



MINUTES
CITY COMMISSION MEETING
TUESDAY, MAY 18, 2021
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Wynn Butler and Commissioners Linda Morse, Mark J. Hatesohl, Aaron Estabrook, and Usha Reddi were present. Also present were City Manager Ron Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Dennis Marstall, Assistant to the City Manager Jared Wasinger, City Clerk Brenda K. Wolf, 19 City staff, and approximately 4 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Butler led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Butler proclaimed May 16-22, 2021, ***National Public Works Week***. Terry Busse, Maintenance Crew Leader II, Street Division; Shaun Curtis, Maintenance Crew Leader II, Street Division; Darren Williams, Maintenance Crew Leader II, Street Division; Matt Crubel, Maintenance Crew Leader II, Street Division; Tyler Schoepf, Maintenance Crew Leader II, Street Division; Travis Potter, Sewer Service Crew Leader, Wastewater Sewer Maintenance Division; AJ Amaro, Maintenance Crew Leader I, Water Distribution Division; Doug Myers, Lead Plant Operator, Water Treatment Plant; Odin Olson, Plant Operator IV, Water Treatment Plant; Tim Grecu, Plant Mechanic I, Wastewater Treatment Plant; Karen Becker, Principal Civil Engineer; Ethan Kloster, Water Treatment Plant Superintendent; Bill Heatherman, Stormwater Compliance Engineer; Dan Tyson, Street, Fleet, and Stormwater Supervisor; and Ben Kearns, Management Assistant, City of Manhattan Public Works Department, were present to receive the proclamation.

Mayor Butler proclaimed May 2021, ***National Preservation Month***. Linda Glasgow, President, Riley County Preservation Alliance, and Kevin West, Chair, Historic Resources Board, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Reddi mentioned if someone was interested, the deadline to file to run for City Commission or USD 383 School Board was noon on June 1, 2021, and if not interested in running for a local office, the City has vacancies on advisory boards that need filled. She congratulated all recent Manhattan High School and Kansas State University graduates. She stated Riley County Health Department would host a youth vaccine clinic for youth 12-17 years of age on Thursday, May 20, 2021, from 9 am - 4 pm at Pottorf Hall in CiCo Park.

Commissioner Estabrook stated he was contacted by Kansas Department for Aging and Disability Services (KDADS) Commissioner of Behavioral Health to work on a suicide prevention plan for veterans and military over the summer, along with Janet Nichols, Chamber of Commerce Military Community Liaison. He said the Flint Hills Area Transportation Agency (FHATA) Board met to discuss some changes to its composition and that Junction City was moved to different part of the Board. He stated that federal regulations require those who ride on the FHATA buses wear a mask.

Mayor Butler stated that funding for FHATA buses could be affected due to the federal regulations and asked for cooperation by those who ride when asked by the driver to wear a mask. He also encouraged the public to cooperate if any business requires a mask be worn still.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 4, 2021.

CLAIMS REGISTER NO. 2974

The Commission approved Claims Register No. 2974 authorizing and approving the payment of claims from April 28, 2021 – May 11, 2021, in the amount of \$8,633,459.41.

LICENSES

The Commission approved an annual Cereal Malt Beverages On-Premises License for Axe to Grind, 925 Enoch Lane.

* ORDINANCE NO. 7536 – ISSUE - GENERAL OBLIGATION BOND SALE 2021-A

Commissioner Estabrook announced he would abstain from this item.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 7536 – ISSUE - GENERAL OBLIGATION BOND SALE 2021-A (CONTINUED)**

The Commission approved accepting the best bid for selling the bonds to Robert W. Baird & Co., Inc., of Redbank, New Jersey; and approved Ordinance No. 7536 issuing \$4,940,000.00 in General Obligation Bonds (Series 2021-A) to finance the following seven (7) public improvement districts projects: *Heritage Square North Addition, Unit Two* – Sanitary Sewer (SS1701), Street (ST1701), and Water (WA1701); and *Northwing Addition, Unit Two* – Sanitary Sewer (SS1718), Storm Drainage (SM1709), Street (ST1709), and Water (WA1712); and three (3) capital projects: *Old Big Blue Ditch*, Phase V – Storm Drainage Improvements (SM1605); *Denison Avenue and Marlatt Avenue Roadway* – Street Improvements (ST1612); and *Manhattan Housing Authority* – Building Improvements (SP1706).

* **RESOLUTION NO. 051821-A - RATIFY DELIVERY - GENERAL OBLIGATION BOND SALE 2021-A**

Commissioner Estabrook announced he would abstain from this item.

The Commission approved Resolution No. 051821-A ratifying delivery of the Series 2021-A bonds to the low bidder Robert W. Baird & Co., Inc., of Redbank, New Jersey.

RESOLUTION NO. 051821-B - EMINENT DOMAIN - SAFE ROUTES TO SCHOOL, PHASE 2C (PD2001)

The Commission approved Resolution No. 051821-B deeming it necessary to acquire the subject easements on the properties listed by the power of eminent domain for the Safe Routes to School, Phase 2C, project (PD2001) and directing the Director of Public Works/City Engineer or the City's designated consultant engineers to complete and file with the City Clerk surveys of the necessary easements.

FINAL PLAT – HENRY ADDTION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Henry Addition, generally located west of Elijah Addition and Chapel Hill Addition on Victory Drive and Goheen Drive extended, based on conformance with the Manhattan Urban Area Subdivision Regulations.

RESOLUTION NO. 051821-C - PETITION - HENRY ADDITION - SANITARY SEWER (SS2107) IMPROVEMENTS

The Commission found the petition sufficient and approved Resolution No. 051821-C finding the project advisable and authorizing construction for the Henry Addition Sanitary Sewer Improvements (SS2107).

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 051821-D - PETITION - HENRY ADDITION - STREET (ST2104) IMPROVEMENTS

The Commission found the petition sufficient, and approved Resolution No. 051821-D finding the project advisable and authorizing construction the Henry Addition Street Improvements (ST2104).

RESOLUTION NO. 051821-E - PETITION - HENRY ADDITION - WATER (WA2106) IMPROVEMENTS

The Commission found the petition sufficient and approved Resolution No. 051821-E finding the project advisable and authorizing construction the Henry Addition Water Improvements (WA2106).

AGREEMENT - ENGINEERING SERVICES - HENRY ADDITION - SANITARY SEWER (SS2107), STREET (ST2104), AND WATER (WA2106) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Engineering Services, in an amount not to exceed \$59,800.00, with SMH Consultants, of Manhattan, Kansas, for the Henry Addition Sanitary Sewer (SS2107), Street (ST2104), and Water (WA2106) improvements.

RESOLUTION NO. 051821-F - AMENDED PETITION - THE HIGHLANDS AT GRAND MERE, UNIT TWO - STREET (ST2012) IMPROVEMENTS

The Commission found the amended petition sufficient and approved Resolution No. 051821-F finding the project necessary and authorizing construction for The Highlands at Grand Mere, Unit Two, Street Improvement Project (ST2012) and repealing Resolution No. 010521-B.

RESOLUTION NO. 051821-G - PETITION - THE HIGHLANDS AT GRAND MERE, UNIT TWO - SANITARY SEWER (SS2014) IMPROVEMENTS

The Commission found the new petition sufficient and approved Resolution No. 051821-G finding the new Sanitary Sewer (SS2014) project necessary and authorizing construction and repealing Resolution No. 010521-A for the previous Sanitary Sewer project.

AWARD CONTRACT - THE HIGHLANDS AT GRAND MERE, UNIT TWO - STREET (ST2012), SANITARY SEWER (SS2014), AND WATER (WA2024) IMPROVEMENTS

The Commission found that Larson Construction Company, Inc., of Manhattan, Kansas, is the lowest and best responsible bidder, based on staff's recommendation, and is in the best interest of the City, and accepted the Engineer's Opinion of

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT - THE HIGHLANDS AT GRAND MERE, UNIT TWO - STREET (ST2012), SANITARY SEWER (SS2014), AND WATER (WA2024) IMPROVEMENTS (CONTINUED)

Probable Cost in the total amount of \$299,800.00 (*\$176,000.00 for Street, \$76,400.00 for Sanitary Sewer, and \$47,400.00 for Water*); and awarded and authorized the Mayor and City Clerk to execute a construction contract in the total amount of \$375,103.00 (*\$212,486.00 for Street, \$115,889.00 for Sanitary Sewer, and \$46,728.00 for Water*) with Larson Construction Company, Inc., of Manhattan, Kansas, for The Highlands at Grand Mere, Unit Two, Street (ST2012), Sanitary Sewer (SS2014), and Water (WA2024) Improvements.

AWARD CONTRACT - ASPHALT STREET MAINTENANCE PROJECT, PHASE I (ST2103)

The Commission awarded and authorized the Mayor and City Clerk to execute a contract in the amount of \$915,216.70 to Shilling Construction Company, Inc., of Manhattan, Kansas, for the 2021 Asphalt Street Maintenance, Phase I, project (ST2103), to be paid from the Special Street and Highway Fund which is funded by gasoline tax reimbursements from the State of Kansas.

PURCHASE - STREET SWEEPER - UNIT #235 (CIP #SW104E)

The Commission authorized the purchase of a 2021 Global M4HSD Street Sweeper, Unit #235 (CIP #SW104E), in the net amount of \$239,223.00 (*Base Bid in the amount of \$289,223.00 less trade-in value in the amount of \$50,000.00*) from Berry Tractor and Equipment, of Wichita, Kansas, to replace the current 2014 model Street Sweeper (Unit #235).

LEASE PURCHASE - STREET SWEEPER - UNIT #235 (CIP #SW104E)

The Commission authorized the Mayor and City Clerk to execute a lease purchase agreement for a 2021 Global M4HSD Street Sweeper for Unit #235 (CIP #SW104E) with Clayton Holdings, LLC.

RESOLUTION NO. 051821-H - EMINENT DOMAIN - UTILITY RELOCATIONS - MANHATTAN LEVEE FLOOD RISK MANAGEMENT PROJECT (SM1813/SP1908)

The Commission approved Resolution No. 051821-H declaring it is necessary to acquire the subject easements on the properties listed by the power of eminent domain for the Utility Relocations necessitated by the Manhattan Levee Flood Risk Management Project (SM1813/SP1908) and directing the Director of Public Works/City Engineer or SMH Consultants, of Manhattan, Kansas, to complete, and file with the City Clerk, surveys of the necessary easements.

CONSENT AGENDA (CONTINUED)

DEDICATE FLOOD PROTECTION EASEMENTS AND TEMPORARY WORK AREA EASEMENTS - CITY OWNED TRACTS

The Commission approved dedication of easements (*See Attachment No. 1*) from eight (8) City-Owned tracts for the Manhattan Levee Flood Risk Management Project (SM1813/SP1908); authorized the Mayor and City Clerk to execute the finalized easements on behalf of the City; and authorized the City Manager to sign the final authorization for entry by the U.S. Army Corps of Engineers (USACE) once the attorney certification has been made.

RATIFICATION OF KANAS GAS EASEMENTS - MANHATTAN LEVEE (SM1813/SP1908)

The Commission ratified and confirmed two Easements that were conveyed to ONEOK, Inc., as part of the Utility Relocations necessitated by the Manhattan Levee Flood Risk Management Project (SM1813/SP1908) and authorized the Mayor and City Clerk to execute the Ratification.

PAYMENT - RILEY COUNTY DISTRICT COURT - MANHATTAN FLOOD LEVEE FLOOD RISK MANAGEMENT PROJECT (SM1813/SP1908)

The Commission authorized City Administration to pay \$57,735.75 to the Clerk of the Riley County District Court to acquire easements from the subject properties within Riley County associated with the Manhattan Levee Flood Risk Management Project (SM1813/SP1908) and determine no appeal of the awards is necessary.

BOARD APPOINTMENTS

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

City/University Special Projects Fund Committee

Re-appointment of Emily Koenig, 103 S. 4th St., Suite 205B, to a two-year At-Large term, which will begin on July 1, 2021, and will expire on June 30, 2023.

Appointment of Vincent Tracey, 304 Knoxberry Dr., to a two-year At-Large term, which begins immediately, and will expire on June 30, 2022.

Downtown Business Improvement District Advisory Board

Appointment of Jason Suther, 1731 Kings Rd., to fill the unexpired term of Scott Augustine, which begins immediately and will expire on December 31, 2022.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Housing Appeals Board

Re-appointment of Allyn Weddle, 2617 Marion Ave., to a three-year term, which will begin July 1, 2021, and will expire on June 30, 2024.

Joint Corrections Advisory Board

Re-appointment of Jamie Morris-Hardeman, 1822 Laramie St., to a two-year Adult term, which will begin July 1, 2021, and will expire on June 30, 2023.

Social Services Advisory Board

Re-appointment of Sue Maes, 428 Wickham Rd., to a three-year term, which will begin July 1, 2021, and will expire on June 30, 2024.

Re-appointment of Tom Ruzicka, 1409 Sunny Slope Ln., to a three-year term, which will begin July 1, 2021, and will expire on June 30, 2024.

Appointment of Shannon Horton, 2137 Halls Landing, to a three-year term, which will begin July 1, 2021, and will expire on June 30, 2024.

Appointment of Christina Stratman, 5552 Stonecrest Ct. #302B, to a three-year term, which will begin July 1, 2021, and will expire on June 30, 2024.

Special Alcohol Funds Advisory Committee

Re-appointment of Scott Seel, 1325 Dartmouth Dr., to a three-year term, which will begin July 1, 2021, and will expire on June 30, 2024.

Appointment of Christine Robinson, 4533 Bee Flight Cir., to a three-year term, which will begin July 1, 2021, and will expire on June 30, 2024

* **BOARD APPOINTMENT - HOUSING AUTHORITY BOARD OF COMMISSIONERS**

Commissioner Estabrook announced he would abstain from this item.

The Commission approved the appointment of Glee Myers, 300 N. 5th St., to fill an unexpired Resident term of Ida Jane Leupold, which begins immediately, and will expire on March 3, 2023.

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

CONSENT AGENDA (CONTINUED)

Commissioner Hatesohl moved to approve the consent agenda. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0 with the exception of Item D, ORDINANCE NO. 7536 – ISSUE - GENERAL OBLIGATION BOND SALE 2021-A and RESOLUTION NO. 051821-A – RATIFY DELIVERY - GENERAL OBLIGATION BOND SALE 2021-A, and Item P, BOARD APPOINTMENT - HOUSING AUTHORITY BOARD OF COMMISSIONERS, which carried 4-0-1, with Commissioner Estabrook abstaining.

GENERAL AGENDA

FIRST READING - REZONE - LOT 35, EUREKA ADDITION, UNIT TWO (C-6/AO, HEAVY COMMERCIAL DISTRICT WITH AIRPORT OVERLAY DISTRICT, TO I-3/AO, LIGHT INDUSTRIAL DISTRICT WITH AIRPORT OVERLAY DISTRICT)

Chad Bunger, Assistant Director of Community Development, presented the item. He then answered questions from the Commission.

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

Commissioner Morse moved to accept the Manhattan Urban Area Planning Board's recommendation and approve first reading of an ordinance rezoning Lot 35, Eureka Addition, Unit Two, an approximately 2.84-acre lot, generally located on the south end of Eureka Terrace, from C-6/AO, Heavy Commercial District with Airport Overlay District, to I-3/AO, Light Industrial District with Airport Overlay District, based on the findings in the Staff Report (*See Attachment No. 2*). Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

DISCUSSION - DRAFT MANHATTAN DEVELOPMENT CODE - REVIEW OF ARTICLES 26-6 AND 26-7

Chad Bunger, Assistant Director of Community Development, presented an overview of Article 26-6. Environmental Standards which represents the floodplain regulations for the City of Manhattan, and Article 26-7. Site Development, which covers specific site development regulations for off-street parking, landscaping, signs, and outdoor lighting.

Chad Bunger, Assistant Director of Community Development, and Ron Fehr, City Manager, answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

DISCUSSION - DRAFT MANHATTAN DEVELOPMENT CODE - REVIEW OF ARTICLES 26-6 AND 26-7 (CONTINUED)

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

As this was a discussion item, the Commission took no formal action.

EXECUTIVE SESSION

Commissioner Hatesohl moved to recess into Executive Session to discuss the terms of the agreement between City Administration and Local 2275, International Association of Fire Fighters that presently need to remain confidential, pursuant to the exception set forth in K.S.A. 75-4319(b)(3) related to employer-employee negotiations, and to resume the open meeting at 8:55 p.m. in the City Commission Room. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

At 8:55 p.m., the Commission reconvened with Mayor Butler and Commissioner Morse, Commissioner Hatesohl, Commissioner Estabrook, and Commissioner Reddi in attendance. Mayor Butler stated that no binding action was taken during Executive Session, therefore no vote in the open meeting was needed.

ADJOURNMENT

At 8:56 p.m., the Commission adjourned.


Brenda K. Wolf, CMC, City Clerk

**CITY-OWNED TRACTS WITH EASEMENTS
DEDICATED FOR THE MANHATTAN LEVEE PROJECT**

| Tract | Current Use |
|--------------|---|
| 6 | Unused Commercial, Adjacent to South Manhattan Avenue (Permanent & Temporary) |
| 33 | Purchase for Future Joint Maintenance Facility (Permanent & Temporary) |
| 34/36 | Wastewater Treatment Plant (Permanent & Temporary) (1 appraisal/2 parts) |
| 49 | Animal Shelter (Permanent & Temp.) |
| 54 | Kansas Entrepreneurial Center (KEC) (Temp.) |
| 59 | Parking Lot for Park's Trailhead at Hayes Drive near Casement (Temporary, in 2 parts) |
| 63 | Vacant Floodplain near Hayes Drive (Temporary) |
| 64 | Vacant Floodplain near Hayes/Casement (Permanent & Temp.) |



Staff Report

Community Development Department

| | | |
|-----------------------|---|------------|
| Rezoning | Eureka Terrace (Lot 35) | REZ-21-034 |
| To: | Manhattan Urban Area Planning Board | |
| From: | Barry Beagle, AICP, Senior Planner | |
| Meeting Date: | May 3, 2021 | |
| Applicant/Owner: | Larson Construction, Inc. / BATA, LLC | |
| Property Description: | Lot 35, Eureka Addition, Unit Two | |
| Total Area: | 2.84-acres | |
| Current Zoning: | C-6/AO, Heavy Commercial District with Airport Overlay | |
| Requested Zoning: | I-3/AO, Light Industrial District with Airport Overlay | |
| Neighborhood zoning: | North: I-3, Light Industrial District South: C-4, Highway Business District (County) East: Penny's Concrete Industrial PUD West: I-2, Industrial Park District | |

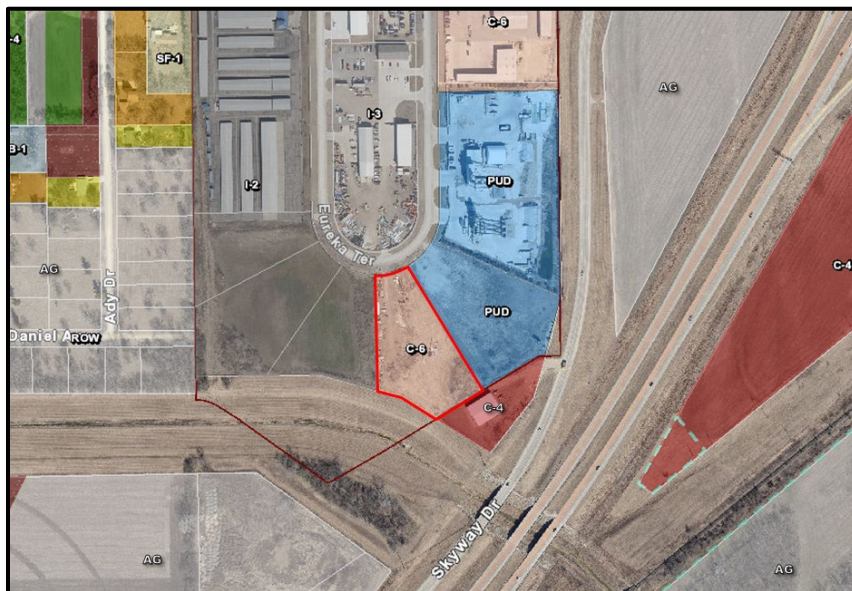


Figure 1. Vicinity / Zoning Map

REQUEST

The applicant seeks to reclassify the unimproved parcel to the I-3 District to permit its continued use as an accessory storage lot in conjunction with Larson Construction's main facilities to the north across Eureka Terrace. The proposed reclassification will bring the present use of the property into compliance with the Zoning Regulations as the I-3 District permits the open storage of equipment and supplies whereas the C-6 District, as presently zoned, does not.

QUALIFICATIONS FOR REZONING

Section 15-103(B) indicates no application for rezoning shall be filed unless such land has 100-feet of frontage on a public street; or has 10,000 square feet of area; or abuts land that has the same zoning classification as that which is proposed for the subject property. The subject property meets the qualifications for rezoning as it has 120-feet of frontage on Eureka Terrace, is 2.84-acres in size, and is located across Eureka Terrace from the I-3 District.

ANALYSIS

Section 15-403(A) of the Zoning Regulations identifies 13 factors that should be considered when evaluating the suitability of a rezoning request affecting specific property. The factors are in bold print, followed by findings of fact and staff evaluations, when applicable.

1. **The Existing Use of Property.** Unimproved tract of land presently used for storage of equipment and supplies in conjunction with Larson Construction immediately north at 2616 Eureka Terrace.

Evaluation: The site has remained undeveloped since initially annexed, rezoned and platted as part of Eureka Addition in 2006. The applicant acquired the property in 2014.

2. **The Physical and Environmental Characteristics of the Property.** The subject property is a trapezoidal shape lot extending approximately 520-feet south of Eureka Terrace to the south boundary of Eureka Addition. The lot is essentially flat and currently unimproved. The site lies entirely within the Horizontal and Conical Zones of Manhattan's Regional Airport that requires the AO, Airport Overlay District be added to the site. The site is shown to be within Flood Zone X, the 0.2% annual chance flood hazard area as shown on Flood Insurance Rate Map Community Panel No. 20161C0344G with an effective date of March 16, 2015.

Evaluation: There are no physical and environmental characteristics associated with the property that would deter its improvement. The site's location within the Airport Overlay District may require the applicant obtain an Airport Compatible Use Permit prior to any improvement of the property. Given the site's location within Zone X, it will not be subject to special flood elevation requirements for any improvement.

3. The Zoning and Land Uses of Nearby Properties.

- North I-3, Light Industrial District – Larson Construction company.
- South C-4, Highway Business District – Redline Auto Consulting.
- East Penny's Concrete Industrial PUD – Penny's Concrete, Inc.
- West I-2, Industrial Park District – Vacant.

See Figure 1 for zoning context.

4. The Suitability of the Property for Land Uses to which it is Restricted under Current Zoning.

The subject property is part of Eureka Addition, a 53-acre heavy commercial/light industrial subdivision annexed to the City of Manhattan and rezoned in 2006. The eastern portion of the subdivision was rezoned to the C-6, Heavy Commercial District, including the subject property; the central portion rezoned to the I-3, Light Industrial District; and, the western portion rezoned to the I-2, Industrial Park District. In 2008, the lots immediately east and north of the subject property were rezoned to an industrial PUD for Penny's Concrete, Inc. (See Figure 1)

Evaluation: Based on the established pattern of zoning and land use, the subject property remains suitable for heavy commercial uses as presently restricted by the C-6 District.

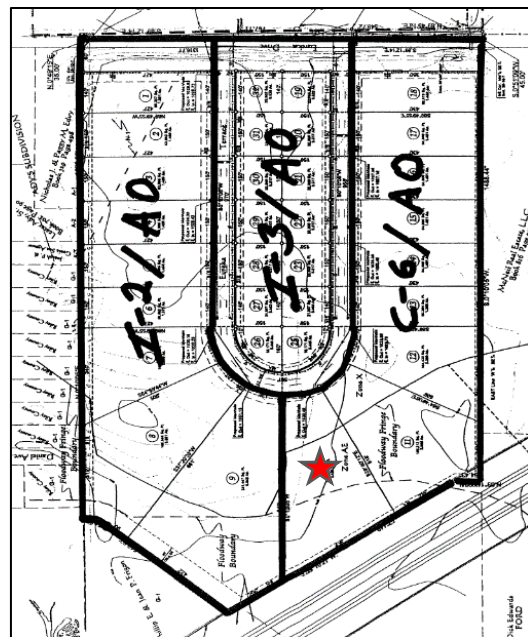


Figure 2. Zoning at Annexation

Attachment No. 2

5. **The Character of the Neighborhood.** The subject property is located at the south end of Eureka Addition, a heavy commercial and light industrial subdivision extending south of Eureka Drive and west of K-18 Highway. Roughly three-quarters of Eureka Addition has been developed consistent with existing zoning and includes Landmark Self Storage, Star Lumber & Supply, Larson Construction, Penny's Concrete and multi-tenant commercial/industrial buildings. In a broader context is the Flint Hills Job Corps Center and Eureka Drive Storage to the north across Eureka Drive; the Manhattan Regional Airport to the south along with heavy commercial and industrial land use along the west side of Highway K-18.

Evaluation: The subject property is part of an established and developing heavy commercial/light industrial subdivision. It is anticipated over time, this area will continue to develop for commercial and industrial land use consistent with the future land use recommendations of the Manhattan Urban Area Comprehensive Plan and Eureka Valley – Highway K-18 Corridor Plan.

6. **The Compatibility of the Proposed Zoning District with Nearby Properties and the Extent to which it may Detrimentially Affect those Properties.** As noted, the subject property is part of a developing commercial/industrial corridor along Highway K-18. The proposed reclassification would permit the subject property to develop for light industrial land use excluding salvage yards and basic industrial manufacturing. Within Eureka Addition of which it is a part, the proposed reclassification would be consistent with the I-3 District immediately to the north. The land use characteristics of the I-3 District is compatible with neighboring property including Penny's Concrete to which adjacent

Evaluation: The proposed reclassification is consistent and compatible with established heavy commercial/light industrial character of the area and will not create impacts incompatible with neighboring property.

7. **The Conformance of the Requested Change to the Adopted Comprehensive Plan for the City of Manhattan. (If the proposed amendment is in accordance with said Comprehensive Plan, it shall be presumed to be reasonable).** The Future Land Use Map (FLUM) of the 2035 Manhattan Urban Area Comprehensive Plan identifies the subject property as part of an area designated for *Industrial (IND)* land use.

Policies of the IND designation are as follows:

I-1: Characteristics

The Industrial designation is intended to provide locations for light and heavy manufacturing, research, warehousing and distribution, indoor and screened outdoor storage, a wide range of other industrial services and operations, and supporting accessory uses. Typically, heavy industrial uses involve more intensive work processes, and may involve manufacturing or basic resource handling and/or extraction. Design controls within an Industrial area are not as extensive as in the Office/Research category and a broader range of uses is permitted.

Evaluation: The proposed reclassification to the I-3 District is consistent with the Industrial (IND) land use designation for this area.

I-2: Location

Because of their potential environmental impacts, Industrial uses should generally be located away from population centers or must be adequately buffered. Traffic generated by industrial uses should not pass-through residential areas. Sites should have access to one or more major arterials or highways capable of handling heavy truck traffic. Railroad access is also beneficial to certain types of heavy industrial uses. Light industrial uses can typically be located in areas that also contain some highway-oriented commercial uses, and might benefit from close proximity and better access to their local customer base.

Evaluation: The subject property is part of an established heavy commercial/light industrial subdivision. The proposed reclassification is consistent with the IND designation of this area and established land use patterns.

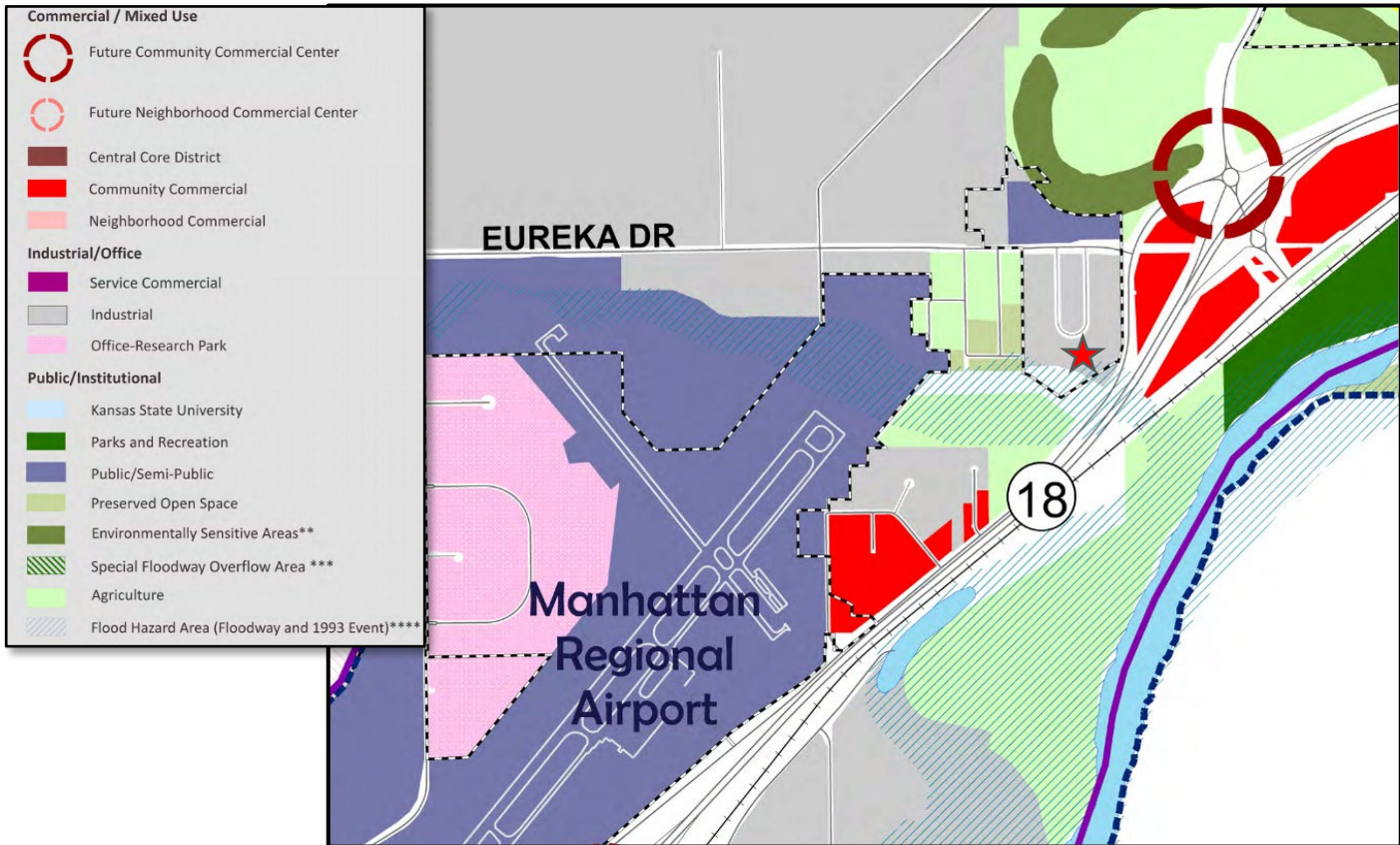


Figure 3. Future Land Use Map

I-3: Screening

Screen storage, loading, and work operations from view along all industrial area boundaries (when adjacent to non-industrial uses) and along all public streets.

Evaluation: Consistent with the screening policy of the IND land use designation, the I-3 District, as is being sought, contains a limitation that *“all operations, activities and storage shall be conducted inside a building, or buildings except that storage may be maintained outside the building, provided that it is enclosed by sight obscuring screening of not less than six (6) feet in height, and provided that it is not located within a required front, side or rear yard.”* Given the applicant’s intent to utilize the site for outdoor storage of equipment and supplies, a six (6) screen will be required to be erected around the perimeter of the site.

Eureka Valley – Highway K-18 Corridor Plan: Based on expansion of the Manhattan Regional Airport and the new alignment of Highway K-18, a corridor plan was envisioned to address anticipated growth of the Eureka Valley area. A component of the Corridor Plan is a Future Land Use Map that identifies recommended land use designations throughout the plan area. The Future Land Use Map of the Corridor Plan similarly designates Industrial land use extending west of Highway K-18 along Eureka Drive. The Corridor Plan indicates *“these areas are intended to address the anticipated long term need for a broad range of industrial uses and sites, including: manufacturing and business parks, and light industry; industrial services that could be generated by the presence of Fort Riley; as well as research facilities and specialized service activities that could be generated by the proximity of Kansas State University and the future National Bio and Agro Defense Facility (NBAF).*

8. **The Zoning History of the Subject Property and the Length of Time it has Remained Vacant as Zoned.** The subject property is part of a 53-acre island annexation that was approved by the City Commission on May 2, 2006 with the adoption of Ord. No. 6537. In conjunction with the annexation, the City Commission adopted Ord. No. 6538 rezoning the 53-acre tract into the C-6, I-2 and I-3 Districts. On September 5, 2006, the City Commission accepted public dedications appearing on the Final Plat of Eureka Addition dividing the 53-acre tract into 32-lots. On February 17, 2010, Lots 8-11 were replatted as Lots 33-36, Eureka Addition, Unit Two. The replat was the proposed as a result of additional right-of-way being acquired by KDOT in conjunction with the new alignment of Highway K-18. The subject property exists as Lot 35, Eureka Addition, Unit Two and is currently undeveloped. Prior to its annexation and rezoning, the 53-acre tract of land existed as a farm field zoned the G-1, General Agricultural District and N-1, Airport Noise Hazard District in the County.
9. **Whether the Proposed District would be Consistent with the Intent and Purpose of these Regulations.** 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.

Evaluation: The I-3, Light Industrial District, as sought by the applicant, is consistent and compatible with the established pattern of zoning and land use encompassing the subject property. The proposed reclassification will not compromise the use and integrity of neighboring property for heavy commercial and light industrial land use. Accordingly, the proposed reclassification is consistent with the intent and purpose of these regulations.

Attachment No. 2

10. **The Relative Gain to the Public Health, Safety, and Welfare that Denial of the Request Would Accomplish, Compared with the Hardship Imposed upon the Applicant that would Result from Denial.** As noted above, the proposed reclassification is consistent with the established pattern of development and the projected land use of the Manhattan Urban Area Comprehensive Plan and the Eureka Valley – Highway K-18 Corridor Plan.

Evaluation: There would be no public gain to health, safety, and welfare by denying this request compared to the hardship to the applicant by its denial.

11. **Whether Adequate Sewer and Water Facilities, Streets, and other Needed Public Services exist, or can be Provided, or Serve the Uses that would be Permitted by the Proposed Zoning District.** The lot has available public sewer and water facilities, streets and other needed public services.

Evaluation: Public services are presently available and adequate to serve the property.

12. **Such Additional Matters as may Apply in Individual Circumstances.** This request is located within the Land Use Planning Zone (LUPZ) identified in the 2017 Flint Hills/Fort Riley Joint Land Use Study (JLUS) and therefore, the City contacted Fort Riley for its review and comment, as per the Memorandum of Understanding (MOU) adopted in 2015. Fort Riley indicated that noise sensitive land uses are generally acceptable within the LUPZ; however, communities and individuals have different views regarding what level of noise is acceptable or desirable.

To address this issue and the need for noise disclosure to contractors, realtors and buyers, Riley County, Ogden, Riley and Manhattan adopted a Notice of Potential Noise Impact (NOPNI) process in late 2019. The NOPNI provides disclosure of potential noise impacts from Fort Riley and directs the public to where they can find information on how to mitigate this noise, if they so choose, through use of the voluntary Noise Attenuation Construction Guidelines. In August 2020, the Riley County Register of Deeds Office filed the NOPNI on all properties located within the identified Fort Riley Noise Disclosure Boundary, stipulating that the notice will appear with the legal descriptions of unplatted tracts, platted lots, and on any subsequent new subdivision plats that may occur in the future within the notification area. This process does not rely on a seller or realtor to provide notice and will automatically appear through the title search. The notice recommends that when undertaking new construction, building additions, or remodeling of a structure located within the area of notice, that noise attenuation construction methods be

considered, to reduce potential noise impacts on the occupants. In addition, the City requires a similar notice be placed on all subdivision plats and building permits for properties located within the notification area.

Evaluation: Fort Riley has been notified of this request and expressed no opposition in accordance with compliance with the Noise of Potential Noise Impact requirements.

12. The Recommendations of Permanent or Professional Staff

City administration recommends approval of the proposed rezoning from C-6/AO, Heavy Commercial District with Airport Overlay to I-3/AO, Light Industrial District with Airport Overlay.

Staff Conclusion: The proposed reclassification is consistent with the established pattern of development and, therefore, no detrimental off-site impacts are anticipated. Further, the proposed reclassification is consistent with the Future Land Use designation of this area for Industrial land use.

ALTERNATIVES

The MUAPB has the following alternatives concerning the **rezoning**. The Board may:

1. Recommend **approval** of the rezoning based on finding that it is suitable when measured against Section 15-403 of the Zoning Regulations.
2. Recommend **denial** of the rezoning based on finding that it is not suitable when measured against Section 15-403 of the Zoning Regulations.
3. **Table** a recommendation on the rezoning to a specific date, indicating the reasons for tabling.

RECOMMENDATION

City Administration recommends **approval** of the request to rezone Lot 35, Eureka Addition, Unit Two, from C-6/AO, Heavy Commercial District with Airport Overlay to I-3/AO, Light Industrial District with Airport Overlay, based on the findings in this staff report.

Attachment No. 2

POSSIBLE MOTIONS

Recommend **approval** of the request to rezone Lot 35, Eureka Addition, Unit Two, from C-6/AO, Heavy Commercial District with Airport Overlay to I-3/AO, Light Industrial District with Airport Overlay, based on the findings in the staff report.

Dated: April 19, 2021

Attachments: Application Packet