



MINUTES
CITY COMMISSION MEETING
TUESDAY, JUNE 17, 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 Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 10 staff, and approximately 14 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Hatesohl led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Hatesohl proclaimed June 20-21, 2008, *Juneteenth*. Don Slater, Treasurer, Vanessa Hope, Chair, and additional members of the Juneteenth Committee, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Snead recognized the excellent efforts and cooperation of the intergovernmental agencies and thanked the many volunteers who responded to our friends and neighbors during the recent tornado events.

Commissioner Strawn informed the community that his son and family lost their home during the tornado and saluted the many volunteers who helped their friends, neighbors and coworkers during the cleanup efforts of the tornado. He thanked The Salvation Army, It's Greek to Me (GTM) employees, insurance companies taking care of peoples' needs, City Manager and staff, and the public sector and private individuals for their continued assistance and contributions they have made in the recovery efforts.

Mayor Hatesohl thanked everyone involved in the cleanup efforts of the tornado. He asked citizens to think of the residents of Chapman as they also recover and rebuild from the devastation of the recent tornado.

COMMISSIONER COMMENTS (*CONTINUED*)

Jason Hilgers, Assistant City Manager, thanked the community, City employees, volunteers, and the many public agencies and private businesses that responded.

Jerry Snyder, Director of Fire Services, thanked the citizens of Manhattan for their tremendous assistance over the last several days as the cleanup efforts continue. He expressed sadness for those that have lost so much as a result of the tornado and appreciation for the volunteers, businesses that generously donated needed items, The Salvation Army, American Red Cross, City employees, emergency service organizations, and to his spouse Belinda, for the tremendous efforts exhibited during this time of great need in our community.

Mayor Hatesohl commended City Manager Ron Fehr and the team assembled to accomplish the recovery efforts.

Commissioner Sherow voiced special thanks to the City Manager, Chief Snyder, City staff, and to the public agencies and volunteers. He stated that this community spirit makes Manhattan a wonderful place to live and we are at our best when we all pull together. He then read a prepared statement and voiced the need for the City Commission to appoint a public oversight committee comprised of nine residents from each ward in the City for the South End Redevelopment Project.

Dale Houdeshell, Director of Public Works, thanked the Riley County Public Works Department and the City of Lawrence Public Works crews in assisting with the debris removal and cleanup efforts resulting from the tornado.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 3, 2008.

CLAIMS REGISTER NO. 2584

The Commission approved Claims Register No. 2584 authorizing and approving the payment of claims from May 28, 2008, to June 10, 2008, in the amount of \$1,105,488.76.

LICENSE – FIREWORKS DISPLAY

The Commission approved a Fireworks Display License for Manhattan Country Club at the Manhattan Country Club Golf Course on July 4, 2008.

CONSENT AGENDA (CONTINUED)

FINAL PLAT – STONE POINTE TOWNHOMES RESIDENTIAL PUD

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Stone Pointe Townhomes Residential Planned Unit Development, generally located southeast of the intersection of Scenic Drive and Highland Ridge Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6703 – – REZONE – PORTION OF LOT 87, WARD 2 - and - AMEND - FINAL DEVELOPMENT PLAN OF THE WALGREEN’S NO. 1, COMMERCIAL PLANNED UNIT DEVELOPMENT

The Commission approved Ordinance No. 6703 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 Manhattan Urban Area Planning Board (*See Attachment No. 1*).

ORDINANCE NO. 6704 – NO PARKING – FOUR WINDS VILLAGE, KIMBALL TOWNHOMES, AND DAISY MEADOWS ADDITIONS

The Commission approved Ordinance No. 6704 establishing “No Parking” zones on one side of all streets opposite the sidewalk in all current and future units of Four Winds Village, Kimball Townhomes, and Daisy Meadows Additions.

ORDINANCE NO. 6705 – REZONE – MCCALL CATS

The Commission approved Ordinance No. 6705 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. 2*).

* CONTRACT – 75 FOOT PUMPER TRUCK

Jerry Snyder, Director of Fire Services, responded to questions from the Commission and provided clarification on the existing pumper truck and safety advances that the new truck will provide.

The Commission accepted the recommendation of the Apparatus Committee and Staff, authorized City Administration to sell outright a 1987 FMC pumper truck, and entered into a contract with Pierce Manufacturing Inc, of Appleton, Wisconsin through Conrad Fire Equipment, of Olathe, Kansas, for the purchase of a 75’ Pierce PUC quint in the amount of \$719,676.00.

CONSENT AGENDA (CONTINUED)

FIRST READING – LEASE PURCHASE AGREEMENT – 75 FOOT PUMPER TRUCK

The Commission approved the first reading of an ordinance authorizing the Mayor and the City Clerk to enter into a lease purchase agreement with De Lage Landen Public Finance, LLC, of Kansas City, Missouri, for the purpose of acquiring the 75' Pierce PUC quint.

RESOLUTION NO. 061708-A – KDOT AGREEMENT – AWARD US 24/MALL ENTRANCE (ST0502)

The Commission approved Resolution No. 061708-A authorizing the Mayor and City Clerk to execute the Construction Engineering Agreement with KDOT and authorized the Mayor and City Clerk to approve the award of a contract for improvements of the US-24 and K-18 intersection and financing for the project (ST0502).

- * **SET PUBLIC HEARING DATE – SPECIAL ASSESSMENTS (GOB 2008C)**
Rob Ott, City Engineer, provided additional information on the projects, petitions, and the City-at-large participation.

The Commission set July 1, 2008, as the date to hold the public hearing levying special assessments against the benefiting property in the following two street projects, which have been completed: *Eureka Addition (ST0613)* and *Limey Pointe/McCall Road Improvements (ST0627)*.

REQUEST FOR QUALIFICATIONS – ARCHEOLOGICAL SURVEY PROJECT

The Commission authorized City Administration to advertise a Request for Qualifications for the Archeological Survey Project and appointed Commissioner Sherow to serve on the Selection Committee.

NEGOTIATE CONTRACT – EAST MILLER RANCH INTERCEPTOR SANITARY SEWER PROJECT (SS0810)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with Schwab Eaton P.A., of Manhattan, Kansas, for engineering services for the East Miller Ranch Interceptor Sanitary Sewer (SS0810).

CONSENT AGENDA (CONTINUED)

NEGOTIATE CONTRACT – WEST ANDERSON TRANSPORTATION EXPANSION PROJECT (ST0810)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with BG Consultants, of Manhattan, Kansas, for engineering services for the West Anderson Transportation Expansion Project (ST0810).

RESOLUTION NO. 061708-B – SUPPLEMENTAL AGREEMENT – US 24/MARLATT AVENUE INTERSECTION (ST0612)

The Commission approved Resolution No. 061708-B authorizing the Mayor and City Clerk to execute a Supplemental Agreement No. 49-06 with the Kansas Department of Transportation for geometric improvements at the intersection of Tuttle Creek Boulevard (US-24) and Marlatt Avenue (ST0612).

CONTRACT FOR SALE OF REAL ESTATE – US 24/MARLATT AVENUE INTERSECTION (ST0612)

The Commission approved the agreement for the purchase of real estate for the acquisition of permanent right-of-way and permanent pedestrian and utility easement with McCullough Development and authorized the Mayor and City Clerk to execute the agreement with McCulloh Development.

RENEWAL – SOFTWARE UPGRADE, MAINTENANCE, AND SUPPORT

The Commission authorized renewal of the software upgrade, maintenance, and support services agreement in the amount of \$73,260.00 with SunGard Public Sector, Inc., of Lake Mary, Florida.

PURCHASE – FIRE DEPARTMENT – PHYSICAL FITNESS EQUIPMENT

The Commission accepted the recommendation of the Fire Department's Fitness Equipment Committee and Staff and, authorized the City Administration to purchase 13 pieces of Life Fitness aerobic equipment in the amount of \$40,960.00 from Advanced Exercise Equipment, of Louisburg, Kansas.

BOARD APPOINTMENTS

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

Airport Advisory Board

Reappointment of Bernie Butler, 1700 Sunnyslope Lane, to a three-year Chamber of Commerce term. Mr. Butler's term will begin June 27, 2008 and will expire June 26, 2011.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Airport Advisory Board (CONTINUED)

Reappointment of Ken Mortensen, 1914 Sioux St, to a three-year Junction City term. Mr. Mortensen's term will begin June 27, 2008 and will expire June 26, 2011

Reappointment of Charles Reagan, 3022 Cherry Hill, to a three-year Kansas State University term. Mr. Reagan's term will begin June 27, 2008 and will expire June 26, 2011.

Reappointment of Roger Sink, 1600 Sunny Slope Lane, to a three-year term. Mr. Sink's term will begin June 27, 2008 and will expire June 26, 2011.

Code Appeals Board

Appointment of Anthony Allison, 1120 Hostetler Drive, to a three-year Master Electrician term. Mr. Allison's term begins immediately and will expire May 31, 2011.

Parks and Recreation Advisory Board

Appointment of Oscar Montenegro, 1403 College Avenue, to a four-year term. Mr. Montenegro's term will begin July 1, 2008 and will expire June 30, 2012.

After discussion, Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0, with Commissioner Strawn abstaining from Item G- ORDINANCE NO. 6705 – REZONE – MCCALL CATS.

GENERAL AGENDA

CONSIDER WAIVING PERMIT FEES FOR DEMOLITION, REPAIR, AND RECONSTRUCTION PERMITS TO ASSIST TORNADO VICTIMS

Brad Claussen, Building Official, presented the item and answered questions from the Commission.

Jason Hilgers, Assistant City Manager, provided clarification on the waiver and incentive associated with the properties impacted to encourage rebuilding in those affected areas.

GENERAL AGENDA (CONTINUED)

CONSIDER WAIVING PERMIT FEES FOR DEMOLITION, REPAIR, AND RECONSTRUCTION PERMITS TO ASSIST TORNADO VICTIMS (CONTINUED)

Brad Claussen, Building Official, provided additional information about permit fees and responded to questions from the Commission regarding safe rooms for slab built homes, storm shelters, building codes, and the evaluation of safe areas in businesses, schools, and homes.

Jason Hilgers, Assistant City Manager, responded to questions from the Commission regarding the consideration for safe rooms to be built for slab homes in the future.

After discussion, Commissioner Phillips moved to approve one-time waivers of demolition and building permit fees to repair or rebuild structures that were destroyed or sustained major damage from the tornado that impacted the City of Manhattan on June 11, 2008. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – PRETREATMENT REGULATIONS

Abdu Durar, Assistant Director of Public Works/Utilities-Wastewater, presented the item. He then answered questions from the Commission regarding Environmental Protection Agency requirements, permit fees, the proposed ordinance, and the status of discharging facilities in the City of Manhattan.

Dale Houdeshell, Director of Public Works, provided additional information on the ongoing coordination efforts with Utilities and Code Services.

After discussion, Commissioner Snead moved to approve first reading of the ordinance amending Chapter 32, to include Pretreatment Regulations. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

CONTRACT - FLINT HILLS PRAIRIE DISCOVERY CENTER MUSEUM CONSULTING SERVICES; ESTABLISH - ATTRACTIONS ADVISORY GROUP AND ATTRACTIONS STEERING COMMITTEE

Lauren Palmer, Assistant City Manager, presented the item.

Commissioners Snead and Sherow provided additional information regarding the selection of the Attractions Steering Committee, opportunities for public input, and strengths of the consultant selected.

Commissioner Strawn reiterated the importance to ask the consultant if the Discovery Center can attract 70,000 to 100,000 visitors annually, and will be revenue neutral with support from the community.

GENERAL AGENDA (CONTINUED)

CONTRACT - FLINT HILLS PRAIRIE DISCOVERY CENTER MUSEUM CONSULTING SERVICES; ESTABLISH - ATTRACTIONS ADVISORY GROUP AND ATTRACTIONS STEERING COMMITTEE (CONTINUED)

Lauren Palmer, Assistant City Manager, provided additional information on the Scope of Services of the consultant and public input opportunities and economic feasibility options.

Ralph Diaz, 412 Kearney Street, owner of Gaia Salon, informed the Commissioners that they raised over \$12,000.00 for Art for the Earth for Friends of the Flint Hills Discovery Center. He stated the proceeds would go into a fund with the Manhattan Foundation for the purpose of providing assistance for exhibits for the Discovery Center. He then answered questions from the Commission.

After additional discussion, Commissioner Snead moved to authorize the Mayor and City Clerk to execute the contract with E. Verner Johnson and Associates, of Boston, Massachusetts, for concept development services for the Flint Hills Prairie Discovery Center; and approve the establishment, composition, and charge of the Attraction Advisory Group and the Attraction Steering Committee. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

WORK SESSION

REVIEW DESIGN CONCEPTS - CITY PARK PAVILION

Curt Loupe, Director of Parks and Recreation, provided an overview of the item.

Bruce McMillan, AIA, Bruce McMillan & Associates, presented additional information on the City Park Pavilion project and the scope and budget limitations of the project.

Ben Moore, Bruce McMillan & Associates, presented additional detail on the design and layout of the proposed City Park Pavilion and elevations. He then answered questions from the Commission.

Bruce McMillan, AIA, Bruce McMillan & Associates, outlined the goals identified for the project and items that have been removed due to cost constraints.

Curt Loupe, Director of Parks and Recreation, provided additional information on the items that were eliminated and possible alternates that could be considered.

WORK SESSION (CONTINUED)

REVIEW DESIGN CONCEPTS - CITY PARK PAVILION (CONTINUED)

Bruce McMillan, AIA, Bruce McMillan & Associates, informed the Commission that the local building contractor has stated that building and transportation costs are increasing exponentially as additional time elapses.

Ben Moore, Bruce McMillan & Associates, informed the Commission that several steps have been taken to meet LEED standards and are looking at other alternatives.

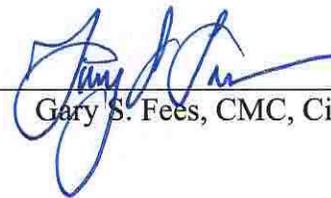
Curt Loupe, Director of Parks and Recreation, and Ben Moore, Bruce McMillan & Associates, responded to questions from the Commission regarding facility use and structural design.

Bruce McMillan, AIA, Bruce McMillan & Associates, and Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission regarding suggested construction materials, size of the facility and the ice rink, function and design of the pavilion in relationship to the band shell, and possible fundraising/naming opportunities.

After additional discussion of the Commission, Bruce McMillan, AIA, and Ben Moore, Bruce McMillan & Associates, and Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission regarding a stone veneer and associated costs for the pavilion with a design tie-in to the band shell.

ADJOURNMENT

At 9:30 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

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

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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.

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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.
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Attachment No. 1

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

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

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. 2

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

“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. 2

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

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