

CITY COMMISSION AGENDA MEMO
May 15, 2008

FROM: Steve Zilkie, AICP, Senior Planner

MEETING: May 20, 2008

SUBJECT: First Reading of Ordinances Annexing and Rezoning
the Proposed Lee Mill Heights Addition, Unit Six

PRESENTER: Eric Cattell, AICP, Assistant Director for Planning

BACKGROUND

SSF Development-Tim Schultz has requested annexation of an approximate one tenth (.122) acre tract of land, which will be added to the rear of Lots 109 and 110, Lee Mill Height Addition, Unit Three, located southwest of the intersection of Leone Terrace and Leone Ridge Drive. The intent of the annexation is to add the additional land to make the lots slightly greater in depth for a future builder. This addition of land necessitates a replat of the lots, which be known as Lee Mill Heights Addition, Unit Six.

The site is currently zoned County G-1, General Agricultural District, and is proposed to be rezoned to R, Single-Family Residential District with AO, Airport Overlay District (*see location map showing proposed zoning*). The applicant also submitted a Final Plat of Lee Mill Heights Addition, Unit Six, which was approved by the Planning Board with the condition that the .122-acre tract is annexed and rezoned.

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 Manhattan Urban Area Comprehensive Plan designates the one tenth-acre tract as Residential Low/Medium density (RLM) (*See Southwest Planning Area Future land Use Map attached*). The appropriate density range for development in the RLM category is from one-dwelling unit, up to 11-dwelling units per net acre. The RLM category is intended to incorporate a range of housing types, from single-family and two-family to town homes.

The proposed site is a single-family housing development and the overall density is 2.18 dwelling units per net acre. It is also under the Conical Zone of the Manhattan Regional Airport. The AO, Airport Overlay District, will be added as an overlay district to Lee Mill Heights Addition, Unit Six.

The proposed annexation conforms to the Comprehensive Plan. The site is also within the Urban Service Area and can be served by public improvements, including street, water, fire service, and sanitary sewer.

REZONING

The site is at the southern boundary of the Lee Mill Heights single-family residential neighborhood and is consistent with the low density character of existing Lee Mill Heights residential development to the north, east, and west. No adverse impact on nearby properties is anticipated. The proposed rezoning conforms with the Comprehensive Plan.

For the full analysis of the proposed annexation and rezoning, see the attached Staff Memorandum and Staff Report.

DISCUSSION

On May 5, 2008, the Manhattan Urban Area Planning Board held the public hearing and considered the proposed annexation and rezoning. The applicant's representatives spoke. (*See draft Minutes of the May 5, 2008, meeting*).

Following discussion, the Planning Board, on a vote of 6-0, recommended approval of the annexation of the .122-acre tract of land for Lee Mill Heights Addition, Unit Six, generally located southwest of the intersection of Leone Terrace and Leone Ridge Drive, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

The Planning Board, on a vote of 6-0, recommended approval of the proposed rezoning of the .122-acre tract of land from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District, based on the findings in the Staff Report.

The Planning Board also approved the Final Plat of Lee Mill Heights Addition, Unit Six, with one condition (*see draft Minutes of the May 5, 2008 meeting*).

FINANCING

Not applicable.

ALTERNATIVES

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

1. Approve first reading of an ordinance annexing the approximate .122-acre site for the proposed Lee Mill Heights Addition, Unit Six, 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 first reading of an ordinance rezoning the site to R, Single-Family Residential District with AO, Airport Overlay District, based on the findings in the Staff Report, as recommended by the Manhattan Urban Area Planning Board.

2. Deny first reading of an ordinance 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 first reading of an ordinance 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 first reading of ordinances 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 first reading of an ordinance annexing the approximate .122-acre site for the proposed Lee Mill Heights Addition, Unit Six, 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 first reading of an ordinance rezoning the .122-acre tract of land from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay district, based on the findings in the Staff Report and the recommendation of the Planning Board.

POSSIBLE MOTIONS

Approve first reading of an ordinance annexing a .122-acre tract of land in the proposed Lee Mill Heights Addition, Unit Six, generally located southwest of the intersection of Leone Terrace and Leone Ridge Drive, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and,

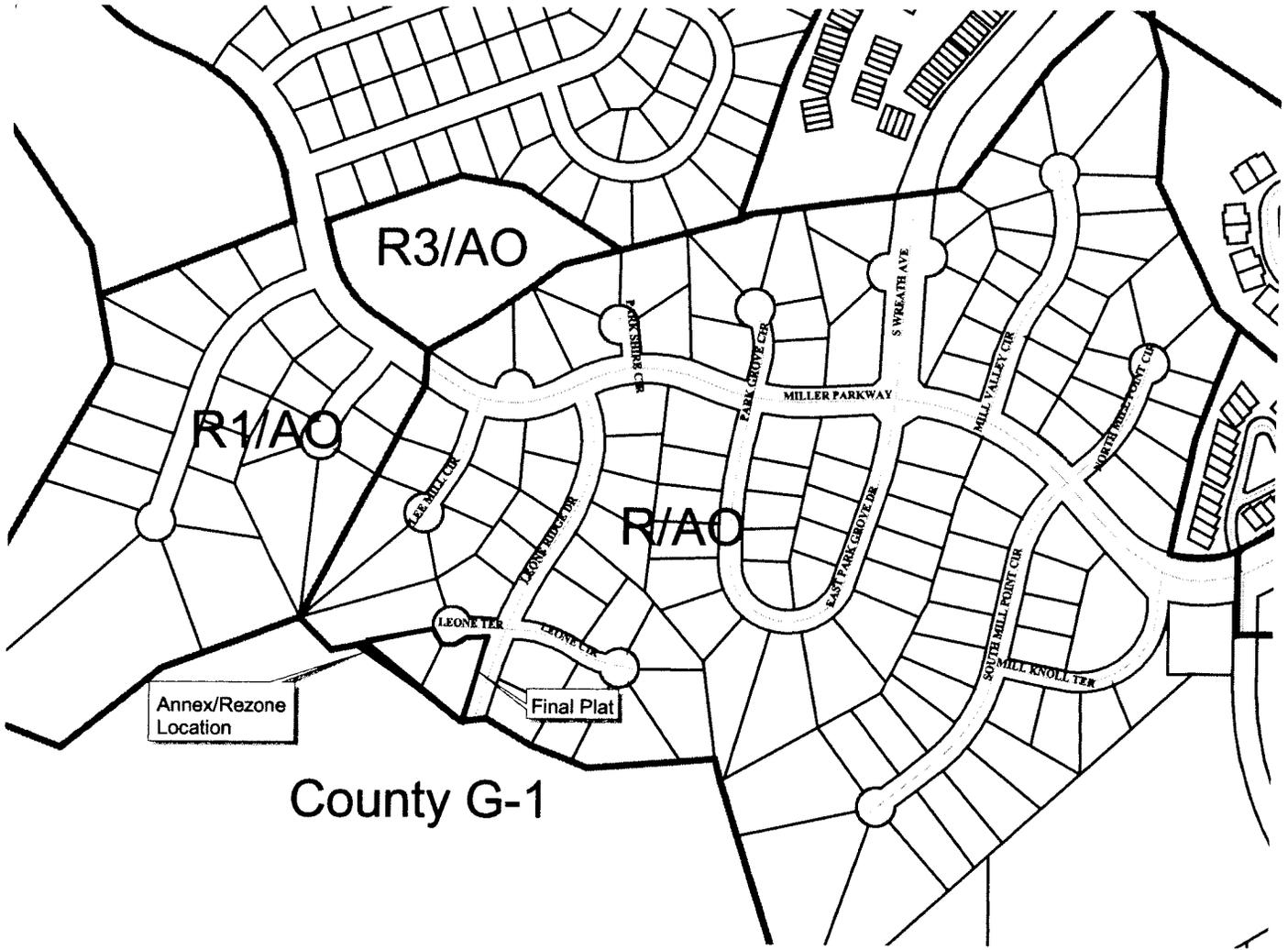
Approve first reading of an ordinance rezoning the site from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District, based on the findings in the Staff Report.

SZ

08058}CC}1stRdgAnnexRezoneLeeMillSixG1toRAO

Enclosures:

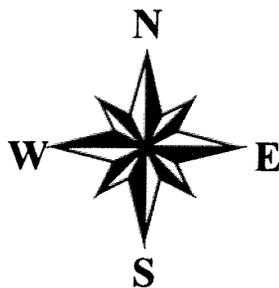
1. Location map
2. Staff Memorandum on Annexation
3. Future Land Use Map – Comprehensive Plan
4. Letter dated March 17, 2008, from Tim Schultz, with legal description requesting annexation
5. Staff Report on R/AO District rezoning
6. Final Plat showing land being annexed and rezoned
7. Written rezoning application documents from applicant
8. Text of the R, Single-Family and AO, Airport Overlay Districts
9. Draft Minutes May 5, 2008, Planning Board meeting
10. Project Chronology



General Location Map

Lee Mill Heights Add. Unit Six

Annex and Rezone G-1 to R/AO





INTER-OFFICE MEMORANDUM

DATE: April 23, 2008

MEETING: May 5, 2008

TO: Manhattan Urban Area Planning Board

FROM: Steve Zilkie, AICP, Senior Planner

RE: Annexation of Lee Mill Heights Addition, Unit Six

BACKGROUND

SSF Development-Tim Schultz has requested annexation of an approximate one tenth (.122) acre tract of land, which will be added to the rear of Lot 109 and Lot 110, Lee Mill Height Addition, Unit Three, which are located southwest of the intersection of Leone Terrace and Leone Ridge Drive. The intent of the annexation is to add the additional land to make the lots slightly greater in depth for a future builder.

Separate applications have been submitted to rezone the tract from County G-1, General Agricultural District, to R, Single-Family Residential District, with AO, Airport Overlay District, and a Final Plat, which will combine the .122 acre a tract with the existing lots to create Lot 1 and Lot 2, Lee Mill Heights Addition, Unit Six. Lee Mill Heights Addition, Unit Three was annexed, rezoned to R/AO District, as well as platted, all in 2004.

When considering an annexation request, the Manhattan Urban Area Planning Board shall make a recommendation on the proposed annexation based on the Comprehensive Plan for the Manhattan Urban Area, the Growth Vision, and the Capital Improvements Program (CIP).

FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN

Land Use Policies

The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the one tenth-acre tract as Residential Low/Medium density (RLM) (*Southwest Planning Area Future land Use Map attached*). Appropriate density range for development in the RLM designation is one-dwelling unit up to 11-dwelling units per net acre. The RLM category is intended to incorporate a range of housing types, from single-family and two-family to town homes.

“Densities in the Residential Low/Medium designation range from less than one dwelling unit/acre up to 11 dwelling units per net acre.”

Miller Ranch

Page 13-5, Policy MR 7: Airport Airspace Regulations

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

The proposed site is a single-family housing development and the overall density is 2.18 dwelling units per net acre. It is also within the Conical Zone of the Manhattan Regional Airport (*Environmental Values and Constraints map attached*). The Final Plat notes the need for review of construction plans, prior to issuance of a building permit. The AO District will be added as an overlay district to the Lee Mill Heights Addition, Unit Six.

The proposed annexation conforms to the Comprehensive Plan.

GROWTH VISION

The proposed annexation conforms to the policy directions provided by the Manhattan Urban Area Growth Vision, adopted in 2003 in the Comprehensive Plan. The site is in a growth corridor. The Growth Vision reflects the values of the community and its vision for annexation, growth and development. The Growth Vision includes a community purpose statement that recommends the incorporation into the City of those areas that are physically, socially, and economically a part of the City. Further, the Growth Vision encourages orderly, contiguous growth and expansion into areas that can be serviced with City services.

CAPITAL IMPROVEMENTS PROGRAM

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

ALTERNATIVES

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

1. Recommend approval of the annexation of a one tenth of an acre (.122) tract of land in the proposed Lee Mill Heights Addition, Unit Six, based on conformance with the Future Land Use Map of the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas, the Growth Vision, and the Capital Improvements Program (CIP).
2. Recommend denial of the annexation of the proposed, for specifically stated reasons.

3. Table the annexation of the proposed to a specific date, indicating the reasons for tabling.

RECOMMENDATION

City Administration recommends approval of the annexation of a one tenth of an acre (.122) tract of land in the proposed Lee Mill Heights Addition, Unit Six, based on conformance with the Future Land Use Map of the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas, the Growth Vision, and the Capital Improvements Program (CIP).

POSSIBLE MOTION

The Manhattan Urban Area Planning Board recommends approval of the annexation of a one tenth of an acre (.122) tract of land in the proposed Lee Mill Heights Addition, Unit Six, based on conformance with the Future Land Use Map of the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas, the Growth Vision, and the Capital Improvements Program (CIP).

08048

WILDCAT-CREEK RD

CLAFLIN RD

ANDERSON AVE

SCENIC DR

Approx. Location

EUREKA DR

FORT RILEY BLVD

Manhattan
Regional
Airport

Additional flood analysis within the Eureka
Valley may be necessary prior to development

S 20TH ST

S 24TH ST

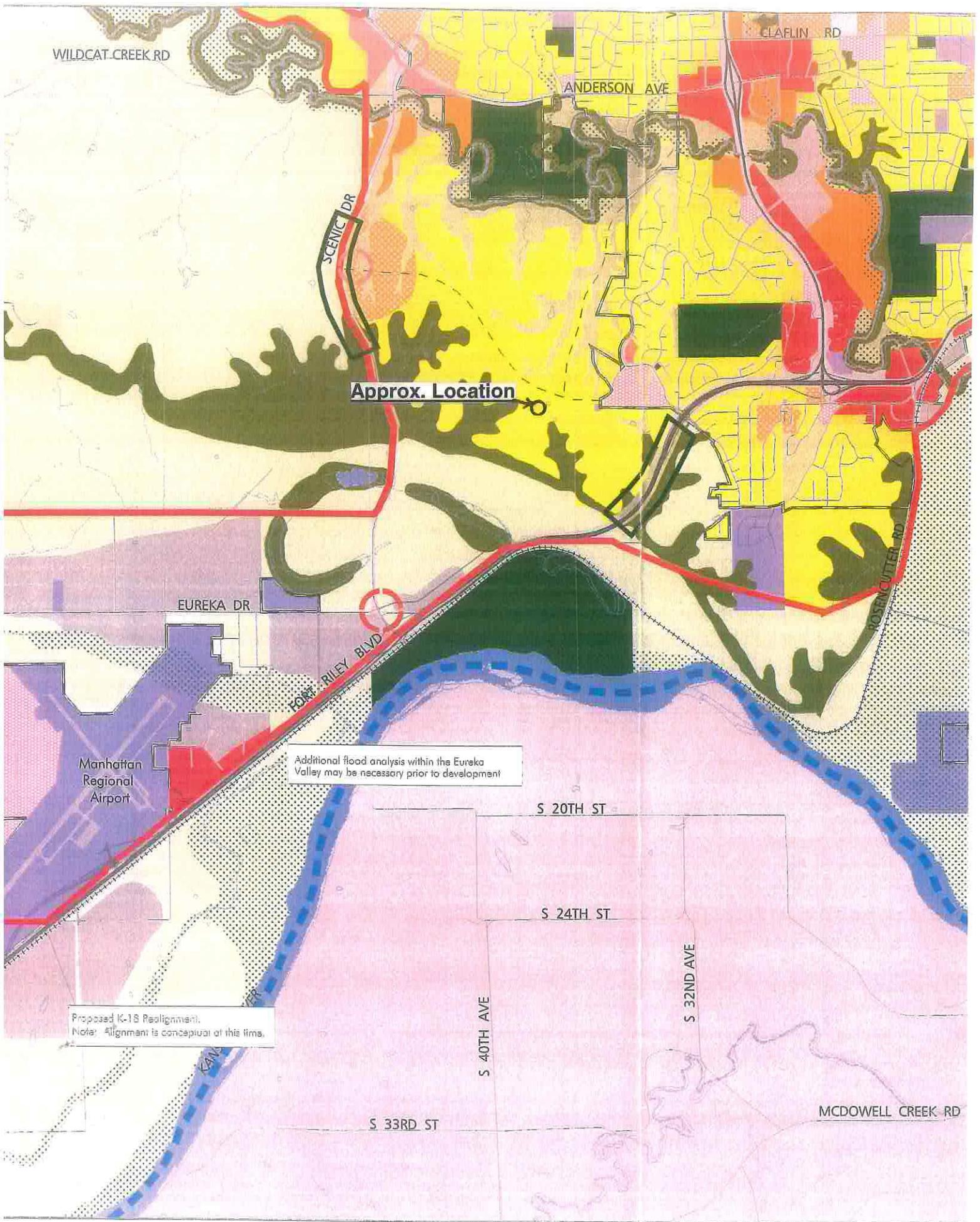
S 32ND AVE

S 40TH AVE

S 33RD ST

MCDOWELL CREEK RD

Proposed K-18 Realignment.
Note: Alignment is conceptual at this time.



17 March 2008

Manhattan City Commission
1101 Poyntz Avenue
City Hall
Manhattan, Kansas 66502

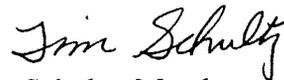
Dear Planning Board Chair and Members,

We respectfully request that the City of Manhattan annex a 0.122 acre tract of land into her corporate limits. The purpose is to add length to Lots 109 and 110 in the Lee Mill Heights Addition, Unit Three. Subject tract of land is located in Section 22 , Township 10 South, Range 7 East of the 6th Principal Meridian in Riley County. A metes and bounds description is attached.

A request for rezoning of the land from county agriculture to city single-family residential districts will follow.

We would appreciate your favorable vote on this request.

Sincerely,



Tim Schultz, Member
Lee Mill Land Company, LLC

APPLICATION

L E G A L D E S C R I P T I O N

A tract of land in the Southeast Quarter of Section 22, Township 10 South, Range 7 East of the 6th Principal Meridian in Riley County, Kansas described as follows:

Beginning at a point that is North 89 degrees 42 minutes 22 seconds West for a distance of 1610.39 feet and South 00 degrees 17 minutes 38 seconds West for a distance of 42.00 feet from the Northeast Corner of the Southeast Quarter of said Section 22, said point being the most westerly corner of Lot 110, in Lee Mill Heights, Unit Three, an Addition to the City of Manhattan:

THENCE South 51 degrees 37 minutes 15 seconds East for a distance of 321.97 feet along the southwesterly line of Lot 110 and Lot 109, in said Lee Mill Heights, Unit Three, to the most southerly corner of said Lot 109;

THENCE North 60 degrees 24 minutes 56 seconds West for a distance of 130.81 feet;

THENCE North 51 degrees 37 minutes 15 seconds West for a distance of 209.34 feet to the southerly line of Lot 111, in said Lee Mill Heights, Unit Three;

THENCE North 78 degrees 08 minutes 39 seconds East for a distance of 26.02 feet along the southerly line of Lot 111, in said Lee Mill Heights, Unit Three to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.122 acres more or less.

APPLICATION

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

Rezone a .122 acre tract of land, which will be added to the rear of Lot 109 and Lot 110, Lee Mill Heights Addition, Unit Three. The .122 acre tract of land will also be annexed. The Final Plat will combine the .122 acre tract with Lots 109 and 110 to be known as Lot 1 and Lot 2, Lee Mill Heights Addition, Unit Six.

FROM: County G-1, General Agricultural District

TO: R, Single-Family Residential District, and AO, Airport Overlay District

APPLICANT: SSF Development LLC (Tim Schultz)

ADDRESS: 1213 Hylton Heights Road, Manhattan, KS 66502

OWNERS: Same

ADDRESSES: Same

LOCATION: generally southwest of intersection of Leone Terrace and Leone Ridge Drive

AREA: Approximately one tenth (.122) acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 14, 2008

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 5, 2008

CITY COMMISSION: Tuesday, May 20, 2008

EXISTING USE: Undeveloped range land abutting the rear of Lot 109 and Lot 110, Lee Mill heights Addition, Unit Three.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is covered with native grasses and entirely within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site.

SURROUNDING LAND USE AND ZONING:

(1) **NORTH:** Platted undeveloped lots in Lee Mill Heights Addition, Unit Three; R/AO District.

(2) **SOUTH:** Rangeland and Eureka Valley farmland: G-1 District.

(3) **EAST:** Platted undeveloped lots in Lee Mill Heights Addition, Unit Three; R/AO District.

(4) WEST: Platted undeveloped lots in Lee Mill Heights Addition, Unit Three; R/AO District.

GENERAL NEIGHBORHOOD CHARACTER: The site is at the southern boundary of the Lee Mill Heights single-family residential subdivision.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The G-1 District permits agricultural uses, single-family homes, mobile homes, oil and gas drilling, home occupations, public utility uses, and other activities. The range of G-1 uses is inconsistent with size of the one tenth of an acre tract to be annexed, rezoned and platted.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The site is consistent with the low density character of existing Lee Mill Heights residential development to the north, east and west. No adverse impact on nearby properties is expected.

CONFORMANCE WITH COMPREHENSIVE PLAN:

Land Use Policies

The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the one tenth-acre tract as Residential Low/Medium density (RLM) (*Southwest Planning Area Future land Use Map attached*). Appropriate density range for development in the RLM designation is one-dwelling unit up to 11-dwelling units per net acre. The RLM category is intended to incorporate a range of housing types, from single-family and two-family to town homes.

Page 4-6, Policy RLM 2: Appropriate Density Range

“Densities in the Residential Low/Medium designation range from less than one dwelling unit/acre up to 11 dwelling units per net acre.”

Miller Ranch

Page 13-5, Policy MR 7: Airport Airspace Regulations

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

The proposed site is a single-family housing development and the overall density is 2.18 dwelling units per net acre. It is also within the Conical Zone of the Manhattan Regional Airport (*Environmental Values and Constraints map attached*). The Final Plat notes the need for review of construction plans, prior to issuance of a building permit. The AO District will be added as an overlay district to the Lee Mill Heights Addition, Unit Six.

The rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has

remained undeveloped to date and zoned County G-1 District.

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

The R District (*R District regulations attached*) is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. Lots shown on the R District portion of Lee Mill Heights Addition, Unit Six, exceed 10,000 square feet in area.

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.”

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 (*pages 6-9 of the AO District regulations attached*).

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. The proposed Final Plat conforms to the Manhattan Urban Area Subdivision Regulations. It may be a hardship to the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services are available to serve the proposed Lee Mill Heights Addition, Unit Six.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of a one tenth of an acre (.122) tract of land in the proposed Lee Mill Heights Addition, Unit Six, from County G-1, General Agricultural District, to R, Single-Family Residential District, and AO, Airport Overlay District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of a one tenth of an acre (.122) tract of land in the proposed Lee Mill Heights Addition, Unit Six, from County G-1, General Agricultural District, to R, Single-Family Residential District, and AO, Airport Overlay District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

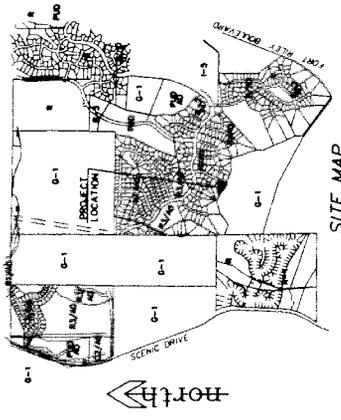
POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the rezoning of a one tenth of an acre (.122) tract of land in the proposed Lee Mill Heights Addition, Unit Six, from County G-1, General Agricultural District, to R, Single-Family Residential District, and AO, Airport Overlay District, based on the findings in the Staff Report .

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: April 23, 2008

08028



SITE MAP

OWNER'S CERTIFICATE
STATE OF KANSAS) SS
COUNTY OF RILEY)

This is to certify that the undersigned is the owner of record of the land herein described on this plat and that the same is being subdivided as shown on this plat and that the same is to be surveyed and subdivided as shown on this plat. The undersigned, on each corner, does hereby state that all street rights, easements, and interests in the land herein described are owned by the undersigned and that the same are being conveyed to the undersigned by deed. The undersigned, on each corner, does hereby state that all street rights, easements, and interests in the land herein described are owned by the undersigned and that the same are being conveyed to the undersigned by deed. The undersigned, on each corner, does hereby state that all street rights, easements, and interests in the land herein described are owned by the undersigned and that the same are being conveyed to the undersigned by deed.

Given under my hand of Manhattan, Kansas, this _____ day of _____, 2008
 SSF Development, LLC
 A Limited Liability Company
 Tim Schultz, President
 Appointed Secretary

NOTARY CERTIFICATE
STATE OF KANSAS) SS
COUNTY OF RILEY)

BE IT REMEMBERED that on this _____ day of _____, 2008, before me, the undersigned, a Notary Public in and for the State of Kansas, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing Certificate, and they acknowledged their execution of the same. My commission expires on _____ day of _____, 2008.
 My Notary Public Seal is located at _____
 My Notary Public Seal is located at _____
 My Notary Public Seal is located at _____

Notary Public
 My commission expires _____
 Registered in Deeds _____
 Deputy _____

CERTIFICATE OF THE DEEDS
STATE OF KANSAS) SS
COUNTY OF RILEY)

This instrument was filed for record on the _____ day of _____, 2008, at _____, Kansas, and is hereby certified to be the true and correct copy of the original as recorded in Book _____ of Pages _____ of the _____ County of Riley, Kansas.

CERTIFICATE OF THE CITY COMMISSION
STATE OF KANSAS) SS
COUNTY OF RILEY)

This plat was submitted to the City Commission, on _____ day of _____, 2008, and was approved by the City Commission. The City Commission hereby certifies that the plat is in accordance with the laws of the State of Kansas and the City of Manhattan, Kansas, and that the same is to be surveyed and subdivided as shown on this plat. The undersigned, on each corner, does hereby state that all street rights, easements, and interests in the land herein described are owned by the undersigned and that the same are being conveyed to the undersigned by deed.

MANHATTAN URBAN AREA
PLANNING BOARD CERTIFICATE
STATE OF KANSAS) SS
COUNTY OF RILEY)

Approved this _____ day of _____, 2008, at _____, Kansas.
 City of _____

 City Clerk

 City Clerk

CENTERLINE CURVE DATA

Stationing	Curve Length (L)	Curve Degree (D)
0+00.00	424.58	34.385
424.58	172.05	34.714

AIRPORT OVERLAY NOTE:

All structures shown on the Lee Mill Heights Addition, Unit Six, are within the Airport Overlay District. The Airport Overlay District is a special use district established by the City of Manhattan, Kansas, to regulate the use of land within the Airport Overlay District. The Airport Overlay District is a special use district established by the City of Manhattan, Kansas, to regulate the use of land within the Airport Overlay District.

BENCH MARKS:

- BM 17 - Spike in East Power Pole, 440.8 NE. of Int. Arroyo
 N. 11.39.38. E. 280.37.37
 Elev. = 1007.86
- BM 18 - "X" in "Master" on Fire Hydrant near Water Tower.
 N. 11.39.38. E. 280.37.37
 Elev. = 1007.86

LEGAL DESCRIPTION
 All of Lots 108 and 109 of Lee Mill Heights, Unit Three, an Addition to the City of Manhattan, Riley County, Kansas, and a tract of land described as follows:
 A tract of land in the Southeast Quarter of Section 22, Township 10 South, Range 7 East of the 8th Principal Meridian in Riley County, Kansas described as follows:
 Beginning at a point that is high 88 degrees 44 minutes 22 seconds 38 inches West for a distance of 42.00 feet from the southeast corner of Lot 108, thence North 88 degrees 44 minutes 22 seconds 38 inches West for a distance of 42.00 feet from the point being the most westerly corner of said Section 22, said Lee Mill Heights, Unit Three, an Addition to the City of Manhattan.
 THENCE South 37 degrees 37 minutes 15 seconds East for a distance of 100.00 feet to the southeasterly line of Lot 108 and Lot 109, an said Lot 108, thence North 88 degrees 44 minutes 22 seconds 38 inches West for a distance of 42.00 feet from the southeast corner of said Lot 108, thence North 88 degrees 44 minutes 22 seconds 38 inches West for a distance of 42.00 feet from the point being the most westerly corner of said Section 22, said Lee Mill Heights, Unit Three, an Addition to the City of Manhattan.
 THENCE South 37 degrees 37 minutes 15 seconds East for a distance of 100.00 feet to the southeasterly line of Lot 108 and Lot 109, an said Lot 108, thence North 88 degrees 44 minutes 22 seconds 38 inches West for a distance of 42.00 feet from the southeast corner of said Lot 108, thence North 88 degrees 44 minutes 22 seconds 38 inches West for a distance of 42.00 feet from the point being the most westerly corner of said Section 22, said Lee Mill Heights, Unit Three to the point of beginning.
 Together with and subject to comments, easements, and restrictions of record.
 Said property contains 108 acres more or less.
ALL BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE MEASURED, UNLESS OTHERWISE NOTED

NOTES
 1. Bearings used on this survey are based on Previous Lee Mill Heights, Unit Three survey.
 2. No poles or overlaps were found on this property, or any Buildings or Foundations.
 3. If any utility easements, restrictions or encumbrances of record are shown on this plat, they are as shown.
 4. Utilities, including electrical and other communication services, shall be installed underground.
 5. The area being platted is in Flood Zone X, an area determined to be outside the 0.2% annual chance flood plain with Base Flood Elevation determined. Found on FEMA Flood Insurance Rate Map Community Panel Number 200800042 F, Effective Date February 4, 2005.

LEGAL DESCRIPTION
 A TRACT OF LOTS 108 AND 109 OF LEE MILL HEIGHTS, UNIT THREE, FINAL PLAT
LEE MILL HEIGHTS UNIT SIX
 AN ADDITION TO THE CITY OF MANHATTAN, KANSAS
 PREPARED BY
 Schwab-Eaton, P.A.
 COMPLETE SURVEYORS AND LAND SURVEYORS - LICENSED ARCHITECTS
 1025 GARDEN WAY, MANHATTAN, KANSAS 66502-3487
 APRIL 2008

OWNER/DEVELOPER
 SSF Development, LLC
 201 North 10th Street
 Manhattan, KS 66502
 (785) 339-5999
ENGINEER
 Schwab-Eaton P.A.
 1025 Garden Way
 Manhattan, KS 66502
 (785) 339-4887
EXISTING USE/ZONING
 X: Lots 108, 109, Single-Family Residential District with AD, Airport Overlay District
BENCH MARKS:
 BM 17 - Spike in East Power Pole, 440.8 NE. of Int. Arroyo
 N. 11.39.38. E. 280.37.37
 Elev. = 1007.86
 BM 18 - "X" in "Master" on Fire Hydrant near Water Tower.
 N. 11.39.38. E. 280.37.37
 Elev. = 1007.86
SURVEYOR'S CERTIFICATE
 STATE OF KANSAS) SS
 COUNTY OF RILEY)
 I, the undersigned, do hereby certify that I am a Registered Land Surveyor in the State of Kansas, and that I am duly qualified to perform the duties of a Surveyor. I have personally supervised and participated in the survey of the land herein described, and I have caused the same to be surveyed and platted as shown on this plat. The survey was made in accordance with the laws of the State of Kansas and the City of Manhattan, Kansas, and I have caused the same to be surveyed and platted as shown on this plat. The survey was made in accordance with the laws of the State of Kansas and the City of Manhattan, Kansas, and I have caused the same to be surveyed and platted as shown on this plat. The survey was made in accordance with the laws of the State of Kansas and the City of Manhattan, Kansas, and I have caused the same to be surveyed and platted as shown on this plat.
 Given under my hand and seal of Manhattan, Kansas, this _____ day of _____, A.D. 2008.

RILEY COUNTY PLAT REVIEW
 SURVEYOR'S SIGNATURE BLOCK
 STATE OF KANSAS) SS
 COUNTY OF RILEY)
 Approved this _____ day of _____, 2008, at _____, Kansas.

 City Clerk

 City Clerk

MANHATTAN URBAN AREA
PLANNING BOARD CERTIFICATE
 STATE OF KANSAS) SS
 COUNTY OF RILEY)
 Approved this _____ day of _____, 2008, at _____, Kansas.
 City of _____

 City Clerk

 City Clerk

CERTIFICATE OF THE CITY COMMISSION
 STATE OF KANSAS) SS
 COUNTY OF RILEY)
 Approved this _____ day of _____, 2008, at _____, Kansas.
 City of _____

 City Clerk

 City Clerk

UTILITY NOTE
 The utility companies that are shown on this plat are shown for informational purposes only. The utility companies are not responsible for the accuracy of the utility lines shown on this plat. The utility companies are not responsible for the accuracy of the utility lines shown on this plat. The utility companies are not responsible for the accuracy of the utility lines shown on this plat.

MANHATTAN URBAN AREA
PLANNING BOARD CERTIFICATE
 STATE OF KANSAS) SS
 COUNTY OF RILEY)
 Approved this _____ day of _____, 2008, at _____, Kansas.
 City of _____

 City Clerk

 City Clerk

CERTIFICATE OF THE CITY COMMISSION
 STATE OF KANSAS) SS
 COUNTY OF RILEY)
 Approved this _____ day of _____, 2008, at _____, Kansas.
 City of _____

 City Clerk

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CERTIFICATE OF THE DEEDS
 STATE OF KANSAS) SS
 COUNTY OF RILEY)
 Approved this _____ day of _____, 2008, at _____, Kansas.
 City of _____

 City Clerk

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**LEE MILL HEIGHTS ADDITION, UNIT SIX
EXTENSION OF LOTS 109-110
LEE MILL HEIGHTS ADDITION, UNIT THREE
MANHATTAN, KANSAS
ZONING**

17 March 2008

6. Provide a written response to the matters the Planning Board and City Commission consider when making a decision to rezone the property. Those matters include the following:

- (a) Proposed zoning district and land uses to be established;

The zoning requested is "R" Single Family Residential. The land use will be for single-family homes.

- (b) The existing use of the property;

The property does not currently have a use.

- (c) The physical and environmental characteristics of the property;

The terrain of the property is steep hills and valleys.

- (d) The zoning and land uses of nearby properties;

Zoning of land to the north is "R" Single Family Residential. Infrastructure and streets have been completed and private utilities are being placed. Zoning to the south is "G-1" Riley County Agriculture.

- (e) The suitability of the subject property for the land uses to which it is restricted under current zoning;

The close proximity to development and the small size of this parcel of land make it inappropriate for Ag uses.

- (f) The character of the neighborhood;

The character of the area is a mix of residential and agricultural.

- (g) The compatibility of the proposed zoning district with nearby properties and the extent to which it may detrimentally affect those properties;

APPLICATION

The subject tract of land is adjacent to residential districts and therefore should be compatible with surrounding properties on three sides. No negative impact is expected to the Ag property south

- (h) The conformance of the requested change to the adopted Comprehensive Plan for the City of Manhattan.

The Comprehensive Plan designates subject site as "RLM" Residential Low to Medium Density. The proposed Lee Mill Heights Addition, Unit 6 conforms to the plan.

- (i) The zoning history of the property and the length of time it has remained vacant as zoned;

The land has been vacant since at least the time Riley County adopted zoning regulations in the mid 1950's.

- (j) Whether the proposed zoning would be consistent with the intent and purpose of the zoning regulations;

Yes. All zoning and platting regulations will be met or exceeded.

- (k) The relative gain to the public health, safety and welfare that denial of the proposed amendment would accomplish, compared with the hardship imposed upon the individual owner that would result from such denial;

We see no gain to the public by denial of this project.

- (l) Whether adequate sewer and water facilities, streets and other needed public services exist, or can be provided to serve the uses that would be permitted by the proposed zoning district;

Sanitary sewer, water main and streets are in place to serve this request.

- ~~(a) annual inspection by all applicable agencies.~~
- ~~(b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.~~

~~(3) Bed and Breakfast Inns.~~

- ~~(a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than overnight guests of the Inn, may be considered by the Board of Zoning Appeals as part of the Conditional Use Permit review, provided that adequate off-street parking, and other facilities, are available, and that the functions offered to non-overnight guests terminate no later than 10 P.M.~~
- ~~(b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.~~
- ~~(c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.~~
- ~~(d) Licensing: A city lodging license and a food establishment license shall be required.~~



4-102.

R. Single-Family Residential District. The R, Single-Family Residential District is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet.

(A) Permitted Uses.

- (1) Agriculture.
- (2) Churches, chapels, temples and synagogues.
- (3) Group Homes.
- (4) Parks and playgrounds.
- (5) Schools.
- (6) Single-family detached dwellings.

(B) Conditional Uses.

- (1) Bed and Breakfast Homes.
- (2) Bed and Breakfast Inns.
- (3) Golf courses, including accessory clubhouses and driving ranges.
- (4) Group day care centers and nursery schools.
- (5) Health, fitness and service clubs.
- (6) Lodging/boarding houses.
- (7) Nonprofit Social Service Facilities.
- (8) Public Utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.

(C) Lot Size Requirements.

- (1) Minimum lot area: 10,000 square feet.
- (2) Minimum lot width: Seventy-five (75) feet.
- (3) Minimum lot depth: 100 feet.

(D) Bulk Regulations.

- (1) Maximum structure height: Thirty-five (35) feet.
- (2) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet on all sides abutting a street.
 - (b) Minimum side yard:
 - (1) Residential Buildings: Eight (8) feet on each side of the zoning lot.
 - (2) All other permitted and conditional uses: Fifteen (15) feet on each side of the zoning lot.
 - (c) Minimum rear yard: Twenty-five (25) feet.

(3) Maximum lot coverage: Thirty (30) percent.

(E) Use Limitations.

(1) Agricultural uses shall not include the following activities:

- (a) The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted;
- (b) Wholesale or retail sales as an accessory use unless permitted in these regulations;
- (c) The feeding, grazing, or sheltering of animals or poultry in either penned enclosures or in open pasture within 100 feet of any lot line;
- (d) The feeding of garbage to animals, the raising of poultry or fur bearing animals as a principle use, or the operation or maintenance of a commercial stockyard or feedyard.

(2) Bed and Breakfast Homes.

- (a) Inspections: Bed and Breakfast Homes shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
- (b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.

(3) Bed and Breakfast Inns.

- (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than overnight guests of the Inn, may be considered by the Board of Zoning Appeals as part of the Conditional Use Permit review, provided that adequate off-street parking, and other facilities, are available, and that the functions offered to non-overnight guests terminate no later than 10 P.M.
- (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total

of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.

- (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
- (d) Licensing: A city lodging license and a food establishment license shall be required.



11-106. Permitted Uses and Conditional Uses.

(A) Where the AO District is used as an independent zoning district.

(1) Since the AO District, when used as an independent district, shall apply only to the property of the Manhattan Municipal Airport which is owned and operated by the City of Manhattan, permitted uses shall include any use that is compatible with the operation of the Airport and is approved by the Governing Body of the City, subject to the use limitations of this Article.

(2) There shall be no conditional uses.

(B) Where the AO District is applied as an overlay district.

(1) Permitted uses shall consist of any permitted use allowed by the underlying zoning district, subject to the height limitations and use limitations of this Article as well as all restrictions of the underlying zoning district.

(2) Conditional uses shall consist of any conditional use allowed by the underlying zoning district, subject to the height limitations and use limitations of this Article as well as all restrictions of the underlying zoning district.

11-107. Use Limitations.

- (A) Notwithstanding any other provisions of these regulations, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and other lights; result in glare in the eyes of pilots using the airport; create bird strike hazards; impair visibility in the vicinity of the airport; or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- (B) The following land uses shall be prohibited from all land within the boundaries of the Airport Noise Exposure Zone:
 - (1) Residential uses.
 - (2) Manufactured Home Parks.
- (C) The following uses shall be conditional uses within the Airport Noise Exposure Zone, provided they are also listed as permitted or conditional uses in the underlying district:
 - (1) Hotels, lodging/boarding houses, bed and breakfast.
 - (2) Hospitals, nursing homes, retirement complexes.
 - (3) Schools.
 - (4) Churches, chapels, temples and synagogues.
 - (5) Auditoriums and concert halls.
- (D) As a condition of approval for conditional uses located in the Airport Noise Exposure Zone, the Board of Zoning Appeals shall require appropriate noise attenuation techniques in the design and construction of buildings for these uses.

11-108. Obstruction Marking and Lighting of Legally Nonconforming Structures.

The owner of any legally nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City of Manhattan to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

11-109. Removal of Abandoned or Destroyed Nonconforming Structures and Trees. Whenever a legally nonconforming structure or tree is abandoned or has been damaged or destroyed, by any means, to the extent of more than 50% of its value, the City may require its removal unless it is made to conform with the applicable height limitations of these regulations.

11-110. Airport Compatible Use Permits.

(A) Future Uses: Except as specifically provided in subparagraphs 1, 2 and 3, hereunder, no structure shall be erected or otherwise established, and no existing use or structure shall be changed, altered, replaced, or repaired, and no tree shall be planted or replaced in any zone hereby created unless an Airport Compatible Use Permit shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, and shall contain in complete form all information requested on the application to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. No permit for a use inconsistent with the provisions of this Article shall be granted unless an exception has been approved in accordance with Article XIV, Part 6, Exceptions.

(B) Circumstances when an Airport Compatible Use Permit is not required:

(1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure having less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(2) In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure having less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

(3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure having less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

- (C) Nothing in this section shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limitations established by these regulations.
- (D) Permits for Legally Nonconforming Structures and Trees: No permit shall be granted that would allow the establishment or creation of an obstruction, or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of these regulations or any amendments thereto, or than it is when the application for a permit is made.
- (E) Obstruction Marking and Lighting: Any permit granted may be so conditioned as to require the owner of the structure or tree in question to permit the City of Manhattan to install, operate, and maintain thereon such obstruction markings and lights as may be necessary.

~~**LOCATED SOUTH OF WILDCAT CREEK AND APPROXIMATELY 950 FEET WEST OF AMHERST AVENUE. (OWNER/APPLICANT: CEDAR HILLS DEVELOPMENT CORP. - FRANK TILLMAN)**~~

~~Kratochvil moved that the Planning Board table the item to the May 19, 2008 Manhattan Urban Area Planning Board meeting.~~

~~The motion was seconded by Hill and passed on a vote of 6-0.~~



2. **CONSIDER THE ANNEXATION OF AN APPROXIMATE ONE TENTH OF AN ACRE (.122)-ACRE TRACT OF LAND FOR THE PROPOSED LEE MILL HEIGHTS ADDITION, UNIT SIX, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF LEONE RIDGE DRIVE AND LEONE TERRACE. (OWNER/APPLICANT: SSF DEVELOPMENT, LLC- TIM SCHULTZ)**



3. **PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED LEE MILL HEIGHTS ADDITION, UNIT SIX, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF LEONE RIDGE DRIVE AND LEONE TERRACE FROM COUNTY G-1, GENERAL AGRICULTURAL DISTRICT, TO R, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH AO, AIRPORT OVERLAY ADDITION. (OWNER/APPLICANT: SSF DEVELOPMENT, LLC- TIM SCHULTZ)**

Ham introduced agenda items 2 and 3.

Zilkie presented the staff reports on the annexation and rezoning requests, indicating that City Administration recommended approval of both requests.

Ham opened the public hearing.

Mark Bachamp, Schultz Construction, indicated the purpose for the annexation and rezoning request was that the buyer of Lot 110 wanted more rear yard area. Schultz Construction also wanted to even up the rear of Lot 109.

Ham closed the public hearing with no one else speaking.

Kratochvil moved that the Planning Board recommend approval of the proposed annexation of the .122-acre tract of land for Lee Mill Heights Addition, Unit Six, generally located southwest of the intersection of Leone Terrace and Leone Ridge Drive, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

The motion was seconded by Kohlmeier and passed on a vote of 6-0.

Kohlmeier moved that the Planning Board recommended approval of the proposed rezoning of the .122-acre tract of land from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District, based on the findings in the Staff Report.

The motion was seconded by Reynard and passed on a vote of 6-0.

~~4. **REPORTS AND COMMENTS BY BOARD MEMBERS**~~

~~There were no reports or comments.~~

Respectfully submitted,

Eric Cattell, AICP,
Assistant Director for Planning

Draft

PROJECT CHRONOLOGY
LEE MILL HEIGHTS ADDITION, UNIT SIX
(Replat of Lots 109-110, Lee Mill Heights, Unit Three)

- May 5, 2008 Manhattan Urban Area Planning Board holds public hearing and considers annexation, rezoning and Final Plat of a .12 acre tract of land proposed in Lee Mill Heights Addition, Unit Six, a replat of Lot 109-110, Lee Mill Heights Addition, Unit Three. MUAPB recommends approval of annexation and rezoning G-1 to R/AO District, and approves Final Plat with one condition.
- May 20, 2008 City Commission considers first reading of ordinances annexing and rezoning a .12-acre tract of land in proposed Lee Mill Heights, Unit Six, to R/AO District.

ProjChon}LeeMillHeightsUnitSix