

CITY COMMISSION AGENDA MEMO
May 13, 2008

FROM: Steve Zilkie, AICP, Senior Planner; Eric Cattell, AICP, Assistant Director for Planning

MEETING: May 20, 2008

SUBJECT: Approve Ordinance Nos. 6698 and 6699 Annexing and Rezoning the Proposed Northwing Addition

PRESENTER: Eric Cattell, AICP, Assistant Director for Planning

BACKGROUND

Frey Property Development Corporation has requested annexation of an approximate 106-acre tract of land for the proposed Northwing Addition, generally located approximately 1,400 feet east of the Marlatt Avenue and Tuttle Creek Boulevard intersection, along the north side of Marlatt Avenue, and approximately 430 feet west of Nelson's Landing Street.

The site is currently zoned County G-1, General Agricultural District, and is proposed to be rezoned to R-1, Single-Family Residential District (*see location map showing proposed zoning*). The applicant submitted a Preliminary Plat of the site, which indicates the development may consist of up to 286 single-family lots and eight (8) common area tracts.

Two access points to Marlatt Avenue are proposed for the subdivision. There is approximately 1,060 feet between the two access points (Northwing Drive and Matter Drive), which provides adequate sight distance. Left and right turning lanes will be provided at each of these access points for turning movements onto Marlatt Avenue. A third access point is provided at the northwest corner of the tract, which connects to the existing Valleywood Drive in the Valleywood Subdivision. However, County officials raised concerns that the vehicular traffic generated by the Northwing Development would degrade the level of service of the local, residential streets built to County standards within Valleywood. In response to these concerns, and after discussion with County and City officials and emergency personnel, the applicant has proposed to construct a collapsible bollard in the center of Valleywood Drive at the property line. This collapsible bollard will prevent Northwing Addition residents from driving through Valleywood, while still providing access to emergency vehicles in case of a fire, or other emergency. The Preliminary Plat also provides three (3) future access points to the adjoining property to the north.

The applicant dedicated forty (40) feet of road right-of-way to the City of Manhattan for future expansion of Marlatt Avenue. The intent of the extra forty (40) feet of road right-of-way and the future roadway expansion on Marlatt Avenue is to provide for five lanes and sidewalks on both sides of this arterial corridor.

ANNEXATION

When considering an annexation request, the Manhattan Urban Area Planning Board makes a recommendation to the City Commission based on the Comprehensive Plan, Growth Vision, and the Capital Improvements Program.

Manhattan Urban Area Comprehensive Plan. The Future Land Use Map of the Comprehensive Plan designates the approximate east half of the site and a small portion of the northwestern corner of the site, for Residential Low - Medium (RLM) density development and the west half for Residential Medium-High (RMH) density development.

RLM policies include:

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.

The RMH policies include:

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.

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.

RMH 4: Variety of Housing Styles

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

Based on a note on the Preliminary Plat, the proposed net density of the development will be 2.7 dwelling units per net acre. The RLM and RMH policies indicate that single-family dwellings are acceptable uses. The proposed annexation of the Northwing Addition is in general conformance to the Comprehensive Plan.

The site is within the Urban Service Area and can be served by public improvements, including street, water, fire service and sanitary sewer.

REZONING

The site is on the north east edge of the City limits located in an area with a mixture of residential uses and agricultural land. To the south and west of the site are predominately residential uses with a manufactured home park (Colonial Gardens) and multi-family

dwelling (Tuttle Creek Residences) and Valleywood neighborhood to the west. To the south are Marlatt Avenue, the Marlatt drainage ditch, and the Eisenhower Middle School and Baseball Complex. Farther to the south and southeast that area consists of single-family, two-family and multi-family dwellings in the Brookfield, Northview and Prairie Lakes developments. The area to the north and east of the site is predominately row crop agriculture land. The Nelson's Landing neighborhood, a low density, residential development in Riley County, is located to the east.

Additional light, noise, and traffic can be expected as a result of the rezoning and developing agricultural land, however it is not anticipated that it will adversely impact neighboring properties. The proposed R-1 District adjoins existing R-1 District areas to the south of Marlatt Avenue. There are also similar residential uses outside of the City limits in the Valleywood Subdivision, which adjoins the northwest edge of the proposed subdivision. To address concern about traffic impacts on Valleywood Drive from the proposed subdivision, collapsible bollards are proposed to be installed in the center of Valleywood Drive at the property line to prevent traffic from entering the Valleywood neighborhood, while still providing emergency access between the two neighborhoods.

As part of the Preliminary Plat process, the applicant's engineers submitted a Traffic Impact Study and an extensive Drainage Study, which have been reviewed and accepted by the City Engineer.

DISCUSSION

On April 21, 2008, the Manhattan Urban Area Planning Board held the public hearing and considered the proposed annexation and rezoning. The applicant and applicant's representatives spoke, as well as several citizens.

Following discussion, the Planning Board, on a vote of 5-0, recommended approval of the annexation of the 106-acre tract of land for Northwing Addition, generally located north of Marlatt Avenue, based on the findings in the Staff Report and conformance with the Manhattan Urban Area Comprehensive Plan.

The Planning Board on a vote of 5-0, recommended approval of the proposed rezoning of Northwing Addition from County G-1, General Agricultural District, to R-1, Single-Family Residential District, based on the findings in the Staff Report.

The Planning Board also approved the Preliminary Plat of Northwing Addition on a vote of 5-0, with three conditions.

On May 6, 2008, the City Commission, on a vote of 5-0, approved first reading of an ordinance annexing a 106-acre tract of land for the proposed Northwing Addition, generally located 1,400 feet east of the Marlatt Avenue and Tuttle Creek Boulevard

intersection along the north side of Marlatt Avenue, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and, on a vote of 5-0, the City Commission approved first reading of an ordinance rezoning the site from County G-1, General Agricultural District, to R-1, Single-Family Residential District, based on the findings in the Staff Report.

FINANCING

Not applicable.

ALTERNATIVES

It appears the Commission has the following alternatives concerning the issue at hand. The Commission may:

1. Approve Ordinance No. 6698 annexing the approximate 106-acre site for the proposed Northwing Addition, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program as recommended by the Manhattan Urban Area Planning Board; and,

Approve Ordinance No. 6699 rezoning the site to R-1, Single-Family Residential District, based on the findings in the Staff Report, as recommended by the Manhattan Urban Area Planning Board.

2. Deny Ordinance No. 6698 annexing the site, based on specifically stated reasons; and, override the Manhattan Urban Area Planning Board's recommendation on the rezoning by a two-thirds majority vote of the membership of the City Commission and deny Ordinance No. 6699 rezoning the site, based on specifically stated reasons. (*Note: To override the Planning Board's recommendation a minimum of four votes are necessary.*)
3. Return the recommendations of the Planning Board for further consideration, together with a statement specifying the basis for the City Commission's failure to approve or disapprove the annexation and rezoning, and provide further direction to the Planning Board.
4. Table Ordinance Nos. 6698 and 6699 annexing and rezoning the site, for specifically stated reasons and provide further direction to City Administration.

RECOMMENDATIONS

City Administration recommends that the City Commission approve Ordinance No. 6698 annexing the approximate 106-acre site for the proposed Northwing Addition, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program and the recommendation of the Planning Board.

City Administration recommends that the City Commission approve Ordinance No. 6699 rezoning the proposed Northwing Addition, from County G-1, General Agricultural District, to R-1, Single-Family Residential District, based on the findings in the Staff Report and the recommendation of the Planning Board. These recommendations are also based on approval of first reading of ordinances annexing and rezoning the site by the City Commission.

POSSIBLE MOTIONS

Approve Ordinance No. 6698 annexing a 106-acre tract of land for the proposed Northwing Addition, generally located 1,400 feet east of the Marlatt Avenue and Tuttle Creek Boulevard intersection along the north side of Marlatt Avenue, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and,

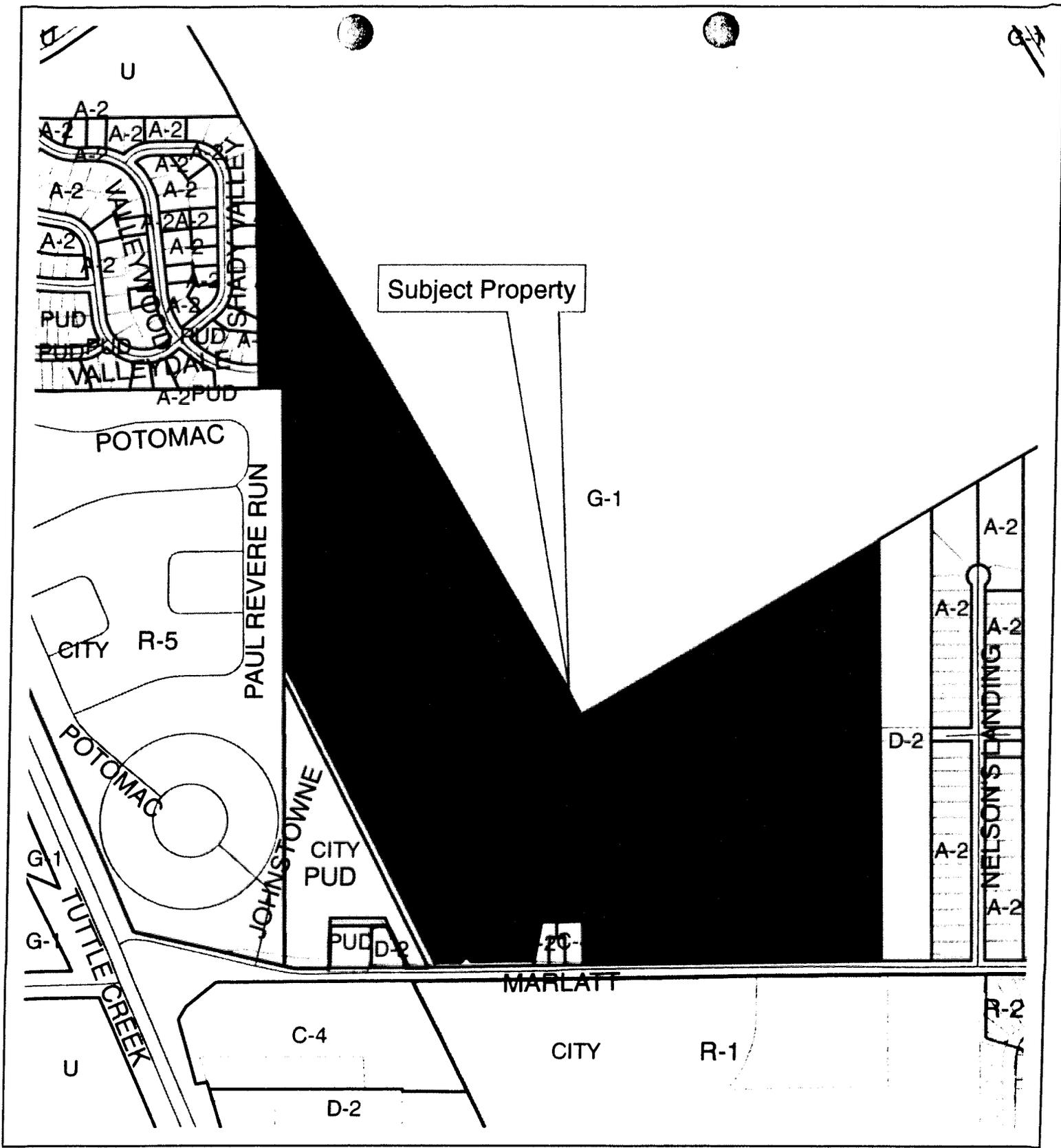
Approve Ordinance No. 6699 rezoning the site from County G-1, General Agricultural District, to R-1, Single-Family Residential District, based on the findings in the Staff Report.

EC

08056}CC}2ndRdg}Annex-RezoneNorthwingAdd}R-1

Enclosures:

1. Location map
2. Ordinance Nos. 6698 and 6699
3. Project Chronology



General Location Map
 Request to Annex, Rezone and
 Preliminary Plat
 Northwing Addition



ORDINANCE NO. 6698

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF MANHATTAN, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-520.

WHEREAS, all of the owners of the real estate described on Exhibit A, attached hereto, and incorporated herein by reference, and hereinafter referred to as the “Real Estate”, have filed a petition, in writing, with the City, asking for the annexation of the Real Estate into the City of Manhattan, Kansas; and,

WHEREAS, THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS, hereby finds that some part of the Real Estate adjoins the City; that all matters prerequisite to the annexation of the Real Estate, pursuant to K.S.A. 12-520, have been satisfied; and that annexation of the Real Estate is in the public interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS:

SECTION 1. The Real Estate, generally known as Northwing Addition, is hereby annexed and made a part of the City of Manhattan.

SECTION 2. This ordinance shall take effect and be in force from and after its passage and publication in The Manhattan Mercury.

PASSED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS THIS 20TH DAY OF MAY, 2008.

(SEAL)

ATTEST: _____
GARY S. FEES, CMC, CITY CLERK

MARK J. HATESOHL, MAYOR

Exhibit A
Annex Northwing Addition

Legal Description:

A tract of land in Lot 11 and Lot 12, Section 31, Township 9 South, Range 8 East of the 6th Principal Meridian, Riley County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Lot 12, Section 31, thence S 89°55'23" E (assumed bearing) along the South line of said Lot 12, a distance of 668.06 feet; thence N 26°01'17" W along the Easterly line of the "ARC Communities 3, LLC " Tract as described on Pages 515 to 517 in Book 802 at the Riley County Register of Deeds Office, a distance of 75.23 feet a point on the North right of way line of Marlatt Avenue, said point being the true point of beginning:

THENCE N 26°01'17" W along the Easterly line of said ARC Communities 3, LLC Tract, a distance of 1454.59 feet to a point on the West line of said Lot 12;

THENCE N 00°07'56" W along the West line of said Lot 12, a distance of 1284.98 feet to the Northeast corner of said Lot 12;

THENCE N 89°50'35" W a distance of 103.30 feet to the Southeast corner of Valleywood Subdivision, an addition in Riley County, Kansas;

THENCE N 01°11'29" W along the East line of said Valleywood Subdivision, a distance of 1067.56 feet to a point on the Southwesterly line of the Wyandotte Reserve No. 3;

THENCE S 29°36'14" E along the said Southwesterly line of the Wyandotte Reserve No. 3, a distance of 2944.77 feet said point being the Northwest Corner of said Lot 11, Section 31;

THENCE N 59°48'30" E along the Southeasterly line of said Wyandotte Reserve No. 3 a distance of 1512.37 feet to the Northwest corner of a tract of land deeded to Melvin Van Der Stelt as described on Page 658 in Book 811 at the Riley County Register of Deeds Office;

THENCE S 00°42'37" E along the West line of the said Melvin Van Der Stelt tract for a distance of 1826.01 feet to a point on the Northerly right of way line of Marlatt Avenue, said point being N 00°42'37" W a distance of 104.34 feet from the Southeast corner of said Lot 11;

THENCE S 65°31'16" W along the Northerly right of way line of Marlatt Avenue, a distance of 98.54 feet;

THENCE N 89°23'27" W continuing along said Northerly right of way of Marlatt Avenue for a distance of 1163.32 feet;

THENCE along a curve to the left having a radius of 12662.88 feet and an arc length of 74.87 feet, subtended by a chord of N 89°33'37" W for a distance of 74.87 feet to a point on the East line of Drumm Addition, an addition in Riley County, Kansas;

THENCE N 00°06'26" W along the East line of said Drumm Addition for a distance of 170.91 feet to the Northeast corner of said Drumm Addition;

THENCE S 89°53'34" W along the North line of said Drumm Addition for a distance of 181.02 feet to the Northwest corner of said Drumm Addition;

THENCE S 11°04'58" W along the West line of said Drumm Addition for a distance of 175.41 feet to a point on the Northerly right of way of Marlatt Avenue;

THENCE S 89°22'39" W along the said Northerly line of Marlatt Avenue for a distance of 288.15 feet;

THENCE N 44°58'54" W along the Northerly right of way line of Marlatt Avenue for a distance of 28.63 feet;

THENCE S 43°28'28" W along the Northerly right of way of Marlatt Avenue for a distance of 28.66 feet;

THENCE S 89°38'16" W along the Northerly right of way of Marlatt Avenue for a distance of 147.02 feet to the point of beginning. Said contains 106.05 acres, more or less.

Subject to easements, reservations, restrictions and rights of way of record.

ORDINANCE NO. 6699

AN ORDINANCE REZONING A TRACT OF LAND FROM COUNTY G-1, GENERAL AGRICULTURAL DISTRICT TO R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT IN THE CITY OF MANHATTAN, RILEY COUNTY, KANSAS, AND ALTERING THE ZONING MAP ACCORDINGLY.

WHEREAS, the Manhattan Urban Area Planning Board of the City of Manhattan, Kansas, at a meeting held on April 21, 2008, recommended the rezoning of a certain tract of land located within the city, and described on Exhibit A, attached hereto, from County G-1, General Agricultural District to R-1, Single-Family Residential District in the City of Manhattan, Kansas; and

WHEREAS, the Governing Body of the City of Manhattan, Kansas has considered this ordinance at two meetings.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS:

SECTION 1. That the following described property is hereby rezoned:

FROM: County G-1, General Agricultural District

TO: R-1, Single-Family Residential District

LEGAL DESCRIPTION: Generally to be known as Northwing Addition, located along the north side of Marlatt Avenue. More specifically, see Exhibit A attached hereto.

SECTION 2. The Official Zoning District Map for the City of Manhattan, Kansas is hereby amended accordingly.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and publication in the official city newspaper.

PASSED BY THE GOVERNING BODY THIS 20TH DAY OF MAY, 2008.

(SEAL)

ATTEST:

Gary S. Fees, CMC, City Clerk

Mark J. Hatesohl, Mayor

Exhibit A

Rezone Northwing Addition

Legal Description:

A tract of land in Lot 11 and Lot 12, Section 31, Township 9 South, Range 8 East of the 6th Principal Meridian, Riley County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Lot 12, Section 31, thence S 89°55'23" E (assumed bearing) along the South line of said Lot 12, a distance of 668.06 feet; thence N 26°01'17" W along the Easterly line of the "ARC Communities 3, LLC" Tract as described on Pages 515 to 517 in Book 802 at the Riley County Register of Deeds Office, a distance of 75.23 feet a point on the North right of way line of Marlatt Avenue, said point being the true point of beginning:

THENCE N 26°01'17" W along the Easterly line of said ARC Communities 3, LLC Tract, a distance of 1454.59 feet to a point on the West line of said Lot 12;

THENCE N 00°07'56" W along the West line of said Lot 12, a distance of 1284.98 feet to the Northeast corner of said Lot 12;

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THENCE N 01°11'29" W along the East line of said Valleywood Subdivision, a distance of 1067.56 feet to a point on the Southwesterly line of the Wyandotte Reserve No. 3;

THENCE S 29°36'14" E along the said Southwesterly line of the Wyandotte Reserve No. 3, a distance of 2944.77 feet said point being the Northwest Corner of said Lot 11, Section 31;

THENCE N 59°48'30" E along the Southeasterly line of said Wyandotte Reserve No. 3 a distance of 1512.37 feet to the Northwest corner of a tract of land deeded to Melvin Van Der Stelt as described on Page 658 in Book 811 at the Riley County Register of Deeds Office;

THENCE S 00°42'37" E along the West line of the said Melvin Van Der Stelt tract for a distance of 1826.01 feet to a point on the Northerly right of way line of Marlatt Avenue, said point being N 00°42'37" W a distance of 104.34 feet from the Southeast corner of said Lot 11;

THENCE S 65°31'16" W along the Northerly right of way line of Marlatt Avenue, a distance of 98.54 feet;

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THENCE S 89°38'16" W along the Northerly right of way of Marlatt Avenue for a distance of 147.02 feet to the point of beginning. Said contains 106.05 acres, more or less.

Subject to easements, reservations, restrictions and rights of way of record.

PROJECT CHRONOLOGY NORTHWING ADDITION

- April 21, 2008 Manhattan Urban Area Planning Board holds public hearing and considers annexation, rezoning and Preliminary Plat of the Northwing Addition. MUAPB recommends approval of annexation and rezoning to R-1 District, and approves Preliminary Plat with three conditions.
- May 6, 2008 City Commission approves first reading of ordinances annexing and rezoning Northwing Addition.
- May 20, 2008 City Commission approves Ordinance Nos. 6698 and 6699 annexing and rezoning Northwing Addition.

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