



***MINUTES  
CITY COMMISSION MEETING  
TUESDAY, NOVEMBER 3, 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, 6 staff, and approximately 25 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor McCulloh led the Commission in the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor McCulloh opened the public comments.

Dea Brokesh, 3005 Wilson Drive, LDB Landscape Architecture & Engineering, talked about the engineering On-Call services item.

Mayor McCulloh stated that this topic was the first item on the General Agenda and that there would be an opportunity for public comment at that time.

Jerred McKee, representing the Flint Hills Human Rights Project, provided examples of violence happening in the United States against the lesbian, gay, bisexual, and transgender (LGBT) community. He stated that the Riley County Community Needs Assessment showed 17.4 percent indicated that discrimination exists based on sexual orientation. He informed the Commission that he feared that this will fall on deaf ears not because you do not believe this discrimination against LGBT citizens is happening, but because you lack the political will to do something about it. He urged the Commission to take action on this issue and stated that Manhattan is not immune to this type of discrimination.

## PUBLIC COMMENTS (CONTINUED)

Judi Nechols, 1513 Highland Drive, informed the Commission that they have lived in Manhattan for 32 years and stated that one of their children told them that she was transitioning to a female. She stated it has been discouraging and frustrating to see our child face unemployment and embarrassing interviews in Manhattan and was asked about bathroom use in a recent interview. She also voiced concern that her biggest fear was for the safety of their child from harassment and assault.

Jim Nechols, 1513 Highland Drive, stated that he always thought Manhattan to be a great place for our children, but now feels the community is willing to protect only some of its citizens, LGBT children excluded. He informed the Commission that as parents, we want to know why our child is less important than yours or others who do not have LGBT children. He asked the Commission to protect the most vulnerable in our community and to adopt an ordinance to protect our loved ones and for all of our citizen's in Manhattan.

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

## COMMISSIONER COMMENTS

Commissioner Reddi stated that there is a lot of work needed to be done on the local, state and federal level regarding issues and concerns regarding LGBT and with discrimination. She thanked those that spoke during public comments and said that we cannot change society, but need constant discussion and we can have some laws that can protect them from others. She provided policing examples with the Riley County Police Department and stated that we are not a perfect community, but are trying to work to make it a better community.

Mayor McCulloh voiced her appreciation to those expressing their comments and concerns. She discussed the LGBT item and said that we will discuss the issues expressed. She also encouraged citizens to attend the Veteran's Day Parade on Wednesday, November 11, 2015, and reminded the community to allow extra time for increased traffic on Thursday, November 5, 2015, and observe the game day parking restrictions for the Kansas State University evening football game against Baylor.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, October 20, 2015.

## CONSENT AGENDA (CONTINUED)

### CLAIMS REGISTER NO. 2803

The Commission approved Claims Register No. 2803 authorizing and approving the payment of claims from October 14, 2015, to October 27, 2015, in the amount of \$2,651,388.96.

### FINAL PLAT - PINEHURST ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Pinehurst Addition, generally located immediately to the west of the intersection of Grand Mere Parkway and Colbert Hills Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT - HEATHER HEIGHTS ADDITION, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Heather Heights Addition, Unit Two, generally located south of the intersection of Fordham Road and Drake Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 7171 - ANNEX - LANSDOWNE ADDITION, UNIT THREE

The Commission approved Ordinance No. 7171 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.

### ORDINANCE NO. 7172 - REZONE - LANSDOWNE ADDITION, UNIT THREE

The Commission approved Ordinance No. 7172 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.

### ORDINANCE NO. 7173 - AMEND - NO PARKING ANYTIME ZONES - PROHIBIT - CROSS PARKING

The Commission approved Ordinance No. 7173 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.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 7174 - ADOPT - 2015 STANDARD TRAFFIC ORDINANCE

The Commission approved Ordinance No. 7174 incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2015, with amendments as set forth in the ordinance.

### ORDINANCE NO. 7175 - REASSESS SPECIALS - COURTYARDS AT LMH ADDITION

The Commission approved Ordinance No. 7175 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.

### AGREEMENT - REASSESS SPECIALS - COURTYARDS AT LMH ADDITION

The Commission authorized the Mayor and City Clerk to execute an Agreement for the Reassessment of Special Assessments and Waiver of Assessment Proceedings for the Courtyards at LMH Addition.

### PUBLIC HEARING - CREATE - SCENIC CROSSING TRANSPORTATION DEVELOPMENT DISTRICT (TDD)

Mayor McCulloh opened the public hearing.

Hearing no comments, Mayor McCulloh closed the public hearing.

### FIRST READING - CREATE - SCENIC CROSSING TRANSPORTATION DEVELOPMENT DISTRICT (TDD)

The Commission approved first reading of an ordinance establishing the Scenic Crossing TDD.

### RESOLUTION NO. 110315-A - PETITION - BALTUSROL ADDITION STREET IMPROVEMENTS (ST1514)

The Commission found the petition sufficient and approved Resolution No. 110315-A, in the amount of \$997,000.00, finding the project advisable and authorizing construction for the Baltusrol Addition Street Improvements (ST1514) project.

## CONSENT AGENDA (CONTINUED)

### **RESOLUTION NO. 110315-B - PETITION - BALTUSROL ADDITION WATER IMPROVEMENTS (WA1516)**

The Commission found the petition sufficient and approved Resolution No. 110315-B, in the amount of \$172,000.00, finding the project advisable and authorizing construction for the Baltusrol Addition Water Improvements (WA1516) project.

### **RESOLUTION NO. 110315-C - PETITION - BALTUSROL ADDITION SANITARY SEWER IMPROVEMENTS (SS1514)**

The Commission found the petition sufficient and approved Resolution No. 110315-C, in the amount of \$415,000.00, finding the project advisable and authorizing construction for the Baltusrol Addition Sanitary Sewer Improvements (SS1514) project.

### **AGREEMENT - PROFESSIONAL SERVICES - BALTUSROL ADDITION STREET (ST1514), WATER (WA1516), AND SANITARY SEWER (SS1514) IMPROVEMENTS**

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$67,578.50 with SMH Consultants, of Manhattan, Kansas, to perform professional services for Baltusrol Street (ST1514), Water (WA1516), and Sanitary Sewer (SS1514) Improvements.

### **RESOLUTION NO. 110315-D - PETITION - COURTYARDS AT LMH - STREET IMPROVEMENTS (ST1515)**

The Commission removed the item from the table; found the petition sufficient; and approved Resolution No. 110315-D, in the amount of \$740,000.00, finding the project advisable and authorizing construction for the Courtyards at LMH Street Improvements (ST1515) project.

### **RESOLUTION NO. 110315-E - PETITION - COURTYARDS AT LMH - SANITARY SEWER IMPROVEMENTS (SS1516)**

The Commission removed the item from the table; found the petition sufficient; and approved Resolution No. 110315-E, in the amount of \$233,000.00, finding the project advisable and authorizing construction for the Courtyards at LMH Sanitary Sewer Improvements (SS1516) project.

### **RESOLUTION NO. 110315-F - PETITION - COURTYARDS AT LMH - WATER IMPROVEMENTS (WA1518)**

The Commission removed the item from the table; found the petition sufficient; and approved Resolution No. 110315-F, in the amount of \$141,000.00, finding the project advisable and authorizing construction for the Courtyards at LMH Water Improvements (WA1518) project.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT - ENGINEERING SERVICES - COURTYARDS AT LMH - STREET (ST1515), SANITARY SEWER (SS1516), AND WATER (WA1518) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$86,900.00 with MKEC Engineering, Inc., of Wichita, Kansas, to perform professional services for the Courtyards at LMH Street (ST1515), Sanitary Sewer (SS1516), and Water (WA1518) improvements.

### AGREEMENT - CONSTRUCTION OF PUBLIC INFRASTRUCTURE - LOT 4, HERITAGE SQUARE, UNIT 4, WATER IMPROVEMENTS (WA1519)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Construction of Public Infrastructure by Owner or Developer with Leiszler Real Estate, L.L.C., of Clay Center, Kansas, for Lot 4, Heritage Square, Unit 4, Water Improvements (WA1519).

### AWARD CONTRACT - TECUMSEH-QUIVERA SOUTH DETENTION BASIN STABILIZATION PROJECT (SM1509)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$52,280.00; awarded a construction contract to Josh Connet Excavation, LLC, of Manhattan, Kansas, in the amount of \$24,671.77 for the Tecumseh-Quivera South Detention Basin Stabilization Project, and authorized the Mayor and City Clerk to execute the construction contract.

### BOARD APPOINTMENT - BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

The Commission approved the re-appointment of David Colburn, 1906 Bluestem Terrace, to the Bicycle and Pedestrian Advisory Committee by Mayor McCulloh. Mr. Colburn's term begins immediately and will expire October 31, 2018.

After discussion, Commissioner Reddi moved to approve the consent agenda. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### DISCUSSION - ENGINEER ON-CALL SERVICES PROGRAM

Brian Johnson, City Engineer, presented background information on the Quality Based Selection (QBS) process, provided information on the potential Engineer On-Call (EOC) process, and provided the EOC flowchart and advantages of the EOC. He then responded to questions from the Commission regarding utilization of a selection committee, the selection process, and highlighted the engineering services process being used for peer cities including Topeka, Overland Park, Wichita, and Olathe.

After discussion and comments from the Commission, Brian Johnson, City Engineer, responded to additional questions from the Commission on the EOC process and clarified the advantages of using the EOC process. He informed the Commission that he planned to continue conversations with local consultants and would bring the item back to the Commission for action.

Mayor McCulloh opened the public comments.

Dea Brokesh, 3005 Wilson Drive, LDB Landscape Architecture & Engineering, presented potential advantages and disadvantages with the On-Call system. She stated that the On-Call process could appear less transparent and there could be less opportunity for competition and a potential for higher design costs. She suggested a modified approach and asked that consideration be given for specialized work and for projects with varying construction costs.

Jeff Hancock, SMH Consultants, informed the Commission that On-Call services is a good idea and from a company standpoint, it is going to save the consultants time putting together a proposal. He stated that additional details need to be worked out and was glad to know that there is an opportunity to come back to the Commission in the event there are any unresolved concerns. He stated that the State of Kansas has an On-Call system and Riley County has a similar system.

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

Brian Johnson, City Engineer, reiterated that the item would come back to the Commission for action in December 2015 or January 2016. He stated that he appreciated the feedback received from local consultants thus far and would continue to seek additional comments from consultants regarding the proposal for On-Call services.

Rob Ott, Director of Public Works, provided additional information on the item, the process, and the feedback received from consulting firms. He stated that he has heard complaints during his tenure with the City regarding the costs and the amount of time associated with preparing proposals from the consultants and then not being selected.

**GENERAL AGENDA (CONTINUED)**

**DISCUSSION - ENGINEER ON-CALL SERVICES PROGRAM (CONTINUED)**

After additional comments from the Commission, Rob Ott, Director of Public Works, stated that City staff would have additional discussions with consultants and bring the item back to the Commission.

As this was a discussion item only, no formal action was taken by the City Commission.

**ADJOURNMENT**

At 7:46 p.m., the City 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.

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
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.

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