

***MINUTES
SESQUICENTENNIAL
CITY COMMISSION MEETING
CITY PARK, NORTHEAST CORNER
TUESDAY, JUNE 7, 2005
7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in City Park. 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, 7 staff, and approximately 45 interested citizens.

PLEDGE OF ALLEGIANCE

The American Legion, Pearce-Keller Post 17 presented the colors and led the Pledge of Allegiance.

PRESENTATION/RECOGNITION

Mayor Ed Klimek recognized American Legion, Pearce-Keller Post 17.

HISTORICAL READINGS, TALES, AND ACCOUNTS

Mayor Klimek and Commissioners Snead, Phillips, Hatesohl, and Morris-Hardeman presented historical readings and accounts of Manhattan from the book, "This Land is Our Land," by Donald Parrish. During the meeting, Mayor Klimek portrayed the role of Mayor and Justice of the Peace John Pipher, Commissioner Snead portrayed Andrew Mead, Commissioner Phillips portrayed Edward Thurston, Commissioner Hatesohl portrayed Sam Houston, and Commissioner Morris-Hardeman portrayed Mary Blood.

PROCLAMATIONS

Mayor Klimek proclaimed the *150th Anniversary of Manhattan's Founding*. Dave Lewis, Chair, and members of the Celebrate 150! Committee, were present to receive the proclamation.

Mayor Klimek proclaimed June 17-18, 2005, *Juneteenth*. Gerry Walton, Chair, and Don Slater, Member, Juneteenth Committee, were present to receive the proclamation.

Mayor Klimek proclaimed June 17-18, 2005, *Relay for Life of Riley County Days*. Jerry Snyder, Event Chair, and Committee members of the 2005 American Cancer Society Relay for Life of Riley County Committee were present to receive the proclamation.

Mayor Klimek proclaimed June 2005, *World No Tobacco Month*. Joan Smith, Riley County Health Department, was present to receive the proclamation.

PUBLIC COMMENTS

Mayor Klimek opened the public comments.

Karen McCulloh, Riley County League of Women Voters, while role playing, encouraged the Commission to support the role of women to participate in government and for women to have the right to vote. She also presented mugs to Commissioner Phillips and Morris-Hardeman.

Jim Woydziak, Director of Fire Services, while role playing, informed the Commission of the fire apparatus displayed at the meeting and asked that the Commission consider additional fire equipment in the Capital Improvements Program for the coming year.

Ron Fehr, City Manager, portraying a concerned citizen, informed the governing body of numerous issues in the community that the City needed to take care of.

Ed Hoover, member of the Lecompton Reenactors, portraying the role of an antebellum Southerner, voiced his concerns to the governing body and urged the Commission against the temperance movement. He exuberantly requested the governing officials to conduct themselves in a dignified manner.

Mike Watson, Director, Riley County Police Department, portraying the role of the local sheriff, escorted Mr. Hoover from the presence of the governing body.

The cast of role characters were wearing period costumes to commemorate the City of Manhattan's sesquicentennial.

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

COMMISSIONER COMMENTS

Commissioner Morris-Hardeman provided additional information about her character, Mary Blood.

Commissioner Snead, portraying Andrew Mead, voiced his concern with dangerous hogs running loose within the City of Manhattan. He asked that an ordinance be put in place to address the situation.

Mayor Klimek thanked the Commission, City Staff, and volunteers who helped with the evening reenactment to celebrate the City's 150th Birthday.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 17, 2005.

CLAIMS REGISTER NO. 2530

The Commission approved Claims Register No. 2530 authorizing and approving the payment of claims from May 11, 2005, to May 31, 2005, in the amount of \$2,125,978.79.

LICENSE – CEREAL MALT BEVERAGE

The Commission approved the 2005 Cereal Malt Beverage License for ALCO Discount Store #45, 3007 Anderson Avenue.

ORDINANCE NO. 6476 – REZONE – 2438 VAUGHN DRIVE

The Commission approved Ordinance No. 6476 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. 1*)

ORDINANCE NO. 6477 – ANNEX – BROOKFIELD ADDITION, UNIT 6

The Commission approved Ordinance No. 6477 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.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6478 – REZONE – BROOKFIELD ADDITION, UNIT 6

The Commission approved Ordinance No. 6478 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. 2)*

PUBLIC HEARING – VACATE – UTILITY EASEMENT – 404 BROOKMONT DRIVE

Mayor Klimek opened the public hearing.

Hearing no comments, Mayor Klimek closed the public hearing.

FIRST READING – VACATE – UTILITY EASEMENT – 404 BROOKMONT DRIVE

The Commission approved first reading of an ordinance vacating a portion of the utility easement as described within the attached ordinance on Lot 51, Brookfield Addition (a.k.a. 404 Brookmont Drive), Project No. VA0503, an addition to the City of Manhattan, Riley County, Kansas.

*

ACQUISITION AGREEMENT – COMMENCE EMINENT DOMAIN PROCESS – ANDERSON AVENUE PROJECT (ST0301)

Jeff Hancock, Director of Public Works, provided additional information. He then answered questions from the Commission.

The Commission authorized the Mayor and City Clerk to enter into an agreement with Wildcat Inns for the acquisition of permanent and temporary easements at 914 Garden Way and approved Resolution No. 060705-D commencing the statutory process of eminent domain for certain properties involved in the Anderson Avenue Project from Seth Child Road to Hylton Heights Road.

RESOLUTION NO. 060705-A – LEE MILL HEIGHTS, UNIT 2 – SANITARY SEWER PROJECT (SS0504)

The Commission found the petition sufficient and approved Resolution No. 060705-A finding the sanitary sewer improvements (SS0504) advisable and authorizing construction.

RESOLUTION NO. 060705-B – LEE MILL HEIGHTS, UNIT 2 – WATER IMPROVEMENTS (WA0504)

The Commission found the petition sufficient and approved Resolution No. 060705-B finding the water improvements (WA0504) advisable and authorizing construction.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 060705-C – LEE MILL HEIGHTS, UNIT 2 – STREET IMPROVEMENTS (ST0509)

The Commission found the petition sufficient and approved Resolution No. 060705-C finding the street improvements (ST0504) advisable and authorizing construction.

AGREEMENT – ENGINEERING SERVICES – LEE MILL HEIGHTS, UNIT 2 - IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, P.A., of Manhattan, Kansas, to perform engineering services for the Lee Mill Heights, Unit 2, improvements.

RESOLUTION NO. 060705-E – BRIDGE REPLACEMENT – WILDCAT CREEK BRIDGE

The Commission approved Resolution No. 060705-E authorizing the Mayor and City Clerk to enter into an agreement on behalf of the City agreeing to the bridge replacement over the Eureka Valley Tributary on Wildcat Creek Road and grading and surfacing improvements at the intersection of Eureka Drive and Wildcat Creek Road.

ACQUISITION AGREEMENT – BRIDGE REPLACEMENT – WILDCAT CREEK BRIDGE

The Commission authorized the Mayor to enter into an agreement with the Secretary of the Army for acquisition of a permanent and temporary easement necessary for Riley County Project 81 K-8422-01, reconstruction of the bridge at the Eureka Valley Tributary and Wildcat Creek Road.

CHANGE ORDER NO. 1-FINAL – WOODLAND HILLS ADDITION, UNIT 5 – STREET IMPROVEMENTS (ST0402)

The Commission approved Change Order No.1-Final for Woodland Hills Addition, Unit 5, Street Improvements (ST0402) resulting in a net decrease in the amount of \$4,922.59 (-2.51%) to the contract with Manhattan Trenching Inc., of Manhattan, Kansas.

AWARD CONTRACT – 2005 STREET MAINTENANCE, PHASE 2 (ST0508)

The Commission accepted the Engineer's Estimate in the amount of \$613,282.15 and awarded a construction contract to Shilling Construction Company, Inc., of Manhattan, Kansas, with a low bid of \$485,206.58.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – 2005 STREET MAINTENANCE, PHASE 4 (ST0512)

The Commission accepted the quotation of \$29,262.90 and awarded Phase IV of the 2005 Street Maintenance Project to Proseal, Inc., of Eldorado, Kansas.

AGREEMENT – UPDATE CITY'S PAVEMENT MANAGEMENT SYSTEM

The Commission authorized the Mayor to enter into an agreement at a cost of \$35,000.00 with IMS L.L.C., of Chandler, Arizona, to update the City's Pavement Management System.

AWARD CONTRACT – COMBINATION TRUCK MOUNTED SEWER VEHICLE

The Commission awarded the purchase of the combination truck mounted sewer vehicle to Key Equipment Company, of Kansas City, Kansas, for a cumulative price of \$226,550.00.

AWARD CONTRACT – AIRFIELD LIGHTING AND ELECTRICAL IMPROVEMENTS

The Commission approved the contract and supplemental agreement in the amount of \$976,202.00 with Atlas Electric, of Wichita, Kansas.

TASK ORDER #5 – CONSTRUCTION MANAGEMENT SERVICES – AIRFIELD LIGHTING AND ELECTRICAL IMPROVEMENTS

The Commission approved Task Order #5 in the amount of \$80,550.00 for construction management services of the Airfield Lighting and Electrical Improvements with HNTB Corp., Inc., of Overland Park, Kansas.

GRANT AGREEMENT – AIRFIELD LIGHTING AND ELECTRICAL IMPROVEMENTS (3-20-0052-26-2005)

The Commission authorized the Mayor and City Clerk to execute the Federal Grant Offer, dated June 3, 2005, for Airfield Lighting and Electrical Improvements in the amount of \$1,228,362.00 along with other associated documents.

RESOLUTION NO. 060705-F – FINANCING – AIRFIELD LIGHTING AND ELECTRICAL IMPROVEMENTS

The Commission approved Resolution No. 060705-F authorizing the financing in an amount not to exceed \$62,000.00 to finance the City's share of the project.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – FAMILY AND CHILD RESOURCE CENTER

The Commission approved the Architect's Estimate for the Family and Child Resource Center in the amount of \$621,000.00 and awarded a construction contract in the amount of \$557,265.00 to Cheney Construction, of Manhattan, Kansas.

* **APPLICATION – INTELLIGENT TRANSPORTATION SYSTEMS (ITS) – K-18 CORRIDOR IMPROVEMENTS**

Rob Ott, City Engineer, and Jeff Hancock, Director of Public Works, provided additional information on the item.

The Commission authorized the Mayor to sign and submit the necessary documents to Kansas Department of Transportation (KDOT) for the Intelligent Transportation Systems (ITS) Grant funding of the K-18 Corridor Improvement at a cost of \$95,000.00.

* **KDOT GRANT OFFERS – PURSUE - CLAFLIN ROAD/SUNSET AVENUE – 15TH STREET/FORT RILEY BOULEVARD**

Rob Ott, City Engineer, and Ron Fehr, City Manager, provided additional information to the Commission.

The Commission expressed interest in pursuing the grant offers from KDOT for the intersections of Claflin Road/Sunset Avenue, and 15th Street/K-18 (Ft. Riley Blvd.), and directed City Administration to proceed toward these safety projects in a manner that will facilitate construction of the projects in 2008.

REQUEST FOR PROPOSALS – CONSTRUCTION ENGINEERING SERVICES – TUTTLE CREEK BOULEVARD/KIMBALL AVENUE – CLAFLIN AVENUE/BEECHWOOD TERRACE

The Commission authorized the City Administration to request cost proposals for construction engineering services related to the improvements at the intersection of Tuttle Creek Boulevard/Kimball Avenue and Claflin Avenue/Beechwood Terrace.

BOARD APPOINTMENTS

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

Airport Advisory Board

Re-appointment of Roger Sink, 1600 Sunny Slope Lane, to a three-year term. Mr. Sink's term will begin June 27, 2005, and will expire June 26, 2008.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Airport Advisory Board (CONTINUED)

Re-appointment of Bernie Butler, P.O. Box 1184, to a three-year Chamber of Commerce term. Mr. Butler's term will begin June 27, 2005 and will expire June 26, 2008.

Historic Resources Board

Appointment of Tom Roberts, 2015 Pierre Street, to a three-year Engineer term. Mr. Robert's term begins immediately and will expire April 30, 2008.

Appointment of Jean Hill, 1818 Cedar Crest, to a three-year Real Estate term. Ms. Hill's term begins immediately and will expire April 30, 2008.

Appointment of Michael Mecseri, 1015 Leavenworth Street, to a three-year Architect term. Mr. Mecseri's term begins immediately and will expire April 30, 2008.

Housing Appeals Board

Re-appointment of William Muir, 2040 Shirley Lane, to a three-year term. Mr. Muir's term will begin July 1, 2005, and will expire June 30, 2008.

Re-appointment of Mary Roberts, 1614 Leavenworth Street, to a three-year term. Ms. Robert's term will begin July 1, 2005, and will expire June 30, 2008.

Re-appointment of Monty Williamson, 115 S. Dartmouth, to a three-year term. Mr. Williamson's term will begin July 1, 2005 and will expire June 30, 2008.

Housing Authority Board

Appointment of Carol Gould, 4812 Rockridge Court, to fill the unexpired term of David Craft. Ms. Gould's term begins immediately and will expire March 3, 2008.

Social Services Advisory Board

Appointment of William Meredith, 1116 Wyndham Heights, to a three-year term. Mr. Meredith's term will begin July 1, 2005, and will expire June 30, 2008.

Appointment of Kent Hampton, 917 Pierre Street, to a three-year term. Mr. Hampton's term will begin on July 1, 2005, and will expire June 30, 2008.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Social Services Advisory Board (CONTINUED)

Re-appointment of Kevin Page, 2201 Lawrence Road, to a three-year term. Mr. Page's term will begin on July 1, 2005, and will expire June 30, 2008.

Re-appointment of Yvonne Lacy, 2011 Anderson Avenue, to a three-year term. Ms. Lacy's term will begin on July 1, 2005, and will expire June 30, 2008.

Re-appointment of Jeff Chapman, 3430 Woodduck Way, to a three-year term. Mr. Chapman's term will begin on July 1, 2005, and will expire June 30, 2008.

Re-appointment of Mark Samarra, 3003 Anderson Avenue, to a three-year term. Mr. Samarra's term will begin on July 1, 2005, and will expire June 30, 2008.

Re-appointment of Geri Simon, 1728 Little Kitten Avenue, to a three-year term. Ms. Simon's term will begin on July 1, 2005, and will expire June 30, 2008.

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

GENERAL AGENDA

AWARD CONTRACT - NISTAC SITE WORK and UPDATE FACILITY DESIGN

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

Patrick Schaub, Bowman, Bowman & Novick, provided additional information on the facility with perspective drawings and a plan of the facility layout.

Ron Sampson, President, National Institute for Strategic Technology Acquisition and Commercialization (NISTAC) provided additional information about the company and the tenants that would be occupying the new facility. He then answered additional questions from the Commission.

Patrick Schaub, Bowman, Bowman & Novick, answered questions from the Commission regarding potential expansion of the facility.

GENERAL AGENDA (CONTINUED)

AWARD CONTRACT - NISTAC SITE WORK and UPDATE FACILITY DESIGN (CONTINUED)

After discussion, Commissioner Hatesohl moved to accept the Engineer's Estimate in the amount of \$265,000.00 and award a construction contract in the amount of \$228,444.00 to Bayer Construction Company, Inc., of Manhattan, Kansas. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - THE PROPOSED PLATT ADDITION

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

Jesse Platt, 2112 Casement Road, applicant, provided additional information on the item and answered questions from the Commission.

After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning the proposed Platt Addition, generally located northeast of Casement Road and Knox Lane from R-1, Single-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the six conditions as recommended by the Manhattan Urban Area Planning Board. (*See Attachment No. 3*) Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - THE MANHATTAN CORPORATE TECHNOLOGY PARK and AMENDMENT - THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

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

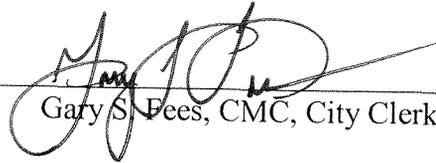
Ron Fehr, City Manager, provided additional information on the item.

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

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning the Manhattan Corporate Technology Park, generally located between Wildcat Creek Road and the Manhattan Regional Airport, to add the CTPO, Corporate Technology Park Overlay District, to the existing zoning classifications, based on the findings in the Staff Report (*See Attachment No. 4*); approve the proposed amendments to the Declaration of Covenants, Conditions, and Restrictions; and authorize the Mayor and City Clerk to execute the amended document. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:03 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

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:

- (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.

Attachment No. 1

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.

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:

Attachment No. 1

- (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.
- (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.

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.

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

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. 2

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.

Attachment No. 2

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 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

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: R-1, Single-Family Residential District

TO: Residential Planned Unit Development District

OWNER/APPLICANT: Jesse D. Platt

ADDRESS: 2112 Casement Road

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

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 2, 2005 (Note: the public hearing was tabled from the May 2, 2005, Planning Board meeting, to the May 16, 2005, Planning Board meeting, in order for the applicant to address drainage and utility release issues.)

CITY COMMISSION: Tuesday, June 7, 2005

LOCATION: northeast of the intersection of Casement Road and Knox lane; Lot 2, Streeter Subdivision, Unit 2

AREA: 2.573 acres; 112,068 square feet (sf)

PROPOSED USES: Ten (10) single-family residential dwelling units. Of the ten (10) units, nine (9) are proposed. One of the ten (10) units is an existing two-story frame single-family dwelling, with basement, along the north side of Knox Lane, at 119 Knox Lane, and shown on site plan on proposed Lot 9. The PUD will be a rental project, which will be owned by the applicant/developer and maintained by his business Platt Maintenance. All overhead utilities (electric, telephone and cable tv) will be underground. Lots have be created and private ownership is a possibility, but not in the foreseeable future.

PROPOSED BUILDINGS AND STRUCTURES: Except for the existing two-story frame house, the proposed modular residential buildings are Wardcraft Homes. Modular Home is a defined term in the Manhattan Zoning Regulations and means, “A structure, designed to be used as a dwelling, which is constructed in accordance with the Uniform Building Code as adopted by the City of Manhattan, which is transportable in one or more sections but is not constructed on a permanent chassis, and which is placed on a permanent foundation.” The applicant has identified the dwelling model as the Jamestown I (attachments). The homes are one-story, three-bedroom, with unfinished basement, and one car garage. Building coverage is 1,864 square feet on each lot, except for proposed Lot 9. Building coverage on Lot 9 is 1,072 square feet. In addition, a small

120-foot storage shed will be allowed on each lot.

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Total Site (Lot 2 Streater Subdivision Unit 2)	2.5 ac / 112,068 sf	100%
Public Street	0.5 ac / 19,618 sf	18%
Total Lot Area (Lots 1-9)	2.1 ac / 92,457 sf	82%
Building Coverage (Lots 1- 9)	0.41ac / 17,848 sf	19%
Driveways/Parking Areas (Lots 1-9)	0.2 ac / 7,036 sf	8%
Landscaping/Open Space (Lots 1-9)	1.5 ac / 66,758 sf	73%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
None		

Certain exempt signs are added to the conditions of approval, such as address numerals, political campaign signs and other types of exempt signs (attachment).

PROPOSED LIGHTING: standard residential lighting.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

- 1. LANDSCAPING:** Lawns, evergreen and deciduous trees, and shrubs are proposed. Irrigation will be by garden hose. Existing trees will remain if possible.

- 2. SCREENING:** Screening is not required for single-family dwellings and none is proposed.

- 3. DRAINAGE:** The site will be graded and drainage will be to the west to Casement Road through natural drainage swales that directs run-off to the drainage swale on Casement Road. A Drainage Report was provided by the applicant's consultant, Ruggles & Bohm P. A., which was reviewed and accepted by the City Engineer (attachment). The natural drainage swales must be maintained by the owner and will not be maintained by the City.

- 4. CIRCULATION:** Lot 1 will be accessed from a driveway off Casement Road. Lots 2-9 will be accessed off the proposed cul-de-sac. Lot 10's driveway access is from Knox Lane. A sidewalk will be constructed along the west side of proposed Knox Circle. Sidewalk will need to be provided along Casement Road at the time the street is constructed to an urban section. Knox Lane is a local street, with sidewalk along the south side of the street. The Knox Lane sidewalk extends approximately 825-feet to the east to the City limits, and no further. The Knox Lane sidewalk connects to Casement Road, approximately 200-feet to the east, which has sidewalk along the west side of the street, north of the Knox Lane and Casement Road intersection, and along the east side of Casement Road, south of the street intersection. The improved street will be 27-feet in width, back of curb to back of curb. Parking will be allowed on the east side of the street, opposite the sidewalk, proposed on the west side of the street.

The driveway and street intersection have been accepted as proposed. The proposed cul-de-sac street is offset 50 feet from the private street, Powerline Place, from the manufactured home park to the south. The required offset of streets is 150 feet; however, cul-de-sac offset may be less than the 150-foot requirement dependent upon the length of the road and residential density. The proposed cul-de-sac is approximately 280-feet in length and will serve eight (8) single-family dwelling units. The impact on the proposed alignment is expected to be minimal given the low traffic volumes at the off-set streets. In addition, aligning the cul-de-sac and private street would require the demolition of the existing house on proposed Lot 9, which is not feasible.

Attachment No. 3

Internal circulation is safe and efficient and adequate access is available to serve proposed Lots 1-10. A Transportation Study was prepared by the applicant's consultant, Ruggles & Bohm, P.A., which was reviewed and accepted by the City Engineer (attachment). The location of driveways and proposed streets have been reviewed and accepted by the City Engineer.

A minimum of two (2) off-street parking spaces are required for single-family dwelling units. At least two (2) are provided per dwelling unit, one of which is in a garage, except on Lot 9. The driveway will need to be extended to provide two (2) off-street parking spaces, which do not result in cars in the driveway portion of the street. Off-street parking on the other lots is provided on driveway and on the side of each dwelling along with the garage.

5. OPEN SPACE AND COMMON AREA: Proposed lot sizes range from 5,276-square feet (Lot 9) to 13,850-square feet (Lot 1). Open space associated with each lot will provide front, side and rear yards. Landscape/open space on a per lot basis ranges from 58% to 80%. Overall, 72% of the total buildable area is landscape/open space.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is generally characterized as a low density single-family and two-family dwelling unit neighborhood. A manufactured home park is located to the south of the proposed PUD. Northview Elementary School is to the northwest. Northeast Community Park is to the east along the south side of Knox Lane. The Linear Trail is to the south off Casement Road.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Lot 2, Street Subdivision, Unit 2, a 2.573-acre single-family residential lot, on which there is an existing single-family home at 119 Knox Lane. The house is setback approximately 57-feet from the south lot line along Knox lane. The remainder of Lot 2 is undeveloped. Driveway access is off Knox Lane. An existing Westar overhead power line easement is located in the southwestern part of Lot 2. The location of the easement results in a reduction of Lot 2's buildable area of approximately 14,250 square feet, which is thirteen (13) percent of the total existing site; however, the area can be landscape/open space and driveways may cross under the overhead power lines as shown on the proposed PUD site plan..

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: A flat site consisting of a single-family dwelling and large open yards, mature trees. A large power line easement crosses the site in the southwestern corner.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Single-family dwellings; R-1 District

(b.) SOUTH: Knox Lane, single-family and two-family dwellings, vacant residential lot; manufactured home park, Linear Trail; R-2, Two-Family Residential District, R-1 District, and R-5, Manufactured Home Park District.

(c.) EAST: Single and two family homes and a manufactured home park, Northeast Community Park; R-2, Two-Family Residential District, R-1 District, and R-5, Manufactured Home Park District.

(d.) WEST: Casement Road, two-family dwellings, USD 383 Maintenance facilities, townhomes, single-family dwellings; R-2 District, R-1 District and Residential PUD.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The existing single-family dwelling on Lot 2 is a permitted use in the R-1 District and is suitable for the use. The lot size of 2.5-acres for Lot 2 is unusually large for a single-family dwelling.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed PUD is a low density single-family zoning, which is consistent with the established character of the area. An increase in traffic, light and noise can be expected, but is similar to the same conditions existing in nearby neighborhoods.

Front yard setbacks along Knox Lane and Casement Road are 25-feet, which is the minimum front yard setback for single-family residential lots. Internal front yard setbacks off the proposed cul-de-sac are 19-feet. Proposed Lot 10 has an eight (8) foot side yard setback, which is the minimum side yard in the R-1 District. The rear yard of proposed Lot 7 is eight (8) feet. The minimum rear yard in the R-1 District is 25-feet. No dwellings are to the immediate east of proposed Lot 7. The yard to the east of proposed Lot 7 is the rear yard of a single family home at 127 Knox Lane and is open space. The reduced rear yard should not adversely affect the adjoining property. Proposed Lots 3 and 4 have similar shallow eight (8) foot rear yards. The abutting property to the west is the applicant's rear yard and no impact on the applicant's property is anticipated.

Attachment No. 3

The proposed lot sizes with the proposed PUD range from a minimum of 5,276 square feet to a maximum of 13,850 square feet. Of the ten (10) proposed lots, all but two of the lots exceed 6,500 square feet in area. Minimum lot size in the R-1 District is 6,500 square feet. The proposed PUD is generally compatible with surrounding residential zoning.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Northeast Planning Area of the Manhattan Urban Area Comprehensive Plan shows the 2.5-acre tract as Residential Low/Medium (RLM). Single-family dwelling units are an appropriate type of housing in the RLM category. The site is in convenient walking distance of Northview Elementary School, Northeast Community Park to the east, and the Linear Trail to the south. The appropriate density range for development in the RMH is less than one to 11-dwelling units per net acre. The density of the proposed PUD is a 4.71-dwelling units per net acre.

The proposed rezoning conforms to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site was annexed beginning in 1969 to 1982. The site has been zoned R-1 District to date. Lot 2 of the Street Subdivision, Unit 2 was created in January 2000. The existing house on proposed Lot 9 was constructed at an undetermined date.

9. 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 PUD is consistent with the intent and purpose of the Zoning Regulations.

The existing R-1 District requires minimum lot area of 6,500 square feet, a minimum lot width of 50-feet, minimum lot depth of 100-feet, 25-foot front and rear yard setbacks, and eight (8) foot side yard setbacks. Maximum lot coverage is 35 percent and maximum building height is 35-feet.

The proposed subdivision generally maintains the R-1 District characteristics.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: 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.

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

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of the Platt Addition from R-1, Single-Family Residential District, to Residential Planned Unit Development District, with the conditions:

1. Permitted uses shall be limited to the ten (10) single-family dwelling units.
2. 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.
3. All landscaping and irrigation shall be maintained in good condition.
4. Signs shall allow for exempt signage described in Article VI, Section 6-104 (A)(1), (2), (4), (7) and (8); and, Section 6-104 (B) (2).
5. Drainage easements in the Platt Addition shall be privately maintained by the property owner, or owners, who shall be responsible for maintaining the easement to remain free and clear of any improvement, debris, structure, or any other type of obstacle, natural or manmade, that would impede flow of surface water run-off.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Platt Addition from R-1, Single-Family Residential District, to Residential Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.

Attachment No. 3

2. Recommend approval of the proposed rezoning of the Platt Addition from R-1, Single-Family Residential District, to Residential Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. 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 the Platt Addition from R-1, Single-Family Residential District, to Residential Planned Unit Development District, 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, 2005

05009

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: I-3/AO, Light Industrial District with Airport Overlay District, and I-5/AO, Business Park District with Airport Overlay District.

TO: I-3/AO with CTPO, Corporate Technology Park Overlay District; and, I-5/AO with CTPO, Corporate Technology Park Overlay District.

APPLICANT: City of Manhattan.

ADDRESS: 1101 Poyntz Avenue Manhattan KS.

OWNERS/ADDRESSES: Kansas State University Foundation, 2323 Anderson Ave. Manhattan, KS 66502; Sykes Realty Inc., 400 North Ashley Drive, Tampa, FLA 33602; Auth Florence, 5935 Corporate Drive, Manhattan, KS 66503; Western Wireless Corp., 3650 131ST Avenue SE STE 400, Bellvue, WA 98006; City of Manhattan.

LOCATION: the Manhattan Corporate Technology Park, generally located between Wildcat Creek Road and the Manhattan Regional Airport.

AREA: Total area: 188.232 acres, which includes all lots and right-of-way.

Manhattan Corporate Technology Park consists of:

Manhattan Corporate Technology Park, Unit One, Lots 1-3
Manhattan Corporate Technology Park, Unit 2, Lots 4-5
Manhattan Corporate Technology Park, Unit 3, Lots 6-9, 11-20, and 23-29
Boundary Line Adjustment of Lots 21 and 22, Unit 3, known as Lots 21A-22A
Manhattan Corporate Technology Park, Unit 4, Lot 10

I-3/AO consists of:

Unit 2, Lot 5
Unit 3, Lots 6-9, 11-20, 23-26
Boundary Line Adjustment, 21A-22A

I-5/AO consists of:

Unit One, Lots 1-3
Unit 2, Lot 4
Unit 3 Lots, 27-29
Unit 4, Lot 10

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: Manhattan Corporate Technology Park.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: A developing industrial/business research park. The site slopes downhill from west to east and drains towards the Kansas River. Except for the existing development, the site consists of open fields and native grasses. The site drains and slopes to the east. No part of the Corporate Technology Park is in a 100 Year or 500 Year Flood Plain.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Scattered rural single-family homes and farm fields; G-1 District.
- (2) **SOUTH:** Single-family homes, Manhattan Regional Airport and farm fields; County A-4, Single-Family Residential District and G-1 District.
- (3) **EAST:** Manhattan Regional Airport; AO District
- (4) **WEST:** Ft Riley military reservation.

GENERAL NEIGHBORHOOD CHARACTER: The area is characterized by rural single-family residential development, farm fields, a developing business park and a municipal airport.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for the permitted and conditional uses of the I-3/AO District and I-5/AO District.

The Corporate Technology Park was conceived as a higher quality industrial park, which combines light manufacturing activities with corporate business park activities, and therefore is also subject to a set of Covenants, Conditions and Restrictions (CCR's) that further limit permitted uses to a specific list that is a sub-set of the uses permitted under the I-3 and I-5 Districts. In addition, the CCR's require a higher level of landscaping, signage controls and exterior building design, to maintain the quality of the development.

Attachment No. 4

In marketing the Corporate Technology Park and working with prospective businesses, City Administration and the Chamber of Commerce realized that due to its relative isolation from nearby services, there needs to be more flexibility built into the development, to accommodate some additional uses that would provide services to the employees and clients of the other businesses in the Park, as the area continues to develop with larger numbers of employees. In addition, the requirement that all tenants and all buildings be a minimum 10,000 square feet in area, has been too limiting to prospective businesses in the I-5 District portion of the Park.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed CTPO District will add a limited number of commercial uses. Minimal impact is expected on surrounding properties. The proposed uses are intended to serve the uses, which will locate in the Corporate Technology Park. The site is distanced from major streets, Ft. Riley Boulevard and Scenic Drive, to the extent that commercial uses are not anticipated to be a destination for the public.

CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown on the Southwest Planning Area of the Future Land Use Map as Office-Research Park (OFF/RP), which is a land use designation intended to provide concentrated areas of high quality employment facilities, such as corporate headquarters, research and educational facilities, in a campus setting.

The amendment adds a limited range of professional office and service commercial uses intended to specifically serve the Corporate Technology Park, which is a significant distance from existing commercial services that would ordinarily serve highly concentrated employment centers. The amendment adds more flexibility in serving the needs of the Technology Park.

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

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: Annexation and rezoning occurred in May and July 1999. Building construction began in 1998 and consists of Alorica Inc., 5970 Sykes Blvd.; Kansas State University Printing Services, 5980 Corporate Drive; Western Wireless/Cellularone, 5960 Technology Circle; and, Auth-Florence, 5935 Corporate Drive.

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 I-3, Light Industrial District, is a district designed to allow manufacturing, processing, assembly, and nonretail service activities.

The I-5, Business Park District, is a district designed to encourage administrative, research and assembly activities in a setting that is compatible with surrounding or abutting residential districts. The district should generally be located along major streets and can be used as a transitional zone between residential areas and other districts.

The AO, Airport Overlay District, is a district is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by the facility to the region. The district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport's operation or the public welfare.

The proposed Corporate Technology Park Overlay District (CTPO) is designed to provide a broader range of permitted professional office and service commercial uses when applied specifically to the underlying I-3 and I-5 Districts in the Corporate Technology Park. The overlay district is designed to address the specific needs of the Corporate Technology Park and therefore will not be applied in other areas of the City. It is proposed that the CTPO would add the following permitted uses to the I-3 District: banks and financial institutions, including drive-in type; business and professional offices; convenience stores; group day care centers; health and fitness clubs; and restaurants, including drive-in type. The CTPO would add the same permitted uses to the I-5 District, except that business and professional offices and group day care centers are already permitted there. *(See proposed regulations attached.)*

The CTPO would also modify the Use Limitation requiring a minimum 10,000 square foot floor space within the I-5 District, so that no minimum floor area will be required for occupants or tenants of a building, however the minimum enclosed building square footage shall be 5,000 square feet. All other Use Limitations of the I-5 District and AO District are not affected by the proposed CPTO District.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no relative gain to the public that denial would accomplish. Denial of the request would be a hardship to the applicant and limit the effectiveness of marketing the Corporate Technology Park and its long term development.

Attachment No. 4

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Public streets, sewer and water services are available to serve future development proposed by the overlay district.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of the Manhattan Corporate Technology Park, generally located between Wildcat Creek Road and the Manhattan Regional Airport, from I-3/AO, Light Industrial District with Airport Overlay District, and I-5/AO, Business Park District with Airport Overlay District, to I-3/AO with CTPO, Corporate Technology Park Overlay District; and I-5/AO with CTPO, Corporate Technology Park Overlay District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Manhattan Corporate Technology Park from I-3/AO, Light Industrial District with Airport Overlay District, and I-5/AO, Business Park District with Airport Overlay District, to I-3/AO with CTPO, Corporate Technology Park Overlay District, and I-5/AO with CTPO, Corporate Technology Park Overlay District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the Manhattan Corporate Technology Park, generally located between Wildcat Creek Road and the Manhattan Regional Airport, from I-3/AO, Light Industrial District with Airport Overlay District, and I-5/AO, Business Park District with Airport Overlay District, to I-3/AO with CTPO, Corporate Technology Park Overlay District, and I-5/AO with CTPO, Corporate Technology Park Overlay District, based on the findings in the Staff Report .

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: April 25, 2005

05010