



MINUTES
CITY COMMISSION MEETING
TUESDAY, JUNE 3, 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, James E. Sherow, 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, 9 staff, and approximately 12 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Hatesohl led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Hatesohl proclaimed June 2008, **Zoo and Aquarium Month**. Joan Shull, Sunset Zoo Docent; David Carter, President, Friends of Sunset Zoo; and Ben Carter, Sunset Zoo Junior ZooKeeper/Explorer, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Hatesohl opened the public comments.

Jeff Head, 3115 Heritage Court, #4, voiced concern with the design aspects of the present South End Redevelopment Project and stated that the south end was headed for the same result as the North End Redevelopment Project without more public input. He encouraged the Commission to consider the size of the theatre complex being proposed by Warren Theatres, the landscaping elements of the parking lot, pedestrian linkages to existing Downtown features, building dispositions, park space, use of trees to create an entryway vista, restaurant space, and to provide opportunities for public input and feedback.

PUBLIC COMMENTS (*CONTINUED*)

After additional discussion of the Commission, Mr. Head then responded to questions regarding opportunities to improve the design of the South End Redevelopment Project, provided input received from colleagues on the proposed redevelopment, and stated that he would provide the Commission with a copy of his presentation materials for consideration.

Dee R. Ross, 2304 Brockman Street, asked if the City was considering funding any budget requests for the National Institute for Strategic Technology Acquisition and Commercialization, Inc. (NISTAC) or the Kansas Entrepreneurial Center (KEC). He stated that NISTAC has had major sales and should be able to operate without digging into the taxpayer's pockets. He also asked if there was an updated map of Manhattan showing the areas of growth.

Ron Fehr, City Manager, responded to questions regarding the availability of an updated map and stated that the City Commission will review outside agency requests for 2009 budget funding at the Tuesday, June 24, 2008, City Commission Work Session.

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

COMMISSIONER COMMENTS

Mayor Hatesohl informed the community of the free Arts in the Park entertainment series kicking off at the Norvell Band Shell in City Park this weekend.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 20, 2008.

CLAIMS REGISTER NO. 2583

The Commission approved Claims Register No. 2583 authorizing and approving the payment of claims from May 14, 2008, to May 27, 2008, in the amount of \$3,183,485.17.

CONSENT AGENDA (CONTINUED)

LICENSE – MERCHANT GUARD AGENCY

The Commission approved a Merchant Guard Agency License for calendar year 2008 for Chenega Security and Protection Services, LLC, 19980 Highland Vista Drive, Suite 100, of Ashburn, Virginia.

ORDINANCE NO. 6701 – ANNEX – LEE MILL HEIGHTS ADDITION, UNIT SIX

The Commission approved Ordinance No. 6701 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.

ORDINANCE NO. 6702 – REZONE – LEE MILL HEIGHTS ADDITION, UNIT SIX

The Commission approved Ordinance No. 6702 rezoning proposed Lee Mill Heights Addition, Unit Six, generally located southwest of the intersection of Leone Terrace and Leone Ridge Drive, 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. 1*).

FINAL PLAT – LEE MILL HEIGHTS ADDITION, UNIT SIX

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Lee Mill Heights Addition, Unit Six, generally located southwest of the intersection of Leone Terrace and Leone Ridge Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FIRST READING – NO PARKING ZONES – FOUR WINDS VILLAGE, KIMBALL TOWNHOMES, AND DAISY MEADOWS ADDITIONS

The Commission approved first reading of an ordinance establishing “No Parking” zones on one side of all streets in all current and future units of Four Winds Village, Kimball Townhomes, and Daisy Meadows Additions.

*

AWARD CONTRACT – 2008 STREET MAINTENANCE PROJECT, PHASE 2-MILL & OVERLAY (ST0815)

The Commission accepted the re-calculated bid amount of \$607,282.45 based on City initiated unit quantity reductions and awarded a contract in the amount of \$607,282.45 to Shilling Construction Company, Inc., of Manhattan, Kansas, for the 2008 Street Maintenance Project, Phase 2-Mill & Overlay (ST0815).

CONSENT AGENDA (CONTINUED)

* **AWARD CONTRACT – 2008 STREET MAINTENANCE PROJECT, PHASE 3-NOVA CHIP (ST0816)**

The Commission accepted the bid in the amount of \$155,259.10 and awarded a contract in the amount of \$155,259.10 to Shilling Construction Company, Inc., of Manhattan, Kansas, for the 2008 Street Maintenance Project, Phase 3-Nova Chip (ST0816).

SUPPLEMENTAL AGREEMENT – ENGINEERING SERVICES AGREEMENT – US-24 AND MARLATT AVENUE/US-24 AND WALTERS DRIVE TURNING LANES (ST0612)

The Commission approved and authorized the Mayor and City Clerk to execute a Supplemental Agreement to the Engineering Services Agreement for the US-24 and Marlatt Avenue Street and Stormwater Drainage Improvements (ST0612) to include turn lanes on US 24 at Walters Drive, resulting in a net increase in the amount of \$34,500.00 to the contract with Bartlett and West, Inc., of Manhattan, Kansas.

APPLICATION – KANSAS DEPARTMENT OF TRANSPORTATION GRANT OFFER

The Commission expressed interest in pursuing grant offers from Kansas Department of Transportation for the intersections of 11th Street and Fremont Street, Candlewood Drive and Kimball Avenue, K-113 and Kimball Avenue Interchange, Claflin Avenue and College Avenue and directed City Administration to proceed toward submitting these locations to KDOT for review.

SET JUST COMPENSATION – LINEAR PARK TRAIL REPAIRS (PECAN CIRCLE PROJECT)

The Commission established the value of “just compensation” for the acquisition of a temporary access easement and authorized City Administration to negotiate with the property owner for acquisition of the easement and to make offers to the property owner based upon such “just compensation”. Pecan Circle Project:

CONTRACT – 75' PIERCE PUD FIRE TRUCK

Item has been removed from the agenda.

GRANT AGREEMENT – 2008 EMERGENCY SHELTER GRANT FUNDS

The Commission authorized the Mayor and City Clerk to execute the grant agreement with the Kansas Housing Resources Corporation for the award of 2008 Emergency Shelter Grant Funds.

CONSENT AGENDA (CONTINUED)

AGENCY CONTRACTS – 2008 EMERGENCY SHELTER GRANT

The Commission executed contracts with local social service agencies to allocate the 2008 Emergency Shelter Grant. (*See Attachment No. 4*)

2008 SURVEY AND PLANNING GRANT AGREEMENT – ARCHEOLOGICAL RECONNAISSANCE SURVEY

The Commission accepted the 2008 Survey and Planning Grant award and authorized the Mayor and City Clerk to execute the grant agreement for the Archeological Reconnaissance Survey.

BOARD APPOINTMENTS

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

Neighborhood Grant Review Committee

Re-appointment of Tim Lindemuth, 500 Denison Avenue, Manhattan, to a one-year term. Mr. Lindemuth's term begins immediately and will expire December 31, 2008.

Re-appointment of Karen McCulloh, 1516 Leavenworth, Manhattan, to a one-year term. Ms. McCulloh's term begins immediately and will expire December 31, 2008.

Appointment of Robert (Dale) Anderson, 3000 Tamarak Dr., Manhattan, to a one-year term. Mr. Anderson's term begins immediately and will expire December 31, 2008.

Appointment of Dana Reinert, 207 Colgate Terrace, Manhattan, to a one-year term. Ms. Reinert's term begins immediately and will expire December 31, 2008.

Appointment of Carl Wilson, 2855 Kelly Drive, Manhattan, to a one-year term. Mr. Wilson's term begins immediately and will expire December 31, 2008.

Riley County Solid Waste Management Committee

Recommendation of Jeff Walters, 1312 Waters Street, to the Riley County Solid Waste Committee as a City Representative.

Recommendation of Jon Woods, 1705 Plymouth Road, to the Riley County Solid Waste Committee as a City Representative.

CONSENT AGENDA (CONTINUED)

Rob Ott, City Engineer, provided additional information on the 2008 Street Maintenance Project, Phase 2-Mill & Overlay and Phase 3-Nova Chip.

Ron Fehr, City Manager, provided additional information and clarification on the item.

Rob Ott, City Engineer, and Dale Houdeshell, Director of Public Works, responded to questions regarding the quality and longevity of asphalt and concrete. They then provided an update on the Amherst Avenue roadway improvements that were completed.

After discussion, Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Phillips seconded the motion, as presented. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING – REZONE – PORTION OF LOT 87, WARD 2 - and - AMEND - FINAL DEVELOPMENT PLAN OF THE WALGREEN’S NO. 1, COMMERCIAL PLANNED UNIT DEVELOPMENT

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

Rick Kiolbasa, Dial Realty, provided additional information on the item.

After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning a portion of Lot 87, Ward 2, generally located east of Walgreen’s from C-5, Highway Service Commercial District, to PUD, Commercial Planned Unit Development District, and amending the Walgreen’s No. 1 Commercial Planned Unit Development, and Ordinance No. 6203, based on the findings in the Staff Report, with the three conditions of approval recommended by the Planning Board (*See Attachment No. 2*). Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - MCCALL CATS

Eric Cattell, Assistant Director for Planning, presented the item. He then answered questions from the Commission regarding the rezoning and design guidelines.

Ron Fehr, City Manager, and Rob Ott, City Engineer, responded to questions from the Commission regarding McCall Road. The Commission was informed that discussion regarding U.S. 24 and McCall Road was scheduled for the June 10, 2008, City Commission Work Session.

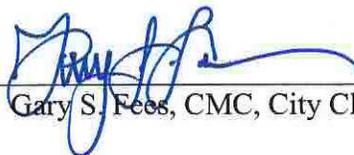
GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - MCCALL CATS (CONTINUED)

After discussion, Commissioner Sherow moved to approve first reading of an ordinance rezoning McCall Cats, generally located between Hayes Drive and Hostetler Drive, from C-5, Highway Service Commercial District; C-6, Heavy Commercial District; and PUD, Commercial Planned Unit Development District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the ten conditions recommended by the Manhattan Urban Area Planning Board (*See Attachment No. 3*). Commissioner Snead seconded the motion. On a roll call vote, motion carried 4-0, with Commissioner Strawn abstaining from the motion.

ADJOURNMENT

At 8:22 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

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. 4th 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. 1

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

<i>USE</i>	<u>Acres/Square Feet</u>	<u>Percentage</u>
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

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
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.

Attachment No. 1

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. 1

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-

Attachment No. 1

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 extends 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

Attachment No. 1

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. 1

“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. 1

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. 1

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 AMEND THE APPROVED FINAL DEVELOPMENT PLAN OF THE WALGREENS NO. 1 COMMERCIAL PUD, AND TO REZONE LOT 87, WARD 2, TO BE INCLUDED IN THE WALGREENS PUD

APPLICANT: Dial Manhattan LLC as Agent for Macomb Mall Holding LLC, Schostak Brothers and Co.

ADDRESS: *11506 Nicholas Street, Omaha, NE 69154.*

OWNERS: Dial Manhattan LLC; and WG-7060 KS, LLC, a Delaware limited liability company, c/o Wachovia Development Corporation.

ADDRESSES: *11506 Nicholas Street, Omaha, NE 69154; One Wachovia Center, NC-00174, 301 South College Street, 10th Floor, Charlotte, NC 28288.*

LOCATION: generally located at the Walgreens drug store south of Bluemont Avenue, west of N. 3rd Street, east of N. 4th Street, and north of Moro Street.

AREA: Total area approximately 2.15 acres for the revised Walgreens PUD.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 28, 2008.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 19, 2008.
CITY COMMISSION: Tuesday, June 3, 2008.

DESCRIPTION OF PROPOSED AMENDMENT:

Amendment

Amend the Final Development Plan and Ordinance No. 6203 of the Walgreens No. 1, Commercial Planned Unit Development to reduce the approved number of off-street parking spaces from 91 to 77; relocate the right-in/right-out along the south side of Bluemont Avenue approximately 38 feet to the east; modify the landscaping plan; and, add Lot 87, Ward 2, to the Walgreens PUD by rezoning it from C-5, Highway Service Commercial District, to PUD, Commercial Planned Unit Development District. Future changes to pedestrian access in the northwestern corner of the site will slightly modify the sidewalk location to accommodate the roundabout at N. 4th Street and Bluemont Avenue. The proposed changes are a result of property sales and the need for the two owners to

Attachment No. 2

facilitate the transfers of ownership, directly related to the previous rezoning of the Manhattan Marketplace, Unit Two, PUD in 2006. (Note: A proposed replat of Lot 1, Gateway Subdivision No. 2 (separate application) will create proposed Lots 1-5, Gateway Subdivision No. 2 to allow transfer of ownership. As described in the applicant's documents, proposed Lot 1 is owned by Walgreens and will remain in that ownership; Lot 2 (Lot 87 to be rezoned) and Lot 3 are owned by Dial and will be transferred to the Walgreens owner; Lot 4 is owned by Dial and will remain in that ownership; and, Lot 5, owned by Walgreens, will be transferred to Dial. Lots 4 and 5 will be replatted in the future as a part of a Final Development Plan and Final Plat associated with Manhattan Marketplace, Unit Two, PUD.

No changes to existing signs or lighting are proposed. Lighting to the east of the Walgreens PUD will be included in the Manhattan Marketplace PUD and along Moro Street.

Original Walgreens PUD and Ordinance No. 6203

Ordinance No. 6203 was approved by the City Commission on March 6, 2001, with conditions of approval. The Planning Board approved the Final Development Plan on April 16, 2001. The existing PUD conforms to the conditions of approval, which include:

1. Permitted Uses shall be limited to a Walgreen's, with a drive-thru pharmacy.
2. Security for performance of the landscaping and underground irrigation shall be provided by agreement between the City and owner or owners.
3. Additional landscaping to include ornamental and shade trees, shrubs, flower beds, ground cover and other living plant materials shall be provided in the 12.6 foot setback between the property line and the off-street parking lot along Moro Street.
4. The ground sign shall be modified by adding limestone, or pre-cast limestone, top corners and header, in place of the metal cap, across the top of the sign board.
5. Signs shall be limited to a ground sign as modified above, and wall signs, as proposed in the application documents, and exempt signage described in Article VI, Section 6-104 (A) (1), (2), (4), (7) and (8); and Section 6-104 (B)(2); and, Section 6-104 (C)(1) and (D)(1), of the M
6. All outdoor lighting shall be shielded to reduce glare on adjacent streets and residential properties.
7. Additional use of limestone colored stone, pre-cast stone or brick, shall be provided in the location of the horizontal bands on the building exterior, which are described on the building elevations as a "soldier course".
8. All traffic circulation improvements to Bluemont Avenue, the alley and the Long John Silvers' site, as shown on the Preliminary Development Plan, shall be constructed concurrently with the Walgreen's site.

9. Additional steel and brick column fencing shall be added along the southwest corner of the site, up to the beginning of the parking lanes for the drive-thru pharmacy.

10. The applicant and City Administration shall recognize the pedestrian crossings at the entrances and exits on 3rd Street, 4th Street, Bluemont Avenue, and Moro Street, in some permanent manner.

Rezoning Lot 87, Ward 2

Present zoning district classification of Lot 87, Ward 2, is: C-5, Highway Service Commercial District.

Proposed zoning district classification of Lot 87, Ward: PUD, Commercial Planned Unit Development District.

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 amendment is consistent with the intent of the approved PUD, a single commercial use for a Walgreen's drug store and drive-thru pharmacy with off-street parking and access points off public streets. The amendment adds a 7,500 square foot lot (Lot 87) to the Walgreens PUD in order to relocate a right in/right out off Bluemont Avenue while maintaining adequate off-street parking and retaining landscaping. The amendment promotes the efficient development and preservation of the approved the Walgreens PUD by assuring that adequate access and off-street parking are provided consistent with the approved PUD. The amendment also accomplishes transfers of ownership between the two property owners related to rezoning of Manhattan Marketplace, Unit Two, PUD.

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 eastern portion of the PUD, an off-street parking lot, which was used by the former Long John Silvers restaurant and Walgreens, is owned by WG-7060 KS, LLC, a Delaware limited liability company, and will be transferred to Dial Realty Corp. Lots 4 and 5 were rezoned to Manhattan Marketplace, Unit Two, PUD in 2006. In addition, proposed Lots 2 (existing Lot 87, Ward 2) and 3, which are owned by Dial, will be transferred to Walgreens to establish the revised Walgreens PUD boundary.

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 and rezoning of Lot 87, Ward 2, will facilitate and complete transfer of properties between the current owner of the Walgreens properties and Dial. The amendment and rezoning will result in the relocation of the right in/right out off Bluemont Avenue and create a safer access aisle off Bluemont Avenue within the Walgreens site. Currently, cut through traffic off Bluemont Avenue, wanting to avoid the traffic light at N. 3rd Street and Bluemont Avenue, enter the right in and head south through the Walgreens parking lot, which poses a safety hazard for customers exiting the drive-thru pharmacy. The relocated access aisle moves the drive thru exit and driving lane away from the building and provides improved and safer vision for drivers exiting the drive-thru.

The amendment is not granted solely as a benefit to any person; rather the amendment allows planned transfers of property between two developments and improves public safety.

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

- 1. LANDSCAPING:** New shade and ornamental trees, shrubs and ornamental grasses will be added on the west side of the new access aisle and in the relocated right in/right out island off Bluemont Avenue, which will be maintained by the owner of Walgreens. Underground irrigation will be used to assure landscaping is maintained in good condition.
- 2. SCREENING:** No changes.
- 3. DRAINAGE:** No changes.
- 4. CIRCULATION:** The relocated access aisle and right in/right out are shifted to the east from their current locations and will connect Moro Street and Bluemont Avenue. No other changes are proposed.

Off-street parking is reduced from 91 parking spaces, approved with the original Walgreens PUD, to 77 parking spaces. Based on the commercial floor area of the Walgreens store, a minimum of 48 parking spaces would be required, as calculated with the original Walgreens PUD. The amendment results in 29 more parking spaces than required by the Manhattan Zoning Regulations.

Attachment No. 2

Sidewalks are provided around and within the site, which connect to the existing neighborhood sidewalk system. On-site sidewalks are provided along the north and west sides of the building for pedestrians.

A memorandum from the City Engineer (attachment dated May 12, 2008) supports the need for the proposed right in/right out, which was originally shown as a future improvement on the Walgreens site at the time Manhattan Marketplace, Unit Two, PUD was rezoned in 2006 (attachment).

5. OPEN SPACE AND COMMON AREA: Approximately .299 acres, or 13,024 square feet of the amended Walgreens site (proposed Lots 1-3) is open/landscaped space, equivalent to approximately 14% of the total amended site (13,024 sf/93,218sf).

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is a mixture of residential and planned commercial uses, consisting of single-family and two-family dwelling units to the west and northwest of Walgreens and Lot 87. Commercial activities, Manhattan Marketplace PUD and highway commercial businesses are to the south, east and northeast.

EXISTING USE: Walgreens drug store, off street parking, landscaping and other site improvements, and vacant commercial lots in future Manhattan Marketplace, Unit Two, PUD, and vacant Lot 87, Ward 2.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: A developed site with commercial building, off-street parking and other improvements, except that Lot 87 is vacant and grass covered. The amendment and rezoning site are located in the 500 Year Flood Plain. There is no development standard applied to construction located in the 500 year Flood Plain.

SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Bluemont Avenue, a four-lane arterial street; residential dwellings and highway commercial uses: self-serve gas and convenience store, drive-in restaurants; R2/TNO and C5 Districts.

(b.) SOUTH: Moro Street, and Manhattan Marketplace Shops commercial uses; PUD.

(c.) EAST: North 3rd Street, future Manhattan Marketplace Unit Two PUD, a commercial development; PUD.

(d.) WEST: North 4th Street, single-family and two-family residential dwelling units; R2/TNO.

GENERAL NEIGHBORHOOD CHARACTER: See above.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Lot 87 is unsuitable for the existing uses allowed in the C-5 District. The site is too small to conform to the minimum requirements of the C-5 District as it previously had been part of a larger site for a Long John Silvers restaurant. The existing Walgreens PUD is suitable for the permitted use of the site. Combining Lot 87 with the Walgreens PUD will allow an existing right in/right out to be relocated and accommodate transfers of land between the Dial and the owner of the Walgreens PUD.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The rezoning along Bluemont Avenue and the amendment of the Walgreens PUD are consistent with the commercial nature of the properties. Nearby properties should not have any detrimental affects as the Walgreens PUD and Lot 87 are commercial locations along a major street corridor.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Manhattan Urban Area Comprehensive Plan shows the Walgreen site and Lot 87, Ward 2 as Central Core District (CCD), which is a special purpose designation for the Downtown Core. The amendment and rezoning sites are also designated as a primary redevelopment area for expansion of the Central Business District, in Downtown Tomorrow – A Redevelopment Plan for Downtown Manhattan, Kansas, adopted in May 2000. The proposed amendment of the Walgreens PUD and rezoning of Lot 87, Ward 2, conform to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

Lot 87

Late 1800's	Lots 87 established as part of original town plat.
1926-1940	A, First Dwelling District.
1940-1954	B, Second Dwelling District.
1954-1965	B, Second Dwelling District.
1965-1969	A, Single and Two Family Dwelling District.
1969-2008	C-5 District.

Walgreens PUD

1969-Present	R-2 District, and C-5 District for Lot 88 and Lots 93-96.
--------------	---

Attachment No. 2

February 5, 2001	Manhattan Urban Area Planning Board recommends approval of rezoning from C-5 and R-2 Districts to PUD.
February 20, 2001	City Commission approves first reading.
March 6, 2001	City Commission approves Ordinance No. 6203.
April 16, 2001	Planning Board approved Final Development Plan
May 7, 2001	Planning Board approves Final Plat of the Gateway Subdivision No. 1.
May 15, 2001	City Commission considers accepting easements and rights-of-way as shown on the Final Plat of the Gateway Subdivision No. 1.

Walgreens was constructed in 2001-2002. Lot 87 has been vacant for several 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 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 amendment and rezoning are consistent with the intent and purpose the Zoning Regulations and the intent and purpose of the Walgreens PUD, and Ordinance No. 6203.

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; however, it may be a hardship on the applicant if the amendment and rezoning are denied. The amendment and rezoning will accommodate a relocated right in/right out off Bluemont Avenue and a relocated driving aisle, which will make internal access safer and more efficient by moving the existing aisle away from the building's east side in proximity to the exit lane for the drive-in pharmacy, as well as facilitate planned transfers of ownership of identified properties.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities and services are available to serve the PUD. The 15 foot public alley south of existing Lot 87 will be vacated as a part of the proposed Final Plat of Gateway Subdivision, No.2.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS: City Administration recommends approval of the proposed Amendment to Final Development Plan of the Walgreens No. 1, Commercial Planned Unit Development; and, the rezoning of Lot 87, Ward 2, from C-5, Highway Service Commercial District, to PUD, Commercial Planned Unit Development District, with the following conditions:

1. 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 approval of the plans for the right in/right out along Bluemont Avenue.
2. All landscaping and irrigation shall be maintained in good condition.
3. The Final Development Plan for Lot 1, Lot 2, and Lot 3 shall be subject to the conditions of approval of Ordinance No. 6203.

ALTERNATIVES:

1. Recommend approval of the proposed Amendment of the Final Development Plan of the Walgreens No. 1 Commercial Planned Unit Development, and rezone Lot 87, Ward 2, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation.
2. Recommend approval of the proposed Amendment of the Final Development Plan of the Walgreens No. 1 Commercial Planned Unit Development, and rezone Lot 87, Ward 2, 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 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 the Walgreens No. 1 Commercial Planned Unit Development; and, the rezoning of Lot 87, Ward 2, from C-5, Highway Service Commercial District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the three conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: May 14, 2008

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: C-5, Highway Service Commercial District, C-6, Heavy Commercial District, and PUD, Commercial Planned Unit Development District.

TO: PUD, Commercial Planned Unit Development District.

OWNERS/APPLICANTS: DW, LLC (Dave Dreiling); S & B Motels, Inc. (Stan Weilert); and, Wildcat Custard, LLC (Ron Oberg).

ADDRESSES: 520 McCall Road, Manhattan KS 66502; 2201 E. MacArthur, Suite B, Wichita KS 67216; and, 1245 Bracken Court, Wichita KS, 67206.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 28, 2008.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 19, 2008.
CITY COMMISSION: Tuesday, June 3, 2008.

LOCATION: generally located northwest of the intersection of McCall Road and Hayes Drive, a portion of which fronts on Hostetler Drive.

AREA: 3.911 acres (170,636 square feet (sf)).

PROPOSED USES: The proposed commercial PUD will consist of a broad range of highway service commercial uses on three (3) lots. Proposed Lot 1 is for a Comfort Suites hotel; proposed Lot 2 will be a future amendment; and, Lot 3 is for a Freddy's Frozen Custard drive-in restaurant with indoor seating.

More specifically, the proposed permitted uses include all of the Permitted and Conditional Uses of the C-5, Highway Service Commercial District (attachment), except for: Adult Businesses as defined by the Code of Ordinances; Amusement Parks; Churches, chapels, temples and synagogues; Construction equipment sales and rentals, not including heavy equipment types such as bulldozers and cranes; Motorcycle sales or repair; Animal hospitals; Broadcasting studios with large outdoor towers; Kennels; Outdoor movie

Attachment No. 3

theaters; Schools; and, manufactured homes sales (Note: The application documents indicate manufactured home sales would not be allowed, but it is not a use allowed in the C-5 District and is not included in Condition 1 under the list of conditions recommended by staff.)

Note: Convenience Stores and other businesses with underground fuel storage will also be prohibited as the site is within the City's water well field area, which prohibits underground fuel storage.

PROPOSED BUILDINGS AND STRUCTURES:

Lot 1: A three-story Comfort Suites hotel containing 80 guest rooms, based on the proposed floor plans, and accessory interior space consisting of a meeting room, pool/exercise room/spa, eating and seating area for guests, office and storage equipment rooms. The building is 44 feet in height to the roof peak and 55 feet to the entrance peak. The building's exterior materials and roof consist of manufactured stone veneer, EIFS, asphalt roof shingles and standing seam metal roof. Exterior colors are shades of tan and brown for walls, a red parapet standing seam roof and brown asphalt roof shingles.

Lot 2: Future amendment.

Lot 3: Freddy's Frozen Custard drive-in restaurant is a one-story, flat roofed, 17 feet in height to the roof and 35 feet to the peak of the front parapet. Exterior materials are brick and EIFS. The floor plan indicates outdoor dining on the south side of the building's McCall Road frontage. Building color is white with red and white backlit awnings on the south, east and west sides of the restaurant and neon accent lighting.

Draft restrictive covenants are attached setting out owner responsibilities.

PROPOSED LOT COVERAGE

<i>USE</i>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Lot 1- Motel	2.04 acres/89,056 sf	
Building	16,039	18%
Driveway/parking	45,609	51.2%
Travel Easement	10,437	11.7%
<i>Landscape Open Space</i>	15,739	17.7%
Lot 2 Future amendment	.98 acres/42,688 sf	

Lot 3 - Restaurant	.89 acres/38,612 sf	
Building	3,593	9.3%
Driveway/parking	20,817	53.9%
Travel Easement	6,390	16.5%
<i>Landscape Open Space</i>	7,514	19.5%

PROPOSED SIGNS

The applicant's overall sign proposal for the PUD is generally consistent with the sign requirements for the C-2, Neighborhood Shopping District, except that the total number of wall signs on the south elevation of the Freddy's Frozen Custard restaurant described below.

Entry directional signs for the businesses in the PUD are proposed at the hotels entrance off Hostetler Drive and on Lot 2 off McCall Road. Signs are internally illuminated tenant panels mounted on brick base in a landscape island. Skirted internally lit pole signs are proposed for the hotel and restaurant at 25 feet and 30 feet in height, respectively. Sign areas are 90 square feet in area for the hotel's identification and 108 square feet in area and restaurants identification and 47 square feet for a reader board, or 155 total square feet of sign area. The restaurant sign is in a landscaped base. The hotels sign should be in a landscape base and described as such with the Final Development Plan. Both signs should be in a landscape planter base, which incorporates brick or stone used in the buildings facades.

The total number of wall signs on the south elevation of the Freddy's Frozen Custard restaurant exceeds the total number of wall signs that would be allowed in C-2 District, one per façade versus four proposed. However, based on the total sign area allowed in the C-2 District for the façade, up to approximately 352 square of sign, or 30% of the façade would be allowed. Total square footage is about 176 square feet of signage, or approximately 15% of the façade. Wall signs for the hotel are approximately 49 square feet in area, internally lit. Both signs are minimal in area compared the façade area of the building.

To ensure consistency throughout the PUD, the sign requirements of the C-2 District should apply to all of McCall Landing PUD. A future amendment on Lot 2 may contain requests for sign changes for the specific site.

Temporary banner signs should be limited to no more than one (1) banner sign per lot. Exempt signage shall 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

Attachment No. 3

aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.

Note: An existing billboard on proposed Lot 3 will be removed by the owner of Lot 3, as noted on the site plan, and will not be a permitted sign in the PUD. The existing sign interferes with proposed driving aisles and off-street parking for the restaurant.

PROPOSED LIGHTING: Light poles will be 28 feet in height, which includes the base. Light poles should be full cutoff design to reduce glare on streets and adjacent properties. Full cut off light fixtures will need to be provided on individual buildings to ensure light does not cast direct glare on streets or adjacent property.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Landscaping is functional for the service commercial nature of the site and will consist of canopy, ornamental and evergreen trees, shrubs and lawn areas to be owned and maintained by individual lot owners. Landscaped areas will irrigated with underground systems. Minimum landscaping requirement for a C-5 District development is 5% of the paved area. Lots 1 and 3 exceed the minimum requirement with 17.7% and 19.5% of the sites set out as landscaped open space.

2. SCREENING: Two dumpster locations are proposed, which will be screened with split block to match building materials. One dumpster is proposed to be shared by Lot 2 and Lot 3 and is located Lot 1, as well as the enclosed dumpster for the hotel. A six foot wood privacy fence will be provided along a portion of northern property line of Lot 1 and along its eastern property line.

3. DRAINAGE: The site is very flat and will drain to McCall Road and through recently constructed underground storm water conduit, which carries storm water to the drainage channel along Tuttle Creek Boulevard. A Stormwater Drainage Analysis was submitted by the applicant's consultant, Sloan Meier Hancock-Engineers Surveyors, P. A., dated January 31, 2008 (attachment). The City Engineer has reviewed and accepted the stormwater analysis (memorandum dated May 12, 2008 attached). Minimal impact is expected on the drainage system.

4. CIRCULATION: Access to the PUD is safe and efficient. Access is from McCall Road, Hayes Drive and Hostetler Drive. The PUD will be served internally by two Travel Easements, Lodging Cats Place and Hungry Cats Place, which are public streets to be owned and maintained by the owners of Lots 1-3. Restrictive covenants will be provided with the Final Development Plan addressing the Travel Easements.

Attachment No. 3

A Transportation Impact Study was submitted by the applicant's consultant, Sloan Meier Hancock-Engineers Surveyors, P. A., dated January 28, 2008 (attachment). The City Engineer has reviewed and accepted the transportation analysis (memorandum dated May 12, 2008 attached). The surrounding transportation network is adequate for the increased trips expected with the proposed commercial development.

Lots 1 will be accessed from Hostetler Drive, a public right-of-way, or Lodging Cats Place, an east to west Travel Easement. Lot 2 and Lot 3 will be accessed from Lodging Cats Place, which intersects with Hayes Drive and Hostetler Drive

No lots will be directly accessed from McCall Road; however, Hungry Cats Place, a north to south Travel Easement, will intersect with McCall Road and Lodging Cats Place, and provide access to the PUD off McCall Road.

Sidewalk connections are proposed on the north side of McCall Road and on the north side of Lodging Cats Place. Sidewalk will be provided along Lodging Cats Place to the common boundary line between Lots 2 and 3 and will extend to McCall Road for access for the public from the street to the hotel to the restaurants in lieu of sidewalk on Hays Drive and Hungry Cats Place. Hays Drive sidewalks will need to be provided at a future date when the street is built to an urban section. Sidewalk is on the west side of Hostetler Drive is accessed from Lodging Cats Place sidewalk. Sidewalk on the south side of the Firestone store in Limey Pointe will be accessed from the proposed sidewalk south of Lots 2 and 3.

Adequate off-street parking spaces will be provided. The hotel has 80 rooms, which would require 82 total parking spaces. Eighty eight (88) are proposed. It is assumed that the facilities, such as a meeting room in the hotel are for guests at the hotel. The restaurant requires 43 off-street parking spaces and 40 parking spaces are proposed, which should be sufficient. In addition, the drive-in will capture some customer base, as well as outdoor seating is seasonal, which should account for any lesser number of spaces available on the site. In addition, City Administration understands that there may be some shared parking within the PUD between owners. Lot 2 will be considered separately by PUD amendment.

5. OPEN SPACE AND COMMON AREA: Each lot will be separately owned and consist of building, off-street parking and landscaped areas.

6. CHARACTER OF THE NEIGHBORHOOD: Generally characterized as a mix of retail and industrial service businesses.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Lot 1 and 3 are vacant commercial lots. Lot 2 has an existing commercial/industrial building on the site.

2. 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 floors of proposed buildings must be at 1009 feet. Proposed floors are shown for the hotel and restaurant at 1010.5 feet and 1009.5 feet, respectively. The northwestern part of the site is a vacant platted lot (Lot 6, Limey Pointe PUD) off Hostetler Drive. The former Waste Management site and building are on the southwestern part of the site with access off McCall Road with its storage yard extending into the northern part of the site. The southeastern part of the site is vacant. There is an existing billboard on the site to the east of the former Waste Management building, which will be removed by Wildcat Custard, LLC.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Industrial services and KSU research; I-2, Industrial Park District and C-6, District.

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

(c.) EAST: Hayes Drive, self storage; I-2, Industrial Park District.

(d.) WEST: Hostetler Drive, Auto service store and drive-in restaurants in the Limey Pointe development; PUD.

4. CHARACTER OF THE NEIGHBORHOOD: Generally characterized as a mix of retail and industrial service businesses.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Part of Lot 1 is in the Limey Pointe PUD and could be used for the approved commercial development, and part is vacant C-6 District, which was associated with the previous tenant, Waste Management. The

Limey Pointe portion could be developed as a part of Limey Pointe. The vacant C-6 District portion has no access to a public street, unless combined with the former Waste Management business fronting on McCall Road. The Waste management frontage and storage area are sufficient in area to allow C-6 District development. The Freddy's Frozen Custard site was approved for development under C-5 District zoning. A building permit was issued around April 1, 2008, subject to a site plan approved by the Board of Zoning Appeals. The Board of Zoning Appeals granted a reduction of the front yard setback to 10 feet for off-street parking along Hays Drive. Proposed front yard setback is 10 feet with

improvements shown as close as 13 feet to approximately 16 feet from the Hays Drive right-of-way. The owner subsequently signed the application to rezone to the proposed PUD. Parking on the east side of Lot 3 is consistent with the approved setback reduction by the Board of Zoning Appeals.

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. Additional light, traffic and noise can be expected, but will be consistent with the predominately commercial neighborhood. Setbacks for improvements along Hostetler Drive, McCall Road and Hays Drive are about 10 feet to 15 feet compared to standard 25 foot front yard setbacks. Additional landscaping along McCall Road will buffer the reduced setbacks.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Northeast Planning Area designates the site as Community Commercial (CC).

Applicable policies include:

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 connections between uses for vehicles, pedestrians, and bicycles.

The PUD is in general conformance to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has been zoned various commercial and industrial districts. Annexations were in 1968 and 1969. Commercial and industrial buildings have occupied the site. Proposed Lot 1 was rezoned as a part of Limey Pointe PUD in 2006 for a possible commercial retail stores. Proposed Lot 2 was zoned I-2 District in 1969 and rezoned to C-6 District in the mid 1970's. Proposed Lot 3 was rezoned from C-6 District to C-5 District in 2006 for the Freddy's Frozen Custard restaurant.

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 generally consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval. The proposed rezoning implements the Comprehensive Plan and site plans ensure compatibility with surrounding properties and public facilities.

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. The public street network should not be adversely affected and storm water will be directed to public storm water improvements. Adequate public improvements can serve the site. It may a hardship to the owners if the rezoning is denied as no apparent public gain results from denial.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public improvements are available to serve the proposed development.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of McCall Cats PUD from C-5, Highway Service Commercial District, C-6, Heavy Commercial District, and PUD, Commercial Planned Unit Development District., to PUD, Commercial Planned Unit Development District, with the conditions:

1. 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 as defined by the Code of Ordinances; Amusement Parks; Churches, chapels, temples and synagogues; Construction equipment sales and rentals; Motorcycle sales or repair; Animal hospitals; Broadcasting studios with large outdoor towers; Kennels; Outdoor movie theaters; Schools; and Convenience Stores and other businesses with underground fuel storage.
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. 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.
5. Ground entry and skirted poles signs shall be permitted as proposed.
6. The skirted pole signs shall include a three (3) foot tall masonry planter around the base, incorporating masonry materials similar to those used in the building, and landscaping within the planter.
7. Wall signs shall be permitted as proposed.

Attachment No. 3

8. 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. Advertising signs (off-site signs) shall be prohibited in the PUD.
9. Prior to issuance of a certificate of occupancy for a building on proposed Lot 3, the existing off-site advertising sign shall be removed.
10. Prior to the development of Lot 2, an amendment of the PUD shall be submitted and approved prior to issuance of any required permits.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of McCall Cats PUD from C-5, Highway Service Commercial District, C-6, Heavy Commercial District, and PUD, Commercial Planned Unit Development 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 Cats PUD from C-5, Highway Service Commercial District, C-6, Heavy Commercial District, and PUD, Commercial Planned Unit Development 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 Cats PUD from C-5, Highway Service Commercial District, C-6, Heavy Commercial District, and PUD, Commercial Planned Unit Development District., to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the ten conditions recommended by City Administration.

PREPARED BY: Steven Zilkie, AICP, Senior Planner

DATE: May 15, 2008

08032

2008 Emergency Shelter Grant Funding Breakdown

	Crisis Center	MESI	Salvation Army	City	Total
Rehabilitation					\$ -
Operations	\$ 15,000.00	\$ 9,000.00			\$ 24,000.00
Essential Services	\$ 2,000.00	\$ 11,000.00			\$ 13,000.00
Homeless Prevention	\$ 2,000.00	\$ 3,000.00	\$ 10,000.00		\$ 15,000.00
Admin				\$ 1,368.00	\$ 1,368.00
Total	\$ 19,000.00	\$ 23,000.00	\$ 10,000.00	\$ 1,368.00	\$ 53,368.00

\$2,400 to include staff

2008 Grant Funds Awarded	
Rehab	\$0
Operations	\$24,000 (\$2400 to include staff)
Essential Services	\$13,000
Homeless Prevention	\$15,000
Admin	\$1,368
Total	\$53,368