

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, MAY 20, 2008***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Mark Hatesohl and Commissioners Bob Strawn, Bruce Snead, and Tom Phillips were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 8 staff, and approximately 6 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Hatesohl led the Commission in the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Commissioner Strawn informed the community that earlier today he read a proclamation for National Foster Care Month and was wearing a blue ribbon to recognize foster families. He encouraged those that know a foster parent to thank them and encouraged anyone interested in foster care to get involved and assist kids who need your help.

**CONSENT AGENDA**

(\* denotes those items discussed)

**MINUTES**

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, March 18, 2008.

**CLAIMS REGISTER NO. 2582**

The Commission approved Claims Register No. 2582 authorizing and approving the payment of claims from April 30, 2008, to May 13, 2008, in the amount of \$1,095,213.24.

## CONSENT AGENDA (CONTINUED)

### LICENSE – CEREAL MALT BEVERAGE

The Commission approved a Cereal Malt Beverage License for calendar year 2008 for the following: *Aggie Lounge*, 712 North 12<sup>th</sup> Street; *Dara's Fast Lane #10*, 2323 Tuttle Creek Boulevard; *Short Stop #12*, 2010 North Tuttle Creek Boulevard, and *Valentino's*, 3003 Anderson Avenue.

\* **ORDINANCE NO. 6696 – GENERAL OBLIGATION BONDS, SERIES 2008A and 2008B**

Ron Fehr, City Manager, provided an update on the results of the bond sale.

The Commission approved Ordinance No. 6696 issuing \$15,385,000.00 in general obligation bonds to finance the following thirty-nine (39) special assessment projects (Series 2008-A): ***Grand Mere Village – Street (ST0528); Stone Pointe Addition, Unit One, Phase One – Sanitary Sewer (SS0605) and Street (ST0611); Western Hills Addition, Unit Thirteen – Street (ST0604); Kimball Townhomes – Street (ST0622); Daisy Meadow Subdivision – Sanitary Sewer (SS0620), Street (ST0624), and Water (WA0623); Eureka Addition – Sanitary Sewer (SS0607) and Water (WA0610); Four Winds Village, Block Two – Sanitary Sewer (SS0601), Street (ST0603), and Water (WA0602); Prairie Lakes Addition, Unit Three – Sanitary Sewer (SS0617) and Water (WA0619); Stone Pointe Addition, Unit One, Phase Two – Sanitary Sewer (SS0614), Street (ST0617), and Water (WA0616); Cedar Glen Addition – Stormwater (SM0602), Sanitary Sewer (SS0615), and Water (WA0617); Grand Vista Addition, Unit One – Sanitary Sewer (SS0519), Street (ST0527), and Water (WA0520); Grand Mere Vanesta, Unit Two – Sanitary Sewer (SS0623) and Water (WA0627); Lee Mill Heights Addition, Unit Three – Stormwater (SM0604), Sanitary Sewer (SS0622), Street (ST0626), and Water (WA0625); Miller Ranch Addition, Unit Three, Phase Two – Sanitary Sewer (SS0610) and Water (WA0612); Stone Pointe Addition, Unit Two – Sanitary Sewer (SS0624) and Water (WA0628); Heritage Square – US-24 Improvements & Traffic Signals (ST0702); Heritage Square – External Waterline (WA0614); and Heritage Square South P.U.D. – Sanitary Sewer (SS0612), Street (ST0616), and Water (WA0613)***; approved issuing \$2,525,000.00 in general obligation refunding bonds which will refund General Obligation Bond Series 212; and approved Resolution Nos. 052008-C and 052008-D authorizing delivery of the Series 2008-A and Series 2008-B bonds to the low bidder.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 6697 – REZONE – 2310 CANDLEWOOD DRIVE

The Commission approved Ordinance No. 6697 rezoning Lot 4, Bristow Addition, Unit One, generally located at 2310 Candlewood Drive, from R-2, Two-Family Residential District, to C-1, Restricted Business District, based on the findings in the Staff Report (*See Attachment No. 1*).

### ORDINANCE NO. 6698 – ANNEX – NORTHWING ADDITION

The Commission approved Ordinance No. 6698 annexing a 106-acre tract of land for the proposed Northwing Addition, generally located 1,400 feet east of the Marlatt Avenue and Tuttle Creek Boulevard intersection along the north side of Marlatt Avenue, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

### ORDINANCE NO. 6699 – REZONE – NORTHWING ADDITION

The Commission approved Ordinance No. 6699 rezoning the site from County G-1, General Agricultural District, to R-1, Single-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 2*).

### ORDINANCE NO. 6700 – REZONE – MCCALL LANDING

The Commission approved Ordinance No. 6700 rezoning McCall Landing, generally located north of the McCall Road and Carlson Street intersection, from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the fifteen (15) conditions recommended by the Manhattan Urban Area Planning Board (*See Attachment No. 3*).

### RESOLUTION NO. 052008-B – CARLSON STREET – STORM WATER IMPROVEMENTS (SM0802)

The Commission authorized the Mayor to execute the petition; find the petition sufficient; and approve Resolution No. 052008-B finding the project advisable and authorizing construction for Carlson Street Storm Water Improvements (SM0802).

### AGREEMENT – ENGINEERING SERVICES – CARLSON STREET STORM WATER IMPROVEMENTS (SM0802)

The Commission authorized the Mayor and City Clerk to execute an agreement with Sloan Meier Hancock – Engineers Surveyors P.A., of Manhattan, Kansas, to perform engineering services for Carlson Street Storm Water Improvements (SM0802).

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – LEE MILL HEIGHTS, UNIT 4 – STREET (ST0710), WATER (WA0706), SANITARY SEWER (SS0705), AND STORM WATER (SM0703) IMPROVEMENTS

The Commission accepted the Engineer's Estimate in the amount of \$1,724,000.00 and awarded a construction contract in the amount of \$1,488,888.00 to the low bidder, Manhattan Trenching, Inc., of Manhattan, Kansas, for Lee Mill Heights, Unit 4, Phase 1, Street (ST0710), Water (WA0706), Sanitary Sewer (SS0705), and Storm Water (SM0703) Improvements.

### CHANGE ORDER NO. 1-FINAL – UTILITY CUT REPAIRS (WA0601)

The Commission approved the Change Order No. 1-Final, for 2006-2007 Utility Cut Repairs (WA0601), resulting in a net decrease in the amount of \$42,227.36 (-22.47%) to the contract with Pavers Inc., of Salina, Kansas.

\* **NEGOTIATE CONTRACT – CONSULTING SERVICES – FLINT HILLS PRAIRIE DISCOVERY CENTER**

Commissioner Snead provided additional information on the contract for museum consulting services for the development of the Flint Hills Prairie Discovery Center. He then commented on the selection process, the recommendation of the committee, and the importance of the consultant to involve the community.

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with E. Verner Johnson and Associates, of Boston, Massachusetts, in association with Hilferty and Associates, of Athens, Ohio, and Economic Stewardship, Inc., of Sturgeon Bay, Wisconsin, for concept development and program services for the Flint Hills Prairie Discovery Center.

### AWARD CONTRACT – HOUSING REHABILITATION PROJECTS

The Commission accepted the bids for 1319 Colorado and 1204 Pierre Streets; awarded the bids to the lowest responsible bidders; authorized the Mayor and City Clerk to enter into agreements with the contractors and property owners for expenditure of Housing Rehabilitation Funds; and authorized City Administration to approve any necessary change orders.

### SEEK PURCHASE PRICE – FIRE QUINT PUMPER LADDER TRUCK

The Commission accepted the recommendation of the Fire Department's Apparatus Committee and Staff and authorized City Administration to seek purchase prices from several dealers for the purchase of a 75' Pierce PUC quint pumper ladder truck.

## CONSENT AGENDA (*CONTINUED*)

### AUTHORIZE PURCHASE – 2007 MICROSOFT OFFICE LICENSES

The Commission authorized the City of Manhattan Information Systems Division to purchase 201 Microsoft Office 2007 software licenses from Software House International, of Austin, Texas, in the amount of \$54,610.00.

### \* BOARD APPOINTMENTS

Ron Fehr, City Manager, responded to questions about term limits on the Manhattan Urban Area Planning Board.

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

#### *Code Appeals Board*

Re-appointment of Steve Kirby, 8838 Quail Lane, to a three-year Journeyman Plumber term. Mr. Kirby's term begins immediately and will expire May 31, 2011.

Re-appointment of Warren Martin, 1906 Hayes Drive, to a three-year Journeyman Mechanic term. Mr. Martin's term begins immediately and will expire May 31, 2011.

#### *Downtown Business Improvement District Advisory Board*

Appointment of Angela Cunningham, 4721 Grantham Drive, St. George, to fill the unexpired term of Bruce Thierolf. Ms. Cunningham's term begins immediately and will expire December 31, 2008.

#### *Manhattan Urban Area Planning Board*

Re-appointment of Mike Kratochvil, 210 Southwind Place, to a three year alternating term. Mr. Kratochvil's term begins immediately and will expire April 30, 2011.

After discussion, Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 4-0, with the exception of Item H, Resolution No. 052008-B – Carlson Street – Storm Water Improvements (SM0802) and Agreement – Engineering Services – Carlson Street Storm Water Improvements (SM0802), which carried 3-0, with Commissioner Strawn abstaining from the item.

## GENERAL AGENDA

### AMEND - ECONOMIC DEVELOPMENT AGREEMENT - COLLEGIATE MARKETING SERVICES (CMS)

Lauren Palmer, Assistant City Manager, presented the item.

Steve Ballard, Chief Executive Officer, Collegiate Marketing Services, responded to questions from the Commission regarding employment levels, opening status, and company timeframe.

Lauren Palmer, Assistant City Manager, responded to questions from the Commission regarding the amendment to the Agreement and stated the company's interim reporting appears to be on track.

After discussion, Commissioner Snead moved to authorize the Mayor and City Clerk to execute an amendment to the Economic Development Incentives Agreement with CMS based upon the company's need for additional mortgage subordination and its willingness to forgo incentives totaling \$200,000.00. Commissioner Strawn seconded the motion. On a roll call vote, motion carried 4-0.

### RESOLUTION OF INTENT NO. 052008-A - ISSUE UP TO \$1.5 MILLION IN INDUSTRIAL REVENUE BONDS - FRATERNAL INVESTORS, LLC, / WESTERN EXTRALITE COMPANY

Lauren Palmer, Assistant City Manager, presented the item. She then answered questions from the Commission.

Ron Fehr, City Manager, provided additional information regarding the Industrial Revenue Bond (IRB) request.

Bill Frost, City Attorney, and Ron Fehr, City Manager, responded to questions from the Commission regarding the issuance of the IRB, title to the property and tax status, and responsibilities/advantage of/to the applicant.

Leith Winsor, Western Extralite Company, provided additional information about his relocation and business plans to expand its capacity, strengthen its focus on energy-saving products, and grow as part of the Manhattan economy.

After discussion, Commissioner Strawn moved to approve Resolution No. 052008-A indicating the Commission's intent to issue up to \$1.5 million in Industrial Revenue Bonds for the purpose of constructing a commercial office/warehouse facility to be leased by Fraternal Investors, LLC, and subleased to Western Extralite Company. Commissioner Snead seconded the motion. On a roll call vote, motion carried 4-0.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – ANNEX/REZONE - LEE MILL HEIGHTS ADDITION, UNIT SIX

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

Mark Bachamp, Schultz Development, provided additional information on the project and responded to questions from the Commission.

After discussion, Commissioner Snead moved to approve first reading of an ordinance annexing a .122-acre tract of land in the proposed Lee Mill Heights Addition, Unit Six, generally located southwest of the intersection of Leone Terrace and Leone Ridge Drive, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program; and, approve first reading of an ordinance rezoning the site from County G-1, General Agricultural District, to R, Single-Family Residential District with AO, Airport Overlay District, based on the findings in the Staff Report (*See Attachment No. 4*). Commissioner Phillips seconded the motion. On a roll call vote, motion carried 4-0.

## EXECUTIVE SESSION

At 7:37 p.m., Commissioner Snead moved to recess into Executive Session until 7:55 p.m. for the purpose of preliminary discussions related to the acquisition of real estate. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 4-0.

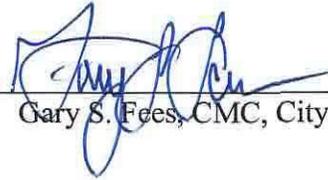
At 7:55 p.m., the Commission reconvened with Mayor Hatesohl and Commissioners Strawn, Snead, and Phillips in attendance. Commissioner Snead moved to come out of Executive Session. Commissioner Phillips seconded the motion. On vote, motion carried 4-0.

At 7:55 p.m., Commissioner Snead moved to recess into Executive Session until 8:15 p.m. for the purpose of consulting with the City Attorney regarding matters that are deemed privileged under the attorney/client relationship. Commissioner Phillips seconded the motion. On vote, motion carried 4-0.

At 8:15 p.m., the Commission reconvened with Mayor Hatesohl and Commissioners Strawn, Snead, and Phillips in attendance. Commissioner Strawn moved to come out of Executive Session and adjourn. Commissioner Snead seconded the motion. On vote, motion carried 4-0.

**ADJOURNMENT**

At 8:16 p.m., the Commission adjourned.

A handwritten signature in blue ink, appearing to read "Gary S. Fees", is written over a horizontal line.

Gary S. Fees, CMC, City Clerk

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

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

**TO:** C-1, Restricted Business District.

**APPLICANT:** First Assembly of God Church.

**ADDRESS:** 2310 Candlewood Drive.

**OWNER:** First Assembly of God Church.

**ADDRESS:** 2310 Candlewood Drive.

**LOCATION:** 2310 Candlewood Drive, which is south of Gary Avenue, west of Seth Child Road, east of Candlewood Drive, and north of the Westchester Park apartment complex.

**AREA:** 4.5 acres (Lot 4, Bristow Addition, Unit One).

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, March 17, 2008

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, April 7, 2008

**CITY COMMISSION:** Tuesday, May 6, 2008.

**EXISTING USE:** First Assembly of God church, off-street parking lot, accessory storage buildings. There are two access driveways off Candlewood Drive, which lead to the parking lot.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Generally a flat improved site for a church. The church and its off-street parking lot occupy the approximate south two-thirds of the site. The approximate north one-third of the site is an open lawn, except for an existing curb cut near the intersection of Gary Avenue and Seth Child Road, which extends along the west side of the open area as a driveway leading to the parking lot.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Gary Avenue, platted as an 80 foot right-of-way, financial institution, two-family dwellings, townhomes; C-1 District, Planned Unit Development District, and R-2, Two-Family Residential District
- (2) **SOUTH:** Westchester Park multiple-family apartment complex; R-3, Multiple-Family Residential District.
- (3) **EAST:** Seth Child Road, single-family homes; R-1, Single-Family Residential District.
- (4) **WEST:** Candlewood Drive, platted as an 80 foot right-of-way, Cambridge Square multiple-family apartment complex; R-3 District and C-1 District.

**GENERAL NEIGHBORHOOD CHARACTER:** The site is in a highway corridor dominated by multiple-family, neighborhood retail commercial, and office park and restricted business uses. Low density residential neighborhoods are separated from the site by apartment complexes and a major street.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable for the permitted uses of the R-2 District, including a church. The lot is greater in area than the minimum lot size for permitted and conditional uses of the R-2 District.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezoning to C-1 District may add more traffic, light, and noise to the area. The site is bounded by a major street on the east, Seth Child Road, and Gary Avenue and Candlewood Drive, on the north and west respectively. Seth Child Road is a divided four lane highway approximately 215 feet in width. Gary Avenue and Candlewood Drive are designated as local streets in the Manhattan Area Transportation Study, but are platted as collector width streets, both 80 feet in width for those parts of the street adjoining the site. To the immediate south is an apartment complex. In addition, the site is bounded by C-1 District to the north and west/northwest, and R-3 Districts to the west and south. C-1 Districts to the west/northwest are developed as multiple family buildings, with the western buildings a part of the Cambridge Square complex and the northwest building a separate four-family dwelling unit. C-1 District to the north is a bank. R-1 District to the east is separated from the site by Seth Child Road.

The C-1 District is intended to be compatible with residential uses. C-1 Districts are in the vicinity of several residential neighborhoods throughout the City, such as along Poyntz Avenue, with C-1 District separated from low density residential neighborhoods by public alleys; along Anderson Avenue near the Kansas State Foundation building, which is

*Attachment No. 1*

separated from low density residential neighborhoods by public streets; at the intersection of Windsong Lane and Anderson Avenue, which is separated by public streets from nearby low density residential neighborhoods, but also abuts the Windsong low density residential neighborhood; and, more recently, along Claflin Road and north of Buena Vista Drive for the Manhattan Medical Center.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The rezoning site is shown on the Northwest Planning Area Future Land Use Map of the Comprehensive Plan as RHD, Residential High Density. The Plan recommends the policies of the Office/Research park (OFF/RP) as appropriate to implement the C-1 District

Policies of the RHD designation include:

***RHD 1: Characteristics***

The Residential High Density designation is designed to create opportunities for higher density neighborhoods in both an urban downtown setting and a suburban setting. Within an urban or downtown setting, the designation accommodates higher-intensity residential housing products, such as mid to high-rise apartments, townhomes and condominiums, combined with complementary non-residential land uses, such as retail, service commercial, and office uses, often within the same building. In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or urban fashion, such as in planned apartment communities with complimentary neighborhood service commercial, office and recreational facilities. These neighborhoods could be implemented through a Planned Unit Development or by following design and site plan standards (design review process).

***RHD 2: Appropriate Density Range***

Possible densities under this designation are 19 dwelling units per net acre and greater.

***RHD 3: Location***

Residential High Density uses are typically located near intersections of arterials and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. High-density neighborhoods should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods. In a more urban or downtown setting, residential high density may be combined with active non-residential uses in a vertically mixed-use building.

***RHD 4: Building Massing and Form***

Plain, monolithic structures shall be avoided. Infill projects should be compatible with the established mass and scale of other buildings along the block. In a planned apartment community context, large buildings shall be designed with a variety of wall planes and roof forms to create visual interest.

***RHD 5: Mix of Uses***

Non-residential uses should generally not exceed 25% of the total floor area in a mixed-use structure.

***RHD 6: Parking Location and Design***

Within an established urban neighborhood, such as the downtown core, adequate off-street parking should be located behind buildings or within mixed-use parking structures.

***RHD 7: Structured Parking***

Structured parking garages, often necessary for this type of development intensity, should be designed with a similar level of architectural detail as the main building. Incorporating active uses, such as retail spaces, into the ground floor is strongly encouraged, particularly in downtown settings.

Applicable policies of the OFF land use include:

***OR 1: Characteristics***

The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, “campus-like” setting. Office/Research Park developments may be incorporated into a master planned neighborhood, 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, 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 (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17<sup>th</sup> 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 Park facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access.

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

Office/Research Park developments should be organized in a planned, “campus-like” setting that is heavily landscaped. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces

(Note: the Comprehensive Plan is mis-numbered with no policy OR4.)

***OR 5: Unified Architectural Character***

Buildings within an Office/Research Park setting should have a unified architectural character achieved through the use of similar elements, such as rooflines, materials, colors, signage, landscaping and screening and other architectural and site layout details.

***OR 6: Common Areas***

Plazas and other common outdoor gathering spaces should be provided as part of the “campus” environment. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces, such as quads, courtyards, patios, or seating areas for employees and visitors.

***OR 7: Circulation and Access***

Building entrances, outdoor gathering spaces, and parking areas shall be linked with clear, direct pedestrian walkways.

***OR 8: Outdoor Storage***

The functions of an Office/Research Park facility should generally be completely contained within buildings. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.

The proposed rezoning to C-1 District does not conform to the RHD land use recommended by the Comprehensive Plan; however, the site’s location with respect to streets providing access, separation from low density residential neighborhoods, and buffering of those low density neighborhoods by surrounding high density uses and existing C-1 District to the north, generally support the rezoning. The proposed C-1 District would be an appropriate fit in the neighborhood and generally conform to the Comprehensive Plan.

*Attachment No. 1*

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The church was built around 1986 to 1987.

October 11, 1976	Manhattan Urban Area Planning Board approved Preliminary Plat of the Candlewood Addition.
January 15, 1980	Annexation
January 15, 1980-Present	Rezoning to R-2 District
January 14, 1980	Manhattan Urban Area Planning Board approves Final Plat of the Bristow Addition, Unit One.
February 5, 1980	City Commission accepts rights-of-ways and easements.

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The C-1, Restricted Business District is designed to provide for non-retail commercial, and business and professional activities adjacent to arterial and collector streets. The district is intended to be compatible with adjacent residential districts.

The rezoning site is bounded by wide public streets and a multiple family apartment complex. The rezoning site mirrors a generally similar condition to the north. The area to the north consists of a C-1 District, which adjoins a residential townhome complex.

**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 relative gain to the public that denial would accomplish compared to the hardship to the applicant.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public facilities and services are available to serve the site. The collector width portions of Candlewood Drive and Gary Avenue streets adjoining the site are intended to serve traffic movements between the arterial, Seth Child Road, and the neighborhood width streets for access to abutting property. Traffic is controlled at Candlewood Drive and Gary Avenue intersection by a roundabout and at Seth Child Road by stop signs.

*Attachment No. 1*

Seth Child Road is a divided four lane highway approximately 215 feet in width. Gary Avenue and Candlewood Drive are designated as local streets in the Manhattan Area Transportation Study, but are platted as collector width streets, both 80 feet in width for those parts of the street adjoining the site. Gary Avenue is platted 80 feet in width from the intersection of Candlewood Drive and Gary Avenue to Seth Child Road and narrows to 60 feet west of Candlewood Drive and Gary Avenue as the street extends into low density neighborhoods. Candlewood Drive is platted 80 feet in width from Candlewood Drive and Gary Avenue intersection to Candlewood Drive and Englewood Street intersection and widens from the intersection to Kimball Avenue intersection to approximately 115 feet in width. North of Candlewood Drive and Gary Avenue intersection, Candlewood Drive narrows to 60 feet in width to serve low density residential neighborhoods.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Lot 4, Bristow Addition, Unit One, generally located at the First Assembly of God Church, 2310 Candlewood Drive, from R-2, Two-Family Residential District, to C-1, Restricted Business District

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Lot 4, Bristow Addition, Unit One, generally located at the First Assembly of God Church, 2310 Candlewood Drive, from R-2, Two-Family Residential District, to C-1, Restricted Business District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning Lot 4, Bristow Addition, Unit One, generally located at the First Assembly of God Church, 2310 Candlewood Drive, from R-2, Two-Family Residential District, to C-1, Restricted Business District, based on the findings in the Staff Report.

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

**DATE:** April 1, 2008

08019

*Attachment No. 2*

## **STAFF REPORT**

### **ON AN APPLICATION TO REZONE PROPERTY**

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

**TO:** R-1, Single-Family Residential District.

**APPLICANT:** Frey Property Development Corporation

**ADDRESS:** 219 Wava Avenue, Niceville, FL 32578

**OWNERS:** Anders Trust, Isaac W. Anders and Janet J. Anders

**ADDRESS:** 14 Roadrunner Trail, Placitas, NM 87043

**LOCATION:** generally located approximately 1,400 feet east of the Marlatt Avenue and Tuttle Creek Boulevard intersection. The tract is along the north side of Marlatt Avenue, along the east side of Tuttle Creek Residence subdivision, Colonial Gardens Trailer Court and Valleywood subdivision, south of Star Farms, and approximately 430 feet west of Nelson's Landing Street.

**AREA:** approximately 106 acres

**DATE OF PUBLIC NOTICE PUBLICATION:** April 1, 2008

**DATE OF PUBLIC HEARING: PLANNING BOARD:** April 21, 2008

**CITY COMMISSION:** May 6, 2008

**EXISTING USE:** Row crop, agricultural land

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is generally flat, row crop land. The site drains in three directions using shallow swales that ultimately drain in to the Marlatt Ditch. The western edge of the site drains to a swale along the western property line, the southeast portion of the site drains directly into the Marlatt Ditch, and the northeast portion drains into a channel that runs along the common boundary of the property to the north (Star Farms).

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Row crop agricultural land; G-1, General Agricultural District.
- (2) **SOUTH:** Two (2) residential dwellings and outbuildings used for service commercial business, Marlatt Avenue (2-lane, rural arterial), Marlatt drainage ditch, Eisenhower Middle School, Eisenhower Baseball Complex, single-family, two-family, and multi-family residential dwellings; County A-2, Single-Family Residential, County G-1, General Agriculture District, County C-4, Highway Business District, R-1, Single-Family Residential District, R-2, Two-Family Residential District, R-3, Multi-Family Residential District and Residential PUD.
- (3) **EAST:** Vacant industrial land, single-family dwellings and vacant agricultural land; County D-2, Light Industrial District, A-2, Single-Family Residential District, and G-1, General Agriculture District.
- (4) **WEST:** Industrial use, multi-family residential dwellings, manufactured home park and single-family dwellings; County D-2, Light Industrial District, City Residential PUD, R-5, Manufactured Home Park, County A-2, Single-Family Residential District, County B-1, Two-Family Residential District and County Residential PUD.

**GENERAL NEIGHBORHOOD CHARACTER:** The site is on the north east edge of the City limits located in an area with a mix of residential uses and agricultural land. To the south and west of the site are predominately residential uses with a manufactured home park (Colonial Gardens trailer court) and multi-family dwellings (Tuttle Creek Residence) to the west and single-family, two-family and multi-family dwellings to the south in the Brookfield, Northview and Prairie Lakes developments. The Eisenhower Middle School and Eisenhower Baseball Complex are also located to the south. The area to the north and east of the site is predominately vacant, row crop agriculture land. The Nelson's Landing neighborhood, a low density, residential development in Riley County, is located to the east.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable for permitted uses of the County G-1 District,

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:**

Additional light, noise, and traffic can be expected as a result of the rezoning, but should not adversely impact neighboring properties. The proposed R-1 District adjoins existing R-1 District areas to the south of Marlatt Avenue. There are also similar residential uses

outside of the City limits in the Valleywood Subdivision, which is adjacent to the proposed subdivision. Concerns were raised that an adverse impact would be created by the increase in traffic along Valleywood Drive from the proposed subdivision into the established neighborhood of Valleywood. Collapsible bollards are proposed to be installed in the center of Valleywood Drive at the property line to prevent traffic from entering the Valleywood neighborhood and still provide emergency access.

**CONFORMANCE WITH COMPREHENSIVE PLAN:**

The Future Land Use Map of the Northeast Planning Area shows the approximate east half and a small area in the northwestern corner of the tract as Residential Low Medium (RLM) and the west half as Residential Medium High (RMH).

RLM policies 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.*

The RMH policies include:

***RMH 1: Characteristics***

*The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.*

***RMH 2: Appropriate Density Range***

*Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.*

***RMH 3: Location***

*Residential Medium/High Density neighborhoods should be located close to arterial streets and be bounded by collector streets where possible, with a direct connection to work, shopping, and leisure activities.*

***RMH 4: Variety of Housing Styles***

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

Based on a note on the Preliminary Plat, the proposed R-1 District net density is 2.7 dwelling units per net acre. The RLM and RMH policies indicate that single-family dwellings are acceptable uses. The proposed rezoning of the Northwing Addition is in general conformance to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained vacant and zoned County G-1 for approximately 30 years.

**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-1, Single-Family Residential District is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. Lots in the proposed Northwing Addition range from

*Attachment No. 2*

7,998 square feet in area to 26,582 square feet in area. All lots exceed minimum lot size requirements of the R-1 District.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish compared to the hardship to the public.

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

**OTHER APPLICABLE FACTORS:** A Preliminary Plat was submitted by the applicant, which will be considered at the April 21, 2008 Manhattan Urban Area Planning Board meeting.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of Northwing Addition from County G-1, General Agriculture, to R-1, Single-Family Residential District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Northwing Addition from County G-1, General Agriculture, to R-1, Single-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 approval of the proposed rezoning of Northwing Addition from County G-1, General Agriculture, to R-1, Single-Family Residential District, based on the findings in the Staff Report.

**PREPARED BY:** Chad Bunger, Planner

**DATE:** April 4, 2008

CB/vr  
08025

## **STAFF REPORT**

### **APPLICATION TO REZONE PROPERTY TO COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT**

### **BACKGROUND**

**FROM:** I-2, Industrial Park District.

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

**OWNER/ ADDRESS:** McCall Inc./615 McCall Road, Manhattan KS.

**APPLICANT/ ADDRESS:** McCullough Development Inc.– Charles Busch/PO Box 1088, 210 N. 4<sup>th</sup> Street, Manhattan KS.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, February 25, 2008.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, April 21, 2008. (Tabled previously to April 7, 2008 and to April 21, 2008). **CITY COMMISSION:** Tuesday, May 6, 2008.

**LOCATION:** north of the intersection of McCall Road and Carlson Street, south of Levee Drive, west of McCall Pattern Company, and east of Abbott Management and Sunflower Self-Storage.

**AREA:** An approximate 26-acre tract of unplatted and vacant industrial land.

**PROPOSED USES:** Proposed uses include all of the Permitted Uses of the C-5, Highway Service Commercial District, except Adult Businesses and Convenience Stores and other businesses with underground fuel storage (C-5 District regulations attached), and Farm and Ranch Supply Stores with associated outdoor sales and storage.

Lot 1 is for a proposed Orscheln Farm and Home store. Lot 2 and Lot 3 may be for drive-in restaurants or banks. The remainder of the PUD is described as Lot 4, a 750,155 square foot tract, and is shown in concept with possible building and parking pad sites.

*Attachment No. 3*

**PROPOSED BUILDINGS AND STRUCTURES:** The proposal consists of a 50,000 square foot Orscheln Farm and Home super store on Lot 1, with the remainder of the PUD to be developed by future amendments. The applicant has proposed three tiers of development with each having suggested architectural, landscaping, signage, building placement, parking design and other considerations (see written application documents).

The first tier consists of the frontage lots along McCall Road. The second and third tiers would include those lots north of the frontage lots along McCall Road, the majority of which front on proposed Carlson Circle. The Orscheln Farm and Home store is in the second tier.

**Orscheln Farm and Ranch**

The proposed Orscheln Farm and Home business on Lot 1 is for the relocation of its existing business from its current location on the southwest corner of McCall Road and Enoch Lane. The one-story flat roofed building is 22 feet in height, with an exterior of tan aggregate covered metal panels similar in color and material to the McCall Pattern Company. An entry canopy extends along the south elevation of the building for the majority of its face. There is a small covered entry on the west face of the building. Each canopy has supporting brick columns. The main entrance is along the south face of the building and includes an anodized glass entrance.

To the east of the building is an approximate 20,000 square foot outdoor storage, sales and display area, which will be enclosed by an approximate nine (9) foot black aluminum fence with ten (10) foot split faced block accent columns. The north fence and south fence are gated for entry and exit to the storage area. Outdoor storage, sales and display are also proposed along the sidewalk on the south entry side of the building and along the west side of the building.

Sidewalk display includes smaller lawn and garden plant materials, equipment, tools and supplies, as well as smaller ranch and home supply items. The enclosed area includes large items such as fencing, larger building supplies, water tanks and other larger items. For a more complete list see written application documents.

The remainder of Lot 1 is for off-street parking and landscaped space.

**PROPOSED LOT COVERAGE-LOT 1**

<b><i>USE</i></b>	<b><u>Acres/Square Feet</u></b>	<b><u>Percentage</u></b>
Building	50,000 square feet	28%
Outdoor Storage	20,000 square feet	11%
Drives/Parking	91,185 square feet	51%
Open/Landscape Space	17,105 square feet	10%

**See Sheet C3 of the PUD drawings for projected coverages for the balance of the PUD.**

**PROPOSED SIGNS-LOT 1**

<b><u>Type</u></b>	<b><u>Dimensions</u></b>	<b><u>Lighting</u></b>
One Wall/Box Store Name	40 ft. long by 5.5 ft tall (220sq ft in area)	Internally lit
One wall painted Tire Shop	6 ft by 1 ft ( 6 sq ft in area)	None proposed
One ground sign (Orscheln)	15 feet by 10 ft 8 in. (160 sf ft in area incl. base)	May be ground or internally lit
Two ground entry (McCall Landing)	20 by 8 ft 5 in.	Internally lit letters

Entry signs are located on either side of the proposed Carlson Circle entrance at the intersection of Carlson Circle and McCall Road. Signs will be internally illuminated aluminum letters mounted on limestone veneer walls with limestone caps. Each wall is 20 feet long by 8 feet 5 inches in height at its maximum column height and 4 feet in height at the midpoint. The sign indicating “McCall Landing” on each ground sign wall is 13 feet in length by 1 foot 4 inches in height or 17 square feet in area.

The Orscheln ground sign will be constructed on a 3 foot limestone base with a 12 foot tall section constructed of materials matching the Orscheln building (textured metal aggregate panels). Total height is 15 feet by 10 feet 8 inches in width. The “Orscheln Farm & Home” sign on 12 foot ground sign section is at the top of the structure and is 10 feet in length by 2 feet in height or 20 square feet in area. The sign may be ground lit; however, because the “Orscheln Farm & Home” portion is at the top of the structure, it may internally lit with no ground lighting of the remainder.

Each main entry sign and the Orschlen ground sign will be in a landscaped base.

The applicant's overall sign proposal for the PUD is generally consistent with the sign requirements for the C-2, Neighborhood Shopping District, but not specifically noted. To ensure consistency throughout the PUD, the sign requirements of the C-2 District should apply to all of McCall Landing PUD. Future amendments may contain requests for sign changes for a specific site.

The applicant has proposed each business be allowed one temporary banner sign. Normally exempt signs such as address numerals and construction sign will be allowed as well.

**PROPOSED LIGHTING:** Carlson Circle street and Lot 1 parking lot lights are full-cut-off, 30 foot tall black anodized metal poles. Building lights will accent entrances and provide general security and are full cut-off design.

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

**1. LANDSCAPING:** Lot 1 is landscaped primarily with a combination of deciduous trees scattered throughout the parking lot and along the Carlson Circle frontage. In addition, building foundation plantings are proposed on the west side of Orscheln. A landscaped entry sign island is proposed at the entrance to Lot 1 off Carlson Circle. The island will be landscaped with a variety of evergreen and flowering plants. The entry islands at the Carlson Circle and McCall Road intersection will be similarly landscaped to include a tree and lawn frontage along Carlson Circle up to Lot 1. Minimum landscaped space is 5% for parking and drive areas for typical C-5 District development. Eighteen trees would be required and 27 are proposed. The proposed landscape space exceeds what is required.

Underground irrigation will maintain landscape areas on the street and on Lot 1.

The remainder of the site will be seeded with K-31 fescue grass, or native grasses, until each lot is developed. However, all other lots should provide landscaping meeting or exceeding the minimum parking lot requirements as per the Manhattan Zoning Regulations, and all buildings should include foundation plantings along their front facades.

**2. SCREENING:** The trash dumpster for Orschlen's is proposed to be screened with a 6 foot cedar fence with gates. Staff recommends that trash enclosures be masonry to be more permanent. The 20,000 square foot outdoor storage area will be enclosed by a metal fence as described above. The fenced outdoor storage area is approximately 320 feet from

*Attachment No. 3*

the McCall Road right-of-way and separated from Carlson Circle by the building. Display areas along the west side of the building will be approximately 80-feet from Carlson Circle and visible from the street. Display on the south side of the building will be visible from Carlson Circle and may be visible from McCall Road.

**3. DRAINAGE:** The site drains in two directions, northeast and southeast. The site will be graded to drain to a sedimentation basin north of the Orscheln site, then into a detention basin and to the north to Levee Drive and open swales along the street. The remainder of the site drains to open swales along McCall Road. The City Engineer has reviewed the drainage study (memo attached) and accepts the consultant's drainage study.

**4. CIRCULATION:** The PUD will be accessed from McCall Road from a proposed new street, Carson Circle and a right-in right out at the southeast corner of the PUD and a future curb cut in the southwest corner of Lot 4, which will be addressed with the future amendment of Lot 4. Access is otherwise prohibited from lots abutting McCall Road and extending along the east and west sides of Carlson Circle a distance of approximately 170 feet. As proposed, vehicle and pedestrian access is safe and efficient.

**Streets**

McCall Road is not built to an urban section with curb and gutter, storm water improvements or sidewalks. Currently, the street is a three lane section with two through lanes and a center turn lane.

Internal access to Lot 1 is from proposed Carlson Circle, which will be located north the intersection of existing Carlson Street to the south, and will extend to the north approximately 700 feet terminating in a cul-de-sac turnaround. The Carlson Circle entrance is approximately 80 feet in width at its southern end to accommodate turning lanes and an entrance island and reduces in width to 60 feet approximately 300 feet north of the entrance.

Access to the site is also proposed from a right in right out driveway with turning lanes at the southeastern corner of the PUD off McCall Road, and will extend to the north approximately 200 feet to provide public access to proposed Lot 3 and Lots 1 and 2.

A future Travel Easement or right-of-way may extend to the west for future development anticipated with adjacent property.

The proposed cul-de-sac, Carlson Circle, is approximately 700 feet in depth, or 100 feet greater than the maximum 600 foot permanent dead-end length allowed by the Manhattan Urban Area Subdivision Regulations. However, a potential frontage road is shown on the site plan, which extends to the west for future access. If the frontage road is built, the cul-

de-sac depth is reduced to approximately 460 feet in depth from the frontage road and Carlson Circle intersection.

### **Sidewalks and Pedestrian Circulation**

No sidewalk currently exists along McCall Road. Sidewalks are proposed along the north side of McCall Road in the PUD at the time the street is built to an urban section. Sidewalks will be constructed along one side of proposed Carlson Circle. Pedestrian connections from the public sidewalks will provide access to Orscheln's in the short term from Carlson Circle and in the long term from McCall Road as the lots to the south of Orscheln's develop.

### **Off-street parking**

The Orscheln store generates a demand for 166 off street parking spaces (164 for the retail space and 1 for office space) and 170 are proposed. Three spaces south of the entrance are set aside for the pedestrian access toward McCall Road when the site is constructed to ensure the pedestrian connection is provided. Off-street parking is met as proposed.

Future lots will be considered with amendments for the specific use and demand generated.

A traffic report was submitted and reviewed by the City Engineer with comments (see attached memo from City Engineer). McCall Road is adequate as a three lane section, two through lanes and a center turn lane, for Lots 1-3, referred to in the Traffic Impact Study as Phases 1 and 2. As noted in the City Engineers memo, Phase 3 (Lot 4, or any portion) should not occur until McCall Road is upgraded to a five lane section. If Phase 3 occurs then excessive delays are expected. A traffic signal at Carlson Circle and McCall Road would be installed with street improvements and Phase 3.

**5. OPEN SPACE AND COMMON AREA:** The majority of open space is dedicated to parking and drives on the Orscheln's site (approximately 51% of the site) and landscaping area (approximately 10%) of the site.

Future sites will be evaluated with future amendments.

**6. CHARACTER OF THE NEIGHBORHOOD:** McCall Road corridor from the intersection of US 24 Highway to the intersection with Tuttle Creek Boulevard is a mixture of industrial manufacturing and research uses, as well as commercial/highway commercial uses. Several of the uses allowed in the I-2 District, such as car washes, health and fitness centers and self storage units are also allowed in the commercial retail and highway service district.

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

- 1. EXISTING USE:** Undeveloped open agricultural field.
  
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Flat and tilled with the western the majority of the site in the 100 Year Flood Plain and the remainder in the 500 Year Flood Plain.
  
- 3. SURROUNDING LAND USE AND ZONING:**
  - (a.) NORTH:** City water well fields, Levee Drive: I-2 District.
  
  - (b.) SOUTH:** McCall Road, Orscheln's Farm and Home store, GTM manufacturing, research facilities, car wash, self storage facilities, automobile sales and service; C-5, Highway Service Commercial District and I-2 District.
  
  - (c.) EAST:** McCall Pattern Company; I-2 District.
  
  - (d.) WEST:** Self storage and business office, and contractors; I-2 District.
  
- 4. CHARACTER OF THE NEIGHBORHOOD:** See above.
  
- 5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site could be used for the permitted or conditional uses of the I-2 District. Its current use for agricultural crop is nonconforming to the I-2 District.
  
- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site is in a commercial growth corridor and its development as a commercial PUD should be compatible with the surrounding neighborhood. Minimal impact on property along the corridor is expected. However, McCall Road will need to be improved as noted in the City Engineer's memo prior to development of Lot 4. Well head protection zones around City well heads are shown along the northern boundary of the PUD, which extend partially into the PUD, and in which no structure will be allowed. In addition, no underground storage tanks will be allowed. No access to the north or east is proposed; however, access is proposed to the west for future anticipated development.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is in the Northeast Planning Area of the Future Land Use Map of the Comprehensive Plan. The site is shown as Industrial (IND) on the map. The proposed rezoning would implement a development generally consistent with the policies applicable to all commercial development, as well as policies applicable to Community Commercial, set out below after the policies of the IND category.

Policies of the IND category include:

**Employment: Industrial and Office**

**BACKGROUND AND INTENT**

*Employment uses within the Urban Area are intended to provide concentrated areas of high quality employment facilities for uses such as office headquarters, research and development facilities, and educational facilities, as well as locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations.*

**INDUSTRIAL (IND)**

***I 1: Characteristics***

*The Industrial designation is intended to provide locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations. Typically, heavy industrial uses involve more intensive work processes, and may involve manufacturing or basic resource handling and/or extraction. Design controls within an Industrial area are not as extensive as in the Office/Research Park category and a broader range of uses is permitted.*

***I 2: Location***

*Because of their potential environmental impacts, Industrial uses should generally be located away from population centers or must be adequately buffered. Traffic generated by industrial uses should not pass through residential areas. Sites should have access to one or more major arterials or highways capable of handling heavy truck traffic. Railroad access is also beneficial to certain types of heavy industrial uses. Light industrial uses can typically be located in areas that also contain some highway-oriented commercial uses, and might benefit from close proximity and better access to their local customer base.*

***I 3: Screening***

*Storage, loading and work operations should be screened from view along all industrial area boundaries (when adjacent to non-industrial uses) and along all public streets.*

Commercial policies include:

## **Commercial**

### **BACKGROUND AND INTENT**

*The City contains numerous commercial areas that provide the necessary goods and services for residents of the community and region as well as visitors. Commercial developments must be located and designed to balance market opportunities with access and location. In addition, the location and design of commercial areas must be incorporated into surrounding areas, rather than altering the character of surrounding neighborhoods. While the Downtown, or Central Core District, will remain the primary focus of regional commercial activity for the community and region, a variety of other community and neighborhood scale commercial centers will be distributed throughout the community to provide for the day-to-day needs of residents.*

### **COMMERCIAL- ALL CATEGORIES**

#### ***C 1: Designate Commercial Areas According to Their Role and Function in the Region***

*To provide a variety of commercial services to the community, three commercial designations are provided, depending on the center's scale, purpose, location, and intensity of use. These include the Central Core District, Community Commercial, and Neighborhood Commercial.*

#### ***C 2: Distribution of Commercial Services***

*Commercial centers should be distributed throughout the community to provide ease of access for all residents and minimize the need for cross-town vehicle trips.*

#### ***C 3: Locate All Commercial Uses in Activity Centers***

*Commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Development of distinct commercial nodes will help preserve the residential character of many of the major street corridors throughout the community and help prevent the negative impacts caused by multiple access points along a corridor. Commercial activities, when grouped in cohesive centers or nodes, result in more viable areas compared to scattered or isolated single use commercial sites. Activity centers, or nodes, provide a variety of services in a concentrated location to promote "one-stop shopping" and minimize the need for multiple vehicle trips. Each center has a limited number of vehicle access points to minimize impacts on surrounding uses and maintain an efficient traffic flow to and from the site. Uses are typically clustered on larger sites near the intersection of two major streets rather than being developed in linear, "strip" configurations along major street*

*corridors. Linear development patterns, particularly when parcels provide a single use and are developed independently, can require multiple access points and lead to disruption of traffic flow on adjacent streets. Although lot sizes and/or configurations in some areas may warrant the use of a more linear development pattern, it is generally discouraged.*

***C4: Include a Mix of Uses in New and Redeveloped Commercial Areas***

*New development and redevelopment should include a mix of uses of different types and sizes, creating a diversity of activity and avoiding large, single-use buildings and dominating parking areas.*

***C5: Promote a High Quality Urban Environment***

*The physical design of commercial development areas shall promote a high quality urban environment, as expressed by site layout, building materials and design, landscaping, parking area design, and pedestrian-oriented facilities, such as through use of design guidelines.*

**COMMUNITY COMMERCIAL (CC)**

***CC 1: Characteristics***

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

***CC 2: Location***

*Community Commercial Centers should be located at the intersection of one or more major arterial streets. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as*

*Attachment No. 3*

*“big-box” stores) shall only be permitted in areas of the City where adequate access and services can be provided.*

**CC 3: Size**

*Typically require a site of between 10 and 30 acres.*

**CC 4: Unified Site Design**

*A unified site layout and design character (buildings, landscaping, signage, pedestrian and vehicular circulation) shall be required and established for the center to guide current and future phases of development. Building and site design should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.*

**CC 5: Architectural Character**

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

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

**CC 6: Organization of Uses**

*Community commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Within each activity center or node, complementary uses should be clustered within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses. Isolated single store developments are strongly discouraged.*

**CC 7: Parking Design and Layout**

*Uninterrupted expanses of parking should be avoided. Parking areas should be broken into smaller blocks divided by landscaping and pedestrian walkways. Parking areas should be distributed between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible.*

**CC 8: Circulation and Access**

*Clear, direct pedestrian connections should be provided through parking areas to building entrances and to surrounding neighborhoods or streets. Integrate main entrances or driveways with the surrounding street network to provide clear.*

The proposed PUD is in a commercial growth corridor, which has experienced commercial development along a major street, McCall Road, primarily around the Hayes Drive and McCall Road intersection and west to Tuttle Creek Boulevard. The PUD is concentrated primarily off proposed Carlson Circle with lots fronting on McCall Road. The applicant has proposed general development guidelines, including pedestrian circulation, architectural, landscaping, building location and signage considerations consistent with site proximity to McCall Road.

The proposed PUD is in general conformance to the Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has been vacant since annexation in 1968 and zoned to light industrial. In 1969, the site was zoned I-3, Light Industrial District and it, along with the remainder of the industrial park, was rezoned to I-2 District in 1970 and has remained I-2 District to date.

**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 is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

*Attachment No. 3*

The majority of the site is in the 100 Year Flood Plain and building lowest floors must be elevated or flood proofed water tight to one foot above the Base Flood Elevation, which is 1008 feet NGVD. Lowest floors must be at 1009 feet NGVD. City of Manhattan Flood Plain Permits, as well as Kansas Division of Water Resources permits, when applicable, shall be approved prior to issuance of building permits.

Subject to the conditions of approval, proposed McCall Landing PUD is consistent with the Zoning Regulations.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There appears to be no relative gain to the public, which denial would accomplish. Buildings must be protected to prevent flood damage. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** The site is within the City and can be served by public improvements, including street, water, fire service and sanitary sewer. McCall Road is adequate as a three lane section for Lots 1-3 Phases 1 and 2. As noted in the City Engineers memo, Phase 3 should not occur until McCall Road is upgraded to a five lane section. If Phase 3 occurs without street improvements, then excessive delays are expected. As a part of the street improvements, a traffic signal at Carlson Circle and McCall Road would be installed.

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

**13. STAFF COMMENTS AND RECOMMENDATION:**

City Administration recommends approval of the proposed rezoning of McCall Landing Commercial PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, with the conditions:

1. Permitted uses shall include Farm and Ranch Supply Stores with Outdoor Display and Storage and all of the Permitted Uses allowed in the C-5, Highway Service Commercial District, except for Adult Businesses and Convenience Stores and other businesses with underground fuel storage.
2. Outdoor display, storage and sales shall be limited to the outside sidewalk areas shown on the Orscheln's site plan and in the fenced enclosure as shown on the application documents.
3. Landscaping of Lot 1 and the entrance islands on both sides of Carlson Circle shall be provided as proposed.

*Attachment No. 3*

4. All other lots shall provide landscaping meeting or exceeding the minimum parking lot requirements as per the Manhattan Zoning Regulations, and all buildings shall include foundation plantings along their front facades.
5. 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.
6. All landscaping and irrigation shall be maintained in good condition.
7. Light poles shall be provided as described in the application documents and shall be full cutoff design. Building lighting shall not cast direct light onto public or private streets or adjacent property and shall be full cut-off design.
8. Signage for Lot 1 – Orscheln’s shall be constructed as proposed, consisting of a 15 foot tall ground sign with limestone base, and wall signs as proposed.
9. On all other lots 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; all pole signs shall be fully skirted and the skirting and the bases 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.
10. Wall signs on all other lots shall conform to the C-2, Neighborhood Shopping District of the Manhattan Zoning Regulations.
11. The two ground entry signs for the development, shall be constructed as proposed, at the northwest and northeast quadrants of the Carlson Circle – McCall Road intersection.
12. Temporary banner signs should 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.
13. All trash enclosures shall be constructed of masonry walls with gates.
14. No development on Lot 4, or any portion thereof, shall occur until McCall Road is improved to a 5-lane urban section and a traffic signal is installed at the intersection of Carlson Circle and McCall Road.
15. Prior to the development of the remainder of future lots, an amendment of the PUD shall be submitted and approved prior to issuance of any necessary permits.

### **ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of McCall Landing Commercial PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of McCall Landing Commercial PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, and modify the conditions, and any other portions of the proposed 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 rezoning, stating the specific reasons for denial.
4. 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 McCall Landing Commercial PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the (15) fifteen conditions recommended by City Administration.

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

**DATE:** April 15, 2008

## **STAFF REPORT**

### **ON AN APPLICATION TO REZONE PROPERTY**

Rezone a .122 acre tract of land, which will be added to the rear of Lot 109 and Lot 110, Lee Mill Heights Addition, Unit Three. The .122 acre tract of land will also be annexed. The Final Plat will combine the .122 acre tract with Lots 109 and 110 to be known as Lot 1 and Lot 2, Lee Mill Heights Addition, Unit Six.

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

**TO:** R, Single-Family Residential District, and AO, Airport Overlay District

**APPLICANT:** SSF Development LLC ( Tim Schultz)

**ADDRESS:** 1213 Hylton Heights Road, Manhattan, KS 66502

**OWNERS:** Same

**ADDRESSES:** Same

**LOCATION:** generally southwest of intersection of Leone Terrace and Leone Ridge Drive

**AREA:** Approximately one tenth (.122) acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, April 14, 2008

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, May 5, 2008

**CITY COMMISSION:** Tuesday, May 20, 2008

**EXISTING USE:** Undeveloped range land abutting the rear of Lot 109 and Lot 110, Lee Mill heights Addition, Unit Three.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is covered with native grasses and entirely within the Conical Zone of Manhattan's Regional Airport, which requires that the AO, Airport Overlay District, be added to site.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Platted undeveloped lots in Lee Mill Heights Addition, Unit Three; R/AO District.
- (2) **SOUTH:** Rangeland and Eureka Valley farmland: G-1 District.
- (3) **EAST:** Platted undeveloped lots in Lee Mill Heights Addition, Unit Three; R/AO District.
- (4) **WEST:** Platted undeveloped lots in Lee Mill Heights Addition, Unit Three; R/AO District.

**GENERAL NEIGHBORHOOD CHARACTER:** The site is at the southern boundary of the Lee Mill Heights single-family residential subdivision.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The G-1 District permits agricultural uses, single-family homes, mobile homes, oil and gas drilling, home occupations, public utility uses, and other activities. The range of G-1 uses is inconsistent with size of the one tenth of an acre tract to be annexed, rezoned and platted.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site is consistent with the low density character of existing Lee Mill Heights residential development to the north, east and west. No adverse impact on nearby properties is expected.

**CONFORMANCE WITH COMPREHENSIVE PLAN:**

**Land Use Policies**

The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the one tenth-acre tract as Residential Low/Medium density (RLM) (*Southwest Planning Area Future land Use Map attached*). Appropriate density range for development in the RLM designation is one-dwelling unit up to 11-dwelling units per net acre. The RLM category is intended to incorporate a range of housing types, from single-family and two-family to town homes.

*Page 4-6, Policy RLM 2: Appropriate Density Range*

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

### **Miller Ranch**

*Page 13-5, Policy MR 7: Airport Airspace Regulations*

*“Development shall be consistent with established airspace regulations for the Manhattan Regional Airport and Airport Master Plan.”*

The proposed site is a single-family housing development and the overall density is 2.18 dwelling units per net acre. It is also within the Conical Zone of the Manhattan Regional Airport (*Environmental Values and Constraints map attached*). The Final Plat notes the need for review of construction plans, prior to issuance of a building permit. The AO District will be added as an overlay district to the Lee Mill Heights Addition, Unit Six.

The rezoning conforms to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has remained undeveloped to date and zoned County G-1 District.

**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 District (*R District regulations attached*) is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. Lots shown on the R District portion of Lee Mill Heights Addition, Unit Six, exceed 10,000 square feet in area.

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

*Attachment No. 4*

The site is within the Conical Zone, which is, in general terms, established as an airspace that extends outward and upward in relationship to the Airport and is an approach zone height limitation on the underlying land. Future uses (structures and trees, existing and proposed) in the AO District may be required to obtain an Airport Compatible Use Permit, unless circumstances indicate that the structure or tree has less than 75 vertical feet of height above the ground and does not extend above the height limits prescribed for the Conical Zone (*pages 6-9 of the AO District regulations attached*).

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public that denial would accomplish. The AO District requires that future uses be reviewed in order to protect airspace. The proposed Final Plat conforms to the Manhattan Urban Area Subdivision Regulations. It may be a hardship to the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the proposed Lee Mill Heights Addition, Unit Six.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of a one tenth of an acre (.122) tract of land in the proposed Lee Mill Heights Addition, Unit Six, from County G-1, General Agricultural District, to R, Single-Family Residential District, and AO, Airport Overlay District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of a one tenth of an acre (.122) tract of land in the proposed Lee Mill Heights Addition, Unit Six, from County G-1, General Agricultural District, to R, Single-Family Residential District, and AO, Airport Overlay District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the rezoning of a one tenth of an acre (.122) tract of land in the proposed Lee Mill Heights Addition, Unit Six, from County G-1, General Agricultural District, to R, Single-Family Residential District, and AO, Airport Overlay District, based on the findings in the Staff Report .

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

**DATE:** April 23, 2008  
08028