

MINUTES
CITY COMMISSION MEETING
TUESDAY, APRIL 18, 2006
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Ed Klimek and Commissioners Bruce Snead, Tom Phillips, Mark Hatesohl, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 8 staff, and approximately 25 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Klimek led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Klimek proclaimed April 27, 2006, ***Arbor Day***. J. David Mattox, Forestry Supervisor, was present to receive the proclamation.

Mayor Klimek proclaimed May 1, 2006, ***Law Day***. Kimberly Corum, 2006 Law Day Chair, Riley County Bar Association, was present to receive the proclamation.

MINUTES

Commissioner Snead moved to approve the minutes of the Regular City Commission Meeting held Tuesday, April 4, 2006. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

COMMISSIONER COMMENTS

There were no Commissioner comments.

REORGANIZATION

Mayor Klimek commented on the achievements and opportunities during his term as Mayor.

Gary Fees, City Clerk, called for the election of a new Mayor. Commissioner Phillips moved that Commissioner Bruce Snead be appointed to serve as Mayor until the second legislative meeting in April 2007. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

Newly Elected Mayor Bruce Snead called for the election of a new Mayor Pro Tem. Commissioner Hatesohl moved that Commissioner Phillips be appointed to serve as Mayor Pro Tem until the second legislative meeting in April 2007. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

Mayor Snead and City Manager Ron Fehr presented outgoing Mayor Klimek with a plaque commemorating his tenure as Mayor.

Mayor Snead addressed the Commission and the general public with his vision and goals for the next year.

The Commission took a ten minute recess.

CONSENT AGENDA

(* denotes those items discussed)

CLAIMS REGISTER NOS. 2557 and 2558

The Commission approved Claims Register Nos. 2557 and 2558 authorizing and approving the payment of claims from March 29, 2006, to April 11, 2006, in the amounts of \$2,281.02 and \$2,321,829.63 respectively.

LICENSE – CEREAL MALT BEVERAGE

The Commission approved the application for 2006 Cereal Malt Beverage License for Happy Valley, 1120 Laramie Street.

FINAL PLAT – GRAND MERE VILLAGE ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Grand Mere Village Addition, generally located northwest of the intersection of Westbank Way and Kimball Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

CONSENT AGENDA (CONTINUED)

FINAL PLAT – BSS & FUNK ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of BSS & Funk Addition, generally located at the western end of Houston Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6534 – REZONE – GTM SPORTSWEAR ADDITION

The Commission approved Ordinance No. 6534, rezoning a portion of proposed Lot 1, GTM Sportswear Addition, Unit Two, a 0.51-acre tract of land, generally located south of the GTM Sportswear warehouse and storage yard and east of Carlson Street, from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report. (*See Attachment No. 1*)

FINAL PLAT – GTM SPORTSWEAR ADDITION, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of GTM Sportswear Addition, Unit Two, generally located south of McCall Road, east of Carlson Street and west of Enoch Lane, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6535 – MODIFY PARKING – ALLISON AVENUE

The Commission approved Ordinance No. 6535 modifying the parking along Allison Avenue.

RESOLUTION NO. 041806-A – SET DATE TO SELL – GENERAL OBLIGATION BONDS 2006A

The Commission approved Resolution No. 041806-A setting May 16, 2006, as the date to sell \$1,540,000.00 in general obligation bonds (Series 2006A) and approve first reading of an ordinance issuing \$1,540,000.00 in general obligation bonds for the following projects: *Brookfield Addition, Unit 4 – Sanitary Sewer (SS0406), Street (ST0414) and Water (WA0411); Lee Mill Heights, Unit 1 – Sanitary Sewer (SS0407), Street (ST0415) and Water (WA0412).*

RESOLUTION NO. 041806-D – GRAND MERE VILLAGE – STREET IMPROVEMENTS (ST0528)

The Commission found the petition sufficient and approved Resolution No. 041806-D finding the 2006 Street Improvements advisable and authorizing construction Grand Mere Village – Street Improvements.

CONSENT AGENDA (CONTINUED)

REQUEST FOR PROPOSALS – HISTORIC PRESERVATION SERVICES

The Commission authorized City Administration to advertise a Request for Proposals for historic preservation services and appoint Commissioner Morris-Hardeman to serve on the Selection Committee.

* **AWARD CONTRACT – 2006 TRACTOR AND MOWER DECK - AIRPORT**

Diane Stoddard, Deputy City Manager and Interim Airport Director, answered questions from the Commission.

The Commission awarded the purchase of a new 2006 tractor in the amount of \$31,759.20 and mower deck model FR15 in the amount of \$10,680.65 for the Airport to Kan Equip, Inc., of Wamego, Kansas.

QUIT CLAIM DEED – RELEASE EASEMENT – BETWEEN SECOND AND THIRD STREETS

The Commission authorized the Mayor and City Clerk to execute the proposed quit-claim deed, releasing a portion of land between Second and Third Streets, designated as an easement, and transferring it to Wamego Sand Company, Inc.

* **LETTER OF UNDERSTANDING – 2005 CITY AUDIT**

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

The Commission authorized the Mayor and City Clerk to confirm the letter of understanding between the City of Manhattan and Berberich Trahan and Company, of Topeka, Kansas, for the 2005 City Audit.

After discussion, Commissioner Hatesohl moved to approve the consent agenda as read. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING – REZONE - THE PROPOSED KIMBALL TOWNHOME ADDITION

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

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - THE PROPOSED KIMBALL TOWNHOME ADDITION (CONTINUED)

Neil Horton, representing Bayer Construction, provided additional information about the project. He then answered additional questions from the Commission.

Rob Ott, City Engineer, answered questions from the Commission.

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

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

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning the proposed Kimball Townhome Addition, generally located northwest of the intersection of Kimball Avenue and Anderson Avenue, from I-5, Business Park District, and PUD, Planned Unit Development District, to R-2, Two-Family Residential District, and C-2, Neighborhood Shopping District, based on the findings in the Staff Report. (*See Attachment No. 2*) Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - ANNEX AND REZONE - THE PROPOSED EUREKA ADDITION

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

Tim Schultz, representing Schultz Construction, provided additional information about the proposed project and spoke of the importance to provide an area for businesses to relocate as part of the downtown redevelopment efforts.

Richard Britt, 1400 South Scenic Drive, owner of Britt's Garden Acres, informed the Commission that he was concerned with the proposed development. He said water would be dumped on his farm and result in adverse impacts on his property, that Scenic Drive would be negatively affected, and that important utilities located in the area would be difficult to repair if water is standing over the area.

Pat Murphy, 4100 Fort Riley Boulevard, presented the problems that the valley area is having with water flows. He encouraged the Commission to look at the whole valley and water issues that are occurring. He then answered questions from the Commission regarding the water channel.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - THE PROPOSED EUREKA ADDITION (CONTINUED)

Monte Prescott, BG Consultants, provided information on the item and discussed the correspondence that he received from Leif Holliday, P.E., Division of Water Services, with the State of Kansas, regarding the Eureka lake oxbow. He then answered questions from the Commission.

Richard Britt, 1400 South Scenic Drive, owner of Britt's Garden Acres, provided additional information on the item and the flooding impacts in the area.

Jeff Hancock, Director of Public Works, provided additional information to the Commission.

Ron Fehr, City Manager, provided additional information on the Corps of Engineers study and the Corporate Technology Park area.

Pat Murphy, 4100 Fort Riley Boulevard, provided additional information and suggested the Corps of Engineers design the new highway to solve some of these problems.

Ron Fehr, City Manager, provided additional information on the design status and informed the Commission that he did not know when project funding would be appropriated.

Richard Britt, 1400 South Scenic Drive, owner of Britt's Garden Acres, said his property could handle the water currently, but could not handle any more water runoff.

Monte Prescott, BG Consultants, provided additional information on the item and answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance annexing the proposed Eureka Addition, generally located south Eureka Drive, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program, and the findings of the Board of Riley County Commissioners; and, approve first reading of an ordinance rezoning the site as proposed to: I-2, Industrial Park District; I-3, Light Industrial District, and C-6, Heavy Commercial District, with AO, Airport Overlay District; based on the findings in the Staff Report. (*See Attachment No. 3*) Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

**RESOLUTION NO. 041806-B - SET PUBLIC HEARING DATE -ESTABLISHING
A TRANSPORTATION DEVELOPMENT DISTRICT (TDD)**

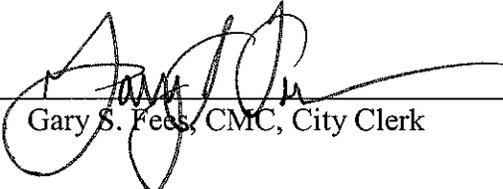
Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, presented the item. He then answered questions from the Commission.

Rick Kiolbasa, Dial Realty, provided additional information on the item and informed the Commission that he was pleased to be moving forward with the project.

After discussion, Commissioner Morris-Hardeman moved to approve Resolution No. 041806-B setting May 9, 2006, as the public hearing date to consider establishing a Transportation Development District within the City of Manhattan and providing for the giving of notice of such public hearing. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:45 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY FOR A PROPOSED EXPANSION OF THE GTM SPORTSWEAR WAREHOUSE

FROM: C-5, Highway Service Commercial District.

TO: I-2, Industrial Park District.

APPLICANTS: Dave Dreiling and Paul Bosch.

ADDRESSES: 520 McCall Road and 2560 McDowell Creek Road.

OWNER: Bosch Enterprises, L.P., a Kansas Limited Partnership.

ADDRESS: 2560 McDowell Creek Road.

LOCATION: generally south of the GTM Sportswear warehouse and storage yard and east of Carlson Street.

AREA: 0.51-acres (approximately 22,215-square feet).

DATE OF PUBLIC NOTICE PUBLICATION: Monday, February 27, 2006

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, March 20, 2006
CITY COMMISSION: Tuesday, April 4, 2006

EXISTING USE: vacant tract of unplatted land zoned C-5 District.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: flat and generally covered with field grass. The site drains to the south and is in a 100 Year Flood Plain and may be developed subject to the requirements of the Flood Plain Regulations of the Manhattan Zoning Ordinance.

SURROUNDING LAND USE AND ZONING:

(1) **NORTH:** GTM Sportswear warehouse, Carlson Street; I-2 District.

(2) **SOUTH:** Vacant fields, hotel, auction house, E. Poyntz Avenue frontage road; C-5 District.

Attachment No. 1

(3) EAST: Vacant service commercial lot, residential dwelling, contractor rental, Enoch Lane, auto dealership; C-5 District.

(4) WEST: Carlson Street, research facilities; I-2 District.

GENERAL NEIGHBORHOOD CHARACTER: A mix of industrial park uses to the north and southwest of the site and service commercial uses to the east and south/southeast.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is zoned C-5 District and is suitable for C-5 District activity.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The area to the west and southwest is zoned I-2 District. The proposed change is consistent with the uses off Carlson Street to the west and southwest. An increase in traffic, light, and noise can be expected, but are not unlike those, which currently exist. An adjoining property, Advanced Manufacturing Institute, owner has indicated that GTM Sportswear's employee and truck delivery traffic has had a negative impact on the public street and nearby property; however, steps are being taken by GTM Sportswear as a part of the building expansion to ensure the truck loading and parking issues are addressed.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Northeast Planning Area designates the site as a combination of IND, Industrial, and Community Commercial (CC). The site is zoned a combination of I-2, Industrial Park District, and C-5, Highway Service Commercial District. Both districts implement the Comprehensive Plan. The rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The .51-acre tract has remained vacant to date.

July 1, 1969: Annexation and rezoning to C-5 District.

1969 to 2006: C-5 District.

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

Attachment No. 1

The intent of the I-2 District is to allow a district designed for a broad range of manufacturing and research activities in a large lot industrial park setting. The .51 acre tract will be combined with existing Lot A, GTM Sportswear Addition, for a proposed expansion of the existing GTM facility and a new lot will be established as a part of a Concurrent Plat. Minimum lot area in the I-2 District is one (1) acre. The proposed lot is four (4) acres.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. The proposed expansion of GTM Sportswear warehouse requires approval of a reduction of the front yard setback along Carlson Street, which must be approved by the Board of Zoning Appeals, prior to construction. It may be a hardship to the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities and services are available to serve the site.

OTHER APPLICABLE FACTORS: The applicants have submitted a Concurrent Plat (Preliminary and Final Plats) for the proposed GTM Sportswear Addition, Unit Two, which will consist of three (3) proposed lots: Lot 1 for GTM Sportswear (Dave Dreiling) and Lot 2 and 3 for Bosch Enterprises, L.P., a Kansas Limited Partnership (Paul Bosch). The Public Hearing to consider the Concurrent Plat is scheduled for Monday, March 20, 2006. The Plat is subject to approval by the Planning Board, based on the requirements of the Manhattan Urban Area Subdivision Regulations.

The Board of Zoning Appeals must approve an Exception for the proposed reduction of the front yard setback along Carlson Street, prior to the expansion of the warehouse. The public hearing will be scheduled for the April 12, 2006, BZA meeting.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of a 0.51-acre tract of land from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the staff report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of 0.51-acre tract of land from C-5, Highway Service Commercial District, to I-2, Industrial Park 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 a 0.51-acre tract of land from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner
DATE: March 14, 2006
06006

STAFF REPORT

ON AN APPLICATION TO REZONE THREE (3) TRACTS OF LAND IN THE PROPOSED KIMBALL TOWNHOMES ADDITION

FROM: Tract 1 and Tract 2: I-5, Business Park District
Tract 3: PUD, Planned Unit Development District

TO: Tract 1 and Tract 3 rezone to: R-2, Two-Family Residential District
Tract 2 rezone to: C-2, Neighborhood Shopping District

APPLICANT: Bayer Construction Company, Inc.

ADDRESS: 120 Deep Creek Road, Manhattan KS 66502.

OWNER: Bayer Construction Company, Inc.; Tillman Partners LP.

ADDRESS: 120 Deep Creek Road, Manhattan KS 66502; 1328 Sharingbrook, Manhattan, KS 66503.

LOCATION: Generally located northwest of the intersection of Kimball Avenue and Anderson Avenue.

AREA: Total area: approximately 12 acres; R-2 District portion: approximately 10.61 acres; and. C-2 District portion: approximately 1.37 acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, February 27, 2006.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 3, 2006.

CITY COMMISSION: Tuesday, April 18, 2006.

(Note: the public hearing was originally scheduled for March 20, 2006, and was tabled to allow for re-notification to property owners due to an inadvertent administrative error.)

EXISTING USE: Vacant I-5 District and conservation and drainage easement in Four Winds Village PUD.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site slopes downhill from Kimball Avenue to the west southwest. Portions of the I-5 District have been graded. The conservation and drainage easement is wooded, as are parts of the I-5 District. Drainage is to the south to Wildcat Creek. The site is a long rectangular tract

Attachment No. 2

extending from the general northwest corner of the Kimball Avenue and Anderson Avenue intersection approximately 1,600 feet, measured north to south, and approximately 300 feet in width, east to west. The conservation and drainage easement (Tract 3) is along the western boundary of Tract 1 and is approximately 700 feet in length, measured north to south, and approximately 120 feet in depth, east to west. Kimball Avenue adjoins the eastern side of the site. Anderson Avenue is along the south frontage and is outside the city limits.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Undeveloped industrial business park; I-5 District.
- (2) **SOUTH:** Anderson Avenue/Scenic Drive/Kimball Avenue intersection, garden/landscaping nursery (Blueville Nursery); County C-4, Highway Business District.
- (3) **EAST:** Kimball Avenue, undeveloped industrial business park, single-family dwellings (Wyndham Heights subdivision; I-5 District, and R, Single-Family Residential District.
- (4) **WEST:** Residential townhomes, undeveloped neighborhood commercial/professional office (Four Winds Village); PUD.

GENERAL NEIGHBORHOOD CHARACTER: The site is at the western edge of the City and is developing with neighborhood commercial /professional office and residential uses.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The physical and environmental characteristics of the site do not appear to lend themselves to industrial business park uses, although the characteristics of the site do not prohibit the uses of the I-5 District.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The site is separated from low density residential neighborhoods to the east by Kimball Avenue right-of-way, which is, at a minimum, approximately 120 feet in width. Residential townhome development to the west is separated from the proposed R-2 District by a common area/drainage easement. The proposed neighborhood commercial site is adjacent to a major street intersection. Similar commercial uses are allowed in the commercial part of Four Winds Village, which is adjacent to, and west of the proposed C-2 District. Other similar commercial uses are to the south and southeast of the site and separated from the proposed C-2 District by major streets. Increases in light, noise, and traffic can be expected with the development, similar to those in the general neighborhood.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Northwest Planning Area of the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the rezoning site as Residential Medium/High (RMH) and Neighborhood Community Center (NCC).

Policy characteristics cited in the Comprehensive Plan are:

RESIDENTIAL MEDIUM/HIGH DENSITY (RMH)

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

RMH 2: Appropriate Density Range

Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.

NEIGHBORHOOD COMMERCIAL CENTER (NCC)

NCC 1: Characteristics

Neighborhood Commercial Centers are intended to provide a range of services, including supermarkets, restaurants, movie rentals, drycleaners, drugstores, filling stations, smaller specialty shops, retail and health services and business and professional offices, for residential areas. Neighborhood centers will vary in scale and character. Smaller, limited use centers may be fully integrated into the surrounding neighborhood and be accessed primarily by pedestrian or bicycle; while larger centers will function more independently, providing ample parking and numerous stores. Mixed-Use Neighborhood Centers that also incorporate residential uses are appropriate in a master planned setting. Neighborhood Centers often serve more than one nearby neighborhood in order to maintain sufficient economy of scale.

NCC 2: Location

Neighborhood centers should generally be located at the intersection of arterial and collector streets. However, smaller centers with limited uses may be appropriate within a residential area at the intersection of two collector streets, or at the intersection of a

collector and a local street, provided they are designed to be compatible with the surrounding neighborhood and meet a minimum level of design criteria.

NCC 3: Size

Neighborhood centers typically require a site of approximately 10 acres, but may vary, ranging from as small as 1-3 acres to as large as 15-20 acres depending on the size of its service area and the extent of its mixed-use characteristics.

NCC 4: Architectural Character

Neighborhood Centers shall be designed to be compatible with and sensitive to surrounding residences. Building materials and architectural detailing should be compatible with and reflect the character of the surrounding neighborhood. Building heights and scale should be similar to surrounding residences.

NCC 5: Circulation and Access

Main entrances and driveways should be integrated with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles. Clear, direct pedestrian connections shall be provided between uses within the center and to the surrounding neighborhood.

NCC 6: Parking Location and Design

Large, uninterrupted expanses of parking should be avoided. Parking areas shall be divided into smaller “blocks” by landscaping and walkways. To the extent possible, parking blocks shall be distributed between the front and sides of buildings, or the front and rear, rather than placed solely in front of building.

NCC 7: Transitions between Uses

Attractive transitions should be provided between the center and surrounding residences, while not limiting access between the center and the neighborhood for all modes of travel. Transitions can be accomplished by stepping down the height of taller structures to meet residences, providing landscape buffers or screening, or similar means. Use creative design to avoid simply “walling” off residential areas from neighborhood centers.

The proposed rezonings are in general conformance with the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site was annexed and rezoned to I-5 District in 1981 and has remained vacant and zoned I-5 District to date.

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

Attachment No. 2

The R-2 District is District is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. The proposed Kimball Townhomes Addition Preliminary Plat is designed for duplex or single-family attached uses consistent with the R-2 District.

The C-2 District is designed to provide a broad range of retail shopping facilities and services located to serve one or more residential areas. The C-2 District site is sufficient in area, width and depth, to meet minimum C-2 District requirements.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. It may be a hardship to the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities and services are available to serve the site.

OTHER APPLICABLE FACTORS: The proposed Preliminary Plat of Kimball Townhomes Addition must be approved by the Planning Board.

The Manhattan Board of Zoning Appeals approved an Exception of the minimum 25 foot front yard setback to 20 feet along the internal R-2 District street frontage for future two-family residential buildings due primarily to the site being “steeply sloped, descending to the west below grade of Kimball Avenue. The applicant has stated that meeting the strict application of the regulations would require either construction of driveways with a 10% slope or 10 to 15-foot retaining walls behind the proposed units on one or both sides of the street. Allowing the proposed Exception will ensure the driveways along the proposed interior street are constructed at a safer and more desirable slope and the height of retaining walls can be reduced.”

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of the Kimball Townhomes Addition from I-5, Business Park District, and PUD, Planned Unit Development District, to R-2, Two-Family Residential District, and, C-2, Neighborhood Shopping District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Kimball Townhomes Addition from I-5, Business Park District, and PUD, Planned Unit Development District, to R-2, Two-Family Residential District, and, C-2, Neighborhood Shopping 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 the Kimball Townhomes Addition from I-5, Business Park District, and PUD, Planned Unit Development District, to R-2, Two-Family Residential District, and, C-2, Neighborhood Shopping District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: March 28, 2006

06007

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County G-1, General Agricultural District, and N-1, Airport Noise Hazard District.

TO: Three tracts of land in the proposed Eureka Addition:

Tract 1, an approximate 20-acre tract; rezone to: C-6, Heavy Commercial District, with AO, Airport Overlay District;

Tract 2, an approximate 22-acre tract, rezone to: I-2, Industrial Park District, with AO, Airport Overlay District; and,

Tract 3, an approximate 9-acre tract, rezone to: I-3, Light Industrial District, with AO, Airport Overlay District.

APPLICANT: SSF Development LLC-Roger Schultz.

ADDRESS: 1213 Hylton Heights Road, Manhattan, KS 66502.

OWNERS: SSF Development, LLC (Roger Schultz) and the P.E. and J.P. Frigon Trust (Phil Frigon). (Note: the Department of Labor has agreed to the annexation and rezoning for the north part of the Eureka Drive right-of-way.)

ADDRESSES: 1213 Hylton Heights Road, Manhattan, KS 66502; 1951 Meadowlark Road, Clay Center, 67432.

LOCATION: approximately 1,500 feet west of the intersection of Scenic Drive and Eureka Drive and south of Eureka Drive and the Flint Hills Job Corps Center.

AREA: approximately 53-acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, January 16, 2006

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, February 6, 2006
CITY COMMISSION: Tuesday, February 21, 2006

EXISTING USE: Farm field and Eureka Drive right-of-way.

Attachment No. 3

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The majority of the site is a farm field with mature trees along the western boundary and a small area of mature trees in the south central part of the site. The site is entirely within the Horizontal and Conical Zones of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to the site. The northwest corner of the site is also within the Approach and Transitional Zones of the airport. Future uses (structures and trees), which are within these Zones may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (see below under **CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE** for further information concerning the AO District).

The site is generally divided into 500 Year Flood Plain in the northern half, and 100 Year Flood Plain in the south half. The 100 Year Flood Plain consists of Floodway in the southwestern corner of the site and cannot be developed. The remaining 100 Year Flood Plain is the buildable portion, subject to the Flood Plain Regulations as well as a unique area identified on Flood Insurance Rate Map as a "Breakout" area. The Breakout area must remain free of structures in order to convey the 100 flood, although it is not identified as Floodway. FEMA has indicated the Breakout area is one of two in the United States. The 500 Year Flood Plain is not regulated. A small portion of the site is outside both the 100 year and 500 Year Flood Plains.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Eureka Drive and Flint Hills Job Corps Center; G-1, N-1, and U, University District.
- (2) **SOUTH:** Farm field, K-18 Highway; G-1 District.
- (3) **EAST:** Farm field: G-1 District.
- (4) **WEST:** Ady Addition, single-family dwellings and vacant lots; A-1, Single-Family Residential District, A-2, Single-Family Residential District, and A-3, Single-Family Residential District.

GENERAL NEIGHBORHOOD CHARACTER: The neighborhood is dominated by agricultural fields. The Flint Hills Job Corps is to the immediate north. Single family homes and vacant residential lots are to the west of the site.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is zoned and can be used for agricultural purposes.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The western portion of the site abuts the Ady Addition. There are five single-family homes in the Ady Addition, which are generally along the northwestern boundary of the proposed Eureka Addition. This part of the site is proposed to be I-2 District. The remainder of the Ady Addition, along the southwestern boundary the proposed Eureka Addition, consists of vacant residential lots, owned by Riley County.

The yards of proposed I-2 District lots, to the east of the Ady Addition, will be the rear yards of future industrial activities, except for the northern most lot. In that instance the yard is a side yard. The minimum rear and side yard setbacks of the I-2 District are 20 feet.

Use limitations of the I-2 District are intended to mitigate the impact of I-2 District uses on nearby residential properties, which include:

- All operations, activities and storage shall be conducted inside a building, or buildings, except that storage may be maintained outside the building, provided that it is enclosed by sight obscuring screening of not less than six (6) feet in height, and provided that it is not located within a required front, side, or rear yard.
- Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that either share a common boundary with property, except streets, in a residential district, or are separated from such property by only an alley.
- Exterior lighting shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
- There shall be no noise, smoke, dust, odor or vibrations emanating from the property which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons off of said property.

The proposed C-6 and I-3 Districts are approximately 510 feet to the east of the Ady Addition and should not adversely impact on the residential area.

To the north of the site are Eureka Drive and the Flint Hills Job Corps Center. To the south and east are farm fields. Minimal impact is expected on the properties to the north, south and east as a result of the proposed rezonings.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Southwest Planning Area of the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the majority of the proposed Eureka Addition as Industrial (IND). The southern part of the site is designated Flood Hazard Area. The northwest corner of the site is within the Approach and Transitional Zones of the Manhattan Regional Airport, and entirely within the Horizontal and Conical Zones of the Airport, as shown on the Environmental Values and Constraints Map. The site is also within a Special Planning Area, the Eureka Valley.

Specific policy statements of the Comprehensive Plan, as they relate to the Eureka Addition, include:

I 1: Characteristics. *The Industrial designation is intended to provide locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations. Typically, heavy industrial uses involve more intensive work processes, and may involve manufacturing or basic resource handling and/or extraction. Design controls within an Industrial area are not as extensive as in the Office/Research Park category and a broader range of uses is permitted.* (Chapter 4: Land Use and Growth Management, page 4-15)

I 2: Location. *Because of their potential environmental impacts, Industrial uses should generally be located away from population centers or must be adequately buffered. Traffic generated by industrial uses should not pass through residential areas. Sites should have access to one or more major arterials or highways capable of handling heavy truck traffic. Railroad access is also beneficial to certain types of heavy industrial uses. Light industrial uses can typically be located in areas that also contain some highway-oriented commercial uses, and might benefit from close proximity and better access to their local customer base.* (Chapter 4: Land Use and Growth Management, page 4-15)

I 3: Screening. *Storage, loading and work operations should be screened from view along all industrial area boundaries (when adjacent to non-industrial uses) and along all public streets.* (Chapter 4: Land Use and Growth Management, page 4-15)

NRE 6: Natural Hazards. *Development shall be prohibited in areas where natural hazards have been identified which have the potential to endanger life, resources, and property. Within the Manhattan Urban Area, these hazards include steep slopes (20% or greater slope), floodways, and other special flood hazard areas.* (Chapter 5, Natural Resources and Environment, page 5-3)

EV 1: Manhattan Regional Airport. *The location and design of future development should be compatible and consistent with the goals and policies of the Airport Master Plan. (Chapter 13: Special Planning Area Policies, page 13-6)*

The I-2 and I-3 Districts allow manufacturing and industrial services consistent with the Comprehensive Plan.

The Plan does not identify heavy commercial locations or set out specific policy statements for the land use in the same manner as the central core, community, and neighborhood centers. The Plan does, however, suggest that commercial services should be concentrated as activity centers, which the proposed Eureka Addition will accomplish. In addition, the C-6 District is designed to provide for uses, which allow for the sale and/or service of heavy equipment or products, and has traditionally been located adjacent to the I-2 District industrial park in the vicinity of McCall Road. The heavy commercial nature of the district is more oriented to and consistent with the needs of industrial users than the general motoring public, although the general public may visit use the services of a C-6 District use.

The 100 Year Flood Plain is identified on the Preliminary Plat and development will be regulated within the 100 Year Flood Plain, according to the Flood Plain Regulations of the Manhattan Zoning Regulations.

The AO District is proposed to be added to the underlying zoning districts, which will control construction within the AO District.

The proposed rezonings conform to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The majority of the site is zoned G-1 District. The N-1 District was added to the northwestern part of the site by Riley County. The site is currently vacant and appears to have been so for an indeterminate period of time.

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

The C-6, Heavy Commercial District, is designed to provide for commercial uses which allow for the sale and/or service of heavy equipment or products. Conditional Uses include: all uses listed as either a permitted or a conditional use in the C-5 District, except drive-in establishments. The I-2, Industrial Park District is designed to allow a broad range

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of manufacturing and research activities in a large lot industrial park setting. The I-3, Light Industrial District is designed to allow manufacturing, processing, assembly, and nonretail service activities (*C-6, I-2, and I-3 District regulations attached*).

The AO District “is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by the facility to the region. The district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport's operation or the public welfare.” Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit (*AO District regulations attached*).

Development in the 100 Year Flood Plain is subject to the requirements of the Flood Plain Regulations of the Manhattan Zoning Regulations, which are intended to protect life and property from flooding.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. It may be a hardship to the applicant if the rezoning is denied.

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

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of the Eureka Addition from County G-1, General Agricultural District and N-1, Airport Noise Hazard District, to: Tract 1 rezone to: C-6, Heavy Commercial District, with AO, Airport Overlay District; Tract 2 rezone to: I-2, Industrial Park District, with AO, Airport Overlay District; and, Tract 3 rezone to: I-3, Light Industrial District, with AO, Airport Overlay District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Eureka Addition from County G-1, General Agricultural District and N-1, Airport Noise Hazard District, to: Tract 1 rezone to: C-6, Heavy Commercial District, with AO, Airport Overlay District; Tract 2 rezone to: I-2, Industrial Park District, with AO, Airport Overlay District; and, Tract 3 rezone to: I-3, Light Industrial District, with AO, Airport Overlay District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning the Eureka Addition from County G-1, General Agricultural District and N-1, Airport Noise Hazard District, to: Tract 1 rezone to: C-6, Heavy Commercial District, with AO, Airport Overlay District; Tract 2 rezone to: I-2, Industrial Park District, with AO, Airport Overlay District; and, Tract 3 rezone to: I-3, Light Industrial District, with AO, Airport Overlay District, based on the findings in the Staff Report .

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: January 31, 2006