

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, AUGUST 21, 2007***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Tom Phillips and Commissioners Mark Hatesohl, Bob Strawn, Bruce Snead, and James E. Sherow were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 8 staff, and approximately 32 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Phillips led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Phillips proclaimed August 19-25, 2007, ***Big Brothers Big Sisters of Manhattan Week***. Sue Bath, Chair, Executive Board; Willie Novotny, Vice Chair, Executive Board; and Executive Board Members and Big Brothers Big Sisters of Manhattan staff were present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Snead brought to the community's attention the National Bio and Agro-defense Facility scoping meeting to be held August 28, 2007, 6:00 p.m., at the K-State Student Union on the campus of Kansas State University. He encouraged those interested to attend and learn more about the proposed facility, with an opportunity for both oral and written public comments.

## CONSENT AGENDA

(\* denotes those items discussed)

\* **MINUTES**

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, August 14, 2007.

**CLAIMS REGISTER NO. 2597**

The Commission approved Claims Register No. 2597 authorizing and approving the payment of claims from August 1, 2007, to August 7, 2007, in the amount of \$1,398,150.67.

**FINAL PLAT – DENISON ADDITION, UNIT TWO**

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Denison Addition, Unit Two, generally located north of the intersection of Anderson Avenue and Hylton Heights Road, more specifically, 1117 Hylton Heights Road, based on conformance with the Manhattan Urban Area Subdivision Regulations.

**FINAL PLAT – OAK HOLLOW ADDITION, UNIT TWELVE**

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Oak Hollow Addition, Unit Twelve, generally located south of the intersection of Davis Drive and Davis Circle, based on conformance with the Manhattan Urban Area Subdivision Regulations.

**FINAL PLAT – SWANSON LAND ADDITION**

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Swanson Land Addition, generally located southwest of the intersection of 17<sup>th</sup> Street and Houston Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

**ORDINANCE NO. 6654 – VACATE UTILITY EASEMENT – LOT 35, WYNDHAM HEIGHTS ADDITION, UNIT 4**

The Commission approved Ordinance No. 6654 vacating portions of an eight (8) foot wide utility easement on Lot 35, Wyndham Heights Addition, Unit 4 (aka 5205 Norwood Court), an addition to the City of Manhattan, Riley County, Kansas.

**ORDINANCE NO. 6655 – ADOPT – 2008 BUDGET**

The Commission approved Ordinance No. 6655 adopting the 2008 City Budget.

**ORDINANCE NO. 6656 – AMEND – 2007 GENERAL FUND BUDGET**

The Commission approved Ordinance No. 6656 amending the 2007 General Fund Budget.

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 082107-A – ADOPT – 2008-2013 CAPITAL IMPROVEMENT PROGRAM

The Commission approved Resolution No. 082107-A adopting the 2008-2013 Capital Improvement Program.

\* **ORDINANCE NO. 6657 – INCREASE – WATER RATES**

The Commission approved Ordinance No. 6657 increasing water rates within and outside the City, effective January 1, 2008.

### ORDINANCE NO. 6658 – RENAME – SYKES BOULEVARD

The Commission approved Ordinance No. 6658 renaming Sykes Boulevard to Executive Court.

### RESOLUTION NO. 082107-B – TEMPORARY NOTE SERIES NO. 2007-03

The Commission approved accepting the best bid for selling the notes and approved Resolution No. 082107-B issuing Temporary Note Series No. 2007-03 in the amount of \$4,640,000.00 to finance the following 15 special assessment and capital projects to be debt financed: *Grand Mere Vanesta, Unit 2, Sanitary Sewer (SS0623), Street (ST0629), Storm Water (SM0605) and Water (WA0627) Improvements; Lee Mill Heights Addition, Unit 3, Storm Water (SM0604), Sanitary Sewer (SS0622), Street (ST0626) and Water (WA0625) Improvements; Limey Pointe/McCall Road Street Improvements (ST0627); Miller Ranch Addition, Unit 3, Phase 2, Sanitary Sewer (SS0610) and Water (WA0612) Improvements; Scenic Meadows, Phase 1, Sanitary Sewer (SS0702), Sanitary Sewer (Lift Station) (SS0703), Street (ST0701) and Water (WA0702) Improvements; and Twin Oaks Parking Lot Improvements (CP705P).*

### RESOLUTION NO. 082107-C – APPLICATION – 2007 HOME INVESTMENT PARTNERSHIPS PROGRAM

The Commission approved Resolution No. 082107-C authorizing submission of an application for 2007 HOME Investment Partnerships Program funds and authorize the Mayor to execute the application.

\* **AWARD CONTRACT – PORTION OF FORMER ARMORY BUILDING RENOVATION (3-20-0052-33)**

Peter Van Kuren, Airport Director, and Ron Fehr, City Manager, provided information on the current use of the Armory and answered additional questions from the Commission.

## CONSENT AGENDA (CONTINUED)

\* **AWARD CONTRACT – PORTION OF FORMER ARMORY BUILDING RENOVATION (3-20-0052-33) (CONTINUED)**

The Commission accepted the Engineer's Estimates in the amounts of \$615,460.00 for the Base Bid, \$46,240.00 for Alternate No. 1, and \$6,375.00 for Alternate No. 2; and awarded a construction contract in the amount of \$534,616.60 for the Base Bid and Alternate No. 1 with Cheney Construction, Inc., of Manhattan, Kansas, for portion of former Armory Building Renovation (3-20-0052-33).

\* **TASK ORDER NO. 15 – PORTION OF FORMER ARMORY BUILDING RENOVATION (3-20-0052-33)**

Peter Van Kuren, Airport Director, and Ron Fehr, City Manager, provided information on the current use of the Armory and answered additional questions from the Commission.

The Commission authorized the Mayor and City Clerk to execute Task Order No. 15 in the amount of \$56,924.00 with HNTB Corporation, of Overland Park, Kansas, for portion of former Armory Building Renovation (3-20-0052-33).

\* **FEDERAL AVIATION ADMINISTRATION GRANT OFFER – PORTION OF FORMER ARMORY BUILDING RENOVATION (3-20-0052-33)**

Peter Van Kuren, Airport Director, and Ron Fehr, City Manager, provided information on the current use of the Armory and answered additional questions from the Commission.

The Commission authorized the Mayor and City Clerk to execute the Grant Offer in the amount of \$615,947.00 from the Federal Aviation Administration for portion of former Armory Building Renovation (3-20-0052-33).

**AWARD CONTRACT – NEW AND PARALLEL WATER AND PRESSURE REDUCTION VALVES PROJECT (WA0506)**

The Commission accepted the Engineer's Estimate in the amount of \$1,338,758.00 and awarded a construction contract in the amount of \$1,055,000.00 to the low bidder, Underground Developers, Inc., of Sioux Falls, South Dakota, for the New and Parallel Water and Pressure Reduction Valves Project (WA0506).

## CONSENT AGENDA (CONTINUED)

### AMENDMENT – ENGINEERING SERVICES – NEW AND PARALLEL WATER AND PRESSURE REDUCTION VALVES PROJECT (WA0506)

The Commission authorized the Mayor and City Clerk to execute an amendment to include Construction Phase Services (WA502P) in an additional amount not to exceed \$80,400.00 to the Contract for Engineering Services with BG Consultants, Inc., of Manhattan, Kansas, for the New and Parallel Water and Pressure Reduction Valves Project (WA0506).

### CONTRACT – ENGINEERING SERVICES – NEW AND PARALLEL WATER LINES PROJECT (WA0703)

The Commission authorized the Mayor to enter into a contract in the amount of \$201,658.50 with Bartlett and West, Inc., of Manhattan, Kansas, for Engineering Services for the 2007 New and Parallel Water Lines Project (WA0703).

### SET JUST COMPENSATION – AIRPORT NAVAID CRITICAL AREA

The Commission established the values of “just compensation” as outlined in the confidential documents for the acquisition of property for the Airport NAVAID Critical Area and authorized City Administration to make an offer based upon such “just compensation”.

### REQUEST – AGGIEVILLE BUSINESS ASSOCIATION – BANNERS ABOVE PUBLIC RIGHT-OF-WAY

The Commission approved a request from the Aggieville Business Association to allow the placement of banners on or above the public right-of-way.

After discussion, Commissioner Snead moved to approve the consent agenda as presented. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item G, ADOPT 2008 BUDGET, 2008-2013 CAPITAL IMPROVMENTS PROGRAM, AND AMEND 2007 GENERAL FUND BUDGET, which carried 4-1, with Commissioner Strawn voting against the motion.

## GENERAL AGENDA

### AWARD CONTRACT - MANHATTAN EMERGENCY SHELTER PROJECT (PF402)

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

## GENERAL AGENDA (CONTINUED)

### AWARD CONTRACT - MANHATTAN EMERGENCY SHELTER PROJECT (PF402) (CONTINUED)

Mandy Chapman Semple, Executive Director, Manhattan Emergency Shelter, Inc., provided additional information on the item and explained the need for an expanded facility. She asked the Commission to consider providing additional funds for the new facility and answered questions from the Commission regarding funding sources and clients that are served at the Shelter.

Ron Fehr, City Manager, responded to questions from the Commission regarding a provision to provide a loan to the Shelter for this project.

Mandy Chapman Semple, Executive Director, Manhattan Emergency Shelter, Inc., informed the Commission that a loan for the remaining amount would be an option and asked the Commission to match the contribution provided by Riley County.

After discussion, Commissioner Snead moved to approve the Architect's Estimate in the amount of \$1,495,000.00; award a contract in the amount of \$1,244,139.00 to the low bidder, Ron Fowles Construction Management Services Inc., of Manhattan, Kansas; waive building permit and utility fees for the for the Manhattan Emergency Shelter Project (PF402); and direct City Administration to provide a \$65,000.00 grant per year for a four year period from the Capital Improvement Program savings or Capital Reserve Fund for the Manhattan Emergency Shelter facility. Commissioner Sherow seconded the motion.

Mandy Chapman Semple, Executive Director, Manhattan Emergency Shelter, Inc., informed the Commission that the Shelter would be employing more people and that its clients will become employed in the community. She also stated that efficiencies will be gained with a new facility to serve more individuals at almost the same costs.

Ron Fehr, City Manager, responded to questions from the Commission regarding the availability of funds for this request.

After discussion, on a roll call vote, motion failed, 2-3, with Mayor Phillips and Commissioners Strawn and Hatesohl voting against the motion.

After discussion, Commissioner Hatesohl moved to approve the Architect's Estimate in the amount of \$1,495,000.00; award a contract in the amount of \$1,244,139.00 to the low bidder, Ron Fowles Construction Management Services Inc., of Manhattan, Kansas; waive building permit and utility fees for the for the Manhattan Emergency Shelter Project (PF402); and direct City Administration to provide a \$125,000.00 grant to the Shelter and provide a no interest loan for \$135,000.00 to Manhattan Emergency Shelter, Inc. Commissioner Strawn seconded the motion. After discussion, on a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – AMEND FINAL DEVELOPMENT PLAN -LOT 5, SOUTH WIND OFFICE PARK ADDITION; REZONE - SOUTHWIND LOFTS PLANNED UNIT DEVELOPMENT

Eric Cattell, Assistant Director for Planning, presented the item and answered questions from the Commission.

Gwyn Riffel and Ron Fowles, Applicants, provided additional information on the item. They responded to questions regarding Shuss Road improvements, the creation of a benefit district to make the improvements, and the benefits of trail access.

Ron Fehr, City Manager, provided additional information on the item and answered questions from the Commission.

Ann Micklos, 210 Brush Creek Lane, provided a petition to the Commission that was signed by tenants of Brush Creek Lane. She voiced concern with the size of the development and location of the buildings, parking, trash, and density of the project. She then answered questions from the Commission and stated that she wasn't consulted by the developer or architect.

Mike Mecseri, Timber and Stone, Architect, informed the Commission that the issues raised tonight were new to him and responded to questions from the Commission.

Eric Cattell, Assistant Director for Planning, provided additional information on parking stall requirements.

Ron Fehr, City Manager, and Bill Frost, City Attorney, provided additional information and clarification on the potential of a benefit district for Shuss Road to be improved.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance amending Lot 5 of South Wind Office Park Planned Unit Development and Ordinance No. 3770, based on the findings in the Staff Report (*See Attachment No. 1*); and, approve first reading of an ordinance rezoning Southwind Lofts Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 1*), with the eight conditions of approval recommended by the Planning Board. Commissioner Strawn seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING - AMEND FINAL DEVELOPMENT PLAN – LOT, LIMEY POINTE COMMERCIAL PLANNED UNIT DEVELOPMENT

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

## GENERAL AGENDA (*CONTINUED*)

### FIRST READING - AMEND FINAL DEVELOPMENT PLAN – LOT, LIMEY POINTE COMMERCIAL PLANNED UNIT DEVELOPMENT (*CONTINUED*)

Spencer Lombardo, Dial Realty, provided additional information on the item and answered questions from the Commission regarding Lot 6.

After discussion, Commissioner Snead moved to override the Manhattan Urban Area Planning Board's recommendation, and modify the amendment of the Final Development Plan for Lot 5 of Limey Pointe PUD, generally located at McCall Road and Hostetler Drive, and Ordinance No. 6566, to incorporate the building and signage changes shown in the revised application documents, based on the findings in the Staff Report (*See Attachment No. 2*) and Supplemental Memorandum (*See Attachment No. 3*), with the one condition of approval recommended by the Planning Board and with the second condition of approval that the skirted pole sign shall include a three (3) foot tall masonry planter around the base, incorporating masonry materials similar to those used in the building as recommended by City Administration. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING – ANNEX/REZONE - KNIGHT'S PARK ADDITION

Eric Cattell, Assistant Director for Planning, presented the item and responded to questions from the Commission.

Curt Loupe, Director of Parks and Recreation, responded to questions regarding the park land identified in the Addition.

Chris Bohm, Ruggles and Bohm, provided additional information on the item regarding past flooding issues, flood elevations of the subject property, Marlatt Drainage Channel, required fill for the project, and addressed improvements that are planned to be made in the area. He provided reasons that the proposal should be supported and asked that the item go back to the Manhattan Urban Area Planning Board.

Russ Weisbender, Applicant, spoke of the positive attributes of the project and the need to provide the area with affordable housing. He asked the Commission to consider the request and to re-evaluate the project with the Comprehensive Land Use Plan. He then answered questions about the proposal and the Marlatt drainage ditch improvements that will need to be made.

Paul Irvine, 3370 Casement Road, informed the Commission that he has lived in the area since 1947 and is familiar with the associated water problems. He voiced concern that the development would have a negative impact on his property and requested the Commission deny the request to annex and rezone Knight's Park Addition.

## GENERAL AGENDA (*CONTINUED*)

### FIRST READING – ANNEX/REZONE - KNIGHT'S PARK ADDITION (*CONTINUED*)

Lyle Butler, President, Manhattan Area Chamber of Commerce, informed the Commission that this developer has targeted the affordable housing market and that he appreciates his efforts and, those efforts from other builders to meet the needs of affordable housing in our marketplace. He then answered questions from the Commission regarding Fort Riley and provided a status update on troop strength and, stated the 2011 anticipated assignments are still on schedule for 19,000 soldiers to be assigned to Fort Riley.

Chris Bohm, Ruggles and Bohm, provided additional information on the proposal and responded to questions about drainage, Corps of Engineers, FEMA, and questions raised by the Commission. He stated the drainage situation east of Casement is the same as west of Casement.

Russ Weisbender, Applicant, informed the Commission that they have taken great measures to provide a level of protection better than 60 percent of Manhattan.

Rob Ott, City Engineer, responded to questions from the Commission regarding software from the Corps of Engineers and traffic analysis.

At 10:15 p.m., the Commission took a brief recess.

Chris Bohm, Ruggles and Bohm, responded to additional questions regarding drainage and the subdivision process.

Rob Ott, City Engineer, and Ron Fehr, City Manager, provided additional information on the item and responded to questions from the Commission.

Bill Frost, City Attorney, provided clarification on the requested annexation and rezoning and answered questions from the Commission.

After discussion, Commissioner Snead moved to return the item to the Manhattan Urban Area Planning Board for further consideration with discussion of issues to be addressed with the Comprehensive Land Use Plan, land allocations, the growth vision, and the consistency with the intent and purpose of the zoning ordinance, and, with any additional feedback from the Planning Board to clarify their perspective on the issues raised by the application. Commissioner Hatesohl seconded the motion.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – ANNEX/REZONE - KNIGHT'S PARK ADDITION (CONTINUED)

Ron Fehr, City Manager, and Eric Cattell, Assistant Director for Planning, asked for clarification on the motion and provided additional information on the item. They informed the Commission that the item will take more time before it comes back to the Commission.

After additional discussion, on a roll call vote, motion carried 4-1, with Commissioner Sherow voting against the motion.

### FIRST READING - STORMWATER REGULATORY ORDINANCE

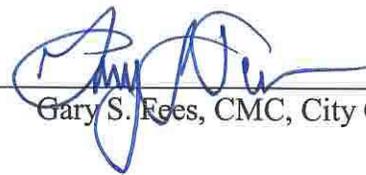
Steve Hampton, Engineer III, presented the item.

Rob Ott, City Engineer, and Steve Hampton, Engineer III, provided additional information on the item and responded to questions from the Commission.

After discussion, Commissioner Strawn moved to approve first reading of a regulatory stormwater Ordinance. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

### ADJOURNMENT

At 11:11 p.m. the Commission adjourned.



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Gary S. Rees, CMC, City Clerk

## **STAFF REPORT**

### **APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT AND THE AMENDMENT OF A FINAL DEVELOPMENT PLAN**

#### **BACKGROUND**

**PROPOSED CHANGES:** The rezoning for the proposed Southwind Lofts PUD is to allow a total of thirteen (13) residential dwelling units in four (4) buildings, one of which is an existing building. Proposed Permitted Uses include: Two-family dwellings and Multiple-family dwellings. The Final Development Plan amendment modifies the traffic circulation and off-street parking. The proposed project consists of two parts:

1. The rezoning of Lots 6 and 7, in the Bullock Addition; and,
2. An Amendment of the approved Final Development Plan of Lot 5, South Wind Office Park Addition.

**REZONING LOCATION:** 230 Shuss Road.

#### **PROPOSED REZONING:**

**FROM:** R-2, Two Family Residential District.

**TO:** PUD, Planned Unit Development District.

#### **PROPOSED FINAL DEVELOPMENT PLAN AMENDMENT:**

The Amendment of the Final Development Plan of Lot 5 is to modify the traffic circulation and off-street parking on Lot 5 to allow access across Lot 5 to the proposed Southwind Lofts PUD and to relocate a five (5) of the off-street parking on Lot 5 and to allow shared off-street parking with the proposed Southwind Lofts PUD. No other changes to the Southwind Office Park are proposed.

There are 28 existing off-street parking spaces serving the office building. Five (5) spaces on the southwestern part of the parking area are relocated along a driveway leading to Southwind Lofts PUD. Total number of spaces after amendment is 28.

**AMENDMENT LOCATION:** 222 Southwind Place.

*Attachment No. 1*

**OWNER/APPLICANT:** Fowles-Riffel, LLC (Ron Fowles and Gwyn Riffel).

**OWNER/APPLICANT ADDRESSES:** 222 Southwind Place and 230 Shuss Road.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, June 25, 2007

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, July 16, 2007  
Tabled to August 6, 2007

**CITY COMMISSION:** Tuesday, August 21, 2007.

**REZONING AND AMENDMENT AREA:** Total area: 1.9 acres or 82,328 square feet.

Rezoning: approximately .97 acres (42,253 square feet).

Amendment: approximately .92 acres (40,075 square feet).

**PROPOSED BUILDINGS AND STRUCTURES:** No change is proposed to the interior or the exterior of the Southwind Office Park office building.

Proposed residential buildings include three new buildings and the modification of an existing one story single family dwelling to a two-family dwelling. Fowles-Riffel, LLC will own and maintain the common areas.

Proposed buildings consist of:

Units 1, 2 and 3: Three family one-bedroom dwelling units in a one story building approximately 11 feet in height.

Units 4 and 5: Two family dwelling two-bedroom and three-bedroom dwelling units in a one story building (conversion of existing single family dwelling unit) approximately 11 feet in height.

Units 6 and 7: Two family dwelling one-bedroom units in a one story dwelling building approximately 11 feet in height.

Units 8-13: Six family one-bedroom dwelling units in a two story building approximately 32 feet in height.

A total of 18 bedrooms are proposed.

*Attachment No. 1*

Buildings are proposed to be constructed with EFIS walls and standing seam metal roofs with metal clad windows. Entrances are from the front of each building in Units 1-5 have no rear access or decks/patios on the west or north sides of the site. A rear deck is proposed on the east side with Unit 6 and a patio with Unit 7.

The two story six unit building is proposed to be constructed with the same exterior and roof materials as the other buildings. Each first floor unit has a patio on the north and south sides of the unit. Each second floor unit has a deck on the north side and balcony on the south side along Shuss Road. Each unit is offset at an angle to the street at an approximate 5 foot front yard setback for the building wall and 2 feet for roof overhang. The walkway along Shuss Road is at the property line and is access from off-street parking to the unit.

**PROPOSED LOT COVERAGE**

<b><i>USE</i></b>	<b><u>Square Feet (sf)</u></b>	<b><u>Percentage</u></b>
Building (lots 6 and 7)	10,040 sf	23.7%
Parking/Drives	9,771 sf	23.1%
Landscaping/Open space	22,469 sf	53.1%

**PROPOSED SIGNS**

<b><u>Type</u></b>	<b><u>Dimensions</u></b>	<b><u>Lighting</u></b>
Wall	8 ft long by 4 feet tall	External goose neck lamps

Identification signs, "Southwind Lofts", are proposed on the east and west walls of the two story building along Shuss Road. Materials may be wood or metal.

Exempt signage described in Article VI, Section 6-104 of the Zoning Regulations such as flags, address numerals, directional, holiday lighting, campaign and other exempt signs will be allowed.

**PROPOSED LIGHTING:** All lighting will be downcast and shaded. Lights will be wall packs, light poles (10 feet tall near residential entrances) and new light poles to match existing in Southwind Office Park.

## **REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

**1. LANDSCAPING:** A large mature oak tree will be preserved as a focal point within the Southwind Lofts PUD with additional landscape plantings, trees, shrubs and lawn throughout the site. Water source is underground irrigation to be maintained by the applicant/owner.

Lot 5 remains unchanged. A landscape berm at the entrance will be modified to improve sight distance, but no other changes to landscaping are proposed.

**2. SCREENING:** Off-street parking will be internal to the site and separated by buildings from a two family zone to the west of the PUD. A trash dumpster will be screened with a 6 foot tall wood fence. No changes on Lot 5.

**3. DRAINAGE:** The rezoning site drains to Shuss Road to an existing concrete box. On-site detention is not required. The applicant proposes to vacate the existing drainage easement along Shuss Road and construct an underground concrete box from the southwest corner of the site across Shuss Road to the existing box. The site will drain to storm sewer inlets, which will connect to the proposed box. A drainage report was submitted by the applicant's consultant and reviewed and accepted by the City Engineer (attachment).

**4. CIRCULATION:** The Amendment shows the entrance off Shuss Road unchanged. A new driveway will connect to the west to the proposed Southwind Lofts area. Private access across Lot 5 to Southwind Lofts will be provided. A Travel Easement off Shuss Road to Southwind Lofts is proposed and named South Oak Place. Emergency Service providers will need to review the name, which may need to change with the Final Development Plan and Final Plat.

Off-street parking is managed and controlled by the applicant/owner. A total of 28 off-street parking spaces will serve the office, consistent with the existing conditions.

The residential portion consists of 18 total bedrooms and 19 parking spaces are proposed with 8 to the east of the lofts that can be shared with Lot 5.

Pedestrian access will be from internal walks from parking areas. Sidewalk will need to be provided along Shuss Road to connect to internal walks when Shuss Road is improved to an urban section. If Shuss Road is not improved, a sidewalk connection to the southeast along the north side of Shuss Road to the improved portion on Southwind Road will need to be provided.

*Attachment No. 1*

A traffic report was submitted by the applicant and reviewed and accepted by the City Engineer (attachment). Minimal impact on the surrounding street network is expected as a result of the Amendment. The City Engineer recommends that, *“The development should be required to bring this portion of Shuss Road up to the City of Manhattan current urban standards for public streets. The street condition today is a gravel road with a horizontal curve that is sharper than was is allow on our streets today for new roadways. The developer should be required construct new curb & gutter, new street pavement, any required storm sewers structures and new sidewalks to be in conformance with our current specification for city streets.”*

The applicant has indicated a benefit district should be created with adjoining owners to improve Shuss Road to Brushcreek Lane.

**5. OPEN SPACE AND COMMON AREA:** Approximately 53 % of the PUD rezoning site is open space, after the proposed construction of driveway and off-street parking.

**6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is generally characterized by a large community commercial shopping development and professional and business office activities along a major street. Low density two family residential is a lesser part of the area with low density single family separated by terrain and dense tree and other natural vegetation.

**MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED  
UNIT DEVELOPMENT**

**WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE  
INTENT**

**AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE  
EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:**

The proposed changes are consistent with the office/business nature of the PUD and, at a minimum, maintain the number of off-street parking spaces and circulation pattern for Lot 5.

**WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE  
OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND  
THE NATURE OF SUCH CONDITIONS:**

The amendment is necessary to accommodate a circulation and shared parking arrangement with the proposed Southwind Lofts PUD, a residential development. The neighborhood has changed in recent years to include a large commercial shopping center and corresponding intensity of activity.

*Attachment No. 1*

**WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The proposed amendment will remove a visual barrier that partially blocks views of drivers making left hand turns to Southwind Lofts at the dividing point of Southwind Place. The amendment to modify the circulation and shared parking is intended to serve clients of the office use on Lot 5 in Southwind Park and the residents of Southwind Lofts PUD. The proposed amendment, in association with the rezoning, provides a housing opportunity in proximity to a commercial shopping center with retail, restaurant, and other services.

### **MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS**

1. **EXISTING USE:** single family dwelling on two lots and office building on one lot.
2. **PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The proposed rezoning site consists of a vacant residential lot along Shuss Road with an existing residence on the northern lot. The site slopes and drains downhill from north to south to an open drainage swale along Shuss Road, which directs run-off to the southeast to a concrete box. The frontage is dominated by a large oak tree, which will be preserved. The remainder of the yard is open landscaped space with scattered trees throughout the site. Access to the house is a gravel driveway on the eastern side of the site connecting with Shuss Road.

Lot 5 is a developed site consisting of an office building and off-street parking with lawn and trees.

No portion of either site is in a flood plain.

### **3. SURROUNDING LAND USE AND ZONING:**

- (a.) **NORTH:** Professional and business office, single-family dwellings; PUD and R, Single-Family Residential District.
- (b.) **SOUTH:** Commercial retail shopping center and gravel public street (Shuss Road); PUD.
- (c.) **EAST:** Seth Child Road and commercial retail; PUD.
- (d.) **WEST:** Two-family dwellings; R-2, Two-Family Residential District.

*Attachment No. 1*

**4. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is generally characterized by a large community commercial shopping development and professional and business office activities along a major street. Low density two family residential is a lesser part of the area with low density single family separated by terrain and dense tree and other natural vegetation.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The rezoning and amendment sites are suitable for the uses for which they are currently zoned.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed residential dwellings are consistent with the character of the area. The site will serve as a transitional zone between professional office, community commercial and lower density single and two family dwellings. No detrimental impacts are anticipated as a result of the proposed changes. Access will be from Shuss Road and a professional office area. Drainage will be improved with a proposed concrete box replacing an open swale along Shuss Road. Lighting will be downcast and shaded and residential in scale and character.

Dwelling units are oriented inward with the rear of residential buildings on the west side of the PUD facing the rear of two family dwellings to the west. The western yard would be considered a side yard with a minimum 8 foot setback, which is the proposed setback. Single family residential to the north is buffered by terrain changes and densely vegetated space along the northern boundary of the PUD. Reduced setbacks along the north lot line are proposed at 2 feet and are separated from areas to the north by the dense vegetation on the adjacent property. The closest house to the north is approximately 216 feet north of the northern boundary of the building location at 2 feet. Setbacks on the east side of the PUD are as close as zero feet to 1 foot. The applicant's office building is approximately 13-22 feet from the proposed residential building. Reduced front yards along Shuss Road will not impact views of other property in the vicinity of the site.

The owners of the Southwind Office Park have agreed to the amendment (attachment).

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan shows site in the Southwest Planning Area as a combination of Office/Research Park and Residential Low/Medium density (RLM) development.

*Attachment No. 1*

Applicable goals, principles, and policies related to the proposed rezoning consist of:

*Chapter 4: Land Use and Growth Management*

Policies of the RLM category include:

***RLM 1: Characteristics***

*The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.*

***RLM 2: Appropriate Density Range***

*Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.*

***RLM 3: Location***

*Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.*

***RLM 4: Variety of Housing Styles***

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.*

***Chapter 9: Housing and Neighborhoods***

Relevant Goal, Guiding Principles, and Policy:

***Goal #2:***

*Ensure that new housing represents a variety of housing types and costs appropriate to the neighborhood.*

**Guiding Principles:**

*Provide opportunities for a greater mix of housing types, which are appropriately located, scaled and designed in relation to surrounding neighborhoods.*

*Provide housing opportunities for all income levels.*

**Goal #3:**

*Guide the development of new housing and neighborhoods to ensure connectivity, sustainability and quality of life.*

**Guiding Principle:**

*Promote neighborhood design that allows for multi-modal connectivity between adjacent neighborhoods, commercial areas, and parks and open space.*

Relevant Policy:

**HN 1: Mixture of Housing Types**

*The City and County shall encourage, through their land use regulations and incentive programs, the private sector to provide a mixture of housing types with varied price ranges and densities, that attempt to meet the needs of all elements of the Urban Area population*

**HN 5: Promote Infill and Redevelopment**

*The City and County should encourage infill development and redevelopment on vacant or underutilized parcels where infrastructure and services are readily available and where it would foster the stabilization or revitalization of an existing area. Infill and redevelopment should be sensitive to the established character of the surrounding neighborhood. Infill means the development of new housing or other buildings on scattered vacant sites in a built-up area. Redevelopment means the replacement or reconstruction of buildings that are in substandard physical condition, or that do not make effective use of the land on which they are located. If properly designed, infill and redevelopment can serve an important role in achieving quality mixed use neighborhoods.*

The proposed net density is 14.9 dwelling units per net acre, based on the lot and common areas shown on the proposed site plan. The Comprehensive Plan recommends net density should not exceed 11 dwelling units per net acre. While the density is greater than the recommendations of the Comprehensive Plan, the nature of the infill project appears to be

*Attachment No. 1*

appropriate and serves as a transition between the commercial use to the south and low density to the north of the proposed PUD. The proposed PUD generally conforms to the policies of the Comprehensive Plan. The mix of housing is appropriate for the predominately commercial and professional office nature of the neighborhood. Its location will allow for residents to walk to nearby commercial retail and commercial services.

The existing Southwind Office Park PUD conforms to the Office/Research designation.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The existing residence and office building were constructed in 1972 and 1982, respectively.

1966           Annexation.  
1966-1969    AA, Single Family Residence.  
1969-1973    R, Single-Family Residential District.  
1973-Present R-2 District (PUD rezoning site)

Lot 5 Final Plan approved 1982. Zoning related memorandums indicate the original Southwind PUD was established in 1965 and amended in 1969.

**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 PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout.

The proposed PUD and amendment are consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There appears to be no gain to the public that denial would accomplish, compared to the hardship to the owner. Proposed storm water improvements by the applicant, and street improvements, as recommended by the City Engineer, will be a gain to the public.

*Attachment No. 1*

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate streets, sanitary sewer and water are available to serve the site. Shuss Road will need to be improved, at a minimum, for that part of the street, which abuts the proposed PUD frontage.

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed Amendment to Final Development Plan of the Final Development Plan of Lot 5 of the Southwind Office Park Planned Unit Development, and approval of the rezoning of Southwind Lofts from R-2, Two-Family Residential District, to PUD, Planned Unit Development District , with the following conditions:

1. Permitted uses shall include two-family and multiple-family residential dwelling units.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Two wall signs shall be permitted, as proposed. Exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations shall also be permitted.
5. Lighting shall be a full cut-off design.
6. The development shall be required, at a minimum, to bring that portion of Shuss Road abutting the Southwind Lofts PUD to the City of Manhattan current urban standards for public streets. The developer shall be required to construct new curb and gutter, new street pavement, any required storm sewers structures and new sidewalks to be in conformance with the City's current specifications for city streets.
7. If Shuss Road is not constructed to an urban section, pedestrian access to Southwind Road shall be provided and shown on the Final Development Plan.
8. The proposed Travel Easement street name shall conform to the requirements Manhattan Urban Area Subdivision requirements.

### **ALTERNATIVES:**

1. Recommend approval of the proposed Amendment of the Final Development Plan of Lot 5 of the Southwind Office Park Planned Unit Development, and rezone of Southwind Lofts from R-2, Two-Family Residential District, to PUD, Planned Unit Development District, stating the basis for such recommendation.
2. Recommend approval of the proposed Amendment of Lot 5 of the Final Development Plan of Southwind Office park and proposed Southwind Lofts PUD, and modify the conditions, and any other portions of the proposed Amendment and PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed Amendment and rezoning, stating the specific reasons for denial.
4. Table the proposed Amendment and rezoning to a specific date, for specifically stated reasons.

### **POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment of the Final Development Plan of Lot 5 of the Southwind Office Park Planned Unit Development; and, the rezoning of Southwind Lofts, from R-2, Two-Family Residential District to PUD, Planned Unit Development District, based on the findings in the Staff Report, with the eight (8) conditions recommended by City Administration.

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

**DATE:** July 31, 2007

07076

## **STAFF REPORT**

### **ON AN APPLICATION TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD)**

## **BACKGROUND**

**APPLICANT/OWNER:** Dial-McCall Road, LLC – Robert Welstead

**ADDRESS:** 11506 Nicholas Street, Suite, 200 Omaha, NE

**LOCATION:** Lot 5, Limey Pointe Addition, which is generally located along the north side of McCall Road, northeast corner of the McCall Road and Hostetler Drive intersection.

**AREA:** 45,738 square feet (1.05 acres).

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, July 16, 2007

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, August 6, 2007

**CITY COMMISSION:** Tuesday, August 21, 2007

**DESCRIPTION OF PROPOSED AMENDMENT:** Amend Lot 5 of the Limey Pointe Commercial Planned Unit Development District, Ordinance No. 6566, for a proposed Firestone automobile maintenance and tire retail facility.

The Limey Pointe PUD was approved with the following conditions of approval:

9. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C- 5, Highway Service Commercial District; except for Adult Businesses which shall be prohibited.
10. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
11. All landscaping and irrigation shall be maintained in good condition.
12. Light poles shall be provided as described in the application documents and shall be full cutoff design. Building lighting shall be provided as proposed and shall not cast direct light onto public or private streets or adjacent property.

*Attachment No. 2*

13. An architecturally unifying pole and/or ground signage plan shall be submitted with the Final Development Plan for the first phase. The signage plan shall apply to the entire PUD, and shall include, but not be limited to, clear architectural elements, materials and lighting, and ground treatments, such as stone planters and landscaping at the sign base. Height, maximum gross surface area, structural type, setback and illumination shall be clearly set out in the signage plan. The signage plan shall indicate that there shall be no more than one (1) pole or ground sign per lot. In addition, pole signs shall have a maximum height of 30 feet above the ground; the total gross surface area of pole and ground signs including reader-boards shall be limited to no more than 1 square foot of sign area per 1 foot of linear street frontage and shall not exceed a maximum 200 square feet in area; skirting for pole signs and the base of pole and ground signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and signs shall include a landscaped area around the base.
14. Wall signs shall be permitted as proposed.
15. Temporary banner signs shall be limited to no more than one (1) banner sign per lot. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.
16. Traffic improvements cited in the July 31, 2006, Inter-Office Memorandum from the City Engineer shall be constructed with the first phase of the development to include:
  - (a.)The second through lane for westbound traffic on McCall Road between Hays Drive and Hostetler Drive shall be added.
  - (b.)The westbound and eastbound left turn lanes shall be aligned at the intersection of Hostetler Drive & McCall Road.
  - (c.)Hostetler Drive shall match the south leg of the intersection in terms of number of lanes and configuration.
  - (d.)An urban section shall be shown on the plans along the north side of McCall Road and shall include curb and gutter.
9. Drainage improvements cited in the July 31, 2006, Inter-Office memorandum from the City Engineer for storm inlets and storm sewer pipes shall be provided with the first phase of the development.
10. Prior to the development of Lots 3, 5 and 6, an amendment of the PUD shall be submitted and approved prior to issuance of any necessary permits.

**PROPOSED BUILDINGS AND STRUCTURES:** One-story, Firestone retail tire store and automobile maintenance facility approximately 24 feet to the roof line. The new building will be 48 feet by 167 feet (including eaves and gutters) for an approximate building area of 8016 square feet. The front façade will be tan in color with a 4' 8" aluminum fascia panel under the roof line to mount the proposed signage. The rear and

*Attachment No. 2*

side facades will also be painted tan and grey to match the front façade. The building fronts to the west; the automobile maintenance bays and walk-in doors for the office and retail section are located on the west side of the building. Forty four (44) off-street parking spaces are proposed, which includes two (2) handicapped accessible parking stalls. Based on the number of service bays, the automobile service and retail store would be required to provide 20 stalls. Access is from private travel easement that is described as a “Public Access Easement” on the Final Development Plan. This private travel easement is located on Lot 6, Limey Point PUD and will be privately owned and maintained. The private travel easement acts as a public driveway to both Lots 5 & 6 and is proposed to become a named street via a public travel easement that will connect Hostetler Drive to Hayes Drive in a future PUD.

### **PROPOSED LOT COVERAGE**

Proposed lot coverage: building (17%), drives and parking, (53%), and open/landscaped space (30%).

### **PROPOSED SIGNS**

The pole sign is along the McCall Road frontage and is 30 feet in height with 167 square feet of readable sign area on both sides. The base is a painted metal and is designed to form a revered “L” shape that will face east and west along McCall Avenue. The base is in a landscape space along the street frontage and parking lot. Wall signs are internally lit and well scaled to the building facades.

**PROPOSED LIGHTING:** Light poles are a cut-off design. Exterior wall mounted lights illuminate both wall signs and exterior areas.

### **MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT**

**WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:** The proposed use and site is consistent with the commercial highway business nature of the PUD and is intended for relocation of businesses from the north Manhattan Marketplace PUD, as well as new and similar businesses such as IHOP and Taco Bell.

*Attachment No. 2*

**WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** The amendment is necessary because the specific occupant of the site was unknown at the time the PUD was approved. It was generally expected that an automobile repair/service facility would develop on Lot 5.

**WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** The proposed amendment was anticipated with the original approval, with the exception of the “public assess easement” that will connect Hostetler Drive and Hayes Drive. No adverse impact on the public is expected. The proposed use is a permitted use in the PUD and does not grant a special benefit to any person.

**ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT**

- 1. LANDSCAPING:** Landscaping exceeds that proposed with the approved PUD and consist of canopy, ornamental and evergreen trees, shrubs, ornamental grasses and lawn areas to be owned and maintained by the owner. Landscaped areas will irrigated with underground systems.
- 2. SCREENING:** The 6 foot, 9 inch tall block wall dumpster is located in the northeast part of the site with materials consistent with the building materials.
- 3. DRAINAGE:** The site will drain to storm sewers.
- 4. CIRCULATION:** Access is from the “Public Access Easement” that will be privately owned and maintained by the owners of Lots 6.
- 5. OPEN SPACE AND COMMON AREA:** Each lot is individually owned and consists of building, off-street parking and landscaped areas.
- 6. CHARACTER OF THE NEIGHBORHOOD:** Generally characterized as a mix of retail and industrial service businesses.

**EXISTING USE:** Vacant commercial lot.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Generally a flat site located in the build-able portion of the 100 Year Flood Plain. The 100 Year Flood elevation is 1008 feet. Finished floor elevation of the proposed building is 1010.50 feet, or 2.5 feet above the flood elevation. The site drains to the northwest to the drainage ditch along Hostetler Drive and then on to a drainage ditch along McCall Road.

**SURROUNDING LAND USE AND ZONING:**

(a.) **NORTH:** “Public Access Easement” and Lot 6, future development site in Limey Pointe; PUD

(b.) **SOUTH:** McCall Road, Super-Walmart; PUD.

(c.) **EAST:** Waste Management; C-6.

(d.) **WEST:** Hostetler Drive, Lot 4, Limey Pointe, Pizza Hut restaurant under construction; Limey Pointe PUD.

**GENERAL NEIGHBORHOOD CHARACTER:** Generally characterized as a mix of retail and industrial service businesses.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** Limey Pointe PUD uses: Permitted Uses include all of the Permitted and Conditional Uses of the C-5, Highway Service Commercial District, except for Adult Businesses, which will not be allowed. Automobile service centers are a permitted use in the PUD and the site is suitable for the use.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site is a commercial growth corridor and its development as a commercial PUD should be compatible with the surrounding neighborhood.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map for the Northeast Planning Area designates the site as Community Commercial (CC). The PUD amendment is in general conformance to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has been zoned various commercial and industrial districts over time. Annexation was in 1968 and 1969. Commercial and industrial buildings have occupied the site. Limey Pointe PUD was approved on September 5, 2006 (Ordinance No. 6566).

*Attachment No. 2*

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The amendment is consistent with the approved PUD and Zoning Regulations.

**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 if the amendment is denied and it may be a hardship to the owner if the amendment is denied. The proposed land use and PUD were approved in 2006.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer, storm sewer, and water are available.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed Amendment of Lot 5, Limey Pointe Commercial Planned Unit Development District and Ordinance No. 6566, and the Final Development Plan, with the following conditions of approval:

1. The Final Development Plan shall be subject to the conditions of approval of Ordinance No. 6566.

**ALTERNATIVES:**

1. Recommend approval of the proposed Amendment of the Limey Pointe Commercial Planned Unit Development, and Ordinance No. 6566, and the Final Development Plan, stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment of the Limey Pointe Commercial Planned Unit Development, and Ordinance No. 6566, stating the basis for such recommendation.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment of the Limey Pointe Commercial Planned Unit Development, and Ordinance No. 6566, and approval of the Final Development Plan, based on the findings in the Staff Report, with the one condition recommended by City Administration.

**PREPARED BY:** Chad Bunger, Planner

**DATE:** July 25, 2007

07081

*Attachment No. 3*

The changes are as follows:

- **Building**: Removing a metal fascia along the top of the overhead service-bay doors on the front (i.e. west) elevation and replacing it with painted masonry block.
- **Signage**: Increasing the size of the wall signs on the northern and eastern (i.e. rear) elevations from 56 sq ft to 75 sq ft.; and reducing the wall signs on the southwest corner building tower from 56 sq ft, to 47 sq ft. They are also removing some signage from the front fascia (i.e. "maintenance-repairs-tires"). Also, the can-logo wall signs are now individual letters with separate a logo can. These signage changes are due to a recent corporate change in the Firestone signage package, so the signs also look a little different from the original amendment proposal. (*See letter from Embree Group Construction, dated August 17, 2007*).
- The final issue is that the applicant needs to add a masonry planter around the base of the skirted pole sign, to incorporate materials similar to the building, (as per Ordinance No. 6566, which established the PUD). City Administration discussed this with the applicant and Firestone has agreed to incorporate a three (3) foot tall masonry planter around the base of the skirted pole sign, as shown on the revised landscape site plan.

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** County G-1, General Agricultural District.

**TO:** R-2, Two-Family Residential District.

**APPLICANT:** Russ Weisbender.

**ADDRESS:** 1812 Fair Lane, Manhattan KS 66502.

**OWNERS:** Nancy K. Abbott.

**ADDRESS:** 25 Elmwood Drive, Meriden CT 06450.

**LOCATION:** Generally southeast of the intersection of Casement Road and Marlatt Avenue between the Big Blue River and casement Road.

**AREA:** Approximately 135 acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday July 16, 2007.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday August 6, 2007.

**CITY COMMISSION:** Tuesday August 21, 2007.

**EXISTING USE:** Agricultural.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is bounded on the east by the Big Blue River, on the west by Casement Road, on the north by agricultural field, and on the south by a natural drainage channel extension of the concrete lined drainage ditch in Brookfield, low density residential, and KMAN radio station. The site drains to the east to the river. A natural drainage channel extension of Marlatt drainage ditch is located in the north third of the site from Casement Road east to the river. There is an existing house approximately 1,180 feet east of Casement Road connected by gravel driveway. The house is to the immediate north of the southern drainage channel. The eastern part of the site is 100 Year Flood Plain, which extends partly into the northern drainage channel and primarily along the western bank of the river. The remainder of the site is 500 Year Flood Plain. The drainage channels and river bank are heavily treed.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Agricultural and single-family dwelling; G-1 District.
- (2) **SOUTH:** County single-family and City single and two family dwellings, radio station; G-1, and R-1, Single-Family Residential District and R-2 District.
- (3) **EAST:** Big Blue River and Pottawatomie County agricultural; Pottawatomie County A-1, General Agriculture District.
- (4) **WEST:** Casement Road and single and two family residential; R-1 and R-2 Districts.

**GENERAL NEIGHBORHOOD CHARACTER:** The site is at the northeastern boundary of the City limits and characterized by agricultural and low density residential development.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable for agricultural uses as zoned.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed R-2 District would be compatible with the low density residential character of abutting R-1 and R-2 Districts to the south and west of the site.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The proposed rezoning site is shown on the Future Land Use map in the Northeast Planning Area as a combination of Parks and Recreation, Agriculture, Flood Hazard Area including Federal Emergency Management Agency (FEMA) designated floodways and areas inundated during the 1993 Flood Event, and Neighborhood Commercial Center. The site is also within a Special Planning Area identified as the Blue River Valley.

**Land Use Category Descriptions**

The majority of the site is shown as Agriculture/Flood Hazard, with Park and Recreation along Casement Road. Neighborhood Commercial is identified at the intersection of Marlatt Avenue and Casement Road.

Parks and Recreation land uses are primarily oriented to neighborhood, scenic, and community parks, trails, and recreational facilities. Park sizes range from as small as 1-3 acres to as large as 15-20 acres, with the typical size being 10 acres. Parks are characterized as active or passive and are generally provided by the City. The park and recreation use is generally located along Casement Road.

*Attachment No. 4*

Agriculture land use is oriented towards farming, ranching, and other agriculture uses and is shown in the area that would include the southern and eastern parts of the site.

Flood Hazard areas include both Floodways identified on FEMA maps and areas inundated by 1993 flooding. The Comprehensive Plan indicates that development is prohibited in both of these flood hazard areas. In addition, the site is identified as Flood Hazard area on the Environmental Values and Constraints Map of the Comprehensive Plan, which shows conflicts where development may be proposed.

Neighborhood Commercial Centers are approximately 10 acres in area, but may be as small as 1-3 acres up to 15-20 acres. Retail and business/professional offices are intended to serve nearby neighborhoods. The commercial category is in the general location of the intersection of Casement Road and Marlatt Avenue. The neighborhood commercial category could be located on any part of the intersection and does not mean the entire intersection should be commercial. However, as currently zoned, the only areas for commercial development would be on the east side of the intersection or northwest of the intersection, as the southwest corner is R-2 District.

The site is also within The Blue River Special Planning Area described below. Special Planning Areas require more detailed review in order to protect their unique features.

*BLUE RIVER VALLEY  
Background and Intent*

*The Blue River Valley is planned as a mixed-use residential area. The area will contain a series of low/medium density residential neighborhoods, with medium/high density residential focused adjacent to existing higher density housing along Tuttle Creek Boulevard, and along Marlatt Avenue near the intersection of Casement Road. Employment and neighborhood commercial uses should also be integrated to provide a range of employment opportunities and services for residents.*

*Policies*

*BR 1: Flood Risk Protection and Management of Tuttle Creek Reservoir*

*The Blue River Valley below Tuttle Creek Reservoir presents unique challenges for development, due to the potential man-made flood releases, which pose a special flood hazard risk to the area, beyond the identified FEMA Flood Plain. The community has expressed a desire to utilize the 1993 Flood event as the acceptable level of risk, outside of which development will be promoted.*

*Attachment No. 4*

*New development shall not be permitted within the Flood Hazard Area, which encompasses the area inundated by the 1993 Flood. The Flood Hazard Area is delineated on the Future Land Use Map.*

*BR 2: Mixture of Housing Types*

*Residential neighborhoods should include a variety of low to medium density housing types. Medium to high density residential should be focused adjacent to established higher density housing along Tuttle Creek Boulevard, and along Marlatt Avenue near the intersection of Casement Road.*

*BR 3: Neighborhood Commercial and Employment*

*The incorporation of employment and neighborhood commercial uses is strongly encouraged and shall be focused near the Casement/Marlatt intersection.*

**Applicant's Proposal**

In contrast to the policies of the Comprehensive Plan, the applicant has proposed Residential Low/Medium Density residential uses and Park and Recreation. Portions of the site along the Big Blue River and in the extension of the Marlatt Drainage ditch will be public park and trail.

Policy statements of the RLM category include:

*RLM 1: Characteristics*

*The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.*

*RLM 2: Appropriate Density Range*

*Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.*

*RLM 3: Location*

*Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.*

*RLM 4: Variety of Housing Styles*

*To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.*

Proposed Knight's Park does not conform to the policies of the Comprehensive Plan. The Plan does not indicate that Residential Low/Medium Density residential uses should occur between Casement Road and the Big Blue River.

Three hundred and fifty nine (359) two-family residential lots are proposed in an area which was inundated, in part, by the 1993 flood. The unique characteristic of the site is its location south of the Tuttle Creek Reservoir, which is subject to flooding due to man-made flood releases beyond the flooding events shown on adopted FEMA maps. The Plan states that, *New development shall not be permitted within the Flood Hazard Area, which encompasses the area inundated by the 1993 Flood. The Flood Hazard Area is delineated on the Future Land Use Map.*

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has been zoned for G-1 District uses since the 1970's. The house has been on the site for an undetermined period of time.

**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 R-2, Two-Family Residential District is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. Minimum lot area for single-family attached lots is 3,750 square feet per lot. The 135 acre rezoning site is sufficient in area to conform to the R-2 District requirements.

The site is not intended to be developed with residential uses as recommended in the Comprehensive Plan due to man-made flooding events, which can occur due to water releases at Tuttle Creek Reservoir. Denial of the rezoning would ensure that residential development does not occur between Casement Road and the Big Blue River. If residential

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development is allowed to occur between the road and the river, the public health and safety may not be preserved and residential uses could be adversely impacted from man-made flooding.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** The denial of the request would keep residential uses from developing on the site and be a relative gain to the public health and safety. Man made flood events due to releases from Tuttle Creek Reservoir may adversely impact the site and damage public improvements including public facilities and services such as streets and public parks. It is a gain to the public to deny the request compared to the hardship to the applicant.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Public facilities and services can be provided to serve the site.

**OTHER APPLICABLE FACTORS:** If the annexation and rezoning are approved, a Preliminary Plat must be submitted and approved, prior to development of the site. If the annexation and rezoning are approved, public park issues would need to be resolved as a part of the plat.

**STAFF COMMENTS:**

City Administration recommends denial of the proposed rezoning of Knight's Park from County G-1, General Agricultural District, to R-2, Two-Family Residential District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Knight's Park from County G-1, General Agricultural District, to R-2, Two-Family Residential 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 denial of the proposed rezoning of Knight's Park from County G-1, General Agricultural District, to R-2, Two-Family Residential District, based on the findings in the Staff Report .

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

**DATE:** July 31, 2007

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