

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, SEPTEMBER 2, 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 30 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Hatesohl led the Commission in the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Hatesohl opened the public comments.

Jim Roberts, 1900 Sunset Lane, asked the Commission where the bicycle lanes are located along Fourth Street in the new redevelopment area.

Mayor Hatesohl and City Manager Ron Fehr responded to questions and stated that a bicycle lane was considered in the design process along Fourth Street, but it was determined that there was not sufficient right-of-way in order build a bicycle lane.

Dale Houdeshell, Director of Public Works, provided additional information on the plans to update the Bicycle Mater Plan and efforts to examine Fifth Street as part of the bicycle network.

Commissioner Sherow voiced similar concerns with the lack of bicycle lanes and in providing good access from Fifth Street to the downtown redevelopment area.

Jim Roberts, 1900 Sunset Lane, informed the Commission that it is dangerous to ride your bicycle on the Linear Trail with skinny tires and encouraged people to leave their car keys on the dresser for a week and ride their bicycle around town.

## PUBLIC COMMENTS (CONTINUED)

Commissioner Snead thanked Mr. Roberts for his comments and stated that he has bicycled around the community for many years and would continue to encourage bicycle travel and continue to seek a balance that would consider incorporating bicycle lanes when it is possible.

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

## COMMISSIONER COMMENTS

Mayor Hatesohl invited the public to attend the Town Hall Meeting to be held on Sunday, September 7, 2008, at the Fire Station Headquarters. The Town Hall Meeting will begin at 3:30 p.m. and will conclude at 5:30 p.m., followed with time to meet the Commissioners individually. The meeting will be moderated by David Procter, Director of the Center for Engagement and Community Development at Kansas State University.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, August 19, 2008.

### CLAIMS REGISTER NO. 2589

The Commission approved Claims Register No. 2589 authorizing and approving the payment of claims from August 13, 2008, to August 26, 2008, in the amount of \$2,698,275.95.

### ORDINANCE NO. 6720 – REZONE – 1017-1019 HOSTETLER DRIVE

The Commission approved Ordinance No. 6720 rezoning a 1.6 acre tract of land, generally located at 1017 and 1019 Hostetler Drive, from I-2 Industrial Park District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report. (*See Attachment No. 2*)

### CHARTER ORDINANCE NO. 44

The Commission approved Charter Ordinance No. 44 regarding the process for developing public improvement contracts.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 6721 – AMEND – FINAL DEVELOPMENT PLAN

The Commission approved Ordinance No. 6721 amending the Final Development Plan of the K-Mart Commercial Planned Unit Development and Ordinance No. 4635, as proposed, based on the findings in the Staff Report (*See Attachment No. 3*), with the one condition of approval, as recommended by the Manhattan Urban Area Planning Board.

### ORDINANCE NO. 6722 – REZONE – K-MART COMMERCIAL PUD

The Commission approved Ordinance No. 6722 rezoning a 1,302 square foot tract of land, generally located at 401 East Poyntz Avenue, from PUD, Commercial Planned Unit Development District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report (*See Attachment No. 4*).

### FINAL PLAT – KMART ADDITION, UNIT 2

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of KMART Addition, Unit 2, generally located at 401 East Poyntz Avenue and 213 Sarber Lane, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### PUBLIC HEARING – VACATE PEDESTRIAN EASEMENTS – GRAND MERE VILLAGE ADDITION. LOT 13

Mayor Hatesohl opened the public hearing.

Hearing no comments, Mayor Hatesohl closed the public hearing.

### FIRST READING – VACATE PEDESTRIAN EASEMENTS – GRAND MERE VILLAGE ADDITION. LOT 13

The Commission approved first reading of an ordinance vacating two portions of the pedestrian easement on Grand Mere Village Addition, Lot 13, an addition to the City of Manhattan, Riley County, Kansas (*See Attachment No. 1*).

### FIRST READING – REPEAL ONE WAY – BRIANNA COURT

The Commission approved first reading of an ordinance repealing the “One Way” counter clockwise route around the subdivision on Brianna Court Circle as approved by Ordinance No. 6694.

\* PETITION– EXPAND NORTH PROJECT AREA TRANSPORTATION DEVELOPMENT DISTRICT

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

## CONSENT AGENDA (CONTINUED)

\* **PETITION– EXPAND NORTH PROJECT AREA TRANSPORTATION DEVELOPMENT DISTRICT (CONTINUED)**

The Commission ratified the Mayor's signature on the petition and found the petition sufficient for the North Project Area Transportation Development District Expansion.

\* **RESOLUTION NO. 090208-A – SET PUBLIC HEARING DATE – EXPAND NORTH PROJECT AREA TRANSPORTATION DEVELOPMENT DISTRICT**

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

The Commission approved Resolution No. 090208-A setting October 14, 2008, as the date for a public hearing relative to the expansion of the North Project Area Transportation Development District.

**AGREEMENT – ENGINEERING SERVICES – STONE POINTE PEDESTRIAN BRIDGE (SP0701)**

The Commission authorized the Mayor and City Clerk to enter into an agreement in the amount of \$41,880.00 with Olsson Associates, of Manhattan Kansas, for the design of Stone Pointe Pedestrian Bridge (SP0701).

\* **AGREEMENT – ENGINEERING SERVICES – WEST ANDERSON TRANSPORTATION EXPANSION PROJECT (ST0810)**

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

Dale Houdeshell, Director of Public Works, responded to questions from the Commission regarding the intersection, number of lanes proposed, and bicycle and pedestrian movements and analysis to be completed by the consultant.

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$356,355.00 with B.G. Consultants, of Manhattan, Kansas, for the design of West Anderson Transportation Expansion Project (ST0810).

**RESOLUTION NO. 0990208-B – GENERAL OBLIGATION BONDS – WEST ANDERSON TRANSPORTATION PROJECT (ST0810)**

The Commission approved Resolution No. 090208-B authorizing financing in an amount not to exceed \$420,000.00 in General Obligation Bonds for the design of West Anderson Transportation Expansion Project (ST0810).

## CONSENT AGENDA (CONTINUED)

### REIMBURSEMENT – K-18/WILDCAT CREEK ROAD INTERSECTION (ST0814)

The Commission approved paying the reimbursement to Riley County for a total of \$22,050.00 and the design fee of \$11,584.18 to Schwab-Eaton for the temporary traffic signal at the intersection of K-18 and Wildcat Creek Road (ST0814).

- \* **FEASIBILITY COST SHARE AGREEMENT – EUREKA VALLEY STUDY**  
Ron Fehr, City Manager, provided additional information on the item and responded to questions from the Commission regarding the project and participation.

The Commission entered into a Feasibility Cost Share Agreement with the Corps of Engineers to complete a feasibility study associated with the Eureka Valley Study.

### GRANT OFFER – RUNWAY 13/31 EXTENSION– PURCHASE OF PROPERTY

The Commission authorized the Mayor and City Clerk to accept and execute a Grant Offer (AIP No. 3-20-0052-34) in the amount of \$888,250.00 from the Federal Aviation Administration (FAA).

### REIMBURSEABLE AGREEMENT – RUNWAY 3/21 SHIFT, PHASE 2 – NAVIGATIONAL EQUIPMENT

The Commission authorized City Administration to finalize, and the Mayor and City Clerk to execute, the Reimbursable Agreement in the amount of \$1,891,074.00 with the FAA to remove and reinstall navigational equipment associated with the Runway 3/21 400 foot shift (API No. 3-20-0052-36).

### GRANT OFFER – RUNWAY 3/21 SHIFT, PHASE 2 – NAVIGATIONAL EQUIPMENT

The Commission authorized the Mayor and City Clerk to accept and execute the FAA Grant Offer (API No. 3-20-0052-36) in the amount of \$1,796,758.00 for the Runway 3/21 Shift, Phase 2, Reimbursable Agreement.

- \* **GRANT APPLICATION – CONSULTING SERVICES – OFFICE OF ECONOMIC ADJUSTMENT**  
Ron Fehr, City Manager, provided additional information on the grant application to the Office of Economic Adjustment as an outgrowth to establish a regional planning organization for the area.

## CONSENT AGENDA (CONTINUED)

\* **GRANT APPLICATION – CONSULTING SERVICES – OFFICE OF ECONOMIC ADJUSTMENT (CONTINUED)**

The Commission approved the City of Manhattan's participation in the amount of \$12,278.20 and authorized the City Manager to execute a grant application for the purpose of procuring consulting services to analyze and develop a plan of operation for a Regional Planning Organization and labor study with funds from the Office of Economic Adjustment and any related grant agreement should funds be awarded.

\* **AGREEMENT – KANSAS STATE UNIVERSITY – ELECTRICAL GENERATING WIND TURBINE**

The Commission authorized the City Manager to finalize and execute an agreement with Kansas State University to install an electrical generating wind turbine on Kansas State University property and make connection to the Headquarters Fire Station at no cost to the City of Manhattan.

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

## GENERAL AGENDA

**FIRST READING – REZONE - WESTPORT SOUTH**

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

Rob Ott, City Engineer, responded to questions from the Commission regarding drainage technologies being proposed and ownership of the system.

Leon Osborn, Kaw Valley Engineering, responded to questions from the Commission regarding drainage.

Rob Ott, City Engineer, responded to additional questions from the Commission regarding drainage, erosion issues, and private parking lot and development considerations.

Charlie Busch, President and Chief Executive Officer (CEO), McCullough Development, provided some background information on the item and informed the Commission of their discussions with the neighbors and plans for this area.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - WESTPORT SOUTH (CONTINUED)

Rich Seidler, McCullough Development, presented additional information on the item, including the relationship of the project to the neighborhood, traffic, commercial areas near the proposed project, hours of operation, proposed site plan, screening, noise, and drainage.

Charlie Busch, President and CEO, McCullough Development, responded to questions from the Commission regarding adjacent trees.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding lighting and signage.

Denny Powel, representing Sonic Drive-In, provided additional information about the lighting and stated that it is adjustable. He also discussed the outside music system and ability to control the volume level with the speakers.

Rich Seidler and Charlie Busch, McCullough Development, responded to questions from the Commission and informed them that the outside music was addressed at the neighborhood meeting and discussed signage locations.

Sally Yahnke, 2627 Georgetown Place, thanked the Developer for concessions that have been made and voiced support for the plan presented to the Commission. She asked the Commission to look at the proposed pedestrian bridge and stated that it would not be safe for young children.

Nancy Hardy, 2623 Georgetown Place, stated that the Developer has responded to the neighborhood's concerns and asked the Commission to revise the application with the condition to remove the pedestrian footbridge from future plans.

Mildred Polley, 2625 Georgetown Place, informed the Commission that she was concerned about this type of development near their residential neighborhood, voiced concern for noise and drainage, showed photos of her property that was flooded, and stated that she was against the proposed pedestrian footbridge.

Rich Seidler, McCullough Development, responded to questions from the Commission and stated that he is in agreement with the neighbors speaking tonight regarding the objection of the pedestrian footbridge.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – REZONE - WESTPORT SOUTH (CONTINUED)

After discussion, Commissioner Snead moved to override the Manhattan Urban Area Planning Board and approve first reading of an ordinance rezoning the Westport South Commercial development, generally located south of the intersection of Westport Drive and Anderson Avenue, from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the application documents and site plans as revised by the applicant, and based on the findings in the Staff Report (*See Attachment No. 5*) and the Cover Memorandum (City Commission Agenda Memorandum), with the eight (8) conditions of approval as modified and recommended by City Administration. Commissioner Sherow seconded the motion.

Commissioner Phillips made a friendly amendment to the motion that the plans for the pedestrian footbridge be abandoned.

After additional discussion, Commissioner Snead did not accept the friendly amendment.

On a roll call vote, motion carried 5-0.

### CITY PARK PAVILION PROJECT (CPX04P)

Curt Loupe, Director of Parks and Recreation, presented the item. He then responded to questions from the Commission regarding the naming process that was used for naming the Pavilion.

Commissioner Strawn answered questions as to the naming of the Pavilion and why the decision was made to name it after Jon and Ruth Ann Wefald.

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission regarding storage issues for the Municipal Band.

Bruce McMillan, Bruce McMillan AIA Architects, thanked the Commission and Commissioner Strawn for their leadership to allow this project to move forward.

Tom Orazem, Orazem and Scalora Engineering, answered questions from the Commission regarding the use of geo-thermal heating and air conditioning and stated the price differential is cost prohibitive.

## GENERAL AGENDA (CONTINUED)

### CITY PARK PAVILION PROJECT (CPX04P) (CONTINUED)

After discussion, Commissioner Phillips moved to accept corporate and private donations for the enhanced pavilion project (CPX04P) in City Park; authorize City Administration to execute a donation agreement with each individual or corporation that has pledged a donation of \$10,000.00 or more; approve the expanded project budget for a new pavilion in City Park to \$1,633,255.00 based on additional funding received from private and corporate donations; and approve the recommendation of the Parks and Recreation Advisory Board to name the new pavilion in City Park the “Jon and Ruth Ann Wefald Pavilion” and the interior multi-purpose room the “GTM Family Center”. Commissioner Snead seconded the motion.

After additional discussion, on a roll call vote, motion carried 4-0, with Commissioner Strawn abstaining.

At 9:15 p.m., the City Commission took a brief recess.

### NOMINATION - PROPOSED HOUSTON AND PIERRE STREETS RESIDENTIAL HISTORIC DISTRICT

Commissioner Sherow disclosed that he owns a house that is identified as a contributing structure to the Historic District if approved by the State. He stated that he is also on the State Historic Site Review and will need to recuse himself and will abstain from voting on this item.

Commissioner Snead stated that his primary residence is in the affected area but is not a contributing structure at this time. He stated that he does not have the same State level issues as Commissioner Sherow, but would abstain from the vote.

Karen Davis, Director of Community Development, presented the item. She then answered questions from the Commission regarding heightened requirements and the notification process.

Jason Hilgers, Assistant City Manager, provided additional information on the proposed residential district boundary map.

Linda Glasgow, 2236 Snowbird Drive, speaking on behalf of the Manhattan/Riley County Preservation Alliance, informed the Commission that they endorsed the Residential Historic District proposal and stated that it is good for the city.

David Kreller, landowner and owner of Document Resources, informed the Commission that this proposed action is bad for Manhattan and bad for business owners in the Historic District. He asked the Commission to vote against the item.

## GENERAL AGENDA (CONTINUED)

### NOMINATION - PROPOSED HOUSTON AND PIERRE STREETS RESIDENTIAL HISTORIC DISTRICT (CONTINUED)

Roger Seymour, 1181 Rock Springs Lane, informed the Commission that he has some property that is contributing and some that is not contributing to the Historic District. He voiced concern about additional regulations in order to change windows and roof shingles, replace sidewalks, and in the color selection when repainting buildings. He stated that this district creation is leading to larger government and that he was not interested in this.

Mary Ann Fleming, 215 S. 8<sup>th</sup> Street, property owner, voiced support for the proposed Historic District near downtown Manhattan.

Larry Schoof, 501 Pierre Street, informed the Commission that he has resurrected several properties destined for the dumpster. He voiced concern in having a new level of intrusion on our private property rights and stated that if allowed, it's here forever.

Tom Roberts, Chair, Historic Resources Board, provided the Commission with additional background information and notification of the item being proposed. He stated that properties retain their value in historic neighborhoods and responded to concerns about replacing windows and paint colors. He said that this item is in the City's best interest and asked the Commission to approve the proposal. He then responded to questions from the Commission.

Karen Davis, Director of Community Development, responded to questions from the Commission regarding tax credits and availability of grant programs.

Commissioner Sherow provided clarification on the item and responded to questions regarding what modifications can be done and qualification requirements for eligibility for State tax credits.

Karen Davis, Director of Community Development, provided additional information on the item and responded to questions from the Commission.

Bill Frost, City Attorney, provided clarification on the item.

After discussion, Commissioner Phillips moved to authorize City Administration to submit the nomination of the Houston and Pierre Streets Residential Historic District to the Kansas State Historical Society for listing on the National Register of Historic Places. Commissioner Strawn seconded the motion.

After additional discussion, on a roll call vote, motion carried 3-0, with Commissioners Snead and Sherow abstaining.

GENERAL AGENDA (CONTINUED)

MEMORANDUM OF AGREEMENT - 4<sup>TH</sup> STREET AND BLUEMONT AVENUE  
INTERSECTION IMPROVEMENT PROJECT (ST0703)

Karen Davis, Director of Community Development, presented the item.

Bill Frost, City Attorney, responded to questions from the Commission and provided clarification on the item.

Karen Davis, Director of Community Development, responded to questions from the Commission regarding the Dispute Resolution in the Memorandum of Agreement and comments received from the State Historic Preservation Officer.

Bill Frost, City Attorney, provided additional information on the item.

Jason Hilgers, Assistant City Manager, informed the Commission of the process and associated expense to either relocate the houses on the lots they currently sit on or to remove them from the site.

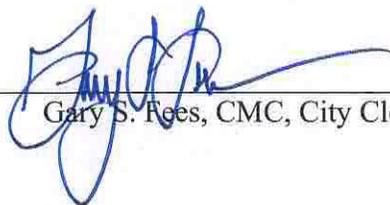
Linda Glasgow, 2236 Snowbird Drive, speaking on behalf of the Manhattan/Riley County Preservation Alliance, informed the Commission that their preference would have been to design the roundabout so that none of these houses would have been affected and stated that they were fairly satisfied with the Memorandum of Agreement.

Ron Fehr, City Manager, and Karen Davis, Director of Community Development, responded to additional questions from the Commission regarding the item.

After discussion, Commissioner Strawn moved to authorize the Mayor and City Clerk to sign the Memorandum of Agreement with the Federal Highway Administration and Kansas Historic Preservation Officer for the 4<sup>th</sup> Street and Bluemont Avenue Intersection Improvement Project (ST0703). Commissioner Sherow seconded the motion. On a roll call vote, motion carried 3-2, with Mayor Hatesohl and Commissioner Phillips voting against the motion.

ADJOURNMENT

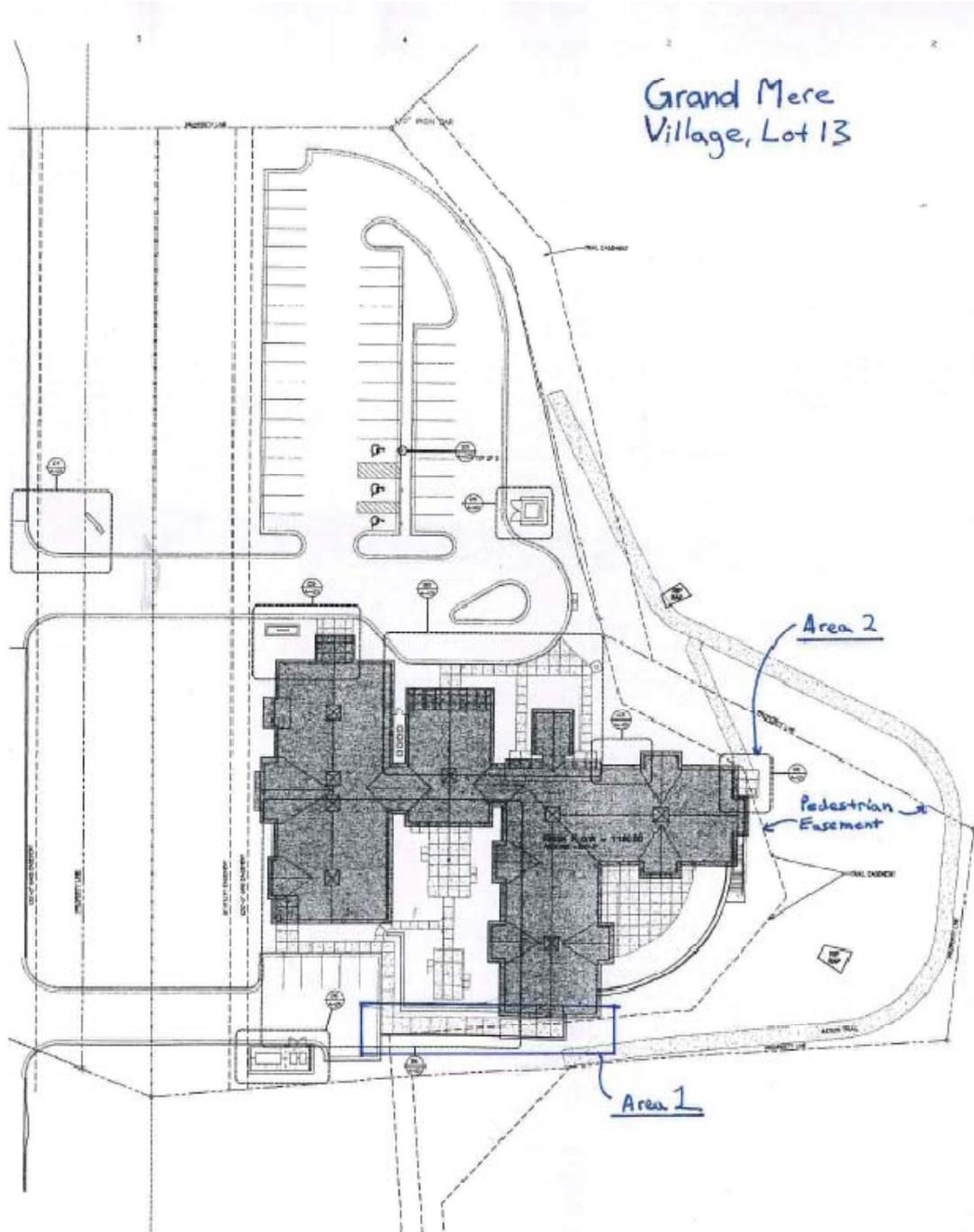
At 10:49 p.m. the Commission adjourned.



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Gary S. Fees, CMC, City Clerk

Vacate Grand Mere Village Lot 13 Pedestrian Easement



**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

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

**TO:** C-5, Highway Service Commercial District.

**APPLICANT:** Schultz Development Inc. – Mark Bachamp as Agent for Owner.

**ADDRESS:** 1213 Hylton Heights Road, Ste. 129, Manhattan KS 66502.

**OWNER:** I. E. A. Dannatt.

**ADDRESS:** P.O. Box 2016, Manhattan KS 66505-2016.

**LOCATION:** 1017 and 1019 Hostetler Drive.

**AREA:** An unplatted tract of land, approximately 1.6 acres in area, located in Section 7, Township 10 South, Range 8 East.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, July 14, 2008.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, August 4, 2008.

**CITY COMMISSION:** Tuesday, August 19, 2008.

**EXISTING USE:** Building contracting business at 1017 Hostetler Drive and auto glass repair 1019 Hostetler Drive. The applicant has indicated that if the rezoning is approved the building at 1017 Hostetler Drive will be demolished with the intent to construct a drive-in restaurant on the south part of the site. The building at 1019 Hostetler Drive will remain.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** A relatively flat tract of land covered with field grass, lawn and scattered trees. The tract drains to the east to Hostetler Drive. The tract is located in the 100 Year Flood Plain. The 100 Year Flood Plain's Base Flood Elevation in the industrial park is 1008 feet above sea level. The lowest enclosed floor for new construction and substantial improvements must be one (1) foot above the Base Flood Elevation, or at 1009 feet above sea level.

*Attachment No. 2*

The building at 1017 Hostetler Drive was originally built in 1980. An addition to the building was built in 1984. The building's front is oriented to Hostetler Drive, which is served by two curb cuts off a circular driveway along the west side of Hostetler Drive. Outdoor storage is to the rear or the west side off the building and enclosed by chain link fencing and accessed from the southern curb cut. Off-street parking is associated with the use and located in front of the building and the north side of the building. Because the building was originally built in 1980, prior to adoption of Flood Plain regulations, it is likely nonconforming to the required minimum lowest enclosed floor elevation; however, the building is proposed to be demolished if the rezoning is approved.

The building at 1019 Hostetler Drive was constructed with nine separate suites accessed from a single curb cut off Hostetler Drive leading to the building's front, which is oriented towards the south. Off-street parking is on the south side of the building's front entrances. Two suites are occupied by an auto glass business and the remaining suites are vacant. The existing building is conforming to the minimum lowest enclosed floor requirement and constructed at 1009.40 feet.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Plumbing contractor, vacant lots, and utility, contractors and warehouse buildings; I-2 District.
- (2) **SOUTH:** Drive-in and eat in restaurants (Pizza Hut, Taco Bell, Wendy's and IHOP restaurants), McCall Road, Super Wal-Mart; Super Wal-Mart Commercial Planned Unit Development District (PUD) and Limey Pointe Commercial PUD.
- (3) **EAST:** Contractors and future hotel, auto repair, and restaurant; I-2 District and McCall Cats Commercial PUD.
- (4) **WEST:** City storm water detention; I-2 District.

**GENERAL NEIGHBORHOOD CHARACTER:** The general character of the neighborhood is a mix of industrial park, light industrial and highway service commercial uses. The neighborhood to the south along Hostetler Drive, and along Hayes Drive and McCall Road is developing with retail and highway service commercial uses.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The I-2 District minimum lot size is one (1) acre. The proposed rezoning site exceeds the minimum lot size for permitted and conditional uses in the I-2 District and is suitable for industrial development. Multiple industrial buildings on the same tract of land are allowed in the I-2 District.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed C-5 District is compatible with highway service commercial oriented businesses in the surrounding area. The site is located north of a major street, McCall Road, and in close proximity to a second major street, Tuttle Creek Boulevard. Increases in traffic, light and noise will be consistent with existing and future conditions in the neighborhood.

**6. 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 proposed C-5 District is in general conformance to the Comprehensive Plan. The single-use highway service activity is generally discouraged to reduce multiple vehicle trips. The proposed rezoning site is limited in area and is an example of a single-use site that the Plan also recognizes may occur in the area. It is similar to C-5 District rezonings, which were approved to the southeast of the intersection of Hayes Drive and McCall Road.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** Annexation occurred on April 2, 1969 (Ordinance No. 2632).

1969-1970 I-3, Light Industrial District.

1970-2008 I-2 District.

Buildings were built on the site in 1980, 1984 and 2006-2007.

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The C-5 District is designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which require access to major streets and highways. The site is north and easily accessible to a major street, McCall Road, and in close proximity to Tuttle Creek Boulevard, a second major street.

The proposed rezoning is consistent with the intent of the C-5 District.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** The proposed rezoning site is located in close proximity to the City's public water well fields. The C-5 District allows underground storage of liquid fuel, such as gasoline associated with an automobile service station or convenience store. On July 1, 2003, the City Commission modified the Code of Ordinances and established limits that prohibit new underground tanks a safe distance from water wells that supply the City of Manhattan with its drinking water. The proposed rezoning site will be within the limits and underground storage tanks are prohibited. No other adverse impacts to the public should be expected as a result of the rezoning. Denial of the request may be a hardship upon the applicant.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate streets, sanitary sewer, and water are available to serve the site. No sidewalks exist on the street frontage north of McCall Cats PUD and Limey Pointe PUD. Sidewalk is built on the west side of Hostetler Drive in the Limey Pointe PUD.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of 1017 Hostetler Drive and 1019 Hostetler Drive from I-2, Industrial Park District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of 1017 Hostetler Drive and 1019 Hostetler Drive from I-2, Industrial Park District, to C-5, Highway Service Commercial District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of 1017 Hostetler Drive and 1019 Hostetler Drive from I-2, Industrial Park District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report .

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

**DATE:** July 29, 2008

## **STAFF REPORT**

**ON AN APPLICATION TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD) OF K-MART COMMERCIAL PLANNED UNIT DEVELOPMENT AND ORDINANCE NO. 4635.**

### **BACKGROUND**

**APPLICANT:** Justin Zarger

**ADDRESS:** 11525 Luning Road, Saint George, KS 66502.

**OWNER:** MKKM, LLC.

**ADDRESS:** 4901 Warnall Road, Suite 10, Kansas City, MO 64112.

**LOCATION:** K-Mart Shopping Center at 401 E. Poyntz Avenue.

**AREA:** 9.37-acres; Lot 1, KMART Addition.

**DATE OF PUBLIC NOTICE PUBLICATION:** July 14, 2008

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 4, 2008

**CITY COMMISSION:** August 19, 2008

**DESCRIPTION OF PROPOSED AMENDMENT:** The proposed amendment to the  
Final

Development Plan of the K-Mart Commercial Planned Unit Development (PUD) is the result of the need to subdivide an approximate 1,302 square foot tract from the PUD and rezone it to C-5, Highway Service Commercial District, so it can be added to proposed Lot 2, KMART Addition, Unit 2. The applicant wants to purchase proposed Lot 2, where his existing machine shop business is located. Because of the reduction of lot area for the existing Lot 1, KMART Addition and the alteration of the landscaping plan for the PUD, the Final Development Plan needs to be Amended. No other amendments, additions or expansion is proposed for the K-Mart Commercial PUD.

### **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 major retail shopping district, which includes a department store, garden center, hardware store and vacant auto service center. The amendment reduces the existing lot area by 1,302 square feet so the tract of land can be added to the proposed Lot 2 of the KMART Addition, Unit 2, to meet the required width of thirty (30) feet for access in the pole portion of the flag lot associated with proposed Lot 2, KMART Addition, Unit 2. The proposed amendment is a minimal reduction of the amount of existing landscape in the PUD. No other changes to the PUD are proposed.

**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 proposed amendment is necessary to allow the applicant to purchase the property where his existing machine shop is located. In order for the proposed flag lot of Lot 2, KMART Addition, Unit 2, to conform to the Subdivision Regulations, the pole portion must have a minimum width of thirty (30) feet. To meet this requirement, approximately 1,302 square feet of Lot 1 of the Planned Unit Development must be purchased and combined with the proposed flag lot.

**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:** No specific gain to the public is found; however, no public improvements or easements are adversely affected. The proposed amendment will not be granted as a special benefit to any one person. The amendment will provide proposed Lot 2, KMART Addition, Unit 2, with the required minimum width for the pole portion of the proposed flag lot. This will provide the needed access to the existing business for customers and emergency response.

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

**1. LANDSCAPING:** The proposed landscaping plan reflects the reduction in lot area and open landscaped space at the northwest corner of the lot. The proposed landscaping plan has a total area of landscape open space of approximately 27,258 square feet, or 6.7%, a reduction of 0.3%. The most recent landscape plan for the K-Mart Commercial PUD shows open lawn areas around the perimeter of the lot along Sarber Lane, Frontage Road at the rear of the lot to the north. Within these lawn areas are a mix of deciduous trees. Within the parking lot areas, landscape islands are present that have deciduous trees and juniper evergreen groundcover. All landscape areas are currently have underground irrigation. Other than the proposed reduction in area, the landscape plan remains unchanged.

**2. SCREENING:** The proposed Amendment does not alter the existing screening plan for the commercial shopping center.

**3. DRAINAGE:** The proposed Amendment does not alter drainage. The site drains to storm sewer inlets in the parking lot, which connect to off-site underground storm sewer pipes

**4. CIRCULATION:**

**Access**

The site is accessed from two curb cuts off Sarber Lane and a main entrance and secondary entrance off East Poyntz Avenue (US 24 Highway) Frontage Road. Sidewalks do not exist along street frontages. No changes to circulation are proposed.

Access to the PUD is also from Town East shopping center to the east of the K-Mart Commercial PUD, since the parking lots adjoin one another.

**Off-Street Parking**

The proposed Amendment does not alter the existing number of off-street parking spaces associated with the commercial shopping center. The existing number of off-street parking spaces is 538 and 482 spaces during March 1 and October 1, when the outdoor seasonal display area is in operation.

**5. OPEN SPACE AND COMMON AREA:** There is no common area/open space in the K-Mart Commercial PUD.

**6. CHARACTER OF THE NEIGHBORHOOD:** The area is characterized by a mix of retail and service commercial uses along East Poyntz Avenue and Sarber Lane. Some commercial areas are characterized as shopping centers and some are individual sites. Industrial manufacturing uses are in the neighborhood, but not along the same access routes as the retail and service commercial uses.

**EXISTING USE:** K-Mart Commercial PUD: discount department store with garden center, hardware store and vacant auto service center.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The PUD is a developed retail shopping area with off-street parking lots, access drives and parking lot landscape islands and perimeter landscaping. Existing building pads are in the 100 Year Flood Plain. The Base Flood Elevation is 1008 feet. The approved Final Development Plan indicates that lowest enclosed floor elevations are between 1008 feet and 1009 feet. Existing buildings are legally nonconforming to the current elevation requirement, which requires one foot of elevation above 1008 feet. Substantial improvements to existing buildings require the lowest enclosed floor to be at least one foot above 1008 feet, or a minimum elevation of 1009 feet.

**SURROUNDING LAND USE AND ZONING:**

- (1) **NORTH:** Highway service commercial uses, including automotive service businesses, C-5, Highway Service Commercial District.
- (2) **SOUTH:** Sarber Lane, Sarber Lane, restaurant, grocery and furniture stores, auto repair; PUD and C-5 District.
- (3) **EAST:** K-Mart Shopping Center, Town East retail shopping center, undeveloped highway service commercial lot: PUD, C-2, Neighborhood Shopping District and C-5 District.
- (4) **WEST:** Machine shop, automotive repair businesses and retail shopping center; C-5 District and PUD.

**GENERAL NEIGHBORHOOD CHARACTER:** The neighborhood is a mix of service commercial and retail uses. The service commercial uses include automotive repair businesses, and a machine shop. The retail uses in the general area include the K-Mart Shopping Center, Town East Shopping Center, the shopping center where Hobby Lobby, and Hastings Book and Video store is located, a grocery store and a Furniture Store. Also in the area is a family restaurant.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site is suitable for the permitted uses.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed Amendment should not adversely impact surrounding properties. The adjoining property to the east is Town East shopping center, which is zoned C-2, Neighborhood Shopping District, and undeveloped C-5, Highway Service Commercial District. The shopping center consists of an "L" shaped building abutting the eastern wall of the hardware store building and a vacant C-5 lot, in the southwestern corner of the Town East shopping center. To the south are East Poyntz Avenue right-of-way and railroad tracks. To the north is an industrial park. To the west is Sarber Lane right-of-way, a restaurant, existing furniture stores, grocery store and auto service related services. The proposed Amendment reduces the existing lot size by 1,302 square feet in area. The area of the Landscape Plan that is affected by the amendment is an open, manicured lawn area and should not cause a detrimental effect on adjacent properties if the lawn was removed. No changes to the Permitted Uses, site design, access or parking is proposed with this Amendment.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The Manhattan Urban Area Comprehensive Plan identifies the K-Mart Shopping Center as Community Commercial (CC), which is a mix of retail and commercial services in a unified setting that serves the entire community. The proposed Amendment to the PUD will continue these types of activities and conforms to the Comprehensive Plan.

The proposed Amendment is generally in conformance with the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:**

- |                    |  |
|--------------------|--|
| 1969:              | Annexed and zoned C-5, Service Commercial District, and I-2, Industrial Park District.   |
| 1973:              | Rezoned to Planned Unit Development for K-Mart, auto service and outdoor garden and food store.  |
| 1985:              | Amendment to add floor space to Food-4-Less building.  |
| 1987:              | Amendment to expand outdoor K-Mart garden center.  |
| 1990:              | Rezoned to a new Commercial Planned Unit Development in order to expand the existing K-Mart, alter landscaping, and to allow an automobile service center.   |
| 1997:              | Amend signage for auto service center.   |
| 2003:              | Amend signage and landscaping plans.   |
| 2006:              | MUAPB conducts public hearing on October 16, 2006, and recommends denial of an Amendment to the K-Mart Commercial PUD. Applicant withdraws application.  |
| November 2, 2006:  | New revised amendment application submitted.   |
| December 18, 2006: | MUAPB conducts public hearing on revised amendment proposal to add C-2 District uses and define seasonal display areas, modify the façade and wall signage, reduce parking and modify the landscape plan. MUAPB recommends approval with 12 conditions.  |
| December 26, 2006: | City Clerk's Office receives protest petition from Chris Curtin, which is determined to be valid.  |
| January 9, 2007:   | City Commission considers first reading of an ordinance amending the K-Mart Commercial PUD as proposed. Protest petition withdrawn by Chris Curtin. City Commission, on a vote of 5-0, overrides the Planning Board's recommendation and approves first reading of an ordinance amending the K-Mart Commercial PUD as proposed, with 11 conditions in Staff Report and with the revised 12 <sup>th</sup> condition recommended by City Administration. |

January 23, 2007: City Commission approves Ordinance No. 6603 amending the K-Mart Commercial PUD as proposed, with 11 conditions in Staff Report and revised 12<sup>th</sup> condition recommended by City Administration.

**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 is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations

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

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public utilities and facilities are available to serve the PUD.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed Amendment(s) of the K-Mart Commercial Planned Unit Development and Ordinance No. 4635, with one (1) condition of approval.

1. The 1,302 square foot tract of land located at the northwest corner of Lot 1, KMART Addition shall be rezoned from PUD, Commercial Planned Unit Development to C-5, Highway Service Commercial District.

**ALTERNATIVES:**

1. Recommend approval of the proposed Amendment(s) of the K-Mart Commercial Planned Unit Development and Ordinance No. 4635, stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment of the K-Mart Commercial Planned Unit Development and Ordinance No. 4635 stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment of the K-Mart Commercial Planned Unit Development and Ordinance No. 4635, based on the findings in the Staff Report, with the one (1) condition of approval as recommended by City Administration.

**PREPARED BY:** Chad Bunger, Planner

**DATE:** July 25, 2008

CB/vr  
08057

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** Commercial PUD, Planned Unit Development

**TO:** C-5, Highway Service Commercial District

**APPLICANT:** Justin Zarger

**ADDRESS:** 11525 Luning Road, Saint George, KS 66502.

**OWNER:** MKKM, LLC.

**ADDRESS:** 4901 Warnall Road, Suite 10, Kansas City, MO 64112.

**LOCATION:** K-Mart Shopping Center at 401 E. Poyntz Avenue.

**AREA:** 1,302 square feet of Lot 1, KMART Addition

**DATE OF PUBLIC NOTICE PUBLICATION:** July 14, 2008

**DATE OF PUBLIC HEARING: PLANNING BOARD:** August 4, 2008

**CITY COMMISSION:** August 19, 2008

**EXISTING USE:** Open, landscape area associated with the driveway and parking spaces of the K-Mart Shopping Center

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The area to be rezoned is a relatively flat, manicured lawn area associated with the driveway and parking spaces on the northwest corner of the K-Mart Shopping Center.

**SURROUNDING LAND USE AND ZONING:**

(1) **NORTH:** Highway service commercial uses, including automotive service businesses, C-5, Highway Service Commercial District.

(2) **SOUTH:** Sarber Lane, restaurant, grocery and furniture stores, auto repair; PUD and C-5 District.

- (3) **EAST:** K-Mart Shopping Center, Town East retail shopping center, undeveloped highway service commercial lot: PUD, C-2, Neighborhood Shopping District and C-5 District.
- (4) **WEST:** Machine shop, automotive repair businesses and retail shopping center; C-5 District and PUD.

**GENERAL NEIGHBORHOOD CHARACTER:** The neighborhood is a mix of service commercial and retail uses. The service commercial uses include automotive repair businesses, and a machine shop. The retail uses in the general area include the K-Mart shopping center, Town East shopping center, the shopping center where Hobby Lobby, and Hastings Book and Video store is located, a grocery store and a furniture store. Also in the area is a restaurant.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The 1,302 square foot tract of land proposed to be rezoned is a manicured lawn area as part of the landscaping plan for the K-Mart Commercial PUD.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed rezoning should not adversely impact surrounding properties. The purpose of the rezoning is to allow the applicant to purchase the tract to combine it with the proposed Lot 2, KMART Addition Unit Two, to have adequate access width for the pole portion of the flag lot associated with Bonzwitz Machine Shop. The adjoining property to the east is the K-Mart shopping center, zoned PUD, which is the parent tract of the tract to be rezoned. Rezoning the tract from PUD to C-5 should not adversely affect the shopping center, or its existing uses. A request to amend the approved Final Plan of the K-Mart Commercial PUD accompanies this rezoning to address the changes in the Landscape Plan. To the immediate north is the proposed lot that will be joined with the subject site, to create proposed Lot 2. To the south are the Sarber Lane right-of-way, a restaurant, furniture stores, and a grocery store. To the west are auto service related businesses.

The site is within a well-head protection area that prohibits underground storage of liquid fuel. Although the site is to be part of proposed Lot 2, which has an established business located on it, future developments will be prohibited from installing underground storage tanks for liquid fuel.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is shown on the Future Land Use Map for the Northeast Planning Area as Community Commercial (CC). The 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 proposed C-5 District is generally in conformance to the Comprehensive Plan. The single-use highway service activity is generally discouraged to reduce multiple vehicle trips to the location. The proposed rezoning site is to be combined with an adjoining tract to the north for proposed Lot 2, KMART Addition, Unit 2. The proposed Lot 2 of the subdivision is a single-use, service commercial site that the Plan recognizes may occur in the area.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:**

- |       |  |
|-------|--|
| 1969: | Annexed and zoned C-5, Service Commercial District, and I-2, Industrial Park District.   |
| 1973: | Rezoned to Planned Unit Development for K-Mart, auto service and outdoor garden and food store.  |
| 1985: | Amendment to add floor space to Food-4-Less building.  |
| 1987: | Amendment to expand outdoor K-Mart garden center.  |
| 1990: | Rezoned to a new Commercial Planned Unit Development in order to expand the existing K-Mart, alter landscaping, and to allow an automobile service center. |

*Attachment No. 4*

- 1997: Amend signage for auto service center.
- 2003: Amend signage and landscaping plans.
- 2006: MUAPB conducts public hearing on October 16, 2006, and recommends denial of an Amendment to the K-Mart Commercial PUD. Applicant withdraws application.
- November 2, 2006: New revised amendment application submitted.
- December 18, 2006: MUAPB conducts public hearing on revised amendment proposal to add C-2 District uses and define seasonal display areas, modify the façade and wall signage, reduce parking and modify the landscape plan. MUAPB recommends approval with 12 conditions.
- December 26, 2006: City Clerk's Office receives protest petition from Chris Curtin, which is determined to be valid.
- January 9, 2007: City Commission considers first reading of an ordinance amending the K-Mart Commercial PUD as proposed. Protest petition withdrawn by Chris Curtin. City Commission, on a vote of 5-0, overrides the Planning Board's recommendation and approves first reading of an ordinance amending the K-Mart Commercial PUD as proposed, with 11 conditions in Staff Report and with the revised 12<sup>th</sup> condition recommended by City Administration.
- January 23, 2007: City Commission approves Ordinance No. 6603 amending the K-Mart Commercial PUD as proposed, with 11 conditions in Staff Report and revised 12<sup>th</sup> condition recommended by City Administration.

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:**

The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The C-5 District is designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which require access to major streets and highways. The tract to be rezoned will be combined with an abutting tract to the north to form Lot 2 of the proposed KMART Addition, Unit Two. The proposed lot has an existing automotive machine shop located on it, which is consistent with the intent of the C-5 District.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no relative gain to the public, which denial would accomplish. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied, which would prevent the applicant from subdividing the properties proposed with Lots 1 – 3, KMART Addition, Unit Two.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the proposed rezoning site.

**OTHER APPLICABLE FACTORS:** None

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of an approximate 1,302 square foot tract of land at the northwest corner of Lot 1, KMART Addition, along Sarber Lane from PUD, Commercial Planned Unit Development, to C-5, Highway Service Commercial District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of an approximate 1,302 square foot tract of land at the northwest corner of Lot 1, KMART Addition, along Sarber Lane from PUD, Commercial Planned Unit Development, to C-5, Highway Service Commercial District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of an approximate 1,302 square foot tract of land at the northwest corner of Lot 1, KMART Addition, along Sarber Lane from PUD, Commercial Planned Unit Development, to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

**PREPARED BY:** Chad Bunger, Planner

**DATE:** July 24, 2007

CB/vr  
08048

**STAFF REPORT**

**APPLICATION TO REZONE PROPERTY TO PLANNED UNIT  
DEVELOPMENT DISTRICT FOR WESTPORT SOUTH PUD**

**BACKGROUND**

**FROM:** R, Single-Family Residential District.

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

**OWNER/APPLICANT:** West Anderson Partners, LLC – Charlie Busch and Steven R. Struebing, Manager.

**ADDRESS:** P.O. Box 1088, Manhattan KS 66505.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, May 26, 2008.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, June 16, 2008;  
Tabled to July 7, 2008

**CITY COMMISSION:** Tuesday, August 5, 2008.

**LOCATION:** South of the intersection of Westport Drive and Anderson Avenue at the former Riley County shops site.

**AREA:** Approximately 4 acres.

**PROJECT HISTORY:** The proposed PUD is located at the north end of the former Riley County Parks, fleet and Public Works shops site. The rezoning site has been vacant for several years although some driving aisles and asphalt parking areas remain.

**PROPOSED USES:**

Lot 1: Walgreens with drive-in pharmacy.

Lot 2: Sonic drive-in restaurant with outdoor playground and outdoor eating area adjacent to playground.

*Attachment No. 5*

Included with the Preliminary Development Plan, which serves in lieu of a Preliminary Plat and is a part of the proposed PUD, see Sheet 3 of 9, labeled Preliminary Plat Lot 1 & 2 and Concept Plat Only Phase 2, Lots 3, 4 and 5, Westport South Addition. The Concept Plat is for the balance of the property owned by the applicant, approximately 8.2 acres. The Concept Plat is required by the Manhattan Urban Area Subdivision Regulations whenever land is in the same ownership as the proposed development and is contiguous. The purpose of the Concept Plat is “a preliminary presentation of a future land development contiguous to a proposed subdivision of sufficient accuracy to be used for discussion in order to coordinate street, utility, drainage, park and other land development issues.” The Concept Plat is for discussion only and does not bind the Planning Board or the applicant to future development of the area it represents; however, easements necessary to serve Lot 1 and Lot 2 will be filed separately.

**PROPOSED BUILDINGS AND STRUCTURES:**

Lot 1: The Walgreens is a prototypical one story masonry and manufactured stone building approximately 23 feet in height and 28 feet to the parapet entrance with standing seam metal awnings over front façade windows. The 14,739 square foot building will front on Anderson Avenue and have a drive-in pharmacy on its western side. Access is from proposed Westport Place. Off-street parking is on the north, east and south sides of the business. Walgreens is a 24-hour a day operation and up to 40 employees at peak hours.

Lot 2: The Sonic drive-in restaurant is a prototypical Sonic drive-in reflecting its current image. The restaurant serves customers in their car, or a canopy covered eating area adjacent to the playground along Anderson Avenue. There is no eat in space in the building, which is a one story masonry and manufactured stone building approximately 14 feet in height with a parapet standing seam metal roof peak at the front approximately 23 feet in height. The building faces Anderson Avenue with the drive-in menu board order area at the south end of the building and pickup window on the east side of the building. Customers can also park under canopies on the east and west sides of the building. Parking is also provided along the east and south sides of the site. Sonic’s hours of operation are 6 A.M. to 2 A.M., Sunday through Thursday and 6 A.M. to 3 A.M., Friday and Saturday and 10 employees at peak hours.

Each lot will be owned separately and no covenants are proposed; however, the maintenance of the Travel Easement is proposed to be accrued to each abutting owner. The Final Plat will set out maintenance responsibilities.

**PROPOSED LOT COVERAGE**

<u>Use</u>	<u>Square Feet</u>	<u>Percentage</u>
Buildings Lot 1 - Lot 2	14,738.72 – 2,472.64	17.59% - 3.01%
Travel Easement	10,531.68 – 8,367.10	12.57% - 10.18%
Driveways/Paving	51,621.40 – 50,133.03	61.59% - 61.00%
Landscape Area	17,451.40 – 29,574.36	20.82% - 35.99%

**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, which is the recommended zoning district for commercial signage in a PUD.

Skirted Pole Signs

Three internally illuminated and skirted pole signs are proposed along the Anderson Avenue frontage. Sonic has proposed a 23-foot masonry skirted pole sign consisting of a 6 foot by 12 foot identification sign, 72 square feet in area, and a 36 square feet of reader board/identification sign or 108 total square feet in area. In addition, the applicant has proposed a second 20-foot tall brick and masonry based skirted pole sign/identification sign, approximately 100 square feet in area, which will be on Sonic’s lot and used to identify future businesses to the south of the PUD. The Walgreens’ skirted pole sign is 20-feet in height with a masonry brick base. The sign is approximately 83-square feet in area.

The combined area of the Sonic sign and off-site sign for the future area to the south is 34 square feet in area greater than the total area the C-2 District would allow on the lot (178 total square feet in area compared to a proposed total of 202 square feet in area). Note: The C-2 District allows 1 square foot of sign area for each linear foot of lot frontage. Proposed Lot 1 has 178 feet of frontage on Anderson Avenue. Signs are proposed to be in a landscaped base.

The Sonic and Walgreens signs are consistent with C-2 District sign requirements.

Wall Signs

Walgreens’ internally illuminated wall signs consist of three internally illuminated signs on the north and east elevations, totaling 117 square feet in area and 111 square feet in area, respectively. C-2 sign regulations would allow only one sign per façade; however, wall sign area is considerably less in area than the C-2 sign regulations would allow. In addition, a small sign is proposed on the drive-in pharmacy canopy and a wall sign like the one on the skirted pole sign is proposed inside the glass tower enclosure over the entrance. Signs internal to a building are not regulated.

Sonic wall signs are internally illuminated with two proposed on the north elevation, a building logo and drive thru sign, and one logo on the east elevation and total approximately 19 square feet in area on the north and 12 square feet east. Wall sign area is considerably less in area than the C-2 sign regulations would allow.

#### Other Signs

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.

**PROPOSED LIGHTING:** Standard 20-25 foot steel light poles will be used in parking lots, with accent and security lighting on the buildings. Light poles and building lights will be full cutoff design to reduce glare on streets and adjacent properties.

### **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 be irrigated with underground systems. Minimum landscaping requirement for a C-5 District development is 5% of the paved area. Lots 1 and 2 exceed the minimum requirement with 17.7% and 19.5% of the sites set out as landscaped open space.

**2. SCREENING:** The Walgreens trash compactor area is at the southeast corner of the building and will be screened with an 8-foot masonry enclosure, which matches the building. The trash enclosure will be gated with wood doors. An 8-foot metal paneled dumpster is in the southeast corner of Sonic's parking/driving aisle part of the site and adjacent to the north side of an approximate 11-foot tall metal paneled storage building. In addition, Sonic has proposed a 6-foot tall wood fence generally along the common eastern and southern lot line of Lot 2, with the eastern portion along the R-2 District adjacent to the R-2 District, Washington Square residential neighborhood.

**3. DRAINAGE:** The site slopes downhill from north to south and will drain to Wildcat Creek. The applicant's consultant, Kaw Valley Engineering, Inc, submitted a Storm Drainage Report, dated February 2008, and a Supplemental Drainage Report, dated June 24, 2008. The consultant has proposed to detain water in underground detention facilities at the south end of the Walgreens' site, under the parking lot, and at the south end of the

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Sonic site between the parking lot improvement and the south lot line, which modifies the drainage plan generally shown on the Grading and Utility plan sheets. Minimal impact is expected on the downstream drainage system because pre-development run-off rates equal or are less than post-development rate. The proposed underground storage provide for sedimentation control. The City Engineer has reviewed and accepted the stormwater analysis (memorandum attached, dated June 30, 2008) with the following recommendations:

- Developer uses a system either being underground detention or traditional open pond such that sedimentation is removed for this specific site to protect Wildcat Creek habitat. This recommendation is consistent in actions and requirements imposed on other developers recently in the City of Manhattan at subdivisions such as Highland Meadows, Stone Pointe Unit I & Stone Pointe Unit II.
- Developer uses a system either being underground detention or traditional open pond such that the post developed condition is not greater than the predevelopment condition of when the Riley County Shops where located on this site. Underground detention was recently required and constructed at Daisy Meadows to prevent overloading of the existing storm sewer system in this portion of the City.
- Recommend that the 30 inch pipe from Sonic site be extended to the southern end of the property line of LOT 19 in Washington Square Addition. There has been an erosion problem along this property and I would like to have this stormwater discharge at a point beyond the property to minimize any future erosion of this existing ditch along this property.

**4. CIRCULATION:** Access to the PUD is safe and efficient. Access is from the north from the signalized intersection of Anderson Avenue and Westport Road. Proposed Westport Place, a Travel Easement, extends south from the intersection to provide access to Lot 1 and Lot 2. Access will also be from the west off Garden Way on a Travel Easement, Garden Place, which connects Garden Way to Westport Place south of Walgreens. In addition, Westport Place is proposed to extend to the south, at a later date, and connect to a street, or Garden Way, dependent on how the area to the south of the proposed PUD develops. Maintenance responsibilities will be set out in restrictive covenants with the Final Development Plan addressing the Travel Easements, as well as noted on the Final Plat under the Owner's Certificate.

#### Traffic Analysis

Kaw Valley Engineering, Inc. submitted a traffic analysis submitted with the application. The City Engineer has reviewed and accepted the transportation analysis and proposed improvements (memorandum dated June 30, 2008, attached).

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The surrounding transportation network is adequate for the increased trips expected with the proposed commercial development. In addition, a pedestrian bridge is shown on the Concept Plat, which will provide pedestrian access between Washington Square and the proposed PUD and future development south of the PUD, which will be considered with the rezoning and platting of the Concept Plat area. City Administration recommends the pedestrian connection for the future.

#### Sonic Access

Lot 1 will be accessed from proposed Westport Place. A raised median, south of the intersection, will accommodate left turn movements for the public entering the Sonic site and control turning movements exiting the site. An entrance/exit is also proposed at the southwest corner of the Sonic site onto Westport Place. Internal circulation can be from either curb cut.

#### Walgreens' Access

Walgreens is accessed from three entrance/exits along the west side of the Westport Place. In addition, off-street parking is proposed on the east side of the Walgreens with adequate distance provided between the Travel Easement driving lane and backing space for the angled parking spaces.

#### Sidewalks

Sidewalk connections extend from sidewalk along the south side of Anderson Avenue along the east side of Westport Place and from the Anderson Avenue sidewalk to each business. Sidewalk will also extend to the west on the south side of Garden Place to Garden Way; however, there is no sidewalk on Garden Way. It is impractical to build sidewalk on the east side of Garden Way, due to the steep slope on the western side of the PUD.

#### Off-Street Parking

Adequate off-street parking spaces will be provided. Walgreens requires a minimum of 40 spaces and 76 spaces are proposed. Sonic provides 1 space for each customer served in a car, requires 16 for customers using the eating area adjacent to the playground and 10 spaces for the maximum employee shift. A total of 56 are proposed, which meets the demand for the restaurant.

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

**6. CHARACTER OF THE NEIGHBORHOOD:** The proposed PUD is located along a major commercial street corridor consisting of drive-in banks, restaurants, commercial retailers and commercial services, a shopping center and a multiple-family apartment complex. Low density residential neighborhoods are generally to the east, north and south of the commercial corridor, generally beginning about 500 feet east of the eastern boundary of the proposed PUD at the Anderson Avenue and Connecticut Avenue intersection; however, an established low density neighborhood, Washington Square, abuts the southern boundary of the proposed PUD.

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

**1. EXISTING USE:** Former Riley County shops site. Shop buildings within the 3.81-acre area of the proposed PUD were demolished in 2007.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site slopes downhill from north to south and has remnants of former Riley County Shops' improvements such as asphalt drives and parking, concrete foundations, and access aisles for former storage areas. There are mature trees along the Anderson Avenue street frontage and along the east and west sides of the proposed PUD. The site is approximately 7-8 feet above grade of the remainder of the former site, which is to the south.

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

**(a.) NORTH:** Anderson Avenue, a 5-lane arterial, drive-in banks, retail commercial, and restaurants; C-2, Neighborhood Shopping District.

**(b.) SOUTH:** Former Riley County shops site, Wildcat Creek; R District.

**(c.) EAST:** Commercial retail and retail services, government buildings, professional offices and single-family attached homes in the Washington Square neighborhood; C-2, District and R-2, Two-family Residential District.

**(d.) WEST:** Garden Way, a local 2-lane street, and multiple-family apartment buildings: R-3 District.

**4. CHARACTER OF THE NEIGHBORHOOD:** See above.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The existing R District is a low density residential single family district and, while the existing rezoning site is sufficient in area for single-family development, the commercial character of the street does not appear consistent with low density single-family residential, which is located some 500 feet to the east of the proposed PUD along the commercial corridor.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in light, noise and traffic is expected with the majority of impacts consistent and compatible with similar affects associated along a major commercial service and retail corridor. Front yard setbacks are a minimum of 25 feet along Anderson Avenue, which are consistent with commercial front yard setbacks. Building improvements, play area and canopy, and parking lot/driving aisles on Lot 1 are setback 27 feet and 82 feet, respectively. Building and parking lot/driving aisles on Lot 2 are setback 163 feet and 35 feet, respectively.

The southern boundary of Lot 1 is adjacent to a low density single family residential neighborhood, which should be buffered from the restaurant. The side yard setback for the closest Sonic improvements is 18 feet. Minimum side yard set back in the C-2 District, for example, is 8-feet and an 18-foot side yard is proposed, along with a 6-foot tall wood fence along the residential and PUD common lot line.

The closest point on a residential building to the southeast is approximately 95 feet to the rear of the Sonic storage shed. The proposed PUD shows a 6-foot tall wood fence along the residential boundary, which then extends east west along the length of the 11-parking spaces at the south end of the site and below grade of the parking lot improvements. Rather than the proposed screening, which is 7-8 feet below grade of the Sonic improvements, providing a landscaped buffer, such as viburnum shrubs or 6-foot evergreen trees, adjacent to the rear of the storage shed and trash enclosure at the same grade as the improvements for the length of the residential district, or approximately 55-feet, and a 6-foot tall wood fence extending along the southern edge of the parking lot improvements for the entire length of southern edge of the proposed 11 parking spaces, or approximately 135-feet, should reduce noise and automobile light impacts on the R-2 District to the southeast (see Sheet 5 of 9, Grading and Erosion Control Plan).

Full cutoff lights will also reduce impacts associated with the commercial lighting of the site. Multiple family uses to the west should be adequately protected. The Walgreens' site is approximately 10 feet above grade of Garden Way and approximately 37-feet east of the front yard along Garden Way and approximately 137-feet to the closest apartment building west of Garden Way.

Areas to the south are former Riley County shops areas, which are intended to be developed and are owned by the applicant.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map designates the site, which is shown on both the Southwest Planning Area and Northwest Planning Area maps, 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 was annexed in 1962 and zoned A, First Dwelling house District; from 1965-1969 the site was zoned A-A, Single Family Dwelling District; and, has been zoned R District from 1969 to present. The Riley Country shops were reportedly established in the 1950's and remained on the site until 2007. The site has been vacant since 2007 when the shops' building was demolished.

**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.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There appears to be no gain to the public that denial would accomplish. 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 Westport South PUD from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, with the following conditions:

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1. Permitted uses shall include a Sonic Drive-in Restaurant and Walgreens.
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. Skirted poles signs shall be permitted as proposed.
6. Wall signs shall be permitted as proposed.
7. 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.
8. In lieu of a proposed six (6) foot tall wood fence east of the Sonic trash enclosure and storage building, a landscape buffer shall be provided, such as, but not limited to, viburnum shrubs or 6-foot evergreen trees, adjacent to the Sonic trash enclosure and storage building, a distance equal to the abutting residential district, or approximately 55-feet; and, a six (6) foot tall wood fence shall be provided along the entire edge of the southern eleven (11) off-street parking lot spaces.
9. Storm water drainage improvements shall be provided as described in the City Engineer's Memorandum, dated June 30, 2008, as follows:
  - a. The development shall include either an underground detention or traditional open pond system such that sedimentation is removed for this specific site to protect Wildcat Creek habitat; and, the development's underground detention or traditional open pond system shall have a post development storm water runoff rate that is not greater than the predevelopment rate.
  - b. An existing 30 inch storm water pipe from the Sonic site, which is generally located west of Lot 19, Washington Square Addition, shall be extended approximately 100 feet to the south.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Westport South PUD from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.

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2. Recommend approval of the proposed rezoning of Westport South PUD from R, Single-Family Residential 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 Westport South PUD from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District Planned Unit Development District, based on the findings in the staff report, with the nine (9) conditions recommended by City Administration.

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

**DATE:** July 2, 2008

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