



MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 16, 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 J. Hatesohl and Commissioners Bob Strawn, 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, 8 staff, and approximately 38 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Hatesohl led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Hatesohl proclaimed September 17-23, 2008, ***Constitution Week***. Dixie Roberts, Regent; Susan Metzger, Vice Regent; Rebecca Rose, Outgoing Regent; Terry Healy, member; and Linda Weis, Past Regent, Polly Ogden Chapter, Daughters of the American Revolution, were present to receive the proclamation.

Mayor Hatesohl proclaimed September 21-27, 2008, ***Community Cultural Harmony Week***. Doug Benson and Candi Hironaka, Co-Chairs, Community Cultural Harmony Week Planning Committee, were present to receive the proclamation.

Mayor Hatesohl proclaimed October 5-11, 2008, ***Fire Prevention Week***. Ryan Almes, Fire Marshal, was present to receive the proclamation.

Mayor Hatesohl proclaimed October 1-31, 2008, ***One Book, One Community 2008 Reading Program***. Fred Atchison, Director; Mary Newkirk, Librarian; and Marcia Allen, Collections and Processing Manager, Manhattan Public Library, were present to receive the proclamation.

Mayor Hatesohl proclaimed October 2008, ***National Chiropractic Month***. Dr. Thad Schneider and Dr. Jarrod Nichols, local Chiropractors, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Sherow informed the community that on Saturday, September 20, 2008, at 11:00 a.m., Riley County would be hosting the Fairmont Park Boat Ramp dedication and invited the community to attend.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, August 26, 2008, and the Regular City Commission Meeting held Tuesday, September 2, 2008.

CLAIMS REGISTER NO. 2590

The Commission approved Claims Register No. 2590 authorizing and approving the payment of claims from August 27, 2008, to September 9, 2008, in the amount of \$1,492,867.49.

LICENSE – CEREAL MALT BEVERAGE

The Commission approved a Cereal Malt Beverage License for calendar year 2008 for Ray's Apple Market #448, 3011 Anderson Avenue; Ray's Apple Market #447, 222 North 6th Street; and Hunam Chinese Restaurant, 1304 Westloop Place.

ORDINANCE NO. 6723 – REPEAL ONE WAY – BRIANNA COURT

The Commission approved Ordinance No. 6723 repealing the "One Way" counter clockwise route around the subdivision on Brianna Court as approved by Ordinance No. 6694.

ORDINANCE NO. 6724 – VACATE PEDESTRIAN EASEMENTS – GRAND MERE VILLAGE ADDITION, LOT 13 (HOMECARE & HOSPICE)

The Commission approved Ordinance No. 6724 vacating two portions of a pedestrian easement on Grand Mere Village Addition, Lot 13, an addition to the City of Manhattan, Riley County, Kansas.

ORDINANCE NO. 6725 – REZONE – WESTPORT SOUTH COMMERCIAL DEVELOPMENT

The Commission overrode the Manhattan Urban Area Planning Board and approved Ordinance No. 6725 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,

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6725 – REZONE – WESTPORT SOUTH COMMERCIAL DEVELOPMENT (CONTINUED)

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. 1*) and the City Commission Agenda Memorandum, with the eight (8) conditions of approval as modified and recommended by City Administration.

FIRST READING – INSTALL SCHOOL ZONES – MANHATTAN CATHOLIC SCHOOL

The Commission approved first reading of an ordinance establishing the installation of two (2) new school zones in the 700 blocks of Pierre Street and Colorado Street with designated times of 7:15 a.m. to 8:15 a.m. and 2:30 p.m. to 3:30 p.m.

AWARD CONTRACT – NORTHWING ADDITION, UNIT ONE – SANITARY SEWER (SS0811), WATER (WA0807), STORMWATER (SM0808), AND STREET (ST0818) IMPROVEMENTS

The Commission accepted the Engineer's Estimate in the amount of \$690,300.00 and awarded a construction contract in the amount of \$640,727.65 to the low bidder, Larson Construction, Inc., of Manhattan, Kansas, for the Northwing Addition, Unit One, Sanitary Sewer (SS0811), Water (WA0807), Stormwater (SM0808), and Street (ST0818) Improvements.

RESOLUTION NO. 091608-A – SUPPLEMENTAL AGREEMENT NO. 1 – WILDCAT CREEK ROAD BRIDGE REPLACEMENT

The Commission approved Resolution No. 091608-A authorizing the Mayor and City Clerk to enter into Supplemental No. 1 to Agreement No. 122-02 on behalf of the City agreeing to additional State funding participation in the bridge replacement project over the Eureka Valley Tributary on Wildcat Creek Road and grading and surfacing improvements at the intersection of Eureka Drive and Wildcat Creek Road.

RESET JUST COMPENSATION – KANSAS BOARD OF REGENTS – US 24 AND MARLATT INTERSECTION IMPROVEMENT (ST0612)

The Commission established the values of "just compensation" as outlined in the confidential documents for the acquisition of property for the project and authorized City Administration to make offers to the Kansas Board of Regents based upon such "just compensation" for the US 24 and Marlatt Intersection Improvement Project (ST0612).

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS

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

Band Board

Re-appointment of Betty Hensley, 444 Oakdale Drive, to a four-year term. Ms. Hensley's term begins immediately, and will expire August 31, 2012.

Douglass Center Advisory Board

Re-appointment of Donald Slater, 830 Yuma Street, to a three-year Geographic term. Mr. Slater's term will begin October 3, 2008, and will expire October 2, 2011.

Re-appointment of Floyd Rogers, 3501 Musgrave Court, to a three-year At Large term. Mr. Rogers' term will begin October 3, 2008 and will expire October 2, 2011.

Social Services Advisory Board

Re-appointment of Mikeal Hodges, 3731 Peachtree Circle, to a three-year term. Mr. Hodges' term begins immediately, and will expire June 30, 2011.

Re-appointment of Gayle Bennett, 3104 Harahey Ridge, to a three-year term. Ms. Bennett's term begins immediately, and will expire June 30, 2011.

Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA

PRESENTATION - COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)/2007 AUDIT

Bernie Hayen, Director of Finance, introduced the item and presented an overview of the Comprehensive Annual Financial Report.

Karen Linn, Berberich & Trahan & Co., P.A. presented the results of the audit and stated that during the 2007 audit, there were no deficiencies warranting inclusion in a management letter. She discussed the letter provided to the City Commission related to the audit of the financial statements of the City of Manhattan for the year ended December 31, 2007.

GENERAL AGENDA (CONTINUED)

PRESENTATION - COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)/2007 AUDIT (CONTINUED)

Ron Fehr, City Manager, and Bernie Hayen, Director of Finance, responded to questions from the Commission regarding audits of the Manhattan Public Library and the Manhattan Housing Authority.

Libby Peterson, City Controller, provided clarification on the Comprehensive Annual Financial Report and responded to questions from the Commission.

Ron Fehr, City Manager, and Jason Hilgers, Assistant City Manager, responded to questions from the Commission regarding land acquisition costs in the south project area of the Downtown Redevelopment project.

Karen Linn, Berberich & Trahan & Co., P.A., responded to questions from the Commission regarding the amount of general obligation debt a governmental entity may issue and the purpose of the audit versus a financial analysis.

Bernie Hayen, Director of Finance, provided additional information on the general obligation debt of the City over the last ten years and responded to questions about the bonding rating agencies of Moody's and Fitch.

Ron Fehr, City Manager, provided additional comments about the Comprehensive Annual Financial Report and contractual arrangement with the auditor.

Commissioner Strawn requested that future audits also include an analysis on the financials of the City for the Commission to review.

After discussion, Commissioner Phillips moved to receive and accept the 2007 Comprehensive Annual Financial Report including the 2007 City audit. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 4-0.

ESTABLISH - RENTAL INSPECTIONS COMMITTEE

Lauren Palmer, Assistant City Manager, presented the item and the proposed Rental Inspection Committee. She then answered questions from the Commission regarding the permit process, tracking of rental properties, Committee structure, and other university communities similar to Manhattan that have some type of rental inspection program.

GENERAL AGENDA (CONTINUED)

ESTABLISH - RENTAL INSPECTIONS COMMITTEE (CONTINUED)

Gary Olds, Manhattan landlord, 3308 Frontier Circle, asked the Commission to reflect on whether the question of the need for inspections was properly answered. He questioned why the Coalition of Manhattan Neighborhoods and the Manhattan/Riley County Preservation Alliance were listed as representing the Rental Inspection Committee. He urged the Commission to let people self-govern and if there is a problem, to contact Manhattan's Code Department.

Todd Thaemert, 1817 Concord Lane, informed the Commission that he and his brother are in the rental business and asked that a statement outlining landlord-tenant rights be attached to leases instead of an inspection program. He stated that the quality of rental housing has improved and that an inspection fee would have a large impact on his business and could not be easily passed onto his tenants.

Victor Olson, 804 Juniper Drive, landlord, stated that the quality of rentals is a whole lot better now with many new and remodeled structures replacing old houses. He then informed the Commission that the system currently in place is a good one.

Lane Mills, 2009 Bluehills Road, informed the Commission that he manages property in town and stated that an inspection program would force older, more affordable properties off the market and was concerned that an inspection program would miss many houses in Manhattan. He stated that there are already many costs and responsibilities of the landlord and that the Code Department can respond to those houses and apartments that are unsafe and are a hazard.

Conn Harrison, 4350 Green Valley Road, stated that safety is important for Manhattan and to the landlords and said that existing rental programs are already in place. He said the supply and demand of the marketplace has created better housing and that students are choosing nicer apartments.

Mayor Hatesohl stated that at the July 22, 2008, Work Session, he spoke against moving ahead with the creation of a committee and stated that he has not seen a case that shows that we need to proceed with a rental inspection program.

Commissioner Sherow voiced support for the rental program and for the formation of a committee, as proposed. He stated that there are far too many problems with some existing rentals and that we need to take steps to ensure that we have quality rentals in our community to ensure the safety of our citizens. He also stated that if you are restoring a home and your home is next to a rental that is not taken care of, your property value will suffer as a result.

GENERAL AGENDA (CONTINUED)

ESTABLISH - RENTAL INSPECTIONS COMMITTEE (CONTINUED)

Commissioner Phillips stated that he would support the Committee to discuss the rental inspections to ensure the welfare of the community and the need to address older housing stock that is being converted to rental use.

Commissioner Strawn informed the landlords present that if they did not want to be faced with someone else regulating their industry, they need to participate in the process and be part of the solution.

Gary Fees, City Clerk, provided clarification on the item.

After discussion, Commissioner Sherow moved to authorize the establishment of a Rental Inspections Advisory Committee with the membership composition and charge. Commissioner Phillips seconded the motion.

Brad Claussen, Building Official, responded to questions from the Commission and provided additional information on the types of inspections.

On a roll call vote, motion carried 3-1, with Mayor Hatesohl voting against the motion.

EXECUTIVE SESSION

At 8:45 p.m., Mayor Hatesohl moved to recess into Executive Session until 9:30 p.m. for the purpose of discussions with the Attorneys for the City regarding pending legal matters that need to be confidential and that are deemed privileged in the attorney-client relationship. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 4-0.

At 9:30 p.m., the Commission reconvened with Mayor Hatesohl and Commissioners Strawn, Sherow, and Phillips in attendance. Mayor Hatesohl moved to come out of Executive Session. Commissioner Sherow seconded the motion. On a vote, motion carried 4-0.

ADJOURNMENT

At 9:31 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

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. 1

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.

Attachment No. 1

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 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).

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.

Attachment No. 1

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:

Attachment No. 1

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.

Attachment No. 1

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

08042