

CITY COMMISSION AGENDA MEMO
May 27, 2008

FROM: Steve Zilkie, AICP, Senior Planner

MEETING: June 3, 2008

SUBJECT: Final Plat of Lee Mill Heights Addition, Unit Six

PRESENTER: Eric Cattell, AICP, Assistant Director for Planning

BACKGROUND

This is the Final Plat of Lee Mill Heights Addition, Unit Six, generally located southwest of the intersection of Leone Terrace and Leone Ridge Drive. The applicant is SSF Development-Tim Schultz.

The Final Plat adds a 0.122 acre tract to the southern boundary of Lots 109 and 110, Lee Mill Heights Addition, Unit Three, which creates proposed Lots 1 and 2, Lee Mill Heights Addition, Unit Six. The utility easement along the southern boundary of the existing lots is being vacated and will be rededicated along the new southern boundary of Lot 1 and Lot 2. The purpose of the replat is to add the 0.122 acre tract of land to the rear of the lots to make them slightly deeper for future home construction.

DISCUSSION

On May 5, 2008, the Manhattan Urban Area Planning Board, on a vote of 7-0, approved the Final Plat of Lee Mill Heights Addition, Unit Six, based on conformance with the Manhattan Urban Area Subdivision Regulations with the condition that the 0.122 acre tract of land be annexed and rezoned.

First reading of ordinances annexing and rezoning the tract was approved by the City Commission on May 20, 2008. Second reading of the annexation and rezoning is scheduled for June 3, 2008.

FINANCING

Not applicable.

ALTERNATIVES

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

1. Accept the easements and rights-of-way, as shown on the Final Plat of Lee Mill Heights Addition, Unit Six, as approved by the Manhattan Urban Area Planning Board.
2. Deny acceptance of the easements and rights-of-way for specifically stated reasons.
3. Table acceptance of the easements and rights-of-way, for specifically stated reasons and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends that the City Commission accept the easements and rights-of-way, as shown on the Final Plat of Lee Mill Heights Addition, Unit Six, based on conformance with the Manhattan Urban Area Subdivision Regulations and approval of the Final Plat by the Manhattan Urban Area Planning Board.

POSSIBLE MOTION

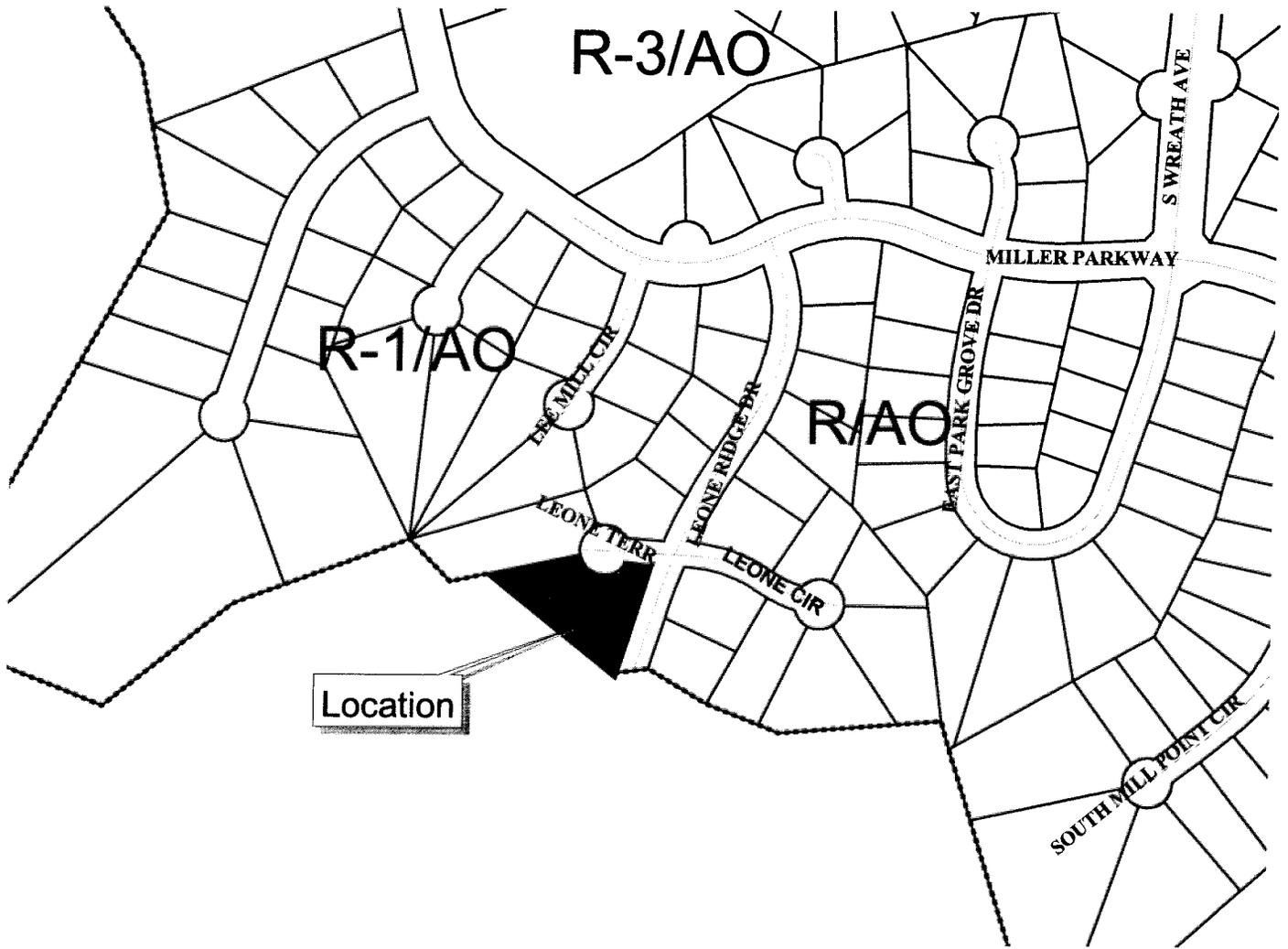
Accept the easements and rights-of-way, as shown on the Final Plat of Lee Mill Heights Addition, Unit Six, generally located southwest of the intersection of Leone Terrace and Leone Ridge Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

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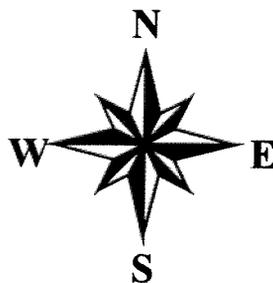
08066}CC}FinalPlatLeeMillHeightsSix

Enclosures:

1. Location map
2. Staff Memorandum
3. Final Plat
4. Minutes of the May 5, 2008, Manhattan Urban Area Planning Board meeting
5. Project Chronology



**General Location Map
Final Plat
Lee Mill Heights, Unit Six**





INTER-OFFICE MEMORANDUM

DATE: April 23, 2008
TO: Manhattan Urban Area Planning Board
MEETING DATE: May 5, 2008
FROM: Steve Zilkie, AICP, Senior planner
RE: Final Plat of Lee Mill Heights Addition, Unit Six

BACKGROUND

Request: Final Plat approval.

Location: southwest of the intersection of Leone Terrace and Leone Ridge Drive.

Applicant: SSF Development-Tim Schultz.

Owner: SSF Development-Tim Schultz.

Project History (Lot 109 and Lot 110, Lee Mill Heights Addition, Unit Three):

October 18, 2004	Manhattan Urban Area Planning Board (MUAPB) holds public hearing and considers annexation, rezoning and Preliminary Plat of Lee Mill Heights. MUAPB recommends approval of annexation and rezoning (R/AO) and approves Preliminary Plat with conditions.
November 2, 2004	City Commission approves first reading of ordinances annexing and rezoning Lee Mill Heights.
November 16, 2004:	City Commission approves second reading of ordinances annexing and rezoning Lee Mill Heights.
October 2, 2006	Manhattan Urban Area Planning Board approves Final Plat of Lee Mill Heights, Unit Three.
October 17, 2006	City Commission accepts easements and rights-of-way of the Final Plat of Lee Mill Heights Addition, Unit Three.

Project Description: Add a .122 acre tract of land to the rear of Lot 109 and Lot 110, Lee Mill Heights Addition, Unit Three to make the lots slightly deeper for future home construction.

Final Plat

The Final Plat adds a .122 acre tract to the south boundary of Lot 109 and Lot 110, Lee Mill Heights Addition, Unit Three, which creates proposed Lot 1 and Lot 2, Lee Mill Heights Addition, Unit Six. The utility easement along the south boundary of Lot 109 and Lot 110 is vacated and will be dedicated along the southern boundary of Lot 1 and Lot 2.

The MUAPB shall approve the Plat if:

THE FINAL PLAT IS IN SUBSTANTIAL CONFORMANCE WITH THE PRELIMINARY PLAT, AS APPROVED, INCLUDING ALL REQUIREMENTS AND CONDITIONS PLACED UPON THE PRELIMINARY PLAT BY THE MUAPB; AND, THE FINAL PLAT COMPLIES WITH ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS AS OF THE DATE OF SUCH FINAL APPROVAL

The Manhattan Urban Area Planning Board approved the Preliminary Plat of the Lee Mill Heights Addition, and requested Variations in 2004, based on conformance with the Manhattan Urban Subdivision Regulations and the findings for the requested Variations, with the following conditions:

1. The requested Variations shall be approved (*not applicable to Unit Six*).
2. The design of the existing pond along the northwestern boundary of The Townhomes at Miller Ranch Planned Unit Development shall conform to the requirements of the Stormwater Management Master Plan and the design shall be reviewed and approved by the City Engineer, (*not applicable to Unit Six*).
3. Prior to the development of Lot 27, a Revised Preliminary Plat shall be submitted, in combination with a rezoning, or the proposed rezoning to R-2, Two-Family Residential District (*Lot 27 was rezoned to Oaktree Townhomes PUD*).

The Final Plat of Unit Six conforms to the approved Preliminary Plat and the Manhattan Urban Area Subdivision Regulations. Section 10-107(A) requires the .122 acre tract of land conform to the City's Zoning Regulations in order for it to be included in the Final Plat. Annexation and rezoning of the .122 acre tract are subject to approval by the City Commission.

ALTERNATIVES

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

Final Plat

1. Approve the Final Plat of Lee Mill Heights Addition, Unit Six, based on conformance with the Manhattan Urban Area Subdivision Regulations.
2. Deny the Final Plat, indicating specifically how the Final Plat does not comply with the Manhattan Urban Area Subdivision Regulations.
3. Table the Final Plat to a specific date, indicating the reasons for tabling.

RECOMMENDATION

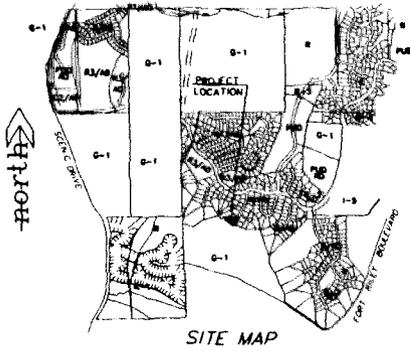
City Administration recommends approval of the Final Plat of Lee Mill Heights Addition, Unit Six, based on conformance with the Manhattan Urban Area Subdivision Regulations, subject to the following condition:

1. The .122 acre tract of land shall be annexed and rezoned, based on (Section 10-107(A) of the Manhattan Urban Area Subdivision Regulations.

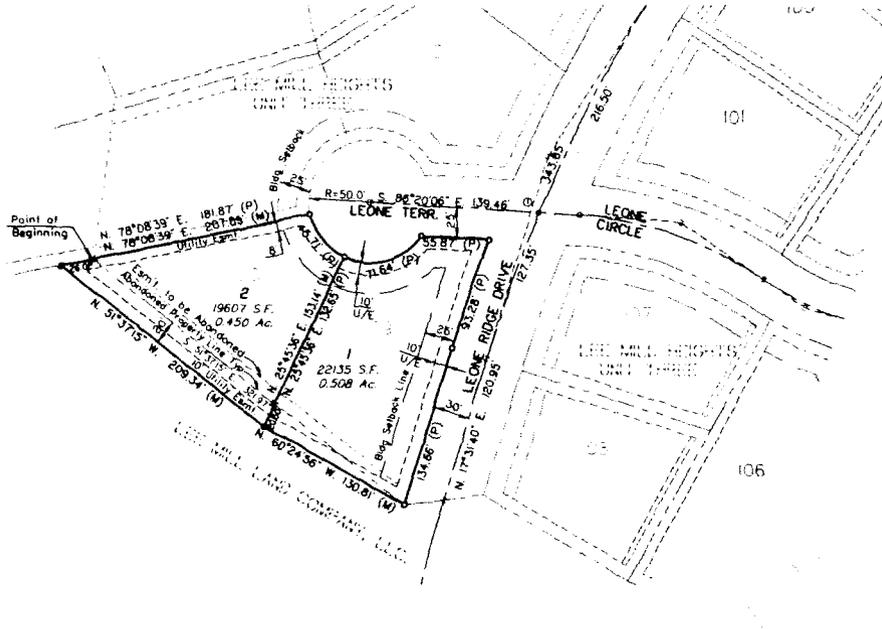
POSSIBLE MOTION

Approve the Final Plat of Lee Mill Heights Addition, Unit Six, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the one condition of approval recommended by City Administration.

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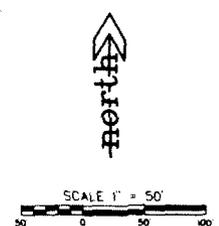


SITE MAP



CENTERLINE CURVE DATA

Δ	R	L	T	Δ
157°28'	624.39'	343.85'	173.05'	342.74'



- LEGEND
- 1/2" x 24" BAR WITH CLS 50 CAP SET THIS SURVEY
 - 1/2" BAR FOUND IN PLACE FROM PREVIOUS SURVEY
 - ✕ BAR FOUND AND TO BE REMOVED
 - SURVEY POINT NOT SET
 - CURVE DATA
 - PLATTED DISTANCES
 - (M) MEASURED DISTANCES
 - UTILITY AND DRAINAGE EASEMENT
 - BUILDING SETBACK LINE

OWNER/DEVELOPER
 SCI of Manhattan, Inc. and
 SS Development, LLC
 473 Hylon Heights Rd
 Manhattan, KS 66502
 (785) 539-2598

ENGINEER
 Schwab-Eaton P.A.
 425 Garden Way
 Manhattan, KS 66502
 (785) 539-4487

EXISTING USE/ZONING
 R 104-008 Single-Family
 Residential District with AD
 Airport Overlay District

- BENCH MARKS:
- BM J * Spike in East Power Pole, 440 ± NE of mt. Amersol
 Ave. & Miller Pkwy.
 N. 11439.36 E. 28637.37
 Elev. = 1207.86
 - BM K * "M" in "Mud" on Fire Hydrant near Water Tower
 N. 10088.86 E. 27936.22
 Elev. = 1231.57

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

This is to certify that the undersigned is the owner of record of the land hereon described on this plat, and that the undersigned has caused the same to be surveyed and subdivided as herein set forth.

The undersigned, on each corner, does hereby state that all street right-of-ways as shown on this plat are hereby dedicated to the public. An easement and license to locate, construct, maintain, reconstruct, and maintain, or authorize the location, construction, repair, inspection, replacement and maintenance of poles, wires, conduits, pipes, gas and sewer pipes, required drainage channels or structures, and all improvements hereon, or other structures necessary to carry out the function of the easement upon the area marked for easements on this plat, is also hereby dedicated to the public. When and if used on this plat, the term "utility" shall include all forms of travel, by whatever means, unless the term is limited by other words or phrases, such as, "roadway travel," etc. The undersigned acknowledges that pursuant to K.S.A. 12-408, the dedication of right-of-ways and easements to the public constitutes a compliance Chapter to the City of Manhattan, Kansas, in lieu of the usual record, easement or interest.

Given under my hand at Manhattan, Kansas, this ____ day of _____, 2008

SCI of Manhattan, Inc. SS Development, LLC
 A Kansas Corporation A Kansas Limited Liability Company

Tim Schultz, President Angelo Schultz, Authorized Signatory

NOTARY PUBLIC
 STATE OF KANSAS) SS
 COUNTY OF RILEY) SS

BE IT REMEMBERED that on this ____ day of _____, 2007, before me, the undersigned, a Notary Public, and by the County and State aforesaid, came Tim Schultz, President of SCI of Manhattan, Inc., a Kansas Corporation, and Angelo Schultz, Authorized Signatory of SS Development, LLC, a Kansas Limited Liability Company.

Personally known to me to be the same persons who executed the foregoing Owner's Certificate, and duly acknowledged their execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notarial Seal on the day and year last above written.

Notary Public
 My commission expires _____

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

The published public rights-of-way and easements, as shown on this plat are hereby accepted by the City Commission of the City of Manhattan, Kansas, as of this ____ day of _____, 2008. The City Commission of the City of Manhattan, Kansas, hereby consents and agrees to the location of lots, and all public rights-of-way and easements that may be shown on this plat as of this ____ day of _____, 2008.

Mayor: J. Holsman, Mayor Attest:
 Garry S. Peck, City Clerk, City Clerk

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

Approved this ____ day of _____, 2008, by the Manhattan Urban Area Planning Board, Manhattan, Kansas.

Chairperson: _____
 Attest: _____

UTILITY NOTE

Any utility company that locates facilities in any easement and has the right to install, remove, relocate, cut and repair any lines, pipes, conduits and cables in the utility easement here or at any future time and place and clear away any trees, bushes, stumps and brush not shown adjacent to the utility easement whenever in the utility easement. Judgment shall be made as to whether the construction, operation, or maintenance of its facilities together with the right of ingress to and egress from the utility easement, and easements, shall be subject to the terms of surveying, staking, measuring, marking, re-locating, replacing, and with or interrupting the construction, operation or maintenance of said facilities.

RILEY COUNTY PLAT REVIEW SURVEYORS SIGNATURE BLOCK
 STATE OF KANSAS) SS
 COUNTY OF RILEY) SS

This Survey has been reviewed and approved for filing pursuant to and in compliance with K.S.A. 58-2005 and with the requirements of Riley County Resolution No. 08055-LE. No other approvals are intended or implied.

Notarized _____ Date _____
 License: _____

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

I, the undersigned do hereby certify that I am a Registered Land Surveyor in the State of Kansas with experience and proficiency in land surveying, that the hereinafter described property was surveyed and subdivided by me, or under my supervision, that all subdivision regulations of the City of Manhattan, Kansas, have been complied with in the preparation of this plat, and that all the instruments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.

Given under my hand and seal of Manhattan, Kansas, this ____ day of _____, A.D. 2008.

Harlan G. Reed, R.L.S. 4230

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

This instrument was filed for record on the ____ day of _____, 2008, and duly received in Book of Page _____.

Register of Deeds
 Deputy

LEGAL DESCRIPTION

All of Lots 108 and 103 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 6th Principal Meridian in Riley County, Kansas described as follows:

Beginning at a point that is North 88 degrees 42 minutes 22 seconds West for a distance of 160.38 feet and South 00 degrees 17 minutes 36 seconds West for a distance of 42.00 feet from the Northwest Corner of the Southeast Quarter of said Section 22, said point being the most easterly corner of Lot 102 in Lee Mill Heights, Unit Three, in Addition to the City of Manhattan;

THENCE South 31 degrees 37 minutes 15 seconds East for a distance of 32.97 feet along the westerly line of Lot 102 and Lot 108, in said Lee Mill Heights, Unit Three, to the most easterly corner of said Lot 108;

THENCE North 80 degrees 24 minutes 36 seconds West for a distance of 130.81 feet;

THENCE North 51 degrees 37 minutes 15 seconds West for a distance of 108.34 feet to the westerly line of Lot 94, in said Lee Mill Heights, Unit Three;

THENCE North 79 degrees 08 minutes 36 seconds East for a distance of 26.02 feet along the easterly line of Lot 94, 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 1.08 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 gas or oil wells were found on this property, or any Buildings or Foundations.
 3. Easements, setbacks, restrictions or encumbrances of record if any, affecting the title to this tract are 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 0.25 annual chance flood plain and Flood Zone AE, shown in the 100-year Flood Plain with Base Flood elevations determined. Found on FEMA (Flood Insurance Rate Map) Community Panel Number 2016100342 F, Effective Date February 4, 2005.

A REPLAT OF LOTS 108 THRU 103, 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.
 CONSULTING ENGINEERS - LAND SURVEYORS - LANDSCAPE ARCHITECTS
 425 GARDEN WAY, MANHATTAN, KANSAS PH 785-539-4487
 APRIL 2008

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
May 5, 2008
7:00 p.m.

MEMBERS PRESENT: Stephanie Rolley, Chairperson; George Ham Vice-Chair; Jerry Reynard; Mike Hill; Mike Kratochvil; Bill Meredith and Stacy Kohlmeier.

MEMBERS ABSENT:

YOUTH IN GOVERNMENT:

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Jane Winslow, Senior Planner; Chad Bunger, Planner; Cam Moeller, Planner II.

OPEN PUBLIC COMMENTS

~~Jeff Head, 3115 Heritage Court, asked about parking ratios for the Southern Redevelopment District and if the Planning Board would be involved in the process.~~

~~Cattell explained that the development would involve a rezoning as a Planned Unit Development application, to be reviewed by the Planning Board, and that parking ratios would be analyzed through that process.~~

CONSENT AGENDA

~~1. **APPROVE THE MINUTES OF THE APRIL 21, 2008, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**~~

 2. **CONSIDER THE FINAL PLAT OF 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)**

Kratochvil moved that the Planning Board approve the Consent Agenda. Reynard seconded the motion, which passed on a vote of 7-0.

GENERAL AGENDA

~~Rolley stepped down from all the items on the General Agenda, citing a conflict of interest.~~

~~1. Table the Public Hearing to consider the Concurrent Plat of Barton Place Addition, Unit Two, generally~~

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 approves first reading of ordinances annexing and rezoning a .12-acre tract of land in proposed Lee Mill Heights, Unit Six, to R/AO District.
- June 3, 2008 City Commission approves Ordinance Nos. 6701 and 6702 annexing and rezoning a .12-acre tract of land in proposed Lee Mill Heights, Unit Six, to R/AO District and accepts easements and rights-of-way shown in Final Plat of Lee Mills Heights, Unit Six.

ProjChon}LeeMillHeightsUnitSix