

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, DECEMBER 4, 2012***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Loren J. Pepperd and Commissioners Wynn Butler, Richard B. Jankovich, and James E. Sherow were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 9 staff, and approximately 17 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Pepperd led the Commission in the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Pepperd opened the public comments.

Elsie Eisenbarth, Director of Support Services, Westar Energy, introduced members of the Westar team and provided information on the ReliabiliTree program. She presented the communication plans and ReliabiliTree program initiatives throughout the state of Kansas and for Manhattan. She then responded to questions from the Commission regarding efforts to work with citizens to keep them informed regarding the trimming and removal of trees in their neighborhoods.

Hershel Sanders, Vegetation Manager, Westar Energy, provided additional information on the ReliabiliTree program and stated that Westar will help customers understand why trees need to be kept clear from power lines.

Elsie Eisenbarth, Director Support Services, Westar Energy, responded to questions from the Commission and said that Westar will work with the City of Manhattan. She responded to concerns expressed by the Commission to improve communication between Westar and the homeowners to alleviate surprises with the removal or trimming of trees. She provided additional information on the communications efforts with television, radio, newspaper, and doorknockers.

## PUBLIC COMMENTS (CONTINUED)

Hershel Sanders, Vegetation Manager, Westar Energy, informed the Commission that efforts will be made to contact the landowner before a tree is trimmed or cut and can respond to questions citizens may have regarding the program.

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

## COMMISSIONER COMMENTS

Commissioner Sherow requested that the Commission discuss the fireworks item to see if there is support to put the item forward for public opinion with an advisory election in April 2013 to see if people in this community want a ban on fireworks or not. He stated this item could be discussed at a future work session.

Mayor Pepperd spoke in opposition to an advisory election on fireworks due to the additional election costs and said that it would be advisory only. He stated that the decision would ultimately be up to the City Commission. He voiced concern that an advisory election in April would not be an accurate representation of the citizens. He said that *The Manhattan Mercury* could run a straw poll.

Commissioner Butler stated that the question placed before the voters has merit to look into it because it would give him a good idea on where the community is at in regards to fireworks. He wanted to see what the associated costs would be to put this item on the April ballot. He stated that this would be advisory only; however, placing the item on the ballot would provide additional information for the Commission and would provide a good scientific poll.

Commissioner Jankovich agreed with Commissioners Sherow and Butler. He stated that if there would be additional costs that would be a concern. He said that it was worth investigating further and would provide a sounder process to base a decision on what to do regarding fireworks.

Commissioners Sherow and Butler discussed the use of City Park Pool by the Manhattan Marlins and comments made at the November 27, 2012, Special City Commission meeting. They highlighted the maintenance and chemical costs associated with City Park Pool, the costs the Marlins are paying to use the Natatorium at Kansas State University and not City Park Pool, and the challenges in keeping lifeguards through the end of the pool season and to further investigate the item.

## COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Sherow read a prepared statement regarding current and former Manhattan mayors and his decision to not seek re-election for City Commission. He stated that it has been an honor to serve as a Commissioner and Mayor, and playing a role as many have before him in continuing the work of improving the lives of people living in our terrific city. He provided a history lesson on several former mayors who have served the community and those that have played an important role in shaping the community. He highlighted projects that he has been associated with during his term in office and stated that he has enjoyed his six years on the Commission serving the citizens of Manhattan.

Commissioner Jankovich informed the community that tonight would be the last legislative meeting for Katie Jackson as City Attorney. A round of applause was extended to Ms. Jackson in appreciation for her work with the City of Manhattan.

Mayor Pepperd stated the Mayor's Spirit of the Lighted Holidays Parade and tree lighting ceremony was very successful, with the parade raising 1,358 pounds of food and the Lutheran churches contributing 2,835 pounds of food for the Flint Hills Breadbasket. He thanked his fellow Commissioners and those individuals and businesses that worked to make the parade a wonderful event and for contributing to the Flint Hills Breadbasket. He then informed the community that he purchased a tree at the Festival of Trees for the United Service Organizations (USO) on Fort Riley and that he was working on providing a tree at City Hall, with the USO and soldiers from Fort Riley helping to decorate the tree.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 20, 2012, and the Special City Commission Meetings held Tuesday, November 13, 2012, and Tuesday, November 27, 2012.

### CLAIMS REGISTER

The Commission approved Claims Register No. 2715 authorizing and approving the payment of claims from November 14, 2012, to November 27, 2012, in the amount of \$2,816,599.55.

## CONSENT AGENDA (CONTINUED)

### LICENSES

The Commission approved a Merchant Guard Agency License for calendar year 2013 for G4S Secure Solutions (USA) Inc., 10540 Marty Street, Suite 160, Overland Park, Kansas; a Tree Maintenance License for calendar year 2013 for Salina Tree Inc., 2681 West State Street Road, Salina, Kansas; an annual Cereal Malt Beverages Off-Premises License for Dillons #15, 130 Sarber Lane; and an annual Cereal Malt Beverages On-Premises License for K-State Student Union Recreation, 908 K-State Student Union.

### ORDINANCE NO. 6978 – REZONE – LOTS 30A-43B, HIGHLAND MEADOWS ADDITION, UNIT SEVEN

The Commission approved Ordinance No. 6978 rezoning a 4.61-acre tract of land consisting of proposed Lots 30A-43B, Highland Meadows Addition, Unit Seven, generally located northwest of the southern intersection of Highland Ridge Drive and North Scenic Drive, from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 1*).

\* **ORDINANCE NO. 6979 – ISSUE – GENERAL OBLIGATION REFUNDING BOND, SERIES NO. 2012-C; RESOLUTION NO. 120412-A – DELIVERY OF BONDS**

Ron Fehr, City Manager, presented an overview of the item.

The Commission accepted the low bid from Robert W. Baird & Co., Incorporated, of Denver, Colorado; approved Ordinance No. 6979 authorizing and providing for the issuance of not to exceed \$5,205,000.00 principal amount of General Obligation Refunding Bonds, Series 2012-C, of the City of Manhattan; and approved Resolution No. 120412-A authorizing delivery of the Series 2012-C bonds to the low bidder.

### FIRST READING – INSTALL – STOP AND YIELD SIGNS

The Commission approved first reading of an ordinance authorizing the installation of stop and yield signs at multiple intersections (*See Attachment No. 2*).

\* **RESOLUTION NO. 120412-B – NATIONAL BIO AND AGRO DEFENSE FACILITY (NBAF) CONSTRUCTION DOCUMENTS**

Gary Conrad, scientist and biologist, Kansas State University, spoke as a private citizen against NBAF coming to Manhattan and that it should remain on Plum Island. He stated his concerns with the biological hazards with the laboratory being built in Manhattan and voiced serious concerns with biosecurity given the location of the proposed facility and serious consequences with a release.

## CONSENT AGENDA (CONTINUED)

\* **RESOLUTION NO. 120412-B – NATIONAL BIO AND AGRO DEFENSE FACILITY (NBAF) CONSTRUCTION DOCUMENTS (CONTINUED)**

Ron Fehr, City Manager, provided additional information regarding the item. He then provided clarification regarding the easements, covenants, and agreements required in order to facilitate the transfer of the NBAF site from Kansas State University to the federal government.

After additional discussion and comments from the Commission, Gary Conrad, scientist and biologist, Kansas State University, responded to questions from the Commission and reiterated his concerns in building the lab in Manhattan, Kansas. Ron Fehr, City Manager, provided additional information on the item and responded to questions from the Commission.

Stan Hoerman, 2021 Bluehills Road, informed the Commission that he lives two blocks away from where the NBAF facility will be built. He provided additional information on the location of the facility and stated that had Hurricane Sandy went 200 miles to the northeast, Plum Island would have potentially been vulnerable too.

The Commission approved Resolution No. 120412-B authorizing the Mayor, City Clerk, and City Manager to execute certain easements, agreements, partial release of covenants, and the Certificate of Officials, all related to the National Bio-Agro Defense facility (NBAF) site.

\* **NEGOTIATE AGREEMENT – ENGINEERING SERVICES – WATERSHED ANALYSIS STUDY, PHASE I (SM1205)**

Commissioner Jankovich stated that he would be abstaining from this item due to a conflict of interest with the original consulting firm.

The Commission authorized City Administration to terminate negotiations with BG Consultants, of Manhattan, Kansas, and negotiate an engineering service agreement with Bartlett and West Engineers, of Manhattan, Kansas, for the Watershed Analysis Study, Phase I (SM1205).

**AWARD CONTRACT – LIME SLUDGE REMOVAL (WA1215)**

The Commission awarded and authorized the Mayor and City Clerk to execute a contract in the amount of \$318,800.00 to Midwest Concrete Materials, of Manhattan, Kansas, for the 2013-2014 Lime Sludge Removal project (WA1215).

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – ELECTRICAL ON-CALL SERVICES (SP1210)

The Commission awarded and authorized the Mayor and City Clerk to execute a contract with Electrical Concepts, Inc., of Wamego, Kansas, for emergency Electrical On-Call Services for 2013 (SP1210).

### CONTRACT AMENDMENT NO. 5 – LEVEE CERTIFICATION (SM1003)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 5 with AMEC Earth and Environmental, Inc., of Topeka, Kansas, for additional services regarding the Levee Relief Wells and Structure Decommissioning Project (SM1003).

### AGREEMENT – 2013 – CITY/UNIVERSITY SPECIAL PROJECTS FUND

The Commission authorized the Mayor and City Clerk to execute the 2013 City/University Special Projects Fund Agreement with Kansas State University in the amount of \$613,300.00.

### AGREEMENT – ESRI LICENSE

The Commission authorized City Administration to execute the Environmental Systems Research Institute, Inc., (Esri) Small Government Enterprise License Agreement for 2013-2015 at a cost of \$50,000.00 per year, for a total of \$150,000.00.

### \* LEASE AGREEMENT – RILEY COUNTY SENIOR SERVICES' CENTER

Jami Ramsey, Director, Riley County Senior Services' Center, presented information regarding the Senior Center and the partnership with the City of Manhattan, Riley County, and the community. She also provided additional details regarding the Senior Center parking lot and the critical need to provide accessibility for seniors to access services provided by the Senior Center.

The Commission authorized the Mayor and City Clerk to execute a revised lease with the Riley County Senior Services' Center to include the parking lot at 321 N. 4<sup>th</sup> Street for the Center's exclusive use from 8:00 a.m. to 5:00 p.m. on weekdays.

### BOARD APPOINTMENTS

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

#### *Board of Zoning Appeals*

Appointment of Ray Thompson, 2020 Skyler Circle, to a three-year term. Mr. Thompson's term will begin January 1, 2013, and will expire December 31, 2015.

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### *Downtown Business Improvement District Advisory Board*

Re-appointment of Brad Streeter, 100 Manhattan Town Center, to a two-year term. Mr. Streeter's term will begin January 1, 2013, and will expire December 31, 2014.

Re-appointment of Mike Thomason, 3008 Champion Circle, to a two-year term. Mr. Thomason's term will begin January 1, 2013, and will expire December 31, 2014.

Appointment of Terry DeWeese, 10405 Bechtel Road, to fill the unexpired term of Brad Walters. Mr. DeWeese's term begins immediately, and will expire December 31, 2013.

Appointment of Diane Born, 1318 Lafayette Drive, to fill the unexpired term of Marissa Aumiller. Ms. Born's term begins immediately, and will expire December 31, 2013.

After discussion, Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 4-0, with the exception of Item H, NEGOTIATE AGREEMENT – ENGINEERING SERVICES – WATERSHED ANALYSIS STUDY, PHASE I (SM1205), which carried 3-0-1, with Commissioner Jankovich abstaining from the item.

## GENERAL AGENDA

### RE-OPEN REQUEST FOR PROPOSALS – 4<sup>TH</sup> STREET AND BLUEMONT AVENUE ROUNDABOUT SCULPTURE

Eddie Eastes, Assistant Director of Parks and Recreation, presented an overview of the item and informed the Commission that three proposals were received.

Katie Jackson, City Attorney, provided additional information regarding the item. She explained the request for proposals process and submittals for the proposed roundabout sculpture.

Eddie Eastes, Assistant Director of Parks and Recreation, responded to questions from the Commission. He informed the Commission that the recommended action would provide additional time to solicit more proposals. He then outlined the process for submittal of the proposals and for those that already submitted proposals to the City.

GENERAL AGENDA (CONTINUED)

RE-OPEN REQUEST FOR PROPOSALS – 4<sup>TH</sup> STREET AND BLUEMONT AVENUE ROUNDABOUT SCULPTURE (CONTINUED)

Jason Hilgers, Assistant City Manager, responded to questions from the Commission regarding Transportation Development District (TDD) funding available for this purpose and fundraising that would be necessary.

Eddie Eastes, Assistant Director of Parks and Recreation, provided additional information on the request for proposal document and the additional fundraising envisioned.

Stan Hoerman, 2021 Bluehills Road, provided his thoughts to the Commission on incorporating a prominent family that have shaped Manhattan into what it is today, the Goldstein family. He said the statute could be a bust of four individuals with one on each side. He then responded to questions from the Commission regarding the possibility of submitting a proposal for the sculpture.

After discussion and comments from the Commission, Commissioner Sherow moved to authorize City Administration to reject submitted proposals and re-open the Request for Proposals (RFP) for the roundabout at 4<sup>th</sup> Street and Bluemont Avenue for an additional 90 days. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 4-0.

ADJOURNMENT

At 8:20 p.m., the Commission adjourned.

  
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Gary S. Fees, MMC, City Clerk

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** R-1, Single-Family Residential District.

**TO:** R-2, Two-Family Residential District.

(Note: The advertisement to rezone included the proposed R-2 District, and AO, Airport Overlay District. However, City Administration determined that only the underlying R-1 District is required to be rezoned. The existing AO is in place in the south part of the proposed subdivision and does not need to be included and does not change. The AO District is shown on the proposed Preliminary Plat (attached).

The rezoning site is on the east side of the proposed Preliminary Plat of Highland Meadows Addition, Unit Seven, and generally consists of Lots 30A through 43B, which will be rezoned from R-1 to R-2 (see attached proposed Preliminary Plat for rezoning site).

**APPLICANT/OWNER:** HM Land Company – Tim Schultz.

**ADDRESS:** 1213 Hylton Heights Road, Suite 129, Manhattan KS 66502.

**LOCATION:** Generally located northwest of the south intersection of Highland Ridge Drive and N. Scenic Drive.

**AREA:** 4.61 acres (proposed R-2 rezoning area).

**EXISTING LEGAL DESCRIPTION:** Lot 59, Highland Meadows Addition, Unit One, to the City of Manhattan, Riley County, Kansas.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, October 15, 2012.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, November 5, 2012.

**CITY COMMISSION:** Tuesday, November 20, 2012.

**THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING**

*Attachment No. 1*

**1. EXISTING USE:** Vacant single-family residential lot of land formerly owned by New Hope Church, which has been used for agricultural purposes since annexation and platting in 2004-2005. The application indicates the site is used for agricultural purposes and a milo crop will be harvested this fall.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site has been terraced for farming generally slopes gently from south to north and drains in the same direction to Wildcat Creek. A small part of the site, in the southeastern corner, slopes and drains to a ditch along N. Scenic Drive, which then drains into Wildcat Creek. The rezoning site is covered with milo. Trees are along the northwestern and northern parts of the site.

**3. SURROUNDING LAND USE AND ZONING:**

**NORTH:** Highland Ridge Drive, two-family dwelling units, apartment buildings, and Wildcat Creek; R-2 District and R-3, Multiple-Family Residential District.

**SOUTH:** Highland Ridge Drive, single-family dwellings, undeveloped range land in Riley County; R-1/AO and County G-1, General Agricultural District.

**EAST:** Apartment buildings and N. Scenic Drive; R-3 District.

**WEST:** Single-family dwellings and two-family dwellings; R-1 District, R-1/AO and R-2.

**4. GENERAL NEIGHBORHOOD CHARACTER:** The area is within the Highland Meadows subdivision and is characterized by a mix of mostly developed lots for single-family homes, two-family and apartment buildings. The site is within a larger growth corridor in which a similar range of housing types are located. Outside of the residential growth corridor, the surrounding neighborhood is agricultural and open range land.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable for the permitted uses of the R-1 District but, due to its size, is unlikely to develop as a single-structure use.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed low density character of the R-2 District is consistent with the character of the neighborhood in Highland Meadows subdivision. The rezoning site is on the east side of the proposed Highland Meadows Addition, Unit Seven, and will adjoin an existing apartment complex, Highland Ridge Apartments. The rezoning site will be separated from existing single-family homes to the west of proposed Highland Meadows Addition, Unit

Seven, by proposed single-family homes on the west side of proposed Highland Meadows Addition, Unit Seven.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:**

**MANHATTAN URBAN AREA COMPREHENSIVE PLAN**

**THE EXISTING R-1 DISTRICT AND PROPOSED REZONING SITE FOR HIGHLAND MEADOWS ADDITION, UNIT SEVEN, IS SHOWN ON THE FUTURE LAND USE MAP IN THE SOUTHWEST PLANNING AREA AS AGRICULTURE. THE R-1 DISTRICT IS ALSO ADJACENT TO AN AREA SHOWN AS APPROPRIATE FOR RHD, RESIDENTIAL HIGH DENSITY.**

**IN 2004 AND 2005, THE R-1 DISTRICT WAS FOUND TO CONFORM TO THE COMPREHENSIVE PLAN, AS DID THE BALANCE OF HIGHLAND MEADOWS SUBDIVISION WEST OF THE RHD AREA. THE BASIS FOR CONFORMANCE TO THE COMPREHENSIVE PLAN IS, AND WAS, BASED ON THE FOLLOWING FINDINGS FROM 2004-2005:**

**“THE AGRICULTURE CATEGORY IS AN AREA INTENDED FOR FARMING, RANCHING, OTHER AGRICULTURAL USES, AND LOW DENSITY RURAL RESIDENTIAL USES. THE AGRICULTURAL AREA, WHICH IS TO THE WEST AND SOUTH OF THE RHD CATEGORY, WAS NOT ANTICIPATED TO BE DEVELOPED WITHIN THE 20-YEAR PLANNING HORIZON OF THE PLAN. A CHARACTERISTIC OF THE AGRICULTURAL AREA IS THAT AGRICULTURAL USES ARE ENCOURAGED TO CONTINUE “WITHIN THE CONTEXT OF MARKET DEMAND AND THE DESIRES OF THE INDIVIDUAL PROPERTY OWNER”. SUCH IS THE CASE OF THE PROPOSED HIGHLAND MEADOWS ADDITION. THE OWNERS AND APPLICANT DESIRE TO DEVELOP THE LAND WITHIN A MARKET DEMAND FOR RESIDENTIAL HOUSING.**

**WITHIN THE AGRICULTURAL CATEGORY, THE APPLICANT HAS PROPOSED RESIDENTIAL LOW TO MEDIUM (RLM) DENSITY USES CONSISTING OF SINGLE-FAMILY AND TWO-FAMILY USES. THE PROPOSED NET DENSITY FOR THE R-1 DISTRICT IS APPROXIMATELY 2.5 DWELLING UNITS PER NET ACRE. (NOTE: THE NEW HOPE CHURCH SITE WAS DEDUCTED FROM THE TOTAL ACREAGE TO CALCULATE DENSITY.)**

**IN ADDITION, THE HIGHLAND MEADOWS ADDITION IS IN A GROWTH CORRIDOR, AS REFLECTED BY THE RHD CATEGORY, WHICH IS ALONG THE EAST AND WEST SIDES OF SCENIC DRIVE. THERE WAS NO EXPRESSED INTEREST TO EXPAND THE DEVELOPMENT OPPORTUNITIES BEYOND THE RHD CATEGORY, WHEN THE COMPREHENSIVE PLAN WAS ADOPTED. SINCE THEN, MARKET DEMAND AND INDIVIDUAL DESIRES HAVE CHANGED.**

**HIGHLAND MEADOWS IS WITHIN A SPECIAL PLANNING AREA, REFERRED TO AS "WEST OF SCENIC DRIVE". THE POLICIES OF PLANNING AREA FOCUS ON PRESERVATION OF SCENIC VIEWS AND MAINTAINING RURAL DENSITIES AND IT IS RECOMMENDED THAT CLUSTER DEVELOPMENT SHOULD BE FOR RURAL RESIDENTIAL LOTS THAT ARE TYPICALLY ON 20-ACRE SITES. AS NOTED BELOW UNDER THE GROWTH VISION, BECAUSE THE PROPOSED HIGHLAND MEADOWS ADDITION IS PARTIALLY WITHIN AN IDENTIFIED HIGH-DENSITY RESIDENTIAL GROWTH AREA, IT STRADDLES THE URBAN SERVICE AREA BOUNDARY (USAB) AND CAN BE SERVED, AND LIES OUTSIDE THE PROJECTED FORT RILEY LAND USE PROTECTION ZONE, CITY ADMINISTRATION BELIEVES THE PROPOSAL CONFORMS TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR THE MANHATTAN URBAN AREA AND THE CITY OF MANHATTAN, KANSAS.**

#### **GROWTH VISION**

**THE EASTERN PORTION OF THE PROPOSED HIGHLAND MEADOWS DEVELOPMENT, WHICH IS PROPOSED FOR HIGH-DENSITY RESIDENTIAL DEVELOPMENT, FALLS WITHIN THE URBAN SERVICE AREA BOUNDARY (USAB) AND IS ALSO CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE LAND USE DESIGNATION FOR THAT AREA. THE GREATER PORTION OF THE DEVELOPMENT PROPOSAL IS LOCATED IMMEDIATELY TO THE WEST AND JUST BEYOND THE USAB. COMPREHENSIVE PLAN POLICY REQUIRES FUTURE URBAN DEVELOPMENT TO "BE CONTAINED WITHIN THE GEOGRAPHIC LIMITS OF THE URBAN SERVICE AREA BOUNDARY." THIS POLICY IS INTENDED TO MINIMIZE THE POTENTIAL FOR LEAPFROG DEVELOPMENT AND THE NEED TO PREMATURELY EXPAND AND DELIVER URBAN SERVICES TO AREAS BEYOND THE LIMITS OF CURRENT UTILITY SERVICES. THE POLICY ALSO HELPS TO INSURE THAT URBAN DEVELOPMENT IS PLACED IN AREAS THAT CAN BE PHYSICALLY SERVED."**

Staff Analysis

The proposed Highland Meadows Addition, Unit Seven, will have a net density of 4.2 dwelling units per net acre, which includes two-family (single-family attached) and single-family. The RHD category characterizes both single-family and single-family attached and duplex as low density uses. The proposed rezoning to R-2 District conforms to the Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:**

The site has remained vacant to date under the R-1/AO Districts.

- Dec. 6, 2004: Manhattan Urban Area Planning Board considers annexation of the 86-acre site and conducts the public hearings on the proposed rezoning for the R-2, Two-Family Residential District and R-3, Multiple-Family Residential District portions of the development, as well as the preliminary plat. Planning Board recommends approval of the annexation on a vote of 5-0; and recommends approval of the rezoning and approves preliminary plat on a vote of 5-0.
- Dec. 20, 2004 Manhattan Urban Area Planning Board conducts the public hearing on the remaining 52-acre tract to be rezoned from County G-1, General Agricultural District, to R-1, Single-Family Residential District With Ao, Airport Overlay District, and recommends approval on a vote of 5-0.
- Dec. 21, 2004 City Commission approves Resolution No. 122104-B, requesting that the Board of Riley County Commissioners make positive findings regarding the annexation of the proposed 86-acre Highland Meadows Addition.
- January 6, 2005 Board of Riley County Commissioners considers annexation requests, as per K.S.A. 12-520c and instructs county staff and applicant to provide additional information on turn lane issues.
- January 24, 2005 Board of Riley County Commissioners continues discussion and negotiation with applicant on a development agreement for the turn lane improvements.

*Attachment No. 1*

- January 27, 2005 Board of Riley County Commissioners makes positive findings regarding annexation and on a vote of 3-0, approves Resolution No. 012705-05.
- February 15, 2005 City Commission approves first reading, on a vote of 4-0, of annexation and rezoning of Highland Meadows Addition.
- February 24, 2005 Manhattan Urban Area Planning Board considers approval of the Final Plat of Highland Meadows Addition, Unit One.
- March 1, 2005 City Commission approves Ordinance Nos. 6459, 6460, 6461 and 6462, annexing and rezoning Highland Meadows Addition as proposed, and accepts the easements and rights-of-ways as shown on the Final Plat of the Highland Meadows Addition, Unit One.

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

The proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations and R-2 District because proposed lot sizes conform to the minimum requirements of the R-2 District for single family attached dwelling units. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

The R-2, Two-Family Residential District is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. Minimum lot size for single-family detached dwellings is 6,000 square feet in area; 3,750 square feet for single-family attached; and, 7,500 square feet for a two-family dwelling unit.

The proposed R-2 District portion of the Highland Meadows Addition, Unit Seven, consists of single-family attached dwelling units with lots range from approximately 5,747 square feet in area to 8,819 square feet in area. The proposed lots conform to the requirements of the R-2 District.

**10. 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. There are no expected adverse affects on the public health, safety and welfare as a result of the rezoning. Development of the site

*Attachment No. 1*

cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the rezoning site, subject to approval of the Preliminary Plat of Highland Meadows Addition, Unit Seven.

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of a 4.61 acre tract of land in proposed Highland Meadows, Unit Seven, from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of a 4.61 acre tract of land in proposed Highland Meadows, Unit Seven, from R-1, Single-Family Residential District, to R-2, Two-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of a 4.61 acre tract of land in proposed Highland Meadows, Unit Seven, from 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:** October 30, 2012

*Attachment No. 2*

<b><i>Intersection</i></b>	<b><i>Controlled Direction</i></b>	<b><i>Type of Control</i></b>
Moro Street and North 6th Street	North and Southbound	Yield
Moro Street and North 10th Street	North and Southbound	Yield
Moro Street and North 3rd Place	Northbound	Stop
Firethorn Drive and Hemlock Avenue	Eastbound	Stop
Warner Park Road and Arbor Drive	North and Southbound	Stop
N. Manhattan Avenue and Central Park	Westbound	Yield