

CERTIFICATION OF CLERK

I, Gary S. Fees, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Minutes were duly adopted at a meeting of the City of Manhattan, Kansas, held on the 6th day of January, 2009, and that said Minutes have been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, this 7th day of January, 2009.



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

Gary S. Fees, MMC, City Clerk



MINUTES
CITY COMMISSION MEETING
TUESDAY, DECEMBER 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, 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, 11 staff, and approximately 28 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Hatesohl led the Commission in the Pledge of Allegiance.

PRESENTATION

Captain Robert Buttrey, Salvation Army, presented an "Excellence in Public Service" award to the City of Manhattan and to the Manhattan Fire Department for their work during the tornado disaster in June 2008.

PROCLAMATION

Mayor Hatesohl proclaimed December 31, 2008, ***Little Apple New Year's Eve Celebration Day***. Jan Camera, Manhattan Festivals Committee, was present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Sherow provided an update to the community on the proposed Discovery Center and information provided by the project consultants, including components, exhibit schemes, architectural concepts, and stated that a budget analysis would be provided from the consultants. He encouraged the public to review the consultant information and to view the information on the City's web site. He then asked Bill Frost, City Attorney, to provide an update on the smoking ordinance that goes into effect January 4, 2009.

COMMISSIONER COMMENTS (*CONTINUED*)

Bill Frost, City Attorney, informed the Commission that the City's legal staff has met with the Riley County Police Department and the Riley County Health Department and that the Health Department is in the process of putting together educational materials on the smoking ordinance. He provided additional information on the ordinance, signage, enforcement, and responded to questions from the Commission. He stated that if there are enforcement questions, those need to be directed to the City's legal department.

Mayor Hatesohl thanked those that participated in the Mayor's Spirit of the Holiday Lighted Parade and the Food and Fund Drive. He encouraged individuals and businesses that would still like to contribute to the Flint Hills Breadbasket to please do so.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, December 2, 2008.

CLAIMS REGISTER NO. 2596

The Commission approved Claims Register No. 2596 authorizing and approving the payment of claims from November 26, 2008, to December 2, 2008, in the amount of \$1,966,503.36.

LICENSES - RENEWALS

The Commission approved a Merchant Guard Agency License for calendar year 2009, a Tree Maintenance License for calendar year 2009, Cereal Malt Beverages On-Premises Licenses for calendar year for 2009, and Cereal Malt Beverages Off-Premises License for calendar year 2009 (*See Attachment No. 1*).

FINAL PLAT – STONE POINTE ADDITION, UNIT FOUR

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Stone Pointe Addition, Unit Four, generally located at the east end of Stone Glenn Drive and along the east side of Highland Ridge Drive south of the intersection of Stone Glenn Drive and Highland Ridge Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6743 – REZONE – TECUMSEH LOFTS

The Commission overrode the Manhattan Urban Area Planning Board and approved Ordinance No. 6743, rezoning Tecumseh Lofts, generally located at 2005 and 2011 Tecumseh Road, from R, Single-Family Residential District, to

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6743 – REZONE – TECUMSEH LOFTS (CONTINUED)

PUD, Residential Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 2*) and the City Commission memorandum, with the twelve conditions of approval recommended by City Administration and the Planning Board, and with a new thirteenth condition as follows:

13. The applicant shall work with the adjacent property owners to refurbish the existing drainage channel walls to preserve their integrity, until such time as a public works project is constructed to replace the channel.

ORDINANCE NO. 6744 – REZONE – 2012 COLLEGE VIEW ROAD

The Commission approved Ordinance No. 6744 rezoning of Lot 34, College View Addition, less the northern twelve (12) feet, generally located at 2012 College View Road, from R, Single-Family Residential District, to R-1, Single-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 3*).

RESOLUTION NO. 121608-A – CITY BOUNDARY

The Commission approved Resolution No. 121608-A establishing and defining the boundaries of the City of Manhattan, Kansas as of December 16, 2008.

AWARD CONTRACT – CARLSON STREET DRAINAGE IMPROVEMENTS (SM0802)

Rob Ott, City Engineer, responded to questions and provided additional information on the item.

The Commission accepted the Engineer's Estimate in the amount of \$130,685.00 and awarded a construction contract in the amount of \$54,122.00 to the low bidder, Bryant and Bryant Construction, Inc., of Halstead, Kansas, for Carlson Street Drainage Improvements (SM0802).

AWARD CONTRACT – SUNRISE CEMETERY ROAD EXPANSION (CPX96P)

The Commission accepted the Engineer's Estimate in the amount of \$88,824.00 and awarded a contract in the amount of \$35,897.50 to Manhattan Trenching Inc., of Manhattan, Kansas, for Sunrise Cemetery Road Expansion Project (CPX96P).

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – NORTHEAST COMMUNITY PARK PARKING LOT ADDITION (CP824P)

The Commission accepted the Engineer's Estimate in the amount of \$37,382.00 and awarded a contract in the amount of \$22,535.81 to Bayer Construction Company, of Manhattan, Kansas, for Northeast Community Park Parking Lot Addition (CP824P).

AWARD CONTRACT – 2008 SIDEWALK IMPROVEMENT PROGRAM (SW0802)

The Commission accepted the Engineer's Estimate in the amount of \$77,778.00 and awarded a construction contract in the amount of \$74,883.50 to the lowest responsive bidder, Meadows Construction, of Tonganoxie, Kansas, for the 2008 Sidewalk Improvement Program (SW0802).

PURCHASE – FORESTRY DIVISION – 2008 BRUSH CHIPPER (CP807E)

The Commission accepted the low bid and authorized the purchase of a 2008 Brush Chipper demonstration unit in the amount of \$33,300.00 from Vegetation Management Supply, of Wichita, Kansas, for the Forestry Division.

CHANGE ORDER NO. 1 – CITY PARK PAVILION (CPX04P)

The Commission approved Change Order No. 1 for the City Park Pavilion resulting in a net decrease in the amount of \$87,489.80 (-5.6%) to the contract with R.M. Baril of Manhattan, Kansas.

CONTRACT – CRIME STOPPERS

The Commission approved the contract as budgeted in the 2009 City Budget and authorized the Mayor and City Clerk to execute said contract with Crime Stoppers.

CONTRACT – MANHATTAN CENTER FOR THE ARTS

The Commission approved the contract as budgeted in the 2009 City Budget and authorized the Mayor and City Clerk to execute said contract with Manhattan Center for the Arts.

CONTRACT – WOLF HOUSE MUSEUM

The Commission approved the contract as budgeted in the 2009 City Budget and authorized the Mayor and City Clerk to execute said contract with the Wolf House Museum.

CONTRACT – DOWNTOWN MANHATTAN, INC

The Commission approved the contract as budgeted in the 2009 City Budget and authorized the Mayor and City Clerk to execute said contract with Downtown Manhattan, Inc.

CONSENT AGENDA (CONTINUED)

CONTRACT – SOCIAL SERVICES ADVISORY BOARD

The Commission approved the contract as budgeted in the 2009 City Budget and authorized the Mayor and City Clerk to execute said contract with Social Services Advisory Board (*See Attachment No. 4*).

CONTRACT – SPECIAL ALCOHOL FUNDS

The Commission approved the contract as budgeted in the 2009 City Budget and authorized the Mayor and City Clerk to execute said contract with Special Alcohol Funds (*See Attachment No. 5*).

CONTRACT – AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT

The Commission authorized the Mayor and City Clerk to execute the 2009 Aggieville Business Improvements District contract.

CONTRACT – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

The Commission authorized the Mayor and City Clerk to execute the 2009 Downtown Business Improvements District contract.

* CONTRACTS – CHAMBER OF COMMERCE

Ron Fehr, City Manager, answered questions from the Commission.

The Commission authorized the Mayor and City Clerk to execute the 2009 24-7 Marketing, Industrial Promotion, Tourism and Convention, and Fort Riley Promotion contracts with the Manhattan Area Chamber of Commerce.

AGREEMENT – CITY/UNIVERSITY SPECIAL PROJECTS FUND

The Commission authorized the Mayor and City Clerk to execute the 2009 City/University Special Projects Fund agreement with Kansas State University in the amount of \$235,800.00.

BOARD APPOINTMENTS

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

Aggieville Business Improvement District Advisory Board

Re-appointment of Steve Levin, 11720 Landscape Lane, St. George, to a three-year term. Mr. Levin's term will begin January 1, 2009, and will expire December 31, 2011.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Aggieville Business Improvement District Advisory Board

Re-appointment of Scott Bauer, 1811 Browning Avenue, to a three-year term. Mr. Bauer's term will begin January 1, 2009, and will expire December 31, 2011.

Board of Zoning Appeals

Re-appointment of Connie Hamilton, 120 Longview Drive, to a three-year term. Ms. Hamilton's term will begin January 1, 2009, and will expire December 31, 2011.

Cemetery Board

Re-appointment of Stephan Konz, 2834 Oregon Lane, to a three-year term. Mr. Konz's term will begin January 1, 2009, and will expire December 31, 2011.

Re-appointment of Dennis Irvin, 160 S. Dartmouth Drive, to a three-year term. Mr. Irvin's term will begin January 1, 2009, and will expire December 31, 2011.

City/University Special Projects Fund Committee

Re-appointment of Dalton Henry, 1919 Platt Street, to a one-year Student term. Mr. Henry's term begins immediately and will expire June 30, 2009.

Appointment of Thomas Vontz, 5915 Indian Summer Circle, to a one-year Faculty term. Mr. Vontz's term begins immediately and will expire June 30, 2009.

Appointment of Emily Haug, 1020 Bluemont Apt. 303, to a one-year Student term. Ms. Haug's term begins immediately and will expire June 30, 2009.

Downtown Business Improvement District Advisory Board

Re-appointment of Charlie Busch, 5480 W. 63rd Avenue, to a two-year term. Mr. Busch's term will begin January 1, 2009, and will expire December 31, 2010.

Re-appointment of Brad Streeter, 2412 Marion Avenue, to a two-year term. Mr. Streeter's term will begin January 1, 2009, and will expire December 31, 2010.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Downtown Business Improvement District Advisory Board

Re-appointment of Mike Thomason, 1415 Beechwood Terrace, to a two-year term. Mr. Thomason's term will begin January 1, 2009, and will expire December 31, 2010.

Re-appointment of Angela Cunningham, 4721 Grantham Drive, to a two-year term. Ms. Cunningham's term will begin January 1, 2009, and will expire December 31, 2010.

Investment Committee of Manhattan Holdings, LLC

Re-appointment of Michael Daniels, 1704 Muligan Place, to a three-year term. Mr. Daniels' term will begin January 1, 2009, and will expire December 31, 2011.

Joint Corrections Advisory Board

Appointment of Brandi Griggs, 1346 Sunflower Road, to fill an unexpired Adult term of Reggie Jackson. Ms. Griggs term begins immediately and will expire June 30, 2009.

Appointment of Brandi Griggs, 1346 Sunflower Road, to fill an unexpired Juvenile term of Reggie Jackson. Ms. Griggs term begins immediately and will expire June 30, 2010.

Riley County-Manhattan Health Board

Re-appointment of Paul Stagner, 441 Edgerton Avenue, to a two-year Dentist term. Mr. Stagner's term will begin February 1, 2009, and will expire January 31, 2011.

Re-appointment of Sandra Tabor, 1923 Crescent Drive, to a two-year Nurse term. Ms. Tabor's term will begin February 1, 2009, and will expire January 31, 2011.

Re-appointment of Doug Kinney, 2902 Tatarrax Drive, to a two-year Public Health/Environmental Expertise term. Mr. Kinney's term will begin February 1, 2009, and will expire January 31, 2011.

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, with the exception of Item M: Approve Change Order No. 1 for the City Park Pavilion, which carried 4-0 with Commissioner Strawn abstaining from the item.

GENERAL AGENDA

FIRST READING – REZONE - MCCALL LANDING

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission.

Rich Seidler, Director of Development, McCullough Development, provided additional information on the item and requested that the Commission approve the rezoning with the conditions presented, in order for the project to move forward.

After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning McCall Landing, generally located north of the McCall Road and Carlson Street intersection, from PUD, Commercial Planned Unit Development District, to a new PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 6*), with the fourteen conditions recommended by the Manhattan Urban Area Planning Board. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - 701 ENOCH LANE

Commissioner Strawn recused himself from the item due to his son's employment as President at GTM.

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

Jeff Hancock, Sloan, Meyer and Hancock, informed the Commission that he was representing the applicant and was available to answer any questions.

Commissioner Phillips moved to approve first reading of an ordinance rezoning 701 Enoch Lane from C-5, Highway Service Commercial District, to I-2, Industrial Park District, generally located on the northwest corner of Enoch Lane and US Highway 24, based on the findings in the Staff Report (*See Attachment No. 7*). Commissioner Snead seconded the motion. On a roll call vote, motion carried 4-0.

DONATION/ACQUISITION OF PARK LAND – STONE POINTE AND LEE MILL HEIGHTS ADDITIONS

Curt Loupe, Director of Parks and Recreation, presented the item.

Rob Ott, City Engineer, provided an overview of the map showing the park land being considered.

GENERAL AGENDA (CONTINUED)

DONATION/ACQUISITION OF PARK LAND – STONE POINTE AND LEE MILL HEIGHTS ADDITIONS (CONTINUED)

Curt Loupe, Director of Parks and Recreation, provided additional information about the land being considered for the park and adjacent property. He then provided the Commission with additional background information on traditional recreation, resource-based recreation, compatibility of programs, and the provisions of the agreement. He then answered questions from the Commission.

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

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission regarding access to the property and maintenance costs and, stated that acquisition costs would be built into the budget.

Rob Ott, City Engineer, provided additional information about the proposed pedestrian bridge and funding, topography, and possible locations for a trailhead.

Curt Loupe, Director of Parks and Recreation, provided additional information on the views and vistas of the area. He then responded to questions from the Commission regarding the barrow area and potential naming rights and procedures that would be established.

Ron Fehr, City Manager, and Curt Loupe, Director of Parks and Recreation, responded to additional questions from the Commission regarding the item and potential drainage issues and springs on the property.

Tim Schultz, Schultz Development, informed the Commission that as a developer, he was pleased to provide this land and to preserve the area with walking paths and a trailhead. He asked that he be included in developing the master plan for this area.

Vincent Tracey, 304 Knoxberry Drive, asked about bridal paths for horses and stated that there are several agencies that can provide control burns for the grassland area.

Curt Loupe, Director of Parks and Recreation, provided additional information about compatibility issues and interactions with trailers, horses, and pedestrians.

Paul Benne, 1915 Crescent Drive, informed the Commission that a park with open areas for people to enjoy and exercise would be great for the community and would aid in fighting obesity.

After discussion, Commissioner Strawn moved to accept the land donation/purchase offer from Stone Crest Land Company, LLC, and Lee Mill Land Company, LLC; authorize

GENERAL AGENDA (CONTINUED)

DONATION/ACQUISITION OF PARK LAND – STONE POINTE AND LEE
MILL HEIGHTS ADDITIONS (CONTINUED)

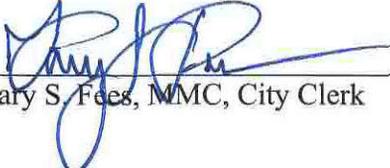
City Administration to finalize and the Mayor and City Clerk to execute the donation agreements for Stone Crest Land Company, LLC, and Lee Mill Land Companies, LLC; and approve first reading of an ordinance authorizing the purchase of park land via installment payments. Commissioner Sherow seconded the motion.

After additional discussion on the merits of the park land, the Commission thanked Tim Schultz and his family for bringing this item forward for consideration.

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

ADJOURNMENT

At 8:47 p.m. the Commission adjourned.



Gary S. Fees, MMC, City Clerk

CMB-ON

Kangolf, Inc., 800 Anneberg Cir.

CMB-OFF

Ampride, 215 E Poyntz Ave.

Dara's Fast Lane #1, 1816 Claflin Rd.

Dara's Fast Lane #2, 3270 Kimball Ave.

Dara's Fast Lane #3, 473 E Poyntz Ave.

Dara's Fast Lane #5, 1102 Laramie St.

Dara's Fast Lane #6, 2707 Anderson Ave.

Dara's Fast lane #7, 1709 Ft. Riley Blvd.

Dara's Fast Lane #10, 2323 Tuttle Creek Blvd.

Dillons Store #15, 130 Sarber Lane

Dillons Store #46, 1000 Westloop Pl.

Hop-N-Skip, 2233 Tuttle Creek Blvd.

Oppy's Service, Inc., 605 S 3rd. St.

Shop Quik #11, 3108 Anderson Ave.

Shop Quik #12, 430 Fort Riley Blvd.

Shop Quik #14, 529 Richards Dr.

Shop Quik #16, 1127 Bluemont Ave.

MERCHANT GUARD AGENCY

MVM, Inc., 1593 Spring Hill Rd., Suite 700, Vienna, VA

TREE MAINTENANCE

Carnahan Creek Tree Service

STAFF REPORT

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

BACKGROUND

Note: Modified findings are in bold/black text

FROM: R, Single-Family Residential District.

TO: PUD, Residential Planned Unit Development District.

APPLICANT: Kail Katzenmeir, Capstone Development

ADDRESS: 1083 Wildcat Creek Road Manhattan, KS 66503

OWNERS: Golda Wilson Trust c/o The Trust Company of Manhattan (part of Lot 34,
College View Addition)
Kail Katzenmeir, Capstone Development (Lots 67 & 68, College View
Addition)

ADDRESSES: 800 Poyntz Avenue Manhattan, KS 66502
1083 Wildcat Creek Road Manhattan, KS 66503

DATE OF PUBLIC NOTICE PUBLICATION: October 13, 2008

DATE OF PUBLIC HEARING: PLANNING BOARD: November 3, 2008
Tabled to November 17, 2008
CITY COMMISSION: December 2, 2008

LOCATION: 2005 and 2011 Tecumseh Road (Lots 67 and 68, less the southern 3 feet,
College View Addition); and the northern twelve (12) feet of 2012 College View Road
(Lot 34, College View Addition). The northern twelve (12) feet of 2012 College view
Road is proposed to be added to the PUD site to meet the minimum half-acre size for a
residential PUD.

AREA: 0.50 acres (approximately 21,910 square feet)

PROPOSED USES: Multiple-family dwelling unit and two-family dwelling unit. Proposed Permitted Uses include a twelve (12) unit apartment building with each unit being a one (1) bedroom apartment and an existing two-family residential building.

PROPOSED BUILDINGS AND STRUCTURES:

The proposed development consists of two (2) residential buildings on two (2) lots.

Lot 1

Lot 1 has an existing single-story ranch style structure that contains a two-family dwelling unit with an attached garage. No changes or alterations are currently proposed for this structure. Both units have separate curb cuts off of Tecumseh Road. The main floor unit has three (3) bedrooms, one (1) bathroom, a kitchen and living room and access to the single-car garage. The basement unit has a separate entrance from the main floor by a door way adjacent to the garage that leads directly to the basement. The floor plan for the basement unit includes two (2) bedrooms, one (1) bathroom, kitchen, living and dining room. There is also a mechanical and storage area shared by both units that includes a washer and dryer. The existing structure is located approximately twenty-three (23) feet from the front property line, sixty-two (62) feet from the east, side property line, thirty-two (32) feet from the proposed rear property line created by the preliminary development plan and fourteen (14) feet from the west, side property line.

Lot 2

The proposed structure on Lot 2 is a three (3) story, thirty-eight (38) feet in height, contemporary designed, apartment building. The apartment building will contain twelve (12), one-bedroom apartments. Each floor contains four (4) apartments, ranging from 449 to 522 square feet of living space. Each unit has a living and kitchen/dining area at the front of the unit and the bathroom and bedroom at the rear of the unit. The intended market for these apartments is young professionals and graduate students in the community.

The proposed building is sited to face Tecumseh Road and will gain access to the proposed parking lot by an existing curb cut off of Tecumseh Road. The building is approximately fifty-two (52) feet wide and fifty-four (54) feet deep to the roof overhangs and is approximately thirty-eight (38) feet in height at its tallest point. The roof is flat and slopes from the north to south. Stair towers are provided on the northwest and northeast of the building to provide access to the second and third floors. The west tower is the main entrance to these units, is covered by a flat roof and is approximately thirty-one (31) feet tall. The east stair tower is not covered and is 23.5 feet tall as it meets the third floor. The entrance to each dwelling unit has a covered deck that at its widest point is ten (10) feet deep and runs the width of the building. The proposed building will have a front yard setback from Tecumseh Road of approximately ten (10) feet measured to the roof

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overhang. The front yard setback along Quivera Road is proposed to be six (6) feet to the stair tower from the front property line. The setback of the building to the roof overhang will be approximately nine (9) feet. A small portion of the stairs and hand rail of the east stair tower is located within the thirty (30) foot vision triangle required at intersections of public streets. The applicant's consulting engineer has submitted a memo stating that the portion of the structure located in this restricted area should not impact the traffic of Tecumseh Road and Quivera Road or the adjacent sidewalks (*see attached*). The City Engineer agrees with the findings of the building's impact on the vision triangle and public safety. The building will be approximately nine (9) feet from the south property line and sixty-seven (67) feet from the west property line. The trash enclosure for Lot 2 is proposed along the west side of the parking lot and is proposed to be setback approximately nine (9) feet from the Tecumseh Road property line.

The exterior materials of the building includes cement fiber panel siding on the first floor and horizontal cement fiber lap siding on the second and third floors. Corrugated galvanized metal siding will be used as accent pieces along the east, south and west facades. Vertical siding will be used to accent some windows. The colors for the building are proposed to come from the Sherwin Williams Preservation Pallet. A note on the architectural drawings state that the "tones will be muted in nature but may be chosen from a wide range of colors." The stair towers will be a steel structure and have metal handrails. The roof is proposed to be generally flat and will be made of a single ply membrane roofing material.

PROPOSED LOT COVERAGE

<u>Use</u>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Buildings	4,438	20.24%
Driveways/Parking	6019	27.45%
Landscape/Open Space/Common Area	11467	52.30%

PROPOSED SIGNS

Wall Sign

The applicant has proposed a wall sign to be placed on the north side of the west stair tower of the apartment building to function as an identification sign for the apartment building. The sign will be approximately 12 feet, 4 inches tall by 3 feet, 9 inches wide, for a total of forty-six (46) square feet in area. The sign will be made of metal, installed on a concrete and will be externally lit by a set of overhead lights. Section 6-201(D)(2), sign regulations for residential districts state that an identification sign shall have a maximum gross surface area of forty (40) square feet. The proposed wall sign should conform to the Sign Regulations and should be conditioned to be reduced in size to have a maximum gross surface area of forty (40) square feet.

A second wall sign consisting of pin letters is proposed to be mounted on the retaining wall along the east side of the building. This sign will also function as the building's identification sign. The wall sign will be approximately 2.5 feet tall by 4 feet wide for a total area of ten (10) square feet. This wall sign will not be lit.

Other Signs

The applicant has proposed to allow temporary banner signs for the Planned Unit Development District. The intent of the banner sign is to inform the public that an apartment is available for lease. Banner signs are not permitted in residential districts. According to Section 6-104 (B)(2) of the Manhattan Zoning Regulations, the applicant could have a temporary ground real estate sign to inform the public of an apartment for lease. This sign type has a maximum gross surface area of six (6) square feet per face per lot. Because Lot 2 is a corner lot, the apartment building would be permitted to have two (2) temporary ground real estate signs, one for each street frontage. These real estate signs shall not be placed in the right-of-way of Tecumseh Road or Quivera Road. City Administration recommends that temporary banners not be a permitted sign for the Residential PUD because the temporary real estate sign would be more appropriate for the residential neighborhood and meet the needs of the applicant. Exempt 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 shall be permitted.

No signs are proposed for the two-family dwelling on Lot 2.

PROPOSED LIGHTING:

The parking lot is proposed to be illuminated by downcast lighting attached to the west stair tower. The light will be approximately twenty-eight (28) feet in height and will use a 175 mercury vapor bulb. Overhead can lighting will be used to light the stairways and entrances to each unit. Low wattage accent lighting is proposed to wash the exterior walls of the building with light. The proposed lighting should be full cutoff and shielded design to reduce glare on streets and adjacent properties.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The proposed landscaping will utilize existing deciduous trees and grass areas along with new landscape beds that are planned for the boundary of the parking lot and at the foundation of the apartment building. The landscape beds have a variety of tall and short decorative grasses and perennial sedums. According to a note on the landscape plan, once established, these beds are proposed to be low-

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maintenance, zeroscape for the property. Both lots will have underground irrigation for the grass areas. A drip line will provide irrigation to the landscape beds until they are established. Capstone Management, a subsidiary of Capstone Development will be responsible for the maintenance of the proposed landscaping

2. SCREENING: A six (6) foot tall cedar fence is proposed along the south property line of Lot 2 and along the west side of the new parking lot. The trash enclosure on Lot 2 will be surrounded by a six (6) foot tall cedar fence with swinging gates for access. There is no fencing or natural screening proposed for Lot 1.

The south elevation plan of the proposed apartment building shows two air conditioner condenser units elevated approximately eleven (11) feet above the ground (measured to the top of the unit). The height of these units and the proximity of them to the neighboring property to the south may cause an adverse impact on the property to the south by the increase of noise and the unsightliness of the units. The height of the fence along the south side of the building should be increased from six (6) feet to eight (8) feet and the air conditioner units should be lowered to a point below the fence. The higher fence will also increase the level of privacy for the property to the south and the lower floor tenants of the proposed apartment building.

3. DRAINAGE: A stormwater drainage analysis was submitted by Sloan, Meier, Hancock, P.A., dated October 3, 2008. The analysis identified that approximately 50% of the site drains to the north toward Tecumseh Road and the other half drains toward a man-made drainage structure to the south that runs between two (2) residential lots and out to College View road. The analysis also identifies the local drainage issues that occur at Tecumseh Road and Quivera Road. According to the report:

“Drainage from the upper reaches of the Downtown West watershed concentrate and crosses Claflin Road at Hartford Road. This drainage runs southeasterly in a drainage ditch across Riley County property until it gets to Tecumseh Road where it is supposed to go into an underground storm sewer system through a box culvert and street inlets. However, the drainage inundates the underground system and ponds near the intersection of Tecumseh Road and Quivera Road until the water level gets to an elevation of approximately 1058 at which point it overflows the existing ground elevations to the south and flows between two houses along College View Road.”

According to discussions with Jeff Hancock, the ponding of stormwater on Tecumseh Road occurs when a storm produces heavy rains in a short period of time. Hancock estimates that these conditions occur once a year, with some years having more storms than other years that create the ponding in the streets.

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The proposed drainage for the development is similar to existing conditions, where ponding water that reaches a depth of approximately two (2) feet is diverted to the man-made channel between two houses south of the property. In addition to the diversion of water that collects along Tecumseh Road, the twelve (12) unit apartment building is proposed to have a finished first floor elevation of 1061 feet, three (3) feet higher than the point at which the ponding water is diverted south. According to the project engineer, the raised building elevation will divert the ponding water that inundates the existing concrete channel, around the proposed improvement and southerly down Quivera Drive. The proposed apartment building and off-street parking lot do result in a small increase the amount of stormwater run-off compared to the existing conditions for both the 10-year and 100-year storm (1.31 CFS to 1.86 CFS and 1.86 CFS to 2.41 CFS, respectively). A fourteen (14) foot wide drainage easement has been proposed to protect the area of Lot 1 that is used to direct water away from Tecumseh Road south to the man-made drainage channel.

The analysis states that the proposed development and its stormwater drainage plan will not improve the existing flooding situation along Tecumseh Road, which is outside of the scope of the project. To improve the drainage and flooding issues in this area, extensive Public Works projects are required to improve the stormwater drainage system in the area.

A supplemental drainage analysis was requested by the Planning Board to conduct a hydrologic study of the surrounding neighborhood and recommend a short-term mitigation for stormwater run-off. The supplemental analysis was submitted on November 5, 2008 by Jeff Hancock, P.E., of Sloan, Meier, Hancock, P.A. The supplemental information shows that the existing retaining walls that creates the man-made channel between 2006 and 2010 College View Road is approximately 7.5 inches higher in elevation than the curb flow line at the southwest quadrant of the intersection of Tecumseh Road and Quivera Drive. Stormwater at this intersection would need to be at a depth greater than 7.5 inches to overtop the retaining wall south of the site. The supplemental information calculates that the increase in stormwater runoff created by the proposed development is .55 CFS. During a 100-year storm, the supplemental report predicts that the additional stormwater runoff generated by the new development would result in an increase of less than 0.5 inches to the pond's elevation. "This elevation is not presented to show a water surface elevation change because this extra water simply leaves the area through the emergency spillway (corner of Tecumseh Road and Quivera Drive) without resulting in any water surface elevation change.

The supplemental reports offers creating a “detention area” of equivalent volume (approximately 182 cubic feet) to displace the stormwater runoff, if existing and future utilities allow, as mitigation against the additional stormwater runoff. The supplemental report also offers an option that the developer refurbish the existing retaining wall on the adjoining property line of 2006 and 2010 College View Road to preserve the wall’s structural integrity. According to Jeff Hancock, P.E., other options such as porous pavements, rain gardens, or bio-retention cells for this site “would be of little benefit to either quality or quantity of water.”

The City Engineer has reviewed the storm water drainage analysis and supplemental report submitted by Sloan, Meier, Hancock, P.A. and accepts the findings as provided (attachment). Minor impacts to the area by stormwater drainage from the PUD site are expected.

4. CIRCULATION: Access to proposed Lots 1 & 2 is from Tecumseh Road. The existing curb cuts off of Tecumseh Road provide safe and efficient access to the public street. A total of sixteen (16) off-street parking spaces are proposed.

Lot 1

Four (4) existing off-street parking spaces are provided on Lot 1. One (1) parking space is calculated by being in the attached single-car garage, the second on the concrete parking pad in front of the attached garage and the remaining two (2) parking spaces are located in a gravel area adjacent to the concrete driveway. These parking spaces gain access from the street by an existing twenty-three (23) foot wide concrete curb cut. The gravel parking area is to be paved. The ratio proposed for the existing two-family dwelling is two (2) parking spaces per dwelling unit, which meets the parking requirements for the existing two-family residential building.

Lot 2

Thirteen (13) off-street parking spaces are proposed for the apartment building via an existing twenty-one (21) foot wide curb cut for Lot 2 (the additional parking space was added by decreasing the width of the trash dumpster area, decreasing the width of the parking stalls along the west side of the lot from nine (9) feet to the minimum eight and one-half (8.5) feet and decreasing the size of the landscape area to the south of the parking lot). The parking for the proposed apartment building is based on a ratio of **1 parking space per bedroom, plus the dedicated ADA stall.** The off-street parking ratio proposed for the apartment building is **similar** to the minimum requirements for parking in the Multi-Family Redevelopment Overlay (M-FRO) District for buildings that contain three (3) or more dwelling units. The required off-street parking for multiple-family dwellings in residential districts that are not included in the M-FRO District would be required to have a minimum of two (2) parking spaces for each one (1) bedroom unit.

Attachment No. 2

On-street parking is congested in the area because of its proximity to Kansas State University and the presence of three fraternities in the immediate area. Parking is also restricted to the south side of Tecumseh Road, which adds to the parking congestion in the area. The proposed parking plan does not account for the parking needs of couples living in the one (1) bedroom units, or visitors. The proposed parking is sufficient for the development based on the design as one-tenant dwelling units. The development may increase the level of on-street parking congestion on Tecumseh Road and Quivera Road from overflow parking, if the apartment units are rented by more than one (1) person, each with a separate vehicle. However, because of the size of the units (ranging from 449 square feet to 500 square feet in area), the likelihood that the units will be rented by more than one person is lessened, especially when other multi-family developments offer larger one-bedroom apartments. Any overflow parking resulting from the units being rented by more than one person, should not greatly impact the parking situation in the area. Alternatives to the proposed parking situation would be to include additional parking to the west on Lot 1, or to reduce the number of units in the multiple-family dwelling.

Existing sidewalks are present along the west side of Quivera Road and on both sides of Tecumseh Road. An internal sidewalk is proposed along the west side of the proposed apartment building to provide access to and from the parking lot.

The traffic report submitted by Sloan, Meier, Hancock, P.A. states that four (4) additional trips during the peak hour is expected to be generated by the development. The traffic report has been reviewed by the City Engineer and he has accepted its findings (attachment). Because of the small increase in trip generation from the development, minimal impacts on the street network are expected.

5. OPEN SPACE AND COMMON AREA: Approximately 53% of the proposed PUD will be open space, generally consisting of the front, side and rear yard.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is a mix of single-family, two-family, and multiple-family residential uses and fraternities to the east, south and west. The residential uses are a combination of owner-occupied homes further to the west of the site and rental units closer to Kansas State University. Three fraternities are also in the immediate area. To the north is the Riley County Health Department and Mercy Regional Hospital on Sunset and Kansas State University LaFene Health Center. These sites consist of large medical office buildings, parking lots and expansive open, grassy areas with mature trees.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. **EXISTING USE:** Two-family home and a vacant multiple-family apartment building in initial stages of demolition.
2. **PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Both lots are relatively flat, improved residential lots.

Lot 1

2011 Tecumseh Road consists of a single-story, two-family house, with a dwelling unit on the main floor and one in the basement of the house. The main floor unit has three bedrooms and the basement unit has two bedrooms. A concrete driveway leads from Tecumseh Road to the attached garage. A gravel parking pad is located adjacent to the driveway for an additional parking space. Lot 1 will also incorporate the northern twelve (12) feet of 2012 College View Road, which consists of a portion of the landscaped rear yard of that existing property.

Lot 2

2005 Tecumseh Road is a corner lot along Tecumseh Road and Quivera Road and has a two-story, multiple-family structure located on site. This structure is currently vacant and has had the interior gutted because of past attempts to renovate the existing structure. During this renovation project it was discovered that the building was structurally noncompliant. According to Building Code officials, it appears that the original structure was not constructed to any known building codes for the City. To bring the structure into compliance with the current Building Code, the structure's exterior and interior walls would need to be re-framed. The applicant has chosen to demolish the existing structure and construct a new apartment building rather than attempt to repair and remodel the existing building. The two-story structure contained six total apartments (four (4), one (1) bedroom apartments, and two (2), two (2) bedroom apartments). A gravel parking lot large enough to park six (6) vehicles is situated to the west of the building and gains access from Tecumseh Road.

3. SURROUNDING LAND USE AND ZONING:

- a. **NORTH:** Tecumseh Road, platted as a 60 foot right-of-way, open, grassy areas and public health and medical facilities; R, Single-Family Residential District and R-3/UO, Multiple-Family Residential District with University Overlay District.

- b. **SOUTH:** Single-family homes, four-family apartment buildings and a Fraternity; R, Single-Family Residential District, and R-M/UO, Four-Family Residential District with University Overlay District.
- c. **EAST:** Quivera Road, platted as a 60 foot right-of-way and Fraternities; R, Single-Family Residential District and R-M/UO, Four-Family Residential District with University Overlay District.
- d. **WEST:** Single-family homes; R, Single-Family Residential District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The R District is a low density, single-family residential district. The two-family dwelling and the multiple-family dwelling units on the site do not conform to the existing Zoning District's permitted or conditional uses. The existing multiple-family dwelling is a legal nonconforming use. The two-family dwelling is nonconforming. The two (2) lots are adequate for single-family houses, which is a permitted use in the R District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The current lots have a total of eight (8) dwelling units and a total of thirteen (13) bedrooms. The increases in light, noise and traffic created by the proposed development, which would create a total of fourteen (14) dwelling units with a total of seventeen (17) bedrooms, should generally be consistent with the character of the neighborhood and the relatively recent use of the property. The residential neighborhood consists of single-family homes to west of the site and higher density residential uses, including multiple-family apartments and fraternity, to the east towards Kansas State University. The proposed development would act as a buffer between the higher intensity residential uses to the east that include the fraternity and the single-family dwellings to the west. By maintaining the existing single-story, ranch style home on the west lot, the higher density residential uses are limited to the lots along Quivera Road and kept further away from the established single-family residential area to the west.

The proposed apartment building is located approximately nine (9) feet from the front property line along Quivera Road and ten (10) feet from the front property line along Tecumseh Road. Several lots in the area have similar front yard setbacks which encroach into the typical twenty-five (25) foot front yard setback, including the lot directly to the south of the site. This lot gains access from Quivera Road. From the roof overhang of the building's covered porch, the structure is located approximately fourteen (14) feet to the Quivera Road front property line.

Attachment No. 2

Because of the area's proximity to Kansas State University, on-street parking is limited, which creates congestion along the local residential streets. The proposed development has **thirteen (13)** off-street parking spaces (one stall being dedicated for handicapped accessibility) for the twelve (12), one (1) bedroom apartments and four (4) parking spaces for the two-family dwelling. The parking provided for the two-family house meets the parking requirements for that use. The proposed parking to bedroom ratio used for the apartment building is **similar** to that found for one-bedroom apartments on the east side of the KSU campus in the Multi-Family Redevelopment Overlay (M-FRO) District. The area in which this PUD is proposed is somewhat similar in nature to the east campus neighborhood, in that it has a high number of college students and rental units compared to other neighborhoods in the City. Multiple-family dwellings would otherwise be required to provide two (2) off-street parking spaces per unit, or a total of twenty-four (24) off-street parking spaces.

The PUD will continue to function as a transition area between the lower density neighborhood to the west, and the institutional uses to the north and the higher density neighborhood to the east. Based on the previous multiple-family use of the site and the mixed use character of the neighborhood, it is anticipated that the PUD would have minimal impact on surrounding properties.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown on the Southwest Planning Area Future Land Use Map of the Comprehensive Plan as RLM, Residential Low/Medium Density.

Policies of the RLM designation include:

RESIDENTIAL LOW/MEDIUM DENSITY (RLM)

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

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

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

RLM 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.

The proposed Planned Unit Development is not in conformance with the policies of the RLM Land Use designation. However, the policies set out in Chapter 9: Housing and Neighborhood promotes infill and redevelopment should be considered. The specific policy states:

HN 5: Promote Infill and Redevelopment

The City and County should encourage infill development and redevelopment on vacant or underutilized parcels where infrastructure and services are readily available and where it would foster the stabilization or revitalization of an existing area. Infill and redevelopment should be sensitive to the established character of the surrounding neighborhood. *Infill* means the development of new housing or other buildings on scattered vacant sites in a built-up area. *Redevelopment* means the replacement or reconstruction of buildings that are in substandard physical condition, or that do not make effective use of the land on which they are located. If properly designed, infill and redevelopment can serve an important role in achieving quality mixed use neighborhoods.

The proposed PUD is to remove an existing apartment building that contained six (6) apartments with a total of eight (8) bedrooms and construct a twelve (12) unit building with a total of (12) bedrooms. The existing structure has been deemed structurally noncompliant by the Code Services Department and the applicant has decided to rebuild on the site rather than attempt to renovate the building and bring it into compliance with the building code, which would be a substantial undertaking versus building a new structure. The proposed development meets the Housing and Neighborhood Policy for redevelopment by replacing a substandard apartment building with a new, modern apartment building.

Although the proposed development has a net density of 28 units per acre and would be classified as the Residential High Density (RHD), density in this case is relative. The existing density is sixteen (16) dwelling units per acre with thirteen (13) bedrooms. The proposed development has a total of seventeen (17) bedrooms, or an increase of four (4) bedrooms compared to the existing conditions. The marginal increase in bedrooms should not significantly impact nearby properties or the area. The proposed development also has adequate separation from adjacent properties and a sufficient amount of parking for the proposed use, which should minimize any adverse impacts to the neighborhood from the high residential density use.

Based on these factors and considerations, the proposed PUD generally conforms to the Comprehensive Plan

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

2011 Tecumseh Road:

October 11, 1951	City Commission approves Final Plat of College View Addition.
1951 – 1964	“A”, First Dwelling House District
1964 – 1965	“A-A”, Single-Family Dwelling District
1965 – 1969	“A” Single- and Two-Family Dwelling District
1969 – Present	R, Single-Family Residential District.

According to building permits on file, the single-story house was built in 1955.

2005 Tecumseh Road:

October 11, 1951	City Commission approves Final Plat of College View Addition.
1951 – 1952	“A”, First Dwelling House District
1952 – 1964	“B”, Second-Family Dwelling District
1965 – 1969	“B” Multiple-Family Dwelling District
1969 – Present	R, Single-Family Residential District.
2007 – Present	Vacant due to interior renovation attempt

The multiple family structure was built in 1957 according to the Riley County Register of Deeds.

No building permits could be found for the building.

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 rezoning 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 INDIVIDUAL OWNER: As stated in the drainage analysis, the area along Tecumseh Road and Quivera Road experience ponding of stormwater after intense rainstorms in a short period of time. This is caused by conditions created above the site within the Downtown West watershed and the undersized stormwater facilities in the area. The drainage analysis and **supplemental information predicts** that stormwater run-off generated by the proposed development should not worsen the existing drainage problem in the area and is outside of the scope of the development to correct the drainage problem. **The supplemental report has offered to create a “detention area” equivalent to the amount of water generated by the site during a 100-year storm. The report also gives the option to refurbish the retaining wall along the man-made drainage channel to the south of the site to maintain its structural integrity. These two recommendations make up mitigation plan for the additional stormwater runoff created by the proposed development.**

The proposed parking for the multiple-family dwelling may cause overflow parking along Tecumseh Road and Quivera Road. The proposed parking is sufficient for the design of the building as one-bedroom units, with one tenant. Overflow parking may be caused if units are rented by couples, each with a separate car. The amount of overflow parking on the streets from the development should not be significantly increase parking congestion to a point where the public health, safety and welfare is negatively impacted. Likewise, the amount of traffic generated by the development is minimal compared to its existing uses, which should not negatively impact the public.

Approximately one (1) foot of the building is located in the thirty (30) foot vision triangle (Section 3-411(B)) created by the Tecumseh Road and Quivera Road intersection. The portion of the building that is in the restricted vision triangle is a stair and support beam of the east stair tower. The consulting engineer, Jeff Hancock, has analyzed the structure and vision triangle and concluded that it would not impose safety concerns for the travelling public.

There appears to be no relative gain to the public that denial would accomplish in comparison to the hardship to the owner.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public utilities and facilities are available to serve the site. Utility releases have been provided by private companies.

12. OTHER APPLICABLE FACTORS: The rezoning of the Lot 34, College View Addition is associated with the proposed rezoning of the Tecumseh Lofts PUD. A replat of Lot 34, College View Addition is to be considered in conjunction with the Final Plan and Final Development Plan of the proposed Tecumseh Lofts residential PUD (Lots 67 and 68, College View Addition), at the Manhattan Urban Area Planning Board on December 15, 2008.

13. STAFF COMMENTS AND RECOMMENDATION:

A Supplemental Drainage Report, dated November 5, 2008, was submitted by Sloan, Meier, Hancock, P.A. as requested by the Planning Board. In the report, two (2) options were given as a mitigation plan of the storm water runoff estimated to be generated by the development. These options are to create an equivalent volume of displaced area for storage of storm water on the PUD site, and to refurbish the retaining wall to maintain its structural integrity.

City Administration recommends that a storm water storage area be created on the PUD site to compensate for the equivalent volume of displaced area. In addition, because the PUD's drainage analysis relies on the functionality of the adjacent private man-made drainage channel, City Administration recommends that a written agreement between the applicant and the property owners of the retaining walls needs to be created, to ensure the long-term viability and maintenance of the private man-made drainage channel, until such time as it is no longer needed. The PUD should be contingent upon this agreement being developed by the applicant working with the adjacent owners and the City and the agreement needs to be enforceable by the City. It is likely that the agreement would need to be in the form of a covenant filed on the applicable properties and the channel may need to be placed in a drainage easement.

A possible condition is as follows:

13. The Preliminary Development Plan and rezoning shall be contingent upon a written agreement insuring the long term viability and maintenance of the private man-made drainage channel by the property owner(s) of the channel and the owner(s) of the PUD, which shall be enforceable by the City and filed on the subject properties, prior to submittal of the Final Development Plan.

Attachment No. 2

City Administration recommends approval of the rezoning of proposed Tecumseh Lofts PUD, from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, with the following conditions:

1. Permitted uses shall include a multiple-family dwelling consisting of twelve (12), one-bedroom apartment units; and an existing two-family dwelling consisting of a three (3) bedroom unit and a two (2) bedroom unit.
2. **A minimum of seventeen (17) off-street parking spaces shall be provided. Four (4) parking spaces on Lot 1 and thirteen (13) parking spaces on Lot (2).**
3. Lights shall be provided as described on the architectural drawings and shall be full cut-off design. Building lighting shall be provided as proposed and shall not cast direct light onto public or private streets or adjacent property.
4. 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.
5. All landscaping and irrigation shall be maintained in good condition.
6. A six (6) foot tall cedar screening fence shall be provided along the entire length of the west side of the parking lot and shall connect to the trash enclosure.
7. An eight (8) foot tall cedar screening fence shall be provided along the southern property line of Lot 2 from the western end, to the southeast corner of the apartment building, and the stacked exterior air conditioner condenser units shall be lowered to not extend above the screening fence.
8. The existing gravel parking adjacent to the driveway and attached garage on Lot 1 shall be paved.
9. The wall sign proposed on the stair tower shall have a maximum gross surface area of forty (40) square feet. The wall sign located on the retaining wall shall be permitted as proposed.
10. Temporary banner signs shall not be permitted.
11. 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.
12. **A detention area within the proposed drainage easement shall be constructed as proposed in the Supplemental Drainage Analysis, dated November 5, 2008.**

ALTERNATIVES:

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

Attachment No. 2

2. Recommend approval of the proposed rezoning of Tecumseh Lofts PUD, from R, Single-Family Residential District, to PUD, Residential 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 Tecumseh Lofts PUD, from R, Single-Family Residential District, to PUD, Residential Unit Development District, based on the findings in the staff report, **with the twelve (12) conditions recommended by City Administration.**

PREPARED BY: Chad Bunger, Planner

DATE: October 28, 2008

Updated November 12, 2008

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R, Single-Family Residential District

TO: R-1, Single-Family Residential District

APPLICANT: Schwab-Eaton, P.A. – Chris Cox

ADDRESS: 1125 Garden Way Manhattan, KS 66502

OWNERS: Golda Wilson Trust c/o The Trust Company of Manhattan

ADDRESS: 800 Poyntz Avenue Manhattan, KS 66502

LOCATION: 2012 College View Road, Lot 34 College View Addition

AREA: Current Lot Area – 8,813 square feet (0.20 acres)

Lot area to be rezoned to R-1 – 7,973 square feet (0.18 acres)

Area to split off and rezoned with the proposed Tecumseh Lots PUD – 832 square feet

DATE OF PUBLIC NOTICE PUBLICATION: October 13, 2008

DATE OF PUBLIC HEARING: PLANNING BOARD: November 3, 2008

Table to November 17, 2008

CITY COMMISSION: November 18, 2008

EXISTING USE: Single-family home

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally a flat, improved residential lot with a single-story, single-family home. The house is located near the twenty-five (25) foot front yard setback line along College View Road. The lot has a sixteen foot wide driveway that leads to the attached garage. The remainder of the lot is open lawn areas with mature trees. Twelve (12) feet of the site's rear yard has been proposed to be split off and platted with the proposed Tecumseh Lofts PUD to the immediate north of the subject site.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Two-dwelling unit house, Tecumseh Road, platted as a 60 foot right-of-way, open, grassy areas and public health and medical facilities; R, Single-Family Residential District and R-3/UO, Multiple-Family Residential District with University Overlay District.
- (2) **SOUTH:** College View Road, platted as a 60 foot right-of-way, single-family and two-family and a fraternity; R-M/UO, Four-Family Residential District with University Overlay District.
- (3) **EAST:** Single-family and multiple-family houses, Quivera Road, platted as a 60 foot right-of-way and fraternities; R, Single-Family Residential District and R-M/UO, Four-Family Residential District with University Overlay District.
- (4) **WEST:** Single-family homes; R, Single-Family Residential District

GENERAL NEIGHBORHOOD CHARACTER: To the east, south and west, the neighborhood is a mix of single-family, two-family, multiple-family residential uses and fraternities. The residential uses are a combination of owner-occupied homes further to the west of the site and rental units closer to Kansas State University. Three fraternities are also in the immediate area. To the north is the Riley County Health Department and Mercy Regional Hospital on Sunset and Kansas State University LaFene Health Center. These sites consist of large medical office buildings, parking lots and open, grassy areas with mature trees.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The R District requires 10,000 square feet of lot area, 75 feet of lot width and 100 feet of lot depth. The current configuration of the lot has approximately 8,814 square feet of lot area, approximately 69 feet of lot width and 127 feet of lot depth. The applicant has proposed to split off twelve (12) feet of the north portion of the lot to be rezoned and replatted with the proposed Tecumseh Lofts PUD to the immediate north. The reconfigured lot will have an area of approximately 7,973 square feet and a lot depth of approximately 115 feet. The existing use of the site as a single-family home complies with the permitted uses of the R District, but the site lacks sufficient lot area and width to meet the zoning district's requirements. The proposed reconfigured lot to be created through the platting process will meet the proposed R-1 District requirements.

The existing house has a covered front porch that encroaches approximately three (3) feet into the minimum twenty-five (25) foot front yard setback. The applicant has submitted an application to the Board of Zoning Appeal for the December 10, 2008 meeting for an Exception to correct the existing condition to obtain clear title for the property to ensure a marketable title.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning should not directly impact the nearby properties. No increase in light, noise or traffic to the area is anticipated from the proposed rezoning of the site from R, Single-Family Residential District to R-1, Single-Family Residential District. To the east and west of the site are properties that are zoned R District and primarily contain single-family homes that are owner occupied or rental units. To the immediate south of the site and on the east side of Quivera Road are properties that are zoned R-M/UO, Four-Family Residential District/with University Overlay District. The properties within the R-M/UO Districts consist of fraternities associated with Kansas State University and single-family homes. To the north of the site, across Tecumseh Road, are properties zoned R-3/UO, Multiple-Family Residential District/with University Overlay District, that contain medical office buildings.

The proposed R-1 District's list of permitted and conditional uses is similar to that of the R District, which includes single-family detached dwellings. The main differences between the residential lots are the lot size requirements. The R-1 District requires a minimum lot area of 6,500 square feet and a minimum lot width of 50 feet, compared to the R District's minimum lot area 10,000 square feet and lot width of 75 feet. The proposed rezoning will bring the site into compliance with the current Zoning Regulations and allow for the northern twelve (12) feet to be split off and be platted with the proposed Tecumseh Lofts Planned Unit Development.

CONFORMANCE WITH COMPREHENSIVE PLAN: The rezoning site is shown on the Southwest Planning Area Future Land Use Map of the Comprehensive Plan as RLM, Residential Low/Medium Density.

Policies of the RLM designation include:

RESIDENTIAL LOW/MEDIUM DENSITY (RLM)

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

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

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

RLM 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.

The proposed rezoning of the site to R-1 District conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

October 11, 1951	City Commission approves Final Plat of College View Addition.
1951 – 1964	“A”, First Dwelling House District
1964 – 1965	“A-A”, Single-Family Dwelling District
1965 – 1969	“A” Single- and Two-Family Dwelling District
1969 – Present	R, Single-Family Residential District.

According to building permits on file, the house was built in 1954.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The R-1, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. The proposed rezoning of the site is consistent with the intent of the Zoning Ordinance.

Section 15-103(B) states that “No application for amendment to change the zoning classification of any lot, parcel or tract of land shall be accepted unless such lot, parcel or tract has 100 feet of frontage on a public street, or has 10,000 square feet of area, or abuts a lot, parcel or tract of land that has the same zoning classification as that which is

Attachment No. 3

proposed for the property which is the subject of the proposed amendment.” The reason for the request to rezone is the result of a surveying error and an attempt to correct the error between the applicant and the developer of the Tecumseh Lofts PUD. The agreement includes splitting off the northern twelve (12) feet of the site and platting it to the proposed PUD on the adjacent property. Although the proposed rezoning request does not meet the requirements of Section 15-103(B), the Planning Board should consider the fact that the site is a nonconforming lot created by the City’s actions in 1969. It should also be taken into consideration that the proposed use of the site will remain as a single-family dwelling, similar to residential lots in the area, which is the intent of both the R District and R-1 District.

The R, Single-Family Residential District requires a minimum lot area of 10,000 square feet and minimum lot width of 75 feet. The site and surrounding sites to the west are all approximately 8,700 square feet in area and have approximately 69 feet of lot width. When the area was rezoned from “A” Single- and Two-Family Dwelling District, to R, Single-Family Residential District, in 1969 with the Zoning Regulation update, these lots were inadvertently rezoned into a nonconforming condition.

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

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities and services are available to serve the site. The site gains access from College View Road, a local residential street. This street is adequate to handle the existing traffic generated by the single-family home as well as the traffic from the moderate residential density in the surrounding area.

OTHER APPLICABLE FACTORS: The rezoning of the site is associated with a proposed rezoning of the Tecumseh Lofts PUD. A replat of Lot 34, College View Addition and Lots 67 and 68, College View Addition, associated with the proposed Tecumseh Lofts residential PUD will be considered by the Manhattan Urban Area Planning Board on December 15, 2008 as a concurrent action with the Final Plat and Final Development Plan of the PUD.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Lot 34, College View Addition, less the north twelve (12) feet, from R, Single-Family Residential District, to R-1, Single-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lot 34, College View Addition, less the north twelve (12) feet, from R, Single-Family Residential District, to R-1, Single-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lot 34, College View Addition, less the north twelve (12) feet, from R, Single-Family Residential District to R-1, Single-Family Residential District, based on the findings in the Staff Report .

PREPARED BY: Chad Bunger, Planner

DATE: October 27, 2008

Updated: November 13, 2008

Social Services Advisory Board

Agency	2009	
	Request	Proposed
Big Brothers/Big Sisters	34,000	34,000
Boys & Girls Club	12,500	12,500
Crisis Center	46,500	46,500
Cultural Enrichment Academy	-	-
Flint Hill Community Clinic	26,632	-
Homecare & Hospice	44,500	44,500
Kansas Legal Services	25,000	25,000
KSU Child Development Center	30,258	10,944
Manhattan Day Care	* 65,000	65,000
Manhattan Emergency Shelter	80,850	80,850
Northview After School Child Care	25,200	-
Regional AIDS Project	-	-
RSVP of the Flint Hills	-	-
Salvation Army	20,000	-
Shepherd's Crossing	40,000	40,000
Sunflower CASA Project, Inc.	27,226	27,226
UFM Community Learning Center	4,000	4,000
Subtotal:	481,666	390,520

Riley County Area Transportation Agency	45,250	45,250
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Total Request: \$526,916 \$435,770

Special Alcohol Funds		
AGENCY	2009 Requested	2009 Approved
Big Brothers/Big Sisters	\$ 14,000	\$ 14,000.00
Boys and Girls Club	\$ 24,500	\$ 24,500.00
Cox Cable Rep Advertising	\$ -	\$ -
KSU - Academic Assistance Center	\$ -	\$ -
KSU - Counseling Services	\$ -	\$ -
KSU - Alcohol & Other Drug Education Service	\$ 37,721	\$ 25,463.00
Little Apple Task Force	\$ 4,000	\$ 4,000.00
Manhattan Area Risk Prevention Coalition	\$ -	\$ -
Manhattan Emergency Shelter	\$ 13,362	\$ 13,362.00
Manhattan Housing Authority	\$ -	\$ -
Pawnee Mental Health/Reg. Prevention Ctr. of NE KS	\$ 50,218	\$ 41,653.00
Riley Cty Attorney's Ofc.-21st Judicial Dist. Teen Court	\$ 6,500	\$ 5,600.00
Riley County Community Corrections	\$ 11,350	\$ 10,350.00
Riley County Police Department - D.A.R.E.	\$ 80,427	\$ 70,427.00
Sunflower CASA	\$ 31,614	\$ 31,614.00
The Restoration Center	\$ 42,000	\$ 28,000.00
UFM Learning Center	\$ 20,000	\$ 20,000.00
Unified School District #383	\$ 107,282	\$ 107,282.00
TOTALS	\$ 442,974	\$ 396,251.00

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

NOTE: THE PRELIMINARY DEVELOPMENT PLAN FOR THE APPROVED MCCALL LANDING COMMERCIAL PLANNED UNIT DEVELOPMENT WAS APPROVED MAY 20, 2008 (SITE PLAN AND ORDINANCE ATTACHED.) DUE TO THE EXTENSIVE CHANGES TO THE APPROVED PUD, A REVISED PRELIMINARY DEVELOPMENT PLAN APPLICATION WAS SUBMITTED.

FROM: PUD, Commercial Planned Unit Development District.

TO: PUD, Commercial Planned Unit Development District.

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

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

DATE OF PUBLIC NOTICE PUBLICATION: Monday, October 27, 2008.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, November 17, 2008. At the request of the applicant, the public hearing was tabled on November 17, 2008, to the Monday, December 1, 2008, Planning Board meeting.

CITY COMMISSION: Tuesday, December 16, 2008.

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

AREA: Approximately 26-acres.

PROPOSED USES: The revised McCall Landing PUD will consist of the following proposed Permitted Uses:

1. Farm and ranch supply stores such as, but not limited to, Orscheln Farm & Home, with associated outdoor sales, display and storage.

2. Business and professional offices.
3. Restaurants, including drive-in type.
4. Banks and financial institutions, including drive-in type.
5. Convenience stores, without buried storage tanks.
6. Package liquor stores.
7. Retail stores.
8. Home improvement centers, including retail sale of general merchandise, lumber yards, landscape and garden products, hardware, appliances and fixtures, carpet, tile and floor coverings, and general home improvement, household and related products, and outdoor sales, display and storage, including lumber yard areas for stores such as, but not limited to, Menards.

Lot 1 is for a proposed Orscheln Farm and Home store; Lot 2 is for a Menard's; and, Lots 3 and 4 are future out-lots, each subject to a PUD amendment.

PROPOSED BUILDINGS AND STRUCTURES:

Lot 1 - Orscheln Farm and Ranch

The proposed site is approximately four acres in area on which a 50,000 square foot Orscheln Farm and Home super store will be constructed, and a 20,000 square foot screened outdoor storage area (see Sheets A1.00 and A2.00), as well as outdoor display and proposed storage along the south and west sidewalks adjacent to the building.

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

To the east of the building is the approximate 20,000 square foot outdoor storage, sales and display area, which will be enclosed by an approximate nine foot black chain link fence with black vertical slats with ten foot split faced block accent columns. The north and south fences are gated for entry and exit to the storage area.

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

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

Lot 2 - Menards

The proposed Menards' site is approximately 18 acres in area on which a 202,948 square foot retail building is proposed consisting of heated indoor building area (162,340 square feet) and unheated indoor building space (40,608 square feet). Heated area contains approximately 94,432 square feet of retail area, 49,675 square feet of retail/warehouse space, 14,482 square feet of receiving area, and 3,751 square feet of bathroom/office space. Unheated building space contains 27,648 square feet of garden center/shipping area located on the eastern side of the building, and 12,960 square feet of rear overhang.

In addition, there is an outdoor storage/lumber yard (180,982 square feet) on the north and east sides of the building consisting of a lumber warehouse (26,420 square feet) to the north of the main building, an approximate 15,000 square feet of roofed over palletized lumber storage, which also functions as a 14 foot tall wood screening wall along the east, north and west perimeters of the building site, and approximately 15,400 square feet of open palletized lumber storage nine feet in height, which is located to the immediate east of the garden center. The remainder is driving aisle. The rear wall of the lumber warehouse is approximately 27 feet in height and provides an additional 13 feet of screening for that part of the warehouse along the northern part of the site. The south side of the storage yard is screened with a four foot concrete wall and nine foot wrought iron fence.

The Menards' building is approximately 30 feet in height and constructed of smooth finish precast concrete exterior walls with buff colored exterior aggregate walls on the south and west sides of the building and unpainted precast concrete walls on the east and north sides of the building. Emerald green standing seam accents are shown on the south, east and north sides of the building (see Sheets D4-D6 for more architectural details). The warehouse and roofed over palletized storage roof are standing seam metal.

The remainder of the site is off-street parking and landscaped space including a drainage basin on the east side of Lot 2.

Lots 3 and 4

Future PUD amendments.

PROPOSED LOT COVERAGE-TOTALS

<u>Use</u>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Buildings/Outdoor Storage Travel Easement/ Drives/Parking	489,145 square feet	43%
Open/Landscape Space	204,412 square feet	18%

Approximately 40,946 square feet (4%) of the site will be dedicated as right-of-way for future McCall Road.

Note: See Sheet C3 of the PUD drawings for projected individual lot coverage.

PROPOSED SIGNS-LOT 1

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

PROPOSED SIGNS-LOT 2

The Menards' signage plan is shown on Sheet D4 and consists of a main entrance sign, and product and directional signage. In addition, a banner sign is proposed over the concrete block outdoor storage area along the sidewalk in front of the building between the garden center and main building exit. Signage is more in keeping with C-5, Highway Service Commercial District, than C-2, Neighborhood Commercial District, as recommended for PUDs; however, the total square feet of sign area is less than would be allowed under C-2 sign guidelines.

A 15 foot tall double faced ground entry sign is proposed at the northwest corner of the intersection of proposed Carlson Place and McCall Road. The signage will be internally illuminated and mounted on a precast concrete base with space for two other business names, in addition to the Menards' space. The Menards' portion of the sign is approximately 100 square feet in area (23 feet 8 inches long by 4 feet 3 inches tall), with each separate sign space 50 square feet in area. The ground sign will be in a landscaped base.

The applicant's overall sign proposal is generally consistent with the signage requirements of the C-2, Neighborhood Shopping District, with respect to square footage, but deviates in terms of total number of signs. To ensure consistency on Lots 3 and 4 of the PUD, the sign requirements of the C-2 District should apply to those two lots due to their frontage along a major street; however, future amendments may contain requests for sign changes for a specific site.

As with the approved PUD, each business may have one temporary banner sign on the businesses lot. Exempt signs such as address numerals and construction sign will be allowed as well.

PROPOSED LIGHTING: Proposed Carlson Place and McCall Place, and Lots 1 and 2 parking lot lights are full-cutoff, 30 foot tall metal poles. Building lights will accent entrances and provide general security and are full cut-off design. In addition, the wrought iron screening fence on the south side of Menards has decorative light fixtures on the top of the fence.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Landscaping is a combination of grass areas, and deciduous trees scattered throughout the parking lots in landscape islands and along the east side of Carlson Place frontage. The west side of the street will be landscaped with the development of Lot 3 and 4. Lot 2's perimeter on the north, east and west sides is open lawn with scattered trees. In addition, building foundation plantings are proposed at the northwest, southwest and southeast corners of Orscheln's and at the base of the wrought iron screening fence for Menards.

Underground irrigation will maintain landscape areas along the street and on Lot 1 and 2.

The remainder of the site will be seeded with K-31 fescue grass, or native grasses, until each lot is developed.

2. SCREENING: Orscheln's trash dumpster is proposed to be screened with a 6 foot masonry wall with gates on the north side of the outdoor storage area. The 20,000 square foot outdoor storage area will be enclosed by a black chain link six foot tall fence with black vertical slats. The fenced outdoor storage area is approximately 105 feet north of McCall Road right-of-way. Display areas along the south and west sides of the building will be approximately 160 feet from Carlson Place and 105 feet from McCall Road, both visible from the street. Outdoor display on the south side of the building sidewalk will be visible from McCall Road, a major street, should not be allowed.

Menards' screening consists of a six foot tall PVC fence enclosure with a wood grain finish around a transformer pad to the south of the store's main entrance in the parking lot; a 14 foot tall wood screening wall around the lumber yard; and, a wrought iron fence along the front to the east of the garden center. Trash compaction is behind the building in the outdoor storage yard.

3. DRAINAGE: A Drainage Study, dated October 3, 2008, was submitted by Schwab-Eaton, P.A. The site will drain, in part, to the south and southeast through on-site storm sewer improvements to future storm sewer improvements associated with McCall Road. However, the majority of the site will drain to a detention basin on the east side of the Menards' site, which drains to McCall Road future storm water improvements. The City Engineer has reviewed the proposed drainage study (memo attached) and accepts the consultant's drainage plan. The north portions of the site are currently designed to drain to a drainage easement generally along the north boundary of the PUD. The majority of the outdoor storage yard will need to be designed to drain to a proposed storm sewer and inlets rather than to the drainage easement along the north boundary of the PUD; however, some roof top run-off will drain to the drainage easement.

4. CIRCULATION: As proposed, vehicle and pedestrian access are safe and efficient.

The PUD will be accessed off McCall Road from a proposed new street, Carson Place, a Travel Easement, a right-in right out at the southeast corner of Lot 1, and a future curb cut at the southwest corner of Lot 4, which will be provided with the future amendment of Lot 4. Access is otherwise prohibited for lots abutting McCall Road and extending along the east and west sides of Carlson Place a distance of approximately 240 feet. McCall Place, a Travel Easement, extends from Carlson Place to the western boundary of the PUD and provides access to Lots 3 and 4, and acts as a frontage road as well. A possible Travel Easement may be provided on the west side of Lot 4. In addition, the applicant's consultant has indicated Carlson Place may be converted to public right-of-way after construction.

McCall Road is not built to an urban section with curb and gutter, storm water improvements or sidewalks. Currently, the street is a three lane section with two through lanes and a center turn lane. **BENEFIT DISTRICT PETITIONS WERE APPROVED BY THE CITY COMMISSION ON NOVEMBER 18, 2008, TO IMPROVE MCCALL ROAD FOR A FIVE LANE SECTION OF ARTERIAL STREET, WHICH WILL CONSIST OF FOUR THROUGH LANES, A CENTER TURN LANE, CURB AND GUTTER, STORM WATER IMPROVEMENTS AND FIVE FOOT SIDEWALKS ON BOTH SIDES OF THE STREET, WITH FROM THE INTERSECTION OF U.S. HIGHWAY 24 (E. POYNTZ AVENUE) TO THE**

HAYES DRIVE INTERSECTION. AN APPROXIMATE EIGHT TO TEN FOOT SHARED USE CONCRETE SIDEWALK WILL BE INVESTIGATED BY THE PUBLIC WORKS DEPARTMENT ALONG THE NORTH SIDE OF MCCALL ROAD AT THE DIRECTION OF THE CITY COMMISSION. A 20 FOOT PEDESTRIAN EASEMENT IS PROPOSED ALONG THE PUD'S FRONTAGE OF MCCALL ROAD, WHICH WILL PROVIDE SUFFICIENT SPACE FOR SHARED USE IMPROVEMENTS TO BE INVESTIGATED ON THE NORTH SIDE OF MCCALL ROAD, IF RIGHT-OF-WAY WIDTH IS NOT ADEQUATE.

Internal Access

Access to Lot 1 is from proposed Carlson Place. The curb cut is located approximately 245 feet north of the intersection of existing Carlson Place and McCall Road. The Carlson Place entrance is approximately 70 feet in width at its southern end to accommodate turning lanes and reduces in width to 60 feet approximately 245 feet north of McCall Road. Access is also from a private driveway on the east side of Lot 1 off McCall Road.

Lot 2 is accessed off the private drive on the east side of Lot 1, as well as an extension of Carlson Place into the Menards' parking lot, and off the McCall Place Travel Easement.

Lots 3 and 4 are accessed off McCall Place with Lot 4 also accessed off a private drive on the west side of the lot, which may be a Travel Easement rather than a private drive.

Sidewalks and Pedestrian Circulation

No sidewalk currently exists along McCall Road. The City Commission approved a benefit district petition for improvement of McCall Road to an urban section on November 18, 2008. A part of the improvements include five foot sidewalks on the north and south sides of the future street, with the Public Works Department directed to investigate a shared use sidewalk on the north side of the street. The shared use would be an approximate eight to ten foot sidewalk for pedestrian and bicyclists similar to the Hudson Trail. A 20 foot pedestrian easement is provided for on the PUD along McCall Road if the shared use extends onto the PUD.

Sidewalks will be constructed along one side of proposed Carlson Place and along the south side of McCall Place to the western boundary of the PUD. Pedestrian connections from the public sidewalks will provide access to Orscheln's and to Menards' buildings.

Off-street parking

The Orscheln store generates a demand for 170 off street parking spaces (164 for the retail space (1:250 square feet of retail floor area), five for outdoor storage (1:2,000 square of storage and one for office space). One hundred and seventy two (172) parking spaces are proposed, which should be adequate.

Menards generates a demand for 450 off-street parking spaces (377 for the retail floor area (1:250), 25 for the indoor warehouse (1:2,000), eleven for the unheated garden center (1:2,000), nine for the office, and 28 for outdoor warehousing (1:2,000). Four hundred and forty three (443) parking spaces are proposed, which should be adequate.

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

Traffic Study

A Traffic Impact Study, dated January 2008, Revised October 2008, was submitted by Schwab-Eaton P.A. The study was reviewed and accepted by the City Engineer (*see attached memo*). **MCCALL ROAD BENEFIT DISTRICT PETITIONS WERE APPROVED BY THE CITY COMMISSION TO UPGRADE THE STREET TO A FIVE LANE URBAN SECTION BETWEEN U.S. HIGHWAY 24 AND HAYES DRIVE. A TRAFFIC SIGNAL AT CARLSON PLACE AND MCCALL ROAD WOULD BE INSTALLED WITH STREET IMPROVEMENTS.**

5. OPEN SPACE AND COMMON AREA: The majority of open space is dedicated to parking and driving aisles (approximately 35% of the site) and landscaped areas (approximately 18%). Future sites will be evaluated with future PUD amendments.

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

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Undeveloped open agricultural field, which was rezoned to Commercial PUD on May 20, 2008 and commonly referred to a McCall Landing PUD.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Flat and tilled with the western the majority of the site in the 100 Year Flood Plain and the remainder in the 500 Year Flood Plain.

3. SURROUNDING LAND USE AND ZONING:

- (a.) **NORTH:** City water well fields, Levee Drive: I-2 District.
- (b.) **SOUTH:** McCall Road, Orscheln's Farm and Home store, GTM manufacturing, research facilities, car wash, self storage facilities, automobile sales and service; C-5, Highway Service Commercial District and I-2 District.
- (c.) **EAST:** McCall Pattern Company; I-2 District.
- (d.) **WEST:** Self storage and business office, and contractors; I-2 District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site could be developed as a commercial PUD, subject to Ordinance No. 6700, dated May 20, 2008. Its current use for agricultural crop is nonconforming to the PUD.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The site is in a commercial growth corridor and its development as a commercial PUD should be compatible with the surrounding neighborhood. Minimal impact on property along the corridor is expected; however, the proposed sidewalk storage along McCall Road on the south side of Orscheln's building is inconsistent with the developing commercial character of the street and should not be allowed on the south side of the building's sidewalk. Sufficient area is set aside on the west front of the building and the 20,000 square feet of outdoor, screened storage.

McCall Road will be upgraded to a five lane urban section with curb and gutter, sidewalk, storm sewer improvements and traffic signal at Carlson Place and McCall Road.

Fifty foot well head protection zones around City well heads are shown along the northern boundary of the PUD, and extend partially in the PUD. In addition, 100 foot well head considerations are taken into account for the public water system. A 100 foot easement is not required if the intent is demonstrated to protect the public water supply. Part of the lumber warehouse is in the 100 foot well head area. Structures may be allowed in close proximity; however, no underground liquid fuel storage tanks will be allowed in the PUD, nor will storage of hazardous materials will be allowed in the east half of the warehouse. Fifty foot well head easements should also be designated as "No Structures Zone" to prohibit pollutants in the well head area, except that the palletized lumber storage and

screening fence would be allowed if hard surface slopes and drainage are redirected in the outdoor storage yard to the storm sewer drainage improvements rather than the drainage easement to the north of the improvements.

No public access to the north or east is proposed, except for emergency fire access; however, public access is proposed to the west for future anticipated development.

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

Policies of the IND category include:

Employment: Industrial and Office

BACKGROUND AND INTENT

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

INDUSTRIAL (IND)

I 1: Characteristics

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

I 2: Location

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

I 3: Screening

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

Commercial policies include:

Commercial

BACKGROUND AND INTENT

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

COMMERCIAL- ALL CATEGORIES

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

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

C 2: Distribution of Commercial Services

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

C 3: Locate All Commercial Uses in Activity Centers

Commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Development of distinct commercial nodes will help preserve the residential character of many of the major street corridors throughout the community and help prevent the negative impacts caused by multiple access points along a corridor. Commercial activities, when grouped in cohesive centers or nodes, result in more viable areas compared to scattered or isolated single use commercial sites. Activity centers, or nodes, provide a variety of services in a concentrated location to promote “one-stop shopping” and minimize the need for multiple vehicle trips. Each center has a limited number of vehicle access points to minimize impacts on surrounding uses and maintain an efficient traffic flow to and from the site. Uses are typically clustered on larger sites near the intersection of two major streets rather than being developed in linear, “strip” configurations along major street corridors. Linear development patterns, particularly when parcels provide a single use and are developed independently, can require multiple access points and lead to disruption of traffic flow on adjacent streets. Although lot sizes and/or configurations in some areas may warrant the use of a more linear development pattern, it is generally discouraged.

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

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

C5: Promote a High Quality Urban Environment

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

COMMUNITY COMMERCIAL (CC)

CC 1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing

stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC 2: Location

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

Chapter 8: Mobility and Transportation Options

BACKGROUND AND INTENT

Mobility, efficiency and safety are important components of a transportation system. Current and future mobility needs will be addressed through appropriate land use decisions as guided by the Comprehensive Plan.

GOALS AND GUIDING PRINCIPLES

Goal #1

Ensure that new development patterns facilitate safety, connectivity, and mobility for all modes of transportation in established and developing areas of the community.

Guiding Principles:

- *Plan for a balanced, multi-modal transportation system of streets, sidewalks, bikeways and future public transit to meet the current and future mobility needs of the community.*
- *Promote street patterns that provide maximum safety and mobility for all modes of transportation, while preserving neighborhood integrity.*
- *Promote greater connectivity between different neighborhoods and commercial areas by providing appropriate access for automobiles, bicycles and pedestrians.*

POLICIES

MO 2: Multi-Modal Transportation System

The City and County shall continue to work towards the development of an integrated, multi-modal transportation system for Manhattan. New development shall be designed to eliminate conflicts between motor vehicle, bicycle, and pedestrian users, and provide safe and convenient access to and between residential neighborhoods, schools, employment and service centers, and recreational uses.

MO 3: Establish Interconnected Neighborhood Street and Sidewalk Patterns

Neighborhood streets and sidewalks in both new and existing areas shall form an interconnected network, including vehicular, bicycle, and pedestrian routes within and between neighborhoods, in order to connect neighborhoods together and with other parts of the community and region. In particular, direct walkway and bicycle routes to schools, parks, employment and service centers, and other community facilities should be provided.

MTO 4: Accessible, Pedestrian-Friendly Development

Future commercial and residential projects in the Urban Service Area Boundary shall be planned to ensure that sites and land uses are readily accessible to all modes—pedestrians, bicycles, autos, and future public transit.

The proposed PUD is in a commercial growth corridor, which has experienced commercial development along a major street, McCall Road, primarily around the Hayes Drive and McCall Road intersection and west to Tuttle Creek Boulevard. The PUD is concentrated off proposed Carlson Place with three lots fronting on McCall Road. McCall Road will be improved to a five lane urban section of street, which is expected to provide for all modes of transportation consistent with the policies of the Comprehensive Plan. The proposed PUD is in general conformance to the Comprehensive Plan.

7. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

1968	Annexation and rezoning to I-3, Light Industrial District.
1969-2008	Rezoned from I-3 District, to I-2, Industrial Park District.
April 21, 2008	Manhattan Urban Area Planning Board conducts the public hearing and recommends approval of the proposed rezoning of McCall Landing from I-2, Industrial Park District to PUD, Commercial Planned Unit Development District, with 15 conditions of approval.

- May 6, 2008 City Commission approves first reading of an ordinance rezoning McCall Landing from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District.
- May 20, 2008 City Commission approves Ordinance No. 6700 rezoning McCall Landing from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District.

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

The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed PUD is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

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

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

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: There appears to be no relative gain to the public, which denial would accomplish. Buildings must be protected to prevent flood damage. McCall Road will be upgraded to a five lane urban section with curb and gutter, sidewalks, storm sewer improvements and traffic signal at Carlson Place and McCall Road. Fifty foot well head protection zones around City well heads are shown along the northern boundary of the PUD, which are partially in the PUD. The lumber warehouse is in close proximity to the well head easement. Structures may be allowed in close proximity; however, no underground liquid fuel storage tanks will be allowed in the

PUD, and storage of hazardous materials, chemicals and other pollutants, will be prohibited in the east half of the warehouse. The concrete base of the warehouse must drain to the south and its northern edge must be curbed to prevent at grade drainage to the north. Well head easements should be designated "No Structures Zone", except that palletized lumber storage and security fencing will be allowed in the easement. The concrete pad must be designed to drain to the south and the north edge of the concrete slab must be curbed to prevent at grade drainage to the north. No adverse impacts to the public are expected, subject to conditions of approval. Therefore, there may be a hardship to the applicant if the rezoning is denied.

10. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: THE SITE IS WITHIN THE CITY AND CAN BE SERVED BY PUBLIC IMPROVEMENTS, INCLUDING STREET, WATER, FIRE SERVICE AND SANITARY SEWER. MCCALL ROAD IS NOT ADEQUATE AS A THREE LANE SECTION FOR THE TRAFFIC GENERATED BY THE PROPOSED PUD. BENEFIT DISTRICT PETITIONS WERE APPROVED BY THE CITY COMMISSION ON NOVEMBER 18, 2008, TO IMPROVE MCCALL ROAD FOR A FIVE LANE SECTION OF ARTERIAL STREET, WHICH WILL CONSIST OF FOUR THROUGH LANES, A CENTER TURN LANE, CURB AND GUTTER, STORM WATER IMPROVEMENTS AND FIVE FOOT SIDEWALKS ON BOTH SIDES OF THE STREET, WITH FROM THE INTERSECTION OF U.S. HIGHWAY 24 (E. POYNTZ AVENUE) TO THE HAYES DRIVE INTERSECTION. AN APPROXIMATE EIGHT TO TEN FOOT SHARED USE CONCRETE SIDEWALK WILL BE INVESTIGATED BY THE PUBLIC WORKS DEPARTMENT ALONG THE NORTH SIDE OF MCCALL ROAD AT THE DIRECTION OF THE CITY COMMISSION. A 20 FOOT PEDESTRIAN EASEMENT IS PROPOSED ALONG THE PUD'S FRONTAGE OF MCCALL ROAD, WHICH WILL PROVIDE SUFFICIENT SPACE FOR SHARED USE IMPROVEMENTS TO BE INVESTIGATED ON THE NORTH SIDE OF MCCALL ROAD, IF RIGHT-OF-WAY WIDTH IS NOT ADEQUATE.

11. OTHER APPLICABLE FACTORS: None.

12. STAFF COMMENTS AND RECOMMENDATION:

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

Attachment No. 6

1. Permitted uses shall include Farm and ranch supply stores such as, but not limited to, Orscheln Farm & Home, with associated outdoor sales, display and storage; Business and professional offices; Restaurants, including drive-in type; Banks and financial institutions, including drive-in type; Convenience stores, without buried storage tanks; Package liquor stores; Retail stores; and, Home improvement centers, including retail sale of general merchandise, lumber yards, landscape and garden products, hardware, appliances and fixtures, carpet, tile and floor coverings, and general home improvement, household and related products, and outdoor sales, display and storage, including lumber yard areas for stores such as, but not limited to, Menards.
2. Outdoor display, storage and sales on Lot 1 shall be limited to the outside sidewalk area along the western side of the Orscheln's building and in the fenced enclosure, as shown on the application documents.
3. 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.
4. All landscaping and irrigation shall be maintained in good condition.
5. Light poles shall be provided as described in the application documents and shall be full cutoff design. Building lighting shall not cast direct light onto public or private streets or adjacent property and shall be full cut-off design.
6. Signage for Lot 1 – Orscheln's shall be constructed as proposed, consisting of wall signs.
7. Signage for Lot 2 and the ground sign on Lot 3 for Menards and other tenants of the PUD shall be constructed as proposed.
8. On all other lots there shall be no more than one (1) pole or ground sign per lot. In addition, pole signs shall have a maximum height of 30 feet above the ground; the total gross surface area of pole and ground signs including reader-boards shall be limited to no more than 1 square foot of sign area per 1 foot of linear street frontage and shall not exceed a maximum 200 square feet in area; all pole signs shall be fully skirted and the skirting and the bases of pole and ground signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and signs shall include a landscaped area around the base.
9. Wall signs on Lots 3 and 4 shall conform to requirements of the C-2, Neighborhood Shopping District of the Manhattan Zoning Regulations.
10. Temporary banner signs should be limited to no more than one (1) banner sign per lot. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.

Attachment No. 6

11. Prior to the development of Lot 3 and Lot 4, an amendment of the PUD shall be submitted and approved, prior to issuance of any necessary permits.
12. Underground liquid fuel storage tanks shall be prohibited in the PUD, and storage of hazardous materials, chemicals and other pollutants, shall be prohibited in the east half of the warehouse.
13. Well head easements shall be designated "No Structures Zone."
14. A revised drainage plan, consisting of grading and improvements necessary to protect the 50-foot and 100-foot well head areas, shall be submitted with the Final Development Plan. The revised drainage plan shall be approved by the Public Works Department.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the revised McCall Landing Commercial PUD from PUD, Commercial Planned Unit Development District, to PUD, Commercial Planned Unit Development District stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of McCall Landing Commercial PUD from PUD, Commercial Planned Unit Development District, to PUD, Commercial Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the revised McCall Landing Commercial PUD from PUD, Commercial Planned Unit Development District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the 14 conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: November 25, 2008; Revised December 1, 2008

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: C-5, Highway Service Commercial District.

TO: I-2, Industrial Park District.

APPLICANT: Dave Dreiling.

ADDRESS: 520 McCall Road, Manhattan KS, 66502.

OWNER: City of Manhattan.

ADDRESS: % 520 McCall Road, Manhattan KS, 66502.

LOCATION: 701 Enoch Lane, generally located on the northwest corner of the intersection of Enoch Lane and E. Poyntz Avenue.

AREA: Approximately one acre.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 10, 2008.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 1, 2008.

CITY COMMISSION: Tuesday, December 16, 2008.

EXISTING USE: The site was recently occupied by Purple Wave and earlier by Brooks Yamaha. There are two vacant commercial buildings, an approximate 5,600 square foot main building in the eastern part of the site, and an approximate 2,500 square foot storage building in the northwestern part of the site.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: A flat highway service commercial tract of land fronting on Enoch Lane to the east and U.S. Highway 24 (E. Poyntz Avenue) to the south. The site can be accessed from both rights-of-way. There are two commercial buildings on the site with off-street parking areas and access aisles gravel surfaced. The site is in the 100 Year Flood Plain. Development is subject to the requirements of Article X, Flood Plain Regulations of the Manhattan Zoning Regulations.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** GTM Sportswear industrial building, vacant C-5 District lot and nonconforming residential dwelling, commercial service uses; I-2 District and C-5 District.
- (2) **SOUTH:** Motel, US Highway 24 (E. Poyntz Avenue); C-5 District, I-3, Light Industrial District, and I-4, Heavy Industrial District.
- (3) **EAST:** Enoch Lane, car dealership; C-5 District.
- (4) **WEST:** Carlson Street, motels, industrial park building, industrial research; C-5 and I-2 District.

GENERAL NEIGHBORHOOD CHARACTER: A mix of industrial park uses and service commercial uses.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for the permitted and conditional uses of the C-5, Highway Service Commercial District.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Areas to the north- west and immediate south are zoned I-2 District. The proposed change is consistent with industrial park uses off Carlson Street. I-2 and C-5 District abut one another in the area of the proposed rezoning and have co-existed for an extended time period. No negative impacts have been reported. An increase in traffic, light, and noise can be expected, consistent with a mix of service commercial and industrial park activities.

CONFORMANCE WITH COMPREHENSIVE PLAN: THE FUTURE LAND USE MAP FOR THE NORTHEAST PLANNING AREA DESIGNATES THE SITE AS COMMUNITY COMMERCIAL (CC) WITH IND, INDUSTRIAL TO THE NORTH.

The Community Commercial (CC) category policies are:

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. (Chapter 4: Land Use and Growth Management, page 4-11)

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. (Chapter 4: Land Use and Growth Management, page 4-11)

POLICIES OF THE INDUSTRIAL (IND) CATEGORY INCLUDE:

I 1: Characteristics. *The Industrial designation is intended to provide locations for light and heavy manufacturing, warehousing and distribution, indoor and screened outdoor storage, and a wide range of other industrial services and operations. Typically, heavy industrial uses involve more intensive work processes, and may involve manufacturing or basic resource handling and/or extraction. Design controls within an Industrial area are not as extensive as in the Office/Research Park category and a broader range of uses is permitted. (Chapter 4: Land Use and Growth Management, page 4-15)*

I 2: Location. *Because of their potential environmental impacts, Industrial uses should generally be located away from population centers or must be adequately buffered. Traffic generated by industrial uses should not pass through residential areas. Sites should have access to one or more major arterials or highways capable of handling heavy truck traffic. Railroad access is also beneficial to certain types of heavy industrial uses. Light industrial uses can typically be located in areas that also contain some highway-oriented commercial uses, and might benefit from close proximity and better access to their local customer base. (Chapter 4: Land Use and Growth Management, page 4-15)*

I 3: Screening. *Storage, loading and work operations should be screened from view along all industrial area boundaries (when adjacent to non-industrial uses) and along all public streets.* (Chapter 4: Land Use and Growth Management, page 4-15)

The I-2 District allows manufacturing, research and industrial services consistent with the Comprehensive Plan. Other land adjacent to GTM Sportswear has been rezoned from C-5 to I-2 District to accommodate growth of GTM Sportswear. The proposed rezoning is in general conformance with the Comprehensive Plan

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The two existing buildings have been on the site for an unknown period of time. The rezoning site was annexed and rezoned to C-5 District in July 1969 and has remained C-5 District to date.

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 intent of the I-2 District is to allow a district designed for a broad range of manufacturing and research activities in a large lot industrial park setting. Minimum lot area in the I-2 District is one acre. The rezoning site will be combined with existing Lot 1, GTM Sportswear Addition, Unit Three. Proposed Lot 1, GTM Sportswear Addition, Unit Five, is approximately 7.5 acres in area. The proposed rezoning is consistent with the intent and purposes of the Zoning 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 gain to the public that denial would accomplish as no adverse impacts to the public are expected. It may be a hardship on the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities and services are available to serve the site.

OTHER APPLICABLE FACTORS: The applicant has submitted a proposed Concurrent Plat (Preliminary Plat and Final Plat) of GTM Sportswear Addition, Unit Five, consisting Lot 1, GTM Sportswear Addition, Unit Three, the rezoning site, and Lot 2, Manhattan Industrial Park, Unit Eight. **THE CONCURRENT PLAT IS SUBJECT TO APPROVAL BY THE PLANNING BOARD, BASED ON THE REQUIREMENTS OF THE MANHATTAN URBAN AREA SUBDIVISION REGULATIONS, WHICH INCLUDES APPROVAL OF THE PROPOSED REZONING.**

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of 701 Enoch Lane from C-5, Highway Service Commercial District, to I-2, Industrial Park District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of 701 Enoch Lane from C-5, Highway Service Commercial District, to I-2, Industrial Park 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 701 Enoch Lane from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: November 24, 2008
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