



***MINUTES  
CITY COMMISSION MEETING  
TUESDAY, OCTOBER 20, 2015  
7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Karen McCulloh and Commissioners Usha Reddi, Linda Morse, Michael L. Dodson, and Wynn Butler were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, Interim City Attorney Katharine Jackson, City Clerk Gary S. Fees, 7 staff, and approximately 25 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor McCulloh led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor McCulloh proclaimed November 11, 2015, *Veterans Day*. Dave Ekart, Flint Hills Veterans Coalition, was present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Dodson thanked Scott French, Director of Fire Services, and the Manhattan Fire Department for the safety information shared with the schools last week and for a successful Fire Department Open House event on Sunday, October 11, 2015, showcasing the equipment and capabilities of our personnel and first-responders.

Commissioner Morse informed the community that the Riley County Domestic Violence Task Force would be hosting a discussion regarding domestic violence in the community on Wednesday, October 21, 2015, at 7:00 p.m., at the Manhattan Public Library. She encouraged the community to attend the event.

## COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Reddi stated that last week she, Mayor McCulloh, Deputy City Manager Jason Hilgers, and representatives from Fort Riley and the Manhattan and Junction City Chamber of Commerce attended the Association of the United States Army (AUSA) Annual Conference in Washington, D.C., and also met with staff members of our legislative delegates. She announced that she attended a conference last Saturday, October 17, 2015, for the National Association for Mental Illness and discussed grant possibilities. She extended her best wishes to the parents during the upcoming elementary parent/teacher conferences and wished everyone a safe and enjoyable Halloween.

Mayor McCulloh stated that the AUSA Conference was very interesting and they also talked to staffers of our delegation regarding the importance of internet sales tax and other key issues. She thanked Commissioner Butler and his spouse, Mary Ann for passing out candy during the Homecoming Parade and invited the community to attend the upcoming Veteran's Day Parade on Wednesday, November 11, 2015. She reminded citizens to fall back one hour after Halloween and to check your smoke detectors.

Scott French, Director of Fire Services, reminded citizens to also change the batteries in your smoke detectors.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, October 6, 2015.

### CLAIMS REGISTER NO. 2802

The Commission approved Claims Register No. 2802 authorizing and approving the payment of claims from September 30, 2015, to October 13, 2015, in the amount of \$3,009,358.88.

### LICENSES

The Commission approved a Tree Maintenance License for calendar year 2016 for Don's Stump Removal and Tree Service, 3761 S 33<sup>rd</sup> Street; Growing Concerns Inc., PO Box 1354; KCAT Tree Service, 22420 Overland Road, Onaga, Kansas; and Mugler Tree Care, 2400 West 60<sup>th</sup> Avenue; and an annual Cereal Malt Beverages On-Premises License for Happy Valley Chinese Restaurant, 2307 Tuttle Creek Boulevard, Suite A.

## CONSENT AGENDA (CONTINUED)

### FINAL PLAT – FILBY ADDITION (2201 BROWNING AVENUE)

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Filby Addition, generally located at 2201 Browning Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 7168 – 2016 SERVICE FEES – AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT

The Commission approved Ordinance No. 7168 levying Business Improvement Service Fees for 2016 on businesses located within the Aggieville Business Improvement District.

### ORDINANCE NO. 7169 – 2016 SERVICE FEES – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

The Commission approved Ordinance No. 7169 levying Business Improvement Service Fees for 2016 on businesses located within the Downtown Business Improvement District.

\* ORDINANCE NO. 7170 – AMEND MANHATTAN URBAN AREA COMPREHENSIVE PLAN – ADOPT HARTFORD HILL MASTER PLAN

Commissioner Dodson requested that this item be moved to the end of the General Agenda.

### FIRST READING - AMEND - NO PARKING ANY TIME ZONES; ADD - NO CROSS PARKING

The Commission approved first reading of an ordinance amending Chapter 31 of the Code of Ordinances to include additional “No Parking Any Time” zones and to prohibit parking across designated stalls on public parking lots and public parking garages.

### FIRST READING – ADOPT – 2015 STANDARD TRAFFIC ORDINANCE

The Commission approved first reading of an ordinance incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2015, with amendments as set forth in the ordinance.

### FIRST READING – REASSESS/RELEVY SPECIAL ASSESSMENTS – COURTYARDS AT LMH ADDITION

The Commission approved first reading of an ordinance authorizing the reassessment and/or re-levy of certain special assessments applicable to the Courtyards at LMH Addition and amending and supplementing Ordinance No. 7063 and Ordinance No. 7078.

## CONSENT AGENDA (CONTINUED)

\* **RESOLUTION NO. 102015-A – PETITION – COURTYARDS AT LMH ADDITION – STREET IMPROVEMENTS (ST1515)**

Ron Fehr, City Manager, informed the Commission that City staff recommended that the item be tabled. He stated that staff discovered the policy regarding complete payment of property taxes and specials was incomplete and are verifying that the property taxes are paid and in compliance with the policy. He then responded to questions from the Commission.

\* **RESOLUTION NO. 102015-B – PETITION – COURTYARDS AT LMH ADDITION – SANITARY SEWER IMPROVEMENTS (SS1516)**

Ron Fehr, City Manager, informed the Commission that City staff recommended that the item be tabled. He stated that staff discovered the policy regarding complete payment of property taxes and specials was incomplete and are verifying that the property taxes are paid and in compliance with the policy. He then responded to questions from the Commission.

\* **RESOLUTION NO. 102015-C – PETITION – COURTYARDS AT LMH ADDITION – WATER IMPROVEMENTS (WA1518)**

Ron Fehr, City Manager, informed the Commission that City staff recommended that the item be tabled. He stated that staff discovered the policy regarding complete payment of property taxes and specials was incomplete and are verifying that the property taxes are paid and in compliance with the policy. He then responded to questions from the Commission.

\* **AGREEMENT – ENGINEERING SERVICES – COURTYARDS AT LMH ADDITION – STREET (ST1515), SANITARY SEWER (SS1516), AND WATER (WA1518) IMPROVEMENTS**

Ron Fehr, City Manager, informed the Commission that City staff recommended that the item be tabled. He stated that staff discovered the policy regarding complete payment of property taxes and specials was incomplete and are verifying that the property taxes are paid and in compliance with the policy. He then responded to questions from the Commission.

**RESOLUTION NO. 102015-D – CORRECTION – KANSAS STATE RESEARCH PARK – STREET IMPROVEMENTS (ST1312)**

The Commission approved Resolution No. 102015-D which corrects the following documents regarding the public street improvements (ST1312) at the Kansas State Research Park:

- Amends and totally replaces Resolution No. 110513-G;
- Reinstates Resolution No. 052113-H; and,
- Rescinds Resolution No. 052113-G.

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 102015-E – SET GENERAL OBLIGATION BOND SALE DATE

The Commission approved Resolution No. 102015-E setting November 17, 2015, as the date to sell \$5,930,000.00 in general obligation refunding and improvement bonds (Series 2015-A) and \$5,290,000.00 in general obligation refunding bonds (Series 2015-B);

### FIRST READING – ISSUE – GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS (Series 2015-A)

The Commission approved first reading of an ordinance issuing \$5,930,000.00 in general obligation refunding and improvement bonds (Series 2015-A)

### FIRST READING – ISSUE - GENERAL OBLIGATION REFUNDING BONDS (Series 2015-B)

The Commission approved first reading of an ordinance issuing \$5,290,000.00 in general obligation refunding bonds (Series 2015-B).

### RESOLUTION NO. 102015-F – INVESTMENT POLICY

The Commission approved Resolution No. 102015-F re-affirming expanded investment powers for the City of Manhattan based on final approval from the Pooled Money Investment Board.

### RESOLUTION NO. 102015-G – ADOPT – REGION I MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

The Commission approved Resolution No. 102015-G adopting the Region I Multi-Jurisdictional Hazard Mitigation Plan.

### RESOLUTION NO. 102015-H – SUBMIT APPLICATION – TRANSPORTATION ALTERNATIVE PROGRAM

The Commission approved Resolution No. 102015-H authorizing City Administration to complete and submit to the Kansas Department the necessary application forms for the transportation alternatives Program for the following four (4) projects:

- USD 383-MHK Safe Routes to School Phase II (Bike-Ped Category);
- Marlatt-Denison Linear Trail Extension (Bike-Ped Category);
- Juliette Avenue Brick Street Rehabilitation, Phase II (Historic and Archeological Category); and
- Old Big Blue Drainage Channel Improvements, Phase V (Scenic and Environmental Category).

## CONSENT AGENDA (CONTINUED)

### CHANGE ORDER NO. 1 – CONCRETE STREET MAINTENANCE (ST1505)

The Commission approved Change Order No. 1 for the 2015 Concrete Street Maintenance (ST1505) project, resulting in a net increase in the amount of \$200,000.00 (+57.7%) to the contract with Pavers, Inc., of Salina, Kansas, for the 2015 Concrete Panel Replacement project (ST1505) for additional work in the Northview area.

### AWARD – US 24 AND LEAVENWORTH STREET INTERSECTION IMPROVEMENTS (ST1207)

The Commission authorized the Mayor and City Clerk to execute the Authority to Award Contract and Commitment US 24 Highway and Leavenworth Street Intersection Improvement (ST1207).

### RESOLUTION NO. 102015-I – ISSUE TEMPORARY NOTES – US 24 AND LEAVENWORTH STREET INTERSECTION IMPROVEMENTS (ST1207)

The Commission approved and adopted Resolution No. 102015-I, authorizing the issuance of temporary notes in the amount of \$210,000.00 for the US 24 Highway and Leavenworth Street Intersection Improvements project (ST1207).

### ACCEPT - UTILITY EASEMENTS

The Commission accepted all permanent utility easements that are being granted for various projects (Abbott's Landing PUD-Burger King, Arbys, Orschlen; Manhattan Crossing PUD; Central Basin-Denison Avenue and Anderson Avenue, and Lovers Lane; Kansas State Foundation; and Howie's), and authorized City Administration to finalize and the Mayor and City Clerk to execute the easement agreements.

### \* RECOMMENDATION – SSAB UTILITY DONATION FUND

Commissioner Butler provided additional background information on the item. He encouraged everyone to consider donating \$1.00 each month on their City utility bill to be allocated to the social services capital improvements program.

Mayor McCulloh agreed that this is easy to do and urged citizens to do direct deposit.

The Commission approved the 2016 capital improvement requests from the Social Services Advisory Board Utility Donation Fund in the amount of \$35,006.00 for the following agencies:

## CONSENT AGENDA (*CONTINUED*)

\* **RECOMMENDATION – SSAB UTILITY DONATION FUND**  
**(CONTINUED)**

- Shepherd's Crossing in the amount of \$3,850.00;
- The Crisis Center in the amount of \$5,000.00;
- Big Brothers Big Sisters in the amount of \$5,000.00;
- Manhattan Emergency Shelter, Inc., in the amount of \$5,000.00;
- Morning Star, Inc., in the amount of \$3,475.00;
- Kansas State Center for Child Development in the amount of \$4,800.00;
- Kansas Legal Services in the amount of \$3,141.00; and
- Sunflower CASA Project in the amount of \$4,740.00.

**SUBMIT APPLICATION – 2016 HERITAGE TRUST FUND GRANT**

The Commission approved the application for a 2016 Heritage Trust Fund Grant for the Union Pacific Depot repairs, and authorized the Mayor and City Clerk to execute any grant agreement if funding is awarded.

**BOARD APPOINTMENTS**

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

*Social Services Advisory Board*

Re-appointment of John Ford, 2102 Sloan Street, to a three-year term. Mr. Ford's term begins immediately, and will expire June 30, 2018.

*Special Alcohol Funds Advisory Committee*

Appointment of Mildred Schroeder, 1434 Givens Road, to a three-year term. Ms. Schroeder's term begins immediately, and will expire June 30, 2018.

After discussion and comments from the Commission, Commissioner Reddi moved to approve the consent agenda, with the exception of Item F, ORDINANCE NO. 7170 – AMEND MANHATTAN URBAN AREA COMPREHENSIVE PLAN – ADOPT HARTFORD HILL MASTER PLAN, which was moved to the end of the General Agenda, and Item J, RESOLUTION NOS. 102015-A, B, AND C/PETITIONS/ENGINEERING SERVICES AGREEMENT – COURTYARDS AT LMH ADDITION – STREET (ST1515), SANITARY SEWER (SS1516), AND WATER (WA1518) IMPROVEMENTS, which was tabled. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### FIRST READING - ANNEX AND REZONE - PROPOSED LANSDOWNE ADDITION, UNIT THREE

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He provided an aerial of the subject site, presented background information on the item, and stated the Manhattan Urban Area Planning Board recommended approval. He then responded to questions from the Commission regarding the proposed annexation.

Rob Ott, Director of Public Works, responded to questions from the Commission regarding incorporating Christy Drive.

Eric Cattell, Assistant Director for Planning, provided additional information on the number of acres being proposed for annexation. He responded to questions from the Commission on the annexation, connection to City utilities and sidewalks on Christy Drive and the development to the east.

Rob Ott, Director of Public Works, presented the preliminary design for West Anderson Avenue and improvements in the area. He stated that they will also be working on incorporating sidewalks into the area and providing connectivity to existing neighborhoods.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion, Commissioner Dodson moved to approve first reading of an ordinance annexing the proposed Lansdowne Addition, Unit Three, an approximate 3.2 acre tract of land generally located northwest of the intersection of Anderson Avenue and Christy Drive, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program, subject to the one condition of approval as modified and recommended by the Manhattan Urban Area Planning Board; and, approve first reading of an ordinance rezoning the proposed Lansdowne Addition, Unit Three, from County AG, General Agriculture, and County SF-1, Single-Family District, to R-1, Single-Family Residential District, and R-2, Two-Family Residential District, based on the findings in the Staff Reports (*See Attachment Nos. 1 and 2*) and the recommendation of the Planning Board. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

### REQUEST FOR QUALIFICATIONS - CONSULTANT - PARKS AND RECREATION FACILITIES FEASIBILITY STUDY

Eddie Eastes, Director of Parks and Recreation, presented an overview of the Parks and Recreation Request for Qualifications (RFQ) Facilities Feasibility Study. He highlighted the four highest prioritized recommendations voiced by the community through the

## GENERAL AGENDA (CONTINUED)

### REQUEST FOR QUALIFICATIONS - CONSULTANT - PARKS AND RECREATION FACILITIES FEASIBILITY STUDY (CONTINUED)

process including the 1) creation of indoor space geographically located to meet unmet needs in the community; 2) improvement to safety and playability of existing field playing surfaces; 3) improve ability and condition of community parks, trails and neighborhood parks; and 4) development of new indoor aquatic facilities. He also discussed the Facilities Feasibility Study scope of work that would include four distinct, but related, elements including the 1) neighborhood recreation center feasibility study; 2) indoor aquatics feasibility study; 3) CiCo Park improvements; and 4) outdoor tennis complex. He then responded to questions from the Commission regarding the areas highlighted, the scope of work and the potential timeline.

Mayor McCulloh announced that she planned to appoint Commissioners Reddi and Dodson to serve on the Selection Committee. She stated that it will be very important for the public to know what costs are associated with these proposed improvements and stressed the importance on the scope of services.

Eddie Eastes, Director of Parks and Recreation, informed the Commission that public participation and involvement from the steering committee will be very important. He responded to questions from the Commission regarding the proposed scope of work to be completed and the prioritized recommendations. He voiced concern about including additional items that would increase the cost of the study.

After discussion and comments from the Commission, Eddie Eastes, Director of Parks and Recreation, responded to additional questions from the Commission regarding the importance of the scope of services, evaluating partnerships with the school district and others, and identifying associated costs. He stated that the RFQ process will identify a consultant that has the qualifications to best address the needs of the community and a detailed scope of services will be addressed at a later point of time.

Mayor McCulloh opened the public comments.

Joe Knopp, 104 Oakwood Circle, asked about the feasibility study and stated that all of these things are already available. He voiced concern with the expense of the land, facilities and personnel costs that would be required. He stated that we can get a lot more recreation bang for the buck without building our own empire. He informed the Commission that the community already has public and private facilities that can be utilized and partnered with, without building new facilities and duplicating existing services.

## GENERAL AGENDA (CONTINUED)

### REQUEST FOR QUALIFICATIONS - CONSULTANT - PARKS AND RECREATION FACILITIES FEASIBILITY STUDY (CONTINUED)

Richard Hill, 3513 Stagecoach Circle, voiced concerns with the affordability of all this, given the state of the economy with Manhattan businesses that are closing and with the high number of rental units that are currently vacant. He asked that the City look at what is available now and utilize existing facilities in the community. He stated that there will also be additional expenses associated with personnel and maintenance.

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

Commissioner Reddi provided additional information on the proposed RFQ, the process and stressed the importance for collaboration. She stated that the focus on CiCo Park and outdoor tennis courts is too narrow based on the information received from the survey. She also informed the community that this will be a long-term project and stressed the importance to provide quality of life for residents and for those individuals, researchers and families looking to come to the community.

Commissioner Butler agreed with the RFQ proposed and stated that the process will need to be done in incremental steps. He stated that he wanted to see the study focus on the associated costs, feasibility and working with the schools. He also voiced concerns with what will be in the final scope and with the limited tax dollars that are available.

Commissioner Dodson stated that many elected officials and others in Manhattan have done a terrific job in getting the community to where it is today. He said that doing a feasibility study will provide facts and then choices can be made based on those facts. He stated that he hoped to achieve having the most people served as possible for the minimal amount of money. He stated that just because we are at A, does not mean we are going to get to C and spend \$30 million dollars. He informed the community that there are a lot of steps to go through and a lot of people that are going to comment.

Commissioner Morse stated that facilities at K-State and Fort Riley are not accessible to over half of the members of the community. She stated that the economic future for the community is bright and there will be an opportunity to continue listening to citizens and to make choices in the future.

Mayor McCulloh provided additional information on the item and stated that the feasibility study will be important to see what the items will cost. She stated that recreation and parks are a very important part to what is done in government, and the health of the community is vitally important and very difficult to measure. She stated the main thing is to keep a balance for the health and prosperity of the community.

## GENERAL AGENDA (*CONTINUED*)

### REQUEST FOR QUALIFICATIONS - CONSULTANT - PARKS AND RECREATION FACILITIES FEASIBILITY STUDY (*CONTINUED*)

After further discussion and comments from the Commission, Commissioner Dodson moved to authorize City Administration to seek qualifications for professional services to develop a Neighborhood Recreation Feasibility Study, an Indoor Aquatics Feasibility Study, a CiCo Park Improvements Study, and an Outdoor Tennis Complex Feasibility Study, and appoint Commissioners Reddi and Dodson to serve on the Selection Committee. Commissioner Morse seconded the motion.

After clarification on the Request for Qualifications and process for the scope of services to be developed and provided to the City Commission at a later date, on a roll call vote, the motion carried 5-0.

### SUBMIT APPLICATION - NATIONAL DISASTER RESILIENCY COMPETITION

Shelley Carver, Community Development Manager, Flint Hills Regional Council, provided background information on the item, identified the program partners and discussed the grant application submittal process.

Chad Bunger, Senior Planner, Community Development Department, City of Manhattan, presented efforts to-date to reduce the flood risk and educational information; discussed stormwater infrastructure; highlighted Kansas State University Urban Water Institute Green Infrastructure; presented stream bank stabilization potential projects and mitigation of flood prone properties; and the development of public amenities. He also and presented aerial photography of the flood impact areas.

Shelley Carver, Community Development Manager, Flint Hills Regional Council, presented a flow chart on the State of Kansas Wildcat Creek Watershed Resiliency Project Management; provided a project overview and associated costs; and stated the public comment period ends October 22, 2015, and the application is due on October 27, 2015. She then responded to questions from the Commission regarding the Resiliency Project and community engagement and comment.

Chad Bunger, Senior Planner, Community Development Department, City of Manhattan, provided additional information on the item. He then responded to questions from the Commission regarding the voluntary nature of the buyouts, proposed relocation plans, and future work that would need to occur with the program partners, providing the application is approved.

Karen Davis, Director, Community Development Department, thanked Shelly Carver and Chad Bunger for all their work and the Kansas Department of Agriculture.

**GENERAL AGENDA (CONTINUED)**

**SUBMIT APPLICATION - NATIONAL DISASTER RESILIENCY  
COMPETITION (CONTINUED)**

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion and comments from the Commission, Commissioner Butler moved to approve Resolution No. 102015-J in support of the Wildcat Creek Watershed Resiliency Project and authorize the Mayor and City Clerk to execute a Partnership Agreement with the State of Kansas. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

**ITEM REMOVED FROM CONSENT AGENDA**

**ORDINANCE NO. 7170 - AMEND MANHATTAN URBAN AREA  
COMPREHENSIVE PLAN - ADOPT HARTFORD HILL MASTER PLAN**

This item was moved to the end of the General Agenda at the request of Commissioner Dodson.

Mayor McCulloh opened the public comments.

Warren Weibert, 2731 Heartland Valley Drive, President, Neighborhood Homeowners Association, informed the Commission that the neighborhood does not have a problem with the proposed project itself; however, he voiced concern with the additional traffic that will happen in the future and the need to improve egress and ingress to make the neighborhood and area as safe as possible. He asked that the City look at the blind spots near Heartland Drive and Grand Mere Parkway and to keep in mind that the existing roundabout is critical to future traffic patterns and to look into this as part of the Plan. He then responded to questions from the Commission and discussed a tree that is currently located in the island in the middle of a sight line.

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

After comments from the Commission regarding the item and current roundabout, Commissioner Dodson moved to approve Item F, as read, to approve Ordinance No. 7170 amending the Manhattan Urban Area Comprehensive Plan, dated March 2015, by adopting and incorporating by reference the Hartford Hill Master Plan, dated September 2015, as recommended by the Manhattan Urban Area Planning Board. Commissioner Butler 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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Gary S. Fees, MMC, City Clerk

## STAFF REPORT

### ON AN APPLICATION TO REZONE PROPERTY

**APPLICATION:** To Rezone two (2) tracts of land in the proposed Lansdowne Addition, Unit 3

**FROM:** County AG, Agriculture District and County SF-1, Single-Family District

**TO:** R-1, Single-Family Residential District

**APPLICANT/OWNER:** BK Investments, LLC – Tom Abbott  
**486 MCCALL ROAD, MANHATTAN, KS 66503**

**LEGAL DESCRIPTION:** Tract of land in Section 9, Township 10 South, Range 7 East (*specific legal description is attached*). For the purposes of the request, the subject site shall be referred to as Tract 1. (Tract 2 will refer to a request to rezone an area to R-2, Two-Family Residential District).

**LOCATION:** Generally located **TO THE NORTHWEST OF THE INTERSECTION OF ANDERSON AVENUE AND CHRISTY DRIVE.**

**AREA:** Rezoning Site: 2.26 acres  
Total subdivision: **3.2 ACRES**

**DATE OF NEIGHBORHOOD MEETING:** May 14, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** September 14, 2015

**DATE OF PUBLIC HEARING: PLANNING BOARD:** October 5, 2015  
**CITY COMMISSION:** October 20, 2015

### **THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** The property is currently a vacant 2.26 acre tract of land

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The majority of the site generally slopes from north to south at 5%-10%. The property is vacant and consists of natural prairie grass and evergreen trees.

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

**NORTH:** Large vacant tracts of land; County AG, Agriculture and City of Manhattan I-5, Business Park.

**SOUTH:** Anderson Avenue, a two-lane arterial road with a rural cross-section, Blueville Nursery; County C-4 Highway Business.

**EAST:** Two-family and multi-family townhome residential neighborhoods; Two-Family Residential District and Four Winds Residential PUD, Planned Unit Development.

**WEST:** Single family residential homes and rangeland; County AG, General Agriculture District

**4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of large lot single-family homes, two-family homes and commercial uses. To the west of the subject site is generally rural single-family residential and vacant agricultural land.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is bounded by urban development on the east, large lot rural residential to the west and steep hillside to the north. The suitability of the site for County AG uses is limited by surrounding residential uses and steep topography. The current County AG District would not allow for the single-family development, as proposed. The eastern section of Tract 1 is zoned County SF-1, Single-Family District, which allows for a large single-family lot.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The adjoining neighborhoods are low density single-family rural residential to the west and a combination of residential townhomes and two-family residential neighborhoods to the east. While an increase in traffic, light, and noise will occur with the change from undeveloped land to single-family dwelling units, the proposed affects are consistent with the character of the neighborhoods in which the development is proposed. The proposed development includes large single-family lots that are similar in size to the adjacent residential tracts to the west. The proposed rezoning is compatible with nearby properties and no adverse affects are expected.

*Attachment No. 1*

As required by the rezoning application process, a neighborhood meeting was conducted by the applicant on May 14, 2015. The meeting summary stated that Seven (7) neighbors attended the meeting for the proposed subdivision. According to the meeting summary, there was some initial confusion that the proposed zoning was for duplexes or townhomes but clarified during the meeting. Other than clarifying the proposed zoning, no negative issues were raised at the meeting.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:**

The proposed annexation area is shown on the Future Land Use Map in the northwest planning area and the West Anderson Corridor (WAC) Special Planning Area. The annexation area is designated as Agriculture (AG). In addition, the Future Land Use Map identifies the area surrounding the intersection of Anderson Avenue and Scenic Drive as a future Neighborhood Commercial Center node. It is reasonable to assume that density will be greater near the intersection and transition to less dense environments farther away from the commercial node. Since the existing development patterns to the east of the proposed annexation area are Residential Medium to High (RMH) Density, the Residential Low to Medium (RLM) Density policies have been included below as a reference to the transitioning development patterns from the intersection of Scenic Drive & Anderson Avenue.

AG policies include:

**AG: Uses**

*Primary: Farming, ranching, and other agriculturally related uses.*

*Secondary: Very low density rural residential.*

**AG: Characteristics**

*Areas are not anticipated to be developed within the 20-year planning horizon of this plan. Continuation of agricultural uses is encouraged within the context of both market demand and the desires of individual property owners. Residences are typically limited to those for owners/operators of the agricultural enterprise.*

RLM policies include:

**RLM-1: Characteristics**

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

***RLM-2: Appropriate Density Range***

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

***RLM-3: Location***

*Residential Low to Medium Density neighborhoods typically should be located where they have convenient access to and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including parks, schools, shopping areas, transit and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping, and recreational activities. The Residential Low to Medium Density designation includes most established neighborhoods outside of the core area as well as future residential growth areas to the west and east.*

***RLM-4: Variety of Housing Styles***

*To avoid monotonous streetscapes, the incorporation of a variety of architectural styles is strongly encouraged in all new development,*

**West Anderson Corridor (WAC)**

*Background and Intent*

*The West Anderson Corridor is contiguous to the western boundary of Manhattan and is considered as an area for potential future growth. The scenic quality of the corridor is significant, defined by the Wildcat Creek Riparian area, which bounds its southern edge and by the lush agricultural lands that extend south from Anderson Avenue to the creek. The corridor will remain primarily rural in nature within the near-term or until such time as utility services are available. To the extent possible, both the scenic quality and availability of developable land within the corridor should be preserved. As the market for growth in the corridor emerges, compatibility with Fort Riley and specific recommendations made by the 2005 Flint Hills Joint Land Use Study are a key consideration.*

**Policies**

***WAC-1: Preservation of Wildcat Creek Riparian Corridor***

*Design land use patterns in the Wildcat Creek Corridor to protect natural features, including steep slopes, native vegetation, riparian corridors, streams, and wetlands, in accordance with the adopted Wildcat Creek Floodplain Management Plan.*

**WAC-2: Future Growth Area**

*The West Anderson Corridor is identified as a potential future growth area, dependent upon the timing, and availability of infrastructure and urban services. Evaluate development proposals within the West Anderson Corridor based upon their compatibility with the area's potential for future urban development and the recommendations of the 2005 Flint Hills Joint Land Use Study. Discourage isolated parcels of development that will lead to fragmented patterns of urban development.*

**WAC-3: Future Neighborhood Services and Residential Development**

*The West Anderson Corridor provides potential for additional Neighborhood Commercial services and specialty stores in the vicinity of the Anderson Avenue–Scenic Drive intersection. Explore the provision of low to medium density housing along the south side of Anderson Avenue, transitioning to the riparian open space corridor, along Wildcat Creek.*

**WAC-4: Multi-modal Connectivity**

*As development opportunities emerge, explore and implement opportunities to enhance multi-modal connections between the West Anderson Corridor and existing multi-modal facilities in other parts of the Planning Area.*

Considering the existing development patterns of adjacent properties and planning area polices outlined above, the proposed rezoning conforms to the Manhattan Urban Area Comprehensive Plan.

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

Unknown Date	Zoned county AG, Agriculture
1973	Existing residential structure built
October 7, 1991	Manhattan Urban Area Planning Board approves Final Plat Lansdowne Addition Unit 2
March 2, 1992	Board of County Commissioners approves Lansdowne Addition Unit 2 Plat & Lot 2 zoned County SF-1, Single Family Residential

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

*Attachment No. 1*

The proposed rezoning is consistent with the intent and purpose of the Manhattan Zoning Regulations because proposed lot sizes conform to the minimum requirements of the R-1 District. In addition, the proposed Preliminary Plat dedicates easements and rights-of-way to serve the subdivision consistent with the requirements of the Manhattan Urban Area Subdivision Regulations.

The R-1, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. The Preliminary Plat shows lots ranging from approximately 10,749 square feet in area up to 19,610 square feet in area. The proposed lots conform to the requirements of the proposed R-1 District.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial of the rezoning would accomplish. No expected adverse impacts on the public health, safety and welfare are anticipated as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied, as it conforms to the adopted Comprehensive Plan.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public services, sanitary sewer, water, and public streets can be extended to serve the development.

**12. OTHER APPLICABLE FACTORS:** Fort Riley was notified of this rezoning, due to it being located in the Critical Area. The Fort encourages use of noise disclosure and noise reduction measures in homes, and to take into account potential effects of operational noise of the Fort on activities in the park. City Administration will provide the “Notice of Potential Impact” on building permits for this subdivision.

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Lansdowne Addition, Unit 3 from AG, Agriculture District and County SF-1, Single-Family District to R-1, Single-Family Residential District based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Lansdowne Addition, Unit 3 from AG, Agriculture District and County SF-1, Single-Family District to R-1, Single-Family Residential District stating the basis for such recommendation.

*Attachment No. 1*

2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lansdowne Addition, Unit 3, from AG, Agriculture District and County SF-1, Single-Family District, to R-1, Single-Family Residential District, based on the findings in the Staff Report.

**PREPARED BY:** Chase Johnson, CFM, Planner

**DATE:** September 22, 2015

CJ/vr  
15022}SR}RezoneLansdowneUnitThree}AGSF1\_R1

## STAFF REPORT

### ON AN APPLICATION TO REZONE PROPERTY

**APPLICATION:** To Rezone two (2) tracts of land in the proposed Lansdowne Addition, Unit 3

**FROM:** County AG, Agriculture District

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

**APPLICANT/OWNER:** BK Investments, LLC – Tom Abbott  
**486 MCCALL ROAD, MANHATTAN, KS 66503**

**LEGAL DESCRIPTION:** Tracts of land in Section 9, Township 10 South, Range 7 East (*specific legal description is attached*). For the purposes of the request, the subject site shall be referred to as Tract 2. (Tract 1 will refer to a request to rezone an area to R-1, Single-Family Residential District).

**LOCATION:** Generally located **TO THE NORTHWEST OF THE INTERSECTION OF ANDERSON AVENUE AND CHRISTY DRIVE.**

**AREA:** Rezoning Site: 0.94 acres  
Total subdivision: **3.2 ACRES**

**DATE OF NEIGHBORHOOD MEETING:** May 14, 2015

**DATE OF PUBLIC NOTICE PUBLICATION:** September 14, 2015

**DATE OF PUBLIC HEARING: PLANNING BOARD:** October 5, 2015  
**CITY COMMISSION:** October 20, 2015

### **THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** The property is currently occupied by a two-family residential structure.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The majority of the site generally slopes from north to south at 5%-10%. The northern portion of the site is vacant with prairie grass and evergreen trees. The southern portion of the property is occupied by a residential structure with a typical yard and driveway setup accessed off of Anderson Avenue.

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

**NORTH:** Large vacant tracts of land; County AG, Agriculture and City of Manhattan I-5, Business Park.

**SOUTH:** Anderson Avenue, a two-lane arterial road with a rural cross-section, Blueville Nursery; County C-4 Highway Business.

**EAST:** Two-family and multi-family townhome residential neighborhoods; Two-Family Residential District and Four Winds Residential PUD, Planned Unit Development.

**WEST:** Single family residential homes and rangeland; County AG, General Agriculture District

**4. GENERAL NEIGHBORHOOD CHARACTER:** The surrounding neighborhood is a mix of large lot single-family homes, two-family homes and commercial uses. To the west of the subject site is generally rural single-family residential and vacant agricultural land.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is bounded by urban development on the east, large lot rural residential to the west and steep hillside to the north. The suitability of the site for County AG uses is limited by surrounding residential uses and steep topography. There is currently an existing two-unit residential building located on Tract 2. The current County AG District allows for the two-family development, as long as the second unit is considered an accessory apartment.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The adjoining neighborhoods are low density single-family rural residential to the west and a combination of residential townhomes and two-family residential neighborhoods to the east. An increase in traffic, light, and noise is not anticipated to increase due to the established two-family use on Tract 2. The proposed rezoning is compatible with nearby properties and no adverse affects are expected.

As required by the rezoning application process, a neighborhood meeting was conducted by the applicant on May 14, 2015. The meeting summary stated that Seven (7) neighbors attended the meeting for the proposed subdivision. According to the meeting summary, there was some initial confusion that the proposed zoning was for duplexes or townhomes but clarified during the meeting. Other than clarifying the proposed rezoning, no negative issues were raised at the meeting.

## **7. CONFORMANCE WITH COMPREHENSIVE PLAN:**

The proposed annexation area is shown on the Future Land Use Map in the northwest planning area and the West Anderson Corridor (WAC) Special Planning Area. The annexation area is designated as Agriculture (AG). In addition, the Future Land Use Map identifies the area surrounding the intersection of Anderson Avenue and Scenic Drive as a future Neighborhood Commercial Center node. It is reasonable to assume that density will be greater near the intersection and transition to less dense environments farther away from the commercial node. Since the existing development patterns to the east of the proposed annexation area are Residential Medium to High (RMH) Density, the Residential Low to Medium (RLM) Density policies have been included below as a reference to the transitioning development patterns from the intersection of Scenic Drive & Anderson Avenue.

### AG policies include:

#### ***AG: Uses***

*Primary: Farming, ranching, and other agriculturally related uses.*

*Secondary: Very low density rural residential.*

#### ***AG: Characteristics***

*Areas are not anticipated to be developed within the 20-year planning horizon of this plan. Continuation of agricultural uses is encouraged within the context of both market demand and the desires of individual property owners. Residences are typically limited to those for owners/operators of the agricultural enterprise.*

### RLM policies include:

#### ***RLM-1: Characteristics***

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

#### ***RLM-2: Appropriate Density Range***

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

***RLM-3: Location***

*Residential Low to Medium Density neighborhoods typically should be located where they have convenient access to and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including parks, schools, shopping areas, transit and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping, and recreational activities. The Residential Low to Medium Density designation includes most established neighborhoods outside of the core area as well as future residential growth areas to the west and east.*

***RLM-4: Variety of Housing Styles***

*To avoid monotonous streetscapes, the incorporation of a variety of architectural styles is strongly encouraged in all new development,*

**West Anderson Corridor (WAC)**

*Background and Intent*

*The West Anderson Corridor is contiguous to the western boundary of Manhattan and is considered as an area for potential future growth. The scenic quality of the corridor is significant, defined by the Wildcat Creek Riparian area, which bounds its southern edge and by the lush agricultural lands that extend south from Anderson Avenue to the creek. The corridor will remain primarily rural in nature within the near-term or until such time as utility services are available. To the extent possible, both the scenic quality and availability of developable land within the corridor should be preserved. As the market for growth in the corridor emerges, compatibility with Fort Riley and specific recommendations made by the 2005 Flint Hills Joint Land Use Study are a key consideration.*

Policies

***WAC-1: Preservation of Wildcat Creek Riparian Corridor***

*Design land use patterns in the Wildcat Creek Corridor to protect natural features, including steep slopes, native vegetation, riparian corridors, streams, and wetlands, in accordance with the adopted Wildcat Creek Floodplain Management Plan.*

***WAC-2: Future Growth Area***

*The West Anderson Corridor is identified as a potential future growth area, dependent upon the timing, and availability of infrastructure and urban services. Evaluate development proposals within the West Anderson Corridor based upon their compatibility with the area's potential for future urban development and the recommendations of the 2005 Flint Hills Joint Land Use Study. Discourage isolated parcels of development that will lead to fragmented patterns of urban development.*

**WAC-3: Future Neighborhood Services and Residential Development**

*The West Anderson Corridor provides potential for additional Neighborhood Commercial services and specialty stores in the vicinity of the Anderson Avenue–Scenic Drive intersection. Explore the provision of low to medium density housing along the south side of Anderson Avenue, transitioning to the riparian open space corridor, along Wildcat Creek.*

**WAC-4: Multi-modal Connectivity**

*As development opportunities emerge, explore and implement opportunities to enhance multi-modal connections between the West Anderson Corridor and existing multi-modal facilities in other parts of the Planning Area.*

Considering the existing development patterns of adjacent properties and planning area polices outlined above, the proposed rezoning conforms to the Manhattan Urban Area Comprehensive Plan.

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

Unknown Date	Zoned County AG, Agriculture
1973	Existing residential structure built
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March 2, 1992	Board of County Commissioners approves Lansdowne Addition Unit 2 Plat & Lot 2 zoned County SF-1, Single Family Residential

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

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

The R-2, Two-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 7,500 square feet. The Preliminary Plat shows Lot 1, as 42,697 square feet. The proposed lot conforms to the requirements of the proposed R-2 District.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial of the rezoning would accomplish. No expected adverse impacts on the public health, safety and welfare are anticipated as a result of the rezoning. Development of the site cannot proceed until the proposed Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied, as it conforms to the adopted Comprehensive Plan.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public services, sanitary sewer, water, and public streets can be extended to serve the development.

**12. OTHER APPLICABLE FACTORS:** Fort Riley was notified of this rezoning, due to it being located in the Critical Area. The Fort encourages use of noise disclosure and noise reduction measures in homes, and to take into account potential effects of operational noise of the Fort on activities in the park. City Administration will provide the “Notice of Potential Impact” on building permits for this subdivision.

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Lansdowne Addition, Unit 3 from AG, Agriculture District to R-2, Two-Family Residential District based on the findings in the Staff Report.

### **ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Lansdowne Addition, Unit 3 from AG, Agriculture District to R-2, Two-Family Residential District stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

### **POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lansdowne Addition, Unit 3 from AG, Agriculture District to R-2, Two-Family Residential District, based on the findings in the Staff Report.

*Attachment No. 2*

**PREPARED BY:** Chase Johnson, CFM, Planner

**DATE:** September 22, 2015

CJ/vr  
15023}SR}RezoneLansdowneUnitThree}AGSF1\_R2