

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, NOVEMBER 1, 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, 8 staff, and approximately 28 interested citizens.

**PLEDGE OF ALLEGIANCE**

Girl Scout Troop #240 led the Commission in the Pledge of Allegiance.

**RECOGNITION**

Mayor Klimek recognized Junior Girl Scout Troop #240.

**PROCLAMATIONS**

Mayor Klimek proclaimed November 5, 2005, *Poppy Day*. John Hubbard, Commander, VFW, was present to receive the proclamation.

Mayor Klimek proclaimed November 11, 2005, *Veteran's Day*.

Mayor Klimek proclaimed Tree150 Project. Denise Klimek, First Lady of Manhattan, Kansas, was present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Klimek opened the public comments.

Hearing no comments, Mayor Klimek closed the public comments.

## COMMISSIONER COMMENTS

Mayor Klimek informed the community of the Mayor's Spirit of the Holiday Lighted Parade and Tree Lighting Ceremony to be held Monday, November 28, 2005, starting at 6:00 p.m. He reminded citizens to bring canned food items to the parade for the Flint Hills Breadbasket and to contact Downtown Manhattan, Inc., or view the City's web site for additional information.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, October 18, 2005.

### CLAIMS REGISTER NO. 2540

The Commission approved Claims Register No. 2540 authorizing and approving the payment of claims from October 12, 2005, to October 25, 2005, in the amount of \$1,680,081.69.

### LICENSE – TREE MAINTENANCE

The Commission approved the application for a Tree Maintenance license for the remainder of calendar year 2005 for McBurney Tree, of Carbondale, Kansas.

### FINAL PLAT – WILLIAMSBURG ADDITION, UNIT NINE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Williamsburg Addition, Unit Nine, generally located north of the intersection of Williamsburg Drive and Williamsburg Court, 1554 Williamsburg Court, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT – MILLER RANCH, UNIT 3, TOWNHOMES

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of The Townhomes at Miller Ranch, Unit Three, A Residential Planned Unit Development, generally located north of the intersection of Miller Parkway and Brianna Court, based on conformance with the Manhattan Urban Area Subdivision Regulations.

## CONSENT AGENDA (CONTINUED)

### **ORDINANCE NO. 6504 – GENERAL OBLIGATION BONDS 2005B AND REFUNDING GENERAL OBLIGATION BONDS 2005C**

The Commission approved Ordinance No. 6504 issuing \$1,010,000 in general obligation bonds (Series 2005-B) to finance nine (9) special assessment projects *900 Block Alley between Humboldt and Leavenworth – Street (ST0406); Hackberry Addition – Street (ST0403); Oak Hollow Addition, Unit 9 – Sanitary Sewer (SS0404), Street (ST0404), Water (WA0405), Stormwater (SM0403); and Woodland Hills Addition, Unit 5, Phase I – Sanitary Sewer (SS0402), Street (ST0402), and Water (WA0403)* and \$6,180,000 in general obligation refunding bonds (Series 2005-C) to refund Bond Series 204 and 208 and approved Resolution No. 110105-D authorizing the delivery of the bonds to the low bidder.

### **ORDINANCE NO. 6505 – ANNEX – STONEHAVEN ADDITION**

The Commission approved Ordinance No. 6505 annexing a 105-acre tract of land generally located south of the Miller Parkway and west of Ft. Riley Boulevard, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

### **ORDINANCE NO. 6506 – REZONE – STONEHAVEN ADDITION**

The Commission approved Ordinance No. 6506 rezoning approximately 101-acre tract of last of the proposed Stonehaven Addition, from County G-1, General Agricultural District, to R, Single-Family Residential District, with AO, Airport Overlay District, based on the findings in the Staff Report. *(See Attachment No. 1)*

### **ORDINANCE NO. 6507 – REZONE – STONEHAVEN ADDITION**

The Commission approved Ordinance No. 6507 rezoning approximately 4.4-acre tract of land of the proposed Stonehaven Addition, from County G-1, General Agricultural District, to R-2, Two-Family Residential, with AO, Airport Overlay District, based on the findings in the Staff Report. *(See Attachment No. 2)*

### **ORDINANCE NO. 6508 – REZONE – OAKTREE TOWNHOMES**

The Commission approved Ordinance No. 6508 rezoning Oaktree Townhomes, generally located north of the Miller Ranch Water Tower, from R-2, Two-Family Residential District, with Airport Overlay District, to PUD, Planned Unit Development District, with Airport Overlay District, based on the findings in the Staff Report, with the six (6) conditions recommended by the Planning Board. *(See Attachment No. 3)*

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 6509 – AMEND – MANHATTAN ZONING REGULATIONS

The Commission approved Ordinance No. 6509 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. 4)*

### ORDINANCE NO. 6510 – VACATE UTILITY EASEMENT – 805 BROCKMAN CIRCLE

The Commission approved Ordinance No. 6510 vacating a portion of the utility easement on Lot 55, Northview Acres Addition, Unit Three (3), a.k.a. 805 Brockman Circle, an addition to the City of Manhattan, Riley County, Kansas.

\* **FIRST READING – ADOPT – 2005 STANDARD TRAFFIC ORDINANCE**

Katie Jackson, Assistant City Attorney, answered questions from the Commission.

Mike Watson, Director, Riley County Police Department, informed the Commission that they have reviewed the changes to the Standard Traffic Ordinance and suggested the Commission approve the item as presented.

The Commission approved first reading of an ordinance incorporating the 2005 STO by reference.

### CHANGE ORDER NO. 1-FINAL – LEE MILL HEIGHTS ADDITION, UNIT ONE – SANITARY SEWER IMPROVEMENTS (SS0407)

The Commission approved Change Order No. 1-Final for Lee Mill Heights Addition, Unit One, Sanitary Sewer Improvements (SS0407) resulting in a net increase in the amount of \$22,056.00 (+7.9%) to the contract with Middlecreek Corporation, of Peabody, Kansas.

### CHANGE ORDER NO. 1-FINAL – NISTAC DEVELOPMENT SITE (SP0406)

The Commission approved Change Order No. 1-Final for NISTAC Development, Site Improvements (SP0406) resulting in a net decrease in the amount of \$4,000.00 (-1.8%) to the contract with Bayer Construction, of Manhattan, Kansas.

### REQUEST FOR PROPOSALS – WATER TREATMENT PLANT AND WELLFIELD IMPROVEMENTS

Item was moved to the end of the General Agenda at the request of Commissioner Snead.

## CONSENT AGENDA (CONTINUED)

\* **APPLICATIONS – 2006 SURVEY AND PLANNING GRANTS**

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

The Commission authorized the Mayor and City Clerk to sign applications for two 2006 Survey and Planning Grant applications from the Kansas State Historical Society.

**QUIT CLAIM DEED – VACATE UNION PACIFIC RAILROAD RIGHT-OF-WAY**

The Commission authorized the Mayor and City Clerk to execute a quit claim deed to Dial of the City's interest in a portion of the vacated UPRR right-of-way; and authorize City Administration to accept a quit claim deed from Dial of Dial's interest in the balance of such right-of-way.

After discussion, Commissioner Snead moved to approve the consent agenda, as amended. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item O: *Historic Preservation Fund Grant*, which carried 4-1, with Mayor Klimek voting against the item.

## GENERAL AGENDA

**RESOLUTION OF INTENT - ISSUE UP TO \$7 MILION IN INDUSTRIAL REVENUE BONDS - BROOKFIELD RESIDENCES MULTI-FAMILY HOUSING PROJECT**

Diane Stoddard, Deputy City Manager, presented the item.

Santo Catanese, Managing Member, Affordable Housing Development, L.C., provided additional information on the item and answered questions from the Commission.

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

Santo Catanese, Managing Member, Affordable Housing Development, L.C., answered additional questions from the Commission.

## GENERAL AGENDA (CONTINUED)

### RESOLUTION OF INTENT - ISSUE UP TO \$7 MILION IN INDUSTRIAL REVENUE BONDS - BROOKFIELD RESIDENCES MULTI-FAMILY HOUSING PROJECT

Roger Schultz, Developer, informed the Commission of the resources that have been used to provide proper drainage in the area. He then spoke in support of the item.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 110105-C indicating the Commission's intent to issue up to \$7 million in Industrial Revenue Bonds for the purpose of constructing Brookfield Residences, an affordable multi-family apartment complex located on Walters Drive east of Tuttle Creek Boulevard. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

### PRESENTATION - 2004 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Bernie Hayen, Director of Finance, presented the item and answered questions from the Commission.

Karen Keehn, Shareholder, Berberich Trahan & Co., P.A., provided additional information on the item and concluded that findings of the audit were all positive.

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

After discussion, Commissioner Hatesohl moved to receive and accept the 2004 Comprehensive Annual Financial Report including the 2004 City audit. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

### TRANSPORTATION ENHANCEMENT GRANT APPLICATIONS - POYNTZ AVENUE AND DOWNTOWN REDEVELOPMENT

Karen Davis, Director of Community Development, presented the Downtown Manhattan Streetscape project.

Terry DeWeese, Director of Parks and Recreation, presented the Bicycle/Pedestrian Trail, Phase I project. He then answered questions from the Commission.

Ron Fehr, City Manager, and Karen Davis, Director of Community Development, answered questions from the Commission.

Ron Fehr, City Manager, and Jason Hilgers, Assistant City Manager, provided additional information on the item.

## GENERAL AGENDA (CONTINUED)

### TRANSPORTATION ENHANCEMENT GRANT APPLICATIONS - POYNTZ AVENUE AND DOWNTOWN REDEVELOPMENT (CONTINUED)

After discussion, Commissioner Snead moved to approve Resolution Nos. 110105-A and 110105-B declaring the eligibility of the City of Manhattan to submit applications to the Kansas Department of Transportation for use of Transportation Enhancement Funds for Projects and authorize the Mayor and City Clerk to execute the application. Commissioner Morris-Hardeman seconded the motion.

Gary Fees, City Clerk, and Bill Frost, City Attorney, answered questions from the Commission and provided clarification on the motion.

Commissioner Hatesohl made a friendly amendment to the motion to vote on each Resolution separately. Mayor Klimek seconded the amendment. Commissioner Snead was agreeable to the amendment.

After discussion, Commissioner Snead moved to approve Resolution No. 110105-A declaring the eligibility of the City of Manhattan to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement Funds for Projects and authorize the Mayor and City Clerk to execute the application. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

Commissioner Snead moved to approve Resolution No. 110105-B declaring the eligibility of the City of Manhattan to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement Funds for Projects and authorize the Mayor and City Clerk to execute the application. Commissioner Morris-Hardeman seconded the motion. After discussion, on a roll call vote, motion carried 4-1, with Mayor Klimek voting against the motion.

### ANNUAL ECONOMIC DEVELOPMENT REPORT

Diane Stoddard, Deputy City Manager, presented the item.

Sara Fisher, representing the Flint Hills Living Wage Coalition, commented on the efforts that have occurred to strengthen the economic development process when providing public funds to companies. She encouraged the Commission to provide greater weight to health care provisions provided to employees of publicly funded companies.

After discussion, Commissioner Snead moved to receive the Annual Accountability Report for the Manhattan Economic Development Opportunity Fund. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

ITEM REMOVED FROM CONSENT AGENDA

REQUESTS FOR PROPOSALS FOR WATER TREATMENT PLANT AND WELLFIELD IMPROVEMENT PROJECTS

Jerry McIntyre, Deputy Director of Public Works, presented the item. He then answered questions from the Commission.

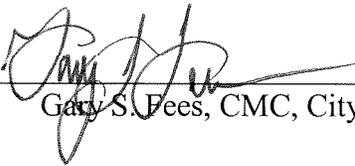
Ron Fehr, City Manager, provided additional information on the item.

Jerry McIntyre, Deputy Director of Public Works, answered additional questions from the Commission regarding capacity and water rights.

After discussion, Commissioner Snead moved to authorize City Administration to solicit proposals for the design of the Water Treatment Plant and Wellfield Improvements Project and appoint Commissioner Phillips to serve on the selection committee. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:05 p.m. the Commission adjourned.



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Gaty S. Fees, CMC, City Clerk

**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. 1*

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. 1*

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-feet west of Ft. Riley Boulevard and 1,200-feet 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. 2*

- (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, Lee 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. 3*

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

*Attachment No. 3*

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:**

*Attachment No. 3*

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.

**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

jf/vr  
05017

*Attachment No. 4*



## INTER-OFFICE MEMORANDUM

**DATE:**           **SEPTEMBER 13, 2005**

**TO:**             **Manhattan Urban Area Planning Board**

**FROM:**          **Steve Zilkic, 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

*Attachment No. 4*

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 GYMNASICS 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**

*Attachment No. 4*

The applicant relocated from a C-5, Highway Service Commercial District, in 2004 to the current **ENOCH** 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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