



***MINUTES  
CITY COMMISSION MEETING  
TUESDAY, DECEMBER 5, 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 Linda Morse and Commissioners Michael L. Dodson, Wynn Butler, Karen McCulloh, and Usha Reddi were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, Assistant City Attorney Rachel Zenger, City Attorney Katie Jackson, City Clerk Gary S. Fees, 7 staff, and approximately 15 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Morse led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Morse proclaimed December 13, 2017, *Sock It To 'Em Work Day*.

**PUBLIC COMMENTS**

Mayor Morse opened the public comments.

Mike Kearns and Dave Ekart, representing the Flint Hills Veterans Coalition, thanked the City Commission and City staff for their assistance for the Veteran's Day Parade and ceremony in Peace Memorial Auditorium. They informed the Commission on the large number of participants and different organizations in the parade as well as thanked the Riley County Police Department for providing security during the parade.

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

## COMMISSIONER COMMENTS

Commissioner Reddi thanked the Riley County Police Department for their efforts to provide security, to keep the streets safe and for their help with the parade.

Commissioner McCulloh informed the community they can donate mittens and gloves to the Manhattan Public Library. She also encouraged citizens to support the Flint Hills Breadbasket and congratulated Commissioner Butler for doing a tremendous job decorating Old Engine One for the Mayor's Spirit of the Holidays Lighted Parade.

Commissioner Butler stated that Johnny Kaw in City Park has a festive Santa hat and lights this year. He provided an update on plans to make improvements for a plaza near Johnny Kaw and highlighted opportunities to contribute through private fundraising efforts with the Greater Manhattan Community Foundation or by purchasing a Johnny Kaw Club card at the Sunset Zoo and the Flint Hills Discovery Center.

Mayor Morse expressed her appreciation to the many volunteers that worked on the Mayor's Spirit of the Holidays Lighted Parade on Friday, December 1, 2017, and thanked Gina Scroggs, Executive Director, Downtown Manhattan, Inc., for coordinating the parade and to the many community members that contributed to the Flint Hills Breadbasket Food and Fund Drive.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 21, 2017.

### CLAIMS REGISTER NO. 2865

The Commission approved Claims Register No. 2865 authorizing and approving the payment of claims from November 15, 2017 - November 28, 2017, in the amount of \$1,976,213.73.

### LICENSES

The Commission approved Tree Maintenance Licenses for calendar year 2018 for Brinker Tree Care, Inc., 2907 Jacque Circle; and KCAT Tree Service, LLC, 22420 Overland Road, Onaga, Kansas; and annual Cereal Malt Beverages On-Premises Licenses for Tuttle Creek Pizza Hut, 1005 Hostetler Drive, and Westloop Pizza Hut, 2931 Claflin Road.

## CONSENT AGENDA (CONTINUED)

### **ORDINANCE NO. 7326 - AMEND MANHATTAN URBAN AREA COMPREHENSIVE PLAN; ADOPT - FLINT HILLS/FORT RILEY JOINT LAND USE STUDY UPDATE**

The Commission approved Ordinance No. 7326 amending the Manhattan Urban Area Comprehensive Plan by adopting and incorporating by reference the Flint Hills/Fort Riley Joint Land Use Study Update, dated August 2017, and adding the necessary citations to Chapter 4, Chapter 6, and Appendix B, and deleting the dates of the JLUS on page 123, as proposed.

### \* **FIRST READING – FRANCHISE AGREEMENT – TWIN VALLEY COMMUNICATION**

The Commission approved first reading of an ordinance amending Article XI of Chapter 15 of the Code of Ordinances, authorizing a competitive infrastructure provider franchise with Twin Valley Communication.

### \* **FIRST READING – AMEND – CRIMINAL OFFENSES**

The Commission approved first reading of an ordinance amending certain provisions of Chapter 22 of the City's Code of Ordinances relating to criminal offenses.

### \* **FIRST READING – MUNICIPAL COURT – WITNESS FEES**

The Commission approved first reading of a Charter Ordinance relating to subpoenas and witness fees for Municipal Court matters.

### \* **RESOLUTION NO. 120517-A – MUNICIPAL COURT – FEES**

The Commission approved Resolution No. 120517-A setting Municipal Court third-party service fees and an expungement fee.

### \* **RESOLUTION NO. 120517-B – EXTEND/AMEND – ENGINEER ON-CALL PROGRAM**

Brian Johnson, City Engineer, responded to questions from the Commission regarding the length of the Engineer On-Call Program and the number of firms that were selected during the initial competitive process.

Rob Ott, Director of Public Works, provided additional information and clarification on the proposed extension of the Engineer On-Call Program and responded to questions from the Commission.

The Commission approved a three-year extension through the end of 2020 of the designation of the current engineering firms under the Engineer On-Call program, and approved Resolution No. 120517-B amending the Engineer On-Call portion of the Policy by raising the project cost estimate from \$1,000,000.00 to \$1,500,000.00.

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 120517-C – AMEND – ADMINISTRATIVE PURCHASING POLICY

The Commission approved Resolution No. 120517-C, amending the Administrative Purchasing Policy related to the purchase of goods and services for the City of Manhattan pertaining to changes related to the Engineer-On-Call services and allowing the City Manager to approve monthly payment of health claims or workers compensation claims.

### CONCUR – AWARD CONTRACT – MARLATT AVENUE/DENISON AVENUE ROADWAY EXPANSION PROJECT, PHASE II (ST1612, CIP #EN075P, SW066P)

The Commission concurred with Riley County on the award of a construction contract in the amount of \$2,783,786.54 to Bayer Construction, of Manhattan, Kansas, for the Marlatt Avenue/Denison Avenue Roadway Expansion Project, Phase II, Improvements (ST1612, CIP #EN075P and SW066P).

### FIRST READING – DESIGNATE MAIN TRAFFICWAY CONNECTION – MARLATT AVENUE AND DENISON AVENUE

The Commission approved first reading of an ordinance designating Marlatt Avenue and Denison Avenue as main trafficway connections.

### AGREEMENT – FHDC EXHIBIT – THE DREAM WITH DA VINCI

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$50,000.00 with The Curious Kids Museum from St. Joseph, Michigan, for the exhibition of *The Dream With Da Vinci* at the Flint Hills Discovery Center for the period of May 25, 2019, through September 8, 2019.

\* **AGREEMENT/DEED – LAND SALE – LOT 4, MANHATTAN CORPORATE TECHNOLOGY PARK**

The Commission approved the purchase agreement and authorize the Mayor and the City Clerk to execute the Agreement and the deed with Kansas Gas Service for the sale of Lot 4 in the Manhattan Business Park.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

After discussion and comments from the Commission, 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 - REZONE - LOT 4, MANHATTAN CORPORATE TECHNOLOGY PARK, UNIT 2; LOT 10, MANHATTAN CORPORATE TECHNOLOGY PARK, UNIT 4; AND LOTS 27 AND 29, MANHATTAN CORPORATE TECHNOLOGY PARK, UNIT 3 (I-5/AO/MBPO TO I-3/AO/MBPO)

Chad Bunger, Assistant Director of Community Development, presented an overview of the item. He highlighted an aerial map of the current zoning and proposed rezoning. He provided information on existing businesses at the Manhattan Business Park, site plan and available lots at the Business Park. He then responded to questions from the Commission regarding ownership of the lots and connectivity to sidewalks and trails.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

After comments from the Commission, Commissioner Dodson moved to approve first reading of an ordinance rezoning Lot 4, Manhattan Corporate Technology Park, Unit 2; Lot 10, Manhattan Corporate Technology Park, Unit 4; and Lots 27 and 29, Manhattan Corporate Technology Park, Unit 3, generally located to the north and east of the Manhattan Regional Airport within the Manhattan Business Park from I-5/AO/MBPO, Business Park District with Airport Overlay and Manhattan Business Park Overlay, to I-3/AO/MBPO, Light Industrial District with Airport Overlay and Manhattan Business Park Overlay, based on the findings in the Staff Report (*See Attachment No. 1*), and the recommendation of the Manhattan Urban Area Planning Board Planning Board. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING - LEVY .25% SALES TAX - PARKS AND RECREATION IMPROVEMENTS; REAL ESTATE TRANSFER AGREEMENT/INTERLOCAL AGREEMENT WITH USD 383 - OPERATIONS AND USE – ANTHONY AND EISENHOWER MIDDLE SCHOOLS

Jason Hilgers, Deputy City Manager, provided an overview of the item. He highlighted first reading of the proposed ordinance levying .25% sales tax for the Parks and Recreation improvements, discussed the City/USD 383 Land Transfer Agreement, and highlighted the City/USD 383 Interlocal Agreement. He then responded to questions from the Commission about the Interlocal Agreement and provided clarification on the Agreements and the ballot initiative.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - LEVY .25% SALES TAX - PARKS AND RECREATION IMPROVEMENTS; REAL ESTATE TRANSFER AGREEMENT/INTERLOCAL AGREEMENT WITH USD 383 - OPERATIONS AND USE – ANTHONY AND EISENHOWER MIDDLE SCHOOLS (CONTINUED)

After discussion and comments from the Commission, Commissioner Dodson moved to approve first reading of an ordinance levying a .25% sales tax for the Parks and Recreation improvements; approve a Real Estate Transfer Agreement with USD 383 for the middle school improvements and an Interlocal Agreement with USD 383 for the operations and use of the middle school improvements, and authorize the Mayor and City Clerk to execute the Agreements. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

### RECOMMENDED 2019 CITY PROJECTS; RESOLUTION NO. 120517-D - INTENT TO DEDICATE CITY-UNIVERSITY FUNDS - NORTH CAMPUS CORRIDOR IMPROVEMENTS

Kiel Mangus, Assistant City Manager, presented an overview of the item. He highlighted the history and purpose of the City-University Fund, the City-University Fund process, the North Campus Corridor, and provided an overview of the City-University Fund 2019 recommended projects including Campus perimeter traffic improvements, Colbert Hills Special Assessment support, and Campus Creek stormwater box safety improvements. He then responded to questions from the Commission regarding the process for each project, highlighted the Colbert Hills Special Assessment support and provided clarification on the terms and length of the Agreement with Colbert Hills.

Mayor Morse stated that she would not be supporting the funding request for the Colbert Hills Special Assessment support.

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on the Campus Creek stormwater box safety improvements and project funding.

Rob Ott, Director of Public Works, provided additional information on the Campus Creek stormwater project.

Kiel Mangus, Assistant City Manager, responded to questions from the Commission regarding the proposed resolution of intent for the North Campus Corridor project and stated that this does not bind future City Commissioners.

Ron Fehr, City Manager, provided additional information on the proposed resolution of intent for the North Campus Corridor project and likely project funding plan.

Mayor Morse opened the public comments.

## GENERAL AGENDA (CONTINUED)

### RECOMMENDED 2019 CITY PROJECTS; RESOLUTION NO. 120517-D - INTENT TO DEDICATE CITY-UNIVERSITY FUNDS - NORTH CAMPUS CORRIDOR IMPROVEMENTS (CONTINUED)

Hearing no comments, Mayor Morse closed the public comments.

After discussion and comments from the Commission, Commissioner Dodson moved to approve the recommendation of City projects for 2019 totaling \$390,000.00 in the City-University Special Projects Fund to Kansas State University, and approve Resolution No. 120517-D regarding the intent to identify \$500,000.00 annually of City-University Funds to be dedicated for the North Campus Corridor improvements beginning in 2020. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0, with the exception of the Colbert Hills Special Assessment support and funding request, which carried 4-1 with Commissioner Morse voting against the item.

### FIRST READING - IMPLEMENT EQUIVALENT RESIDENTIAL UNIT STORMWATER FEE STRUCTURE; AMEND - STORMWATER RATES

Brian Johnson, City Engineer, presented an overview of the item. He highlighted a review of the community survey for stormwater; presented the existing capacity and deficiencies; reviewed the Downtown Watershed Study and recommendations; reviewed the cost of services recommendations; highlighted the current debt service for stormwater projects; discussed the declining tier assessments methods; and highlighted the proposed five-year rate structure for commercial and residential. He responded to questions from the Commission and discussed the impacts of the five-year flattening as proposed and projects that would likely be delayed.

After comments and discussion of the Commission, Brian Johnson, City Engineer, responded to questions from the Commission regarding the proposed rate structure. He provided information on the top commercial users and methods of assessment.

Kiel Mangus, Assistant City Manager, informed the Commission that they have also talked with Kansas State University about the proposed rate structure and they were interested in phasing this over a five-year period to prepare appropriately.

Rob Ott, Director of Public Works, informed the Commission that City staff also met with USD 383 and they were favorable to what is being proposed. He stated they also presented to the small business group with the Manhattan Area Chamber of Commerce and that the ordinance for stormwater would go into effect July 1, 2018.

Brian Johnson, City Engineer, responded to questions from the Commission regarding the future revenue streams and highlighted the Downtown Recommendations Map and the Capital Improvement Project sequencing order.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - IMPLEMENT EQUIVALENT RESIDENTIAL UNIT STORMWATER FEE STRUCTURE; AMEND - STORMWATER RATES

Ron Fehr, City Manager, highlighted the current debt-service projects annual payments, payoff dates, and original costs for 12 projects.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

After additional discussion and comments from the Commission, Commissioner Dodson moved to approve first reading of a charter ordinance allowing the City to establish stormwater rates by regular ordinance, effective July 1, 2018, and first reading of an ordinance defining the fee structure for stormwater rates by implementing an Equivalent Residential Unit (ERU) fee structure setting the commercial rate at \$3.96 per month and the residential rate at \$5.34 per month, effective July 1, 2018. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING – AMEND - WATER AND SEWER RATES AND OTHER CHARGES

Randy DeWitt, Assistant Director for Public Works for Water and Wastewater, presented an overview of the item. He highlighted the cost of services study for both water and wastewater; presented the customer impacts for water and wastewater; provided the amended water rates and charges for water and wastewater; and highlighted the amended sewer rates and charges as well as customer impacts based on the average sewer monthly and annual billing. He then responded to questions from the Commission regarding the proposed rate changes and stated that the rate structure is being reset to be fair and equitable.

After comments and questions from the Commission, Randy DeWitt, Assistant Director for Public Works for Water and Wastewater, highlighted the average combined monthly billing for residential and commercial customers from 2005-2025 projections; presented the Water Fund balance from 2012-2025 projections and Wastewater Fund balance from 2011-2025 projections; presented the System Development Charges for water and wastewater; and highlighted additional proposed updates to the ordinance for water and wastewater. He then responded to questions from the Commission regarding conservation efforts and the importance to capture adequate revenues to meet annual expenditures.

Ron Fehr, City Manager, responded to questions from the Commission. He provided additional information on the proposed rate structure for both residential and commercial.

Rob Ott, Director of Public Works, informed the Commission that the Public Works Department also tracks precipitation data and highlighted data on the City's water wells.



## GENERAL AGENDA (CONTINUED)

### FIRST READING – AMEND - WATER AND SEWER RATES AND OTHER CHARGES (CONTINUED)

Ron Fehr, City Manager, stated that equipment and technology improvements have been made at both the water and wastewater facilities resulting in greater efficiencies.

Mayor Morse opened the public comments.

Brad Hartenstein, representing the Flint Hills Area Builders Association, provided additional information and informed the Commission that their organization desires the best possible rates. He asked about the proposed connection fees and asked what happens after 2018.

Randy DeWitt, Assistant Director for Public Works for Water and Wastewater, responded to questions and stated the recommendation for the connection fees after 2018 is to increase the fees annually based on the rate of inflation. He reiterated the importance to examine the Fund balances every year and to make future assessments regarding rates as well as to look at the cost of services study every five years.

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

After discussion and additional comments from the Commission, Commissioner Dodson moved to approve first reading of ordinances amending applicable sections of Chapter 32 of the Code of Ordinances to modify water and sewer rates and charges as recommended, effective January 1, 2018. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

## EXECUTIVE SESSION

At 9:28 p.m., Commissioner Butler moved to recess into Executive Session until 10:00 p.m. for the purpose of consulting with the City Attorney regarding a claim filed against the City which would be deemed privileged under the attorney/client relationship. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

At 10:00 p.m., the Commission reconvened with Mayor Morse and Commissioners Butler, McCulloh, and Reddi in attendance. Commissioner Reddi moved to recess into Executive Session until 10:30 p.m., for the purpose of consulting with the City Attorney regarding a claim filed against the City which would be deemed privileged under the attorney/client relationship. Commissioner McCulloh seconded the motion. On vote, motion carried 4-0.

EXECUTIVE SESSION (CONTINUED)

At 10:30 p.m., the Commission reconvened with Mayor Morse and Commissioners Dodson, Butler, McCulloh and Reddi in attendance.

ADJOURNMENT

At 10:30 p.m., Mayor Morse announced the Commission adjourned.

  
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Gary S. Rees, MMC, City Clerk

# Staff Report

## REZONING AMENDMENT

**To:** Manhattan Urban Area Planning Board

**From:** Carol Davidson, CFM, CPM, Senior Planner

**Hearing Date:** November 20, 2017

**Re:** To rezone Lot 4, Manhattan Corporate Technical (MCT) Park, Unit 2; Lot 10, MCT Park, Unit 4; Lots 27 and 29, MCT Park, Unit 3; from I-5/AO/MBPO, Business Park District with the Airport Overlay and the Manhattan Business Park Overlay to I-3/AO/MBPO, Light Industrial District with the Airport Overlay and the Manhattan Business Park Overlay

**Applicant:**

**Property Owner:**

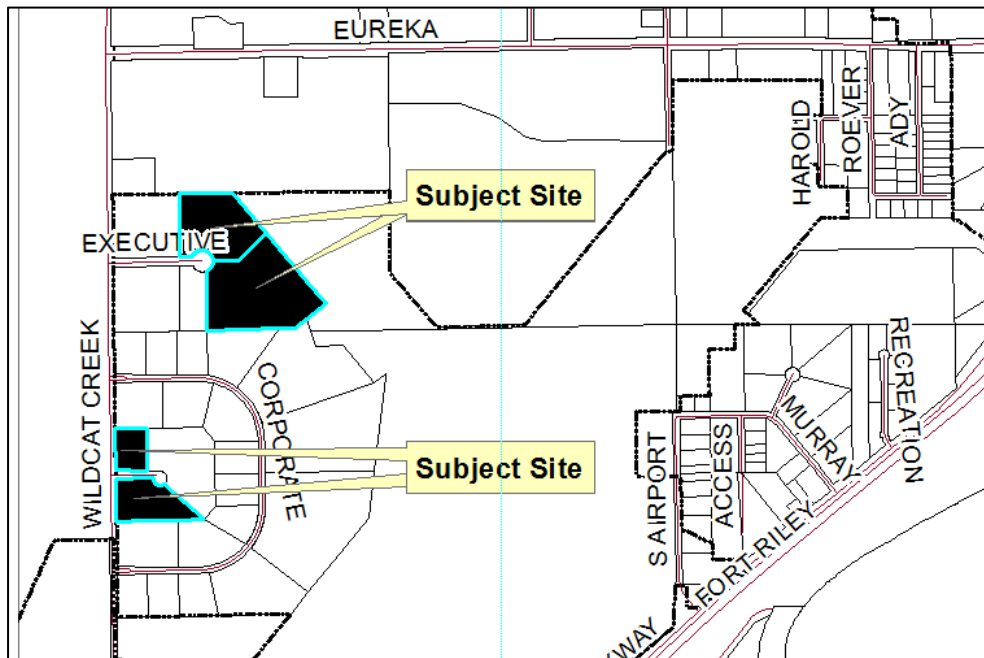
**Property Address:** Lot 4, MCT Park, Unit 2; Lot 10, MCT Park, Unit 4; and 5970 and 5971 Technology Circle

**Total Area:** 32.93 acres

**Date of Neighborhood Meeting:** October 10, 2017

**Date of Public Notice Publication:** October 30, 2017

**Date of City Commission:** First Reading: December 5, 2017  
Second Reading: December 19, 2017



## BACKGROUND

The City of Manhattan is requesting the rezoning of four parcels within the Manhattan Corporation Technology Park, which is located northwest of the MHK Regional Airport. The majority of the lots located in this Tech Park are zoned I-3/AO/MBPO, Light Industrial District, Airport Overlay, and the Manhattan Business Park Overlay. The four lots in this request are currently zoned I-5/AO/MBPO, Industrial Park District, Airport Overlay, and the Manhattan Business Park Overlay. The purpose of this rezoning request is to rezone the four parcels to I-3/AO/MBPO to bring the remaining City-owned lots under the same zoning classification as the majority of the lots in this Park. This request will not affect the established AO and MBPO overlays; they will remain the same.

## REVIEW OF MATTERS TO BE CONSIDERED AND STAFF FINDINGS

The following items will help to determine if the specific property is suitable for the rezoning request. (These are the 13 matters to consider when rezoning as found in Article 15-403 (A)).

### 1. Existing Use of Property

All four parcels are undeveloped and vacant at this time.

**Staff Finding**

The properties are vacant; therefore, there is no use on these existing properties.

**2. Physical and Environmental Characteristics of the Property**

All four lots have been cleared and are ready to be developed. Lot 4 on Executive Court is about 9.27 acres. The east side of the lot borders the airport and is located about 345 feet west of an airport runway spur. The lot generally slopes down from west to east, lowering about 20 feet over the span of the lot. Lot 10 on Executive Court is larger with approximately 15.39 acres. It is similar to Lot 4; however, the slope is only about a 10 foot difference over the span of the lot. 5970 Dry Hop Circle is the smallest lot, and it measures 2.71 acres. This lot corners Wildcat Creek Road. This lot also slopes from west to east and drops about 14 feet from west to east. The final lot, 5971 Dry Hop Circle also corners Wildcat Creek Road and is about 5.56 acres. The slope on this lot also drops 14 feet from west to east; however, since the lot is about twice the size of 5970, the slope is less dramatic. All four of the lots are outside of the Community Special Flood Hazard Area and do not require any extra floodplain measures.



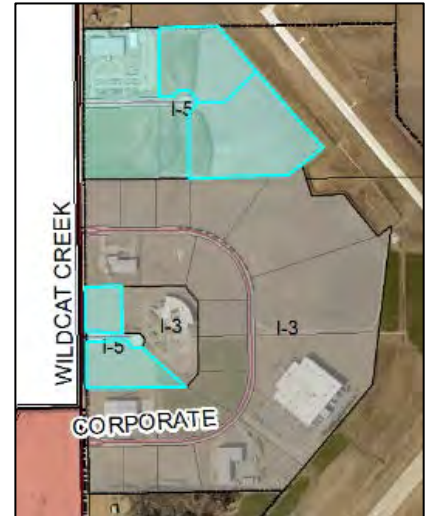
**Staff Finding**

The property is cleared of vegetation, does not require floodplain measures, and has some sloping.

**3. Surrounding Zoning and Land Uses of Nearby Properties**

*Attachment No. 1*

North	I-3, Light Industrial District; AG, Agriculture Riley County
South	I-3, Light Industrial District
East	I-3, Light Industrial District; MHK Regional Airport
West	I-5, Business Park District; Fort Riley
All surrounding Zoning includes the AO, Airport Overlay and the MBPO, Manhattan Business Park Overlay; except for Fort Riley doesn't carry either overlay and MHK Regional Airport doesn't carry the MBPO, Manhattan Business Park Overlay.	



The surrounding land uses include Flint Hills Beverage, Covan/Allied, Florence Corporation, Tall Grass Brewery and a couple of buildings owned by Kansas State University (KSU). All but one of the KSU buildings are located in the I-3, Light Industrial District.

**Staff Finding**

The surrounding zoning is industrial with either the Airport Overlay or the Manhattan Business Park Overlay, and the existing surrounding land uses are industrial.

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

The I-3, Light Industrial District allows for uses such as light manufacturing, research facilities, and warehousing (refer to Article 4-303 (A) for all permitted uses). These four lots are suitable for these types of uses. This location is far removed from residential properties and a large portion of this business park is already zoned I-3.

**Staff Findings**

The properties are suitable for land uses within the I-3 District and therefore, make it suitable for the requested rezone.

**5. The Character of the Neighborhood**

The surrounding neighborhood is comprised of industrial businesses, the Manhattan Regional Airport and Fort Riley.

**Staff Findings**

The character of the surrounding neighborhood is predominately industrial with some vacant parcels

**6. The Compatibility of the Proposed Zoning District with Nearby Properties and the Extent to which it may Detrimentally Affect Those Properties**

The surrounding properties are zoned the same as the proposed rezoning, and the characteristics of each zone should be identical. The surrounding existing uses will be consistent in character as permitted uses in the proposed district.

**Staff Findings**

The proposed rezoning is very similar to the nearby zoning districts, and permitted uses in the proposed district are no anticipated to result in detrimental impacts on existing nearby properties.

**7. Conformance of the requested change to the adopted Comprehensive Plan**

The Future Land Use map of the Manhattan Area 2035 Comprehensive Plan identifies this site as Office-Research Park (OR). Policies of the Office Research Park designations are listed below:

***OR-1: Characteristics***

*The Office/Research designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development facilities, educational facilities, or supporting services in a planned setting. Ancillary commercial services and medium to high density residential may be incorporated in appropriate settings. Office/Research developments may be incorporated into a master planned neighborhood, as part of the KSU Campus, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, or bioscience or agricultural research, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply. The Poyntz Avenue Corridor, located between 17th Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.*

**OR-2: Location**

*Office/Research facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access. Multi-modal access should be considered in the location of employment areas.*

**OR-3: Site Layout and Design**

*Integrate Office/Research developments into the surrounding context, whether multiple buildings as part of a planned campus, or stand-alone buildings integrated as part of the urban or suburban fabric.*

**OR-4: Unified Character**

*Encourage a unified character for larger Office/Research developments achieved through the use of similar or complementary elements, such as materials, signage, landscaping and screening, and other site layout details.*

**OR-5: Common Areas**

*Provide plazas, courtyards, patios, quads, and other common outdoor gathering spaces for employees and visitors as part of standalone Office/Research developments. Provide access to adjacent trails or parks where applicable.*

**OR-6: Multimodal Connectivity**

*Ensure Office/Research development areas are served by a system of collector and local streets, as well as sidewalks and pedestrian and bicycle pathways, which provide connectivity to surrounding neighborhoods, adjacent services, and existing or planned transit. Provide clear, direct pedestrian linkages to and between building entrances, outdoor gathering spaces, parking areas, and transit stops.*

**OR-7: Outdoor Storage**

*Contain the functions of Office/Research facilities within buildings to the extent feasible. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.*

The Future Land Use map within the Comprehensive Plan has several distinct use designations within the broader categories of Residential, Commercial/Mixed Use and Employment. Office/Research is found within the Employment use category along with Service Commercial and Industrial. The entire Manhattan Corporate Tech Park has the Future Land Use designation of Office/Research. However, this does not mean that this location is limited to the I-5 Zoning District alone. The designation on the Future Land Use map is considered a broad guideline as stated below:



*Attachment No. 1*

*The Future Land Use map is not intended to provide specific land use designations for individual parcels. Instead, it establishes broad guidelines for land use patterns and should be applied in combination with the guiding principles, goals, and policies contained throughout the Comprehensive Plan. (Page 22)*

While the original intent of this MCT Park was to encourage a business park district, the market has changed and this location has become more advantageous for light industrial uses. In fact, the market has changed to the point that the City and Manhattan Area Chamber of Commerce want to rebrand the park away from the original “Corporate Technology Park” to the “Manhattan Business Park” which is also why the covenants for this Park were removed. This change is in harmony with the guiding principles, goals, and policies of Chapter 3 and 10 of the Comprehensive Plan. These chapters encourage coordinated and efficient pattern of growth (Chapter 3) and a strong, diversified economic base (Chapter 10).

**Staff Findings**

While the rezoning does not conform to the Future Land Use map designation, it does conform to the general policies for industrial uses and the I-3 District.

**8. Zoning History and Length of Time Vacant as Zoned**

Jan. 4, 1999:	MUAPB approved Land Use Plan Amendment
Jan. 19, 1999:	City Commission approved 1 <sup>st</sup> reading ordinance to amend Land Use Plan
Feb. 1, 1999:	MUAPB recommended approval of annexation
Feb. 2, 1999:	City Commission approved 2 <sup>nd</sup> reading ordinance to amend Land Use Plan
Feb. 16, 1999:	City Commission adopted Resolution asking consent from Riley Co., as owner, to annex South Airport Road & to make certain findings on annexing business park/airport.
March 22, 1999:	Riley Co. Commission makes findings and adopts Resolution to annex
April 6, 1999:	City Commission approved 1st reading annexation

*Attachment No. 1*

- May 3, 1999: MUAPB recommended approval of rezoning Tracts II and III, and approved Preliminary Plat Corp. Tech Park, Unit 3, Lots 6-9, and 11-29
- May 17, 1999: MUAPB considers Final Plat Corp. Tech Park, Unit 3
- May 18, 1999: City Commission considers 1<sup>st</sup> reading rezonings
- May 19, 1999: City Commission approves 2<sup>nd</sup> reading annexation & rezoning of the southern 2/3rds of the Technology Park, and acceptance of easements and r-o-w on Final Plat of Unit 3.
- June 7, 1999: Manhattan Urban Area Planning Board recommends rezoning the northern portion of the Technology Park : MCTP, Unit 1; Lot 4, MCTP, Unit 2; and proposed Lot 10 MCTP, Unit 4, to I-5/AO, and approves the concurrent Preliminary and Final Plats of MCTP, Unit 4.
- July 6, 1999: City Commission approves first reading of rezoning of the northern portion of the Technology Park, to I-5/AO.
- July 20, 1999: City Commission considers second reading to annex and rezone the northern portion of the Technology Park.
- May 2, 2005: MUAPB recommends approval of rezoning to add the Corporate Technology Park Overlay District.
- June 7, 2005: City Commission approves first reading of an ordinance rezoning the Corporate Technology Park to add the CTPO District, and amends the Covenants, Conditions and Restrictions.
- June 21, 2005: City Commission approves Ordinance No. 6480 rezoning to add the CTPO District.
- March 3, 2014: Manhattan Urban Area Planning Board recommends approval of rezoning of Lot 28, Manhattan Corporate Technology Park, Unit 3, from I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District, to I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District.

*Attachment No. 1*

- March 25, 2014      City Commission approves first reading of an ordinance rezoning of Lot 28, Manhattan Corporate Technology Park, Unit 3, from I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District, to I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District.
- May 6, 2014      City Commission approves Ordinance No. 7068 rezoning Lot 28, Manhattan Corporate Technology Park, Unit 3, from I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District, to I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District.

**Staff Findings**

The subject properties have been zoned for industrial/business park uses, and the subject properties have remained vacant since their annexation into the City limits.

**9. Whether the Proposed District would be Consistent with the 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.

Rezoning these parcels to the I-3, Light Industrial District, will not harm the public health, safety, and general welfare. As previously mentioned, the majority of the parcels in this Tech Park are already zoned I-3. Therefore rezoning these four parcels to I-3 will be compatible and should protect the values of the surrounding properties.

**Staff Findings**

The proposed zoning district is consistent with 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 that would result from Denial**

There would be no gain to public health, safety and welfare if this request is denied, the properties are vacant and surrounded by zoning districts and uses of similar character to the proposed zoning. If the proposed zoning is denied, the applicant could

*Attachment No. 1*

develop the property in accordance with the current zoning. However, the market for this area is for industrial uses, and it is possible that they would remain undeveloped if this request is denied. There could, however, be a hardship imposed upon the applicant if this request is denied, in that these properties might remain undeveloped and therefore would not contribute to the economic vitality of this community. The proposed zoning does broaden the potential use and marketability of the property beyond the current zoning

**Staff Findings**

There would be no relative gain to the public if this request is denied, and possible hardship to the applicant if it is denied.

**11. Whether Adequate Sewer and Water Facilities, Streets and other Needed Public Services Exist, or can be Provided, to Serve the Uses that would be Permitted by the Proposed Zoning District**

The streets and other public services are in place for these sites and they are adequate to serve the permitted uses in the proposed zoning district. However, the size and location of these utilities may need to be addressed to accommodate new development when the time arises. The details for all utilities will be addressed during the building permit process.

**Staff Findings**

Adequate sewer and water facilities, streets and other needed public services currently exist to serve all permitted uses of the proposed zoning district.

**12. Other Applicable Factors**

The site is located in the Fort Riley Noise Impact Area, and as per the MOU, Fort Riley was notified of the rezoning. Because the rezoning is for Industrial uses that are compatible with the Critical Area, Fort Riley had no comments.

**13. Staff Recommendation**

For this rezoning request, staff finds the properties are suited for the proposed I-3 District based on several factors. First of all, the majority of the surrounding neighborhood is already of this designation. The topography is not unusual and is suitable for the I-3 zoning. This proposed district is compatible with nearby properties and the character of the neighborhood, and should not have any detrimental effects. And furthermore, while the Future Land Use map of the Comprehensive Plan indicates this to be an office/research facility, the general policies do fit with the proposed industrial rezone. And finally, staff finds that this proposed zoning district is consistent with the intent and purpose of the Zoning Ordinance.

**Staff's Conclusion**

Based on the findings found in this Staff Report, City Administration recommends approval of the proposed rezoning of Lot 4, Manhattan Corporate Technology Park, Unit 2; Lot 10, Manhattan Corporate Technology Park, Unit 4; Lots 27 and 29, Manhattan Corporate Technology Park, Unit 3; from I-5/AO/MBPO, Business Park District with the Airport Overlay and the Manhattan Business Park Overlay to I-3/AO/MBPO, Light Industrial District with the Airport Overlay and the Manhattan Business Park Overlay.

**ALTERNATIVES**

1. Recommend approval of the proposed rezoning of Lot 4, Manhattan Corporate Technology Park, Unit 2; Lot 10, Manhattan Corporate Technology Park, Unit 4; Lots 27 and 29, Manhattan Corporate Technology Park, Unit 3; from I-5/AO/MBPO, Business Park District with the Airport Overlay and the Manhattan Business Park Overlay to I-3/AO/MBPO, Light Industrial District with the Airport Overlay and the Manhattan Business Park Overlay, based upon the findings in the staff report. (If your approval is also based upon evidence presented at the hearing, or other evidence, that should be state as part of your vote.)
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial based upon the factors set forth herein.
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 Lot 4, Manhattan Corporate Technology Park, Unit 2; Lot 10, Manhattan Corporate Technology Park, Unit 4; Lots 27 and 29, Manhattan Corporate Technology Park, Unit 3; from I-5/AO/MBPO, Business Park District with the Airport Overlay and the Manhattan Business Park Overlay to I-3/AO/MBPO, Light Industrial District with the Airport Overlay and the Manhattan Business Park Overlay based on the findings in the Staff Report.

*Attachment No. 1*

**Prepared by:** Carol Davidson, CFM, CPM, Senior Planner of the Community Development Department

**Date:** August 2, 2017

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Enclosures: