

MINUTES
CITY COMMISSION MEETING
TUESDAY, MAY 17, 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 Ed Klimek and Commissioners Bruce Snead, Tom Phillips, Mark Hatesohl, and Jayme Morris-Hardeman 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, 8 staff, and approximately 45 interested citizens.

PLEDGE OF ALLEGIANCE

Boy Scout Troop #74 presented the colors and led the Commission in the Pledge of Allegiance.

RECOGNITIONS

Mayor Klimek recognized Boy Scout Troop #74.

Mayor Klimek recognized the Youth in Government Participants.

PROCLAMATIONS

Mayor Klimek proclaimed May 2005, ***Mental Health Month***. Bill Meredith, Riley County Mental Health Board Member, was present to receive the proclamation.

Mayor Klimek proclaimed May 2005, ***Older Americans Month***. Julie Govert-Walter, Executive Director, Older Kansans Employment Program, was present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Snead informed the community of the upcoming Celebrate 150! events and encouraged everyone to take part in the festivities. He also encouraged those that enjoy bicycling to take part in the Celebration Bicycle Tour May 28 and 29, 2005.

Mayor Klimek invited the community to join the City Commission for an old fashioned Commission meeting at City Park on June 7, 2005. He also recognized area law enforcement officers killed in the line of duty and asked citizens to thank our law enforcement officers and let them know that you appreciate what they do.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 3, 2005.

CLAIMS REGISTER NO. 2529

The Commission approved Claims Register No. 2529 authorizing and approving the payment of claims from April 27, 2005, to May 10, 2005, in the amount of \$889,604.79.

LICENSE – CEREAL MALT BEVERAGE

The Commission approved the application for 2005 Cereal Malt Beverage License for Short Stop #12, 2010 North Tuttle Creek Boulevard.

ORDINANCE NO. 6475 - GENERAL OBLIGATION BONDS, SERIES 2005A

The Commission approved Ordinance No. 6475 issuing \$1,795,000.00 in general obligation bonds (Series 2005A) to finance eight (8) special assessment projects (*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 – Landscaping*) and approved Resolution No. 051705-A authorizing delivery of the bonds to the low bidder, Country Club Bank, of Kansas City, Missouri.

ORDINANCE NO. 6474 – IMPLEMENT – SALES TAX FOR USD 383

The Commission approved Ordinance No. 6474 implementing a special quarter-cent sales tax to benefit U.S.D. 383 in accordance with the results of the April 5, 2005, election.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 051705-D – TEMPORARY NOTE, SERIES NO. 2005-01

The Commission approved accepting the best bid for selling the notes and approved Resolution No. 051705-D issuing Temporary Note Series No. 2005-01 in the amount of \$1,765,000.00 to finance the following seven (7) special assessment and capital projects to be debt financed: *900 Block Alley between Leavenworth & Humboldt Streets, Street Improvements; K-Air Addition, Street Improvements; Lee Mill Heights Addition, Unit 1, Sanitary Sewer and Water Improvements; Tuttle Creek Boulevard, Phase 2, Storm Water Improvements; and City of Manhattan Economic Development Research Incubator, Design and Phase 1 Construction).*

PUBLIC HEARING – INDUSTRIAL REVENUE BONDS - MOSAIC

Mayor Klimek opened the public hearing.

Hearing no comments, Mayor Klimek closed the public hearing.

RESOLUTION NO. 051705-C – INDUSTRIAL REVENUE BONDS – MOSAIC – 414 NORTH JULIETTE AVENUE

The Commission approved Resolution No.051705-C authorizing the issuance of Industrial Revenue Bonds by the City of Garden City, Kansas, for Mosaic related to Property within the City of Manhattan located at 414 North Juliette Avenue.

AWARD CONTRACT – 54-INCH CUTTER/PLOTTER

The Commission awarded the purchase of the single 54-inch cutter/plotter at a purchase price of \$7,850.00 to Traffic and Parking Control Company Inc. (TAPCO), of Elm Grove, Wisconsin, to replace existing 1994 model (24-inch wide) cutter plotter; and authorized City staff to advertise the sale of the old plotter/cutter to the public.

NEGOTIATE CONTRACT – AIRPORT AIRFIELD LIGHTING IMPROVEMENTS

The Commission accepted the Engineer's Estimate in the amount of \$974,562.00; rejected all bids; and authorized City staff to negotiate a construction contract with the low bidder, Atlas Electric, of Wichita, Kansas.

KDOT – 5-YEAR PLAN

The Commission approved the submittal of the City of Manhattan's Five-Year-Plan to the Kansas Department of Transportation as drafted by City Administration and authorized the Mayor and City Clerk to sign the Request for Construction Project Form on behalf of the City of Manhattan.

CONSENT AGENDA (CONTINUED)

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."

AMENDMENT – STAR A, INC. – BIOSOLIDS APPLICATION

The Commission authorized the Mayor and City Clerk to execute the amended agreement with Star A, Inc., dba CK Processing, of Manhattan, Kansas, for the use of property adjacent to the City's Biosolids Farm for biosolids application purposes.

BOARD APPOINTMENTS

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

Manhattan Urban Area Planning Board

Appointment of Harry Watts, 1668 Kingwood Drive, to a three-year term. Mr. Watt's term begins immediately and will expire April 30, 2008.

Riley County – Manhattan Health Board

Appointment of Mark Hatesohl, 1206 Stacy Lane, to fill the unexpired Commissioner term of Brad Everett. Commissioner Hatesohl's term begins immediately and will expire January 31, 2006.

Library Board

Appointment of Todd Simon, 1728 Little Kitten Ave., to a four-year term. Mr. Simon's term begins immediately and will expire April 30, 2009.

Commissioner Snead moved to approve the consent agenda. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

PUBLIC HEARING - \$3.2 MILLION IN INDUSTRIAL REVENUE BONDS - TAX ABATEMENT - EXPANSION OF MANKO WINDOW SYSTEMS, INC.

Diane Stoddard, Deputy City Manager, introduced the item.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - \$3.2 MILLION IN INDUSTRIAL REVENUE BONDS - TAX ABATEMENT - EXPANSION OF MANKO WINDOW SYSTEMS, INC. (CONTINUED)

Gary Jones, President, Manko Window Systems, Inc., provided background information on the item and explained the expansion plans and new products of the company. He then answered questions from the Commission.

Lyle Butler, President, Manhattan Area Chamber of Commerce, spoke in support of the request from Manko.

Diane Stoddard, Deputy City Manager, provided a project summary, and explained the use of Industrial Revenue Bonds, Tax Abatement, and Cost-Benefit Analysis. She then answered questions from the Commission.

Gary Jones, President, Manko Window Systems, Inc.; Diane Stoddard, Deputy City Manager, answered additional questions from the Commission.

Mayor Klimek opened the public hearing.

Brian Hamilton, Westgate Auto Repair, asked why the City needs to grant more money if Manko can build the strip mall to the north of the building.

Diane Stoddard, Deputy City Manager, provided clarification on the item.

Sara Fisher, 811 Osage Street, representing the Flint Hills Living Wage Coalition, informed the Commission that she cautiously supported the item but wanted to know how many of the FTE's listed are full time positions.

Roger Schultz, 4741 Tuttle Creek Boulevard, spoke in support of the item and said Manko's past performance has been excellent.

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

FIRST READING - \$3.2 MILLION IN INDUSTRIAL REVENUE BONDS - TAX ABATEMENT - EXPANSION OF MANKO WINDOW SYSTEMS, INC.

After discussion, Commissioner Phillips moved to approve Resolution No. 051705-B indicating the Commission's intent to issue up to \$3.2 million in Industrial Revenue Bonds for Manko Window Systems, Inc., for the purpose of expanding and equipping an existing manufacturing facility located in Manhattan; approve a ten-year 100% tax abatement on new equipment and a ten-year 50% abatement on real property associated with the expansion; and authorize the Mayor and City Clerk to execute an engagement letter with Gilmore & Bell for bond counsel services. Commissioner Snead seconded the motion. On a roll call vote, motion carried 4-0, with Commissioner Hatesohl absent.

GENERAL AGENDA (CONTINUED)

GARDENS AT FLINT HILLS PLACE – AFFORDABLE HOUSING PROJECT AGREEMENTS

Karen Davis, Director, Community Development, presented the item. She then answered questions from the Commission.

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

Jim Moore, Principal, Affordable Housing Group, provided additional information on the item.

Karen Davis, Director, Community Development, provided additional information on the item and answered questions from the Commission.

Chris Bailey, President, Manhattan Area Housing Partnership, provided additional information on the item, explained their non profit status, and informed the Commission that the Housing Authority would be operating this facility. He said this project would increase the supply of affordably housing and remain so for the foreseeable future. He then answered questions from the Commission.

Jim Moore, Principal, Affordable Housing Group, provided additional information about the project and encouraged the Commission to support the item to provide affordable housing to the community.

After discussion, Commissioner Snead moved to authorize the Mayor and City Clerk to sign an Acquisition Agreement with Affordable Housing Group, LLC, and the Gardens at Flint Hills, L.P., for the development of an affordable housing project known as the Gardens at Flint Hills; and an Easement Agreement with Kansas State University and the Gardens at Flint Hills, L.P., for an easement for ingress and egress to the Gardens at Flint Hills. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 4-1, with Mayor Klimek voting against the motion.

FIRST READING – ANNEX AND REZONE - PROPOSED BROOKFIELD ADDITION, UNIT 6

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

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

GENERAL AGENDA (CONTINUED)

FIRST READING – ANNEX AND REZONE - PROPOSED BROOKFIELD ADDITION, UNIT 6 (CONTINUED)

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance annexing a 2.6-acre tract of land generally located south of Marlatt Avenue and east of the Eisenhower baseball complex, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and, approve first reading of an ordinance rezoning a 10.62-acre tract of land located generally south of Marlatt Avenue to R-2, Two-Family Residential District, based on the findings in the Staff Report. (*See Attachment No. 1*) Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

DEVELOPMENT AGREEMENTS - BROOKFIELD ADDITION, UNIT 6, - AND - HIGHLAND MEADOWS HOUSING SUBDIVISIONS

Ron Fehr, City Manager, presented the item.

Rob Ott, City Engineer, provided additional information about the main trunk line. He then answered additional questions from the Commission.

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

Roger Schultz, Developer, answered questions from the Commission.

Ron Fehr, City Manager, provided additional information on the item.

After discussion, Commissioner Hatesohl moved to authorize City Administration to finalize and the Mayor and City Clerk to execute the proposed Development Agreements with SSF Development, LLC, for infrastructure in the Brookfield Addition, Unit 6, and Highland Meadows projects. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

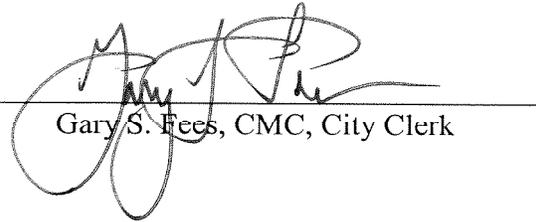
FIRST READING -REZONE - 2438 VAUGHN DRIVE

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

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance rezoning 2438 Vaughn Drive, from R, Single-Family Residential District, to R-1, Single-Family Residential District, based on the findings in the Staff Report. (*See Attachment No. 2*) Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:05 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County G-1, General Agricultural District, and R-1, Single-Family Residential District

TO: R-2, Two-Family Residential District

APPLICANT: SSF Development LLC

ADDRESSES: 1213 Hylton Heights Road, Manhattan KS

OWNER: SSF Development LLC.

ADDRESS: 1213 Hylton Heights Road, Manhattan KS

LOCATION: South of Marlatt Avenue, approximately 750 feet west of Casement Road, east of the dead-end of Walters Drive, and north and northwest of the existing Brookfield Addition.

AREA: Total acreage is approximately 10.6-acres, which consists of an approximate 2.59-acre tract (Marlatt drainage ditch), and an approximate 8-acre tract (formerly part of Brookfield Addition, Unit Five), all of which is proposed to be known as Brookfield Addition, Unit Six.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 11, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 2, 2005
CITY COMMISSION: Tuesday, May 17, 2005

EXISTING USE: Marlatt drainage ditch and farm fields.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The majority of the site is farm field, flat and adjacent to the Marlatt drainage ditch, which is along the north side of the proposed Brookfield Addition, Unit Six. The site drains to the east.

The eastern part of proposed Brookfield Addition, Unit Six, is in the 500 Year Flood Plain and the remainder is outside both the 100 Year Flood Plain and 500 Year Flood Plain. Development is not regulated in the 500 year Flood Plain.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Marlatt Avenue, single-family residential and farm fields; G-1 District
- (2) **SOUTH:** Brookfield Additions, Units One-Five, a developed and developing single-family residential subdivision; R-1 District.
- (3) **EAST:** Casement Road and farm fields; G-1 District
- (4) **WEST:** Eisenhower Middle School and Eisenhower Baseball Complex; R-1 District.

GENERAL NEIGHBORHOOD CHARACTER: Generally characterized as a developing low-density residential neighborhood. Eisenhower Middle School is a part of the established single-family and two-family neighborhood to the west. Riley County areas to the north and east are primarily agricultural with scattered low density residential uses along the two major streets, Marlatt Avenue and Casement Road. The site is separated from areas to the north and east by the Marlatt drainage ditch.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for the existing uses. The current zoning is unsuitable for the proposed R-2 District single-family attached lots. The site must be annexed, rezoned, replatted and public services must be extended, prior to development.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed R-2 District is 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, but is similar to the same conditions existing in nearby neighborhoods.

CONFORMANCE WITH COMPREHENSIVE PLAN: The 10.6-acre tract is shown on the Future Land Use Map for the Northeast Planning Area of the Manhattan Urban Area Comprehensive Plan shows as Residential Medium/High (RMH). The appropriate density range for development in the RMH is 11 to 19 dwelling units per net acre. The density of the R-2 District is a maximum of 11-dwelling units per net acre.

The RMH category suggests a range of housing types, from single-family and two-family to townhomes, and four-plexes. Planned unit developments for apartments or condominiums, where net densities are consistent with the respective category, are also permissible.

The proposed rezoning conforms to the Comprehensive Plan.

Attachment No. 1

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has been zoned G-1 District for an undetermined period of time. The R-1 District portion was annexed and rezoned on January 11, 2005.

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 is designed to provide a dwelling zone at a density no greater than two (2) dwelling units per 7,500 square feet. The site is sufficient in area to conform to the R-2 District requirements.

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 rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the site.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of proposed Brookfield Addition, Unit Six, an approximate 10.6-acre tract of land, generally located south of Marlatt Avenue approximately 750 feet west of Casement Road, from County G-1, General Agricultural District, and R-1, Single-Family Residential District, to R-2, Two-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of proposed Brookfield Addition, Unit Six, an approximate 10.6-acre tract of land, generally located south of Marlatt Avenue approximately 750 feet west of Casement Road, from County G-1, General Agricultural District, and R-1, Single-Family Residential 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.

Attachment No. 1

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of proposed Brookfield Addition, Unit Six, an approximate 10.6-acre tract of land, generally located south of Marlatt Avenue approximately 750 feet west of Casement Road, from County G-1, General Agricultural District, and R-1, Single-Family Residential District, to R-2, Two-Family Residential District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: April 25, 2005

05008

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R, Single-Family Residential District

TO: R-1, Single-Family Residential District

APPLICANT: Mercy Regional Health Center

ADDRESS: 1823 College Avenue

OWNER: Mercy Regional Health Center

ADDRESS: 1823 College Avenue

LOCATION: 2438 Vaughn Drive; Lot 14, Block 8, College Hill Park Addn. – 10th Unit

AREA: Approximately 8,554 square feet

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 11, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 2, 2005

CITY COMMISSION: Tuesday, May 17, 2005

EXISTING USE: Vacant single-family dwelling.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is slightly elevated above Vaughn Drive and slopes from the house to the street and is flat to the rear. The house is a single-story single-family dwelling unit, with basement, which fronts onto Vaughn Drive. Access to the attached garage is from a single-wide driveway on the west side of the dwelling. The remainder of the site is landscaped with lawn, trees and shrubs. Mercy Regional Health Center and its off-street parking lot abut the north lot line of the site.

Lot 14 is not in a 100 Year or 500 Year Flood Plain.

SURROUNDING LAND USE AND ZONING:

Attachment No. 2

- (1) **NORTH:** Mercy Regional Health Center, which has an approved Conditional Use Permit for the existing and ongoing development; R-1 District.
- (2) **SOUTH:** Vaughn Drive, single-family dwellings; R District.
- (3) **EAST:** Single-family dwellings; R District.
- (4) **WEST:** Single-family dwellings; R District.

GENERAL NEIGHBORHOOD CHARACTER: An established single-family neighborhood, which adjoins Mercy Regional Health Center to the north and KSU sports complex facilities to the east. College Avenue separates the neighborhood from the KSU facilities.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Lot 14 can be used for its existing permitted use, a single-family dwelling. Minimum lot area in the R District is 10,000 square feet. Lot 14 is approximately 8,554 square feet in area. As such, Lot 14 is a legal Improved Nonconforming Lot, which means that Lot 14 is subject to the requirements of Article VIII, Nonconformities, PART 3, IMPROVED NONCONFORMING LOTS.

A legal improved nonconforming lot is described in Article VIII, Section, 8-301 as, "Any improved lot which is devoted to a use permitted in the zoning district where it is located, but which is legally nonconforming for other reasons, may be utilized in its existing state, so long as it remains otherwise lawful, subject to the remaining sections of this part." Lot 14 is approximately 1,500 square feet less in area than required by the R District. This is because the lot was created by plat in 1968 and was later rezoned to R District in 1969, when the Manhattan Zoning Regulations were amended.

The house at 2438 Vaughn may be added to, enlarged, maintained, repaired or remodeled, provided, however, that no such addition, enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such lot.

In the event that the house is damaged or destroyed, by any means, to the extent of fifty (50) percent or more of its total market value, the house shall not be restored unless it shall thereafter conform to the regulations of the R District.

In the event that the house is damaged to a total extent of less than fifty (50) percent, it may be repaired or restored, if a building permit is obtained and repair or restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion; otherwise the repairs or restoration must comply with the regulations of the R District.

Attachment No. 2

If rezoned to R-1 District, Lot 14 will conform to the minimum lot area requirements of the R-1 District and no longer be a Legal Improved Nonconforming Lot. Minimum lot area for a single-family dwelling in the R-1 District is 6,500 square feet.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning to R-1 District is compatible with existing single-family dwellings to the east, west and south. Existing R-1 District abuts the north lot line of Lot 14.

Single-family dwellings are a permitted use in the R-1 District. Hospitals are a Conditional Use in the R-1 District. Hospitals are not allowed in the R District. If the rezoning is approved, Mercy Regional Health Center, which is in the R-1 District and owns the house at 2438 Vaughn Drive, will apply for a modification of the hospital's approved Conditional Use Permit to allow the house to be used on a temporary basis for the hospital's accounting department. A Conditional Use application requires a public hearing and notification to owners of record within 200 feet of the boundary of the property requesting the Conditional Use. The Board of Zoning Appeals (BZA) conducts a public hearing and approves, approves with conditions, or denies the application, based on the following standards set out in Article XIV, PART 7, Conditional Uses, Section 14-704:

- (A) The proposed conditional use complies with all applicable provisions of these regulations (the Manhattan Zoning Regulations), including lot size requirements, bulk regulations, use limitations, and performance standards.
- (B) The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- (C) The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - (1) The location, nature and height of buildings, structures, walls and fences on the site, and
 - (2) The nature and extent of landscaping and screening on the site.

Attachment No. 2

- (D) Off-street parking and loading areas will be provided in accordance with the standards set forth in Article VII of these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
- (E) Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- (F) Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

The BZA shall not grant a Conditional Use Permit unless it shall, in each specific case, make specific written findings of fact, based upon the particular evidence presented to it, that all of the above standards are met. Decisions of the BZA are final and may be appealed in the manner provided by the applicable Kansas statute.

CONFORMANCE WITH COMPREHENSIVE PLAN: Lot 14 is shown on the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan as Residential Low/Medium density (RLM). The appropriate density range for development in the RLM category is one-dwelling unit up to 11-dwelling units per net acre. The R-1 district implements the Comprehensive Plan.

Mercy Regional Health Center is shown as Public/Semi-Public and is zoned R-1 District. Schools, churches, hospitals, libraries, and other public uses are commonly found in residential districts. Hospitals are a Conditional Use in the R-1 District.

The proposed rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site was annexed in 1967 and zoned A-A, Single Family Dwelling District, and rezoned to R District in 1969. Lot 14 has remained R District to date. Lot 14 was established by Final Plat in 1968. The house was built in 1970.

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, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. The site is sufficient in area to conform to the R-1 District requirements.

Attachment No. 2

Minimum lot area in the R-1 District for a Conditional Use is 10,000 square feet. Hospitals are a Conditional Use in the R-1 District. The hospital may combine its existing property to the north, with Lot 14, and make an application to the BZA to modify the existing Conditional Use Permit for the proposed accounting use. In combination, total lot area for both Lot 14 and the Mercy health site is approximately twelve (12) acres. Issues related to the operational characteristics of the use, such as number of employees, off-street parking, hours of operation and other similar intensity of use related issues are considered with the application.

Additionally, the side yard setback for a Conditional Use is fifteen (15) feet in the R-1 District. The existing house on Lot 14 may require an Exception of the side yard setback requirement as well. An Exception requires a separate and concurrent application to the BZA, a public hearing and consideration based on standards for an Exception as set out in Article XIV, Sec. 14-605 of the Zoning Regulations.

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 is no specific relative gain to the public that denial would accomplish. It may be a hardship to the applicant if the request is denied, since the applicant would not be able to apply for a Conditional Use Permit for the proposed use associated with Mercy Regional Health Center.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities serve the site. There is no sidewalk along Vaughn Drive.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Lot 14, Block 8, College Hill Park Addn. – 10th Unit, at 2438 Vaughn Drive from R, Single-Family Residential District, to R-1, Single-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lot 14, Block 8, College Hill Park Addn. – 10th Unit, at 2438 Vaughn Drive, from R, Single-Family Residential District, to R-1, Single-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

Attachment No. 2

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lot 14, Block 8, College Hill Park Addn. – 10th Unit, at 2438 Vaughn Drive, from R, Single-Family Residential District, to R-1, Single-Family Residential District based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: April 25, 2005

05006