

APPROVED



***MINUTES
CITY COMMISSION MEETING
TUESDAY, JUNE 15, 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 Brad Everett and Commissioners Ed Klimek, 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, Acting City Clerk Brenda K. Wolf, 10 staff, and approximately 17 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Everett led the Commission in the Pledge of Allegiance.

MAYOR'S EMPLOYEE EFFICIENCY AWARD

Mayor Everett, City Manager Ron Fehr, Fire Chief Jim Woydziak, and Assistant Fire Chief-Technical Services Don Francis recognized Frank Young, Maintenance Crew Leader I, recipient of the Mayor's Employee Efficiency Award.

PROCLAMATIONS

Mayor Everett proclaimed June 18-19, 2004, ***Riley County Relay for Life***. Debbie Nuss, Chair, and Riley County Relay for Life Steering Committee members were present to receive the proclamation.

Mayor Everett thanked Debbie Nuss for her involvement in the community.

Mayor Everett proclaimed June 24, 2004, ***Great Race of America***. Marty Wellington, Chair, Promotions Committee, Downtown Manhattan, Inc., and Lisa Rockley, Executive Director, Downtown Manhattan, Inc., were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Klimek invited the public to attend the Juneteenth Celebration on Saturday, June 19, 2004, at the Douglass Center.

Mayor Everett stated that \$156,000.00 is needed in funds for the restoration of the Union Pacific Depot and challenged the public to donate \$3.00/person in order to reach the goal.

CONSENT AGENDA

(* denotes those items discussed)

* **MINUTES**

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 1, 2004.

CLAIMS REGISTER NO. 2507

The Commission approved Claims Register No. 2507 authorizing and approving the payment of claims from May 26, 2004, to June 8, 2004, in the amount of \$1,192,621.65.

BOARD APPOINTMENTS

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

Airport Advisory Board

Re-appointment of Dick Hayter, 1920 Grandview Drive, to a three-year term. Mr. Hayter's term will begin June 27, 2004, and will expire June 26, 2007.

Re-appointment of Karen Rogers, 2028 Arthur Drive, to a three-year term. Ms. Rogers' term will begin June 27, 2004, and will expire June 26, 2007.

Historic Resources Board

Re-appointment of W. Larry Brockson, 3409 Chimney Rock Road, to a three-year Community term. Mr. Brockson's term begins immediately and will expire April 30, 2007.

Housing Authority Board of Commissioners

Appointment of Randy Stitt, 1816 Plymouth Road, to a four-year term. Mr. Stitt's term begins immediately and will expire March 3, 2008.

Human Rights and Services Board

Appointment of Judy Woellhof, 2218 Snowbird Drive, to a three-year term. Ms. Woellhof's term begins immediately and will expire March 9, 2007.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Joint Corrections Advisory Board

Re-appointment of Becky Topliff, 100 Courthouse Plaza, to a two-year Adult term and three-year Juvenile term. Ms. Topliff's terms will begin July 1, 2004, and will expire June 30, 2006, and June 30, 2007, respectively.

Social Services Advisory Board

Appointment of Jennifer Salmans, 3023 Pecanwood Drive, to a three-year term. Ms. Salmans' term will begin July 1, 2004, and will expire June 30, 2007.

LICENSE – FIREWORKS DISPLAY

The Commission approved the fireworks display application for July 4, 2004, for Westside Business Association.

ORDINANCE NO. 6405 – AMEND – WAL-MART SUPER CENTER PLANNED UNIT DEVELOPMENT (PUD)

The Commission overrode the Manhattan Urban Area Planning Board and modified the proposed amendment and conditions of approval, to eliminate automobile service stations and convenience stores as permitted uses on Lot 2 and approved Ordinance No. 6405 adopting this modified amendment of the Wal-Mart Super-Center 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. 1)*

ORDINANCE NO. 6406 – ANNEX – WILDCAT CREEK SPORTS CENTER CLUBHOUSE

The Commission approved Ordinance No. 6406 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.

ORDINANCE NO. 6407 – REZONE – WILDCAT CREEK SPORTS CENTER

The Commission approved Ordinance No. 6407 rezoning the one-acre Wildcat Creek Sports Center Clubhouse tract, located generally east of Anneberg Park, 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. 2)*

CONSENT AGENDA (CONTINUED)

SET PUBLIC HEARING DATE – SPECIAL ASSESSMENTS

The Commission set July 6, 2004, as the date to hold the public hearing levying special assessments against the benefiting property in the following six (6) public improvement districts: *Pheasant Hill Addition – Sanitary Sewer (SS0308), Water (WA0308)*; *Stone Valley Addition, Phase I – Sanitary Sewer (SS0306), Water (WA0307)*; *Tatarrax Hills Subdivision – Sanitary Sewer/Water (SS0205/WA0207)*; *The Browning Project – Storm Water (SM0201)*.

AWARD CONTRACT - 2004 STREET MAINTENANCE, PHASE 2

The Commission approved the Engineer's Estimates for Phase II in the amount of \$238,080.00 and awarded a construction contract in the amount of \$169,200.69 to Ritchie Paving, Inc., of Manhattan, Kansas.

NEGOTIATE CONTRACT – FILAMENT CONTROL SYSTEM – WASTEWATER TREATMENT PLANT

The Commission authorized City Administration to negotiate a contract with BG Consultants, Inc., of Manhattan, Kansas, and CDM, of Kansas City, Missouri, for the design of a Filament Control System at the City's Wastewater Treatment Plant.

NEGOTIATE CONTRACT – DESIGN OF PROCESS ANALYZERS AND CONTROL SYSTEM UPGRADE – WATER TREATMENT PLANT

The Commission authorized City Administration to negotiate a contract with Black and Veatch, of Kansas City, Missouri, and Schwab Eaton, P.A., of Manhattan, Kansas, for the design of Process Analyzers and Control System Upgrade for the City's Water Treatment Plant.

ANNUAL ASSESSMENT – LEAGUE OF KANSAS HEADQUARTERS BUILDING

The Commission authorized the Finance Department to continue to budget the annual assessment necessary to pay the remaining bonds on the League Headquarters Building in Topeka, Kansas.

After discussion, Commissioner Sneed moved to approve the consent agenda and make the correction to the June 1, 2004, City Commission minutes as requested by Commissioner Klimek. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

REQUEST FOR RESOLUTION OF SUPPORT – COHEN-ESREY - REDEVELOP FLINT HILLS PLACE

Jason Hilgers, Assistant to the City Manager, presented the request for the resolution of support.

Bob Rousey, Cohen-Esrey, answered questions from the Commission.

Jason Hilgers, Assistant to the City Manager; Ron Fehr, City Manager; and Bob Rousey, Cohen-Esrey, answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 061504-A indicating the City of Manhattan's support for Cohen-Esrey to apply for tax credits to the State of Kansas to pursue an affordable housing development at Flint Hills Place. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - ADOPT - 2003 INTERNATIONAL CODES AND THE 2002 NATIONAL ELECTRICAL CODE

Don Francis, Assistant Fire Chief-Technical Services, introduced the item.

Brad Claussen, Building Official, presented the changes in the various codes and licenses.

Don Francis, Assistant Fire Chief-Technical Services, and Brad Claussen, Building Official, answered questions from the Commission.

J.D. Yanek, Topeka, representing Bill Yanek, supported the changes recommended but opposed the use of ARC fault protection devices and the mandatory use of deadbolts on exterior or entry doors. He then answered questions from the Commission.

Gary Olds, 3308 Frontier Circle, asked for clarification on a contractor's license.

Calvin Emig, 1400 Sharingbrook Drive, spoke against the use of sprinklers in smaller structures and the use of deadbolts in existing structures.

Roger Seymour, 1181 Rock Springs Lane, spoke against the mandate of deadbolt locks, encouraged the education of the recommended changes to the public, and supported the adoption of the changes.

GENERAL AGENDA (CONTINUED)

FIRST READING - ADOPT - 2003 INTERNATIONAL CODES AND THE 2002 NATIONAL ELECTRICAL CODE (CONTINUED)

After discussion, Commissioner Snead moved to approve the first reading of ordinances adopting and making certain changes to the 2003 editions of the International Code package, the 2002 edition of the National Electric Code, and amending sections of the Code of Ordinances, City of Manhattan, Kansas, relating to Fire Prevention, Buildings and Buildings Regulations as listed in the staff memorandum. Motion died for lack of a second.

After further discussion, Commissioner Taussig moved to approve the first reading of ordinances adopting and making certain changes to the 2003 editions of the International Code package, the 2002 edition of the National Electric Code and amending sections of the Code of Ordinances, City of Manhattan, Kansas, relating to Fire Prevention, Buildings and Buildings Regulations as listed in the staff memorandum, but excluding the requirement of the sprinklers, the use ARC fault devices, and the deadbolt requirement. Commissioner Hatesohl seconded the motion.

Brad Claussen, Building Official, answered additional questions.

On a roll call vote, motion carried 5-0.

AIRPORT LEASE AGREEMENT - ENTERPRISE RENT-A-CAR

Russ Johnson, Airport Director, presented the lease agreement. He then answered questions from the Commission.

Jane Kruse, Enterprise Rent-a-Car employee, stated that the company and employees are looking forward to the move back to the Airport.

After discussion, Commissioner Snead moved to authorize the Mayor and City Clerk to execute the Airport Agreement with Enterprise Leasing Southwest, d/b/a Enterprise Rent-a-Car. Commissioner Taussig seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:20 p.m. the Commission adjourned.


Brenda K. Wolf, CMC, Executive Secretary

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 2@6-ft by 12-ft Rear: 9@2-ft by 12-ft	Internal 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 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.”

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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.

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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.
- (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.

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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.

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.

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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.
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

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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”.

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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.

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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.

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

