



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, JUNE 1, 2004***  
***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, Assistant City Manager Diane Stoddard, Assistant to the City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 8 staff, and approximately 34 interested citizens.

**PLEDGE OF ALLEGIANCE**

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

**RECOGNITION**

Mayor Pro Tem Ed Klimek; Ron Fehr, City Manager; and Terry DeWeese, Director of Parks and Recreation, recognized the efforts of Lowell Jack, Fund Raiser for the Larry Norvell Band Shell.

**PROCLAMATION**

Mayor Pro Tem Klimek proclaimed June 18-19, 2004, ***Juneteenth***. Gerry Walton and Don Slater, Co-Chairs, Juneteenth Committee, were present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Pro Tem Klimek opened the public comments.

Bunny McBride, 3301 Buffalo Road, speaking on behalf of the Manhattan Living Wage Coalition, asked for a moment of silence and urged the Commission to establish a living wage in Manhattan.

Jim Shanteau, 333 North 15<sup>th</sup> Street, President, Manhattan Municipal Band, invited the Commission and community to enjoy the Municipal Band this Friday, June 4, 2004, 7:00 p.m., at the Larry Norvell Band Shell.

Hearing no other comments, Mayor Pro Tem Klimek closed the public comments.

## COMMISSIONER COMMENTS

Commissioner Snead informed the public of the Downtown Attractions Committee meetings next week and encouraged the community to provide their input and learn what has occurred to date.

Commissioner Taussig encouraged neighbors to enjoy Manhattan Day this Saturday, June 5, 2004.

Mayor Pro Tem Klimek informed the community of the Task Force Needs Assessment meeting schedule, and encouraged the public to attend any of the meetings to share your ideas and suggestions.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 18, 2004.

### CLAIMS REGISTER NO. 2506

The Commission approved Claims Register No. 2506 authorizing and approving the payment of claims from May 12, 2004, to May 25, 2004, in the amount of \$2,146,042.74.

### BOARD APPOINTMENTS

The Commission approved appointments by Mayor Everett to the Code Appeals Board.

#### *Code Appeals Board*

Re-appointment of Ron Hagemen, 3401 Churchill Street, to a three-year Builder term. Mr. Hageman's term will begin June 1, 2004, and will expire May 31, 2007.

Appointment of Tim Schultz, 1213 Hylton Heights, to a three-year Builder term. Mr. Schultz's term will begin June 1, 2004, and will expire on May 31, 2007.

### LICENSE – CEREAL MALT BEVERAGE

The Commission approved 2004-2005 Cereal Malt Beverage Licenses for Dara's Fast Lane #5, 1102 Laramie Street, and Short Stop #12, 2010 Tuttle Creek Boulevard.

## CONSENT AGENDA (CONTINUED)

### **LICENSE –FIREWORKS DISPLAY**

The Commission approved the Fireworks Display Permit for Manhattan Country Club, 1531 North 10<sup>th</sup> Street, for July 4, 2004.

### **ORDINANCE NO. 6398 – PARKING AND STRIPING – AMHERST AVENUE**

The Commission removed the item from the table and approved Ordinance No. 6398 modifying the parking and striping along old Amherst Avenue, including the removal of bicycle lanes from E.J. Frick Drive, west to the intersection with new Amherst Avenue, and the addition of parking on both sides of the street in that location.

### **ORDINANCE NO. 6402 – AMEND SOUTHWIND CAPITAL PLANNED UNIT DEVELOPMENT**

The Commission approved Ordinance No. 6402 amending the Southwind Capital Planned Unit Development, located northwest of the intersection of Claflin Road and College Avenue, and Ordinance No. 6334, based on the findings in the Staff Report, with the three conditions of approval recommended by the Planning Board. *(See Attachment No. 1)*

### **ORDINANCE NO. 6403 – ANNEX – OAK HOLLOW ADDITION, UNITS 9 AND 10**

The Commission approved Ordinance No. 6403 annexing the 19-acre site of the proposed Oak Hollow Addition, Units 9 and 10, located generally south of the intersection of Davis Drive and Fort Riley Boulevard, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

### **ORDINANCE NO. 6404 – REZONE – OAK HOLLOW ADDITION, UNITS 9 AND 10**

The Commission approved Ordinance No. 6404 rezoning the site, from County G-1, General Agricultural District, to R, Single-Family Residential District, based on the findings in the Staff Report. *(See Attachment No. 2)*

\* **AWARD CONTRACT - 2004 STREET MAINTENANCE PROJECT, PHASE 1 (ST0407)**

Jeff Hancock, City Engineer, answered questions from the Commission.

Chuck Williams, Director of Public Works, provided additional clarification on the item.

## CONSENT AGENDA (CONTINUED)

\* **AWARD CONTRACT - 2004 STREET MAINTENANCE PROJECT, PHASE 1 (ST0407) (CONTINUED)**

The Commission approved the Engineer's Estimate for Phase I in the amount of \$261,108.00 and awarded a construction contract in the amount of \$197,929.90 to Ballou, Inc., of Salina, Kansas.

**AWARD CONTRACT – SEWER CAMERA AND APPURTENANCES**

The Commission awarded the purchase of the sewer camera and appurtenances in the amount of \$54,875.00 to CUES, of Orlando, Florida.

**AWARD CONTRACT – SANITARY SEWER REHABILITATION PROJECT**

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$214,531.50 with Wildcat Civil Services, L.L.C., of Wichita, Kansas, for a sanitary sewer rehabilitation project.

**AWARD CONTRACT – SANITARY SEWER MANHOLE REHABILITATION PROJECT**

The Commission authorized the Mayor and City Clerk to execute an agreement with Ace Pipe Cleaning, Inc., of Kansas City, Missouri, for a sanitary sewer manhole rehabilitation project, to a maximum of \$50,000.00.

**AWARD CONTRACT – DESIGN SERVICES – LIME SLUDGE BASIN IMPROVEMENTS**

The Commission authorized the Mayor to enter into a contract with BG Consultants, Inc., of Manhattan, Kansas, for design of the lime sludge basin improvements.

**SUPPLEMENTAL AGREEMENT – KIMBALL AVENUE CORRIDOR IMPROVEMENTS (ST0010)**

This item was moved to the end of the General Agenda at the request of Commissioner Taussig.

**OUTSIDE CITY AGREEMENT – WATER SERVICE – 692 EAST MARLATT AVENUE**

The Commission authorized the Mayor and City Clerk to execute an agreement permitting connection to the City of Manhattan's public water supply system by Thomas W. Motley for the real estate located at 692 East Marlatt Avenue, Riley County, Kansas.

## CONSENT AGENDA (CONTINUED)

After discussion, Commissioner Taussig moved to accept the consent agenda, with the exception of Item M: *Kimball Avenue Supplemental Agreement for Construction Engineering*, which was moved to the end of the general agenda. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 4-0, with the exception of Item E: *Parking and Striping-Amherst Avenue*, which carried 3-1 with Commissioner Snead voting against the item.

## GENERAL AGENDA

### FIRST READING – AMEND - SUPER WAL-MART PLANNED UNIT DEVELOPMENT (PUD) AND ORDINANCE NO. 6298

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

John Alfred, Walley Properties, LLC, provided additional information to the Commission on the project.

Eric Cattell, Assistant Director for Planning; John Alfred, Walley Properties, LLC; and Jeff Hancock, City Engineer, answered additional questions from the Commission.

After discussion Commissioner Snead moved to override the Manhattan Urban Area Planning Board and modify the proposed amendment and conditions of approval, to eliminate automobile service stations and convenience stores as permitted uses on Lot 2; and approve first reading of an ordinance adopting this modified amendment of the Super Wal-Mart Planned Unit Development, and Ordinance No. 6298, based on the findings in the Staff Report and Cover Memorandum, with the five conditions of approval recommended by the Manhattan Urban Area Planning Board, as modified to eliminate the two land uses in question. (*See Attachment No. 3*) Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 4-0.

### FIRST READING – ANNEX AND REZONE - WILDCAT CREEK SPORTS CENTER CLUBHOUSE

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

Diane Stoddard, Assistant City Manager, and Eric Cattell, Assistant Director for Planning, answered questions from the Commission.

Ron Fehr, City Manager, provided clarification of the benefits to the City.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – ANNEX AND REZONE - WILDCAT CREEK SPORTS CENTER CLUBHOUSE (CONTINUED)

Eric Cattell, Assistant Director for Planning, explained the current connection to the City's sewer and water system.

Kevin Fately, owner, Wildcat Creek Sports Center, dba Kangolf Inc., provided additional information on the item related to Federal Emergency Management Agency (FEMA). He also addressed the annexation and the current collection of sales tax.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance annexing the one-acre Wildcat Creek Sports Center Clubhouse tract, located generally east of Anneberg Park, 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, from County G-1, General Agricultural District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report. *(See Attachment No. 4)* Commissioner Snead seconded the motion. On a roll call vote, motion carried 4-0.

### 2005 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION - RILEY COUNTY-MANHATTAN HEALTH DEPARTMENT

Karen Davis, Director of Community Development, presented the item. She then answered questions from the Commission about the types of projects that could be completed with these funds.

Ron Fehr, City Manager; Karen Davis, Director of Community Development; and Ron Fehr, City Manager, provided additional information on the item and answered questions from the Commission.

Chuck Murphy, Director, Riley County-Manhattan Health Department, informed the Commission of the timeframe of the project.

Ron Fehr, City Manager, clarified the direction received from the Commission.

There was no formal motion taken on this item.

## ITEM REMOVED FROM THE CONSENT AGENDA

### KIMBALL AVENUE SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING

Jeff Hancock, City Engineer, presented the item and answered questions from the Commission.

ITEM REMOVED FROM THE CONSENT AGENDA  
(CONTINUED)

KIMBALL AVENUE SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING (CONTINUED)

Jack Messer, HWS Consulting Group, provided additional information to the Commission. He then answered questions from the Commission.

Jeff Hancock, City Engineer; Jack Messer, HWS Consulting Group; Ron Fehr, City Manager; and Bernie Hayen, Director of Finance, answered questions from the Commission.

Larry Emig, Chief of Local Projects, KDOT; Sally Howard, Chief Counsel, KDOT; and Jerry Haug, Kansas Department of Transportation (KDOT), Wamego office, answered questions from the Commission.

Jack Messer, HWS Consulting Group; Jeff Hancock, City Engineer; Ron Fehr, City Manager; and Bill Frost, City Attorney, provided additional information and answered questions from the Commission.

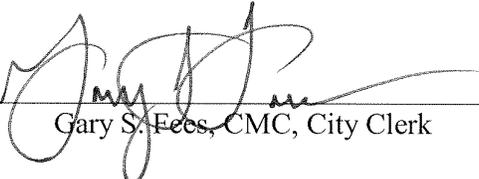
The Commission requested an itemization of expenses for this project.

Jack Messer, HWS Consulting Group, said he would be happy to provide additional detail accountability to the Commission. He requested consideration for action in order for HWS Consulting Group to get paid because the company has been carrying these charges for a year and a half.

After discussion, Commissioner Taussig moved to table the item until the City Commission receives a report within 30 days from City staff that identifies the project costs, provides an explanation of locating utilities by City staff, and provides a full understanding of all associated project costs expected, and, to place the item on the July 6, 2004, City Commission agenda. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 4-0.

ADJOURNMENT

At 9:50 p.m. the Commission adjourned.

  
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Gary S. Fees, CMC, City Clerk

**STAFF REPORT**

**ON AN APPLICATION TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD)**

**BACKGROUND**

**APPLICANT:** Central National Bank % Robert Munson  
**ADDRESS:** P.O. Box 700, Junction City, KS 66441

**OWNER OF LOT 2, MANWEST ADDITION, UNIT 2:** Central National Bank  
**ADDRESS:** P.O. Box 700, Junction City, KS 66441

**OWNER OF LOT 1, MANWEST ADDITION, UNIT 2:** ManWest LLC  
**ADDRESS:** 411 N. Iowa Street, Lawrence, KS 66044

**LOCATION:** Northwest corner of Claflin Road and College Avenue

**AREA:** Lot 1: 9.4 acres (409,445 square feet); Lot 2: 1.4 acres (60,900 square feet)

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday April 12, 2004

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday May 3, 2004  
**CITY COMMISSION:** Tuesday May 18, 2004

**DESCRIPTION OF PROPOSED AMENDMENT:**

Lot 1 (apartment complex site): an off-site sign for Central National Bank is proposed at the entrance to the apartment complex along Claflin Road (*see sign description below*), which modifies Condition 4 of Ordinance No. 6334. No other change is proposed on Lot 1.

Lot 2: Ordinance No. 6334 requires that prior to development of Lot 2, an amendment of the PUD must be approved, prior to issuance of any necessary permits. The proposed development on Lot 2 consists of the Final Development Plan for a proposed bank building for Central National Bank and associated improvements, including, but not limited to, a bank building and drive-in canopy, access aisles, lighting, off-street parking, landscaping, signs and other improvements. (*Note: The KSU- Bluemont College memorial, or plaza, which is proposed to be located on the southeast corner of the of the PUD, is not part of this amendment. The plaza's construction will be created by KSU. The Final Plat*

*Attachment No. 1*

*of the ManWest Addition, Unit 2, dedicated a pedestrian easement for the purpose of setting aside an area for the plaza. Parking for the plaza will be provided on the bank's site. Access to the plaza will be from the bank's parking lot or public sidewalks along College Avenue and Claflin Road.)*

**PROPOSED BUILDINGS AND STRUCTURES:** A 26-foot, one story with basement, 6,833 square foot drive-in bank, which is proposed to be constructed with limestone siding, modular brick veneer and standing seam metal roof. The interior floor plan is a typical bank space with area set aside for tellers, offices, conference rooms, lobby and other miscellaneous work related areas. The drive-in portion consists of three drive-in lanes and an ATM lane. *(Building floor plans and elevations are attached.)*

**PROPOSED LOT COVERAGE:**

<i>Use</i>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Bank	6,833 sq. ft	11%
Parking & Driving Lanes	35,848 sq. ft.	59%
Open Space/Landscape	18,219 sq. ft.	30%

**PROPOSED SIGNS:**

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Ground (2)	Lot 2: College Ave: 5ft x 12 ft.	External
	Lot 1: Claflin Rd: no greater than 40 sq. in area	External
Ground directional signs	Internal 30 in. x 30 in. and up to 12 sq. ft. in area	Unlit
Pole Sign with Time & Temperature	Area: 10 ft. x 10 ft. Height: 25 feet	Internal
Wall signs (raised letters and logos)	Total area on building 320 sq. ft.	Internal

See written signage plan, signs elevations and building elevations for more specific information. Temporary signs announcing construction, ownership, and financing and similar information are proposed, to include banner signs.

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**PROPOSED LIGHTING:** Combination of downcast and shaded pole (20 foot) and building mounted lighting (*see lighting fixture plan*).

#### **MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT**

**WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:** Ordinance No. 6334 permits multiple-family residential dwellings, business and professional offices, and financial institutions and banks, including drive-in type. It was anticipated with the rezoning to PUD that Lot 2 would be developed with a drive-in bank, which is consistent with Ordinance No. 6334. The amendment will promote the intent of the PUD.

**WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** It was uncertain what the specific development of Lot 2 would consist of at the initial time of rezoning. The condition of approval requiring the amendment was necessary due to no information being available at the time of rezoning. No changes have occurred in and around the PUD, except that the new owner has prepared the required documents for the amendment.

**WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The public will not be adversely affected. No building encroachments occur in utility easements and vision triangles are preserved. Lot 2 is to be developed with a permitted use set out in Ordinance No. 6334. The amendment confers no special benefit.

#### **ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT**

- 1. LANDSCAPING:** Landscaping will be maintained by underground irrigation. A broad range of primarily deciduous trees, perennials and evergreen shrubs, ground cover and lawn are proposed throughout the site. Landscaping compliments the overall development of Lot 2. Approximately 30% percent of the site is open landscaped space.
- 2. SCREENING:** The dumpster area is located at the western edge of the drive-in canopy and is integrated into the design with materials consistent with the building (modular brick and limestone) and will be screened with 8-foot walls and a gate.

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**3. DRAINAGE:** Adequate provision for increased runoff has been provided as described in the Drainage Impact Study that was submitted, evaluated and approved with the rezoning to PUD.

**4. CIRCULATION:** Access to the site will be from two curb cuts, one off College Avenue and a second off Claflin Road. Internal access drives provide safe and efficient driving movements for the customers, employees, guests and general public, including emergency vehicles.

Sidewalk exists on adjacent streets and sidewalk is proposed along College Avenue and Claflin Road, which will connect to internal sidewalks within the development. Adequate sidewalks are provided.

Thirty-five (35) off-street parking spaces are provided and are adequate to serve the bank and the plaza. Based on the floor area of the bank, a minimum of 9-off street parking spaces would be required.

**5. OPEN SPACE AND COMMON AREA:** Thirty (30) percent of the site is landscaped open space.

**6. CHARACTER OF THE NEIGHBORHOOD:** Apartment complexes and professional office activities, on large sites, are the predominate uses in the neighborhood. Within the neighborhood, but to a much lesser extent, is a single-family neighborhood. The site is located at the intersection of two major streets, which are also a part of the neighborhood's character.

**EXISTING USE:** An apartment complex is under construction on Lot 1. Lot 2 has been used as the staging area for Lot 1 and otherwise been vacant to date.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Lot 2 is a relative flat site, which is elevated approximately 4-feet above the adjoining streets and will be at the same grade after construction. The site slopes to the west/southwest.

**SURROUNDING LAND USE AND ZONING:**

**(1) NORTH:** Founders Village apartment complex; PUD.

**(2) SOUTH:** Claflin Road, a four lane minor arterial street, medical complex and pharmacy; PUD and C-1, Restricted Business District

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**EAST:** College Avenue, a four-lane collector street, Chase Manhattan Apartments, University Terrace Apartments; PUD and R District

**(4) WEST:** Kansas Forest Service of Kansas State University, Kansas Wheat Commission, Founders Village and Georgetown Apartments; U District, I-1, Research Park District, and PUD

**GENERAL NEIGHBORHOOD CHARACTER:** Same as above.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** Ordinance No. 6334 permits multiple-family residential dwellings, business and professional offices, and financial institutions and banks, including drive-in type

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** Properties to the east consist of large apartment complexes. To the south is a large medical complex consisting of multiple buildings and off-street parking areas. To the southeast is a single-family neighborhood. Properties to the east and south are separated from the site by four lane streets. Proposed building and off-street parking setbacks along College Avenue are 25 feet, which reflect typical setbacks for standard commercial districts. Property to the north and west is the Founder's Hill apartment complex.

Although there will be an increase in light, noise and traffic, the proposed amendment is consistent with the character of the surrounding area and should have minimal impact on nearby properties. Adjacent streets have the capacity to handle the increased traffic resulting from the proposed amendment, as previously determined with the rezoning to PUD.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The approved Southwind Capital PUD was found to conform with the Comprehensive Plan when the site was rezoned in 2003. The amendment conforms with the Comprehensive Plan, which indicates the site should develop with (RMH) Residential Medium to High density and (OFF/RP) Office/Research Park uses.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site was annexed into the City of Manhattan and zoned to U district in 1994. The Bull Barn facilities were in place until 2003. The site was rezoned to PUD in 2003, as previously noted.

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**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 PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed amendment is consistent with the intent and purposes of the Ordinance No. 6334, the Zoning Regulations, and the intent of the PUD 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 appears to be no relative gain to the public health, safety and welfare that denial of the request would accomplish. Drainage and traffic reports were reviewed in 2003, and conform to policies of the City. The proposed amendment conforms to other policies of the City, as described throughout the staff report. It may be a hardship upon the owner, if the amendment is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate streets, sewer and water are available to serve the site and were reviewed and found to be adequate with the rezoning to the PUD. Sidewalks exist along the south side of Claflin Road and along the east side of College Avenue. Sidewalks will be provided along the west side of College Avenue and the north side of Claflin Road, portions of which will be in pedestrian easements.

Private utility companies have reviewed the proposed PUD and utility easements have been provided to meet their needs.

Fire hydrant placement and locations have been reviewed and meet the standards for location.

**OTHER APPLICABLE FACTORS:** None

**STAFF COMMENTS:** City Administration recommends approval of the proposed Amendment of the Final Development Plan for Lot 1 and Lot 2 of the Southwind Capital PUD, and Ordinance No. 6334, for a proposed bank building for Central National Bank and associated improvements, including, but not limited to, a bank building and drive-in

*Attachment No. 1*

canopy, access aisles, lighting, off-street parking, landscaping, signs and other improvements, with the following conditions of approval:

1. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
2. All landscaping and irrigation shall be maintained in good condition.
3. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1), (2), (4), (5), (7) and (8); and Section 6-104 (B)(2) and (4); and, Section 6-104 (D)(1), of the Manhattan Zoning Regulations.

**ALTERNATIVES:**

1. Recommend approval of the proposed Amendment of the Final Development Plan of Southwind Capital Planned Unit Development, and Ordinance No. 6334, stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment of the Final Development Plan of the Southwind Capital Planned Unit Development, and Ordinance No. 6334, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment of the Final Development Plan of the Southwind Capital Planned Unit Development, and Ordinance No. 6334, based on the findings in the Staff Report, with the conditions recommended by City Administration.

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

**DATE:** April 26, 2004

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## ***STAFF REPORT***

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

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

**TO:** R, Single-Family Residential District

**APPLICANT:** L. W. and Eleanor Stolzer (Owner)/McCullough Development Inc.  
(Contract Purchaser)

**ADDRESS:** 5124 Founder's Way, Manhattan KS; and, 210 N. 4<sup>th</sup> Street, Manhattan, KS

**OWNER:** Same as above

**ADDRESS:** Same as above

**LOCATION:** generally located southeast of the intersection of Ft. Riley Blvd. and Davis Drive, along the south side of Davis Drive.

**AREA:** approximately 19-acres (18.85 acres)

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday April 12, 2004

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday May 3, 2004  
**CITY COMMISSION:** Tuesday May 18, 2004

**EXISTING USE:** vacant. A Preliminary Plat for 40-single-family dwellings is proposed.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** typical Flint Hills land form with field grasses and heavily wooded and natural steeply sloped ravines on the northern part of the site. The site drains to the southwest.

#### **SURROUNDING LAND USE AND ZONING:**

**(1) NORTH:** Davis Drive and single-family homes (Oak Hollow Units 5 and 6); R District.

*Attachment No. 2*

**SOUTH:** to the southwest is undeveloped heavily forested and steeply sloped land and to the south is future undeveloped Oak Hollow development; County G-1.

**(3) EAST:** Davis Drive and single family homes (Oak Hollow Units 2, 4, 7, and 8); County G-1 District and R District.

**(4) WEST:** Ft. Riley Blvd, vacant land, undeveloped business park, Miller Ranch and Arbor Heights single-family subdivisions; County G-1, I-5, Business Park District, and R District.

**GENERAL NEIGHBORHOOD CHARACTER:** Low density single-family residential neighborhood.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is zoned for Riley County agricultural uses, but has not been used for agricultural purposes for an indefinite period of time.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed R District is consistent with the existing zoning to the north and east of the site. To the west is Ft. Riley Blvd. The areas to the southwest are steeply sloped and unlikely to develop. Immediately to the south is a future undeveloped Oak Hollow area currently under separate ownership. An increase in light, noise and traffic can be expected with the new homes, but these impacts are consistent with what exists in the adjoining single-family residential neighborhood.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The Comprehensive Plan designates the 19-acre tract as Agriculture and Environmentally Sensitive Area.

The Agricultural part of the site, which the Plan designates for agricultural purposes, is not used for agricultural purposes. The site is within the Urban Service Area boundary. The 19-acre tract is along the south side of Davis Drive in proximity to RLM, Residential Low to Medium density, which is shown on the Plan along the north side Davis Drive. Appropriate density range for development in the RLM designation is one-dwelling unit up to 11-dwelling units per net acre. The RLM category is intended to incorporate a range of housing types, from single-family and two-family to town homes. The subdivision is a single-family housing development and the proposed density is 2.42 dwelling units per net acre.

*Attachment No. 2*

The 19-acre tract is part of the larger Oak Hollow Addition preliminarily platted in 1979 for low density single-family residential uses. The site is also part of a street and sanitary sewer benefit district. Special assessments will be reapportioned with the Final Plat of each unit. In addition, Wilson Drive extends to the northern boundary of the 19-acre tract south of Davis Drive with the expectation the street would continue to the south.

The Environmentally Sensitive Area consists of two steeply sloped and heavily wooded ravines generally on the northern part of the 19-acre tract. The ravines also serve as natural drainage channels for residential development to the north. The ravines should be preserved as conservation/drainage easements and are designated as such on the Preliminary Plat. Views along K-18 Highway entrance should be protected by the conservation easement and provide sufficient buffer from the highway.

The rezoning conforms to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained vacant to date and zoned County G-1 District. A Preliminary Plat of the Oak Hollow Addition was originally approved in 1979.

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The R District is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. Lots shown on the proposed Preliminary Plat of Oak Hollow Units 9 and 10, exceed 10,000 square feet in area.

**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 does not appear to be any adverse impact on the public as a result of the proposed rezoning. The site has been part of a long range plan to develop the area since the late 1970's. It may a hardship on the applicant if the rezoning is denied.

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

**OTHER APPLICABLE FACTORS:** None

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of Oak Hollow Addition, Units 9 and 10, from County G-1, General Agricultural District, to R, Single-Family Residential District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Oak Hollow Addition, Units 9 and 10, from County G-1, General Agricultural District, to R, Single-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends Oak Hollow Addition, Units 9 and 10, from County G-1, General Agricultural District, to R, Single-Family Residential District, based on the findings in the Staff Report .

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

**DATE:** April 27, 2004

04006

**STAFF REPORT**

**ON AN APPLICATION TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD)**

**BACKGROUND**

**APPLICANT:** Wally Properties LLC  
**ADDRESS:** 6301 Cliff Drive, Fort Smith AR 72903

**OWNER:** Wally Properties LLC  
**ADDRESS:** 6301 Cliff Drive, Fort Smith AR 72903

**LOCATION:** Generally southeast of the intersection of Tuttle Creek Boulevard Frontage Road and Bluemont Place, a Travel Easement, and west of Hayes Drive.

**AREA:** 62,195 square feet, 1.4 acres; (Lot 2, Bluemont Center Addition)

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, April 26, 2004

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, May 17, 2004  
**CITY COMMISSION:** Tuesday, June 1, 2004

**DESCRIPTION OF PROPOSED AMENDMENT:**

Lot 2

Amendments of Ordinance No. 6298

Condition 8 states that the "Permitted uses of the PUD include: the Wal-Mart Super-center and associated uses as set out in the Preliminary Development Plan; business and professional offices; car and truck washes; furniture stores; gift and souvenir shops; music stores; restaurant, including drive-in type." The applicant has indicated that the proposed uses would include retail and/or service retail uses and proposes that Ordinance No. 6298 be amended to allow the permitted uses of the C-2, Neighborhood Shopping District (*attachment*), on Lot 2, in addition to those listed in the Ordinance.

Condition 10 indicates that “Prior to the development of Outlot 1 [shown on the Preliminary Plan as Outlot 1, which was then shown by Wal-Mart as Lot 2 on the Final Development Plan], an amendment of the PUD shall be submitted and must be approved, prior to issuing any necessary permits.”

**Final Development Plan**

An 18-foot in height, 15,220 square foot, one story retail building, which is shown with an EIFS veneer and split faced block. The front accent metal canopy adds an additional approximate 9-feet to the front façade height of the building. Building colors are predominately tans and browns. The floor plan indicates up to nine (9) separate tenants could occupy the building. The interior floor plan is a typical speculative space. *(Building floor plans and elevations are attached.)*

**PROPOSED LOT COVERAGE:**

<u>Use</u>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Retail building	15,220 sq. ft	25%
Parking & Driving Lanes	37,650 sq. ft.	60%
Open Space/Landscape	9,325sq. ft.	15%

**PROPOSED SIGNS:** Wall signs over each occupant’s doorway on the front (north side) of the building, as well as a wall sign on each rear (south) elevation are proposed.

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Wall	Front: 5@3-ft by 12-ft and	Internal
	2@6-ft by 12-ft	
	Rear: 9@2-ft by 12-ft	Internal

Wall sign locations are depicted on the building elevations.

**PROPOSED LIGHTING:** Downcast and shaded 25-foot light poles are proposed to light the site *(see lighting fixture plan)*.

**MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT**

**WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:** It was anticipated with the rezoning to PUD that Lot 2 would be developed, but no

*Attachment No. 3*

plans were provided by Wal-Mart at that time. The amendment will promote the intent of the PUD. Ordinance No. 6298 indicates that "Prior to the development of Outlot 1 [shown on the Preliminary Plan as Outlot 1, which was then shown by Wal-Mart as Lot 2 on the Final Development Plan], an amendment of the PUD shall be submitted and must be approved, prior to issuing any necessary permits."

**WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** Lot 2 was sold by Wal-Mart to Wally Properties LLC, which intends to development it with commercial retail uses. No other changes have occurred in or around the PUD.

**WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** It was uncertain what the specific development of Lot 2 would consist of at the initial time of rezoning. The amendment is not granted solely for a special benefit, but is made necessary due to the condition of approval described above.

**ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A  
PLANNED UNIT DEVELOPMENT**

**1. LANDSCAPING:** Landscaping will be maintained by underground irrigation. Landscaping compliments the overall development of Lot 2. Approximately 15% percent of the site is open landscaped space. Landscaping will also be used to screen the rear of the building from property to the south and cars adjacent to the front lot lines along abutting streets.

**2. SCREENING:** The dumpster area is located in the southeastern corner of the site and is proposed to be screened by a 6-foot wooden enclosure. The rear of the building will be screened with a 6-foot hedge to reduce the impact of the service area on the commercial area to the south, which consists of the front parking lot serving the Staples store and other commercial uses. A landscape screen of 30-inches in height will be provided along the Bluemont Place Travel Easement frontage to screen cars and headlight glare.

**3. DRAINAGE:** Adequate provision for increased runoff has been provided as described in the Drainage Impact Study that was submitted, evaluated and approved with the rezoning to PUD. Additional on-site sewer inlets will be provided, which will connect to the existing inlet located generally at the north/central center of the site.

**4. CIRCULATION:** Access to the site will be from two curb cuts, one directly off Bluemont Place, and the second from an internal parking area south of Bluemont Place. Internal access drives provide safe and efficient driving movements for the customers, employees, guests and general public, including emergency vehicles. Sidewalk exists on adjacent streets. The proposed curb cut off Bluemont Place has been reviewed and accepted by the City Engineer.

Based on the floor area of the retail building, a minimum of 63-off street parking spaces would be required and 63-parking spaces are shown on the plan. Adequate off-street parking is provided.

**5. OPEN SPACE AND COMMON AREA:** Fifteen percent (15%) of the site is landscaped open space. A typical commercial lot is required to provide a minimum of 5% landscaped space.

**6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is characterized as a commercial/industrial area, with commercial retail and service/commercial activities dominating the area to the south/southwest and industrial and industrial/services to the north/northeast and east.

**EXISTING USE:** Undeveloped commercial PUD lot.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site was graded and seeded with the development of the Super Wal-Mart. The site drains to an existing storm sewer inlet located generally at the north/central center of the site. There are recently planted street trees along the Tuttle Creek Boulevard Frontage Road and Bluemont Place Travel Easement, which extends from the Frontage Road to Hayes Drive.

The site is located in the 100 Year Flood Plain, and the flood elevation is 1008 feet above sea level. The lowest enclosed floor must be at least one-foot above the flood elevation. The site plan indicates the lowest floor will be at 1010 feet, or two-feet above the flood elevation.

**SURROUNDING LAND USE AND ZONING:**

**(1) NORTH:** Super Wal-Mart; PUD.

**(2) SOUTH:** former Wal-Mart Shopping Center, Staples vacant commercial space, H&R Block, Midland Medical store, grocery store, restaurants and other highway commercial uses; PUD, and C-5 District.

*Attachment No. 3*

(3) **EAST:** Hayes Drive, window manufacturing, industrial truck and tire service, manufacturing and commercial service industry and businesses; I-2, Industrial Park District, and C-5, Highway Service Commercial District.

(4) **WEST:** Tuttle Creek Boulevard Frontage Road, Super Wal-Mart landscape island and Tuttle Creek Boulevard; PUD, and C-5 District.

**GENERAL NEIGHBORHOOD CHARACTER:** Same as above.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site was approved with the Super Wal-Mart PUD for future commercial retail/ commercial service uses.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site is located in a commercial setting and its commercial character was previously found to be compatible with the development of the Super Wal-Mart. Traffic and drainage impacts were addressed with the development of the Super Wal-Mart. Adding the permitted uses of the C-2 District to Lot 2 is consistent with the commercial PUD to the south, which also allows all permitted uses of the C-2 District within that PUD.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is designated as CC, Community Commercial, a designation intended to provide for a mix of retail and commercial services in a concentrated and unified setting. The proposed amendment conforms with the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site was annexed in 1966 and has been vacant since approximately 2001.

1966 – E, Light Industrial District

1969 – 2002 - C-5 District

2002-Present – Super Wal-Mart PUD

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** Ordinance No. 6298 sets out a very limited range of permitted uses within the PUD. The addition of all permitted uses of the C-2 District, designed to provide a range of retail and retail service commercial uses to serve one or more neighborhoods, will provide for a broader range of uses and more flexibility.

*Attachment No. 3*

**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 adverse affects on the public and no relative gain would be accomplished by denial; however, it may be a hardship on the applicant/owner if the amendment is denied.

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

**OTHER APPLICABLE FACTORS:** None

**STAFF COMMENTS:** City Administration recommends approval of the proposed Final Development Plan for Lot 2 of the Super Wal-Mart PUD, and the amendment of Ordinance No. 6298, with the following conditions of approval:

1. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
2. All landscaping and irrigation shall be maintained in good condition.
3. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1), (2), (4), (5), (7) and (8); and Section 6-104 (B)(2) and (D) (1), of the Manhattan Zoning Regulations.
4. Permitted uses on Lot 2 shall include those listed in Ordinance No. 6298, and all of the permitted uses of the C-2, Neighborhood Shopping District.

### **ALTERNATIVES:**

1. Recommend approval of the proposed Final Development Plan for Lot 2 of the Super Wal-Mart PUD, and the amendment of Ordinance No. 6298, with conditions, stating the basis for such recommendation.
2. Recommend approval of the proposed Final Development Plan for Lot 2 of the Super Wal-Mart PUD, and the amendment of Ordinance No. 6298, and modify the conditions of approval, stating the basis for such recommendation
3. Recommend denial of the proposed Final Development Plan for Lot 2 of the Super Wal-Mart PUD, and the amendment of Ordinance No. 6298, stating the specific reasons for denial.

*Attachment No. 3*

4. Table the proposed Final Development Plan, and amendment, to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed the proposed Final Development Plan for Lot 2 of the Super Wal-Mart PUD, and the amendment of Ordinance No. 6298, based on the findings in the Staff Report, with the conditions recommended by City Administration.

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

**DATE:** May 10, 2004

04008

## ***STAFF REPORT***

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

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

**TO:** C-5, Highway Service Commercial District

**APPLICANT:** Kangolf Inc. dba Wildcat Creek Sports Center

**ADDRESS:** 800 Anneberg Circle, Manhattan KS 66503

**OWNERS:** Doretha G. Wells Trust % Kangolf Inc.

**ADDRESSES:** 800 Anneberg Circle and 3639 Anderson Avenue, Manhattan KS 66503

**LOCATION:** 800 Anneberg Circle

**AREA:** Approximately one (1)-acre tract of land (Wildcat Creek Sports Center Clubhouse site)

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, April 26, 2004

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, May 17, 2004

**CITY COMMISSION:** Tuesday, June 1, 2004

**EXISTING USE:** Wildcat Creek Sports Center Clubhouse and batting cages. (*Note: the remaining 65-acre tract served by the clubhouse consists of a nine (9)-hole golf course, miniature golf, driving range and putting green area, gravel parking lot, and sand volleyball courts.*)

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Physical improvements on the Clubhouse site include the clubhouse and batting cages. The site is located in the 100 Year Flood Plain shown on Flood Insurance Rate Map (FIRM), Panel 342 of 500, Map Number 20161C0342E, Zone AE (Base Flood Elevations determined), Effective Date: November 19, 2003. The site is located in the Floodway, which means, as described on the FIRM Map, "the floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood [also referred to as the 100 Year Flood Plain] can be carried without substantial increases in flood heights". The Base Flood Elevation at the approximate location of the

site is 1055 feet. An Elevation Certificate for the clubhouse indicates the upper floor of the building is at 1056.2 feet and the lower floor is flood-proofed (*note: the Elevation Certificate indicates the Base Flood Elevation was 1053.8 feet at the time the document was prepared in 1994*). Wildcat Creek channel is approximately 580 feet to the south and Little Kitten Creek is approximately 55 feet to the north.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Western Resources Substation, golf course, Little Kitten Creek; residential dwelling; G-1 District.
- (2) **SOUTH:** parking lot, sand volleyball courts, Wildcat Creek, two residential dwellings; G-1 District.
- (3) **EAST:** golf course; G-1 District.
- (4) **WEST:** Anneberg Park; RS, Single-Family Residential Suburban District.

**GENERAL NEIGHBORHOOD CHARACTER:** The neighborhood is dominated by Anneberg Park and the Wildcat Creek Sports Center and its associated facilities, which include the nine (9)-hole golf course. The remainder of the neighborhood consists of scattered site low-density single-family homes.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** A Conditional Use was approved by the Riley County Board of Zoning Appeals for the existing facilities in 1993, which is consistent with the requirements of the County G-1 District.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The C-5 District allows a broad range of highway service oriented activities directed at the motoring public that would be incompatible with the surrounding neighborhood (see Consistency with Intent and Purpose of the Zoning Ordinance below). The Agreement between the applicant, owner and City, along with the restrictions of the Floodway District, generally restricts the use of the property to a limited range of uses. The Agreement restricts the uses to include: golf course, club house and related recreational activities, which shall include, by way of example, batting cages, miniature golf, volleyball courts, croquet courts, walking trails and nature trails. The Floodway District allows several permitted uses, with the most applicable being “private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming area, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails”.

*Attachment No. 4*

In addition, the existing facilities on the one (1)-acre Clubhouse site, and the remaining 65-acre golf course portion, have been part of the neighborhood for approximately 10-years. No adverse impacts have been expressed by the surrounding neighborhood.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is designated on the Future Land Use Map, Southwest Planning Area, as Park and Recreation. Uses associated with the designation include neighborhood, scenic and community parks, trails and recreation facilities. The uses may provide for active or passive activities and typically would be provided by public agencies, although recreational activities, such as privately owned golf courses, are also included.

The site is also designated as Floodway and an Environmentally Sensitive Area on the Environmental Values and Constraints map.

The Agreement restricts the use of the site to the golf course, clubhouse and related recreational activities, which shall include, by way of example, batting cages, miniature golf, volleyball courts, croquet courts, walking trails and nature trails. Because the site is in a floodway, permitted uses are further restricted.

Permitted uses in the Floodway District are low damage uses such as agricultural, loading and parking areas, lawns, gardens, and “private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming area, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails”. On the Clubhouse site, permitted uses in the Floodway District must also be permitted in the C-5 District.

The limitations on the range of uses allowed on the site by the Agreement and Floodway district would be in conformance with the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has been zoned County G-1 District to date. In 1993, the Riley County Board of Zoning Appeals granted a Conditional Use for the golf course facilities. The existing facilities on the rezoning site were constructed in 1994.

**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.

*Attachment No. 4*

The C-5 District (*attachment*) is “designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which require access to major streets and highways.” The restrictions of the Floodway District (*attachment*) limit the uses of the site. An Agreement between the applicant, owner and City, also restricts the uses of the site.

The site is closest in use to an amusement park, which is a permitted use of the C-5 District. The clubhouse and the associated batting cages are activities that would be appropriate in a C-5 District.

In general, all encroachments, including fill, new construction, substantial improvements and other development in the Floodway District are prohibited, unless certification by a registered professional engineer is provided demonstrating that the encroachments shall not result in any increase in the Base Flood Elevation. Certification must be provided prior to any development in the Floodway District. In addition, federal and state approvals of a project may be needed, prior to initiating the development.

**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 does not appear to be any adverse impact on the public as a result of the proposed rezoning. The rezoning site has been part of a long-range plan for annexation and rezoning, which was initiated in 1994. It may a hardship on the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The one-acre tract is within the Urban Service Area and is served by public improvements, water, fire service and sanitary sewer. Access is by easement on a public road through Anneberg Park, which connects the site to Anderson Avenue.

**OTHER APPLICABLE FACTORS:** None

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of an approximate one (1)-acre tract of land for the Wildcat Creek Sports Center Clubhouse site, from County G-1, General Agricultural District, to C-5, Highway Service Commercial District.

*Attachment No. 4*

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of an approximate one (1)-acre tract of land for the Wildcat Creek Sports Center Clubhouse site, from County G-1, General Agricultural District, to C-5, Highway Service Commercial 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 one (1)-acre tract of land for the Wildcat Creek Sports Center Clubhouse site, from County G-1, General Agricultural District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

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

**DATE:** May 10, 2004      04007