

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, APRIL 4, 2006***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Ed Klimek and Commissioners Bruce Snead, Tom Phillips, Mark Hatesohl, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government Representative Lindsey Doan, 10 staff, and approximately 34 interested citizens.

**PLEDGE OF ALLEGIANCE**

Bailey Hamler and Amie Sommers, Junior Zookeepers, led the Commission in the Pledge of Allegiance.

**RECOGNITION**

Mayor Klimek recognized Bailey Hamler and Amie Sommers.

**PROCLAMATION**

Mayor Klimek proclaimed April 2006, ***Occupational Therapy Month***. Roy Fowler, Occupational Therapy Outpatient Coordinator, was present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Klimek opened the public comments.

Helen Roser, P.O. Box 1814, voiced her concerns with the Parks and Recreation investigations and asked what the status is for a town meeting. She highlighted City audits from 2001 to 2005 and asked how this could happen. Then, she stated that it was discouraging to read that the City's number one priority is the indoor recreation and aquatic center.

## PUBLIC COMMENTS (CONTINUED)

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

## COMMISSIONER COMMENTS

Commissioner Phillips stated that he was waiting for the investigations to be completed in order to know all the facts, then, he would take the necessary actions.

Commissioner Snead said these are ongoing investigations and there will be time for action and additional information, after the investigations have concluded.

Mayor Klimek said he was advised by the County Attorney's Office that if a town meeting were held it could be detrimental to the case. He said if folks have misused the public trust, he was in favor of those folks being penalized to the full extent of the law. He invited Captain Jeff Hooper from the Riley County Police Department to provide an update on the investigation.

Captain Jeff Hooper, Riley County Police Department, read a statement on behalf of Mike Watson, Director, Riley County Police Department. He provided an update on the case and reported that the investigation into the theft of funds from the Parks and Recreation Department was ongoing, an arrest was made on sexual exploitation of a child case, and the investigation of gambling is almost complete. He then answered questions from the Commission.

Ron Fehr, City Manager, provided an update on the investigation of the Parks and Recreation Department and actions that have been taken. He said that a finance staff person has been placed with the Parks and Recreation Department as a budget and audit analyst, and will be training the department on cash handling and other areas of fiduciary responsibility. He provided clarification on the audits from 2001 to 2005 and said that a management report would be issued when the investigation is finalized.

Mayor Klimek informed the citizens that he would be following the case closely and regretted the length of time involved, but said there are implications if we get too involved at this time and will take action when the time is appropriate.

Commissioner Phillips wanted to make clear to the public that procedures will be enhanced or changed throughout the City to ensure a check and balance system is in place. He said there is a human element that you can't always predict, but we can implement systems and procedures to have a check and balance system.

Mayor Klimek welcomed Youth in Government representative Lindsey Doan.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, March 28, 2006.

### CLAIMS REGISTER NOS. 2555 and 2556

The Commission approved Claims Register Nos. 2555 and 2556 authorizing and approving the payment of claims from March 22, 2006, to March 28, 2006, in the amount of \$86,613.98 and \$490,801.46, respectively.

### ORDINANCE NO. 6531 – INDUSTRIAL REVENUE BONDS (IRB) - COVAN

The Commission approved Ordinance No. 6531 authorizing the issuance of up to \$2 million in Industrial Revenue Bonds to finance the construction of a new 40,000 square foot facility for Covan in the Manhattan Corporate Technology Park.

### ORDINANCE NO. 6532 – ANNEX – BROOKFIELD ADDITION, UNIT 8

The Commission approved Ordinance No. 6532 annexing a 22-acre tract of land, generally located southwest of Casement Road and Marlatt Avenue, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

### ORDINANCE NO. 6533 – REZONE – BROOKFIELD ADDITION, UNIT 8

The Commission approved Ordinance No. 6533 rezoning the site from County G-1, General Agricultural District, to R-1, Single-Family Residential District, and R-2, Two-Family Residential, based on the findings in the Staff Report. (*See Attachment No. 1*)

### RESOLUTION NO. 040406-A – BROOKFIELD ADDITION, UNITS 5 AND 7, PHASE I – SANITARY SEWER IMPROVEMENTS (SS0503)

The Commission found the petition sufficient and approved Resolution No. 040406-A, making findings and authorizing the purchase of sanitary sewer improvements for Brookfield Addition, Units 5 and 7, Phase I.

### RESOLUTION NO. 040406-B - BROOKFIELD ADDITION, UNITS 5 AND 7, PHASE I - STREET IMPROVEMENTS (ST0507)

The Commission found the petition sufficient and approved Resolution No. 040406-B making findings and authorizing the purchase of street improvements for Brookfield Addition, Units 5 and 7, Phase I.

## CONSENT AGENDA (CONTINUED)

### **RESOLUTION NO. 040406-C - BROOKFIELD ADDITION, UNITS 5 AND 7, PHASE I - WATER IMPROVEMENTS (WA0503)**

The Commission found the petition sufficient and approved Resolution No. 040406-C making findings and authorizing the purchase of water improvements for Brookfield Addition, Units 5 and 7, Phase I.

### **RESOLUTION NO. 040406-D - BROOKFIELD ADDITION, UNITS 5 AND 7, PHASE II – SANITARY SEWER IMPROVEMENTS (SS0503)**

The Commission found the petition sufficient and approved Resolution No. 040406-D making findings and authorizing the purchase of sanitary sewer improvements for Brookfield Addition, Units 5 and 7, Phase II.

### **RESOLUTION NO. 040406-E - BROOKFIELD ADDITION, UNITS 5 AND 7, PHASE II – STREET IMPROVEMENTS (ST0507)**

The Commission found the petition sufficient and approved Resolution No. 040406-E making findings and authorizing the purchase of street improvement for Brookfield Addition, Units 5 and 7, Phase II.

### **RESOLUTION NO. 040406-F - BROOKFIELD ADDITION, UNITS 5 AND 7, PHASE II - WATER IMPROVEMENTS (WA0503)**

The Commission found the petition sufficient and approved Resolution No. 040406-F making findings and authorizing the purchase of water improvements for Brookfield Addition, Units 5 and 7, Phase II.

### **RESOLUTION NO. 040406-G - BROOKFIELD ADDITION, UNITS 5 AND 7, PHASE III – SANITARY SEWER IMPROVEMENTS (SS0503)**

The Commission found the petition sufficient and approved Resolution No. 040406-G making findings and authorizing the purchase of sanitary sewer improvements for Brookfield Addition, Units 5 and 7, Phase III.

### **RESOLUTION NO. 040406-H - BROOKFIELD ADDITION, UNITS 5 AND 7, PHASE III – STREET IMPROVEMENTS (ST0507)**

The Commission found the petition sufficient and approved Resolution No. 040406-H making findings and authorizing the purchase of street improvements for Brookfield Addition, Units 5 and 7, Phase III.

**CONSENT AGENDA (CONTINUED)**

**RESOLUTION NO. 040406-I - BROOKFIELD ADDITION, UNITS 5 AND 7, PHASE III - WATER IMPROVEMENTS (WA0503)**

The Commission found the petition sufficient and approved Resolution No. 040406-I making findings and authorizing the purchase of water improvements for Brookfield Addition, Units 5 and 7, Phase III.

**RESOLUTION NO. 040406-J - HIGHLAND MEADOWS, UNIT 1 - SANITARY SEWER IMPROVEMENTS (SS0501)**

The Commission found the petition sufficient and approved Resolution No. 040406-J making findings and authorizing the purchase of sanitary sewer improvements for Highland Meadows, Unit 1.

**RESOLUTION NO. 040406-K - HIGHLAND MEADOWS, UNIT 1 - STREET IMPROVEMENTS (ST0513)**

The Commission found the petition sufficient and approved Resolution No. 040406-K making findings and authorizing the purchase of street improvements for Highland Meadows, Unit 1.

**RESOLUTION NO. 040406-L - HIGHLAND MEADOWS, UNIT 1 - WATER IMPROVEMENTS (WA0501)**

The Commission found the petition sufficient and approved Resolution No. 040406-L making findings and authorizing the purchase of water improvements for Highland Meadows, Unit 1.

**RESOLUTION NO. 040406-M - BROOKFIELD ADDITION, UNIT 6 - SANITARY SEWER IMPROVEMENTS (SS0505)**

The Commission found the petition sufficient and approved Resolution No. 040406-M making findings and authorizing the purchase of sanitary sewer improvements for Brookfield Addition, Unit 6.

**RESOLUTION NO. 040406-N - BROOKFIELD ADDITION, UNIT 6 - STREET IMPROVEMENTS (ST0510)**

The Commission found the petition sufficient and approved Resolution No. 040406-N making findings and authorizing the purchase of street improvements for Brookfield Addition, Unit 6.

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 040406-O - BROOKFIELD ADDITION, UNIT 6 – WATER IMPROVEMENTS (WA0505)

The Commission found the petition sufficient and approved Resolution No. 040406-O making findings and authorizing the purchase of water improvements for Brookfield Addition, Unit 6.

### RESOLUTION NO. 040406-P - PRAIRIE LAKES, UNIT 1 - SANITARY SEWER IMPROVEMENTS (SS0508)

The Commission found the petition sufficient and approved Resolution No. 040406-P making findings and authorizing the purchase of sanitary sewer improvements for Prairie Lakes, Unit 1.

### RESOLUTION NO. 040406-Q - PRAIRIE LAKES, UNIT 1 - WATER IMPROVEMENTS (WA0508)

The Commission found the petition sufficient and approved Resolution No. 040406-Q making findings and authorizing the purchase of water improvements for Prairie Lakes, Unit 1.

### RESOLUTION NO. 040406-R - PRAIRIE LAKES, UNIT 1 - STREET IMPROVEMENTS (ST0514)

The Commission found the petition sufficient and approved Resolution No. 040406-R making findings and authorizing the purchase of street improvements for Prairie Lakes, Unit 1.

### RESOLUTION NO. 040406-S - PRAIRIE LAKES, UNIT 1 - STORM DRAINAGE IMPROVEMENTS (SM0404)

The Commission found the petition sufficient and approved Resolution No. 040406-S making findings and authorizing the purchase of storm water improvements for Prairie Lakes, Unit 1.

### RESOLUTION NO. 040406-T - MILLER RANCH, UNIT 3 – STREET IMPROVEMENTS (ST0521)

The Commission found the revised petition sufficient and approved Resolution No. 040406-T finding the project advisable and authorizing construction for Miller Ranch, Unit 3, Street Improvements, and rescinding Resolution No. 120605-C.

### MAINTENANCE OBLIGATION AGREEMENT – MILLER RANCH, UNIT 3

The Commission authorized the Mayor and City Clerk to sign a Maintenance Obligation Agreement for Miller Ranch, Unit 3.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT - SUPPLEMENT ENGINEERING SERVICES – MILLER RANCH, UNIT 3 (ST0521)

The Commission authorized the Mayor and City Clerk to sign the Supplement Engineering Agreement with Schwab-Eaton, of Manhattan, Kansas.

### AWARD CONTRACT – LEE MILL HEIGHTS, UNIT 2 – STREET IMPROVEMENTS (ST0509)

The Commission accepted the Engineer's total Estimate in the amount of \$683,000.00 and awarded a contract to Ebert Construction Company, of Wamego, Kansas, as the low bidder with a total bid of \$651,794.40 for the Lee Mill Heights, Unit 2, Improvements (ST0509).

### AWARD CONTRACT – DENISON AVENUE IMPROVEMENTS (ST0411)

The Commission accepted the Engineer's Estimate in the amount of \$3,234,460.00 and awarded a contract to Pavers, Inc., of Salina, Kansas, with a total bid of \$2,751,100.00 for the Denison Avenue Improvements (ST0411).

### AGREEMENT – ENGINEERING SERVICES – DENISON AVENUE IMPROVEMENTS (ST0411)

The Commission authorized the Mayor and City Clerk to execute the Construction Engineering Agreement with Schwab-Eaton for a maximum fee of \$71,120.00.

### \* AWARD CONTRACT – SANITARY SEWER MANHOLE REHABILITATION PROJECT

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

The Commission authorized the Mayor and City Clerk to execute an agreement with Mayer Specialty Services, of Goddard, Kansas, to a maximum of \$50,000.00 for the Sanitary Sewer Manhole Rehabilitation Project.

### AWARD CONTRACT – CURED-IN-PLACE SEWER LINING

The Commission accepted the low bid in the amount \$22.00 per linear foot for 8-inch and \$25.00 per linear foot for 10-inch of sewer pipe which equals a total bid amount of \$232,901.00 to Utility Maintenance Contractors, of Wichita, Kansas.

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – WOODLAND HILLS ADDITION, UNIT 5, PHASE 2, AND UNIT 6, PHASE 1 – SANITARY SEWER (SS0516) AND WATER (WA0517) IMPROVEMENTS

The Commission accepted the Engineer's total Estimate in the amount of \$314,000.00 for Woodland Hills Addition, Unit 5, Phase 2, and Unit 6, Phase 1 – Sanitary Sewer and Water Improvements (SS0516, WA0517) and awarded a contract with a total bid of \$312,523.50 to Larson Construction Company, of Manhattan, Kansas, as the low bidder.

### AWARD CONTRACT – FIRE DEPARTMENT – LAWN MAINTENANCE EQUIPMENT

The Commission accepted the low bid and awarded the contract in the amount of \$15,134.00 to KanEquip, Inc., of Wamego, Kansas, for replacement lawn maintenance equipment and authorized City Administration to enter into a purchase agreement with this company.

\* 

### AWARD CONTRACT – ENGINEERING SERVICES – WATER TREATMENT PLANT AND WELLFIELD IMPROVEMENTS PROJECT

Jerry McIntyre, Deputy Director of Public Works, provided additional information on the item and answered questions from the Commission.

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

The Commission authorized the Mayor to enter into a contract with Carollo Engineers, of Kansas City, Missouri, for engineering services for the Water Treatment Plant and Wellfield Improvements Project in an amount not to exceed \$1,467,133.00.

### CHANGE ORDER NO. 1-FINAL – PLATT ADDITION – SANITARY SEWER IMPROVEMENTS (SS0511)

The Commission approved Change Order No. 1-Final for Platt Addition Sanitary Sewer Improvements (SS0511) resulting in a net decrease in the amount of \$799.90 (-2.62 %) to the contract with Larson Construction Co., of Manhattan, Kansas.

### CHANGE ORDER NO. 1-FINAL – PLATT ADDITION – WATER IMPROVEMENTS (WA0511)

The Commission approved Change Order No. 1-Final for Platt Addition Water Improvements (WA0511) resulting in a net decrease in the amount of \$100.00 (-.64 %) to the contract with Larson Construction Co., of Manhattan, Kansas.

## CONSENT AGENDA (CONTINUED)

### CHANGE ORDER NO. 3-FINAL – FAMILY AND CHILD RESOURCE CENTER PROJECT

The Commission approved Change Order No. 3-Final for the Family and Child Resource Center Project resulting in a net increase in the amount by \$14,578.00 (+2%), and adding 42 days to the contract with Cheney Construction, Inc., of Manhattan, Kansas.

### AMENDMENT – ARCHITECTURAL SERVICES – FAMILY AND CHILD RESOURCE CENTER PROJECT

The Commission authorized an amendment to the agreement with Bruce McMillan, AIA, Architects, P.A., of Manhattan, Kansas, to provide additional architectural services for the Family and Child Resource Center Project.

### AMENDMENT – ARCHITECTURAL SERVICES – UNION PACIFIC DEPOT PROJECT

The Commission authorized an amendment to the agreement with Bruce McMillan, AIA Architects, P.A., of Manhattan, Kansas, to provide additional architectural services for the Union Pacific Depot Project.

### OUTSIDE CITY WATER SERVICE – KANSAS STATE UNIVERSITY TURFGRASS RESEARCH FACILITY

The Commission authorized the Mayor and City Clerk to execute an outside of City limits water connection agreement permitting a connection to the City of Manhattan's public water supply system by the Kansas State University for the Turfgrass Research facilities located in Riley County, Kansas.

### FEMA/FIREFIGHTERS GRANT APPLICATION

The Commission authorized City Administration to proceed with a Federal Emergency Management Agency/U.S. Fire Administration 2006 Assistance to Firefighters Grant application with 10% funding coming from the Fire Equipment Reserve Fund.

### BOARD APPOINTMENTS

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

#### *Cemetery Board*

Appointment of Larry Brockson, 2704 Candlewood Drive, to fill an unexpired term of Thomas Roth, Jr. Mr. Brockson's term begins immediately and will expire on December 31, 2008.

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### Human Rights and Services Board

Appointment of Tinh X. Hoang, 713 Ridgewood Drive, to a three-year term. Mr. Hoang's term begins immediately and will expire on March 9, 2009.

### \* PURCHASE – FURNISHINGS FOR UNION DEPOT

Terry DeWeese, Director of Parks and Recreation, provided an overview of the item and answered questions from the Commission.

The Commission authorized City Administration to purchase tables and chairs from the Sauder Manufacturing Company, of Archbold, Ohio, for \$22,975.00 for furnishings for the Union Pacific Depot.

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

## GENERAL AGENDA

### FIRST READING – REZONE - GTM SPORTSWEAR ADDITION, UNIT TWO

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

Dave Dreiling, 4100 Berkshire Circle, informed the Commission that he was available to answer any questions.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning a 0.51-acre tract of land generally located south of the GTM Sportswear warehouse, from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report. *(See Attachment No. 2)* Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

### AIRPORT LEASE - DEPARTMENT OF THE ARMY - NEW JOINT USE AIRCRAFT RAMP

Diane Stoddard, Deputy City Manager and Interim Airport Director, presented the item.

David Carte, Project Manager, U.S. Corps of Engineers, presented additional information on the item. He then answered questions from the Commission.

## GENERAL AGENDA (CONTINUED)

### AIRPORT LEASE - DEPARTMENT OF THE ARMY - NEW JOINT USE AIRCRAFT RAMP (CONTINUED)

Diane Stoddard, Deputy City Manager and Interim Airport Director, and Jeff Hancock, Director of Public Works, answered questions from the Commission.

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

After discussion, Commissioner Snead moved to authorize the Mayor and City Clerk to execute a lease agreement with the federal government for a joint use ramp at the Manhattan Regional Airport. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

### LEASE - NATURAL GAS FUELING EQUIPMENT - NATIONAL GAS MACHINERY LABORATORY (KSU)

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

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

Ron Fehr, City Manager, provided additional information on the National Gas Machinery Laboratory (NGML) and its relationship with past economic development funds. He then answered questions from the Commission.

Dr. Kirby Chapman, Director, NGML, provided additional information about the company and its plans to use the fueling equipment. He then answered questions from the Commission.

Jeff Hancock, Director of Public Works, answered questions from the Commission regarding screening on Fort Riley Boulevard.

After discussion, Commissioner Morris-Hardeman moved to authorize the Mayor and City Clerk to execute a lease agreement for compressed natural gas fueling equipment with the National Gas Machinery Laboratory of Kansas State University. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING – MODIFY PARKING - ALLISON AVENUE

Rob Ott, City Engineer, introduced the presenter.

Amy Houlette, Engineer II, presented the item.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – MODIFY PARKING - ALLISON AVENUE (CONTINUED)

Alex Lovely, 1215 Colorado Street, informed the Commission that he was the citizen that wrote the letter to the City. He asked the Commission to support the change as presented.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance modifying the parking along Allison Avenue. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING - CONDEMNATION PROCESS - NORTH PROJECT AREA OF THE DOWNTOWN REDEVELOPMENT

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

Ron Fehr, City Manager, provided additional information to the Commission on the item and sequence for second reading of the ordinance.

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

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance declaring it necessary to acquire the subject properties by condemnation. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

## EXECUTIVE SESSION

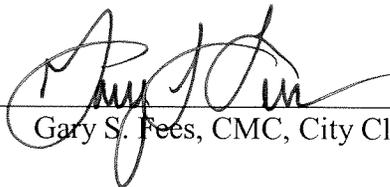
At 8:35 p.m., Commissioner Snead moved to recess into Executive Session until 8:50 p.m. for the purpose of discussing personnel matters of non-elected personnel. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

At 8:50 p.m., the Commission reconvened with Mayor Klimek and Commissioners Snead, Phillips, Hatesohl, and Morris-Hardeman in attendance. Commissioner Snead moved to recess into Executive Session until 9:05 p.m. for the purpose of discussing personnel matters of non-elected personnel. Commissioner Hatesohl seconded the motion. On vote, motion carried 5-0.

At 9:07 p.m., the Commission reconvened with Mayor Klimek and Commissioners Snead, Phillips, Hatesohl, and Morris-Hardeman in attendance. Commissioner Snead moved to adjourn. Commissioner Hatesohl seconded the motion. On vote, motion carried 5-0.

**ADJOURNMENT**

At 9:08 p.m. the Commission adjourned.

A handwritten signature in black ink, appearing to read "Gary S. Fees", is written over a horizontal line.

Gary S. Fees, CMC, City Clerk

## **STAFF REPORT**

### **ON AN APPLICATION TO REZONE PROPERTY**

**PROPOSED DEVELOPMENT:** Brookfield Addition, Unit Eight, a low density single-family and two-family residential subdivision, which is an extension of existing Brookfield subdivisions to the south and west.

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

**TO:** Tract 1: R-1, Single-Family Residential District; and, Tract 2: R-2, Two Family Residential District.

**APPLICANTS:** SSF Development, LLC-Roger Schultz, Dale Knight, and Katherine E. Elliott Trust.

**ADDRESSES:** 1213 Hylton Heights Road; 2320 Bailey Road; and, 2729 Casement Road, Manhattan KS, 66502

**OWNERS:** SSF Development, LLC-Roger Schultz, Dale Knight, and Katherine E. Elliott Trust.

**ADDRESSES:** 1213 Hylton Heights Road; 2320 Bailey Road; and, 2729 Casement Road, Manhattan KS, 66502

**LOCATION:** southwest of the intersection of Marlatt Avenue and Casement Road, to include a portion of adjoining Casement Road.

**AREA:** approximately 22 acres. Tract 1: approximately 15-acres; and, Tract 2: approximately 6.5-acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, February 13, 2006

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, March 6, 2006  
**CITY COMMISSION:** Tuesday, March 28, 2006

**EXISTING USE:** agricultural fields and single-family residence with agricultural outbuildings.

*Attachment No. 1*

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** generally flat with drainage to the Marlatt drainage ditch and open swales along Casement Road. The majority of the site is crop land.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Marlatt Avenue, single-family residential; County G-1 District, and County A-2 and A-3, Single Family Residential Districts.
- (2) **SOUTH:** single-family residential (Brookfield subdivisions); R-1 District.
- (3) **EAST:** Casement Road, single-family dwelling unit, and agricultural fields; G-1 District.
- (4) **WEST:** single-family residential (Brookfield subdivisions); R-1 District and R-2 District.

**GENERAL NEIGHBORHOOD CHARACTER:** The neighborhood is at the northeastern boundary of the City and is characterized by low density residential and agricultural uses.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The majority of the site is an agricultural field. There is an existing single family dwelling on the site as well. Both uses are permitted in the G-1. The remainder of the site is Casement Road right-of-way.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed R-1 and R-2 Districts are a low density zoning, which is consistent with the established Brookfield Additions to the south and west. An increase in traffic, light, and noise can be expected, which are similar to the same conditions existing in nearby neighborhoods within the City. The site is in a growth corridor for the city and additional urban growth can be expected to the north of the site.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the rezoning site as Office-Research Park, Residential Medium/High (RMH) (*Northeast Planning Area Future Land Use Map attached*), and Neighborhood Community Center. The applicant's proposal is Residential Low/Medium (RLM) development. Policy characteristics cited in the Comprehensive Plan are:

## OFFICE/RESEARCH PARK (OFF/RP)

### **OR 1: Characteristics**

*The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, "campus-like" setting. Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17<sup>th</sup> Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.*

## 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*

*Attachment No. 1*

*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.*

#### 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.*

#### BLUE RIVER VALLEY SPECIAL PLANNING AREA

##### **Background and Intent**

*Attachment No. 1*

*The Blue River Valley is planned as a mixed-use residential area. The area will contain a series of low/medium density residential neighborhoods, with medium/high density residential focused adjacent to existing higher density housing along Tuttle Creek Boulevard, and along Marlatt Avenue near the intersection of Casement Road. Employment and neighborhood commercial uses should also be integrated to provide a range of employment opportunities and services for residents.*

## **Policies**

### **BR 1: Flood Risk Protection and Management of Tuttle Creek Reservoir**

*The Blue River Valley below Tuttle Creek Reservoir presents unique challenges for development, due to the potential man-made flood releases, which pose a special flood hazard risk to the area, beyond the identified FEMA Flood Plain. The community has expressed a desire to utilize the 1993 Flood event as the acceptable level of risk, outside of which development will be promoted. New development shall not be permitted within the Flood Hazard Area, which encompasses the area inundated by the 1993 Flood. The Flood Hazard Area is delineated on the Future Land Use Map.*

### **BR 2: Mixture of Housing Types**

*Residential neighborhoods should include a variety of low to medium density housing types. Medium to high density residential should be focused adjacent to established higher density housing along Tuttle Creek Boulevard, and along Marlatt Avenue near the intersection of Casement Road.*

### **BR 3: Neighborhood Commercial and Employment**

*The incorporation of employment and neighborhood commercial uses is strongly encouraged and shall be focused near the Casement/Marlatt intersection.*

The applicant's proposal is to develop Unit Eight with a combination of single-family detached dwelling units and duplexes or single-family attached dwelling units. The proposal reflects the current need for additional housing and is consistent with the general residential character of the Brookfield subdivisions, which have been approved and are located to the south. Net density is approximately 2.49 dwelling units per net acre. The Plan did not anticipate the current increased demand for housing. In addition, the site is located in a growth corridor for the City.

Opportunities for expanded employment centers along Casement Road and the Marlatt Avenue intersection remain. The Plan suggests areas to the north or east of the intersection could be developed with neighborhood commercial, and to the north for office/research.

*Attachment No. 1*

Issues related to the flood risk associated with the flood event of 1993 will be addressed with the Preliminary Plat.

The proposed rezoning is in general conformance with the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The majority of the site is an agricultural field, except for the single-family house and outbuildings. Both have been in place for an unknown length of time. The site has remained G-1 District, since zoning was established in Riley County in the 1970's.

**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 15-acre tract, is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. The proposed R-2 District, an approximate 6.5-acre tract, is designed to provide a dwelling zone at a density no greater than two (2) dwelling units per 7,500 square feet.

The proposed R-1 and R-2 Districts are sufficient in area to conform to the requirements of both districts.

**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 rezonings are denied, assuming adequate pedestrian access is provided.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate streets, sanitary sewer and water are available to serve the site. The site is separated from the remainder of the Brookfield subdivisions by the Marlatt Drainage ditch, a wide drainage easement. Currently, sidewalks do not exist along Casement Road or Marlatt Avenue, which would provide access to nearby schools, Anthony Middle School and Northview Elementary School, the Linear Trail, and Brookfield and other parts of the City to the south. Sidewalk is proposed along the south side of Marlatt Avenue with a street improvement to Marlatt Avenue by Riley County. A pedestrian bridge will be proposed at the south end of Unit Eight, which will connect to the south for pedestrian access.

**OTHER APPLICABLE FACTORS:** Prior to development, a Preliminary Plat must be approved, which will be considered by the Planning Board on March 20, 2006. The Preliminary Plat will consist of 26 single-family lots and 13 two-family lots, or 52 total dwelling units, as well as easements for utilities, drainage, and pedestrians.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of Brookfield Addition, Unit Eight, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, and R-2, Two Family Residential District.

**ALTERNATIVES:**

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

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Brookfield Addition, Unit Eight, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, and R-2, Two Family Residential District, based on the findings in the Staff Report.

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

**DATE:** February 28, 2006

06005

**STAFF REPORT**

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

**FROM:** C-5, Highway Service Commercial District.

**TO:** I-2, Industrial Park District.

**APPLICANTS:** Dave Dreiling and Paul Bosch.

**ADDRESSES:** 520 McCall Road and 2560 McDowell Creek Road.

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

**ADDRESS:** 2560 McDowell Creek Road.

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

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

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

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

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

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

**SURROUNDING LAND USE AND ZONING:**

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

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

*Attachment No. 2*

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

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

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

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

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

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

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

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

1969 to 2006: C-5 District.

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

*Attachment No. 2*

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

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

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

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

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

**STAFF COMMENTS:**

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

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of 0.51-acre tract of land from C-5, Highway Service Commercial District, to I-2, Industrial Park District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of a 0.51-acre tract of land from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report.

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

**DATE:** March 14, 2006

06006