



MINUTES
CITY COMMISSION MEETING
TUESDAY, NOVEMBER 3, 2009
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Pro-Tem Bruce Snead and Commissioners James E. Sherow, Loren J. Pepperd, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 8 staff, and approximately 20 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Snead led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Pro-Tem Snead opened the public comments.

Russ Weisbender, Weisbender Homes and Contracting, asked the Commission to consider providing assistance for the Marlatt drainage and erosion issues as they consider consent agenda item H: Kansas Department of Health and Environment loan agreement. He informed the Commission of prior conversations that he has had with the City and Riley County personnel regarding this issue. He provided the Commission photos of the erosion problems and asked for assistance to stabilize the banks in order to stop the ongoing erosion problems.

After discussion by the Commission, City Manager Ron Fehr responded to questions from the Commission and stated that the item can be discussed at the next Joint City/County Meeting.

Hearing no other comments, Mayor Pro-Tem Snead closed the public comments.

COMMISSIONER COMMENTS

Commissioner Pepperd encouraged the community to attend the Veteran's Day Parade and associated events on Wednesday, November 11, 2009.

COMMISSIONER COMMENTS (*CONTINUED*)

Mayor Pro-Tem Snead informed the community of the South Planned Unit Development public meeting to be held at 7:00 p.m., Wednesday, November 4, 2009, at the Union Pacific Depot. He also encouraged citizens to attend the Discovery Center Exhibit Design public meeting at 6:00 p.m., Monday, November 9, 2009, at City Hall, City Commission Room. He then informed the public that general agenda item A: First Reading of Ordinances Issuing STAR and TIF Bonds and Resolution authorizing the sale of STAR and TIF Bonds, was pulled from the agenda at the request of City Administration and that it was anticipated that the item will be considered during a Special City Commission Meeting at 11:30 a.m., on Thursday, November 5, 2009, at City Hall, City Commission Room.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, October 13, 2009, and the Regular City Commission Meeting held Tuesday, October 20, 2009.

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CLAIMS REGISTER NO. 2623

Mayor Pro-Tem Snead informed the community of the tremendous public investment that the City makes with local contracting firms and with the many, many local businesses that the City conducts business with.

The Commission approved Claims Register No. 2623 authorizing and approving the payment of claims from October 14, 2009, to October 27, 2009, in the amount of \$6,604,483.

LICENSES

The Commission approved a Tree Maintenance License for calendar year 2010 for *Asplundh Tree Expert, Co.*, 2901 Princeton Place; *Don's Stump Removal & Tree Service*, 3761 S. 33rd Street; *Horticultural Services, Inc.*, 11524 Landscape Lane, St. George; *Mugler Tree Care*, 2400 W. 60th Avenue; *S & S Tree Service*, 266 Hwy 177, Alta Vista; an annual CMB License Off-Premises for *Kwik Shop, Inc.*, 120 N. Juliette Avenue; and an annual CMB License On-Premises for *Bushwackers*, 531 N. Manhattan Avenue.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6790 – ISSUE TDD SALES TAX REVENUE BONDS – LIMEY POINTE PUD

The Commission approved Ordinance No. 6790 issuing \$505,000.00 in Transportation Development District Sales Tax Revenue Bonds (Series 2009) for the on-site sanitary sewer (SS0616), street (ST0623), and water (WA0610) improvements in Limey Pointe PUD.

RESOLUTION NO. 110309-A – PRIVATE PLACEMENT – TDD SALES TAX REVENUE BONDS

The Commission approved Resolution No. 110309-A authorizing private placement of the Transportation Development District Sales Tax Revenue Bonds (Series 2009) with Landmark National Bank.

ORDINANCE NO. 6791 – ISSUE INDUSTRIAL REVENUE REFUNDING BONDS – MANKO WINDOWS

The Commission approved Ordinance No. 6791 authorizing the issuance of Industrial Revenue Refunding Bonds for Manko Window Systems, Inc., of Manhattan, Kansas, and authorized the Mayor and City Clerk to execute documents related to the bond sale.

ORDINANCE NO. 6792 – INCORPORATE US-24 CORRIDOR MANAGEMENT PLAN IN MANHATTAN URBAN AREA COMPREHENSIVE PLAN

The Commission approved Ordinance No. 6792 amending and re-establishing the Manhattan Urban Area Comprehensive Plan by adopting and incorporating the US-24 Corridor Management Plan, dated September 2009, by reference, and approved the necessary cross-references and modifications to Chapters 4 and 8 of the Comprehensive Plan.

FIRST READING – ISSUE INDUSTRIAL REVENUE BONDS – GTM SPORTSWEAR, INC.

The Commission approved first reading of an ordinance authorizing the issuance of Industrial Revenue Bonds to GTM Sportswear, Inc., for the purpose of acquiring, constructing, expanding, and equipping the company's existing manufacturing facility located at 520 McCall Road.

FIRST READING – KDHE LOAN AGREEMENT

The Commission approved first reading of an ordinance authorizing the execution of a new loan agreement between the City of Manhattan, Kansas, and the State of Kansas, acting by and through the Kansas Department of Health and Environment, for the purpose of obtaining a loan from the Kansas Water Pollution Control Revolving Loan Fund in order to finance water pollution control projects;

CONSENT AGENDA (CONTINUED)

FIRST READING – KDHE LOAN AGREEMENT (CONTINUED)

establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the loan agreement.

RESOLUTION NO. 110309-B – SCENIC MEADOWS, UNIT 2, PHASE 2 - STREET IMPROVEMENTS (ST0820)

The Commission found the petition sufficient; approved Resolution No. 110309-B, finding the Scenic Meadows, Unit 2, Phase 2, Street Improvements (ST0820) advisable and authorizing construction.

AGREEMENT – ENGINEERING SERVICES - SCENIC MEADOWS, UNIT 2, PHASE 2 - STREET IMPROVEMENTS (ST0820)

The Commission authorized the Mayor and City Clerk to execute an agreement with SMH Consultants, of Manhattan, Kansas, to perform engineering services for Scenic Meadows, Unit 2, Phase 2, Street Improvements (ST0820).

RESOLUTION NO. 110309-C – ISSUE GENERAL OBLIGATION BONDS – FLINT HILLS DISCOVERY CENTER FURNISHINGS

The Commission approved Resolution No. 110309-C authorizing the issuance of General Obligation Bonds for the furnishing and equipping of the Flint Hills Discovery Center.

REQUEST FOR PROPOSALS – WESTERN INTERCEPTOR RELIEF SEWER (SS0913)

The Commission authorized City Administration to solicit proposals for Engineering and Design Services and appointed Commissioner Sherow to serve on the Selection Committee for Western Interceptor Relief Sewer (SS0913).

CHANGE ORDER NO. 1-FINAL – 2009 CURED-IN-PLACE-PIPE SEWER LINING (SS0903)

The Commission approved Change Order No. 1-Final for 2009 Cured-In-Place Pipe Sewer Lining (SS0903), resulting in a net increase in the amount of \$18,914.10 (+5.6%) to the contract with Utility Maintenance Contractors, of Wichita, Kansas.

CHANGE ORDER NO. 1-FINAL – SHIRLEY LANE STORMWATER IMPROVEMENTS (SM0705)

The Commission approved Change Order No. 1-Final for Shirley Lane Stormwater Improvements (SM0705), resulting in a net increase in the amount of \$36,775.54 (+24.59%) to the contract with Manhattan Trenching Inc., of Manhattan, Kansas.

CONSENT AGENDA (CONTINUED)

CHANGE ORDER NO. 3-FINAL – DEMOLITION OF CITY-OWNED PROPERTY (SP0904)

The Commission approved Change Order No. 3-Final for Demolition of City-Owned Property (SP0904), resulting in a net increase in the amount of \$28,960.00 (+7.8%) to the contract with G and G Dozer, of Caney, Kansas.

BOARD APPOINTMENTS

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

Douglass Center Advisory Board

Appointment of Sara Weber, 711 North Juliette, to a three-year Geographic term. Ms. Weber's term begins immediately, and will expire October 2, 2012.

Social Services Advisory Board

Appointment of Teddy Hartke, 3229 Ella Lane, to fill the unexpired term of Julie Hostetler. Mr. Hartke's term begins immediately, and will expire June 30, 2012.

After discussion, Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA

FIRST READING - ISSUE STAR AND TIF BONDS; RESOLUTION NO. 110309-D – AUTHORIZE SALE - STAR AND TIF BONDS

Item was removed from the agenda at the request of City Administration.

FIRST READING - ANNEX AND REZONE - EUREKA DRIVE STORAGE ADDITION

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission regarding easements, drainage, and site concerns.

Matt Kohls, BG Consultants, Inc., provided an overview of the site and responded to questions from the Commission regarding drainage flow, capacity, and future development in the area.

GENERAL AGENDA (CONTINUED)

FIRST READING - ANNEX AND REZONE - EUREKA DRIVE STORAGE ADDITION (CONTINUED)

Ron Fehr, City Manager, informed the Commission that work is continuing with the Corps of Engineers on the Eureka Tributary Study but has been delayed due to the K-18 project. He stated that significant improvements will be made to Eureka Drive.

Dale Houdeshell, Director of Public Works, provided additional information on the item and stated that the Corps of Engineers and the Kansas Department of Transportation are coordinating efforts to improve drainage flows with the K-18 project.

After discussion, Commissioner Sherow moved to approve first reading of an ordinance annexing the proposed 11.3-acre Eureka Drive Storage Addition, generally located west of the Flint Hills Job Corps Center, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program, and the findings of the Board of Riley County Commissioners; and, approve first reading of an ordinance rezoning the site as proposed, to I-3, Light Industrial District, with AO, Airport Overlay District; based on the findings in the Staff Report (*See Attachment No. 1*). Commissioner Pepper seconded the motion. On a roll call vote, motion carried 4-0.

KEC LABORATORY IMPROVEMENTS AND EXPANSION

Lauren Palmer, Assistant City Manager, presented the item.

After discussion, Commissioner Morris-Hardeman moved to authorize the Mayor and City Clerk to execute the Grant Assurance Agreement with the North Central Kansas Community Network Co., for the Kansas Entrepreneurial Center (KEC) facility improvements; authorize the Mayor to sign a letter of support for the grant application from Pottawatomie County Economic Development Corporation to the Kansas Bioscience Authority requesting \$180,000.00 for the KEC facility improvements; and authorize \$120,000.00 from Economic Development Funds for KEC facility improvements contingent upon the commitment of funds from KBA and Pottawatomie County to be combined with existing commitments from the Manhattan Area Chamber of Commerce and the North Central Regional Planning Commission. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 4-0.

SOUTH 3RD STREET AND COLORADO STREET DESIGN

Chuck Bartlett, HWS Consulting Group, presented an overview and update on the South District and Third and Colorado Streets proposed improvements. He then responded to questions from the Commission regarding signals, landscaping, and sidewalks.

GENERAL AGENDA (*CONTINUED*)

SOUTH 3RD STREET AND COLORADO STREET DESIGN (*CONTINUED*)

Lorie Doolittle-Bowman, Bowman Bowman and Novick (BBN), presented the proposed improvements along Third and Colorado Streets, including street layout, sidewalks, streetscape, landscaping, lighting, park features, signage, pavement types, bike racks, trash receptacles, and design elements. She then responded to questions from the Commission regarding pedestrian, bicycle and public transportation; signage; and light fixtures.

Brent Bowman, BBN, presented the proposed park design features, including trellis, chimeneas, festival lighting, water feature, art, landscaping, bathrooms, integration of pedestrian and bicycle traffic, gateway design features, and potential costs.

Ron Fehr, City Manager, provided additional information on the transit plan and opportunities to integrate transportation concepts before construction.

Brent Bowman, BBN, provided additional information on potential activities in the park and responded to questions from the Commission.

Jason Hilgers, Assistant City Manager, informed the Commission that he would continue to pursue discussions with representatives from the Downtown Farmers Market. He then responded to questions from the Commission regarding contractual obligations and clarified that the City will be responsible to maintain the landscaping in the public and rights-of-way areas of the redevelopment.

Chuck Bartlett, HWS Consulting Group, responded to questions from the Commission regarding storm drainage, design of the slope areas, and the importance in the performance of pavement.

Linda Weis, 215 Pine Drive, informed the Commission that she appreciated the idea of gateway markers and the arch design. She asked about the park and number of trees planned and voiced her pleasure with the exciting gateway ideas presented.

Ron Fehr, City Manager, provided additional information on the proposed pedestrian platform and pedestrian entrances to the Discovery Center and hotel. He asked that attention be given to ensure adequate parking is provided.

After additional discussion by the Commission on the proposed street design, Jason Hilgers, Assistant City Manager, responded to questions regarding cost estimates and STAR Bond proceeds.

Ron Fehr, City Manager, provided clarification on the discussion item and thanked the Commission for their feedback and comments on the proposed design features.

EXECUTIVE SESSION

At 9:17 p.m., Commissioner Sherow moved to recess into Executive Session until 9:35 p.m. for the purpose of preliminary discussions related to the acquisition of real estate. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 4-0.

At 9:35 p.m., the Commission reconvened with Mayor Pro-Tem Snead and Commissioners Sherow, Pepperd, and Morris-Hardeman in attendance. Mayor Pro-Tem Snead moved to come out of executive session and adjourn the meeting. Commissioner Pepperd seconded the motion. On vote, motion carried 4-0.

ADJOURNMENT

At 9:36 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

- FROM:** N-1, Airport Noise Hazard District
- TO:** I-3, Light Industrial District, with AO, Airport Overlay District.
- APPLICANT:** K & M Holdings, Inc. – Jon Mansel, President
- ADDRESS:** 258 NW 30th Street, St. John, KS 67576
- OWNERS:** The Grand Lodge of the Independent Order of Odd Fellows (I.O.O.F.)
– Vernon Bartlett, President, Jerry J. and Sharon K. Martin, and
Richard E. Jr. and Angela G. Britt
- ADDRESS:** PO Box 9271, Wichita, KS 67277, 4001 Kitten Creek Road,
Manhattan, KS 66503, 1400 S. Scenic Drive, Manhattan, KS 65502
- LOCATION:** Generally located approximately 3,000 feet west of the Scenic Drive
and Eureka Drive intersection and is on the north side of Eureka Drive,
west of the Flint Hills Job Corp.
- AREA:** Approximately 11.3 acres
- DATE OF PUBLIC NOTICE PUBLICATION:** Thursday, August 20, 2009
- DATE OF PUBLIC HEARING: PLANNING BOARD:** Thursday, September 10,
2009
- CITY COMMISSION:** Anticipated on Tuesday, November 3,
2009
- EXISTING USE:** Farm field, vacant agricultural land, vacant land in the 100-Year Flood
Plain and a portion of the Eureka Drive right-of-way.
- PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is comprised
of three separate tracts of land for an approximate total of 11.3 acres. The annexation
requests is comprised of approximately 9.2 acres tract of owned by The Grand Lodge
I.O.O.F, an approximate 1.6 acre tract owned by the Martin and a one (1) acre tract owned

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by the Britts. The Grand Lodge I.O.O.F. tract is a farm field with a thick stance of deciduous trees lining the south side of the property along Eureka Drive. The Martin tract is vacant agriculture land that is heavily wooded and has one deteriorated building located on the tract. The portion of the Britt tract is vacant land located in the 100-Year Floodplain that was once the old Kansas River oxbow. This area of the development is marsh land that is under shallow water during most of the year. Other portions are not within the special flood hazard areas (floodway, 100-year flood plain or 500-year flood plain).

The site also consists of approximately 11,587 square feet of Eureka Drive road easement to be dedicated to the City as Eureka Drive right-of-way (ROW). The existing southern property line does not extend to the centerline of Eureka Drive. Riley County has purchased a permanent road right-of-way easement from the Grand Lodge of the I.O.O.F. to expand and improve the County Road. This easement is the portion of the property that is to be dedicated to the City.

The southwest corner of the site is within the Approach and Transitional Zones of the Manhattan Regional Airport, and the site is entirely within the Horizontal and Conical Zones of the Airport, which requires that the AO, Airport Overlay District, be added to the site. Future uses (structures and trees), which are within the AO District may be required to obtain, and be granted, an Airport Compatible Use Permit prior to construction, planting or change to the structure or tree (see below under **CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE** for further information concerning the AO District).

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Farm field, Airport Road, a county road; N-1, Airport Noise Hazard District, G-1, General Agriculture District.
- (2) **SOUTH:** Eureka Drive, a county road, single-family dwellings and vacant residential lots, K-18 Highway; County A-1, Single Family Residential District, A-2, Single Family Residential District, A-4, Single Family Residential District, B-1, Two Family Residential District and G-1, General Agriculture District
- (3) **EAST:** Flint Hills Job Corps. Center, vacant agricultural land and farm field, Eureka Drive Addition; U, University District, County N-1, Airport Noise Hazard District, G-1, General Agriculture District, I-2, Light Manufacturing District, I-3, Light Industrial District, C-6 Heavy Commercial District, PUD, Industrial Planned Unit Development.

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(4) WEST: The Grand Lodge I.O.O.F. cemetery, farm field, single-family dwelling; N-1 Airport Noise Hazard District, County A-4, Single-Family Residential District, G-1, General Agriculture District.

GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood is a mix of agricultural land, residential uses, an educational campus and property zoned industrial and heavy commercial. The properties to the north and west of the site are mostly farm fields. The Flint Hills Job Corps Center and the Eureka Addition Industrial Park is located to the east of the site. To the south of the site are single-family residential dwellings and vacant residential lots in the Ady Addition. The Manhattan Regional Airport is located to the southwest of the site.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is zoned County N-1, Airport Noise Hazard District, which permits agricultural uses. The site is suitable for the current use in the current County Zoning District.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: To the south of Eureka Drive are single-family homes and vacant residential lots. The homes along Eureka Drive face the roadway and gain direct access to the County Road. To the south of these properties are single-family homes and several vacant, residential lots. Some of the vacant lots are owned by Riley County. These lots gain access from local, residential gravel streets (Ady Drive and Roever Road) that connect to Eureka Drive to the north. To the north and west of the site are farm fields and one single-family residential home. To the east of the site are the Flint Hills Job Corp. and farm fields.

The I-3, Light Industrial District, is designed to allow manufacturing, processing, assembly, and nonretail service activities (*The I-3 Zoning District regulations, including the permitted and conditional uses, are attached*). The I-3 District incorporates use limitations that are intended to mitigate the impact of the I-3 District uses. These use limitations include:

- 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.
- No retail sales or services shall be permitted except as an accessory-use.

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- Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that either share a common boundary with property, except streets, in a residential district, or are separated from such property by only an alley.
- No building shall be used for residential purposes except that a night watchman may reside on the premises.
- There shall be no noise, smoke, dust, odor or vibrations emanating from the property which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons off of said property.
- Exterior lighting shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
- No drive-in establishments are permitted, except those specifically listed.

Minimal impacts are anticipated to the properties to the north, east and west as a result of the proposed rezoning.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Southwest Planning Area of the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the majority of the proposed Eureka Drive Storage Addition as Industrial (IND). The northeastern portion of the site is designated Environmentally Sensitive Area. The southwest corner of the site is within the Approach and Transitional Zones of the Manhattan Regional Airport, and entirely within the Horizontal and Conical Zones of the Airport, as shown on the Environmental Values and Constraints Map. The site is also within a Special Planning Area, the Eureka Valley.

Specific policy statements of the Comprehensive Plan, as they relate to the proposed Eureka Drive Storage Addition, include:

Chapter 4: Land Use and Growth Management

I 1: Characteristics. *The Industrial designation is intended to provide locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations. 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 Park category and a broader range of uses is permitted.

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.*

I 3: Screening. *Storage, loading and work operations should be screened from view along all industrial area boundaries (when adjacent to non-industrial uses) and along all public streets.*

Chapter 5: Natural Resources and Environment

NRE 4: Environmentally Sensitive Areas: Wildlife Habitat and Corridors, Wetlands, Riparian Areas and Prairie Ecosystems

The Urban Area is home to a variety of environmentally sensitive areas, including: Wildcat Creek, the Big Blue and Kansas Rivers, numerous secondary stream corridors, drainage areas, and wetlands, as well as prairie ecosystems. In addition to their scenic quality, these areas provide other benefits, such as water quality enhancement and flood control, potential ecotourism, and also serve as important wildlife habitat. The City and County shall work to ensure that development impacts upon these areas are minimized.

Chapter 13: Special Planning Area Policies – Eureka Valley

EV 1: Manhattan Regional Airport

The location and design of future development should be compatible and consistent with the goals and policies of the Airport Master Plan.

EV 4: Industrial and Commercial Development Growth Area

The Valley's capacity will be expanded to include additional industrial and employment uses along Eureka Drive north and east of the airport and south of Eureka Drive east of the airport. A community commercial center could potentially be located along Ft. Riley Boulevard near the Scenic Drive intersection, if sufficient market demand can support such activity in the future. The timing of development of such a center will be important so as not to be premature.

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The I-3, Light Industrial District allows manufacturing and industrial services consistent with the Comprehensive Plan.

The 100-Year Flood Plain (Zone AE) is identified on the Preliminary Plat and Final Plat. The area within the 100-Year Flood Plain was once the old Kansas River oxbow. This area of the development is marsh land that is under shallow water during most of the year. A steep bank separates the shallow water from the elevated land of the Martin tract. This portion of the development will be regulated within the 100-Year Flood Plain, according to the Flood Plain Regulations of the Manhattan Zoning Regulations. The area within the 100-Year Flood Plain is shown as being in a Drainage Easement on the Preliminary Plat and Final Plat, which will limit the development of this portion of the site to only structures required for the retention, detention or flow of stormwater runoff (City of Manhattan Code of Ordinance Sec. 32-186).

The AO, Airport Overlay District is proposed to be added to the underlying zoning districts, which will control construction within the AO District.

The rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site is County N-1, Airport Noise Hazard District. The majority of the site is farm field or vacant land associated with the 100-Year Floodplain of the old Kansas River oxbow. A dilapidated structure is located on vacant agricultural land (the Martin tract). It is undeterminable how long the property has been vacant.

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 I-3, Light Industrial District, is designed to allow manufacturing, processing, assembly, and nonretail service activities (*I-3 District regulations attached*).

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

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airport's operation or the public welfare.” Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit (*AO District regulations attached*).

Development in the 100-Year Flood Plain is subject to the requirements of the Flood Plain Regulations of the Manhattan Zoning Regulations, which are intended to protect life and property from flooding.

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 area located within the 100-Year Floodplain is to be dedicated as a drainage easement with the Preliminary and Final Plats. This dedicated easement will limit the use to only structures required for the retention, detention or flow of stormwater runoff. It may be a hardship to the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate streets, sanitary sewer and water services are available to serve the propose Eureka Drive Storage Addition.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Eureka Drive Storage Addition from County N-1 to I-3, Light Industrial District, with AO, Airport Overlay District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Eureka Drive Storage Addition from County N-1 to I-3, Light Industrial District, with 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.

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POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Eureka Drive Storage Addition from County N-1, Airport Noise Hazard District to I-3, Light Industrial District, with AO, Airport Overlay District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, Planner II

DATE: August 25, 2009

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