

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, AUGUST 15, 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, 14 staff, and approximately 38 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Snead led the Commission in the Pledge of Allegiance.

**RECOGNITION**

Mayor Snead, City Manager Ron Fehr, and City Clerk Gary Fees recognized the Citizens' Academy Participants.

**PROCLAMATIONS**

Mayor Snead proclaimed August 24, 2006, ***We Salute the Soldiers Day***. Lisa Rockley, Executive Director, Downtown Manhattan, Inc.; Sara Van Allen, Marketing Manager, Manhattan Town Center; and Lieutenant Colonel Kris Kubik, Fort Riley Public Affairs Office, were present to receive the proclamation.

Mayor Snead proclaimed August 26, 2006, - September 1, 2006, ***National Bowling Week***. Dave and Patty Zuck, Zuckey Bowl, were present to receive the proclamation.

## COMMISSIONER COMMENTS

Mayor Snead informed the community that school starts on Thursday and classes begin at K-State the following week. He encouraged everyone to be patient while driving around the City of Manhattan and asked citizens to welcome new students and families who are moving to the community.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, August 1, 2006.

### CLAIMS REGISTER NO. 2566

The Commission approved Claims Register No. 2566 authorizing and approving the payment of claims from July 26, 2006, to August 8, 2006, in the amount of \$952,777.67.

### ORDINANCE NO. 6560 – RESTRICT PARKING – KANSAS STATE UNIVERSITY FOOTBALL GAME DAY

The Commission approved Ordinance No. 6560 restricting parking along Snowbird Drive, Hillview Drive, and Skyler Circle on Kansas State University home football game days from midnight to midnight.

### ORDINANCE NO. 6561 – REZONE – DAISY MEADOW ADDITION

The Commission approved Ordinance No. 6561 rezoning Daisy Meadow Addition from R, Single-Family Residential District, to R-1, Single-Family Residential District, based on the findings in the Staff Report. (*See Attachment No. 1*)

### ORDINANCE NO. 6562 – ADOPT – 2007 BUDGET; RESOLUTION NO. 081506-A – ADOPT – 2007-2012 CAPITAL IMPROVEMENTS PROGRAM

The Commission approved Ordinance No. 6562 adopting the 2007 City Budget, and approved Resolution No. 081506-D adopting the 2007 -2012 Capital Improvements Program.

### ORDINANCE NO. 6563 – VACATE UTILITY EASEMENT – LOTS 262-AC 261-B, 256-A, AND 255-B, BROOKFIELD ADDITION, UNIT 6 (VA0605)

The Commission approved Ordinance No. 6563 vacating portions of four (4), ten (10) foot utility easements on Lots 262-A, 261-B, 256-A, and 255-B in Brookfield Addition, Unit 6, an addition to the City of Manhattan, Riley County, Kansas.

## CONSENT AGENDA (CONTINUED)

### **RESOLUTION NO. 081506-B – TEMPORARY NOTE SERIES NO. 2006-04; RESOLUTION NO. 081506-C – TEMPORARY NOTE SERIES NO. 2006-05**

The Commission approved accepting the best bids for selling the notes and approved Resolution Nos. 081506-B and 081506-C issuing Temporary Note Series No. 2006-04 in the amount of \$7,725,000.00 and Temporary Note Series No. 2006-05 in the amount of \$385,000.00 to finance the following 20 special assessment and capital projects to be debt financed: *Abbott Acres, Street (ST0605) and Water (WA0604) Improvements; Grand Mere Village Street Improvements (ST0528); Highland Meadows Addition, Unit 2, Sanitary Sewer (SS0507), Street (ST0513) and Water (WA0507) Improvements; Hylton Heights Road Street Improvements (ST0504), Miller Ranch Addition, Unit 3 Phase 1, Street Improvements (ST0521); Prairie Lakes Addition, Unit 2, Sanitary Sewer (SS0509), Street (ST0515) and Water (WA0509) Improvements; Stone Pointe Addition, Unit 1, Sanitary Sewer (SS0605), Street (ST0611) and Water (WA0608) Improvements; Western Hills Addition, Unit 13, Storm Water (SM0601), Sanitary Sewer (SS0603), Street (ST0604) and Water (WA0603) Improvements; Woodland Hills, Unit 5 Phase 2/Unit 6 Phase 1, Street Improvements (ST0523); and City of Manhattan Economic Development Research Incubator (NISTAC), Phase 2 Construction (SP0406).*

### **AWARD CONTRACT – HOUSING REHABILITATION PROJECT**

The Commission accepted the bids for 1319 Colorado Street and awarded the bid to the lowest responsible bidder, authorized City Administration to approve any necessary change orders, and authorized the Mayor and City Clerk to enter into agreements with the contractors and property owners for expenditure of Housing Rehabilitation Funds.

### **NEGOTIATE CONTRACT – DESIGN – REPLACEMENT OF ELECTRICAL TRANSFORMERS – WASTEWATER TREATMENT PLANT**

The Commission accepted the recommendation of the selection committee and authorized City Administration to negotiate a contract with Black and Veatch, of Kansas City, Missouri, for the design of the replacement of the electrical transformers at the Wastewater Treatment Plant.

### **SUPPLEMENTAL AGREEMENT – DESIGN – OSAGE STREET AND THIRD STREET**

The Commission authorized the Mayor and City Clerk to enter into a supplemental agreement with HWS Consulting Group, of Manhattan, Kansas, to complete the design of the Osage Street and Third Street.

## CONSENT AGENDA (CONTINUED)

### LANDLORD CONSENT AGREEMENT – FARRAR CORPORATION/CITY OF NORWICH, KANSAS

The Commission authorized the Mayor and City Clerk to execute the Landlord Consent Agreement with and between Farrar Corporation and the City of Norwich, Kansas.

### CHANGE ORDER NO. 3 – NISTAC BUILDING SP0406

The Commission approved Change Order No. 3 resulting in a net increase in the amount of \$5,387.00 (+1.84%) to the contract with Cheney Construction Company, of Manhattan, Kansas, for NISTAC Building.

### LICENSE – CEREAL MALT BEVERAGE

The Commission approved the application for a 2006 Cereal Malt Beverage License for Gumby's Pizza and Pub, 702 North 11<sup>th</sup> Street.

### BOARD APPOINTMENTS

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

#### *Joint Corrections Advisory Board*

Appointment of Charlie C. Sprott, 2050 Jardine Dr. Apt. T4, to a two-year Adult (Education) term. Mr. Sprott's term begins immediately, and will expire on June 30, 2008.

#### *Municipal Band Board*

Appointment of Kari Grogan, 2613 Rogers Blvd., to fill an unexpired term for Shirley Lemmons. Ms. Grogan's term begins immediately, and will expire on August 31, 2008.

#### *Code Appeals Board*

Appointment of Todd Olson, 629 Pecan Circle, to fill an unexpired (Electrician) term for Dexter Graffis. Mr Olson's term begins immediately, and will expire on May 31, 2009.

Commissioner Hatesohl moved to approve the consent agenda. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item E: *Ordinance No. 6562 adopting the 2007 City Budget, and Resolution No. 081506-D adopting the 2007-2012 Capital Improvements Program*, which carried 4-1, with Commissioner Klimek voting against the motion.

## GENERAL AGENDA

### MANAGEMENT REPORT - PARKS & RECREATION INVESTIGATION

Mayor Snead informed the public that the Commission would be adding an Executive Session for matters of non-elected personnel issues of a confidential nature at the end of public comment for this item.

Ron Fehr, City Manager, introduced the item.

Bill Frost, City Attorney, presented the Management Report concerning the Parks and Recreation internal investigation.

Ron Fehr, City Manager, provided additional information on the investigation and what actions have taken place to date.

Bill Frost, City Attorney, and Ron Fehr, City Manager, answered questions from the Commission regarding the unaccounted funds and findings of the investigation.

Ron Fehr, City Manager, and Bernie Hayen, Director of Finance, answered questions from the Commission regarding the exhibits in the Report, prior audit findings, attendance numbers for Recreation programs, accounting processes and procedures, and the controls and movements of concession inventory.

Jason Hilgers, Assistant City Manager, and Ron Fehr, City Manager, answered additional questions from the Commission regarding concession revenues, past tournament entry fees that were stolen, and the fluctuation in concession revenues.

Mayor Snead opened the meeting for public comment.

Hearing no public comment, Mayor Snead closed the public comment period.

### EXECUTIVE SESSION

After discussion, Commissioner Klimek moved to go into Executive Session for matters of non-elected personnel issues of a confidential nature until 9:00 p.m. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

At 9:03 p.m., Mayor Snead and Commissioner Phillips, Hatesohl, Morris-Hardeman, and Klimek were in attendance. Commissioner Klimek moved to go into Executive Session for matters of non-elected personnel issues of a confidential nature until 9:13 p.m. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### EXECUTIVE SESSION (CONTINUED)

At 9:14 p.m., Mayor Snead and Commissioners Phillips, Hatesohl, Morris-Hardeman, and Klimek were all in attendance.

Mayor Snead asked if there were any public comments. Hearing none, Mayor Snead asked the Commission for action on this item.

Commissioner Hatesohl moved to accept the Management Report concerning the Parks and Recreation Department. Commissioner Morris-Hardeman seconded the motion. After additional discussion, on a roll call vote, motion carried 5-0.

### HERITAGE SQUARE – NORTH AND SOUTH

Rob Ott, City Engineer, presented an overview of the item. He then answered questions from the Commission.

Roger Schultz, Developer and Applicant, provided additional information on the item and answered questions from the Commission regarding access points to the proposed development.

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

Dee Ross, 2304 Brockman, requested that the Developer pay for the proposed development and not the taxpayers.

Ron Fehr, City Manager, provided additional information on the proposed oversizing of the water line and service area. He then answered questions from the Commission.

Eric Cattell, Assistant Director for Planning, presented the island annexation request for Heritage Square North and South.

Ron Fehr, City Manager, and Bill Frost, City Attorney, answered questions from the Commission regarding the item and discussed opportunities for collaborative relationships with Pottawatomie County officials.

After discussion, Commissioner Hatesohl moved to approve first reading of the proposed ordinances annexing Heritage Square North, a 24-acre tract of land located on the north side of US 24 Highway and Heritage Square South, a 32.5-acre tract located on the south side of US 24 Highway; and, approve Resolution No. 081506-A, requesting that the Board of Pottawatomie County Commissioners make certain findings regarding the island

## GENERAL AGENDA (CONTINUED)

### HERITAGE SQUARE – NORTH AND SOUTH (CONTINUED)

Annexation of that portion of the US 24 Highway right-of-way that adjoins the proposed Heritage Square North and Heritage Square South development tract. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

After additional discussion, Commissioner Morris-Hardeman moved to authorize City Administration to finalize and the Mayor and City Clerk to execute the finalized development agreement with Heritage Square South. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING – ANNEX/REZONE - STONE POINTE ADDITION, UNIT TWO

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

Roger Schultz, Developer, informed the Commission that he approached the Park Division about park sites in Highland Meadows but that it didn't go anywhere. He then answered questions from the Commission regarding the potential of future park sites.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance annexing a 103-acre tract of land for the proposed Stone Pointe Addition, Unit Two, generally located along the east side of Scenic Drive, northeast of the intersection of Scenic Drive and Powercat Place, and southeast of the intersection of Scenic Drive and Highland Ridge Drive, 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, Single-Family Residential District, with AO, Airport Overlay District; R-3, Multiple-Family Residential District, with AO, Airport Overlay District; and, C-2, Neighborhood Shopping District, with AO, Airport Overlay 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.

### DOWNTOWN REDEVELOPMENT - STAR BOND APPLICATION

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, presented an overview of the Downtown Redevelopment STAR Bond application.

Eric Lander, Canyon Research, presented detailed information on the Market Study, Feasibility Study, and Economic Impact Analysis. He then answered questions from the Commission.

## GENERAL AGENDA (CONTINUED)

### DOWNTOWN REDEVELOPMENT - STAR BOND APPLICATION (CONTINUED)

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

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, provided an overview of the STAR Bond application and process, eligibility requirements, and an overview of the southern portion of the Downtown Redevelopment area.

Ron Fehr, City Manager, and Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, answered additional questions from the Commission.

Bob Welstead, Dial Realty, informed the Commission that this is a great opportunity and that Dial Realty was excited about the project and supported the STAR Bond application. He encouraged the Commission to go to Dubuque, Iowa, and experience its museum exhibit.

Lisa Rockley, Executive Director, Downtown Manhattan Inc., (DMI) informed the Commission that DMI supports the STAR Bond application, but have connectivity concerns with Poyntz Avenue. She requested that the proposed movie theatre be as close to Poyntz as possible; that the central Poyntz Corridor needs additional street scaping, parking and alleyway improvements; provide support in funding the urban design plan; and, urged the Commission to explore all financing and funding opportunities.

Karen Hibbard, Director, Manhattan Convention and Visitor's Bureau, spoke on behalf of Lyle Butler, President, Manhattan Area Chamber of Commerce, and asked the Commission to consider a partnership with the North and South Redevelopment Districts that would include the City, DMI, Chamber, and downtown property owners.

Gwyn Riffel, President, DMI, stated that teamwork will be important for this project to work and requested that the Commission support the actions identified earlier by DMI. He then responded to questions from the Commission.

Allen Raynor, Manager, Manhattan Town Center, informed the Commission that the management component of the Mall felt rebuked by the City and the Mall's ownership is pending restructuring. He stated they see wisdom in the redevelopment and the need for the central core to keep pace with the redevelopment. He then answered questions from the Commission.

Ron Fehr, City Manager, responded to Mr. Raynor's comments and said that the present ownership of the Mall is a critical component.

## GENERAL AGENDA (CONTINUED)

### DOWNTOWN REDEVELOPMENT - STAR BOND APPLICATION (CONTINUED)

Eric Lander, Canyon Research, provided additional information on the opportunity of the Downtown Redevelopment project and encouraged a unified plan be put into place.

After discussion, Commissioner Morris-Hardeman moved to authorize City Administration to submit the proposed STAR bond application to the Secretary of Commerce for consideration. Commissioner Hatesohl seconded the motion.

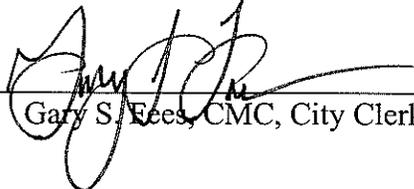
Ron Fehr, City Manager, and Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, provided an outline of the schedule envisioned and answered additional questions from the Commission.

After additional discussion, Mayor Snead stated this redevelopment project is a unique opportunity to revitalize the downtown area. He informed the community that he would begin the process of appointing a steering committee for all interested partners to engage in a unified planning effort.

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

### ADJOURNMENT

At 11:40 p.m. the Commission adjourned.



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Gary S. Fees, CMC, City Clerk

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

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

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

**APPLICANT:** Russel Weisbender.

**ADDRESS:** 1812 Fair Lane, Manhattan, KS 66502.

**OWNERS:** David and Linda Weisbender.

**ADDRESS:** 3001 Creighton Terrace, Manhattan, KS 66503.

**LOCATION:** northeast corner of Hudson Avenue and Dickens Avenue; 1700 Hudson Avenue.

**AREA:** approximately five (5) acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, June 26, 2006.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, July 17, 2006.

**CITY COMMISSION:** Tuesday, August 1, 2006.

**EXISTING USE:** a single-family dwelling and detached garage are located in the northeastern corner of the tract with the remainder undeveloped. There is an existing access driveway off the northwestern corner of the site to Hudson Avenue. Sidewalk exists along the southern and eastern boundaries of the site.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** the site slopes and drains downhill from north to south. The site is densely wooded in the western and southern sides of the site, less so in the eastern portion of the site. There is a large open field in the middle of the site.

**SURROUNDING LAND USE AND ZONING:**

**(1) NORTH:** single-family dwellings; R District.

(2) **SOUTH:** Dickens Avenue and single-family dwellings; R-1 District.

(3) **EAST:** single-family dwellings; R District.

(4) **WEST:** Hudson Avenue and single-family dwellings; R District.

**GENERAL NEIGHBORHOOD CHARACTER:** Single-family residential.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable for a single-family dwelling. As an unplatted tract of land, no additional dwelling units can be constructed on the site until platted. The Manhattan Zoning Regulations allow only one principal residential structure on a platted lot or an unplatted tract of land.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in light, noise and traffic can be expected, which will be similar to the impacts of the existing single-family character of the neighborhood.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is shown as RLM, Residential Low to Medium on the Northwest Planning Area Future Land Use Map.

Applicable Policies:

#### CHAPTER 4, LAND USE AND GROWTH MANAGEMENT

##### **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.*

The proposed density is 4.3 dwelling units per net acre. The rezoning conforms to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site was annexed 1974 and rezoned to R District 1974 and has remained R District to date. The house has been on the site for an undetermined 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 proposed R-1 District, an approximate 5-acre tract, is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. As shown on the Preliminary Plat, approximate lot sizes range from a minimum 8,044 square feet in area to a maximum of 13,056 square feet in area.

The proposed R-1 District is sufficient in area to conform to the requirements of the district.

**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, assuming the Preliminary Plat is approved.

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

**OTHER APPLICABLE FACTORS:** The Preliminary Plat of Daisy Meadow Addition shall conform to the requirements of the Manhattan Urban Area Subdivision Regulations.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of the Daisy Meadow Addition from R, Single-Family Residential District, to R-1, Single-Family Residential District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the Daisy Meadow Addition from R, Single-Family Residential District, to R-1, 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 the Daisy Meadow Addition from R, Single-Family Residential District, to R-1, Single-Family Residential District, based on the findings in the Staff Report.

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

**DATE:** July 11, 2006

06014

## **STAFF REPORT**

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

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

**ADDRESSES:** 1213 Hylton Heights Road, Manhattan, KS 66502.

**LOCATION:** generally located northeast of the intersection of Scenic Drive and Powercat Place, and southeast of the intersection of Scenic Drive and Highland Ridge Drive. All of the tracts are along the east side of Scenic Drive.

**AREA:** Total: 103-acres; Tract 1: 23.8-acres; Tract 2: 40.7, 13.9-acres, and 16.6-acres;  
and, Tract 3: 8.5-acres.

Note: the R-3 District portion is divided into three sub-areas.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, June 26, 2006

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, July 17 17, 2006  
**CITY COMMISSION:** Tuesday, August 1, 2006

**EXISTING USE:** agricultural range land.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is typical Flinthills landform consisting of open range land, rolling terrain, wooded draws. The site slopes uphill to the south from and drains generally to the north-northeast to Wildcat Creek.

*Attachment No. 2*

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:** Single-family dwelling and undeveloped Stone Pointe Addition; G-1 District, and R-1/AO District.
- (2) **SOUTH:** Agricultural; G-1 District.
- (3) **EAST:** Agricultural; G-1 District.
- (4) **WEST:** Scenic Drive, agricultural and single-family dwellings; G-1 District and A-5, Single Family Residential District.

**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 north. Development occurring in the Lee Mill Heights and Miller Ranch areas can be expected to grow towards the site. Highland Meadows Additions are to the northwest. Street connections from Lee Mill Heights and Miller Ranch with Stone Pointe 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 and Stone Pointe subdivisions.

**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), Residential Medium High Density (RMH), Preserved Open Space, and Special Planning Area policies. The site 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.

Applicable Policy Statements include:

#### CHAPTER 4, LAND USE AND GROWTH MANAGEMENT

##### **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.*

#### 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.*

Restrictive covenants in the R-3 District tracts will limit net density to no more than 19 dwelling units per net acre.

**RMH 3: Location**

*Residential Medium/High Density neighborhoods should be located close to arterial streets and be bounded by collector streets where possible, with a direct connection to work, shopping, and leisure activities.*

NEIGHBORHOOD COMMERCIAL CENTER (NCC)

**NCC 1: Characteristics**

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

**NCC 2: Location**

*Neighborhood centers should generally be located at the intersection of arterial and collector streets. However, smaller centers with limited uses may be appropriate within a residential area at the intersection of two collector streets, or at the intersection of a collector and a local street, provided they are designed to be compatible with the surrounding neighborhood and meet a minimum level of design criteria.*

**NCC 3: Size**

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

CHAPTER 5: NATURAL RESOURCES AND ENVIRONMENT

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

*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 drainage way) should be preserved, in order to maintain its environmental integrity and avoid creating an “engineered” appearance.*

**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.*

**CHAPTER 13: SPECIAL PLANNING AREA POLICIES**

**MILLER RANCH**

**MR 4: Establish a Neighborhood Commercial Center**

*The development of a neighborhood center should be encouraged at the planned intersection of Miller Parkway and Scenic Drive to provide a range of services for residents of Miller Ranch and surrounding neighborhoods, and to minimize the need for cross-town trips to meet day-to-day needs.*

**MR 5: Views from Scenic Drive**

*Development, including signage, should be set back from Scenic Drive to protect views and existing vegetation. The master plan for Miller Ranch should incorporate a buffer zone or overlay area along Scenic Drive designed to protect views, existing vegetation, and other important attributes of the area’s scenic quality. Development of a neighborhood center, as described in MR 4, should occur east of the Scenic Drive buffer or overlay and be sited in a manner that minimizes visual impact on the Scenic Drive Corridor.*

***MR 7: Airport Airspace Regulations***

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

The proposed rezoning conforms 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 District is designed to provide a dwelling zone at a density no greater than one (1) attached dwelling units per 10,000 square feet. The proposed R District is sufficient in area for the proposed single-family 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 Districts are sufficient in area for the multiple-family district. The R-3 District would allow greater than 19-dwelling units per net acre. Restrictive covenants will limit the total number of units to no more than 19-dwelling units per net acre. The net density is at the upper end, but within the RMH category.

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. Minimum lots size is 15,000 square feet. The proposed C-2 District is sufficient in area for the neighborhood shopping 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.”

*Attachment No. 2*

The site is 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 Stone Pointe Addition, Unit Two 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:** The applicant has filed restrictive covenants limiting net density to the upper end of the RMH category, which is consistent with the Comprehensive Plan.

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

**ALTERNATIVES:**

1. Recommend approval of the rezoning of the proposed Stone Pointe Addition, Unit Two from County G-1, General Agricultural District, to R, Single-Family Residential District, with AO, Airport Overlay District; R-3, Multiple-Family Residential District with AO, Airport Overlay District; and C-2, Neighborhood Shopping District with AO, Airport Overlay District, stating the basis for such recommendation.

*Attachment No. 2*

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, Unit Two, from County G-1, General Agricultural District, to R, Single-Family Residential District, with AO, Airport Overlay District; R-3, Multiple-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:** July 5, 2006