



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, JANUARY 6, 2004***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Mark Taussig and Commissioners Brad Everett, Ed Klimek, Bruce Snead, and Mark Hatesohl were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Diane Stoddard, Assistant to the City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 8 staff, and approximately 15 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Taussig led the Commission in the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Taussig opened the public comments.

Hearing no comments, Mayor Taussig closed the public comments.

**COMMISSIONER COMMENTS**

Commissioner Snead congratulated those individuals involved in the activities of the New Year's Eve Celebration in Aggieville.

Mayor Taussig informed the community that today was his wedding anniversary.

**CONSENT AGENDA**

(\* denotes those items discussed)

**MINUTES**

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, December 16, 2003.

**CLAIMS REGISTER NO. 2496**

The Commission approved Claims Register No. 2496 authorizing and approving the payment of claims from December 10, 2003, to December 29, 2003, in the amount of \$2,593,427.14.

## CONSENT AGENDA (CONTINUED)

### **BOARD APPOINTMENTS**

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

#### *Board of Zoning Appeals*

Appointment of Calvin Emig, 1400 Sharingbrook Drive, to a three-year term. Mr. Emig's term begins immediately and will end December 31, 2006.

#### *Downtown Redevelopment Steering Committee*

Appointment of Doris Wright Carroll, 5600 High Meadow Drive.

### **RENEWAL LICENSES**

The Commission approved the renewal applications for Cereal Malt Beverage and Trc Mnintenancc lincnses for calendar year 2004.

### **FINAL PLAT – EVERGREEN WOODS ADDITION**

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Evergreen Woods Addition, generally located at the southern end of South Evergreen Avenue and northeast of the intersection of Cedar Drive and Pierre Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### **\* AWARD CONTRACT – HOUSING REHABILITATION PROJECT**

Ron Fehr, City Manager, introduced the item and answered questions from the Commission

Karen Davis, Director of Community Development, presented the item and answered questions from the Commission.

This item was tabled to a future meeting.

### **REQUEST – WAIVER OF FEES – HABITAT FOR HUMANITY**

The Commission approved the request from Manhattan Habitat for Humanity to waive the General Residential Contractor's license, platting fees and building permit fees and authorized payment of the water and sewer fees, if applicable, for homes that are constructed by Habitat for Humanity in 2004.

## CONSENT AGENDA (CONTINUED)

### REQUEST – WAIVER OF FEES – MANHATTAN AREA HOUSING PARTNERSHIP

The Commission approved the request from Manhattan Area Housing Partnership to waive the building permit fees and authorized payment of water and sewer fees, if applicable, for six homes constructed in the Brookfield subdivision in 2004.

### ORDINANCE NO. 6386 – VACATE UTILITY EASEMENT – LOTS 23 AND 24, BEAR CREEK ADDITION

The Commission approved Ordinance No. 6386 vacating a portion of the utility easement on Lots 23 and 24, Bear Creek Addition, City of Manhattan, Riley County, Kansas.

After discussion, Commissioner Snead moved to approve the consent agenda and table Item F: AWARD CONTRACT – HOUSING REHABILITATION PROJECT, to the Tuesday, January 20, 2004, City Commission meeting. Commissioner Everett seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### FIRST READING – REZONE - FORMER STEEL & PIPE SUPPLY CO. SITE

Eric Cattell, Assistant Director for Planning, presented the item.

Ruth Schrum, 720 Midland Avenue, property owner in the redevelopment area, **spoke** in favor of slowing down the process of the redevelopment.

Rick Kiolbasa, representing Dial Realty, spoke in support of the item, further explained the agreement with the City, and answered questions from the Commission.

Eric Cattell, Assistant Director for Planning, described different zones and requirements. He then answered questions from the Commission.

After discussion Commissioner Snead moved to approve first reading of an ordinance rezoning the former Steel & Pipe site, generally located east of North Third Street, west of Tuttle Creek Boulevard, south of Moro Street, and northeast of the intersection of Leavenworth Street and North Third Street, from C-5, Highway Service Commercial District and 1-3, Light Industrial District, to C-4, Central Business District, based on the findings in the Staff Report. (*See Attachment No. 1*) Commissioner Everett seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### RECOMMENDATION - ESSENTIAL AIR SERVICE

Russ Johnson, Airport Director, presented the item and answered questions from the Commission.

Shane Storz, Vice President, Multi-Acro, Inc., presented his proposal to provide passenger service at the Manhattan Regional Airport. He then answered questions from the Commission.

Ron Fehr, City Manager, presented additional information.

Russ Johnson, **Airport** Manager, answered additional questions from the Commission.

Bill Barta, Senior Planning Analyst, Mesa Air Group, presented options provided by Mesa Air Group. He then answered questions from the Commission.

Dick Hayter, 1920 Grandview Drive, Airport Advisory Board member, provided a historical perspective of boarding's and airline companies. He informed the Commission of the Airport Advisory Board's recommendations and discussions. He then answered questions from the Commission.

John Armbrust, Manhattan Area Chamber of Commerce, spoke in support of the recommendation of the Airport Advisory Board and City Staff.

Carl Reed, Airport Advisory Board member, explained the Board's position on the item and said that affordable fares and flight availability are ongoing challenges that need to be addressed.

Ron Fehr, City Manager, and Russ Johnson, Airport Manager, answered questions from the Commission.

After discussion, Commissioner Klimek moved to authorize the Mayor to sign a letter recommending Air Midwest be designated as the Essential Air Service Carrier for Manhattan and authorize City staff to explore an air service agreement with Multi-Aero, Inc., of Festus, Missouri, and other carriers, in utilizing AIR-21 grant funds. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

### AWARD CONTRACT - 2004-2005 UTILITY CUTS

Diane Stoddard, Assistant City Manager, presented the item and provided the recommendation of City Administration. She then answered questions from the Commission.

## GENERAL AGENDA (CONTINUED)

### AWARD CONTRACT - 2004-2005 UTILITY CUTS (CONTINUED)

After discussion, Commissioner Hatesohl moved to accept the Engineer's Estimate in the amount of \$227,845.00 and award a construction contract in the amount of \$199,550.00 to Manhattan Trenching, Inc., of Manhattan, Kansas, for utility pavement cut repairs. Coinmissioner Klimek seconded the motion. On a roll call vote, motion carried 5-0.

## EXECUTIVE SESSION

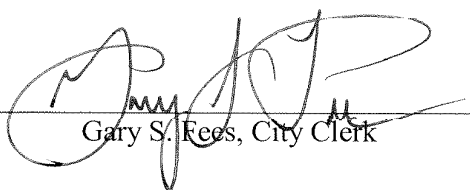
At 9:04 p.m., Commissioner Snead moved to recess into Executive Session until 9:35 p.m. for the purpose of discussions with the City Attorney regarding pending legal matters that need to be confidential and that are deemed privileged in the attorney-client relationship. Commissioner Everett seconded the motion. On a roll call vote, motion carried 5-0.

At 9:38 p.m., the Commission reconvened with Mayor Taussig and Commissioners Everett, Klimek, Snead, and Hatesohl in attendance.

### ADJOURNMENT

Commissioner Snead moved to adjourn. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

At 9:39 p.m., the Commission adjourned.



Gary S. Fees, City Clerk

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** C-5, Highway Service Commercial District, and I 3, Light Industrial District

**TO:** C-4, Central Business District

**APPLICANT:** Dial Realty Development Corp.

**ADDRESS:** 11506 Nicholas St., #200, Omaha, NE 68154

**OWNERS:** Steel & Pipe Supply Co. Inc.; Kansas Hide & Wool Co. Inc.: and, MBI, Inc.

**ADDRESSES:** P.O. Box 1688, Manhattan, KS, 66505; and, 555 Poyntz, Manhattan, KS,  
66502

**LOCATION:** Generally located east of North 3<sup>rd</sup> Street, west of Tuttle Creek Boulevard, south of Moro Street, and northeast of the intersection of Leavenworth Street and North 3<sup>rd</sup> Street.

**AREA:** Approximately 6.5 acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, November 24, 2003

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, December 15, 2003  
**CITY COMMISSION:** Tuesday, January 6, 2004

**EXISTING USE:** Former site of Steel & Pipe Supply Company. Currently the site is a combination of vacant C5 and I3 Districts.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** A flat site, with evergreen trees located along portions of North 3<sup>rd</sup> Street and Tuttle Creek Boulevard street frontages, with the remainder of the site concrete or gravel surfaced. The site drains to the south/southeast and is located in a 500 Year Flood Plain. Development in a 500 Year Flood Plain is not subject to the requirements of Manhattan's Flood Plain Regulations.

**SURROUNDING LAND USE AND ZONING:**

*Attachment No. 1*

- (1) **NORTH:** Restaurants, convenience stores, Bluemont Avenue; C-5 District.
- (2) **SOUTH:** Carpet sales, convenience store, electric substation; Manhattan Town Center; C-5 and C-4 Districts.
- (3) **EAST:** Tuttle Creek Boulevard, major retailers including Wal-Mart, Staples, and Dillons Grocery Store, and other retailers and service commercial activities; Planned Unit Development and C-5 Districts.
- (4) **WEST:** North 3<sup>rd</sup> and 4<sup>th</sup> Street, single-family, two-family and multiple-family, restaurants, and retail and service commercial uses; C-2, Neighborhood Shopping District, C-5 District, and R-3, Multiple-Family Residential District.

**GENERAL NEIGHBORHOOD CHARACTER:** The neighborhood is characterized by a combination of retail, service commercial and residential uses to the south and north. The Central Business District is also to the south. Retail, service commercial, and residential uses are to the west. Tuttle Creek Boulevard, a major north/south highway, is to the east, and separates the rezoning site from major and other retail and service commercial activities located to the east of Tuttle Creek Boulevard.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is vacant and is sufficient in area for the permitted and conditional uses of the C-5 and I-3 Districts.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed C-4 District allows a broad range of retail, commercial services, business and professional offices, and residential uses. The rezoning is consistent with the commercial/residential character of the neighborhood. No detrimental affects are expected.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The Manhattan Urban Area Comprehensive Plan shows the site as Central Core District (CCD) (*attachment*), which is a special purpose designation for the Downtown Core. This designation is due to its unique historical character and importance to the broader community. The Downtown Core consists of a variety of civic, cultural, retail, commercial, business and professional offices, financial institutions, and residential uses. All of these activities are within a compact, vibrant setting enhanced by a large inventory of older, and in some cases historic, structures and a pedestrian friendly scale.

*Attachment No. 1*

Prior to adoption of the Manhattan Urban Area Comprehensive Plan, the rezoning site was designated for expansion of the Central Business District, in the Downtown Tomorrow – A Redevelopment Plan for Downtown Manhattan, Kansas, adopted in May 2000. The Downtown Tomorrow Plan is a more specific district element of the Comprehensive Plan. In the Downtown Tomorrow Plan, it is suggested that there are two primary redevelopment areas, one north of Downtown, and a second, south of Downtown. The rezoning site is within the area north of Downtown (*attachment*).

In addition, a Downtown Redevelopment Master Planning process is currently underway. The rezoning site is included within the area being considered by the Master Planning process.

The proposed rezoning conforms to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:**

1926-1965: E, Light Industrial District; B, 2<sup>nd</sup> Dwelling House District; and, D, Central Business District.

1965-1969: E, Light Industrial District; C, local Business District; and D, Central Business District.

1969-Present: C-5 District and 1-3 District.

Portions of the Steel & Pipe Supply business have recently been demolished, with some buildings having been disassembled and relocated. As of the date of this Staff Report, the majority of the site is vacant, except for concrete foundations.

**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 C-4, Central Business District, is the primary commercial center of the community and is designed to provide for a broad range of retail shopping facilities, services, and cultural activities. The C4 District also allows all residential uses, including bed and breakfasts, as permitted uses. In addition, the C-4 District provides a flexible basis for development, Lot coverage is 100%. There are no setback requirements, unless the tract of land abuts a residential zoning district; there are no limits on the number of uses that can be established nor are there any height limitations; and, there are no minimum number of off-street parking spaces that must be provided.



*Attachment No. 1*

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** The rezoning will implement the recently adopted Comprehensive Plan and will remove an industrial site within an area proposed to be developed as an extension on the downtown. There appears to be no relative gain to the public; that denial would accomplish compared to the hardship to the applicant/owners.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the site.

**OTHER APPLICABLE FACTORS:** None

**STAFF COMMENTS:**

City Administration recommends approval of the rezoning of the former Steel & Pipe Supply site, which is generally located east of North 3<sup>rd</sup> Street, west of Tuttle Creek Boulevard, south of Moro Street, and northeast of the intersection of Leavenworth Street and North 3<sup>rd</sup> Street, from C-5, Highway Service Commercial District, and 1-3, Light Industrial District, to C-4, Central Business District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the former Steel & Pipe Supply site, which is generally located east of North 3<sup>rd</sup> Street, west of Tuttle Creek Boulevard, south of Moro Street, and northeast of the intersection of Leavenworth Street and North 3<sup>rd</sup> Street, from C-5, Highway Service Commercial District, and 1-3, Light Industrial District, to C-4, Central Business 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.

*Attachment No. 1*

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the former Steel & Pipe Supply site, which is generally located east of North 3<sup>rd</sup> Street, west of Tuttle Creek Boulevard, south of Moro Street, and northeast of the intersection of Leavenworth Street and North 3<sup>rd</sup> Street, from C-5, Highway Service Commercial District, and I-3, Light Industrial District, to C-4, Central Business District, based on the findings in the Staff Report.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** December 8, 2003 03063}SR}DialC5I3toC4