



MINUTES
CITY COMMISSION MEETING
TUESDAY, NOVEMBER 1, 2016
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Usha Reddi and Commissioners Linda Morse, Michael L. Dodson, Wynn Butler, and Karen McCulloh were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 6 staff, and approximately 35 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Reddi led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Reddi proclaimed November 5, 2016, ***Buddy Poppy***. Marvin Ketterer, Quarter Master, VFW Post 1786, was present to receive the proclamation.

Mayor Reddi proclaimed November 19, 2016, ***Pawnee Mental Health Services 60th Anniversary***. Robbin Cole, Executive Director, Pawnee Mental Health, and Stan Wilson, Board Member, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Reddi opened the public comments.

Katie Jordon, Chair, Flint Hills Human Rights Project, informed the Commission that it was her pleasure to personally stand here and thank the Commission for addressing discrimination in the city. She stated that one year ago, members and supporters began coming to public comment periods asking the Commission to include lesbian, gay, bisexual, and transgender (LGBT) citizens in the city's policy for discrimination. She provided additional information on the item and reiterated her thanks to the City Commission and City staff and invited everyone to join them at the Keltic Star after the meeting for this historic day in the city.

PUBLIC COMMENTS (CONTINUED)

Mayor Reddi thanked Katie Jordon, the Flint Hills Human Rights Project members, and the community for their efforts and hard work on the ordinance.

Hearing no other comments, Mayor Reddi closed the public comments.

COMMISSIONER COMMENTS

Commissioner Butler reminded citizens that new appointments for the Riley County Law Board will begin in January 2017 for both the City of Manhattan and Riley County positions. He encouraged citizens interested in serving on the Law Board to fill out an application on the City's website or contact the Riley County Commission.

Mayor Reddi encouraged citizens to take advantage of advanced voting to avoid the lines on election day and to visit the Riley County election page website for additional information. She mentioned the events taking place for Veterans Day and for the 60th Anniversary of Pawnee Mental Health Services. She also informed the community that the Wonder Workshop and Richard Pitts are planning a Soul Food Dinner fundraiser event on November 14, 2016, Pottorf Hall at CiCo Park.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, October 18, 2016.

CLAIMS REGISTER NO. 2833

The Commission approved Claims Register No. 2833 authorizing and approving the payment of claims from October 12, 2016, to October 25, 2016, in the amount of \$1,581,465.05.

LICENSES

The Commission approved a Merchant Guard Agency License for calendar year 2017 for G4S Secure Solutions (USA) Inc., 1100 Main Street, Kansas City, Missouri; and Tree Maintenance Licenses for calendar year 2017 for Mugler Tree Care, 2400 West 60th Avenue; and Three Men Tree Service, 255 Ridge Drive.

CONSENT AGENDA (CONTINUED)

FINAL PLAT – 2618 KIMBALL ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of 2618 Kimball Addition, generally located at the northeast corner of Kimball Avenue and Parkway Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 7257 – REZONE – HERITAGE SQUARE NORTH

The Commission approved Ordinance No. 7257 rezoning Heritage Square North, a 32.5 acre tract generally located north of the intersection of US Highway 24 and South Port Drive, from Pottawatomie County CH, Highway Commercial District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report (*See Attachment No. 1*) and the recommendation of the Planning Board.

NEGOTIATE CONTRACT – PROFESSIONAL SERVICES - UNIFIED DEVELOPMENT ORDINANCE (CIP #CD005P)

The Commission accepted the recommendation from the Selection Committee, and authorized City Administration to negotiate a Contract and Scope of Services with Kendig Keast Collaborative, from Sugarland, Texas, for professional services related to an update of the Manhattan Zoning Regulations and Manhattan Urban Area Subdivision Regulations into a Unified Development Ordinance (CIP #CD005P).

NEGOTIATE CONTRACT – PROFESSIONAL SERVICES – CDBG DOUGLASS COMMUNITY CENTER ARCHITECTURAL AND ELECTRICAL RENOVATIONS PROJECT (CD1617)

The Commission accepted the recommendation from the Selection Committee, and authorized City Administration to negotiate a contract with BG Consultants, of Manhattan, Kansas, for professional design services for the Community Development Block Grant (CDBG) Douglass Community Center Architectural and Electrical Renovations Project (CD1617).

CONTRACT AMENDMENT NO. 1 – DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES – CDBG RILEY COUNTY SENIORS’ CENTER KITCHEN RENOVATION PROJECT (CD1616)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 1 with Bruce McMillan AIA Architects, of Manhattan, Kansas, for additional professional design and construction administration services for the CDBG Riley County Seniors’ Center Kitchen Renovation Project (CD1616).

CONSENT AGENDA (CONTINUED)

AGREEMENT – KDOT – K-113 CORRIDOR STUDY (ST1507, CIP #EN090P)

The Commission authorized the Mayor and City Clerk to execute City-State Agreement No. 352-16 with the Kansas Department of Transportation (KDOT) for the K-113 Corridor Study (ST1507, CIP #EN090P) project.

BOARD APPOINTMENTS

The Commission approved the following appointments by Mayor Reddi to various boards and committees of the City:

Aggieville Business Improvement District Advisory Board

Appointment of Andrew Suber, 1212 Bluemont Avenue, to fill the unexpired term of Scott Bauer. Mr. Suber's term begins immediately and will expire December 31, 2018.

City-University Special Projects Fund Committee

Appointment of Andrew Crowder, 3629 Hawthorne Woods Terrace, to a one-year Student term. Mr. Crowder's term begins immediately, and will expire June 30, 2017.

Re-appointment of Jonathan Peuchen, 1830 College Heights Road, to a one-year Student term. Mr. Peuchen's term begins immediately, and will expire June 30, 2017.

Commissioner McCulloh moved to approve the consent agenda. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING - RESOLUTION OF INTENT - ANNEX THE PROPOSED AIRPORT PROPERTY

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission and highlighted a map showing the subject site as well as City and County property.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - RESOLUTION OF INTENT - ANNEX THE PROPOSED AIRPORT PROPERTY (*CONTINUED*)

After discussion, Commissioner Dodson moved to approve Resolution No. 110116-A, consenting to the annexation of the City's Real Estate and requesting that the Board of Riley County Commissioners make certain findings regarding the island annexation of the proposed 6.44 acres of property near the Manhattan Regional Airport. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - PROHIBIT USE OF ELECTRONIC CIGARETTES IN PUBLIC PLACES AND PLACES OF EMPLOYMENT

Jared Wasinger, Management Assistant, presented an overview of the item. He highlighted the history on the initiative and referendum statute and current non-smoking ordinance; background information on the item; the proposed electronic cigarette (e-cigarette) ordinance, the definitions in the existing non-smoking ordinance and proposed e-cigarette ordinance, the access points and retail store information for the existing non-smoking ordinance and the proposed e-cigarette ordinance; the proposed signage and enforcement provisions; and a summary of the proposed e-cigarette ordinance. He then responded to questions from the Commission regarding the proposed provisions and enforcement of the proposed and current non-smoking ordinance. He stated that these are two separate ordinances and if desired, could be combined in the future by actions of the City Commission.

Mayor Reddi opened the public comments.

Crayton Caswell, owner, Manhattan Vapors, stated that the proposed ordinance is not the greatest idea from the perspective of public health. He provided information about vaping and the benefits that vaping provides. He requested that the Commission do not combine these two ordinances into one because they are not the same. He then responded to questions from the Commission regarding scientific research that is available today and data that may be available in the future.

Commissioner McCulloh stated that the Riley County Public Health Advisory Council had information on both sides, but the Council had enough information to make its recommendation. She stated there is a substantial amount of evidence and studies that indicate that e-cigarettes is not healthy for most people and needs to be addressed.

Mayor Reddi stated that research takes a long time and was satisfied with the current non-smoking ordinance and the proposed e-cigarette ordinance.

Hearing no other comments, Mayor Reddi closed the public comments.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - PROHIBIT USE OF ELECTRONIC CIGARETTES IN PUBLIC PLACES AND PLACES OF EMPLOYMENT (*CONTINUED*)

After discussion and comments from the Commission, Commissioner McCulloh moved to approve first reading of an ordinance prohibiting the use electronic cigarettes in public places and places of employment. Commissioner Dodson seconded the motion.

Commissioner Morse voiced appreciation for the request from the Riley County Public Health Advisory Council and was hopeful more research would be conducted. She stated that voters in the community spoke clearly in the 2008 election regarding support for the non-smoking ordinance and commented that other Kansas cities have passed ordinances regarding e-cigarettes. She voiced support that these two ordinances need to be tied together in the future and stated that as time goes on, this industry will get bigger and harder to reign in.

Commissioner Dodson stated that he was willing to see what the future data suggests. He commented that how inhalants are taken in the future may be easier than how medications are taken today. He voiced support to keep the two ordinances separate until more information is available.

Commissioner Butler stated that the two ordinances need to be kept separate until the data is available and would support the ordinance as written.

Mayor Reddi stated that she was okay with having two separate ordinances based on the research that we have available to make a decision. She also mentioned other addictive sources based on research and potential impacts that it can have to others.

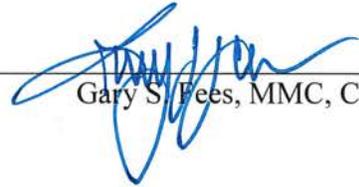
Ron Fehr, City Manager, provided clarification that the current ordinance adopted by the initiative has to be on the books for ten years and does not expire after the ten year period. He stated at that time, the Commission can continue to leave the ordinance in place without any action or would need to take positive action to repeal or modify the ordinance. He said the first opportunity for the Commission, if desired, to join the two ordinances would be in 2019. He reiterated that the current ordinance does not sunset automatically and will stay in effect until there is definitive action by the Commission.

After further comments from the Commission, on a roll call vote, motion carried 5-0.

Commissioner Morse stated that she opposed vaping in the store selling the vaping product and was anxious to marry these two ordinances at the first opportunity, which would be in 2019.

ADJOURNMENT

At 7:45 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: Pottawatomie County CH, Highway Commercial District

TO: C-5, Highway Service Commercial District

APPLICANT/OWNER: MCM Properties, LLC – Rob Eichman

ADDRESS: 701 S. 4th Street, Manhattan, Kansas

LEGAL DESCRIPTION: A tract of land located in Section 9, Township 10 South, Range 9 East (see application materials for complete legal description)

LOCATION: Generally located to the north of the intersection of U.S. Highway 24 and South Port Drive.

AREA: 1,416,035 square feet (32.51 acres)

DATE OF NEIGHBORHOOD MEETING: July 12, 2016

DATE OF PUBLIC NOTICE PUBLICATION: September 12, 2016

DATE OF PUBLIC HEARING: PLANNING BOARD: October 3, 2016

CITY COMMISSION: October 18, 2016

Note: Ordinance No. 6606 annexed the land commonly referred to as Heritage Square North (subject site) and Heritage Square South and the adjacent U.S. Highway 24 right-of-way. Ordinance No. 6607 rezoned the land associated with Heritage Square South to Commercial Planned Unit Development District. The Heritage Square North (subject site) was not rezoned at the time because the applicant was not ready to submit a complete PUD application. However, the site was annexed to facilitate the improvements at the intersection and public utility improvements for the area. Heritage Square North (subject site) remains zoned as Pottawatomie County CH, Highway Commercial District, but was annexed into the City. A restrictive covenant was proposed by the applicant and approved by the City Commission that recognized the unique development process and established an agreement that the property owner would apply for City rezoning before any platting or building permits could be completed. The preferred district to rezone to at the time was to a PUD, but it was not mandatory.

The applicant has also proposed a Preliminary Plat to be known as Heritage Square North, that will create 14 commercial lots. Please see the corresponding Preliminary Plat Staff Memorandum for more information on the proposed subdivision.

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Vacant ground currently being used as row crop agriculture

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The subject site is relatively flat, with a steep bank adjacent to the Big Blue River to the north. Improvements on the stream bank have been done in the past to reduce erosion and stabilize the bank on the subject site.

The approximate western half of the property is currently located in the FEMA mapped Floodway and 1% Annual Chance Floodplain (100-year floodplain). This area of the property has been filled and leveled in the past to increase the amount of developable land. This fill in the Floodway was done in 2013 and 2014 in accordance with the City's Floodplain Regulations and State Regulations, including proving that the base flood elevation will not be increased by the addition of the fill in the area. The applicant has submitted a Letter of Map Amendment, based on Fill (LOMR-F) application to FEMA. If approved, the LOMR-F will provide documentation stating that the fill has been properly added to remove the site from the Floodway and 1% Annual Chance Floodplain.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Big Blue River on private property, City of Manhattan raw water well field and row-crop agriculture land; Riley County General Agriculture District.

SOUTH: U.S. Highway 24 right-of-way, a four-lane divided highway, a variety of highway service and retail commercial properties associated with Heritage Square South and individual properties in rural Pottawatomie County; Heritage Square South Commercial PUD and Pottawatomie County CH, Highway Commercial District.

EAST: A variety of highway service and retail commercial properties on individual properties in rural Pottawatomie County and single-family and two-family residential neighborhoods off of Excel Road; Pottawatomie County CH District, Pottawatomie County R-1, Single-Family Residential District and Pottawatomie County R-2, Two-Family Residential District.

WEST: A variety of highway service, retail commercial and industrial properties on individual properties in rural Pottawatomie County; Pottawatomie County CH District.

4. GENERAL NEIGHBORHOOD CHARACTER: The surrounding area is the commercial corridor along U.S. Highway 24. These uses include older highway service commercial uses, such as new and used car dealerships and mechanics, to new highway service and retail uses along the corridor, especially in the Heritage Square South PUD. To the east of the site includes residential lots and industrial uses. The area to the west also includes row crop agriculture uses and a tree farm.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The subject site is annexed into the City, but was never rezoned to a City zoning district. The Pottawatomie County Zoning District in place at the time the subject site was annexed was CH, Highway Commercial District.

A restrictive covenant was submitted by the applicant at the time of annexation and agreed upon by the City Commission that before the property could be subdivided or built upon, the subject site would need to be rezoned.

Based on the unique situation, the subject site is not suitable under the current zoning district.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning of the subject site will be compatible with surrounding properties and should have minimal detrimental effects on those properties. The surrounding properties, both in Pottawatomie County and within the City annexed, Heritage Square South PUD, consist of uses permitted in the C-5, Highway Service Commercial District (see attached district regulations).

The restrictive covenant previously mentioned stated that a Commercial PUD would be a preferred district to rezone the property. The preference at the time was to ensure adequate control over the development's site and building design and to be consistent with the Heritage Square South zoning. With the Heritage Square South development nearly complete, the majority of the commercial development conforms to the C-5 District, with only minor variations of the C-5 District's setbacks for off-street parking. Additionally, because the Heritage Square South PUD did not have a detailed site and building design to address future phases, the PUD Amendment process proved to be extremely burdensome for developments that were consistent with the C-5 District and the surrounding areas. For these reasons, the applicant has chosen to seek the straight C-5 District rezoning.

7. CONFORMANCE WITH COMPREHENSIVE PLAN:

Heritage Square North is shown on the Future Land Use map in the Northeast Planning Area of the 2035 Manhattan Area Comprehensive Plan as Community Commercial (CC). Policies of the CC category are below:

CC-1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the broader community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a Community Commercial Center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC-2: Location

Community Commercial Centers should be located at the intersection of one or more major arterial streets in commercial nodes; rather than being developed in linear, “strip” configurations along major street corridors. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as “big-box” stores) are permitted only in areas of the City where adequate access and services can be provided.

CC-3: Size

Typically require a site of between 10 and 30 acres.

CC-4: Unified Site Design

Establish a unified site layout—landscaping, signage, pedestrian, and vehicular circulation—for the center to guide current and future phases of development. Site design features should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.

CC-5: Building Design and Character

Require Community Commercial Centers to meet a basic level of architectural detailing, compatibility of scale with surrounding areas, pedestrian and bicycle access, and mitigation of negative visual impacts such as large building walls, parking areas, and service and loading areas. While these requirements apply to all community commercial development, they are particularly important to consider for larger footprint retail buildings, or “big-box” stores. A basic level of architectural detailing shall include, but not be limited to, the following:

- *Façade and exterior wall plane projections or recesses;*
- *Arcades, display windows, entry areas, awnings, or other features along facades facing public streets;*
- *Building facades with a variety of detail (materials, colors, and patterns); and*
- *High quality building materials.*

CC-6: Organization of Uses

Concentrate Community Commercial services within planned activity centers, or commercial nodes, throughout the community. Cluster complementary uses within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses, such as high density residential, where feasible. Linear development patterns, particularly when parcels provide a single use and are developed independently, can require multiple access points and lead to disruption of traffic flow on adjacent streets. Although lot sizes and/or configurations in some areas may warrant the use of a more linear development pattern, it is generally discouraged.

CC-7: Circulation and Access

Provide clear, direct pedestrian connections through parking areas to building entrances, to surrounding neighborhoods and streets, and transit stops. Integrate main entrances or driveways with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles. Provide a limited number of vehicle access points to minimize impacts on surrounding uses and maintain an efficient traffic flow to and from the site.

CC-8: In fill and Redevelopment / Adaptive Reuse

Encourage the revitalization and/or redevelopment of underutilized Community Commercial areas over time to take advantage of existing infrastructure and promote the efficient use of available land. Support opportunities to repurpose large surface parking

Attachment No. 1

lots typical of Community Commercial areas by incorporating additional pad sites for office or commercial uses or high density residential along the street edge. Support the adaptive reuse of existing buildings in older strip commercial centers on smaller lots where infill and redevelopment is less viable.

The proposed Preliminary Plat will create 14 commercial lots and will dedicate road right-of-way to connect to the existing signalized intersection at U.S. Highway 24 and South Port Drive. The proposed rezoning conforms to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

- June 29, 2006: City of Manhattan receives requests for island annexation of the proposed Heritage Square North and Heritage Square South tracts from Roger Schultz and Rob Eichman.
- July 11, 2006: City Commission approves Resolution Nos. 071106-H & I, requesting the Board of Pottawatomie County Commissioners to make positive findings regarding the requested island annexation of Heritage Square North and Heritage Square South.
- July 27, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexations of Heritage Square North and Heritage Square South.
- August 15, 2006: City Commission approves first reading of ordinances annexing Heritage Square North and Heritage Square South; and, approves Resolution No. 081506-A, requesting the Board of Pottawatomie County Commissioners to make positive findings regarding the island annexation of that portion of the US 24 Right-of-way that adjoins Heritage Square.
- August 18, 2006: City of Manhattan receives Consent to Annexation from the Kansas Department of Transportation for that portion of the US Highway 24 right-of-way that adjoins Heritage Square South, consisting of 6.791 acres.
- August 21, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexation of that portion of the US Highway 24 right-of-way that adjoins Heritage Square South.

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- October 16, 2006 Manhattan Urban Area Planning Board holds public hearing and recommends approval (7-0), of the rezoning the proposed Heritage Square South and the adjoining US Highway 24 right-of-way from County - CH, Highway & Commercial Corridor District, to PUD, Commercial Planned Unit Development District.
- November 7, 2006 City Commission approved first reading of an ordinance annexing the 6.8-acre portion of the US Highway 24 right-of-way that adjoins the Heritage Square South development; and, approved first reading of an ordinance rezoning the proposed Heritage Square South development and the adjoining portion of US Highway 24 right-of-way, to PUD, Planned Unit Development District.
- February 6, 2007 City Commission approves Ordinance No. 6606 annexing proposed Heritage Square North, proposed Heritage Square South and the 6.8-acre portion of the US Highway 24 right-of-way that adjoins Heritage Square South; and, approved Ordinance No.6607 rezoning the Heritage Square South and the adjoining portion of US Highway 24 right-of-way, to PUD, Commercial Planned Unit Development District.

9. 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-5, Highway Service Commercial District (*regulations attached*) is designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which may require access to major streets and highways.

The proposed rezoning will establish a City Zoning District that is similar in use and development standards to the adjacent properties along the U.S. Highway 24 Corridor. The proposal is consistent with the intent of the C-5 District regulations.

10. 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 does not appear to be an adverse impact on the public health, safety and general welfare as a result of the rezoning. The proposed rezoning will allow uses and a development pattern that is consistent to the existing uses in the area. It may be a hardship on the applicant if the rezoning is denied as no adverse affect on the public is anticipated.

Attachment No. 1

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities and services are available to serve the site. Intersection improvements and improvements to the public utilities are completed to provide adequate services to the commercial development.

12. OTHER APPLICABLE FACTORS:

13. STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Heritage Square North from Pottawatomie County CH, Highway Commercial District to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Heritage Square North from Pottawatomie County CH, Highway Commercial District to C-5, Highway Service Commercial District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Heritage Square North from Pottawatomie County CH, Highway Commercial District to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Senior Planner

DATE: September 21, 2016

CB/vr

16021 }SR}HeritageSquareNorth_Rezone_C5

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: Riley County C-4, Highway Business District.

TO: AO, Airport Overlay District

APPLICANT/OWNERS: City of Manhattan – Ron Fehr, City Manager

ADDRESS: 1101 Poyntz Avenue, Manhattan, KS

LEGAL DESCRIPTION: A tract of land associated with the Manhattan Regional Airport's Fixed Base Operator facility, the adjacent armory building and adjacent Airport Road right-of-way located in the Northwest Quarter of Section 33, Township 10 South, Range 7 East; and road-right-of-way at the intersection of S. Airport Road and Skyway Drive in the Northeast Quarter of Section 32, Township 10 South, Range 7 East.

LOCATION: The subject site is generally located along S. Airport Road. The Manhattan Regional Airport's Fixed Base Operator facility is located on the Airport property, as is the former Armory Building located at 1709 S. Airport Road. The rezoning request is also for the adjoining portion of S. Airport Road generally located at the intersection of S. Airport Road and Murray Road, and at the intersection of S. Airport Road and Skyway Drive.

AREA: Total area is 6.44 acres
Fixed Base Operator Facility, Old Armory Building and ROW site is 5.51 acres in area
S. Airport Road and Skyway Drive ROW site is 0.93 acres in area

DATE OF NEIGHBORHOOD MEETING: August 15, 2016

DATE OF PUBLIC NOTICE PUBLICATION: September 15, 2016

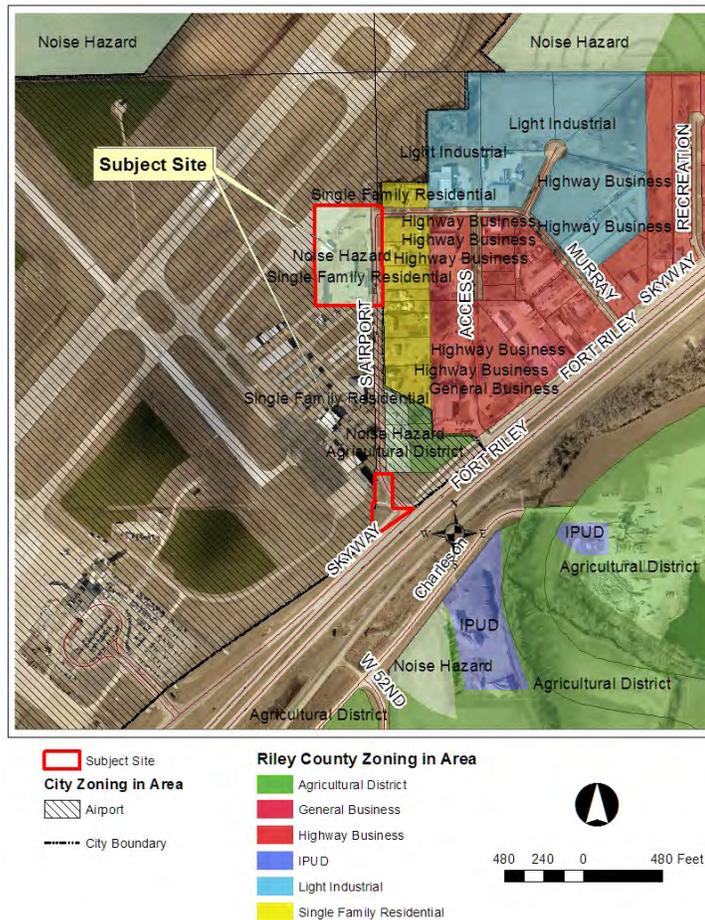
DATE OF PUBLIC HEARING: PLANNING BOARD: October 17, 2016
CITY COMMISSION: November 1, 2016

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

- 1. EXISTING USE:** The Manhattan Regional Airport's Fixed Base Operator facility, the former Armory Building and adjacent Airport Road right-of-way

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The subject site is associated with the Manhattan Regional Airport's Fixed Base Operator facility, the former Armory Building and adjacent right-of-way. The land associated with the right-of-way at the intersection of S. Airport Road and Skyway Drive includes stormwater drainage infrastructure associated with the Airport, Skyway Drive and Kansas Highway 18. The subject site is generally flat. The Fixed Base Operator facility, the adjacent former Armory Building and adjacent right-of-way is outside of any mapped high risk floodplains (i.e. 1% Annual Chance Floodplain), but these floodplains are in proximity to this area. The intersection of S. Airport Road and Skyway Drive is in the 1% Annual Chance Floodplain, as it is part of the stormwater sewer infrastructure for the area.

3. SURROUNDING LAND USE AND ZONING:
 A variety of land uses and zoning districts in Riley County surround the rezoning site. The Airport is zoned AO, Airport Overlay District. See the map below to gain an understanding of the various land uses and zoning districts in the area.



- 4. GENERAL NEIGHBORHOOD CHARACTER:** The area surrounding the subject site is a wide mix of commercial, industrial, and residential uses. The land to the west is the Manhattan Regional Airport property. The land to the east is a mix of single-family homes, highway commercial business and industrial uses. The commercial and industrial uses range from heavy commercial vehicle sales, service commercial business, contractor business and warehouses.

- 5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is currently located in Riley County, but is City owned property associated with the Manhattan Regional Airport, or is road right-of-way, on which the City recently completed roadway improvements for the Airport and County. Because of the unique conditions that the City owns the land associated with the Airport and has improved and maintains the roadway, keeping the subject site in Riley County under the current zoning district is not suitable.

- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** No changes to the existing uses are proposed at this time. The City is requesting the annexation and rezoning so that the City owned airport property and road right-of-way that is maintained by the City is within its jurisdiction. No development is proposed on the subject site. The land will stay devoted to the Manhattan Regional Airport or to provide adequate access to the area.

The applicant held a neighborhood meeting on August 15, 2016. Three (3) neighbors attended the meeting. The questions and concerns raised by the neighbors revolved around not wanting their land to be annexed or their property value to increase.

The proposed rezoning should not adversely impact the nearby properties.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The unplatted City owned land and adjacent road right-of-way is shown on the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan as Public/Semi-Public. No specific land use policies are established for this land category; however airports are listed as one of the public uses.

The proposed annexation of subject site conforms to the policy of the Manhattan Urban Area Comprehensive Plan.

- 8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:**

February 1, 1999 Manhattan Urban Area Planning Board recommends approval of annexation of the Manhattan Regional Airport and a portion of S. Airport Road.

Attachment No. 2

- February 16, 1999 City Commission adopts Resolution asking consent from Riley County, as owner, to annex South Airport Road and to make certain findings on annexing the Airport.
- March 22, 1999 Riley County Commission approves Consent To Annexation of its property and makes positive findings and adopts Resolution No. 032299-14 regarding island annexation.
- April 6, 1999 City Commission approves first reading of annexation.
- December 6, 1999 Manhattan Urban Area Planning Board recommends approval of rezoning of Manhattan Regional Airport from County C-4, County N-1, and County G-1 Districts to AO District.
- December 6, 1999 Manhattan Urban Area Planning Board approves Preliminary Plat of Lots 1-4, Manhattan Regional Airport Addition.
- December 21, 1999 City Commission approves first reading of Ordinance to rezone.
- January 4, 2000 City Commission approves of Ordinance No. 6117, annexing the Manhattan Regional Airport and portions of Wildcat Creek Road and South Airport Road, and Ordinance No. 6118, rezoning the same.
- April 3, 2000 Manhattan Urban Area Planning Board approves Final Plat of Lots 1-4, Manhattan Regional Airport Addition

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

The intent and purpose of the Manhattan 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.

Article XI is the section of Zoning Regulations devoted to the AO, Airport Overlay District. The AO District is intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by the facility to the region. The district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport's operation or the public welfare.

Since the AO District, when used as an independent district, shall apply only to the property of the Manhattan Municipal Airport which is owned and operated by the City of Manhattan, permitted uses shall include any use that is compatible with the operation of the Airport and is approved by the Governing Body of the City, subject to the use limitations of the AO District. When combined with an underlying district, the permitted use or conditional uses are allowed by the underlying zoning district, subject to the height limitations and use limitations of this Article as well as all restrictions of the underlying zoning district.

The proposed rezoning meets the intent and purpose of the Zoning Ordinance.

- 10. 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. There are no expected adverse affects on the public health, safety and welfare as a result of the rezoning. The purpose of the rezoning is to bring City owned property and adjoining road right-of-way recently improved by the City into its jurisdiction.
- 11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer, water and fire services are available to serve the rezoning site.
- 12. OTHER APPLICABLE FACTORS:** None.
- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of City owned property associated with the Manhattan Regional Airport's Fixed Base Operator facility, the former Armory Building and adjacent S. Airport Road right-of-way from Riley County C-4, Highway Business District, to AO, Airport Overlay District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of City owned property associated with the Manhattan Regional Airport's Fixed Base Operator facility, the former Armory Building and adjacent S. Airport Road right-of-way from Riley County C-4, Highway Business District to AO, Airport Overlay District, based on the findings in the Staff Report.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of City of Manhattan owned property associated with the Manhattan Regional Airport's Fixed Base Operator facility, the former Armory Building and adjacent S. Airport Road right-of-way from Riley County C-4, Highway Business District, to AO, Airport Overlay District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Senior Planner

DATE: October 11, 2016
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