

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, OCTOBER 18, 2005***  
***7:20 P.M.***

The Regular Meeting of the City Commission was held at 7:20 p.m. in the City Commission Room. Mayor Ed Klimek and Commissioners Tom Phillips, Mark Hatesohl, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 34 interested citizens.

**PLEDGE OF ALLEGIANCE**

Junior Girl Scout Troop #125 led the Commission in the Pledge of Allegiance.

**PRESENTATIONS/RECOGNITIONS**

Mayor Klimek recognized Junior Girl Scout Troop #125.

**COMMISSIONER COMMENTS**

There were no Commissioner comments.

**CONSENT AGENDA**

(\* denotes those items discussed)

**MINUTES**

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, October 11, 2005.

**CLAIMS REGISTER NO. 2539**

The Commission approved Claims Register No. 2539 authorizing and approving the payment of claims from October 5, 1005, to October 11, 2005, in the amount of \$1,625,186.88.

## CONSENT AGENDA (CONTINUED)

### LICENSE – CEREAL MALT BEVERAGE

The Commission approved the applications for 2005 Cereal Malt Beverage License for Ray's Apple Market #448, 3011 Anderson Avenue, and Ray's Apple Market #447, 222 North 6th Street.

### FINAL PLAT – COLBERT HILLS ADDITION, UNIT 3

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Colbert Hills Addition, Unit Three, generally located north of the intersection of Grand Mere Parkway and Kimball Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT – WOODLAND HILLS ADDITION, UNIT 6

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Woodland Hills Addition, Unit Six, generally located west of Rosencutter Road and east of the intersection of Kingwood Drive and Sumac Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 6500 – LEVY – BUSINESS IMPROVEMENT DISTRICT SERVICE FEE – AGGIEVILLE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

The Commission approved Ordinance No. 6500 levying Business Improvement Service Fees, for the year 2006, on businesses located within the Aggieville Business Improvement District.

### ORDINANCE NO. 6501 – LEVY – BUSINESS IMPROVEMENT DISTRICT SERVICE FEE – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

The Commission approved Ordinance No. 6501, levying Business Improvement Service Fees, for the year 2006, on businesses located within the Downtown Business Improvement District.

### ORDINANCE NO. 6502 – MUNICIPAL FACILITY REVIEW – KANSAS NATIONAL GUARD ARMORY

The City Commission found the public interests to be served by the proposed Kansas National Guard Facility, outweigh the impacts upon legitimate community interests, as mitigated by the conditions of approval; and, approved Ordinance No. 6502 authorizing the proposed National Guard Armory and Support Facility, generally located at 721 Levee Drive, based on the findings in the Staff Report, with the four (4) conditions of approval recommended by the Planning Board. *(See Attachment No. 1)*

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 6503 – RENAME WREATH AVENUE – SOUTH WREATH AVENUE

The Commission approved Ordinance No. 6503 renaming Wreath Avenue within Lee Mill Heights Addition, Unit 2, to South Wreath Avenue.

### PUBLIC HEARING – VACATE UTILITY EASEMENT – LOT 55, NORTHVIEW ACRES ADDITION, UNIT THREE

Mayor Klimek opened the public hearing.

Hearing no comments, Mayor Klimek closed the public hearing.

### FIRST READING – VACATE UTILITY EASEMENT – LOT 55, NORTHVIEW ACRES ADDITION, UNIT THREE

The Commission approved first reading of an ordinance vacating a portion of the utility easement on Lot 55, Northview Acres Addition, Unit Three, an addition to the City of Manhattan, Riley County, Kansas.

### AWARD CONTRACT – OAK HOLLOW ADDITION, UNIT 11 - STREET (ST0506), SANITARY SEWER (SS0502), AND WATER (WA0502) IMPROVEMENTS

The Commission accepted the Engineer's Estimate in the amount of \$377,490.00 and awarded a construction contract in the amount of \$328,478.15 to Manhattan Trenching, Inc., of Manhattan, Kansas, for the Oak Hollow Addition, Unit 11, Improvements.

### CHANGE ORDER NO. 1 – FAMILY AND CHILD RESOURCE CENTER PROJECT

The Commission approved Change Order No. 1 for the Family and Child Resource Center Project resulting in an increase of \$54,977.00 (+ 9%) to the contract with Cheney Construction, Inc., of Manhattan, Kansas.

### AWARD DESIGN CONTRACT – NEW AND PARALLEL WATER LINES AND PRESSURE REDUCING VALVE STATIONS (WA0506)

The Commission authorized the Mayor to enter into a contract with BG Consultants, Inc., of Manhattan, Kansas, for the design of the New and Parallel Water Lines and Pressure Reducing Valve Stations.

### BOARD APPOINTMENTS

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

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### Douglass Center Advisory Board

Re-appointment of Don Slater, 830 Yuma Street, to a three-year Geographic term. Mr. Slater's term begins immediately and will expire on October 2, 2008.

#### Social Services Advisory Board

Appointment of Mikeal Hodges, 3731 Peachtree Circle, to a three-year term. Mr. Hodges's term begins immediately and will expire on June 30, 2008.

Commissioner Hatesohl moved to approve the consent agenda. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 4-0.

## GENERAL AGENDA

### AWARD CONTRACT – NATIONAL INSTITUTE FOR STRATEGIC TECHNOLOGY ACQUISITION AND COMMERCIALIZATION (NISTAC) BUILDING (SP0406)

Diane Stoddard, Deputy City Manager, introduced the item.

Patrick Schaub, Bowman, Bowman & Novick, presented an overview of the item and informed the Commission of the bids received and alternate items planned for the project. He then answered questions from the Commission.

Ron Fehr, City Manager, and Bernie Hayen, Director of Finance, answered questions from the Commission regarding project funding.

Ron Fehr, City Manager; Diane Stoddard, Deputy City Manager; and Patrick Schaub, Bowman, Bowman & Novick, provided additional clarification on the item.

Ron Sampson, Director, NISTAC, provided additional information on the item and informed the Commission that the food and bio science areas need furnishings and technologies.

Patrick Schaub, Bowman, Bowman & Novick, provided clarification on lab furnishings.

Ron Fehr, City Manager, answered additional questions from the Commission regarding furnishings and potential future items for the Commission's consideration.

## GENERAL AGENDA (CONTINUED)

### AWARD CONTRACT – NATIONAL INSTITUTE FOR STRATEGIC TECHNOLOGY ACQUISITION AND COMMERCIALIZATION (NISTAC) BUILDING (SP0406)(CONTINUED)

After discussion, Commissioner Phillips moved to accept the Engineer's Estimate in the amount of \$4.5 million and award a contract to the low bidder, Cheney Construction, Inc., of Manhattan, Kansas, in the amount of \$3,971,028.00 for the construction of the NISTAC building in the K-State Research Park. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 4-0.

### FIRST READING – ANNEX/REZONE - STONEHAVEN ADDITION

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

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

Ron Fehr, City Manager, and Jeff Hancock, Director of Public Works, provided clarification on the item.

Roger Schultz, Developer, provided additional information on the item.

After discussion, Commissioner Phillips moved to approve first reading of an ordinance annexing a 105-acre tract of land generally located south of the Miller Parkway and west of Fort Riley Boulevard, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and, approve first reading of ordinances rezoning the proposed Stonehaven Addition, from County G-1, General Agricultural District, to R, Single-Family Residential District with Airport Overlay District; and, to R-2, Two-Family Residential with Airport Overlay District, based on the findings in the Staff Reports. *(See Attachment Nos. 2 & 3)* Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 4-0.

### FIRST READING – REZONE - OAKTREE TOWNHOMES

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

Lynn Blecha, Applicant, provided additional information on the item. He then answered questions from the Commission.

Ron Fehr, City Manager, asked Mr. Blecha to consider including the island and landscaping on Miller Parkway.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - OAKTREE TOWNHOMES (CONTINUED)

Lynn Blccha, Applicant, provided additional information on the item.

Wyatt Thompson, Manager, Schwab Eaton, was available to answer additional questions.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning Oaktree Townhomes, generally located north of the Miller Ranch Water Tower, from R-2, Two-Family Residential District, with AO, Airport Overlay District, to PUD, Planned Unit Development District, with AO, Airport Overlay District, based on the findings in the Staff Report, with the six (6) conditions recommended by the Planning Board. *(See Attachment No. 4)* Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 4-0.

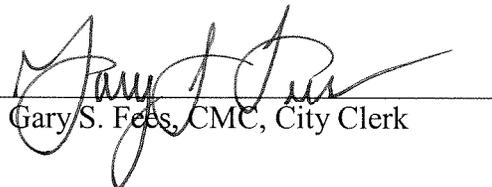
### FIRST READING – AMEND C-6, HEAVY COMMERCIAL DISTRICT REGULATIONS - THE MANHATTAN ZONING REGULATIONS

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

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance amending the Manhattan Zoning Regulations as proposed by City Administration, to modify Section 4-206 (E)(2), C-6, Heavy Commercial District Use Limitations concerning outdoor storage or display, based on the findings in the Staff Memorandum. *(See Attachment No. 5)* Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

### ADJOURNMENT

At 8:35 p.m. the Commission adjourned.

  
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Gary S. Fees, CMC, City Clerk

**STAFF REPORT  
STATE OR MUNICIPAL FACILITY REVIEW**

**APPLICANT:** City of Manhattan as Purchaser of Contract; Future Tenant: the Kansas National Guard

**ADDRESS:** 1101 Poyntz Avenue, Manhattan, KS 66502

**LOCATION:** generally at 721 Levee Drive; Lot 4 and Lot 6, Manhattan Industrial Park, Unit One. Lots 4 and 6 are separated from one another by Levee Drive.

**AREA:** Total acres: 10.41 acres; Lot 4: 1.83 acres; Lot 6: 8.58 acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, September 12, 2005

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, October 3, 2005  
**CITY COMMISSION:** Tuesday, October 11, 2005

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*At the conclusion of the hearing, the Manhattan Urban Area Planning Board shall forward its recommendation to the Governing Body. Such recommendation shall include all factors and reasons the Board relies upon to support such recommendation. In arriving at such recommendation, the Planning Board shall balance the public interests to be served by the construction or expansion of the utility or facility, as opposed to the impact upon interests intended to be protected by the Zoning Regulations. In balancing such interests, the Planning Board shall consider factors, such as:*

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**EXISTING USE:** The overall site consists of two tracts. The northern tract, Lot 6, is the location of a vacant manufacturing building at 721 Levee Drive, which is vacant and formerly occupied by Troy Design & Manufacturing (TDM), outdoor storage and off-street parking. The southern tract, Lot 4, is an off-street parking lot immediately south of 721 Levee Drive, which serves 721 Levee Drive.

**PROPOSED USE:** A National Guard Armory and Support Facility proposed for the Kansas National Guard recruiting, operations, training, logistics, and administrative functions; military vehicle and equipment storage; vehicle washing, maintenance, and repair; fuel storage and dispensing; equipment disassembly, reconditioning, and assembly; manufacturing and warehousing; research and testing; emergency management operations and training; state agency administrative activities and programs; community support activities; storage of weapons with occasional limited storage of ammunition; and other

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activities or uses that are authorized by federal or state law relating to the Kansas Adjutant General's Department and Kansas National Guard. The Facilities may be rented or sub-leased to federal, state, and local government agencies or to private persons and civic groups in accordance with the Kansas Adjutant General's Department and Kansas National Guard rental and leasing policies.

Possible uses of the facility by the National Guard and expected employment:

- Units stationed at current armory to be reassigned to new facility as soon as possible
- KSNG undergoing wide-scale transformation and re-stationing. Facility provides several possibilities:
  - Engine Rebuild Program, 150 jobs, \$4.6 million annual payroll
  - Wheeled Vehicle Maintenance, 79 jobs, \$1.7 million annual payroll
  - Transmission Rebuild, 30 jobs, \$0.75 million annual payroll
  - Warehousing/Distribution Center, 30 jobs \$0.60 million annual payroll

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The overall site is relatively flat and developed. The site drains to open grass lined swales around the perimeter of the site. Lots 4 and 6 are within the 500 Year Flood Plain, which is not regulated by the Flood Plain Regulations of the Manhattan Zoning Ordinance. A rail spur extends to the site from the Union Pacific Railroad along Highway 24. The rail spur is located along the western boundary of Lot 4 and Lot 6.

**Lot 4**

The majority of the lot is occupied by an asphalt off-street parking lot containing 164-off-street parking spaces. Access is from a double wide curb cut onto Levee Drive. There are grass lined drainage swales along the street frontage and western boundaries of the lot.

**Lot 6**

The lot is dominated by a vacant office/manufacturing building previously occupied by Troy Design & Manufacturing (TDM), an electric/natural gas vehicle production center.

Based on the original building permit, the floor plan consists of a 60,000 square foot plant area and an 18,000 square foot, two-story office area (9,000 square feet per floor). The plant building is 29-feet in height and constructed with an exterior of light tan metal siding and red standing seam metal roof. The office portion is 27-feet in height and has a light

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tan EFIS façade with a contrasting red metal seam roof over the covered entrance and red metal fascia along the roofline. An eight (8) foot tall chain link fence, which is topped with three strands of barbed wire, encloses the majority of the plant and rear portions of the site. On the eastern side of the site, the eight (8) foot fence extends to the east side lot line and steps down to a six (6) foot chain link fence, without slats. The six (6) foot fence extends over the property line to enclose the rear and side yards of the property to the east. White screening slats are installed on the fence facing Levee Drive and along the western side of the property, but not along levee/Linear Trail side of the fence. The area in front of the building consists of driveways, off-street parking and open yards of lawn, trees and foundation shrubs.

Access to the property is from two (2) curb cuts off Levee Drive, with sidewalk access leading from the front of the building to Levee Drive and the off-street parking lot on Lot 4 to the south. The rear storage area is accessed from the two driveways. The eastern driveway to the storage area is through gated guard house and/or key pad controlled entrance. The western driveway to the storage area is a key pad controlled gate A guard house is inside the perimeter fence on the west side of the site. The outside storage area was designed for storage of a 400 vehicle inventory. Twenty-eight (28) off-street parking spaces are provided in front of the building, with internal access drives and storage drives on the eastern, western, and northern sides of the site.

**THE NATURE AND SCOPE OF THE MUNICIPALITY OR STATE AGENCY:** The scope of the Kansas Adjutant General's Department includes the Kansas National Guard, the Department of Emergency Management, and Homeland Security, which serves the public good at the local, state, and national levels. The Kansas National Guard will be the primary user of the facility. It is estimated that the facility will create employment described above under **PROPOSED USE**.

**THE FUNCTION OF THE UTILITY OR FACILITY:** The facility will initially serve as a Kansas National Guard Readiness Center to replace the Armory currently located at 1709 South Airport Road adjacent to the Manhattan Airport. Likely expansion will include the stationing of depot level maintenance activity or warehousing function within the next two years. Proposed uses are described above under the heading **PROPOSED USE**.

**THE EXTENT OF THE PUBLIC INTEREST TO BE SERVED BY THE UTILITY OR FACILITY:** Relocating the Kansas National Guard from its current Armory location to the new facilities represents an upgrading of facilities and the public interest served by the National Guard. The National Guard's mission includes homeland defense and emergency management support within the State of Kansas and nation-wide under the

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orders of the Governor of Kansas, as well as providing for national defense under the orders of the President of the United States. In addition, there is opportunity for considerable increased full-time employment in Manhattan associated with relocation/expansion of other Kansas Army Guard activities. Facility space not used by the Guard's full-time activity may be rented at nominal fees for civic and community activities.

**THE EFFECT THAT REGULATION OF THE CONSTRUCTION, OR EXPANSION, EITHER BY THE IMPOSITION OF REQUIREMENTS NECESSARY TO MITIGATE IMPACTS OR BY A COMPLETE DENIAL, WILL HAVE UPON THE MUNICIPALITY'S, OR STATE AGENCY'S, ABILITY TO EFFICIENTLY, ECONOMICALLY AND PRUDENTLY MEET THE PUBLIC INTERESTS THEY ARE SERVING:** Current facilities at 1709 South Airport Road are inadequate to meet the current needs of the Kansas National Guard. New facilities must be provided or the existing facilities will need major modifications.

The City of Manhattan will purchase the facilities at 721 Levee Drive and the off-street parking lot to the immediate south, which may eventually be purchased by the State of Kansas, Kansas Military Board.

In order to fund a new facility, a substantial commitment is normally required by the community, typically 10% of the construction cost. Contributions for a facility of this size would usually require a \$1.5 million share by the community. Furthermore, the Department of Defense funding process is very lengthy and involves a seven year budgeting cycle from the time of initial request until the beginning of construction. Therefore, the acquisition of this property will: (1) serve the immediate needs of the Kansas Army National Guard, (2) bring additional full time employment to Manhattan, and (3) require a substantially smaller financial commitment from the community.

The original use of the site complied with the requirements of the I-2 District. However, some of the proposed land uses are not I-2 District uses. City Administration believes the combination of proposed uses is reasonable given the public benefit that will be served by the facility.

The Guard is also requesting that additional sight obscuring screening not be required along the rear and east property lines. The rear lot line adjoins the levee, which is elevated. Requiring sight obscuring screening along the rear lot line will not keep the rear yard storage from being screened from the public on the Linear Trail due to the elevation difference. However, the rear storage yard is screened from public view along Levee Drive by the eight (8) foot gated entrance portion of the screening fence, which is on the east and west sides of the building.

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City Administration understands that a new fence will be built along the east side property line to separate the Guard's site from the property to the east. The new fence is not proposed to be screened. No amount of screening will obscure the view of the storage area from the elevated Linear Trail on the levee. The rear of the property to the east is storage and should not be adversely affected by a lack of screening.

**THE IMPACT THAT CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY WILL HAVE UPON THE LEGITIMATE INTERESTS OF THAT PORTION OF THE COMMUNITY IN WHICH IT IS PROPOSED TO BE LOCATED:** The site adjoins an I-3, Light Industrial District, to the immediate west, but is otherwise generally located within the I-2, Industrial Park District. Minimal impact is expected on adjoining property and the legitimate interests of the surrounding community in which the Kansas National Guard facility will be located. The use will occupy an existing building and off-street parking lot to the south of the existing building.

To the north is the City boundary along the northern lot line of Lot 6, the flood control levee, Linear Trail, flood plain, open space and unincorporated farm land. To the west and the east/southeast is warehousing. To the south is Levee Drive, which connects to US Highway 24 to the southeast and to McCall Road further to the west. To the southeast of the off-street parking lot is warehousing and distribution. To the southwest is a vehicle towing and storage use.

Given that the existing facilities are already constructed, no adverse impact should be expected on the industrial/manufacturing/warehousing nature on the surrounding area. The proposed occupancy and activity of the Kansas National Guard is not inconsistent with the surrounding area. The training activities of the National Guard are not unlike training activities that may be associated with Vocational Educational Facilities, a permitted use in the I-2 District.

**IF THE OWNER OF THE UTILITY OR FACILITY IS THE CITY OF MANHATTAN, AND IF THE FACILITY OR UTILITY IS OF A TYPE EMBRACED WITHIN THE COMPREHENSIVE PLAN, WHETHER OR NOT IT IS IN CONFORMITY WITH THAT PLAN:** The site is shown on the Future Land Use Map for the Northeast Planning Area of the Comprehensive Plan as Industrial (IND).

**THE LAND USE POLICIES OF THE IND CATEGORY INCLUDE:**

## **Industrial (IND)**

### ***I 1: Characteristics***

*The Industrial designation is intended to provide locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations. Typically, heavy industrial uses involve more intensive work processes, and may involve manufacturing or basic resource handling and/or extraction. Design controls within an Industrial area are not as extensive as in the Office/Research Park category and a broader range of uses is permitted.*

### ***I 2: Location***

*Because of their potential environmental impacts, Industrial uses should generally be located away from population centers or must be adequately buffered. Traffic generated by industrial uses should not pass through residential areas. Sites should have access to one or more major arterials or highways capable of handling heavy truck traffic. Railroad access is also beneficial to certain types of heavy industrial uses. Light industrial uses can typically be located in areas that also contain some highway-oriented commercial uses, and might benefit from close proximity and better access to their local customer base.*

### ***I 3: Screening***

*Storage, loading and work operations should be screened from view along all industrial area boundaries (when adjacent to non-industrial uses) and along all public streets.*

Municipal facilities are generally shown within the Public/Semi Public category, such as the Waste Water Treatment Plant to the south of the site. The Comprehensive Plan identifies existing municipal facilities and does not embrace circumstances such as the proposed location. Furthermore, Municipal Facilities are a permitted use in any zoning district and cannot be identified in all circumstances on the Comprehensive Plan.

The proposed use is within an industrial park setting dominated by warehousing and storage facility uses, which will be used for intermittent National Guard training. Occasional outside use may include public use for local, state or federal activities, as well as private activities. Public and private permitted and conditional uses are located throughout the I-2 District. Uses in the I-2 District such as the T Russell Reitz Regional Animal Shelter, a kennel, and Vocational Educational Facilities, as well as Conditional Uses such as Health and Fitness Centers and Group Day Care Centers, are not inconsistent with the nature of the IND category and I-2 District. The range of uses, associated with a National Guard Armory and Support Facility proposed for the Kansas National Guard conforms to the Comprehensive Plan.

*Attachment No. 1*

**OTHER FACTORS AS THE PLANNING BOARD DEEMS APPROPRIATE AND RELEVANT:** The Kansas Adjutant General's Department and the Kansas National Guard view this action as an opportunity to partner with the City of Manhattan to ensure there is a long-term National Guard presence in the city in order to provide support for the local community, the State of Kansas, and the nation as a whole.

**STAFF COMMENTS:** City Administration recommends approval of a proposed National Guard Armory and Support Facility proposed for Kansas National Guard, generally located at 721 Levee Drive, with the following conditions of approval:

1. The proposed use shall be for a National Guard Armory and Support Facility to include Kansas National Guard recruiting, operations, training, logistics, and administrative functions; military vehicle and equipment storage; vehicle washing, maintenance, and repair; fuel storage and dispensing; equipment disassembly, reconditioning, and assembly; manufacturing and warehousing; research and testing; emergency management operations and training; state agency administrative activities and programs; and community support activities; storage of weapons with occasional limited storage of ammunition; other activity or use that is authorized by federal or state law relating to the Kansas Adjutant General's Department and Kansas National Guard; and, these facilities may be rented or sub-leased to federal, state, and local government agencies or to private persons and civic groups in accordance with the Kansas Adjutant General's Department and Kansas National Guard rental and leasing policies.
2. Except for existing sight obscuring screening in the south and west portions of the perimeter fence, no additional sight obscuring screening shall be required.
3. Future buildings or additions for training or storage shall be permitted, subject to the Bulk Regulations of the I-2, Industrial Park District.
4. Landscaping shall be maintained in good condition.

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*The Planning Board shall not recommend approval of the request unless it determines, by a preponderance of the evidence, that the public interests to be served by the construction or expansion of the utility or facility outweigh any impact upon legitimate community interests, as such impact is mitigated by any requirements of the Planning Board.*

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*If the Planning Board recommends approval, they shall also recommend any requirements or conditions they deem necessary to mitigate impacts caused by such use. Such requirements or conditions may include, but are not limited to, any bulk, or other requirements, which would have otherwise been applicable within the zoning district in which the proposed use is to be placed.*

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

**DATE:** September 27, 2005

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## **ALTERNATIVES**

It appears the Planning Board has the following alternatives concerning the issue at hand. The Board may:

1. Hold a public hearing on the proposal and, following the hearing, recommend approval of a proposed National Guard Armory and Support Facility for the Kansas National Guard, based on the findings in the staff report, with the four (4) conditions of approval recommended by City Administration.
2. Hold a public hearing on the proposal and, following the hearing, recommend denial of the proposed National Guard Armory and Support Facility for the Kansas National Guard, for specifically stated reasons.
3. Hold a public hearing on the proposal and, following the hearing, modify the site plan and/or conditions of approval, to meet the needs as perceived by the Planning Board, and establish such conditions, if any, as deemed necessary to mitigate any impacts created by the proposed National Guard Armory and Support Facility for the Kansas National Guard.
4. Table the public hearing of a proposed National Guard Armory and Support Facility for the Kansas National Guard, for specifically stated reasons and provide further direction to City Administration.

## **RECOMMENDATION**

City Administration recommends that the Planning Board:

1. Hold a public hearing on the proposed National Guard Armory and Support Facility for the Kansas National Guard;
2. Determine by a preponderance of the evidence, that the public interests to be served by the proposed National Guard Armory and Support Facility for the Kansas National Guard, outweigh the impacts upon the legitimate community interests, as mitigated by requirements of the Planning Board; and,
3. Recommend approval of the proposed National Guard Armory and Support Facility for the Kansas National Guard, with the four (4) conditions of approval recommended by City Administration. This recommendation is based on the findings in the Staff Report.

## **POSSIBLE MOTION**

The Manhattan Urban Area Planning Board finds that the public interests to be served by the proposed Municipal Facility, outweigh the impacts upon the legitimate community interests and recommends approval of a proposed National Guard Armory and Support Facility, generally located at 721 Levee Drive (Lot 4 and Lot 6, Manhattan Industrial Park, Unit One), based on the findings in the Staff Report, with the four (4) conditions of approval recommended by City Administration.

## **STAFF REPORT**

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

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

**TO:** R, Single-Family Residential District, and AO, Airport Overlay District.

**APPLICANTS/OWNERS:** SSF Development LLC/Bayer Construction Inc.

**ADDRESSES:** 1213 Hylton Heights Road and PO Box 889, Manhattan, KS, 66502.

**LOCATION:** generally south of Miller Parkway and west of Ft. Riley Boulevard.

**AREA:** approximately 101-acres (Stonehaven: 100.49-acres; Miller Ranch Water Tower site: .71-acres).

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

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Thursday, September 8, 2005

**CITY COMMISSION:** Tuesday, October 18, 2005

*(Note: this item was tabled at the August 1, 2005, and the August 15, 2005, Manhattan Urban Area Planning Board meetings.)*

**EXISTING USE:** Undeveloped rangeland and Miller Ranch Water Tower.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is covered with native grasses, scattered evergreen trees and dense deciduous tree coverage in natural drainage ravines. The site drains to the south/southeast. The site is entirely within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to the site. Future uses (structures and trees), which are within the limits of the Conical Zone may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (see below under **CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE** for further information concerning the AO District).

The water tower facilities are enclosed by fencing.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Miller Parkway, single-family and two-family townhomes, and undeveloped office park; Residential Planned Unit Development, I-5, Business Park District, and R District.
- (2) **SOUTH:** Eureka Valley farmland; County G-1 District.
- (3) **EAST:** Rangeland and Ft. Riley Boulevard; County G-1 District.
- (4) **WEST:** Future single-family in Lee Mill Heights Addition; R/AO District.

**GENERAL NEIGHBORHOOD CHARACTER:** The site is adjacent to Miller Ranch and Lee Mill Heights, which are low density residential neighborhoods, and an undeveloped office park.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The County G-1 District permits agricultural uses, single-family homes, mobile homes, oil and gas drilling, home occupations, public utility uses, and other activities. The range of County G-1 uses is inconsistent with the proposed R District and the future Stonehaven subdivision.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site is consistent with the low density character of existing Miller Ranch and Lee Mill Heights residential development to the north and west. No adverse impact on nearby properties is expected with development that is consistent with the neighborhood. The business park is undeveloped.

**CONFORMANCE WITH COMPREHENSIVE PLAN:**

The Southwest Planning Area of the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the site as Residential Low/Medium density (RLM) and Public/Semi Public for the water tower. Appropriate density range for development in the RLM designation is one-dwelling unit up to 11-dwelling units per net acre. The RLM category is intended to incorporate a range of housing types, from single-family and two-family to town homes. Public/Semi-Public includes public water facilities like the Miller Ranch Water Tower. The proposed R District density is 1.33 dwelling units per net acre as noted on the Preliminary Plat.

## **Miller Ranch Area**

The proposed Stonehaven Addition is within the Miller Ranch Area, as noted in the Comprehensive Plan.

In Chapter 13, Special Planning Area Policies, of the Comprehensive Plan, Miller Ranch is identified as a Special Planning Area in which development should be focused around open space areas, provision for bike and pedestrian traffic to connect to Warner Park and housing and airspace issues. With respect to the annexation, relevant policy issues are listed below with City Administration comment following applicable policy statements.

## **Miller Ranch**

### **Background and Intent**

*Miller Ranch will continue to develop as a series of mixed-use neighborhoods. Development should be focused around an open space network created by the area's many natural drainages, preserving existing trees and vegetation and providing pedestrian and bicycle linkages between neighborhoods and Warner Park. Miller Ranch will contain a variety of housing types and densities, including some higher density residential use, and will include a neighborhood commercial center.*

### **Policies**

#### ***MR 1: Mixture of Housing Types***

Residential neighborhoods within Miller Ranch should include a mix of housing types and densities.

The Stonehaven Addition is proposed to consist of a combination of single-family and two-family zoning. The Preliminary Plat indicates the two-family portion will likely develop as townhomes.

#### ***MR 2: Preservation of Drainage Areas***

Drainage ways, wetlands, and other sensitive natural features shall be preserved and incorporated into the overall design of neighborhoods as buffers and open space amenities.

The Comprehensive Plan indicates there is a preserved open space, which is generally located on the northeastern part of the tract. The open space is a drainage way, which extends to the west from a large pond designated as a wetlands, and branches to the west

*Attachment No. 2*

and northwest. Within the drainage way are mature trees. The large pond is on an adjoining site owned by the applicant, Bayer Construction Inc., and shown on the Preliminary Plat as being within a potential future Commercial Planned Unit Development. Within the open space area in proposed Stonehaven, and to the west of the large pond, is a second smaller water basin, constructed by the applicant as a stilling basin, also designated as a wetland. The proposed Preliminary Plat does not incorporate the area designated on the Plan as preserved open space in a conservation/drainage easement. Rather, the proposed Plat indicates the preserved open space, as designated in the Comprehensive, will be platted lots and a street. Drainage through the area utilizes standard drainage easement to accommodate underground storm sewer piping. The applicant's consultant has indicated verbally that a wetland's consultant has evaluated the small pond and does not consider the location to meet the criteria to be designated a wetlands. The report has not been submitted by the applicant to confirm the findings. City Administration recommends that the Final Plat, which incorporates the area shown as preserved open space in the Comprehensive Plan, should be designated a conservation and drainage easement in order to preserve that space, as recommended by the Comprehensive Plan. Additionally, the wetlands report must be submitted with the Final Plat of the same area, so that it can be forwarded to the Corps of Engineers for a determination regarding the wetland prior to approval of the Final Plat. The area which includes the open space and wetlands is noted as Phase 2 and Phase 4 of the subdivision and generally located in the northeastern part of the subdivision. Phase 1 is Lot 101, a 19-acre tract to be conveyed for a church site.

***MR 3: Future ROW Preservation***

Right-of-way for the future extension of Miller Parkway and Wreath Avenue shall be identified on development proposals and preserved, through platting and other tools.

Not applicable to the Stonehaven Addition.

***MR 4: Establish a Neighborhood Commercial Center***

The development of a neighborhood center should be encouraged at the planned intersection of Miller Parkway and Scenic Drive to provide a range of services for residents of Miller Ranch and surrounding neighborhoods, and to minimize the need for cross-town trips to meet day-to-day needs.

Not applicable to the Stonehaven Addition.

***MR 5: Views from Scenic Drive***

Development, including signage, should be set back from Scenic Drive to protect views and existing vegetation. The master plan for Miller Ranch should incorporate a buffer zone or overlay area along Scenic Drive designed to protect views, existing vegetation, and other important attributes of the area's scenic quality. Development of a neighborhood center, as described in MR 4, should occur east of the Scenic Drive buffer or overlay and be sited in a manner that minimizes visual impact on the Scenic Drive Corridor.

Not applicable to the Stonehaven Addition.

***MR 6: Views on K-18 Approach to Manhattan***

The corridor along the Fort Riley Boulevard/K-18 Highway cut, leading up the west side of Stagg Hill, should be protected through use of a buffer zone or overlay, designed to protect views, existing vegetation and other important scenic attributes.

A conservation easement buffer is proposed along the Ft. Riley Boulevard frontage and along the steep hill at the southern end of the proposed Stonehaven Addition, and is shown as such on the preliminary Plat.

***MR 7: Airport Airspace Regulations***

Development shall be consistent with established airspace regulations for the Manhattan Regional Airport and the Airport Master Plan.

The AO District is proposed to be added to the underlying zoning districts.

The rezoning conforms to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained undeveloped to date and zoned County G-1 District. The water tower was constructed in 1998.

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

*Attachment No. 2*

The R District (*R District regulations attached*) is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. Lots shown on the R District portion of the proposed Preliminary Plat of the Stonehaven Addition, exceed 10,000 square feet in area as does the site on which the Miller Ranch Water Tower is located.

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

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone (*pages 6-9 of the AO District regulations attached*).

**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. The AO District requires that future uses be reviewed in order to protect airspace. It may be a hardship to the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the 101-acre tract of land.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the rezoning of an approximate 101-acre tract of land, which includes the proposed Stonehaven Addition and the Miller Ranch Water Tower, from County G-1, General Agricultural District, to R, Single-Family Residential District, and AO, Airport Overlay District.

**ALTERNATIVES:**

1. Recommend approval of the rezoning of an approximate 101-acre tract of land, which includes the proposed Stonehaven Addition and the Miller Ranch Water Tower, from County G-1, General Agricultural District, to R, Single-Family Residential District, and AO, Airport Overlay District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the rezoning of an approximate 101-acre tract of land, which includes the proposed Stonehaven Addition and the Miller Ranch Water Tower, from County G-1, General Agricultural District, to R, Single-Family Residential District, and AO, Airport Overlay District, based on the findings in the Staff Report.

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

**DATE:** September 1, 2005 05015

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

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

**TO:** R-2, Two-Family Residential District, and AO, Airport Overlay District

**APPLICANTS/OWNERS:** SSF Development LLC/Bayer Construction Inc.

**ADDRESSES:** 1213 Hylton Heights Road and PO Box 889, Manhattan, KS, 66502.

**LOCATION:** generally located south of Miller Parkway and the Miller Ranch Water Tower, and west of Ft. Riley Boulevard and within the proposed Stonehaven Addition. The R-2 District site is approximately 750-foot west of Ft. Riley Boulevard and 1,200-foot southeast of the Miller Ranch Water Tower.

**AREA:** approximately 4.4 acres

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

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Thursday, September 8, 2005

**CITY COMMISSION:** Tuesday, October 18, 2005

*(Note: this item was tabled at the August 1, 2005, and the August 15, 2005, Manhattan Urban Area Planning Board meetings.)*

**EXISTING USE:** Undeveloped rangeland.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is covered with native grasses drains to the south/southeast. The site is entirely within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to the site. Future uses (structures and trees), which are within the limits of the Conical Zone may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (see below under **CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE** for further information concerning the AO District).

**SURROUNDING LAND USE AND ZONING:**

*Attachment No. 3*

- (1) **NORTH:** future single-family lots in Stonehaven Addition, Miller Parkway, single-family and two-family townhomes, and undeveloped office park; County G-1 District, Residential Planned Unit Development, I-5, Business Park District, and R District.
- (2) **SOUTH:** future single-family lots in Stonehaven Addition, rangeland and Eureka Valley farmland; G-1 District.
- (3) **EAST:** future single-family lots in Stonehaven Addition, rangeland and Ft. Riley Boulevard; County G-1 District.
- (4) **WEST:** Future single-family in Lee Mill Heights Addition; R/AO District.

**GENERAL NEIGHBORHOOD CHARACTER:** The site is near Miller Ranch and Lee Mill Heights, which are low density residential neighborhoods and an undeveloped office park. The rezoning site is within the proposed Stonehaven single-family subdivision.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The County G-1 District permits agricultural uses, single-family homes, mobile homes, oil and gas drilling, home occupations, public utility uses, and other activities. The range of County G-1 uses is inconsistent with the proposed R-2 District and the future Stonehaven subdivision.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site is consistent with the low density character of surrounding residential neighborhoods to the north and west, as well as the proposed low density neighborhood within the Stonehaven Addition. No adverse impact on nearby properties is expected with development that is consistent with the neighborhood and conforms to the Comprehensive Plan.

**CONFORMANCE WITH COMPREHENSIVE PLAN:**

The Southwest Planning Area of the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the site as Residential Low/Medium density (RLM) and Public/Semi Public for the water tower. Appropriate density range for development in the RLM designation is one-dwelling unit up to 11-dwelling units per net acre. The RLM category is intended to incorporate a range of housing types, from single-family and two-family to town homes. Public/Semi-Public includes public water facilities like the Miller Ranch Water Tower. The proposed R-2 District is 5-6 units per net acre as noted on the Preliminary Plat.

## **Miller Ranch Area**

The proposed Stonehaven Addition is within the Miller Ranch Area, as noted in the Comprehensive Plan.

In Chapter 13, Special Planning Area Policies, of the Comprehensive Plan, Miller Ranch is identified as a Special Planning Area in which development should be focused around open space areas, provision for bike and pedestrian traffic to connect to Warner Park and housing and airspace issues. With respect to the annexation, relevant policy issues are listed below with City Administration comment following applicable policy statements.

### **Miller Ranch**

#### **Background and Intent**

*Miller Ranch will continue to develop as a series of mixed-use neighborhoods. Development should be focused around an open space network created by the area's many natural drainages, preserving existing trees and vegetation and providing pedestrian and bicycle linkages between neighborhoods and Warner Park. Miller Ranch will contain a variety of housing types and densities, including some higher density residential use, and will include a neighborhood commercial center.*

#### **Policies**

##### ***MR 1: Mixture of Housing Types***

Residential neighborhoods within Miller Ranch should include a mix of housing types and densities.

The Stonehaven Addition is proposed to consist of a combination of single-family and two-family zoning. The Preliminary Plat indicates the two-family portion will likely develop as townhomes.

##### ***MR 2: Preservation of Drainage Areas***

Drainage ways, wetlands, and other sensitive natural features shall be preserved and incorporated into the overall design of neighborhoods as buffers and open space amenities.

Not applicable to the R-2 District portion of the Stonehaven Addition.

***MR 3: Future ROW Preservation***

Right-of-way for the future extension of Miller Parkway and Wreath Avenue shall be identified on development proposals and preserved, through platting and other tools.

Not applicable to the Stonehaven Addition.

***MR 4: Establish a Neighborhood Commercial Center***

The development of a neighborhood center should be encouraged at the planned intersection of Miller Parkway and Scenic Drive to provide a range of services for residents of Miller Ranch and surrounding neighborhoods, and to minimize the need for cross-town trips to meet day-to-day needs.

Not applicable to the Stonehaven Addition.

***MR 5: Views from Scenic Drive***

Development, including signage, should be set back from Scenic Drive to protect views and existing vegetation. The master plan for Miller Ranch should incorporate a buffer zone or overlay area along Scenic Drive designed to protect views, existing vegetation, and other important attributes of the area's scenic quality. Development of a neighborhood center, as described in MR 4, should occur east of the Scenic Drive buffer or overlay and be sited in a manner that minimizes visual impact on the Scenic Drive Corridor.

Not applicable to the Stonehaven Addition.

***MR 6: Views on K-18 Approach to Manhattan***

The corridor along the Fort Riley Boulevard/K-18 Highway cut, leading up the west side of Stagg Hill, should be protected through use of a buffer zone or overlay, designed to protect views, existing vegetation and other important scenic attributes.

A conservation easement buffer is proposed along the Ft. Riley Boulevard frontage and along the steep hill at the southern end of the proposed Stonehaven Addition, and is shown as such on the preliminary Plat.

***MR 7: Airport Airspace Regulations***

Development shall be consistent with established airspace regulations for the Manhattan Regional Airport and the Airport Master Plan.

The AO District is proposed to be added to the underlying zoning districts.

The rezoning conforms to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained undeveloped and zoned County G-1 District to date.

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

The R-2 District (*R-2 District regulations attached*) is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. The site contains 4.4-acres and is sufficient in area to be consistent with the requirements of the R-2 District. The proposed Preliminary Plat indicates townhome development on the site.

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

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone (*AO District regulations attached*).

**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. The AO District requires that future uses be reviewed in order to protect airspace. It may be a hardship to the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the 4.4-acre tract of land as the Stonehaven Addition develops.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the rezoning of an approximate 4.4-acre tract of land in the proposed Stonehaven Addition, from County G-1, General Agricultural District, to R-2, Two-Family Residential District, and AO, Airport Overlay District.

**ALTERNATIVES:**

1. Recommend approval of the rezoning of an approximate 4.4-acre tract of land in the proposed Stonehaven Addition, from County G-1, General Agricultural District, to R-2, Two-Family Residential District, and AO, Airport Overlay District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the rezoning of an approximate 4.4-acre tract of land in the proposed Stonehaven Addition, from County G-1, General Agricultural District, to R-2, Single-Family Residential District, and AO, Airport Overlay District, based on the findings in the Staff Report.

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

**DATE:** September 1, 2005

**STAFF REPORT**

**APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT**

**BACKGROUND**

**FROM:** R-2, Two-Family Residential District, and AO, Airport Overlay District

**TO:** PUD, Planned Unit Development District, and AO, Airport Overlay District

**OWNER/APPLICANT:** Schultz Construction Inc. Blecha Construction, Inc.

**ADDRESS:** 1213 Hylton Heights Road/6130 Tuttle Terrace

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, August 29, 2005

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, September 19, 2005

**CITY COMMISSION:** Tuesday, October 18, 2005

**LOCATION:** Lot 27, Lcc Mill Heights, Generally west of the Miller Ranch Water Tower and the western dead-end of Miller Parkway.

**AREA:** Approximately 3.6-acres

**PROPOSED USES:** Twenty-six (26) residential Townhomes are proposed generally along the perimeter of the 3.67 acre, triangular shaped tract of land. The Townhomes are proposed to be constructed within three phases, the first of which is tentatively scheduled to begin in November 2005. Final build out of all three phases is scheduled for approximately May 2008.

Phase One will consist generally of the northeast section of the lot, and will include structures on Lots 1 through 11, a portion of a private street (Travel Easement) named Oak Tree Place, and a common area located generally in the north portion of the PUD.

Phase Two is proposed to consist of structures on Lots 12 through 21, a common area located generally south of Lot 21, a continuation of a private street (Travel Easement) named Oak Tree Place, and a triangularly shaped common area island generally located in the middle of the PUD.

*Attachment No. 4*

Phase Three will add structures to Lots 22 through 26, a common area located generally west of Lot 22, and a private street (Travel Easement) named White Oak Place.

The remainder of the site is proposed to remain relatively open (1.93 acres, 52.6%) with drainage and utility easements encompassing an area, on average, thirty-five feet behind the Townhomes along the east and west sides of the PUD. A circle shaped common area will be designated to the north which includes a large oak tree and a surrounding trail. Existing vegetation and mature trees located within natural drainage areas along the east and west sides of the lot are proposed to remain as the grading plan allows. Several triangularly shaped common areas are located throughout the PUD providing separation from structures and roadways. Common areas including medians and islands, off-street parking, and all streets shall be owned and maintained by the Oaktree Homes Association.

Oak Tree Place and White Oak Place are private streets (Travel Easement) which separate the Townhomes and drives from a common area island. Together, the streets create a triangle shape with White Oak Place as the base and Oak Tree Place composing of the two sides. Given the general shape of the street, Oak Tree Place provides two points of access to Miller Parkway.

A ninety degree parking configuration has been proposed on the outside perimeter of the triangularly shaped common area island. Sidewalks have been proposed along the inside perimeter of Oak Tree Place and White Oak Place and join existing sidewalks located on the north side of Miller Parkway to provide pedestrian access to the surrounding area.

**PROPOSED BUILDINGS AND STRUCTURES:** Six (6) residential buildings are proposed, encompassing a total of 26 townhouse units. Each residential building includes at least three (3) attached townhouse units and as many as five (5) attached townhouse units. Density is 8.36 dwelling units per net acre.

Five architectural design plans (A-E) will be available to the townhouse owners with additional options for the second floor, roof styles for dormers, and deck space. Plans A-D will be available for Lots 1 through 21 while Plan E is restricted to Lots 22 through 26. Interior floor plans will be available for modification to meet market and customer needs, however each unit will be constructed with eight (8) inches of cellulose insulation at the party walls (for sound and fire protection) and the remainder of the exterior walls and attic will be insulated with energy efficient cellulose.

As proposed, the exterior of all the buildings will consist of siding and brick, with the siding being a premium vinyl "Oracle" with solid foam backer, and brick placed on the front wall of each individual unit. Roofing material will consist of composition Timberline or equivalent type shingles.

**PROPOSED LOT COVERAGE**

<b><i>USE</i></b>	<b><u>Acres/Square Feet</u></b>	<b><u>Percentage</u></b>
Residential Building	0.75 ac.	20.4%
Private Street	0.56 ac.	15.3%
Private Drives and Sidewalks	0.33 ac.	9.0%
Private Patios	0.10 ac.	2.7%
<i>Green Space</i>	1.93 ac.	52.6%
Parking (74 spaces)	0.41 ac.	11.19%

**PROPOSED SIGNS**

<b><u>Type</u></b>	<b><u>Dimensions</u></b>	<b><u>Lighting</u></b>
Identification Sign	8' L, 4"W, 1'-9"H	Three (3) well lights

**PROPOSED LIGHTING:**

Ornamental lighting in Lot 28, the triangular shaped common area island, is to be Standard 250-Watt incandescent fixtures mounted on eight (8) foot high ornamental poles. Lighting is to be 50-Watt low voltage well lights for the entry monument located generally on the northeast side of the east drive off of Miller Parkway. All lighting is to be set with an electric eye and turned on from dusk until dawn. Lighting in the Common Areas will be maintained by the Oaktree Homes Association.

**REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

**1. LANDSCAPING:** Approximately 52.6% of the site is designated as open space, which includes Lots 27-29 and all areas outside the individual building pads, porches, patios, and decks within Lots 1-26. Some of the open space includes substantial areas left in a relatively natural state, particularly within the identified drainage easements along the west and east sides of the lot. Proposed landscaping within the remainder of the open space includes either turf grass or a native grass/wildflower mix with a range of shrubs, and deciduous and evergreen trees. Foundation plantings will be provided around the townhouse units, and include a mix of deciduous and evergreen shrubs, ornamental grasses, and perennials. Underground irrigation will be used to maintain manicured landscape areas.

**2. SCREENING:**

The Townhomes will be screened to the neighboring Lee Mill Heights and Miller Ranch lots by the retention of the existing natural vegetation and mature trees which exist along the west and east sides of the lot. Additional landscape screening along generally the south border of the site is proposed to consist of a general mix of twelve (12) deciduous, evergreen, and ornamental trees, which will provide privacy for residents of the townhome units closest in proximity to Miller Parkway.

**3. DRAINAGE:**

A drainage plan conducted for the Preliminary Plat of Lee Mill Heights identified that the proposed Lot 27 of Lee Mill Heights will drain generally to the north to Basin "A", a pond along the northwest boundary of Miller Townhomes (the adjoining property to the east). The City Engineer has reviewed the submitted draft drainage plan for the Oaktree Townhomes PUD, however the drainage report will not be accepted until a signed and sealed copy of the report is provided.

**4. CIRCULATION:**

Oak Tree Place, a private street (Travel Easement), loops through the triangle shaped lot generally north to south, and is accessed via two drives from Miller Parkway, an arterial street located just south of the proposed lot. White Oak Place, a private street (Travel Easement), bisects the lot generally west to east, connecting the two sides of Oak Tree Place. Access to each townhouse unit is provided through private driveways that extend from Oak Tree Place and White Oak Place. Two (2) off-street parking spaces are proposed per unit, which is the minimum required for a single-family dwelling unit. Additional parking is proposed along the edges of the triangular shaped common area, located generally in the middle of the PUD.

Sidewalks are located on one side of the streets, generally along the internal edge of Oak Tree Place and White Oak Place. The sidewalks are proposed to connect with an existing sidewalk along the north side of Miller Parkway. A common area has been proposed to the north, which consists of a circular trail. Access to the trail is via Oak Tree Place and is in line with the convergence of the proposed sidewalks along Oak Tree Place. There are no other internal pedestrian walkways or connections.

A traffic report of the Oaktree Townhomes was submitted and accepted by the City Engineer with the recommendation that Oak Tree Lane (renamed to Oak Tree Place) be constructed as a private street. With the number of curb cuts for driveways, this street has the engineering characteristics of a private parking lot and very few of the current standards for the City of Manhattan's public streets.

## **5. OPEN SPACE AND COMMON AREA:**

As proposed, Lots 27-29 are designated as common areas and include approximately 2.13 acres. Lot 29, located to the general north, is a 1.68 acre lot which separates Units 9-11 from Units 5-8 and incorporates an existing large oak tree and surrounding trail. An additional .23 acres of common area is located generally to the south on Lot 27, which is to the west of Unit 22 and separates the unit from Oak Tree Place and Miller Parkway. Lot 28 is a triangle shaped island located generally in the middle contains twenty-two (22) on-street parking spaces along Oak Tree Place and White Oak Place, and is identified as common area with sidewalk along the perimeter. Ornamental lighting and a landscape feature described as a rock waterfall and shallow pool are to be located within Lot 28. The open space located behind the proposed townhomes, generally to the west and east, has been designated as utility and drainage easement. Additional common area includes the medians, islands, and parking areas, and all areas outside Lots 1-26 building pads, porches, patios, and decks. Total lot coverage of open space and common area on the lot is 2.34 acres or 63.76%.

## **6. CHARACTER OF THE NEIGHBORHOOD**

The site is located generally at the southwest boundary of the City which is primarily undeveloped rangeland. The surrounding neighborhood has been proposed for R, Single-Family Residential, R-2, Two-Family Residential, C-2, Neighborhood Shopping, and I-5, Business Park Districts. The proposed Oaktree Townhomes will be in character with the surrounding neighborhood as indicated by the existing zoning districts. Currently, sparse single-family residential development is located to the northeast of the site in Miller Ranch Addition Unit 1. Warner Park is located directly to the east of Miller Ranch Addition Unit 1 and provides passive recreation and open space to the area. South of the park is an R, Single-Family Residential District within the Arbor Heights Subdivision. Miller Parkway connects the area to Ft. Riley Boulevard and generally runs to the north and east. The area to the general north, west, and southwest is proposed mostly for single-family residential lots in the Lee Mill Heights Addition.

# **MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS**

## **1. EXISTING USE:**

Lot 27, Lee Mill Heights Addition, Unit One is an undeveloped two-family residential lot.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:**

The site is covered with native grasses, scattered evergreen trees and dense deciduous trees coverage in natural drainage ravines. The site slopes and drains generally to the north. The site is entirely within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site. Future uses (structures and trees), which are within the limits of the Conical Zone may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (*see below under CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE for further information concerning the AO District*).

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

**(a.) NORTH:** Rangeland, Townhomes at Miller Ranch (two-family), Lee Mill Heights (single-family): G-1, General Agriculture District; PUD, Planned Unit Development; R-1/AO, Single-Family Residential District with Airport Overlay.

**(b.) SOUTH:** Miller Parkway, Miller Ranch Water Tower, rangeland, and undeveloped office park, future Stonehaven Addition (single-family): G-1 District, and I-5, Business Park District.

**(c.) EAST:** Miller Ranch single-family residential development, single-family and two-family Townhomes, and rangeland; PUD, Residential Planned Unit Development, G-1 District; and R, Single-Family Residential District.

**(d.) WEST:** Lee Mill Heights (single-family), rangeland; G-1 District; and R/AO, Single-Family Residential District with Airport Overlay.

**4. CHARACTER OF THE NEIGHBORHOOD:**

See above.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:**

The site is currently zoned R-2/AO, Two-Family Residential with Airport Overlay District, which allows residences such as single-family, single-family attached, and two-family dwelling units. The platted lot allows only one dwelling unit on the 3.6 acre tract of land. The Preliminary Plat indicated the lot would be developed with Townhomes as proposed.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:**

The site is consistent with the low density character of existing Miller Ranch and Lee Mill Heights residential development to the east and west respectively. No adverse impact on nearby properties is expected with development that is consistent with the neighborhood and conforms to the Comprehensive Plan.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:**

The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the 3.6 acre tract as Residential Low/Medium density (RLM) (*Southwest Planning Area Future land Use Map attached*). Appropriate density range for development in the RLM designation is one-dwelling unit up to 11-dwelling units per net acre. The RLM category is intended to incorporate a range of housing types, from single-family and two-family to Townhomes.

Oaktree Townhomes is proposed to have a density of 8.36 on 3.6 acres, which is characteristic of the neighboring properties and in conformance with the Comprehensive Plan.

*Page 8-2, Policy MTO 4: Accessible, Pedestrian-friendly Development*

*“Future commercial and residential projects in the Urban Service Area Boundary shall be planned to ensure that sites and land uses are readily accessible to all modes-pedestrians, bicycles, autos, and future public transit.”*

Oak Tree Place, a private street (Travel Easement), and interior sidewalks connect to Miller Parkway at the south end of the lot. Miller Parkway joins the proposed lot to the surrounding neighborhoods in Lee Mill Heights, Miller Ranch and nearby Warner Park.

**Miller Ranch**

Miller Ranch is identified as a Special Planning Area in which development should be focused around open space areas, provision for bike and pedestrian traffic to connect to Warner Park and housing and airspace issues. With respect to the rezoning, relevant policy issues in Miller Ranch include: providing for a mixture of housing types and densities, preservation of drainage ways, future street extensions to the north, and airspace regulations.

The rezoning and proposed Preliminary PUD will implement the policy recommendations of the Miller Ranch area.

*Page 13-5, Policy MR 1: Mixture of Housing Types*

*“Residential neighborhoods within Miller ranch should include a mix of housing types and densities.”*

The rezoning will provide for Townhomes which will be adjacent to surrounding properties with single-family residential, two-family residential, and other Townhomes.

*Page 13-5, Policy MR 2: Preservation of Drainage Areas*

*“Drainage ways, wetlands, and other sensitive natural features shall be preserved and incorporated into the overall design of neighborhoods as buffers and open space amenities.”*

The proposed Preliminary PUD preserves drainage ways and ravines in drainage easements.

*Page 13-5, Policy MR 7: Airport Airspace Regulations*

*“Development shall be consistent with established airspace regulations for the Manhattan Regional Airport and Airport Master Plan.”*

The proposed site is within the Conical Zone of the Manhattan Regional Airport (*Environmental Values and Constraints map attached*). The location of the proposed Preliminary PUD will require review of construction plans, prior to issuance of a building permit and may require an additional Airport Compatible Use Permit. The AO District has been added as an overlay district to the Oaktree Residential Planned Unit Development.

The rezoning conforms to the Comprehensive Plan.

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

The site has remained undeveloped to date and was annexed and rezoned to R-2, Two-Family Residential/AO, Airport Overlay-District on November 16, 2004.

**8. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:**

The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional

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development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed PUD is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations.

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

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone (*AO District regulations attached*). As proposed, the structures will have a total vertical height of approximately thirty-four feet (34) and should not require an Airport Compatible Use Permit.

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

There appears to be no gain to the public that denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. Lot 27 was noted on the Preliminary Plat of Lee Mill Heights to be for Townhome development. It may be a hardship to the applicant if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:**

Adequate street, sanitary sewer, and water services are available to serve the 3.6-acre tract of land.

**12. OTHER APPLICABLE FACTORS:**

None

**13. STAFF COMMENTS AND RECOMMENDATION:**

City Administration recommends approval of the proposed rezoning of Lot 27, Lee Mill Heights Addition, Unit One, from R-2, Two-Family Residential District with AO, Airport Overlay to PUD, Residential Planned Unit Development District with AO, Airport Overlay with the following conditions:

1. Permitted uses shall be limited to twenty-six (26) townhome units.
2. Prior to issuance of a building permit, construction plans shall be reviewed to ensure compatibility with the Airport Overlay.
3. 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.
4. All landscaping and irrigation shall be maintained in good condition.
5. 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), of the Manhattan Zoning Regulations.
6. All streets (travel easements), common areas and landscaping, street lighting, landscape features, and sidewalks shall be maintained in good condition by the Oaktree Homes Association.

### **ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Lot 27 Lee Mill Heights Addition, Unit One, from R-2, Two-Family Residential District with AO, Airport Overlay to PUD, Residential Planned Unit Development District with AO, Airport Overlay stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Lot 27 Lee Mill Heights Addition, Unit One, from R-2, Two-Family Residential District with AO, Airport Overlay to PUD, Residential Planned Unit Development District with AO, Airport Overlay; and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

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**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lot 27 Lee Mill Heights Addition, Unit One, from R-2, Two-Family Residential District with AO, Airport Overlay to PUD, Residential Planned Unit Development District with AO, Airport Overlay based on the findings in the staff report, with the conditions recommended by City Administration.

**PREPARED BY:** Jeremy Frazzell, Planner

**DATE:** September 12, 2005

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05017





## INTER-OFFICE MEMORANDUM

**DATE:** SEPTEMBER 13, 2005

**TO:** Manhattan Urban Area Planning Board

**FROM:** Steve Zilkie, AICP, Senior Planner

**RE:** Proposed Amendment to the Manhattan Zoning Regulations to Allow Outdoor Storage and Display of Construction and Heavy Equipment in the C-6, Heavy Commercial District

### BACKGROUND

#### **Applicant**

Martin Tractor (attachment) has requested a text amendment to the Manhattan Zoning Regulations in order to modify Article IV, District Regulations, Section 4-206, C-6, Heavy Commercial District, (E) (2) Use Limitations, in order to allow the outdoor storage and display of construction and heavy equipment.

Martin Tractor is currently located at 925 Enoch Drive. The property was rezoned on November 16, 2004, from C-5, Highway Service Commercial District, to C-6 District to allow Martin Tractor to establish its business at the address. The location does not currently allow outdoor storage and display of construction and heavy equipment. The amendment is necessary in order for Martin Tractor to display the type of equipment they sell and rent. The current operation has been limited to the display of agricultural implements.

Martin Tractor currently operates in several Kansas communities: Topeka, Colby, Concordia, Emporia, and Chanute. City Administration research determined that Martin Tractor is allowed to display its construction and heavy equipment in each of these communities. Martin Tractor provided photographs of its outdoor display of the type of equipment that the business sells and rents. The type of equipment shown is vehicular in nature.

### **Current Regulation and proposed Amendment**

Section (E) (2) currently reads, “Any outdoor storage or display, with the exception of sales lots for agricultural implements, automobiles, boats, manufactured homes, recreational vehicles, and trucks, shall be enclosed by sight obscuring screening of not less than six (6) feet in height.” The intent of Section (E) (2) is to require screening for all outdoor storage, except for the sales lots for specific permitted uses, which are exempt from the screening requirement.

The applicant’s proposed amendment reads “Any outdoor storage or display, with the exception of sales/*rental lots* for agricultural implements, *mobile construction and heavy equipment*, automobiles, boats, manufactured homes, recreational vehicles, and trucks, shall be enclosed by sight obscuring screening of not less than six (6) feet in height. *All open displays must be neat and orderly.*”

### **City Administration Recommendation**

City Administration recommends that Section (E) (2), regarding construction and heavy equipment, be restricted to vehicles associated with the permitted use. The proposed amendment would read, “Any outdoor storage or display, with the exception of sales, *lease, or rental* lots for agricultural implements, automobiles, boats, *construction and heavy equipment vehicles*, manufactured homes, recreational vehicles, and trucks, shall be enclosed by sight obscuring screening of not less than six (6) feet in height.” This proposed wording is more consistent with the general nature of outdoor display of vehicles in the C-6 District. (*Note: the term Vehicle is defined in the Manhattan Zoning Regulations and means, “Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway.”*)

### **AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS**

When a proposed amendment results in a change to the text of the Zoning Regulations, the report from the Planning Staff shall contain a statement as to the nature and effect of the proposed amendment, and determinations as to the following:

### **WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS**

The C-6 District is designed to provide for commercial uses which allow for the sale and/or service of heavy equipment or products. Permitted uses include agricultural implement sales and services; automobile, truck sales and rental, including accessory repair and painting operations and facilities; boat sales and rental; commercial

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instructional institutions for training involving the use and operation of equipment sold or rented in this district; construction and heavy equipment sales, rental, and service; recreational vehicle sales and rental; and, trailer sales and rental. Conditional uses include all uses listed as either a permitted or a conditional use in the C-5 District, except that drive-in establishments and Adult Businesses are prohibited.

Outdoor display is limited by Section (E)(2). The intent of Section (E) (2) is to require screening for all outdoor storage, except for the sales lots for specific permitted uses, which are exempt from the screening requirement. The proposed change adds a permitted use, which has been excluded from the use limitation. The permitted uses currently excepted from the screening requirement are automobiles, boats, manufactured homes, recreational vehicles, and trucks. Agricultural implements are somewhat different and could range from vehicles, such as tractors and combines, or other implements, which are not vehicular in nature. In general, permitted uses that may be displayed outdoors are vehicles of one sort or another, regardless of the specific term as defined in the Manhattan Zoning Regulations. The concept of neat and orderly, suggested by the applicant, is not exact and is not a current requirement. It would be difficult to enforce the concept.

The display of construction and heavy equipment vehicles would be consistent with the other types of vehicles that may be displayed and the amendment is consistent with the intent of the C-6 District.

**AREAS WHICH ARE MOST LIKELY TO BE DIRECTLY AFFECTED BY SUCH CHANGE AND IN WHAT WAY THEY WILL BE AFFECTED**

The C-6 District is the only commercial district affected by the proposed amendment. There are two C-6 District locations in the City. The first location is northwest of the intersection of **HAYES Drive and MCCALL Road, BETWEEN HAYES Drive and HOSTETLER Drive. THE SITE CONSISTS OF A VACANT TRACT** of land on the northwest corner of **HAYES Drive and MCCALL Road; A GYMNASTICS FACILITY AT 1111 Hayes Drive; Waste Management, a trash hauling business at 127 MCCALL ROAD; AND, A vacant building previously occupied by Rapid Ways Truck Leasing at 121 McCall Road. THE** second C-6 District location is at **925 Enoch Lane, WHICH** is occupied by the applicant, Martin Tractor.

**WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN THE AREAS AND ZONING DISTRICTS AFFECTED, OR IN THE CITY PLANNING AREA, GENERALLY, AND IF SO, THE NATURE OF SUCH CHANGED OR CHANGING CONDITIONS**

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The applicant relocated from a C-5, Highway Service Commercial District, in 2004 to the current **ENOCII** Lane location. Prior to the move, the **ENOCH** Lane site was rezoned to C-6 District to allow Martin Tractor as a permitted use. However, the use limitation has restricted Martin Tractor from operating in an efficient manner. The amendment is intended to allow the applicant to operate consistent with other permitted uses that have outdoor display vehicles, which are not screened from public view, as a part of the permitted use.

**WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICY AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY**

The C-6 Heavy Commercial District is not a specific land use shown on the Future Land Use Map of the Comprehensive Plan. Both C-6 District locations described above are shown on the Southeast Planning Area Future Land Use Map as CC, Community Commercial. The designation is intended to provide for a unified mix of retail and commercial services in a community center. Small single-use sites, such as the two C-6 locations, also fit within the designation. The Plan does not specifically address C-6 District commercial activities. Heavy commercial activity is not described in written policy. The C-6 District allows the permitted uses of the C-5 District as a Conditional Use. The proposed amendment is a relatively minor change within the scope of the Comprehensive Plan and is generally conforms to the Comprehensive Plan.

**ALTERNATIVES**

It appears the MUAPB has the following alternatives concerning the issue at hand. The Board may:

1. Recommend approval of the proposed amendment to the City Commission.
2. Recommend denial of the proposed amendment to the City Commission.
3. Modify the proposed amendment and forward the modifications, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, and provide further direction to City Administration.

**RECOMMENDATION**

City Administration recommends approval of the amendment to the Manhattan Zoning Regulations to modify Article IV, District Regulations, Section 4-206, C-6, Heavy Commercial District, (E) (2) Use Limitations, to read, "Any outdoor storage or display, with the exception of sales, *lease, or rental* lots for agricultural implements, automobiles, boats, *construction and heavy equipment vehicles*, manufactured homes, recreational

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vehicles, and trucks, shall be enclosed by sight obscuring screening of not less than six (6) feet in height.”.

**POSSIBLE MOTION**

The Manhattan Urban Area Planning Board recommends approval of the amendment to the Manhattan Zoning Regulations to modify Article IV, District Regulations, Section 4-206, C-6, Heavy Commercial District, (E) (2) Use Limitations, as recommended by City Administration, based on the findings in the Staff Memorandum.

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