

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, JUNE 20, 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, City Clerk Gary S. Fees, 8 staff, and approximately 10 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Snead led the Commission in the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Mayor Snead recognized the upcoming Country Stampede and encouraged the community to be a good host to the many visitors attended the annual event.

**CONSENT AGENDA**

(\* denotes those items discussed)

**MINUTES**

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 6, 2006.

**CLAIMS REGISTER NO. 2562**

The Commission approved Claims Register No. 2562 authorizing and approving the payment of claims from May 31, 2006, to June 13, 2006, in the amount of \$1,396,522.22.

**LICENSE – CEREAL MALT BEVERAGE**

The Commission approved the application for 2006 Cereal Malt Beverage License for Alco Discount Store #45, 3007 Anderson Avenue.

## CONSENT AGENDA (CONTINUED)

### FINAL PLAT – STONE POINTE ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Stone Pointe Addition, generally located south and west of Wildcat Creek, Anneberg Park and Pebblebrook Apartments, and east of Scenic Drive and the Highland Meadows subdivision, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT – KIMBALL TOWNHOMES ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Kimball Townhomes Addition, located northwest of the intersection of Anderson Avenue with Kimball Avenue and Scenic Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT – WESTERN HILLS ADDITION, UNIT 13

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Western Hills Addition, Unit Thirteen, generally located west and north of existing Londondery Drive and south of CiCo Water Tank, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 6549 – AMEND LEGAL DESCRIPTION – ST. JOSEPH VILLAGE IRBS

The Commission approved Ordinance No. 6549 authorizing the execution and delivery of (1) a first supplemental indenture by and between the City of Manhattan, Kansas, as issuer, and Bank of New York Trust Company, N.A., as successor Trustee, and (2) a first supplemental lease by and between the City of Manhattan and St. Joseph Village, Inc.; and authorizing the execution and delivery of a corrective quitclaim deed.

### ORDINANCE NO. 6550 – VACATE UTILITY EASEMENT – LOT 15, GRAND MERE VANESTA ADDITION, UNIT ONE

The Commission approved Ordinance No. 6550 vacating a portion of the utility easement on a portion of a sixteen (16) foot utility easement on Lot 15, Grand Mere Vanesta Addition, Unit One, an addition to the City of Manhattan, Riley County, Kansas.

### PUBLIC HEARING – LEVY - SPECIAL ASSESSMENTS

Mayor Snead opened the public comments.

Hearing no comments, Mayor Snead closed the public comments.

## CONSENT AGENDA (CONTINUED)

### **FIRST READING – LEVY – SPECIAL ASSESSMENTS**

The Commission approved first reading of an ordinance levying special assessments against the following benefiting property in the following twenty-three (23) projects: *Brookfield Addition, Units 5 & 7, Phase I – Sanitary Sewer (SS0503), Street (ST0507) and Water (WA0503); Brookfield Addition, Unit 5, Phase II – Sanitary Sewer (SS0503), Street (ST0507) and Water (WA0503); Brookfield Addition, Unit 5, Phase III – Sanitary Sewer (SS0503), Street (ST0507) and Water (WA0503); Brookfield Addition, Unit 6 – Sanitary Sewer (SS0505), Street (ST0510) and Water (WA0505); Highland Meadows Addition, Unit 1 – Sanitary Sewer (SS0501), Street (ST0503) and Water (WA0501); Prairie Lakes – Storm Drainage (SM0404); Prairie Lakes Addition, Unit 1 – Sanitary Sewer (SS0508), Street (ST0514) and Water (WA0508); Hackberry Addition, Unit 2 – Sanitary Sewer (SS0512) and Water (WA0512); and Lee Mill Heights Addition, Unit 2 – Sanitary Sewer (SS0504) and Water (WA0512).*

### **RESOLUTION NO. 062006-B – PETITION – WESTERN HILLS ADDITION, UNIT 13 – STREET IMPROVEMENTS (ST0604)**

The Commission found the petitions sufficient and approved Resolution No. 062006-B finding the 2006 street improvements for Western Hills Addition, Unit 13, advisable and authorizing construction.

### **RESOLUTION NO. 062006-C – PETITION – WESTERN HILLS ADDITION, UNIT 13 - WATER IMPROVEMENTS (WA0603)**

The Commission found the petitions sufficient and approved Resolution No. 062006-C finding the 2006 water improvements for Western Hills Addition, Unit 13, advisable and authorizing construction.

### **RESOLUTION NO. 062006-D – PETITION – WESTERN HILLS ADDITION, UNIT 13 – SANITARY SEWER IMPROVEMENTS (SS0603)**

The Commission found the petitions sufficient and approved Resolution No. 062006-D finding the 2006 sanitary sewer improvements for Western Hills Addition, Unit 13, advisable and authorizing construction.

### **RESOLUTION NO. 062006-E – PETITION – WESTERN HILLS ADDITION, UNIT 13 – STORM DRAINAGE IMPROVEMENTS (SM0601)**

The Commission found the petitions sufficient and approved Resolution No. 062006-E finding the 2006 storm drainage improvements for Western Hills Addition, Unit 13, advisable and authorizing construction.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – ENGINEERING SERVICES – WESTERN HILLS ADDITION, UNIT 13, IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, Inc., P.A., of Manhattan, Kansas, to perform engineering services for Western Hills Addition, Unit 13, improvements.

### RESOLUTION NO. 062006-F – PETITION – ABBOTT ACRES ADDITION - WATER IMPROVEMENTS (WA0604)

The Commission found the petition sufficient and approved Resolution No. 062006-F finding the 2006 water improvements for Abbott Acres Addition advisable and authorizing construction.

### RESOLUTION NO. 062006-G – PETITION – ABBOTT ACRES ADDITION - STREET IMPROVEMENTS (ST0605)

The Commission found the petition sufficient and approved Resolution No. 062006-G finding the 2006 street improvements for Abbott Acres Addition advisable and authorizing construction.

### AGREEMENT – ENGINEERING SERVICES – ABBOTT ACRES ADDITION

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, Inc., P.A., of Manhattan, Kansas, to perform engineering services for Abbott Acres Addition improvements.

### RESOLUTION NO. 062006-H – PETITION – STONE POINTE ADDITION, UNIT 1 – SANITARY SEWER IMPROVEMENTS (SS0605)

The Commission found the petition sufficient and approved Resolution No. 062006-H finding the sanitary sewer improvement for Stone Pointe Addition, Unit 1, advisable and authorizing construction.

### RESOLUTION NO. 062006-I – PETITION – STONE POINTE ADDITION, UNIT 1 - WATER IMPROVEMENTS (WA0608)

The Commission found the petition sufficient and approved Resolution No. 062006-I finding the water improvement for Stone Pointe Addition, Unit 1, advisable and authorizing construction.

### RESOLUTION NO. 062006-J – PETITION – STONE POINTE ADDITION, UNIT 1 -STREET IMPROVEMENTS (ST0611)

The Commission found the petition sufficient and approved Resolution No. 062006-J finding the street improvement for Stone Pointe Addition, Unit 1, advisable and authorizing construction.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – ENGINEERING SERVICES – STONE POINTE ADDITION

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, Inc., P.A., of Manhattan, Kansas, to perform engineering services for Stone Pointe Addition.

### RESOLUTION NO. 062006-K – PETITION – HIGHLAND MEADOWS, UNIT 2 - WATER IMPROVEMENTS (WA0507)

The Commission found the petition sufficient and approved Resolution No. 062006-K making findings and authorizing the purchase of water improvements for Highland Meadows, Unit 2.

### RESOLUTION NO. 062006-L – PETITION – HIGHLAND MEADOWS, UNIT 2 – SANITARY SEWER IMPROVEMENTS (SS0507)

The Commission found the petition sufficient and approved Resolution No. 062006-L making findings and authorizing the purchase of sanitary sewer improvements for Highland Meadows, Unit 2.

### RESOLUTION NO. 062006-M – PETITION – HIGHLAND MEADOWS, UNIT 2 - STREET IMPROVEMENTS (ST0513)

The Commission found the petition sufficient and approved Resolution No. 062006-M making findings and authorizing the purchase of street improvements for Highland Meadows, Unit 2.

### RESOLUTION NO. 062006-N – PETITION – PRAIRIE LAKES, UNIT 2 - WATER IMPROVEMENTS (WA0509)

The Commission found the petition sufficient and approved Resolution No. 062006-N making findings and authorizing the purchase of water improvements for Prairie Lakes, Unit 2.

### RESOLUTION NO. 062006-O – PETITION – PRAIRIE LAKES, UNIT 2 – SANITARY SEWER IMPROVEMENTS (SS0509)

The Commission found the petition sufficient and approved Resolution No. 062006-O making findings and authorizing the purchase of sanitary sewer water improvements for Prairie Lakes, Unit 2.

**CONSENT AGENDA (CONTINUED)**

**RESOLUTION NO. 062006-P – PETITION – PRAIRIE LAKES, UNIT 2 - STREET IMPROVEMENTS (ST0515)**

The Commission found the petition sufficient and approved Resolution No. 062006-P making findings and authorizing the purchase of street improvements for Prairie Lakes, Unit 2.

**AWARD CONTRACT – WESTERN HILLS ADDITION, UNIT 13, (SM0601, ST0604, WA0603, SS0603) AND ABBOTT ACRES ADDITION IMPROVEMENTS (ST0605, WA0604)**

The Commission accepted the Engineer's total Estimate in the amount of \$552,920.20 and awarded a contract in the amount of \$465,005.50 to Walters-Morgan Construction, of Manhattan, Kansas. Western Hills, Unit 13, and Abbott Acres Addition Improvements

**AWARD CONTRACT – HYLTON HEIGHTS – STREET IMPROVEMENTS (ST0504)**

The Commission accepted the Engineer's Estimate in the amount of \$180,103.08 and awarded a contract to Pavers Inc., of Salina, Kansas, with a bid of \$169,818.00 for the Hylton Heights Street Improvements.

\* **NEGOTIATE/AWARD CONTRACT – NORTH MANHATTAN AVENUE CROSSWALK IMPROVEMENTS (CU649P)**

Rob Ott, City Engineer, and Ron Fehr, City Manager, answered questions from the Commission.

The Commission authorized City Staff to contact contractors about the construction of four crosswalks on North Manhattan Avenue and then negotiate and execute a contract up to the amount of the Engineer's Estimate, not to exceed \$50,000.00 for the North Manhattan Avenue Crosswalk Improvements.

**AWARD CONTRACT – 2006 FIRE HYDRANT & VALVE REPLACEMENT PROJECT (WA0609)**

The Commission accepted the Engineer's Estimate in the amount of \$123,600.00 and awarded a contract to Walters-Morgan Construction, of Manhattan, Kansas, as the low bidder with a total bid of \$96,300.00 for the 2006 Fire Hydrant & Valve Replacement Project.

\* **CHANGE ORDER NO. 2 - NISTAC**

Jeff Hancock, Director of Public Works, provided information on the item.

## CONSENT AGENDA (CONTINUED)

\* **CHANGE ORDER NO. 2 – NISTAC (CONTINUED)**

Ron Fehr, City Manager, answered questions from the Commission.

The Commission approved Change Order No. 2 resulting in an increase in the amount of \$21,655.00 to the contract with Cheney Construction Company, of Manhattan, Kansas, on the City's Economic Development Center to be occupied by NISTAC.

\* **SOLICIT PROPOSALS – DESIGN – TUTTLE CREEK BOULEVARD/MARLATT AVENUE INTERSECTION (ST0612)**

Jeff Hancock, Director of Public Works, answered questions regarding preliminary meetings about an underground access.

Ron Fehr, City Manager, provided additional information on the item and answered questions from the Commission.

The Commission authorized City Administration to solicit proposals for the design of intersection improvements at Tuttle Creek Boulevard (US-24) and Marlatt Avenue and appointed Commissioner Morris-Hardeman to serve on the Selection Committee.

\* **2006 NEIGHBORHOOD GRANT REVIEW COMMITTEE RECOMMENDATIONS**

The Commission approved the 2006 Neighborhood Grant Review Committee funding recommendations for the neighborhood associations. (*See Attachment No. 1*)

**AGREEMENT – SOFTWARE MAINTENANCE AND SUPPORT SERVICES**

The Commission authorized the City of Manhattan to renew the agreement with SUNGARD HTE, Inc. for software maintenance and support services.

**BOARD APPOINTMENTS**

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

*Airport Advisory Board*

Re-appointment of Ben Brent, 400 Wickham Road, to a three-year term. Mr. Brent's term will begin July 1, 2006, and will expire on June 30, 2009.

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### *Airport Advisory Board (CONTINUED)*

Re-appointment of Richard Jankovich, 2021 Somerset Square, to a three-year term. Mr. Jankovich's term will begin July 1, 2006, and will expire on June 30, 2009.

Re-appointment of John Roberts, 1922 Lexington Lane, to a three-year term. Mr. Robert's term will begin July 1, 2006, and will expire on June 30, 2009.

Re-appointment of Carl Reed, 430 McCall Road, to a three-year term. Mr. Reed's term will begin July 1, 2006, and will expire on June 30, 2009.

#### *City/University Special Projects Fund Committee*

Re-appointment of Becky Ballard, 333 Denison Avenue, to a two-year Citizen term. Ms. Ballard's term will begin July 1, 2006, and will expire on June 30, 2008.

Re-appointment of Katha Hurt, 1927 Anderson Avenue, to a two-year Citizen term. Ms. Hurt's term will begin July 1, 2006, and will expire on June 30, 2008.

#### *Historic Resource Board*

Appointment of Elaine Mohr, 800 S. Juliette Avenue, to a three-year term. Ms. Mohr's term begins immediately and will expire on April 30, 2009.

#### *Parks And Recreation Advisory Board*

Appointment of Linda Teener, 1900 Judson Street, to a four-year term. Ms. Teener's term will begin July 1, 2006, and will expire on June 30, 2010.

#### *Social Services Advisory Board*

Appointment of Christopher Renner, 508 Valley Drive, to a three-year term. Mr. Renner's term will begin July 1, 2006, and will expire on June 30, 2009.

#### *Special Alcohol Funds Advisory Committee*

Appointment of Amy Gross, 1713 Hudson Ave, to fill an unexpired term of Mark White. Ms. Gross's term begins immediately and will expire on 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

### FIRST READING – REZONE - 2630 CLAFLIN ROAD

Eric Cattell, Assistant Director for Planning, presented the item.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning 2630 Claflin Road from I-1, Research Park District, to C-1 Restricted Business 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 - BARTON PLACE ADDITION

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

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

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

Frank Tillman, Developer, provided information about the dam on the property and answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance annexing a 60-acre tract of land for the proposed Barton Place Addition, generally located south of Wildcat Creek and west of Miller Ranch, 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 from County G-1, General Agricultural District, to R, Single-Family Residential 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.

### FIRST READING - EXTEND FRANCHISE - SBC KANSAS

Jason Hilgers, Assistant City Manager, presented the item.

Cindy Zapletal, SBC Kansas, informed the Commission that things are changing rapidly in the industry. She requested the flexibility to change the agreement and to not commit to a long-term arrangement.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - EXTEND FRANCHISE - SBC KANSAS (CONTINUED)

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance amending the Code of Ordinances, extending the term of the franchise with SBC Kansas for a period of one year. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

### RESOLUTION NO. 062006-A ADOPT - FORMAL PURCHASING POLICY

Bernie Hayen, Director of Finance, presented the item.

Ron Fehr, City Manager, provided additional information on the item and answered questions from the Commission regarding vehicle purchases.

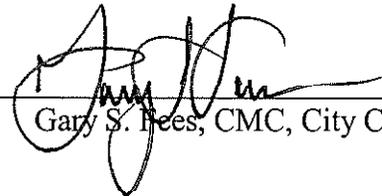
Bernie Hayen, Director of Finance, answered questions from the Commission regarding proposed threshold amounts.

Ron Fehr, City Manager, and Bernie Hayen, Director of Finance, provided additional information about the current purchase process, controls, and the warrant register. They then answered additional questions from the Commission.

After discussion, Commissioner Klimek moved to table Resolution No. 062006-A, authorization for a Purchasing Policy. Commissioner Hatesohl seconded the motion. After additional discussion, on a roll call vote, motion carried 5-0.

### ADJOURNMENT

At 8:30 p.m. the Commission adjourned.



---

Gary S. Fees, CMC, City Clerk

*Attachment No. 1*

City Administration recommends approval of the 2006 Neighborhood Grant Review Committee funding recommendations with the following changes:

Approve the South Manhattan Neighborhood Association application as proposed.

Approve the Warner Park/ Arbor Heights Neighborhood Association application with the following stipulation:

1. The trees that were proposed (*Thuja serpyllum*) will not be planted. *Pyracantha* bushes will be planted in lieu of the *Thuja* species, and Eastern Red Cedars will be planted in the fall.
2. The proposed start date for the project was originally mid May, 2006. The new start date for the application will be the Fall of 2006.
3. Revise the amount awarded the association from the proposed \$1,830 to \$1,490 (do not award the shovels and hoses requested).

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** I-1, Research Park District.

**TO:** C-1 Restricted Business District.

**APPLICANT:** Kelly Adams for Kel-Ter Real Estate holdings LLC.

**ADDRESS:** 205 South Seth Child Road, Manhattan, KS 66502.

**OWNER:** Kansa Development Inc. (Gery Schoenrock).

**ADDRESS:** 901 West 6<sup>th</sup> Street Junction City, KS 66441.

**LOCATION:** 2630 Claflin Road, which is on the northeast corner of Heywood Drive and Claflin Road. The Kansas Wheat Commission has occupied the building since 1984.

**AREA:** approximately 1.01 acres; Lot 5, Foundation Technical Park Addition.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, May 15, 2006

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, June 5, 2006  
**CITY COMMISSION:** Tuesday, June 20, 2006

**EXISTING USE:** Vacant office/research building formerly occupied by the Kansas Wheat Commission.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** A developed site with a one story limestone building, landscaped yard, off street parking, and curb cut off Heywood Drive. Lot 5 is a corner lot with access prohibited off Claflin Road. An existing driveway off Heywood Drive provides access to an existing parking lot on the north side of the site.

**SURROUNDING LAND USE AND ZONING:**

(1) **NORTH:** tennis court and apartments; Planned Unit Development (PUD).

*Attachment No. 2*

- (2) **SOUTH:** single-family and two-family dwelling units, medical and professional offices; R, Single-Family Residential District and C-1 District.
- (3) **EAST:** KSU forestry facilities, apartment buildings, bank; U, University District, and PUD.
- (4) **WEST:** apartment buildings; PUD.

**GENERAL NEIGHBORHOOD CHARACTER:** The site is on the north side of a major street corridor, Claflin Road. Within the corridor between College Avenue and Browning Avenue, the dominate use is multiple-family residential apartment buildings and a KSU forestry service site. A bank is located on the northwest corner of Claflin Road and College Avenue. Professional office and retail commercial are the majority use on the south side of the street, with low density residential dwellings to the immediate south of the site.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The permitted use of the I-1 District is Research Facilities. Group day care centers are a conditional use in the I-1 District. Minimum district size is 10 acres. Minimum lot size is one-half acre. The site is suitable for a small scale research facility or group day care center.

Research Facility is a defined in the Manhattan Zoning Regulations and means, “Facilities engaged in scientific research, investigation, testing, experimentation and prototype production.”

Group Day Care Center is defined in the Manhattan Zoning Regulations and means, “A facility which is primarily designed, intended, or used for the providing of care for seven (7) or more children, for part or all of a day, away from the home of the parent or legal guardian.” The Manhattan Board of Zoning Appeals considers Group Day Care Centers after a public hearing, and approves, approves with conditions, or denies requests, based on adopted standards.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The C-1 District is intended to be compatible with residential districts. The site adjoins a residential PUD and a large KSU service activity. Any increase in light, noise and traffic would be consistent with the character of the Claflin Road corridor.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The proposed site is shown on the Future Land Use map in the Northwest Planning Area as Residential Medium High Density (RMH).

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site was annexed in 1972. Lot 5 is the remaining lot of the original Foundation Technical Park, the majority of which was rezoned for the Georgetown Apartment PUD and the Williamsburg Residential PUD. The Kansas Wheat Commission building was constructed in 1983-1984.

Zoning

1972-1984: R District; R District/UO, University Overlay District; and, Residential PUD.  
1984-Present: I-1 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.

The C-1, Restricted Business District, is designed to provide for non-retail commercial, and business and professional activities adjacent to arterial and collector streets. The district is intended to be compatible with adjacent residential districts. Claflin Road is designated a collector street. The site is in close proximity to multiple-family apartment buildings and single-family and two-family residential uses, which are separated from the site by Claflin Road. Minimum lot size in the C-1 District is 15,000 square feet. The site is 1.01 acres in area.

**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 streets, sanitary sewer and water are available to serve the site.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:** Given the character of the neighborhood along Claflin Road, the existing use of the building, and the intent of the C-1 District, City Administration recommends approval of the proposed rezoning of Lot 5, Foundation Technical Park Addition from I-1, Research Park District, to C-1, Restricted Business District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Lot 5, Foundation Technical Park Addition from I-1, Research Park District, to C-1, Restricted Business 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 Lot 5, Foundation Technical Park Addition from I-1, Research Park District, to C-1, Restricted Business District, based on the findings in the Staff Report.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** May 30, 2006

06010

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY FOR THE PROPOSED  
BARTON PLACE ADDITION**

**FROM:** County G-1, General Agricultural District.

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

**APPLICANT:** Frank Tillman.

**ADDRESS:** 1328 Sharingbrook Drive, Manhattan KS 66503.

**OWNER:** Tillman Partners LP.

**ADDRESS:** 1328 Sharingbrook Drive, Manhattan KS 66503.

**LOCATION:** south of Wildcat Creek Golf & Fitness, and generally 950 feet west of that portion of Amherst Avenue in the Miller Ranch subdivision.

**AREA:** Approximately 60 acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, May 15, 2006

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, June 5, 2006

**CITY COMMISSION:** Tuesday, June 20, 2006

**EXISTING USE:** Flint Hills grazing land.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is typical Flint Hills land form, with native grasses and mature trees. The site drains to the north to Wildcat Creek, which is in the northwest corner of the site. There is an existing pond on the site constructed in the 1930's.

**SURROUNDING LAND USE AND ZONING:**

(1) **NORTH:** Wildcat Creek Golf course and WildcatCreek; G-1 District.

(2) **SOUTH:** Miller Ranch Addition, Unit Three future single-family residential and grazing land; R District and G-1 District.

*Attachment No. 3*

**(3) EAST:** Miller Ranch Addition, Unit Three future single-family residential, Amherst Avenue and Miller Ranch Addition, Unit Two single-family residential; R District and R-1, Single-Family Residential District.

**(4) WEST:** Single-family homes on large unplatted tracts; G-1 District.

**GENERAL NEIGHBORHOOD CHARACTER:** Low density single-family residential.

The 60 acre site is adequate in area to allow for County G-1 District general agricultural activities.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed use adjoins Miller Ranch Addition, Unit Three, which is zoned R District. Minimal impact is expected as the proposed R District is consistent with the low density single-family character of the neighborhood.

**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 Low Medium (RLM), Preserved Open Space, and Flood Hazard area (100-Year Flood Plain). A possible wetland is shown in the approximate center of the tract. A portion of the Wreath Avenue extension from the Miller Ranch area, which is intended to eventually connect to Anderson Avenue, is also shown on the tract.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has been zoned County G-1 District for an undetermined period of time. There are no structures on the site.

**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, Single-Family Residential District, is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. Minimum lot area is 10,000 square feet. The 60 acre site is adequate in area to conform to the requirements of the Zoning Regulations. The lot sizes in the proposed Preliminary Plat of Barton Place Addition exceed minimum lot area.

*Attachment No. 3*

**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 streets, sanitary sewer and water are, or will be available, to serve the site. Street connections from future Hemlock Avenue and Silverleaf Drive in Miller Ranch Addition, Unit Three, will be extended in the near future for access.

**OTHER APPLICABLE FACTORS:** The proposed Preliminary Plat of Barton Place Addition is scheduled for the June 19, 2006, Manhattan Urban Area Planning Board. Approval of the plat is subject to the requirements of the Manhattan Urban Area Subdivision Regulations.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of Barton Place Addition from County G-1, General Agricultural District, to R, Single-Family Residential District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Barton Place Addition from County G-1, General Agricultural District, to R, Single-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Barton Place Addition from County G-1, General Agricultural District, to R, Single-Family Residential District, based on the findings in the Staff Report.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** May 30, 2006

06011