with medium/high density residential focused adjacent to existing higher density housing along Tuttle Creek Boulevard, and along Marlatt Avenue near the intersection of Casement Road. Employment and neighborhood commercial uses should also be integrated to provide a range of employment opportunities and services for residents.

Policies

BR 1: Flood Risk Protection and Management of Tuttle Creek Reservoir

The Blue River Valley below Tuttle Creek Reservoir presents unique challenges for development, due to the potential man-made flood releases, which pose a special flood hazard risk to the area, beyond the identified FEMA Flood Plain. The community has expressed a desire to utilize the 1993 Flood event as the acceptable level of risk, outside of which development will be promoted. New development shall not be permitted within the Flood Hazard Area, which encompasses the area inundated by the 1993 Flood. The Flood Hazard Area is delineated on the Future Land Use Map.

BR 2: Mixture of Housing Types

Residential neighborhoods should include a variety of low to medium density housing types. Medium to high density residential should be focused adjacent to established higher density housing along Tuttle Creek Boulevard, and along Marlatt Avenue near the intersection of Casement Road.

BR 3: Neighborhood Commercial and Employment

The incorporation of employment and neighborhood commercial uses is strongly encouraged and shall be focused near the Casement/Marlatt intersection.

The applicant's proposal is to develop Unit Eight with a combination of single-family detached dwelling units and duplexes or single-family attached dwelling units. The proposal reflects the current need for additional housing and is consistent with the general residential character of the Brookfield subdivisions, which have been approved and are located to the south. Net density is approximately 2.49 dwelling units per net acre. The Plan did not anticipate the current increased demand for housing. In addition, the site is located in a growth corridor for the City.

Opportunities for expanded employment centers along Casement Road and the Marlatt Avenue intersection remain. The Plan suggests areas to the north or east of the intersection could be developed with neighborhood commercial, and to the north for office/research.

Issues related to the flood risk associated with the flood event of 1993 will be addressed with the Preliminary Plat.

The proposed rezoning is in general conformance with the Comprehensive Plan.

Attachment No. 1

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The majority of the site is an agricultural field, except for the single-family house and outbuildings. Both have been in place for an unknown length of time. The site has remained G-1 District, since zoning was established in Riley County in the 1970's.

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 proposed R-1 District, an approximate 15-acre tract, is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. The proposed R-2 District, an approximate 6.5-acre tract, is designed to provide a dwelling zone at a density no greater than two (2) dwelling units per 7,500 square feet.

The proposed R-1 and R-2 Districts are sufficient in area to conform to the requirements of both districts.

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. It may be a hardship to the applicant if the rezonings are denied, assuming adequate pedestrian access is provided.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate streets, sanitary sewer and water are available to serve the site. The site is separated from the remainder of the Brookfield subdivisions by the Marlatt Drainage ditch, a wide drainage easement. Currently, sidewalks do not exist along Casement Road or Marlatt Avenue, which would provide access to nearby schools, Anthony Middle School and Northview Elementary School, the Linear Trail, and Brookfield and other parts of the City to the south. Sidewalk is proposed along the south side of Marlatt Avenue with a street improvement to Marlatt Avenue by Riley County. A pedestrian bridge will be proposed at the south end of Unit Eight, which will connect to the south for pedestrian access.

OTHER APPLICABLE FACTORS: Prior to development, a Preliminary Plat must be approved, which will be considered by the Planning Board on March 20, 2006. The Preliminary Plat will consist of 26 single-family lots and 13 two-family lots, or 52 total dwelling units, as well as easements for utilities, drainage, and pedestrians.

STAFF COMMENTS:

Attachment No. 1

City Administration recommends approval of the proposed rezoning of Brookfield Addition, Unit Eight, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, and R-2, Two Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Brookfield Addition, Unit Eight, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, and 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 Brookfield Addition, Unit Eight, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, and R-2, Two Family Residential District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: February 28, 2006
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