

MINUTES
CITY COMMISSION MEETING
TUESDAY, AUGUST 16, 2005
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Ed Klimek and Commissioners Bruce Snead, Tom Phillips, Mark Hatesohl, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 9 staff, and approximately 28 interested citizens.

PLEDGE OF ALLEGIANCE

College Hill 4-H Club led the Commission in the Pledge of Allegiance.

RECOGNITION

Mayor Klimek recognized the College Hill 4-H Club.

COMMISSIONER COMMENTS

Commissioner Morris-Hardeman invited the community to an Open House and Candlelight Vigil for the National Homeless Animal Day this Saturday, August 20, 2005, at the T. Russell Reitz Animal Shelter at 7:00 p.m., 605 Levee Drive.

Commissioner Snead encouraged citizens to welcome back students and families as the school season approaches, and to allow extra patience when driving around the community.

Mayor Klimek informed the community that a delegation of 17 people from the Czech Republic would be in Manhattan from September 2, 2005, - September 7, 2005, as part of the Sister City relationship. He asked that we all welcome our visitors to our great community.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, August 2, 2005.

CLAIMS REGISTER NO. 2535

The Commission approved Claims Register No. 2535 authorizing and approving the payment of claims from July 27, 2005, to August 9, 2005, in the amount of \$1,168,418.82.

LICENSE – CEREAL MALT BEVERAGE – and – FIREWORKS DISPLAY

The Commission approved the 2005 Cereal Malt Beverage License for Gumby's Pizza & Pub, 702 North 11th Street, and Grizzly's Grill, 3003 Anderson Avenue, #945; and approved the 2005 application for the Fireworks Display for Purple Power Play on Poyntz.

ORDINANCE NO. 6492 – AMEND – APARTMENT TOWERS-RILEY COUNTY SENIORS SERVICE CENTER PUD

The Commission approved Ordinance No. 6492 amending the Apartment Towers - Riley County Senior's Service Center Planned Unit Development and Ordinance No. 4631, as proposed, based on the findings in the Staff Report, with the three conditions of approval recommended by the Manhattan Urban Area Planning Board. (*See Attachment No. 1*)

* ORDINANCE NO. 6493 – ADOPT – 2006 BUDGET

Commissioner Snead requested that the Special Alcohol Advisory Committee meet again before the formulation of contracts to be executed for 2006 and revisit the appropriations, based on the additional discussion and input that has occurred in the budget process, and see if the Committee believes any adjustments are warranted and then take the appropriate action. Mayor Klimek concurred with the request.

The Commission approved Ordinance No. 6493 adopting the 2006 City Budget as amended.

RESOLUTION NO. 081605-A – 2006-2011 CAPITAL IMPROVEMENTS PROGRAM

The Commission approved Resolution No. 081605-A adopting the 2006-2011 Capital Improvements Program.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6494 – ISSUE IRB’S – MANKO WINDOW SYSTEMS, INC.

The Commission approved Ordinance No. 6494 issuing \$2.5 million in Industrial Revenue Bonds for Manko Window Systems, Inc., for the purpose of expanding and equipping an existing manufacturing facility located in Manhattan.

RESOLUTION NO. 081605-C – TEMPORARY NOTE SERIES NO. 2005-02

The Commission approved accepting the best bid for selling the notes and approve Resolution No. 081605-C issuing Temporary Note Series No. 2005-02 in the amount of \$1,190,000.00 to finance the following four (4) special assessment projects to be debt financed: *Brookfield Addition, Unit 4, Sanitary Sewer (SS0406), Street (ST0414), and Water (WA0411) Improvements, and Lee Mill Heights Addition, Unit 1, Street Improvements (ST0415).*

* AWARD CONTRACT – UNION PACIFIC DEPOT PROJECT

Commissioner Snead highlighted the item.

The Commission approved the Architect’s Estimate in the amount of \$710,000.00 and awarded the base bid and Alternates 1, 2, and 3 for a total contract amount of \$656,300.00 to Ron Fowles Construction Management Services, of Manhattan, Kansas, subject to concurrence from the Kansas Department of Transportation.

* PURCHASE – MOBILE COLLECTOR READING UNIT

Bernie Hayen, Director of Finance, provided additional information on the item and answered questions from the Commission.

The Commission approved the purchase of a mobile collector reading unit from Salina Supply, of Salina, Kansas, in the amount of \$31,200.00.

AWARD CONTRACT – PRELIMINARY CONCEPTUAL DESIGN AND CONSTRUCTION – ZOO EDUCATION FACILITY

The Commission approved the contract with WDM Design, of Wichita, Kansas, in the amount of \$11,100.00, as recommended by the Manhattan Parks and Recreation Advisory Board, to complete the preliminary conceptual design and construction and operating cost estimates on a Zoo Education Facility.

CONSENT AGENDA (CONTINUED)

NEGOTIATE CONTRACT – NEW AND PARALLEL WATER LINES AND PRESSURE REDUCING VALVE STATIONS

The Commission accepted the recommendation of the selection committee and authorized City Administration to negotiate a contract with BG Consultants, Inc., of Manhattan, Kansas, for design of the New and Parallel Water Lines and Pressure Reducing Valve Stations.

BOARD APPOINTMENT

The Commission approved appointment by Mayor Klimek of Aaron Otto, 612 N. Juliette Avenue, to a two-year Citizen term on the City/University Special Projects Fund Committee. Mr. Otto's term begins immediately and will expire on June 30, 2007.

After discussion, Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Commissioner Hatesohl who abstained from any portion of the motion of the 2006 Budget dealing with the funding of the Boys and Girls Club; and with the exception of Commissioner Morris-Hardeman abstaining from any portion of the motion of the 2006 Budget dealing with funding of Sunflower CASA.

GENERAL AGENDA

FIRST READING – REZONE - PROPOSED THOMPSON ADDITION

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

Mark Miller, 2033 Parkway Drive, requested that the issue of poor drainage be addressed.

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

Jeff Hancock, Director of Public Works, provided additional information on the item and answered questions from the Commission.

Ron Fehr, City Manager, and Jeff Hancock, Director of Public Works, answered questions from the Commission.

Jim Hynek, 2208 Tamarron Terrace, expressed concern with drainage and water issues with his property. He then answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - PROPOSED THOMPSON ADDITION (CONTINUED)

Jeff Hancock, Director of Public Works, and Ron Fehr, City Manager, provided additional information on the item and answered additional questions from the Commission.

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

WATER CONNECTION AGREEMENT - STATE OF KANSAS, DEPARTMENT OF WILDLIFE AND PARKS

Peter Armesto, Assistant Director of Public Works/Water, presented the item. He then answered questions from the Commission.

Ron Fehr, City Manager, and Peter Armesto, Assistant Director of Public Works/Water, provided additional information on the item and answered questions.

After discussion, Commissioner Hatesohl moved to authorize the Mayor and City Clerk to execute an agreement permitting a connection to the City of Manhattan's public water supply system by the Kansas Department of Wildlife and Parks for Tuttle Creek State Park located in Riley County, Kansas. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - VACATE A PORTION OF THE ROAD RIGHT-OF-WAY - CORNER OF ANDERSON AVENUE AND CONNECTICUT AVENUE

Jeff Hancock, Director of Public Works, presented item and answered questions from the Commission.

Calvin Emig, 1400 Sharingbrook Drive, informed the Commission that the process started several years ago regarding vacating the area with the widening of Anderson and that he looked forward in proceeding ahead.

After discussion, Commissioner Phillips moved to approve first reading of an ordinance vacating a portion of the road right-of-way at the corner of Anderson Avenue and Connecticut Avenue. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

APPLICATION - 2005 HOME INVESTMENT PARTNERSHIPS PROGRAM

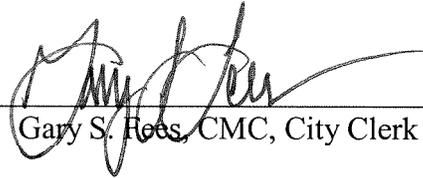
Karen Davis, Director of Community Development, presented the item. She then answered questions from the Commission.

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

After discussion, Commissioner Snead moved to approve Resolution No. 081605-B authorizing submission of an application for 2005 HOME Investment Partnerships Program funds and authorize the Mayor to execute the application. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

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



Gary S. Rees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO AMEND THE APPROVED APARTMENT TOWER-RILEY COUNTY SENIORS SERVICE CENTER PLANNED UNIT DEVELOPMENT (PUD)

BACKGROUND

APPLICANT: Voicestream Kansas City, Inc., T-Mobile.
ADDRESS: 12980 Foster Suite 200, Overland Park, KS 66213.
OWNER: City of Manhattan.
ADDRESS: 1101 Poyntz Avenue.

LOCATION: 300 N. 5th Street.

AREA: Total area PUD: 1.72 acres.

DATE OF PUBLIC NOTICE PUBLICATION: Thursday, June 16, 2005.

DATE OF PUBLIC HEARING: PLANNING BOARD: Thursday, July 7, 2005.
CITY COMMISSION: Tuesday, August 2, 2005.

DESCRIPTION OF PROPOSED AMENDMENT: amend the Apartment Tower-Riley County Senior's Service Center Planned Unit Development (PUD) to add Telecommunications Facilities (defined below) to the PUD as a permitted use.

The applicant proposes to locate Telecommunications Facilities on the roof of the 106-foot tall Apartment Tower building. The Telecommunications Facilities are proposed to be of a stealth (defined below) design.

Telecommunications Facilities are proposed at two locations: a steel platform for electrical cabinets, antenna and other support equipment are proposed on the southwest corner of the building within an enclosure painted, and with a fabricated fiberglass exterior, to match as closely as possible the exterior of the building. An interior flood light will provide lighting inside the enclosure, which is not roofed over. Panel antennae are proposed on the north side of the building's penthouse (elevator shaft) to be painted as closely as possible to match the color of the building. A cable housing ladder between the two antenna locations, painted to match the building, is a part of the Telecommunications Facilities (see attached plans and elevations for more detail). The facilities will provide coverage and capacity for T-Mobile customers.

Attachment No. 1

The existing building's roof height is 106-feet and the existing penthouse is 17-feet in height, or a total overall height of 123-feet. The enclosure height is 13-feet in height or at a maximum height of 119-feet. There are several older existing antennas on the roof of the building.

Terms, as defined, in Article XII, Telecom Structures, of the Manhattan Zoning Regulations, which are associated with the proposed amendment include:

TELECOMMUNICATIONS FACILITIES: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities, including buildings, shelters or cabinets that house telecommunications providers' equipment, associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a commercial tower or antenna support structure.

STEALTH: A method of designing, constructing, and/or locating any telecom structure to blend in with the character and environment of the area in which it is located, and to enhance compatibility with nearby land uses and the area by minimizing visual impacts, incorporating the design principles of Section 12-114. (Attached)

ANTENNA SUPPORT STRUCTURE: Any building or structure other than a tower or stealth monopole that can be used for the location of telecommunications facilities. (The Apartment Tower is an Antenna Support Structure.)

TELECOM STRUCTURE: Any tower, stealth monopole or telecommunications facilities. (Term is used below, by reference, under the standard "CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE".)

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: The character of the use will be maintained by requiring the Telecommunications Facilities to be of a stealth design. The presence of the proposed facilities is minimized by the stealth design.

Attachment No. 1

WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: Cellular phone service is a rapidly expanding activity , which the City must accommodate. The Manhattan Zoning Regulations were revised in 2004 to address the issues surrounding telecommunication providers. Tall buildings, like the Apartment Tower, are encouraged to be used as alternatives to cellular towers.

WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The Telecommunications Facilities must conform to local and federal codes to protect the public health and safety. Providing a stealth design for facilities, to the greatest extent feasible, which will blend the facilities in with existing architecture of the structure, maintains the character of the area in which the use is proposed. The amendment will also accommodate future providers on the building with an opportunity to provide the public with cellular service, when facilities are of a stealth design, and avoid new towers where possible.

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

1. **LANDSCAPING:** Not applicable.
2. **SCREENING:** Equipment and antenna will be screened by walls to match the exterior colors and material appearance of the concrete Apartment Tower walls. Proposed panel antenna on the north wall of the Apartment Tower penthouse will be painted to match as closely as possible the color of the existing walls.
3. **DRAINAGE:** Not applicable.
4. **CIRCULATION:** Not applicable.
5. **OPEN SPACE AND COMMON AREA:** Not applicable.
6. **CHARACTER OF THE NEIGHBORHOOD:** The PUD is in a transitional area between older residential neighborhoods to the north; highway service activities to the east that are associated with North 3rd Street and Tuttle Creek Boulevard; and Manhattan Town Center, downtown residential dwellings, retail and government areas to the south and west.

Attachment No. 1

EXISTING USE: Apartment Tower and Riley County Senior's Service Center and an off-street parking lot north of the Seniors Service Center.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is flat and consists of the two structures (Apartment Tower and Riley County Senior's Service Center), off-street parking lots and landscaped open spaces.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Manhattan Mercury, off-street parking lots, Osage Street, single-family and multiple-family residential dwellings; C-4, Central Business District, and RM, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District.
- (2) **SOUTH:** Leavenworth Street, residential dwellings, office; C-4 District.
- (3) **EAST:** North 4th Street, commercial sales, automobile car lot; C-5, Highway Service Commercial District.
- (4) **WEST:** Post office, North 5th Street, residential dwellings; C-4 District, C-1, Restricted Business District, and R-3, Multiple-Family residential District.

GENERAL NEIGHBORHOOD CHARACTER: See above.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for the permitted uses allowed in the PUD.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The PUD boundaries are not altered by the amendment. The proposed Telecommunication Facilities will be located on the roof of the Apartment Tower, approximately 106-feet above grade. The Telecommunication Facilities will be screened by exterior walls intended to match as closely as possible the exterior colors and appearance of the Apartment Tower walls. Antenna proposed on exterior walls of the Apartment Tower's existing penthouse will be on the north elevation of the penthouse only and painted to match as closely as possible the exterior color of the penthouse walls. The antenna will be at approximately 115-feet to 119-feet above grade. Minimal impact is expected on adjacent property. The height and visual camouflaging of the Telecommunications Facilities should not adversely impact nearby properties.

Attachment No. 1

The PUD is within the environs of a historic property, the Damon Runyon House, 400 Osage Street. The Historic Resources Board conducted an Environs Review on June 27, 2005, and found that the proposed project meets the Standards and Guidelines for Evaluating the Effect of Projects on Environs and will not encroach upon, damage or destroy any historic property or their environs (attached draft minutes of the Historic Review Board). The proposal has been forwarded to the State Historic Preservation Office.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Comprehensive Plan for the Apartment Tower portion of the PUD, indicates the site should be for residential high density uses. The Plan does not envision individual Telecommunications Facilities sites; however, the use is intended to be a Conditional Use in all residential district and, if not permitted in a PUD, to be approved by amendment of the PUD. The proposed use is in conformance with the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

1926-1950: B, Second Dwelling District.
1950-1969: D, Central Business District
1969-1972: R-3 to PUD
1969-1983: R-3 to PUD
1969-1990: RM, Four-Family Residential District
1990-Present: Planned Unit Development

The Apartment Tower was originally constructed around 1972 and expanded in 1994. The Seniors' Service Center was originally constructed in 1982 and expanded in 1990. The parking lots were expanded in 1983 and 1990. The off-street parking lot north of the Senior's Center was added to the PUD in 1997.

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 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 use of land than generally achieved through conventional development; a development pattern in harmony with land use density, transportation facilities and community facilities; a development plan which suits the specific site to unique conditions which may require changes in both regulations or layout, or results in a greater benefit than normally achieved under conventional zoning; and, a mixture of compatible uses which might or might not otherwise be permitted in a single district or which may restrict the range of land uses more than a single district. The proposed Telecommunications Facilities are consistent with the intent of the Apartment Tower-Riley County Senior's Service Center PUD, and the Zoning Regulations.

Attachment No. 1

One of the purposes of Article XII, Telecom Structures is “To promote and encourage shared use/co-location of telecom structures and antenna support structures as the primary option for personal wireless telecommunications services instead of the construction of additional single-provider towers. “ In addition, Telecommunications Facilities should be of a stealth design to blend in with the character of the structure and environment (Section 12-114 attached).

The proposed Telecommunications Facilities are consistent with 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 appears to be no adverse impact on the public health, safety and welfare that denial of the request would accomplish. Denial of the request may result in the need for a Tower in order for the applicant to provide adequate cellular service to its customers.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate facilities are available.

OTHER APPLICABLE FACTORS: None

STAFF COMMENTS:

City Administration recommends approval of the proposed Amendment of the Apartment Tower-Riley County Senior’s Service Center Planned Unit Development, and Ordinance No. 5053, to add Telecommunications Facilities as a permitted use, with the following conditions of approval:

1. Permitted uses shall include Telecom Facilities, as defined in Article XII of the Manhattan Zoning Regulations, provided such facilities conform to the "Stealth Design Principles" in Section 12-114 of the Manhattan Zoning Regulations that are applicable to facilities installed on, or inside of buildings.
2. Permitted uses shall not include towers, monopoles or stealth monopoles, as defined in Article XII of the Manhattan Zoning Regulations.
3. All Telecom Facilities shall conform to all other applicable provisions of Article XII of the Manhattan Zoning Regulations, including obtaining an Administrative Permit and any other applicable City or other required permits.

Attachment No. 1

ALTERNATIVES:

1. Recommend approval of the proposed Amendment(s) of the Apartment Tower-Riley County Seniors Service Center Planned Unit Development, and Ordinance No. 5053, stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment(s), and Ordinance No. 5053, stating the specific reasons for denial.
3. Table the proposed Amendment(s) to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment(s) of the Apartment Tower-Riley County Senior's Service Center Planned Unit Development, and Ordinance No. 5053, based on the findings in the Staff Report, with the conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: July 1, 2005

05013}MUAPB}SR}AmendAptTowerPUDTelecommFac.

Attachment No. 2

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R, Single-Family Residential District

TO: R-1, Single-Family Residential District

APPLICANT: Thompson Construction/Todd Thompson

ADDRESS: 3105 Pinewood Circle, Manhattan, KS 66503

OWNERS: Paul E. Fleener and Shirley Fleener.

ADDRESS: 2026 Parkway Drive, Manhattan, KS 66502

LOCATION: generally located south of Snowbird Drive and north of Parkway Drive, at 2026 Parkway Drive

AREA: approximately 1.8 acres

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

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, August 1, 2005
CITY COMMISSION: Tuesday, August 16, 2005

EXISTING USE: An unplatted single-family residential tract of land with an existing single-family dwelling located in the southwestern part of the site. The site is accessed off Parkway Drive.

The applicant has submitted a Concurrent Plat (Preliminary and Final Plats) for a proposed five (5) lot residential subdivision, with access to four of the five lots off a proposed cul-de-sac, which connects to Snowbird Drive. The existing dwelling will also have access of Parkway Drive. The Concurrent Plat will be considered at the August 1, 2005, Manhattan Urban Area Planning Board meeting. City Administration has recommended approval of the Concurrent Plat, subject to approval of the rezoning.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The rezoning site is a large open tract of land, except for the existing single-family dwelling. The site is primarily an open lawn with mature trees along Snowbird Drive. The site drains to the northwest.

Attachment No. 2

The northern boundary of the site fronts on Snowbird Drive and an adjoining a single-family residential lot in the Snowbird Addition. The south boundary of the site adjoins a single-family residential lot, which is accessed off Parkway Drive. The site also fronts on approximately 20-feet of Parkway Drive in its southwestern corner. The eastern boundary of the site adjoins the rear yards of single-family dwellings, which are accessed off Hillview Drive, with a short length of the northeastern frontage off Snowbird Drive. The western boundary of the site faces the front yards of single-family dwellings accessed from a private gravel driveway off Parkway Drive. The gravel driveway extends over the approximate south 85 feet of the west boundary line of the rezoning site.

SURROUNDING LAND USE AND ZONING:

(1) **NORTH:** Snowbird Drive, single-family dwellings; R-1 District.

(2) **SOUTH:** Parkway 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 low density residential neighborhood consisting of single-family dwellings.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The unplatted 1.8-acre tract of land is suitable for the existing single-family dwelling located on the site. Minimum lot area in the R District is 10,000 square feet and the site exceeds the requirement and is suitable for the current zoning.

The rezoning to R-1 District is due to proposed lot widths, which will be created as a part of the proposed Thompson Addition. Minimum lot width in the R District is 75-feet and is 50-feet in the proposed R-1 District. Lot width is measured at the minimum 25 foot front yard setback. Future Lots 2, 3, and 4's minimum lot width off of the proposed cul-de-sac, Thompson Circle, range from approximately 65-feet to 50-feet. Lots 1 and 5 in the Thompson Addition exceed 75-feet in width.

All lots in the proposed Thompson Addition otherwise meet or exceed the lot area requirement of the R District, with lot areas ranging from 10,892 square feet to 20,554 square feet. In comparison, minimum lot area 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 rezoning of the proposed Thompson Addition to R-1 District is compatible with adjoining single-family residential neighborhoods. To the north is the Snowbird subdivision, which is zoned R-1 District. To the east is the Hillview Addition, which is zoned R District. To the south and west are unplatted tracts of land, which are zoned R District. The single-family character of the proposed Thompson Addition is consistent with nearby properties. Minimal impact of additional light, noise and traffic is expected. The proposed Thompson Addition will result in the construction of four (4) new single-family dwellings.

CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed Thompson Addition is shown on the Northwest Planning Area Future Land Use Map as Residential Low/Medium density (RLM). The following policies are applicable to the site:

RESIDENTIAL LOW/MEDIUM DENSITY (RLM)

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

The Plan also indicates that a stream crosses the northwestern corner of the property. Such streams are described in Chapter 5, Natural Resources and Environment, of the Comprehensive Plan, as an environmentally sensitive area, specifically a secondary stream corridor. A Goal of the Plan is to “Preserve environmentally sensitive areas from development” with a Guiding Principle being to, “Identify and conserve environmentally sensitive areas, including wetlands, key wildlife habitats, steep slopes, and riparian areas.” The following policies are applicable to the site:

NRE 4: Environmentally Sensitive Areas: Wildlife Habitat and Corridors, Wetlands, Riparian Areas and Prairie Ecosystems

Attachment No. 2

The Urban Area is home to a variety of environmentally sensitive areas, including: Wildcat Creek, the Big Blue and Kansas Rivers, numerous secondary stream corridors, drainage areas, and wetlands, as well as prairie ecosystems. In addition to their scenic quality, these areas provide other benefits, such as water quality enhancement and flood control, potential ecotourism, and also serve as important wildlife habitat. The City and County shall work to ensure that development impacts upon these areas are minimized.

NRE 5: Environmentally Sensitive Site Design

The City and County shall ensure that environmentally sensitive site design practices are used in new development. Sensitive site design practices can minimize unnecessary physical and visual impacts upon the surrounding landscape, caused by excessive removal of existing vegetation or severe roadway cuts, and excessive grading of natural topography.

The secondary stream is proposed to be maintained in a drainage and utility easement, which will prohibit construction other than a proposed sanitary sewer line. The stream is a natural drainage channel, which is part of a larger drainage basin. Post construction contours should match existing and replacement of vegetation should be provided after construction to maintain the integrity and character of the existing stream condition. The sanitary sewer project, within the drainage easement, may require review and comment by the Corps of Engineers.

The proposed Thompson Addition will be a single-family subdivision consisting of five (5) lots. Net density is 3.16 dwelling units per net acre.

The proposed Thompson Addition conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The rezoning site was annexed in 1979 and the house existed on the site prior to annexation.

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. The proposed Thompson exceeds the minimum lot area requirements of the R-1 District. Lots in the proposed Thompson Addition range from a minimum of 10,892 square feet to 20,554 square feet.

Attachment No. 2

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 of the rezoning would accomplish compared to the hardship to the applicant.

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

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the rezoning of the proposed Thompson Addition, from R, Single-Family Residential District, to R-1, Single-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Thompson Addition, 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 rezoning of the proposed Thompson Addition, 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: July 26, 2005

05014