



***MINUTES
CITY COMMISSION MEETING
TUESDAY, FEBRUARY 21, 2017
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, 8 staff, and approximately 45 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Reddi led the Commission in the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner McCulloh informed the community that Friday, February 24 – Sunday, February 26, 2017, is the annual book sale at the Manhattan Public Library and encouraged everyone to attend. She stated that she was delighted to proceed forward with the Peace Memorial Auditorium foyer improvements and thanked the committee for their efforts.

Commissioner Butler thanked Dave Fiser and the Friends of Peace Memorial Auditorium for their private fundraising efforts.

Commissioner Morse asked those in attendance with the Friends of Peace Memorial Auditorium to stand up and be recognized for their great work. She stated there would be a Legislative Coffee hosted by the Manhattan Area Chamber of Commerce on Saturday, February 25, 2017, at 7:30 a.m., at Sunset Zoo Nature Exploration Place and also a rescheduled MLK breakfast at 8:30 a.m., \$11.00/person, at Four Points by Sheraton. She encouraged those interested to please attend the events.

COMMISSIONER COMMENTS (*CONTINUED*)

Mayor Reddi commented about the great weather and encouraged citizens to enjoy the community events planned for the weekend. She stated there would be a Congressional Hearing on Thursday, February 23, 2017, at McCain Auditorium featuring testimony from a variety of agriculture producers. She encouraged those interested to participate and said that the event would also be available on a live webcast.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, February 7, 2017, and the Special City Commission Meeting held on Tuesday, February 14, 2017.

CLAIMS REGISTER NOS. 2842 AND 2843

The Commission approved Claims Register Nos. 2842 and 2843 authorizing and approving the payment of claims from February 1, 2017, to February 14, 2017, in the amounts of \$358,030.48 and \$3,693,490.19, respectively.

LICENSE

The Commission approved an annual Cereal Malt Beverages Off-Premises License for Dillons #94, 1101 Westloop Place.

ORDINANCE NO. 7272 – LEVY SPECIAL ASSESSMENTS (GOB 2017-A)

The Commission approved Ordinance No. 7273 levying special assessments against the benefiting properties in the following 11 public improvement districts: ***Grande Bluffs at Mill Pointe Addition, Unit Three*** – Sanitary Sewer (SS1316), Street (ST1321), and Water (WA1320); ***Ledge Stone Addition*** – Sanitary Sewer (SS1317) and Street (ST1323); ***Northlake Addition, Unit 2*** – Sanitary Sewer (SS1321), Street (ST1326), and Water (WA1322); and ***Western Hills Addition, Unit Fourteen, Phase 2*** – Sanitary Sewer (SS1314), Street (ST1320), and Water (WA1316).

ORDINANCE NO. 7274 – ANNEX – CITY-OWNED AIRPORT LAND

The Commission approved Ordinance No. 7274 island annexing 6.44 acres of City-owned land associated with the Manhattan Regional Airport (Fixed Base Operator Facility and the former Armory Building) and adjacent South Airport Road Right-of-way, based on Conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7275 – REZONE – CITY-OWNED AIRPORT LAND

The Commission approved Ordinance No. 7275 rezoning 6.44 acres of City-owned land associated with the Manhattan Regional Airport (Fixed Base Operator Facility and the former Armory Building) and adjacent South Airport Road right-of-way from County C-4, Highway business District, to AO, Airport Overlay District, based on the findings in the Staff Report (*See Attachment No. 1*) and the recommendation of the Planning Board.

RESOLUTION NO. 022117-A - ISSUE -TEMPORARY NOTE SERIES NO. 2017-01

The Commission approved accepting the best bid from D.A. Davidson & Co, of Denver, Colorado, for selling the notes, and approved Resolution No. 022117-A issuing Temporary Note Series No. 2017-01 in the amount of \$3,310,0000.00 to finance: *Muirfield Landscaping (SP1614); Legacy Ridge Addition – Sanitary Sewer (SS1627), Street (ST1616), Water (WA1624); K-113 and K-18 Interchange Improvements – Street (ST1214); Update Zoning and Subdivision Regulations (UDO) (CD005P); Manhattan Traffic Operations Facility Fence, Parking Expansion, and Paving (SP1607/SP1608/SP1609); and Poliska Lane Stormwater Improvements (SM1606).*

* REQUEST FOR QUALIFICATIONS – WASTEWATER TREATMENT PLANT MECHANICAL, ELECTRICAL AND PLUMBING SYSTEM IMPROVEMENTS (SS1712, CIP #WW179E)

Mayor Reddi asked if a City Commissioner would like to serve on the Selection Committee.

Commissioner McCulloh stated that she would serve on the Selection Committee.

The Commission authorized City Administration to seek qualifications for professional services for the Wastewater Treatment Plant Mechanical, Electrical and Plumbing System Improvements Project (SS1712, CIP #WW179E), and appointed Commissioner McCulloh to serve on the Selection Committee.

CONTRACT AMENDMENT NO. 4 - PROFESSIONAL SERVICES - WEST ANDERSON AVENUE/SCENIC DRIVE/WILDCAT CREEK TRAIL UNDERPASS (ST0810)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 4, in an amount not to exceed \$22,050.00, with BG Consultants, Inc., of Manhattan, Kansas, for the West Anderson Avenue/Scenic Drive/Wildcat Creek Trail Underpass (ST0810).

CONSENT AGENDA (*CONTINUED*)

AWARD CONTRACT – PEACE MEMORIAL AUDITORIUM FOYER IMPROVEMENTS (SP1206)

The Commission accepted the Architect's Opinion of Probable Cost in the amount of \$128,000.00, and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$64,200.00 (Final Base Bid in the amount of \$62,300.00 [Base bid in the amount of \$70,200.00 less a donation of services in the amount of \$7,900.00], Alternate No. 1 in the amount of \$1,100.00, and Alternate No. 2 in the amount of \$800.00) to Trinium, Inc., of Manhattan, Kansas, for the Peace Memorial Auditorium Foyer Improvements project (SP1206).

MEMORANDUM OF AGREEMENT – KDHE – MESSENGER ROAD WATERLINE EXTENSION (WA1703)

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute a Memorandum of Agreement with the Kansas Department of Health and Environment for the Messenger Road Waterline Extension (WA1703) Project.

OUTSIDE CITY WATER AGREEMENTS – MESSENGER ROAD WATERLINE EXTENSION (WA1703)

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute agreements for outside city limits water service connections to the City's water distribution system with the following three (3) property owners and properties located in Manhattan, Kansas, Riley County for the Messenger Road Waterline Extension (WA1703) Project: *Verne and Gloria Hart, 116 Messenger Road; Kevin and Lindsey Baribeau, 802 Elliott Street; and Shaun and Dixie Curtis, 822 Elliott Street.*

PURCHASE – SANITARY SEWER LINE RAPID ASSESSMENT TOOL (CIP #WW176E)

The Commission authorized a sole source purchase of a Sanitary Sewer Line Rapid Assessment Tool (CIP #WW176E) from InfoSense, Inc., of Charlotte, North Carolina, and McIntire Management Group, of North Kansas City, Missouri, in the amount of \$25,310.00, to be paid from the Wastewater Fund.

BOARD APPOINTMENTS

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

Arts and Humanities Advisory Board

Appointment of RoShanna Robinson, 825 Pottawatomie Avenue, to a three-year term. Ms. Robinson's term will begin April 1, 2017, and will expire March 31, 2020.

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS (*CONTINUED*)

Special Alcohol Funds Advisory Board

Appointment of Keith Weber, 1004 North Mill Point Circle, to the remainder of a three-year term. Mr. Weber's term begins immediately and will expire June 30, 2018.

Appointment of Bryce Swanson, 3134 Lundin Drive Apartment 8, to fill the unexpired term of Lora Boyer. Mr. Swanson's term begins immediately and will expire June 30, 2017.

After discussion, Commissioner Morse moved to approve the consent agenda, as distributed. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING - ESTABLISH - RENTAL DWELLING UNIT REGISTRATION AND EDUCATION PROGRAM

Kiel Mangus, Assistant City Manager, introduced and presented an overview of the item. He highlighted the proposed ordinance; discussed information on the rental registration program data; outlined registration program costs, education efforts, rental registration website information, and additional education efforts utilizing the City website and the potentially a City mobile application to allow tenants to request an inspection or to report issues. He also discussed some of the considerations with short-term rentals such as AirBnB or vacation rentals. He informed the Commission that City Administration recommends bringing back the short-term rental item to a future work session.

Katie Jackson, City Attorney, responded to questions from the Commission. She provided clarification on the information requested on the Residential Rental Registration Form and information subject to the Kansas Open Record Act.

Mayor Reddi opened the public comments.

Richard Hill, 1019 Poyntz Avenue, voiced concerns with the proposed ordinance and highlighted areas of concern in Sec. 8-830, Definitions, and in Sec. 8-383, Registration form; appointment of an agent; and with the requirements of information on the

GENERAL AGENDA (*CONTINUED*)

FIRST READING - ESTABLISH - RENTAL DWELLING UNIT REGISTRATION AND EDUCATION PROGRAM (*CONTINUED*)

rental registration form. He stated that there are codes already in place to accomplish what the Commission wants to do and said that landlords fear that they will be singled out for code inspections if the City only registers rental properties. He informed the Commission that he was against registration of strictly rental property and would fight if this item goes through.

Jarred McKee, 740 Crestwood Drive, thanked City staff and the City Commission on the work put in on this item. He stated that he was in support of a registration program as a first step. He asked the Commission that if they vote no on the item, explain then why the market was unable to the fix problem and what vacancy rate is required to solve the problem. He voiced support to regulate the rental business and supported the item.

Larry Weaver, 1010 Karla Lane, stated that he appreciated the legal points raised by the first speaker and that the legal questions will be appropriately dealt with by City staff. He stated that he owns two rentals properties in Manhattan and was in favor of the proposed ordinance. He provided additional information on the item and also endorsed the three maps being proposed (showing all code violations at addresses in the community, properties who have passed voluntary inspections, and all registered rentals in the city) to make the rentals available in Manhattan more transparent.

Brandon Irwin, 4440 Tuttle Creek Boulevard, asked several questions regarding the proposed ordinance and data available if a property meets code compliance or not.

Kiel Mangus, Assistant City Manager, provided clarification on the proposed ordinance and on the adoption of the current International Building Codes.

Brandon Irwin, 4440 Tuttle Creek Boulevard, provided additional information on the item. He informed the Commission that the issue is consumer protection and whether or not a property is code compliant to inform consumers on housing and health. He voiced support for the proposed ordinance.

Gail Lortscher, 34 Waterway Place, informed the Commission that she is a manager of a mobile home park and asked if the proposed ordinance would apply to their mobile homes or mobile homes as rentals.

Kiel Mangus, Assistant City Manager, responded to questions and stated that if a mobile home is rented, it is considered a dwelling unit.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - ESTABLISH - RENTAL DWELLING UNIT REGISTRATION AND EDUCATION PROGRAM (*CONTINUED*)

Gail Lortscher, 34 Waterway Place, stated that their mobile home park has 242 lots and have eight mobile homes that are rented. She explained the difficulty in her registration process with their mobile home park and said that the regulations proposed are unnecessary, will be difficult to manage, and will cost a lot of money to taxpayers.

Kiel Mangus, Assistant City Manager, and Brad Claussen, Building Official, responded to questions and provided clarification regarding notifications to mobile home units being rented or owner-occupied.

Austin Pfannenstiel, 3809 Buckeye Circle, informed the Commission that he has been to a few of the meetings regarding this topic and stated they have not shown a pandemic or crisis. He stated this registration is subject to creep of scope and was concerned with Sec. 8-385 - 8-389 for future additions. He asked the Commission to clarify the comment in the ordinance that 75% of all code violations are located within and upon rental units, and to state if the landlord or tenant were responsible. He recommended that the ordinance not be passed, but if passed, asked to provide what provision is needed to change the registration.

Brandon Irwin, 4440 Tuttle Creek, provided responses to comments made regarding trying to find a solution for a problem that does not exist. He provided data on occupancy rates and occupants per room. He stated that it is difficult to expect consumers to know building codes and to be experts in housing quality.

Donna Shenck-Hamlin, 1922 Leavenworth Street, spoke in support of the proposed ordinance and open registries. She stated this is fundamental good business practice and the three maps can be used as tools for the consumer, landlord and public officials.

Ben Motley, 219 Prairie Lea Place, food service business owner, stated this proposed ordinance looks small compared to regulations in food service. He supported the oversight and some sort of regulation.

Brandy Kliewer, 1405 Pierre Street, spoke in support of the ordinance.

Jack McHugh, Director of Off-Campus Housing Support, Kansas State University, stated that he supported the proposed ordinance. He concurred with the education components and the three maps being proposed.

Roger Seymour, 1181 Rock Spring Lane, landlord, commented on the bed and breakfast industry and asked that their industry also be regulated the same as landlords regarding regulations for only four unrelated people. He asked if this was a charter or regular

GENERAL AGENDA (CONTINUED)

FIRST READING - ESTABLISH - RENTAL DWELLING UNIT REGISTRATION AND EDUCATION PROGRAM (CONTINUED)

ordinance and stated that the ordinance could be modified in the future. He stated that if the Commission is going to register rentals, then register all properties in Manhattan. He informed the Commission that Manhattan is the most regulated city that they own rental properties in. He stated this registration program will cost him money and time to register his rental properties. He asked the Commission to table the item and send back to the committee for review and to look at again in two to three months.

Sarah Pfannenstiel, 3809 Buckeye Circle, asked if the reason for the ordinance is for the health and safety of tenants. She stated there are already processes in place to take care of these issues and the proposed ordinance is a large waste of taxpayer dollars.

Jordan DeLoach, 1411 Hillcrest Drive, representing the Kansas State University Student Body President, informed the Commission that on October 1, 2015, the Student Senate unanimously passed a resolution in support of a rental registration program. He reiterated the importance of the program and wanted to see a program for the city of Manhattan.

Chris Banner, 618 Osage Street, stated that there needs to be a starting point and this proposed ordinance is minimal and provides information that people need.

Bryce Ebert, 2006 Southwind Place, stated that he did not see a correlation between the proposed ordinance to address quality housing. He said he took offense to a lack of quality housing and provided examples of quality housing and new buildings being built. He asked if the Commissioners had their primary residences inspected and if not, why not. He stated that he was in support of an ordinance covering all properties in Manhattan and owner-occupied to have all information and registration for everyone. He voiced support to continue the current inspection program with the four code inspector officers.

Regina Schroeder, P.O. Box 212, informed the Commission that she was speaking as an owner of rental property. She stated that she was glad to see rental education on the City's website; however, voiced concern with the amount of expenses as a taxpayer for this program. She stated that she was struggling with the proposed program and discussed current programs in-place that have to abide by codes and private information, such as her birth date, cell phone number, or personal residence. She stated that the police and fire departments do have ways of getting this information, if needed. She stated that if the reason is to take care of all residents, why not register all properties, including owner-occupied. She asked what the real reason for the registration program is.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - ESTABLISH - RENTAL DWELLING UNIT REGISTRATION AND EDUCATION PROGRAM (*CONTINUED*)

Lisa Tatonetti, 205 Cedar Drive, spoke in support of the proposed ordinance. She said her students and low income individuals are the most vulnerable and do not have the information that they need. She talked about the need for rental inspections and hoped the Commission goes back to conversations about rental inspection programs.

Sara Fisher, 811 Osage Street, stated that she supported the item and asked why this action requires an ordinance.

Kiel Mangus, Assistant City Manager, and Katie Jackson, City Attorney, responded to questions about the proposed ordinance and reasons for the City Commission to pass an ordinance.

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

After comments and questions from the Commission, Kiel Mangus, Assistant City Manager, responded to questions from the Commission and provided additional information on the requirements for the proposed residential rental registration form. He provided information on the owner's mailing address and clarification on the definition of the owner and designated agent.

Commissioner McCulloh provided additional information on the rental registration program and stated that she owns rental property. She said that an appropriate point of contact is important because it is not always apparent who that is, especially, if they have an LLC and are difficult to contact. She provided an example of a party house and the owner was living in Germany that needed to be contacted regarding their property, but could not be reached because there wasn't any contact information available.

Katie Jackson, City Attorney, and Kiel Mangus, Assistant City Manager, responded to additional questions from the Commission regarding legal definitions and requested information for the residential rental registration form. Both provided clarification on the definitions in Sec.8-380 and Sec. 8-383, and the purpose and listings of the Whereas phrases in the proposed ordinance.

Commissioner Dodson voiced his appreciation for the comments heard from both points of view and the input provided. He stated that in reality, inspections apply to everyone; however, the only thing different here is that as a landlord, you are running a business, which does make landlords slightly different with different responsibilities. He stated

GENERAL AGENDA (*CONTINUED*)

FIRST READING - ESTABLISH - RENTAL DWELLING UNIT REGISTRATION AND EDUCATION PROGRAM (*CONTINUED*)

that the focus has been on information, education and some penalties for people that do not comply. He stated that there are some areas in the ordinance that needed further tweaking to try to balance the needs of the entire community, but are getting close with the ordinance.

Commissioner Butler stated that this type of program has been kicked around since 1988 and voiced frustration without having a lot of hard data to make an informed decision. He provided additional information on the proposed ordinance and stated that the maps are important and the final two Whereas clauses in the proposed ordinance are the most important: “Whereas, the City desires to collect and maintain information related to the use and occupancy of rental dwelling units in order to aid emergency services response”; and, “Whereas, the City desires to identify dwelling units to facilitate tenant and landlord education.” He asked that the date of birth be deleted and stated that the owner information for a mailing address using a post office box is fine on the rental registration form. He wanted to see some of the language tweaked in the ordinance for second reading as suggested. He voiced concern with mission creep and reiterated that the program costs would be paid from the General Fund Budget.

Mayor Reddi thanked City staff and the community members for their comments and involvement. She stated the City is where it should be with the ordinance and this is a result from compromise. She stated that President Myers at Kansas State University provided a statement that he was in favor of some type of oversight with registration and providing emergency contacts. She stated that there are high-quality rentals in the community, but have a few, as in any organization, that feel the burden more than others. She said that since she has been on the Commission, there has been discussion for the past couple of years and this ordinance, as proposed, is about as simplified and with the least amount of costs as it can be.

Commissioner Morse provided comments on the proposed ordinance and was pleased to see that the Commission was reaching a consensus. She stated that it is not okay for the City not to know the number of rentals or the extent of rentals in Manhattan. She said that it is time for Manhattan to join other cities in Kansas and the Midwest that have some type of rental registration program. She stated that she was pleased that Kansas State University is supportive and that she also supported the proposed ordinance.

After additional discussion and comments from the Commission, Commissioner McCulloh moved to approve first reading of an ordinance authorizing the establishment of a Rental Dwelling Unit Registration Program. Commissioner Dodson seconded the motion.

GENERAL AGENDA (CONTINUED)

FIRST READING - ESTABLISH - RENTAL DWELLING UNIT REGISTRATION
AND EDUCATION PROGRAM (CONTINUED)

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

ADJOURNMENT

At 9:15 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

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

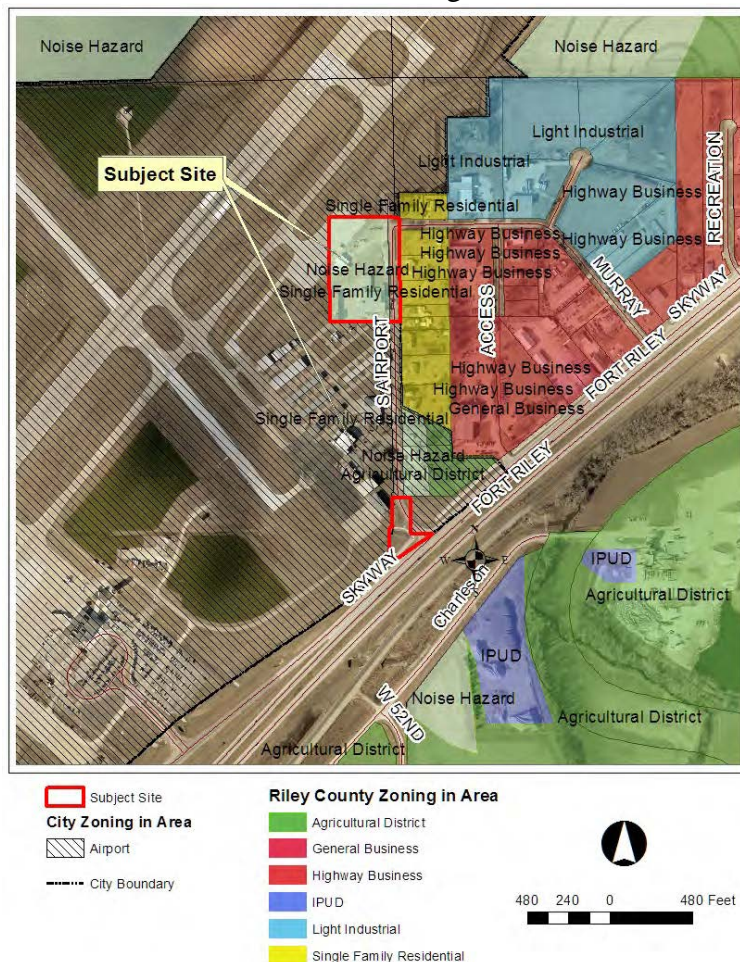
DATE OF PUBLIC HEARING: PLANNING BOARD: October 17, 2016
CITY COMMISSION: November 1, 2016

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.



Attachment No. 1

- 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:**

Attachment No. 1

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

Attachment No. 1

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.

Attachment No. 1

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
16022}SR}AirportCityOwnedLandAO