

MINUTES
CITY COMMISSION MEETING
TUESDAY, MAY 2, 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 Bruce Snead and Commissioners Tom Phillips, Mark Hatesohl, Jayme Morris-Hardeman, and Ed Klimek 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, Acting City Clerk Brenda K. Wolf, Youth in Government Representative Ravi Reddi, 10 staff, and approximately 33 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Snead proclaimed May 4, 2006, ***National Day of Prayer***. Mark Taussig and Barbara Murphy, National Day of Prayer Committee, was present to receive the proclamation.

Mayor Snead proclaimed May 6 - 12, 2006, ***National Nurses Week***. Karen Hawes, District 18 President, Kansas State Nurses Association, and Sue Phillips, District 18 Representative, Kansas State Nurses Association, were present to receive the proclamation.

Mayor Snead proclaimed May 13, 2006, ***Letter Carrier Food Drive Day***. Fred Stork, Food Drive Coordinator, National Letter Carriers Association, was present to receive the proclamation.

Mayor Snead proclaimed May 22 – 28, 2006, ***Salvation Army Week***. Robert L. Buttrey III, Captain, Corps Officer, Salvation Army, was present to receive the proclamation.)

Mayor Snead proclaimed Special Joint City of Manhattan and City of Junction City Proclamation to be presented to the 1st Infantry Division as part of the special delegation visit to Germany led by the Lieutenant Governor.

PUBLIC COMMENTS

Mayor Snead opened the public comments.

Hearing none, Mayor Snead closed the public comments.

COMMISSIONER COMMENTS

Mayor Snead recognized the Youth in Government representative Ravi Reddi.

Mayor Snead encouraged all interested to serve on a City advisory board. For information, the public can contact the Mayor or Brenda Wolf in the City Manager's Office.

Mayor Snead mentioned the Parks and Recreation Department Summer Activities brochure, the Neighborhood Newsletter, and the City Manager's Monthly Report. All of these are available on the City's website.

Mayor Snead stated that he and Commissioner Klimek were traveling to Germany the end of this week to welcome the Big Red One and their families back to Kansas. He went over the agenda of events of what they will be doing while in Germany.

Mayor Snead provided an update to the public on the situation involving the Parks and Recreation Department.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, April 18, 2006.

CLAIMS REGISTER NO. 2559

The Commission approved Claims Register No. 2559 authorizing and approving the payment of claims from April 12, 2006, to April 25, 2006, in the amount of \$2,258,840.51.

LICENSES – FIREWORKS DISPLAYS

The Commission approved applications for Fireworks Display for Fourth of July celebrations from Westside Business Association at CiCo Park and from Manhattan Country Club at the Manhattan Country Club Golf Course.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6536 – REZONE – KIMBALL TOWNHOME ADDITION

The Commission approved Ordinance No. 6536 rezoning the proposed Kimball Townhome 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. (*See Attachment No. 1*)

ORDINANCE NO. 6537 – ANNEX – EUREKA ADDITION

The Commission approved Ordinance No. 6537 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.

ORDINANCE NO. 6538 – REZONE – EUREKA ADDITION

The Commission approved Ordinance No. 6538 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. 2*)

CHANGE ORDER NO. 1-FINAL – OAK HOLLOW ADDITION, UNIT 11 – WATER IMPROVEMENTS (WA0502)

The Commission approved Change Order No. 1-Final for Oak Hollow Addition, Unit 11, Water Improvements resulting in a net increase in the amount of \$477.00 (+1.17%) to the contract with Manhattan Trenching Construction, Inc., of Manhattan, Kansas.

CHANGE ORDER NO. 1-FINAL – OAK HOLLOW ADDITION, UNIT 11 – SANITARY SEWER IMPROVEMENTS (SS0502)

The Commission approved Change Order No. 1-Final for Oak Hollow Addition, Unit 11, Sanitary Sewer Improvements resulting in a net decrease in the amount of \$53.00 (-0.10%) to the contract with Manhattan Trenching Construction, Inc., of Manhattan, Kansas.

CHANGE ORDER NO. 1-FINAL – LEE MILL HEIGHTS ADDITION, UNIT 2 – WATER IMPROVEMENTS (WA0504)

The Commission approved Change Order No. 1-Final for Lee Mill Heights Addition, Unit 2, Water Improvements resulting in a net increase in the amount of \$495.00 (+0.43%) to the contract with J & K Contracting LC, of Junction City, Kansas.

CONSENT AGENDA (CONTINUED)

CHANGE ORDER NO. 1-FINAL – LEE MILL HEIGHTS ADDITION, UNIT 2 – SANITARY SEWER IMPROVEMENTS (SS0504)

The Commission approved Change Order No. 1-Final for Lee Mill Heights Addition, Unit 2, Sanitary Sewer Improvements resulting in a net decrease in the amount of \$1,689.00 (-0.8%) to the contract with J & K Contracting LC, of Junction City, Kansas.

* AWARD CONTRACT – 2006 STREET MAINTENANCE MICROSURFACING, PHASE I (ST0606)

Rob Ott, City Engineer, highlighted areas of town affected by the project and other projects around the community.

The Commission accepted the Engineer's Estimate in the amount of \$113,093.60 and awarded a construction contract in the amount of \$109,376.64 to Ballou Construction Company, Inc., of Salina, Kansas, for the 2006 Street Maintenance Microsurfacing, Phase I (ST0606).

* AWARD CONTRACT – 2006 STREET MAINTENANCE ASPHALT MILL AND OVERLAY, PHASE II (ST0607)

Rob Ott, City Engineer, highlighted areas of town affected by the project and other projects around the community.

The Commission accepted the Engineer's Estimate in the amount of \$526,790.75 and awarded a construction contract in the amount of \$489,069.50 to Schilling Construction Company, Inc., of Manhattan, Kansas, for the 2006 Street Maintenance Asphalt Mill and Overlay, Phase II (ST0607).

* AWARD CONTRACT – 2006 STREET MAINTENANCE RECLAMITE, PHASE III (ST0603)

Rob Ott, City Engineer, highlighted areas of town affected by the project and other projects around the community.

The Commission accepted the quote of \$75,486.00 and awarded a construction contract to Proseal, Inc., of Eldorado, Kansas, for the 2006 Street Maintenance Project, Reclamite, Phase III (ST0603).

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – MILLER RANCH, UNT 3 – STREET IMPROVEMENTS (ST0521)

The Commission accepted the Engineer's total Estimate in the amount of \$772,000.00 and awarded a contract to Ebert Construction Company, of Wamego, Kansas, as the low bidder with a total bid of \$682,137.20 for the Miller Ranch, Unit 3, Street Improvements (ST0521).

AWARD CONTRACT – MCCALL ROAD AND TUTTLE CREEK BOULEVARD STORM WATER DETENTION POND (SM0405)

The Commission accepted the Engineer's Estimate in the amount of \$2,469,351.35, awarded a contract to Bob Bergkamp Construction, of Wichita, Kansas, as the low bidder with a total bid of \$1,916,181.00, and approved the consultant contract addendum resulting in an increase of \$20,748.64 to the contract with BG Consultants, of Manhattan, Kansas, for the McCall Road and Tuttle Creek Boulevard Storm Water Detention Pond (SM0405).

AWARD CONTRACT – THERMAL IMAGING CAMERAS – FIRE DEPARTMENT

The Commission awarded the contract in the amount of \$12,990.00 to Municipal Emergency Services, of Salina, Kansas, for two (2) thermal imaging cameras and truck mount chargers for the Fire Department and authorized City Administration to enter into a purchase agreement with this company.

* AUTHORIZE PURCHASE – PICKUP TRUCKS – PUBLIC WORKS DEPARTMENT

Ron Fehr, City Manager, addressed why additional personnel and vehicles were needed for the Public Works Department.

The Commission authorized the purchase of two new full-size, regular cab pick-up trucks utilizing the State bid.

AGREEMENT – 4TH STREET, PHASE IIA

The Commission authorized the Mayor and City Clerk to enter into an agreement with HWS Consultants, of Manhattan, Kansas, to complete the design of the 4th Street, Phase IIA (Leavenworth Avenue to Bluemont Avenue).

ADMINISTRATIVE PLANS – HOUSING REHABILITATION PROGRAM

The Commission approved the Administrative Plans for the Manhattan Housing Rehabilitation Program and waived building permit fees for rehabilitation projects implemented under the Program.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS

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

Neighborhood Grant Review Committee

Appointment of Karen McCulloh, 1516 Leavenworth Street. Ms. McCulloh's term begins immediately and will expire December 31, 2006.

Appointment of Tim Lindemuth, 500 Denison Avenue. Mr. Lindemuth's term begins immediately and will expire December 31, 2006.

Appointment of Jami Ramsey, 831 Bertrand Street. Ms. Ramsey's term begins immediately and will expire December 31, 2006.

Appointment of Sara Fisher, 811 Osage Street. Ms. Fisher's term begins immediately and will expire December 31, 2006.

Appointment of Karen DeBres, 1932 Sunset Lane. Ms. DeBres term begins immediately and will expire December 31, 2006.

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

GENERAL AGENDA

PUBLIC HEARING - ECONOMIC DEVELOPMENT ASSISTANCE - GTM SPORTSWEAR

Lyle Butler, President, Chamber of Commerce, asked for the Commission's support.

John Pagen, Business Development Manager, Chamber of Commerce, presented the request for economic development funding.

Diane Stoddard, Deputy City Manager, presented the economic development proposal. She then recognized Phil Lacey, Gilmore & Bell, and then introduced Dave Dreiling, President, GTM Sportswear (GTM).

Dave Dreiling, President, GTM Sportswear, thanked all of those involved in this process and then introduced two current employees.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - ECONOMIC DEVELOPMENT ASSISTANCE - GTM SPORTSWEAR (CONTINUED)

Nicona Wohler, Embroidery Manager, explained her career with GTM Sportswear and the benefits and promotions received over her nine (9) years with the company.

John Strawn, Vice President of Sales, spoke of his success with GTM Sportswear and the economic impact GTM Sportswear has on the community. He then encouraged the Commission to support the proposal.

Dave Dreiling, President, GTM Sportswear, went over the economic history of his company and projections for next year in various areas. He then explained the economic success of his business.

Diane Stoddard, Deputy City Manager, answered questions from the Commission by providing additional information.

Phil Lacey, Gilmore & Bell, answered questions from the Commission.

Diane Stoddard, Deputy City Manager, and Dave Dreiling, President, GTM Sportswear, answered questions from the Commission.

Mayor Snead opened the public hearing.

John Exdell, 316 Denison Avenue, Flinthills Living Wage Coalition, stated that he was disappointed with the Chamber of Commerce and City Staff for supporting the GTM Sportswear application since it was not a good one for wages. He urged the Commission to save the tax dollars for another company.

Larry Heyka, Market President for Manhattan Area, Landmark Bank; Wayne Sloan, BHS Construction; Ron Brockhoff, Stasyx; Dr. Pat Bosco, 2100 Hillview; Rob Stitt, President, Community First National Bank; and Roger Schultz, Schultz Construction, spoke of GTM's growth, business professionalism, and economic impact and contributions to the community. All spoke in support of the proposal.

Hearing no other comments, Mayor Snead closed the public hearing.

RESOLUTION NO. 050206-A - ECONOMIC DEVELOPMENT ASSISTANCE - GTM SPORTSWEAR

Dave Dreiling, President, GTM Sportswear, and Diane Stoddard, Deputy City Manager, answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 050206-A - ECONOMIC DEVELOPMENT ASSISTANCE - GTM SPORTSWEAR (CONTINUED)

Ron Fehr, City Manager, provided the Commission additional information.

Dave Dreiling, President, GTM Sportswear, provided additional information to the Commission.

After discussion, Commissioner Hatesohl moved to approve Resolution No.050206-A indicating the Commission's intent to issue up to \$28 million in industrial revenue bonds for GTM Sportswear for the purpose of refinancing constructing additions to, and equipping an existing manufacturing facility located in Manhattan, approve first reading of an ordinance authorizing the issuance of up to \$6 million in industrial revenue bonds to finance the first phase of expansion, authorize a ten-year 100% tax abatement on both real and personal property for the Company, and schedule May 16, 2006, as the date for a final determination on an economic development incentive package for GTM Sportswear. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – ANNEX AND REZONE - THE PROPOSED STONE POINTE ADDITION

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

Terry DeWeese, Director of Parks and Recreation, provided additional information to the Commission and answered questions from the Commission.

Roger Schultz, Schultz Construction, Applicant, and Jeff Hancock, Director of Public Works, answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance annexing a 78-acre tract of land for the proposed Stone Pointe Addition, generally located south of Wildcat Creek, east of Scenic Drive and west of Anneberg Park, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program, and approve first reading of an ordinance rezoning the site, as proposed, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, with AO, Airport Overlay District; R-2, Two-Family Residential District; and, R-3, Multiple-Family Residential District, based on the findings in the Staff Report. (*See Attachment No. 3*) Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

At 9:40 p.m., the Commission took a short break.

GENERAL AGENDA (CONTINUED)

REQUEST FOR WATER AND SANITARY SEWER SERVICE - SCENIC MEADOWS, LOCATED ON SCENIC DRIVE

Jeff Hancock, Director of Public Works, presented the item. He then introduced Frank Tillman, Developer.

Frank Tillman, Owner, Developer, stated he wasn't opposed to annexation but would like to go through the Riley County Process. He then introduced Leon Brown, Schwab-Eaton, P.A.

Leon Brown, Schwab-Eaton, P.A., went over the preliminary plat and explained why they are requesting to go through the Riley County process.

Frank Tillman, Owner, Developer, and Leon Brown, Schwab-Eaton, P.A., answered questions from the Commission.

Eric Cattell, Assistant Director for Planning, provided additional information to the Commission and answered questions from the Commission.

Ron Fehr, City Manager, and Bill Frost, City Attorney, provided the Commission with additional information.

Bill Frost, City Attorney; Ron Fehr, City Manager; and Eric Cattell, Assistant for Planning, answered questions from the Commission.

Frank Tillman, Owner, Developer, provided additional information.

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

After discussion, Commissioner Hatesohl moved to provide City water and sanitary sewer services to the Scenic Meadows development upon approval of application for annexation, rezoning, and platting.

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

Commissioner Morris-Hardeman seconded the motion.

Ron Fehr, City Manager, and Bill Frost, City Attorney, answered questions from the Commission.

On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

UNION PACIFIC DEPOT - RULES, REGULATIONS, AND RENTAL FEES

Terry DeWeese, Director of Parks and Recreation, presented the item. He then answered questions from the Commission.

Commissioner Klimek requested to see what rates other entities are charging, if deposits are charged upfront to potential damages, and to check to see how many caterers would be available for use.

After discussion, Commissioner Morris-Hardeman moved to approve the fees, rules, regulations, and alcohol application permit for the Union Pacific Depot and approve first reading of an ordinance amending Article I, Section 4-2 allowing alcohol to be served by an approved and licensed caterer at the Union Pacific Depot. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 4-1 with Commissioner Klimek voting against.

DEPOT LANDSCAPING

Terry DeWeese, Director of Parks and Recreation, presented the item.

After discussion, Commissioner Hatesohl moved to authorize the Mayor and City Clerk to execute an agreement with Howe Landscaping, Inc., of Manhattan, Kansas, to install and maintain the landscaping at the Depot at no cost to the City for a period of five years. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

INTERLOCAL AGREEMENT - COUNTY-WIDE SALES TAX

Bill Frost, City Attorney, presented the item.

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

Bill Frost, City Attorney, clarified the percentage the City receives from the State.

After discussion, Commissioner Hatesohl moved to authorize the Mayor and City Clerk to execute the proposed Interlocal Agreement with Riley County, regarding the distribution of proceeds from the County-Wide Sales tax; and, find that the projects, attached as Exhibit A to the Interlocal Agreement, (*See Attachment No. 4*) are economic development initiatives that benefit the City of Manhattan. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

SET PUBLIC HEARING DATE - REDEVELOPMENT PLAN, NORTH PROJECT OF DOWNTOWN REDEVELOPMENT

Jason Hilgers, Assistant City Manager, presented the item.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 050206-B setting June 6, 2006, as the date for the public hearing to consider the Redevelopment Plan for the North Project. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

FACILITY USE POLICY

Terry DeWeese, Director of Parks and Recreation, presented the item. He then answered questions from the Commission.

The Commission directed Staff to give them a policy, whatever format it is in, and to survey other facilities to use as a comparison.

ADJOURNMENT

At 11:34 p.m. the Commission adjourned.



Brenda K. Wolf, CMC, Executive Secretary
Acting City Clerk

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

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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

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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.

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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.

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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)

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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

STAFF REPORT

ON AN APPLICATION TO REZONE THE PROPOSED STONE POINTE ADDITION

FROM: County G-1, General Agricultural District.

TO: Tract 1: R-1, Single-Family Residential District, with AO, Airport Overlay District;
Tract 2: R-2, Two-Family Residential District; and,
Tract 3: R-3, Multiple-Family Residential District.

APPLICANT: Stone Crest Land Company, LLC Roger Schultz

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

OWNERS: Stone Crest Land Company, LLC Roger Schultz; and, G. Rex Stone Trust and Shirley L. Stone Trust, Shirley L. Stone.

ADDRESSES: 1213 Hylton Heights Road, Manhattan, KS 66502; 900 N. Scenic Drive, Manhattan KS 66503.

LOCATION: generally located south and west of Wildcat Creek, Anneberg Park, and Pebblebrook Apartments, and east of Scenic Drive and the Highland Meadows subdivision.

AREA: Total: 78-acres; Tract 1: 41-acres; Tract 2: 15-acres; and, Tract 3: 22-acres.

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

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 17, 2006
CITY COMMISSION: Tuesday, May 2, 2006

EXISTING USE: Agricultural fields, wooded draws, and Wildcat Creek.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is rolling terrain, and agricultural field, which slopes and drains to the north-northeast and east. Wooded areas are along the creek and in drainage ravines.

A small portion on the site in the south part of the site is within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site. Future uses (structures and trees), which are within the limits of the Conical

Zone may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (*see below under CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE for further information concerning the AO District*).

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Wildcat Creek, 100 year Flood Plain, undeveloped land, vacant dwelling unit, Cumberland Road, professional offices (medical); G-1 District, C-2, Neighborhood Shopping District, and Planned Unit Development.
- (2) **SOUTH:** Agricultural; G-1 District.
- (3) **EAST:** Wildcat Creek, 100 Year Flood Plain, Pebblebrook Apartments, two-family dwellings, and Anneberg Park; R-3 District, R-S, Single-Family Residential Suburban District.
- (4) **WEST:** Scenic Drive and Highland Meadows subdivision; R-1/AO, R-2 and R-3 Districts.

GENERAL NEIGHBORHOOD CHARACTER: The area is characterized as a developing growth corridor of the City with single-family, two-family and multiple-family residential development to the immediate west of the site and future residential development to the east and southeast. Development occurring in the Lee Mill Heights and Miller Ranch areas can be expected to grow towards the site. Wildcat Creek is a natural boundary separating the site from existing public park, apartments and professional offices to the north and east of the creek. The neighborhood connects with the City by existing Scenic Drive. Street connections from Lee Mill Heights and Miller Ranch will accommodate future access to other parts of the City.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for general agricultural activities as currently zoned.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The site is in a growth corridor of the City. Increases in light, noise and traffic are expected, which should be similar to the same affects generated by Highland Meadows subdivision.

CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed site is shown on the Future Land Use map in the Southwest Planning Area as a combination of Residential High Density (RHD), Residential Low Medium (RLM), Preserved Open Space, and Flood

Hazard area (100-Year Flood Plain). A small portion of the site in the southern part of the subdivision is in the Conical Zone of the Manhattan Regional Airport. The AO District will be added as an overlay district to the specific part of Stone Pointe Addition that is affected by the Conical Zone.

The RHD category is along the northern part of the site. The density range of RHD is 19-dwelling units per net acre or greater. The proposed R-3 District is along the Scenic Drive frontage, extending along the southern side of Wildcat Creek and west of Pebblebrook Apartment and Anneberg Park. The remainder of the site is RLM, which has a density range of less than one up to 11-dwelling units per net acre. Wooded ravines cross the site are shown as Preserved Open Space. The 100 Year Flood Plain consists of a Floodway and a Floodway Fringe. The Floodway portion of the Flood Hazard Area along Wildcat Creek is an environmentally sensitive area and cannot to be developed. The Floodway Fringe portion is the buildable part of the 100 Year Flood Plain and can be development.

Applicable Policy Statements include:

CHAPTER 4, LAND USE AND GROWTH MANAGEMENT: RESIDENTIAL HIGH DENSITY (RHD)

RHD 1: Characteristics

The Residential High Density designation is designed to create opportunities for higher density neighborhoods in both an urban downtown setting and a suburban setting. Within an urban or downtown setting, the designation accommodates higher-intensity residential housing products, such as mid to high-rise apartments, townhomes and condominiums, combined with complementary non-residential land uses, such as retail, service commercial, and office uses, often within the same building. In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or urban fashion, such as in planned apartment communities with complimentary neighborhood service commercial, office and recreational facilities. These neighborhoods could be implemented through a Planned Unit Development or by following design and site plan standards (design review process).

RHD 2: Appropriate Density Range

Possible densities under this designation are 19 dwelling units per net acre and greater.

RHD 3: Location

Residential High Density uses are typically located near intersections of arterials and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. High-density neighborhoods should not be located in settings where the only access provided consists of local streets passing through

lower density neighborhoods. In a more urban or downtown setting, residential high density may be combined with active non-residential uses in a vertically mixed-use building.

CHAPTER 4, LAND USE AND GROWTH MANAGEMENT: RESIDENTIAL_ LOW/MEDIUM DENSITY (RLM)

RLM 1: Characteristics

The Residential Low/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 the policies on 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/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, 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 leisure activities.

RLM 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.

CHAPTER 5: NATURAL RESOURCES AND ENVIRONMENT

NRE 1: Corridors, Buffers, and Linkages and Preserved Open Space

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The City and County should use a variety of methods (both public and private) to facilitate the creation of a continuous, permanent, system of open space corridors using natural features such as preserved open space areas, drainages, streams, and rivers to the extent possible. Corridors should be identified during the subdivision or master planning process and should be used to provide linkages within and between non-contiguous parks, environmentally sensitive and preserved open space areas, as well as neighborhoods and other development areas. Buffers can also be used to provide a transition between different intensities of uses. The current width and shape and other features of a naturally occurring corridor (such as a drainageway) should be preserved, in order to maintain its environmental integrity and avoid creating an “engineered” appearance.

NRE 3: Trails Network

The City and County shall use a variety of methods to develop a system of open space that is connected, continuous, and permanent. The Linear Trail, which currently follows parts of Wildcat Creek, and the Big Blue and Kansas Rivers, represents the beginnings of a network of trails and open space that will link various areas of the City. Tributary drainage channels and other potential pedestrian corridors should also be incorporated as part of the overall network as they become integrated into residential areas.

NRE 4: Environmentally Sensitive Areas: Wildlife Habitat and Corridors, Wetlands, Riparian Areas and Prairie Ecosystems

The Urban Area is home to a variety of environmentally sensitive areas, including: Wildcat Creek, the Big Blue and Kansas Rivers, numerous secondary stream corridors, drainage areas, and wetlands, as well as prairie ecosystems. In addition to their scenic quality, these areas provide other benefits, such as water quality enhancement and flood control, potential ecotourism, and also serve as important wildlife habitat. The City and County shall work to ensure that development impacts upon these areas are minimized.

NRE 5: Environmentally Sensitive Site Design

The City and County shall ensure that environmentally sensitive site design practices are used in new development. Sensitive site design practices can minimize unnecessary physical and visual impacts upon the surrounding landscape, caused by excessive removal of existing vegetation or severe roadway cuts and excessive grading of natural topography.

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.

MR 7: Airport Airspace Regulations

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

The rezoning conform to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has remained vacant and used for agricultural purposes for an undetermined length 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 R-1 District is designed to provide a dwelling zone at a density no greater than one (1) attached dwelling units per 6,500 square feet. The proposed R-1 District is sufficient in area for the proposed district.

The R-2 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 R-2 District is sufficient in area for the proposed district.

The R-3 District is designed to provide a dwelling zone at a density no less than one (1) dwelling unit per 1,000 square feet. The proposed R-3 District is sufficient in area for the proposed R-3 District.

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.”

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

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 relative gain to the public, which denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. The Preliminary Plat of the proposed Stone Pointe Addition will need to show the AO District. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The site can be served by public improvements, including street, water, fire service and sanitary sewer

OTHER APPLICABLE FACTORS: The Preliminary Plat must address the requirements of the three zoning districts, Comprehensive Plan, and Subdivision Regulations.

STAFF COMMENTS:

City Administration recommends approval of the rezoning of the proposed Stone Pointe Addition from County G-1, General Agricultural District, to R-1, Single-Family Residential District, with AO, Airport Overlay District; R-2, Two-Family Residential District; and, R-3, Multiple-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the rezoning of the proposed Stone Pointe Addition from County G-1, General Agricultural District, to R-1, Single-Family Residential District, with AO, Airport Overlay District; R-2, Two-Family Residential District; and R-3, Multiple-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 rezoning of the proposed Stone Pointe Addition from County G-1, General Agricultural District, to R-1, Single-Family Residential District, with AO, Airport Overlay District; R-2, Two-Family Residential District; and, R-3, Multiple-Family Residential District, based on the findings in the Staff Report .

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: April 11, 2006

06008

EXHIBIT A

East Marlatt (From Casement Rd. west to east of Tuttle Creek Blvd.)

Wildcat Creek Rd. (Phase I: From Eureka Dr. south to Sykes Blvd.; Phase II:
From Sykes Blvd. south to K-18.)

Eureka Dr. (From Scenic Dr. west to Wildcat Creek Rd.)

South Manhattan (From the south end of South Manhattan Ave. to the
Transfer Station.)