



MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 21, 2009
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bob Strawn and Commissioners Bruce Snead, James E. Sherow, Loren J. Pepperd, and Jayme Morris-Hardeman were present. Also present were the Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, Assistant City Attorney Katharine Jackson, City Clerk Gary S. Fees, 8 staff, and approximately 65 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Strawn led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Strawn proclaimed July 31 – August 1, 2009, ***Relay For Life of Riley County Days***. Heidi Mosher and Nick Arena, Co-Chairs, Relay For Life, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Pepperd reminded the community that the Riley County Fair is this week and the Association of the United States Army Military Appreciation Night is on Thursday, July 23, 2009. He encouraged everyone to attend and enjoy the County Fair.

Commissioner Morris-Hardeman wanted the public to be aware that the D.A.R.E. program would no longer be funded locally, based on national data that indicated the program was not effective. She thanked the police officers involved with the local D.A.R.E. program and stated that there continues to be a significant level of alcohol and drug use in this area by our youth. She stated that there are Special Alcohol Funds received from the State of Kansas specifically designated to address these concerns of youth prevention and intervention.

COMMISSIONER COMMENTS (CONTINUED)

Mayor Strawn stated that during the Discussion/Briefing Session tonight, he voiced his concerns with his service as Mayor on the Board of Directors for the Manhattan Area Chamber of Commerce. He stated that with the City's new Code of Ethics policy, it was a conflict of interest for him to serve on a Board that is also a contract holder with the City of Manhattan and, that he would no longer be serving on the Chamber Board. He stated that the Chamber serves a very high purpose in this community and the Commission serves a separate and different purpose and, that he did not want to compromise either position. He said that as a Chamber Board member, you receive privy information that is not available to other Commissioners and as Mayor, his loyalty is to his fellow Commissioners, not to the Chamber. He also stated that his loyalty is to the people of the City of Manhattan and to the members of the Chamber. He stated that the Commission may have some discussions on this topic later on.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, July 7, 2009.

CLAIMS REGISTER NO. 2616

The Commission approved Claims Register No. 2616 authorizing and approving the payment of claims from July 1, 2009, to July 14, 2009, in the amount of \$4,087,173.26.

LICENSE – TREE MAINTENANCE

The Commission approved a Tree Maintenance license for calendar year 2009 for Haslett Tree Service, 105 Tremont Street, Junction City, and Paul's Tree Service, 27530 Oregon Trail Road, St. Marys.

FINAL PLAT – WILLIE'S VILLAS PUD

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Willie's Villas PUD, a Residential Planned Unit Development, generally located at 1021 Vattier Street and 1029 Vattier Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6768 – REZONE – 17TH STREET PROPERTIES DEVELOPMENT

This item was removed from the Consent Agenda to the General Agenda at the request of Commissioner Sherow.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6769 – AMEND FINAL DEVELOPMENT PLAN – HOME CENTER MALL PUD

The Commission approved Ordinance No. 6769 amending the Final Development Plan of the Home Center Mall PUD, generally located at 627 Pecan Circle, and Ordinance No. 4586, to modify the approved ground entrance sign as proposed, based on the findings in the Staff Report with the two conditions of approval, as recommended by the Manhattan Urban Area Planning Board (*See Attachment No. 2*).

ORDINANCE NO. 6770 – LEVY – SPECIAL ASSESSMENTS (GOB 2009C)

The Commission approved Ordinance No. 6770 levying special assessments against the following benefiting properties in the nine (9) public improvement districts: *Lee Mill Village – Storm Drainage (SM0702); Gravity Sanitary Sewer (SS0704); Lift Station (SS0709); Street (ST0709); and Water (WA0705); Stone Pointe Addition, Unit Two – Storm Drainage (SM0606) and Street (ST0630); Carlson Street – Storm Drainage (SM0802); and Prairie Lakes Addition, Unit Three – Street (ST0619).*

* ORDINANCE NO. 6771 – EMINENT DOMAIN – 4TH STREET AND BLUEMONT AVENUE INTERSECTION IMPROVEMENT (ST0703) PROPERTIES

Jason Hilgers, Assistant City Manager, provided an overview and current status on the item and reassured the Commission that only a small portion of property from Walgreens is needed for the public improvements.

The Commission approved Ordinance No. 6771 authorizing the acquisition of 325, 330, and 401 Bluemont Avenue by condemnation.

FIRST READING – REZONE – 519 NORTH 11TH STREET

The Commission approved first reading of an ordinance rezoning 519 North 11th Street from R-3, Multiple-Family Residential District, to C-3, Aggieville Business District, based on the findings in the Staff Report (*See Attachment No. 3*).

REJECT BIDS – POYNTZ AVENUE AND JULIETTE AVENUE TRAFFIC SIGNAL IMPROVEMENTS (TR906P)

The Commission accepted the Engineer's Estimate in the amount of \$33,800.00; rejected all bids; and authorized City Administration to rebid the Poyntz Avenue and Juliette Avenue Traffic Signal Improvements project (TR906P) at a later date.

CONSENT AGENDA (CONTINUED)

* **AWARD CONTRACT – HOUSING REHABILITATION PROGRAM**

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

The Commission accepted the bids for 3309 Claflin Road, 418 South Manhattan Avenue, and 530 Colorado Street; awarded the bids to the lowest responsible bidders; authorized the Mayor and City Clerk to enter into agreements with the contractors and property owners for expenditure of Housing Rehabilitation Funds; and authorized City Administration to approve any necessary change orders.

AGREEMENT – BLUE TOWNSHIP SEWER DISTRICT

The Commission authorized the Mayor and City Clerk to execute an agreement with Pottawatomie County, acting as the governing body of the Blue Township Sewer District, clarifying rights and responsibilities and providing for the transfer of a portion of the District's system to the City.

* **PURCHASE – PUBLIC WORKS DEPARTMENT – MOTOR GRADER (CIP ST902E)**

Mayor Strawn stated that he had hoped to forgo some equipment items in the next budget cycle to lower the mill levy.

Jason Hilgers, Assistant City Manager, stated that this is a lease/purchase item and informed the Commission that a number of Capital Improvement Project items have been looked at to assist in meeting the budget goals for this year.

The Commission authorized the purchase of a 2008 John Deere Model 670D Motor Grader for the Public Works Department (Unit #221), from Murphy Tractor Co., of Topeka, Kansas, for the net amount of \$108,900.00 after trade-in.

PURCHASE/ALLOCATE FUNDS – AIRPORT – GROUND SUPPORT EQUIPMENT

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute required purchase contracts for Ground Support Equipment at the Manhattan Regional Airport and allocated Economic Development Funds in an amount not to exceed \$120,000.00 to purchase the necessary equipment.

EQUIPMENT USE AGREEMENT – AMERICAN EAGLE AIRLINES, INC.

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an Equipment Use Agreement with American Eagle Airlines, Inc. for the use of the Ground Support Equipment at the Manhattan Regional Airport.

CONSENT AGENDA (CONTINUED)

* **PROPOSAL – EXPAND ARMY CHILD CARE**

Lauren Palmer, Assistant City Manager, provided an overview on the item.

Commissioner Snead stated that this item has resulted in a culmination of over two years in working with community partners to leverage these resources. He voiced his support on the item to increase the availability of child care slots in Manhattan.

The Commission authorized City Administration to submit a proposal to the U. S. Department of the Army to expand the Army Child Care in Your Neighborhood Program in Manhattan.

BOARD APPOINTMENTS

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

Airport Advisory Board

Re-appointment of Carl Reed, 2805 Tatarrax, to a three-year Pottawatomie County term. Mr. Reed's term begins immediately, and will expire June 26, 2012.

Appointment of David Rogers, 3521 Churchill Way, to fill the unexpired term of Bernie Butler. Mr. Rogers' term begins immediately, and will expire June 26, 2011.

Corporate Technology Park Architectural Review Committee

Re-appointment of Stacy Kohlmeier, 3446 Vanesta Drive, to a three-year term. Ms. Kohlmeier's term will begin August 16, 2009, and will expire August 15, 2012.

Partner City Advisory Committee

Re-appointment of Liz Beikmann, 1021 East 26th Avenue, to a three-year term. Ms. Beikmann's term will begin September 1, 2009, and will expire August 31, 2012.

Appointment of Pamela Hatesohl, 1206 Stacy Lane, to a three-year term. Ms. Hatesohl's term will begin September 1, 2009, and will expire August 31, 2012.

Social Services Advisory Board

Appointment of Sarah Blair, 2204 Elco Circle, to a three-year term. Ms. Blair's term begins immediately, and will expire June 30, 2012.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Social Services Advisory Board (CONTINUED)

Appointment of Julie Hostetler, 1715 Thomas Circle, to fill the unexpired term of Olivia Becker. Ms. Hostetler's term begins immediately, and will expire June 30, 2011.

Appointment of Meagan Florie, 4160 Taneil Drive, to fill the unexpired term of George Savage. Ms. Florie's term begins immediately, and will expire June 30, 2010.

Special Alcohol Funds Advisory Committee

Re-appointment of Elaine Johannes, 2500 Nutmeg, to a one-year term. Ms. Johannes' term begins immediately, and will expire June 30, 2010.

Re-appointment of Yvonne Lacy, 2011 Anderson Avenue, to a one-year term. Ms. Lacy's term begins immediately and will expire June 30, 2010.

Re-appointment of Bria Taddiken, 2015 Shirley Lane, to a one-year term. Ms. Taddiken's term begins immediately, and will expire June 30, 2010.

Re-appointment of Christine Robinson, 3000 Tuttle Creek Boulevard #331, to a two-year term. Ms. Robinson's term begins immediately, and will expire June 30, 2011.

Re-appointment of Camelia Owens, 730 Allen Road #133, to a two-year term. Ms. Owens' term begins immediately, and will expire June 30, 2011.

Re-appointment of W. Larry Brockson, 2704 Candlewood Drive, to a two-year term. Mr. Brockson's term begins immediately, and will expire June 30, 2011.

Re-appointment of Julie Voelker, 727 Poyntz Avenue, to a three-year term. Ms. Voelker's term begins immediately, and will expire June 30, 2012.

Re-appointment of Penny Peirce, 1731 Humboldt Street, to a three-year term. Ms. Peirce's term begins immediately, and will expire June 30, 2012.

Re-appointment of Gayle Spencer, 3112 Ella Lane, to a three-year term. Ms. Spencer's term begins immediately, and will expire June 30, 2012.

CONSENT AGENDA (CONTINUED)

After discussion, Commissioner Snead moved to approve the consent agenda, as amended, moving Item E: Ordinance NO. 6768 – REZONE – 17TH STREET PROPERTIES DEVELOPMENT, from the consent agenda to the end of the general agenda. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING – ANNEX AND REZONE - STONEHAVEN SHOPPING CENTER

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission regarding the proposed shopping center, realignment plans for K-18 by the Kansas Department of Transportation, and provided an aerial view of the proposed site and rezoning request.

Neil Horton, Applicant, Vice President and Chief Executive Officer, Bayer Construction Company, Inc., provided the Commission with the history of the property and desire to make this a strong neighborhood shopping center. He stated that the C-2 zoning request better maximizes marketing options, provided an overview of the rezoning request, and said that there were no firm prospects for the development. He informed the Commission that he held a neighborhood meeting to meet with the neighborhood associations and stated that it would be economically foolish not to meet the desires of the residents nearby. He then responded to questions from the Commission regarding the C-2 rezoning request.

Commissioner Pepperd stated that the C-2 zoning provides additional ability for you to sell your product, that the topography would provide separation between the shopping center and the neighborhoods, and that Bayer Construction would do a great job.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding the zoning and annexation process, notification process, and role of the Manhattan Urban Area Planning Board and City Commission with the preliminary and final plat process.

Commissioners Morris-Hardeman and Sherow, as well as Mayor Strawn, voiced their desires to expand the notification process to include the neighborhood associations.

Ron Forkenbrock, President, Townhomes at Miller Ranch Homeowners Association, 1040 Brianna Court, stated his concerns with the proposed C-2 rezoning and voiced his objection that the proposed development is only conceptual with no detailed plans. He requested that the Commission reject the C-2 rezoning request and have the applicant submit a proposal conducive to the neighborhoods and provide a list of businesses going into the shopping center.

GENERAL AGENDA (CONTINUED)

FIRST READING – ANNEX AND REZONE - STONEHAVEN SHOPPING CENTER (CONTINUED)

John Altstadt, 3704 Overhill Circle, stated that residents will see this development every day when driving into the residential community. He asked the Commission to protect the investment that homeowners have made and to allow for additional input from the community so both parties can work together for a good solution for everyone.

Doug King, 1032 South Wreath Avenue, voiced his concerns with traffic and congestion into the neighborhoods if the proposed item was approved. He stated that the neighborhoods have limited access and asked to delay the proposed development until there is additional connections to either Scenic Drive or Wreath Avenue from the neighborhoods.

Mike Walter, representing the Arbor Heights and Warner Park Neighborhood Association, 2921 Arbor Drive, stated that they were not opposed to the shopping center, but wanted to see a Planned Unit Development used so that the neighborhood would have an opportunity to provide input. He asked the Commission to reject the C-2 proposal and stated that the desire of their neighborhood is to foster participation and cooperation.

Kate Stewart, representing Miller Ranch Homeowners Association, 1001 Overhill Road, highlighted the Manhattan Urban Area Comprehensive Action Plan 14-8, regarding Special Planning Areas, and asked that the rezoning be rejected and relook at this to satisfy all parties.

Rick Keevill, 1100 Overhill Road, informed the Commission that he opposed the rezoning request and asked the Commission to keep in mind the number of empty strip malls currently in Manhattan. He stated that the K-18 project is driving this rezoning and asked that this shopping area not be considered near his house.

Dr. Brett Depaola, 905 Overhill Road, informed the Commission that neighborhood input is key to benefit all parties and expressed concerns with the proposed shopping center. He stated that the commercial shopping center could be a really nice gateway with great architecture, but wanted to be assured that the developer would work with the neighborhood.

John Crespi, 3801 Stratford Drive, provided additional information on the C-2 zoning, which needs to meet the Miller Ranch architectural standards.

Neil Horton, Applicant, Vice President and Chief Executive Officer, Bayer Construction Company, Inc., presented an aerial view of the proposed shopping center and the residential area, as well as developable land of 11 acres.

GENERAL AGENDA (CONTINUED)

FIRST READING – ANNEX AND REZONE - STONEHAVEN SHOPPING CENTER (CONTINUED)

Commissioner Pepperd thanked all the citizens that spoke and stated that K-18 will have an impact in the area. He said that the Planning Board voted to recommend approval as well as City Staff recommending the rezoning. He stated that proper notifications were followed and would support the recommendation presented.

Commissioner Sherow voiced support for the neighborhoods to be recognized and wanted to see a high-quality development planned with neighborhood involvement. He stated that with a C-2 zoning, the controls on the design are lost and expressed concerns with bike and pedestrian accessibility.

Commissioner Morris-Hardeman stated that neighborhood input is extremely important and with a Planned Unit Development, the opportunity for input and involvement would be achieved. She voiced concern with the loss of neighborhood integrity and reiterated her desire to expand the notification requirements beyond 200 feet to include neighborhood associations.

Commissioner Snead thanked those for their input and stated that there are a number of issues that need further consideration, including traffic and congestion issues, public input, pedestrian and bicycles, and what zoning action will make the best decision to best balance the long-term interests for the development and concerns of the neighborhood.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding the rezoning, architectural guidelines, platting process, and private covenants.

Neil Horton, Applicant, Vice President and Chief Executive Officer, Bayer Construction Company, Inc., responded to additional questions from the Commission. He stated that he would need to time to review the C-2 zoning requirements and architectural guidelines to see if they would apply to the commercial buildings being rezoned.

Eric Cattell, Assistant Director for Planning, responded to additional questions from the Commission regarding rezoning. He informed the Commission that it would take four affirmative votes to override the Planning Board.

Katharine Jackson, Assistant City Attorney, provided clarification on the ability to enforce covenants by private property owners and the PUD process.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding the timing of annexing and rezoning that has occurred in other areas of the community.

GENERAL AGENDA (CONTINUED)

FIRST READING – ANNEX AND REZONE - STONEHAVEN SHOPPING CENTER (CONTINUED)

Jason Hilgers, Assistant City Manager, and Eric Cattell, Assistant Director for Planning, provided clarification on the alternatives available to the Commission and the process if the item is tabled or returned to the Planning Board.

After discussion, Commissioner Sherow moved to table first reading of ordinances annexing and rezoning the site, instructing the applicant to consider a Planned Unit Development (PUD) in negotiation with the neighborhood associations and also consultation with the City planning staff. Commissioner Morris-Hardeman seconded the motion.

Commissioner Snead requested a friendly amendment to consider the points raised regarding guidelines and how those might be applied to the next step, given the feedback received.

The friendly amendment was accepted by Commissioners Sherow and Morris-Hardeman. The motion now reads:

“table first reading of ordinances annexing and rezoning the site, instructing the applicant to consider a Planned Unit Development (PUD) in negotiation with the neighborhood associations and also consultation with the City planning staff and, consider points raised regarding guidelines and how these might be applied to the next step, given feedback received.”

On a roll call vote, motion carried 4-1, with Commissioner Pepperd voting against the motion.

The Commission took a brief recess.

FIRST READING - REZONE - WESTPORT COMMONS PUD

Mayor Strawn recused himself from the item because he lives near the site.

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

Mark Bachamp, Schultz Construction, provided additional information about the proposed development and how the project fits with the neighborhood. He informed the Commission that they have a contract with a bank and are in negotiations with potential tenants for the two office buildings and discussed storm drainage issues. He requested that condition number eight (8) “Provide re-alignment of the Westport Drive entrance to eliminate conflicting internal travel paths” be removed. He then provided a traffic flow diagram and responded to questions from the Commission regarding traffic control signs and his request to remove condition number eight.

GENERAL AGENDA (CONTINUED)

FIRST READING - REZONE - WESTPORT COMMONS PUD (CONTINUED)

Eric Cattell, Assistant Director for Planning, and Dale Houdeshell, Director of Public Works, responded to questions from the Commission regarding the re-alignment of Westport Drive, as requested by the Planning Board as the eighth condition of approval, and traffic control considerations.

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance rezoning the proposed Westport Commons PUD, generally located on the northeast corner of Claflin Road and Browning Avenue, from PUD, Residential Planned Unit Development District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report with the seven (7) conditions recommended by City Administration (*See Attachment No. 4*). Commissioner Sherow seconded the motion.

Eric Cattell, Assistant Director for Planning, informed the Commission that the motion will need to include overriding the Planning Board's recommendation to eliminate the eighth (8) condition.

The Commission concurred with the clarification to the motion.

The motion now reads:

“override the Manhattan Urban Area Planning Board’s recommendation and approve first reading of an ordinance rezoning the proposed Westport Commons PUD, generally located on the northeast corner of Claflin Road and Browning Avenue, from PUD, Residential Planned Unit Development District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report with the seven (7) conditions recommended by City Administration (See Attachment No. 4).”

On a roll call vote, motion carried 4-0.

Mayor Strawn returned to the dais and informed the Commission that there was a request from the developer of the 17th Street Properties Development to address his item next, since he is traveling back to Wichita. With concurrence from the Commission, this item was moved from the end of the general agenda.

ORDINANCE NO. 6768 – REZONE – 17TH STREET PROPERTIES DEVELOPMENT

Commissioner Sherow voiced concern that Board of Directors of Peoples Grocery did not have input on the decisions made by the developer for the orientation of the buildings. He was also concerned with the unnamed alley way, pedestrian and cyclist access, and lack of notification to the neighborhood association for their input. He also voiced the need for a sidewalk along Ft. Riley Boulevard and accessibility along the alleyway.

GENERAL AGENDA (CONTINUED)

ORDINANCE NO. 6768 – REZONE – 17TH STREET PROPERTIES DEVELOPMENT (CONTINUED)

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding the site plan and consideration of a sidewalk along the Kansas Department of Transportation right-of-way along Ft. Riley Boulevard.

Doug Maryott, Managing Partner, 17th Street Properties, LLC, responded to questions from the Commission regarding his conversation with the manager of Peoples Grocery, adding a sidewalk along Ft. Riley Boulevard, and access on the unnamed alleyway.

Commissioner Sherow asked the applicant to provide better pedestrian access along the alleyway and to designate a bike route with proper signage.

Doug Maryott, Managing Partner, 17th Street Properties, LLC, responded to additional questions from the Commission and stated the importance of visibility from Ft. Riley Boulevard and questioned the need for a sidewalk along Ft. Riley Boulevard.

Leon Osborn, Kaw Valley Engineering, informed the Commission that if Mr. Maryott was agreeable to the sidewalk, it could be done with concurrence from the Kansas Department of Transportation.

Dale Houdeshell, Director of Public Works, responded to questions from the Commission about KDOT requirements.

Doug Maryott, Managing Partner, 17th Street Properties, LLC, responded to requests for a sidewalk and stated that he would do what the majority of the Commission wanted.

Eric Cattell, Assistant Director for Planning, provided clarification on City ownership and use of the unnamed alley and stated that the sidewalk would need to be constructed on KDOT right-of-way, which would require their approval.

Chris Dara, Owner, Dara's Fast Lane #7, 1709 Ft. Riley Boulevard, informed the Commission that he was not approached by Mr. Maryott or asked if he wanted to be incorporated into the project. He provided some history on his current facility and his plans for the store at 1709 Ft. Riley Boulevard and stated that hotel patrons would be annoyed by the traffic sounds if placed along Ft. Riley Boulevard.

Doug Maryott, Managing Partner, 17th Street Properties, LLC, apologized to Mr. Dara for not discussing the proposal with him earlier and asked that he receive support on the item from the Commission tonight, so that the project can move forward. He then responded to questions from the Commission.

GENERAL AGENDA (CONTINUED)

ORDINANCE NO. 6768 – REZONE – 17TH STREET PROPERTIES DEVELOPMENT (CONTINUED)

Eric Cattell, Assistant Director for Planning, provided clarification on the application, advertising requirements, and process to amend application.

Ben Champion, representing Peoples Grocery, informed the Commission that they are a for-profit organization and was approached in March or April regarding this proposal. He said the Board has been discussing the possibilities and are interested, but not committed. He stated that the positioning of the building for exposure to Ft. Riley Boulevard is valid and that retail visibility is important.

After discussion, Commissioner Pepperd moved to approve Ordinance No. 6768 rezoning the proposed 17th Street Properties Commercial PUD, from C-2, Neighborhood Shopping District, and C-5, Highway Service Commercial District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the six (6) conditions of approval, as recommended by the Manhattan Urban Area Planning Board. Commissioner Snead seconded the motion. (*See Attachment No. 1*).

Commissioner Sherow voiced concerns with access, safety along Ft. Riley Boulevard, site orientation, notification to Peoples Grocery Board of Directors, and notifications have not been adequately addressed.

Commissioner Morris-Hardeman asked that a friendly amendment be considered that a sidewalk be constructed along Ft. Riley Boulevard.

Commissioner Pepperd stated that he would accept the friendly amendment, contingent upon approval from the Kansas Department of Transportation.

Commissioner Snead concurred with the amendment and stated that there appears to be the prospect for an amended PUD to be brought forward, if desired by the property owners, and encouraged these concerns to be addressed in an amended PUD.

The motion now reads:

“approve Ordinance No. 6768 rezoning the proposed 17th Street Properties Commercial PUD, from C-2, Neighborhood Shopping District, and C-5, Highway Service Commercial District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the six (6) conditions of approval, as recommended by the Manhattan Urban Area Planning Board, and that a sidewalk shall be constructed along the Ft. Riley Boulevard frontage, contingent on approval from the Kansas Department of Transportation.”

GENERAL AGENDA (CONTINUED)

ORDINANCE NO. 6768 – REZONE – 17TH STREET PROPERTIES DEVELOPMENT (CONTINUED)

On a roll call vote, motion carried 4-1, with Commissioner Sherow voting against the motion.

DESIGN CONTRACT –FLINT HILLS DISCOVERY CENTER BUILDING AND EXHIBIT; REQUEST FOR QUALIFICATIONS – CONSTRUCTION MANAGER-AT-RISK

Lauren Palmer, Assistant City Manager, presented the item.

Mayor Strawn asked about the Flint Hills Discover Center Attactions Committee serving to help design this facility and stated that one of the strongest messages for the Discovery Center to be successful is to speak to and be focused on the kids of Manhattan.

Lauren Palmer, Assistant City Manager, responded to questions from the Commission regarding associated design and exhibit fees.

Jason Hilgers, Assistant City Manager, provided additional information on the initial budget prepared by RTKL for consultant fees associated with this project.

Commissioner Sherow highlighted the technical committee and their important role as the project proceeded forward.

Commissioner Snead stated that he examined the contract in detail and that the process provides ample opportunities and consistency for public input as the project proceeds forward. He said that responding to the kids' interests has been and will continue to be an important part of the master plan and stated that the fees are reasonable and consistent in the charge to do this project right.

After discussion, Commissioner Sherow moved to authorize the Mayor and City Clerk to execute a contract with Verner Johnson, Inc., of Boston, Massachusetts, for building and exhibit design services; authorize City Administration to finalize and proceed with a Request for Qualifications for Construction Manager At-Risk services for the Flint Hills Prairie Discovery Center; and appoint Commissioner Snead to the Selection Committee. Commissioner Snead seconded the motion.

Commissioner Sherow stated that the facility and exhibits would be done right so that we build the very best Discovery Center that we can be proud of in our community.

GENERAL AGENDA (CONTINUED)

DESIGN CONTRACT –FLINT HILLS DISCOVERY CENTER BUILDING AND EXHIBIT; REQUEST FOR QUALIFICATIONS – CONSTRUCTION MANAGER-AT-RISK (CONTINUED)

Commissioner Pepperd stated that the architect and design fees are too high and that this would be a white elephant project with multiple changes. He said that he could not support the item.

Mayor Strawn stated that he has voiced concerns with the Discovery Center, but it is clear that this Commission wants to move that direction and we are responsible to build the best Discovery Center possible.

On a roll call vote, motion carried 4-1, with Commissioner Pepperd voting against the motion.

DESIGN SERVICES CONTRACT – 3RD STREET AND COLORADO STREET CORRIDORS PUBLIC INFRASTRUCTURE IMPROVEMENT (ST0909, ST0910, ST0911)

Dale Houdeshell, Director of Public Works, introduced the item.

Chuck Bartlett, HWS Consulting Group, presented an overview of the item. He then responded to questions from the Commission regarding the project timeline, projected construction costs, and coordination efforts during the construction project.

Jason Hilgers, Assistant City Manager, provided additional information on the item and infrastructure master planning process.

Dale Houdeshell, Director of Public Works, explained the complexity of the project and the need for good coordination between the consultant, contractor, and developers. He then responded to questions from the Commission regarding the percentage of associated project consultant fees and scope of the project.

Jason Hilgers, Assistant City Manager, provided additional information regarding the financing sources available for the project.

After discussion, Commissioner Snead moved to approve the Design Services Contract with HWS Consulting Group, of Manhattan, Kansas, for the South Redevelopment area 3rd Street and Colorado Street corridors public infrastructure improvements (*3rd Street from K-177 (Pierre Street) to K-18 (Fort Riley Boulevard) and Colorado Street from 3rd Street to 4th Street (ST0909); 3rd Street and K-177 (Pierre Street) Intersection (ST0910); and Park and Surface Parking Lot Improvements East of 3rd Street (ST0911)*). Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

STRASSER HOUSE, 4TH STREET HOUSING PROPOSAL; AMEND MINIMUM ASSESSMENT AGREEMENT FOR LOTS 5, 7, AND 8

Jason Hilgers, Assistant City Manager, presented the item and responded to questions from the Commission regarding the amount of the utility connection fees, proposed housing, property taxes, and ownership of the lots and housing to be constructed.

Mark Bachamp, Schultz Construction Company, provided additional information on the proposed housing, timeframe for construction of the housing, and plans for the Strasser House.

Charlie Busch, McCullough Development, provided additional information on the proposed housing development and the Strasser House.

Rich Seidler, Director of Development, McCullough Development, stated that this is the first local component for the North Redevelopment area and opportunity to invest local money in the Redevelopment. He stated that Schultz Construction Company would be constructing the housing and that McCullough would own and manage the housing component. He stated that the request is required to provide assistance for the Strasser House. He then responded to questions from the Commission regarding placing the Strasser House on the Register and the potential to use tax credits for historic preservation.

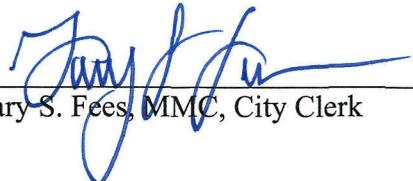
Tim Schultz, Schultz Construction Company, informed the Commission that the Strasser House is a very challenging project and the request is needed in order to move forward with the project.

Rich Seidler, Director of Development, McCullough Development, informed the Commission that all the housing units would be at market rate and would have a minimum of one ADA housing unit.

After additional discussion, Commissioner Snead moved to approve the request from Schultz Construction and McCullough Development to waive the building permit fees and authorize payment of the water and sewer connection fees for the North 4th Street residential units; and authorize City Administration to finalize and the Mayor and City Clerk to execute the extension of the existing Minimum Assessment Agreements for Lots 5, 7, and 8 to the year 2011. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 11:30 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

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

BACKGROUND

FROM: C-2, Neighborhood Shopping District and C-5, Highway Service Commercial District.

TO: PUD, Commercial Planned Unit Development District.

OWNER/APPLICANT: 17th Street Properties, LLC. - Doug Maryott, Managing Member.

ADDRESS: 4011 N. Tara Circle, Wichita, KS, 67226.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, May 11, 2009.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, June 1, 2009;
Tabled to

June 15, 2009.

CITY COMMISSION: Tuesday, July 7, 2009.

LOCATION: Southeast corner of S. 17th Street and Yuma Street; (Lots 364-368, 372-376, and vacated right-of-way, Ward 6, City of Manhattan, Riley County, Kansas).

AREA: 90,103.45 square feet (2.07 acres).

PROPOSED USES: Reflect a combination of use allowed in the C-2 District and C-5 District.

1. Antique shops.
2. Apparel stores.
3. Appliance sales.
4. Automobile accessory stores.
5. Barber shops.
6. Beauty shops.
7. Book stores.
8. Brew pubs.
9. Business and professional offices.

10. Camera and photographic supply stores.
11. Churches, chapels, temples and synagogues.
12. Department stores
13. Drug stores.
14. Electronic stores.
15. Food stores.
16. Fraternal and service clubs.
17. Furniture stores.
18. Furniture upholstering.
19. Garden stores.
20. Gift shops.
21. Hardware stores.
22. Health and fitness clubs.
23. Hobby shops.
24. Hotels and motels.
25. Jewelry stores.
26. Laundry establishments.
27. Leather goods and luggage stores.
28. Music stores.
29. Package liquor stores.
30. Pet grooming shops.
31. Pet stores.
32. Private vocational-technical institutions.
33. Restaurants, no drive-in type.
34. Sporting goods stores.
35. Taverns.
36. Variety stores.
37. Veterinary Out-Patient Clinic.

PROPOSED BUILDINGS AND STRUCTURES:

Hotel

The proposed hotel is an 80 room four story building, generally 46 feet in height to the flat roof and an additional six feet, or 52 feet in total height, to architectural roof features. See Sheet A2.1 for more details. The building exterior is stucco and stone and is 164 feet in length by 62 feet in width. Its length is oriented along Yuma Street. There is a covered front entrance off S. 17th Street. A small patio area off the first floor reception area is proposed along the Yuma Street frontage and will be enclosed by an approximate five foot metal fence. There are entry and exits off the east, west and south sides of the hotel, with access to the hotel off Yuma Street limited to the patio area.

Retail Building

The proposed retail building is a one story, 24 feet in height, and 12,280 square feet in floor area. It will be constructed with stucco and stone exterior materials. See Sheet A2.3 for more details. The proposed floor plan shows up to seven separate floor spaces. Peoples Grocery, currently occupying a portion of the existing retail building, is expected to relocate to space in the proposed retail building. A service area with overhead door is located on the east side of the building, which is intended to serve the grocery store. An outdoor patio is also proposed on the east side of the building.

Phasing

The application documents state that the, "Project will be completed in one phase, with demolition and new construction being completed as follows:

Demolition of North end of existing multi-use building and maintaining the grocery store.
Demolition of the remainder of the project site.

Construction of the new strip center and motel to start at approximately the same time.
Strip center to be completed with grocery store to move into East End.

Demolition of existing grocery store and completion of west end of motel drive and main entrance."

PROPOSED LOT COVERAGE

<u>Use</u>	<u>Square Feet</u>	<u>Percentage</u>
Buildings	21,922	24.33%
Pavement	54,554	60.55%
Landscaping	13,627	15.12%

PROPOSED SIGNS

Proposed signs will consist of wall signs, which will be internally lit individual wall mounted letters, except for logos, and ground signs. Locations for wall signs are shown on building elevations. See Sheet A2.1 for the hotel and Sheet A2.3 for the retail building wall signs.

Attachment No. 1

A 30 foot tall pylon sign, 204 square feet in area, with enclosed pole on a stone base, is proposed along Ft. Riley Boulevard. The sign will identify tenants of the retail center and the hotel. An approximate twelve foot tall ground sign, 60 square feet in area, is proposed off S. 17th Street near the hotel entrance and will identify the hotel and retail center. Proposed ground signs are on Sheet SS1.1.

A temporary construction sign is proposed in the southwestern corner of the PUD.

Sign areas, setbacks, and heights, in general, are consistent with the size limitations of the C-2 District, which is the guidance recommended in the Zoning Regulations for commercial PUDs. The height of the hotel wall signs on the south and west sides of the building are greater than 30 feet in height, approximately 40 feet in height. The number of signs for the hotel is consistent with the C-2 District. The number of wall signs on the retail building exceeds the number allowed in the C-2 District. Eleven are proposed on the south elevation of the retail building and the C-2 District would allow one per business. The proposed retail building's floor plan identifies seven retail floor spaces. Businesses should be limited to one sign per façade of the business to be consistent with the Zoning Regulations for C-2 Districts.

PROPOSED LIGHTING: Full cutoff downcast 25 foot and 20 foot light poles are distributed around the site primarily on the parking lot perimeter. Building lights are full cutoff and downcast, except for decorative building lights. See attached cut sheets for examples of light fixtures and Sheet SS1.1. for locations of light poles around the site.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The proposed landscaping is functional and exceeds the minimum required for typical commercial development with respect to the proposed generally highway business nature of the development. Standard commercial development would have to provide a minimum landscaped area of five percent and eleven trees based on the site's characteristics. The proposed PUD has 15% landscaped space and 39 trees.

Landscaping is primarily perimeter, or streetscape oriented with combinations of grass cover, 32 ornamental and seven shade trees, and foundation plantings around the hotel and sidewalk plantings on the north, service side, of the retail building. Landscaping along Ft. Riley Boulevard should be planted at a minimum 30 inches in height to provide an immediate buffer of headlights from traffic along Ft. Riley Boulevard rather than planted with a maturity height of three feet, as proposed. Long term maintenance of landscaping, which will be watered with an underground/sprinkler system is the responsibility of the property owner.

Attachment No. 1

2. SCREENING: An eight foot concrete block with stucco finish trash enclosure screening area is proposed at the northeast corner of the retail building to serve both buildings. A service area for deliveries is proposed on the east side of the retail building, possibly for the grocery store. The service area will be screened with an eight foot wall similar to the trash enclosure.

3. DRAINAGE: The applicant's proposal is to direct storm water to the existing storm water system on Ft. Riley Boulevard. Three new storm inlets will replace existing inlets and drain to the same Ft. Riley Boulevard system. Additional inlets may be added around the hotel's porte cochere. A Storm Drainage Report was prepared by Kaw Valley Engineering, Inc., dated April 17, 2009 (attached). The City Engineer has reviewed the Report (memo attached), and accepts the proposal.

4. CIRCULATION: The internal circulation plan provides for safe, convenient and efficient movement of goods, motorists and pedestrians. Conflicts between motorists and pedestrians are minimized. The access to the site allows all forms of traffic to enter and exit in generally the same manner as traffic does now. A more defined entrance/exit is proposed off Ft. Riley Boulevard and S. 17th Street. Access to Yuma will be from a 25 foot unnamed alley/street right-of-way.

Pedestrians are accommodated within the development with sidewalks proposed on Yuma Street and S. 17th Street, which connect to sidewalks within the PUD. A marked pedestrian crossing from the hotel entrance to the retail building provides an internal connection between the uses.

Bike racks are provided with the retail building along its south frontage.

The hotel is required to provide 82 off-street parking spaces (two plus one per hotel room), and the retail building should provide one per 250 square feet of net floor space, gross floor area less storage, mechanical rooms and other non-traffic generating space. The applicant's calculation is based on gross floor space, or $12,280/250 = 50$ parking spaces. One hundred and thirty two are required and 139 are proposed. Off-street parking should be adequate.

A Traffic Impact Study was prepared by Kaw Valley Engineering, dated April 21, 2009 (attached). The Study concludes that the street intersections serving the proposed PUD will operate safely within acceptable Levels of Service.

The City Engineer has reviewed the Study (memo attached, which notes that parking lot issues were addressed), and accepts the Study.

5. OPEN SPACE AND COMMON AREA: Maintenance of landscaped areas and common parking and other common areas are the responsibility of the owner.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood character is a combination of commercial and industrial uses, which are generally south of Yuma Street and Ft. Riley Boulevard and low density residential north of Yuma Street and west of S. 17th Street. Yuma Street and S. 17th Street have defined the separation of the commercial/industrial uses and residential for at least 45 years. Longs Park, a public city park, is immediately north of the site with low density residential neighborhoods further to the north and east of Longs Park. The commercial character of the site with respect to the residential neighborhood was established as early as 1965. Prior to 1965 the site was an industrial zone.

S. 17th Street is a major north to south collector street leading extending from Ft. Riley Boulevard to Poyntz Avenue, Anderson Avenue, and the KSU campus. Prior to construction of Ft. Riley Boulevard, Yuma Street was a major east to west traffic route. Yuma Street is currently classified as a local street.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: A grocery store, church, storage units, and dog grooming business. Approximately 23,000 square feet of the site is zoned C-2 District, which includes the large brick building and part of the off-street parking. The remaining approximate 67,000 square feet of the site is zoned C-5 District. The storage units and a dog grooming business are in the C-5 District as well as parking and driveways.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is a flat improved property consisting of concrete parking and driving aisles that are in poor condition, storage units along its south and east sides, a small out-building also on the east side, and a larger two-story brick commercial building in the northwest corner of the property. Off-street parking is on the south, east and west sides of the brick building and off a 25 foot unnamed public right-of-way is along the east side of the site. The unnamed right-of-way provides access to the site and the Ag-Press off-street parking lot and service area at the rear of the building. There is a building pad in the northeast corner of the site, which was the former location of Kreem Kup. Limited green space is along S. 17th Street and Ft. Riley Boulevard frontages. Drainage is to the south. An east west alley was vacated in the past and an existing sanitary sewer line extends east to west. Part of the existing retail buildings canopy is over the sewer line. A portion of S. 17th Street right-of-way was vacated in 2007 to accommodate existing off-street parking on the east side of the retail building that had been in place for many years.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Yuma Street, Longs Park, a City Park, single-family and two-family dwelling units; R-2, Two-Family Residential District with TNO, Traditional Neighborhood Overlay District.

(b.) SOUTH: Ft. Riley Boulevard, auto related uses and landscaping business/contractor; I-3, Light Industrial District.

(c.) EAST: Unnamed public right-of-way (25-feet in width), industrial printing and publishing, locksmith; I-3 District, and C-5 District.

(d.) WEST: S. 17th Street, single-family and two-family dwelling units: R-2/TNO Districts.

4. CHARACTER OF THE NEIGHBORHOOD: See above under Review Criteria for Planned Unit Development, number 6.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site consists of C-2 District, which covers the brick building and some off-street parking areas, and C-5 District, which includes the majority of the site and its parking/driving aisles, self-storage units, and a dog grooming business in an out building on the eastern side of the site. The two zoning districts complicate new construction and adversely impact development of the site, largely in terms of off-street parking. Off-street parking is required in the same zoning district as the use served. New construction under C-2 or C-5 may require a Variance of location for proposed off-street parking if parking could not be provided in the applicable district. Overall, the two different zoning districts do not compliment redevelopment of the site and hinder its modernization. One zoning district is a retail commercial district and the other is oriented towards highway services that accommodate the motoring public. The conflict between two zoning districts and off-street parking requirements do not make the site suitable for the uses under current zoning districts.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The site currently allows a broad range of neighborhood commercial and highway business district uses, permitted as well as conditional, including drive-in type businesses. The site has been zoned for both uses since 1977, when the C-2 District was established. The commercial character of the site has been part of the area since 1965. The proposed PUD has a more restrictive list of permitted uses generally oriented towards neighborhood retail uses and services, as well as no proposed drive-in facilities.

Attachment No. 1

The existing off-street parking and existing building do not conform to the minimum 25 foot front yard setback requirements. The existing building is at zero feet along Yuma Street and varies in front setback from approximately eleven feet to greater than 25 feet along S. 17th Street. Existing off-street parking is within the front yard setback along both streets. The proposed hotel building's setbacks are approximately 19 feet off Yuma Street and no less than 57 feet off S. 17th Street. The porte cochere is greater than 25 feet along both frontages. The fenced patio area along Yuma Street is approximately four feet from the front property line. Proposed off-street parking is approximately twelve feet off Yuma Street, on the east side of the site, and four feet in the vicinity of the Yuma Street and S. 17th Street intersection. Along S. 17th Street, proposed off-street parking ranges from three feet to 30 feet. The proposed conditions are generally reflective of existing conditions, which do not appear to have created adverse conditions in the neighborhood. There are no complaints on record regarding the existing conditions.

Based on the definition of a corner lot, the lot line along Ft. Riley Boulevard is a rear lot line, and building and parking setbacks could be as close as zero feet. Parking and building setbacks for off-street parking and the retail building are approximately seven feet and 75 feet, respectively.

Improvements off the unnamed public right-of-way along the eastern lot line of the PUD would generally be zero feet, assuming the right-of-way is considered an alley. Off-street parking is as close as zero feet. Buildings are greater than 25 feet with some improvements, such as the service area and patio for the retail building set back approximately four and one-half feet.

The proposed hotel's height is generally 46 feet with a maximum height of 52 feet. The C-2 and C-5 Districts both allow buildings at a maximum height of 40 feet. The proposed 46 foot height is slightly greater than the underlying districts and would generally be compatible with the underlying districts. Setting the hotel back from the front lot lines mitigates the increased height. Additionally, the proposed hotel is screened from the majority of the single-family and two-family dwellings to the northwest, north and northeast by large mature trees in Longs Park. When trees are fully leafed out, the building will be well screened by the dense vegetation. In the winter, the building will be more visible, and somewhat visually obscured by the tree branches.

Single-family and two-family dwellings to the west are separated from the PUD by S. 17th Street, a collector street. The proposed improvements, including the height of the hotel, are not inconsistent with the general character of the busy street intersection. Residential properties to the west should not be adversely affected by the proposed PUD.

Attachment No. 1

The convenience store to the immediate south of the site and surrounding industrial uses should not be adversely impacted. The proposed changes are generally consistent with the existing commercial and industrial character of the neighborhood, in both its current and historic form.

The unnamed public right-of-way to the east will not be altered as a result of the proposed PUD. Access to the Ag Pres off-street parking and service area will remain as is.

5. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown on the Downtown Core Neighborhoods Future Land Use Map as Community Commercial (CC), which reflects the existing C-2 District and C-5 District. The proposed PUD is Redevelopment envisioned in the Growth Management policy GM 9 set out below. Additionally, the proposed rezoning would implement a development plan generally consistent with the policies applicable to all commercial development, as well as policies applicable to Community Commercial, set out below.

GM 9: Infill and Redevelopment

Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area.

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.

The proposed PUD is in general conformance with the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

- 1926-1940 -- E, Light Industrial.
- 1940-1965 -- F, Heavy Industrial.
- 1965-1969 -- C, Local Business.
- 1969-1977 -- C-5 for existing grocery store and church building.
- 1977-2009 -- C-2 for existing grocery store and church building (Ord. No.3496.)
- 1969-2009 -- C-5 for balance of the site.

The existing brick was remodeled around 1954. The original date of construction was not determined. Construction dates for the self-storage units and the out-building could not be determined.

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 proposed PUD is located in the C-2 and C-5 Zoning Districts.

Land use and structures within a Planned Unit Development District which, when approved by the Planning Board and Governing Body, may differ in one or more respects from the regulations that are applicable in any other zoning district. The objectives of a Planned Unit Development District shall be to promote progressive development of land and construction by encouraging Planned Unit Developments (PUD's) to achieve: a maximum choice of living environments by allowing a variety of housing and building types; a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns; a more efficient use of land than is generally achieved through conventional development; a development pattern in harmony with land use density, transportation facilities, and community facilities; an environment which provides safe, clean, convenient and necessary residential, commercial, and industrial facilities which will afford greater opportunities for better housing, recreation, shops and industrial plants for all citizens of the community; a development plan which suits the specific needs of the site and takes into account the unique conditions of the property which may require changes of conventional bulk regulations, lot layout, or density; or results in a project that provides greater public benefit than would be provided under conventional zoning; and, a mixture of compatible uses which might not otherwise be permitted in a single district, or which may restrict the range of land uses more than in a single district.

Underlying Zoning Districts

The C-2, Neighborhood Shopping District is designed to provide a broad range of retail shopping facilities and services located to serve one or more residential areas. The C-5, Highway Service Commercial District is designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which require access to major streets and highways.

Overall Intent

The overall intent of the proposed PUD is consistent with the Comprehensive Plan, the underlying zoning districts, and intent of the PUD requirements. The proposed PUD redevelops a site at a boundary between industrial/commercial and residential. Overall, the proposed PUD attempts to be sensitive to the residential neighborhood. The retail center and hotel are oriented towards the motoring public consistent with the highway service location of the site.

9. 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: Denial of the request would not be a gain to the public because minimal impact on the public is expected as a result of traffic or storm water. It appears there may be a hardship on the owner if the rezoning is denied due to no relative gain to the public that denial would accomplish

10. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Public utilities and services are adequate.

11. OTHER APPLICABLE FACTORS: None.

12. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of the 17th Street Properties Commercial Planned Unit Development, Unit Two, from C-2, Neighborhood Shopping District and C-5, Highway Service Commercial District, to PUD, Commercial Planned Unit Development District, with the following conditions:

Attachment No. 1

1. The Permitted Uses shall include: Antique shops; Apparel stores; Appliance sales; Automobile accessory stores; Barber shops; Beauty shops; Book stores; Brew pubs; Business and professional offices; Camera and photographic supply stores; Churches, chapels, temples and synagogues; Department stores; Drug stores; Electronic stores; Food stores; Fraternal and service clubs; Furniture stores; Furniture upholstery; Garden stores; Gift shops; Hardware stores; Health and fitness clubs; Hobby shops; Hotels and motels; Jewelry stores; Laundry establishments; Leather goods and luggage stores; Music stores; Package liquor stores; Pet grooming shops; Pet stores; Private vocational-technical institutions; Restaurants, no drive-in type; Sporting goods stores; Taverns; Variety stores; and, Veterinary Out-Patient Clinic.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. Landscaping along the Ft. Riley Boulevard frontage shall be planted at a minimum of thirty (30) inches in height at the time of planting in order to provide immediate screening.
4. All landscaping and irrigation shall be maintained in good condition.
5. Signage shall be limited to signs proposed in the application, except wall signs on the retail building's Ft. Riley Boulevard frontage shall be limited to one per business.
6. Exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2), of the Manhattan Zoning Regulations shall be permitted.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of 17th Street Properties PUD from C-2, Neighborhood Shopping District and C-5, Highway Service Commercial 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 17th Street Properties PUD from C-2, Neighborhood Shopping District and C-5, Highway Service Commercial 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.

Attachment No. 1

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 17th Street Properties PUD from C-2, Neighborhood Shopping District and C-5, Highway Service Commercial District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the six conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: June 10, 2009

09011

STAFF REPORT

ON AN APPLICATION TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD)

BACKGROUND

APPLICANT: Home Center Mall, LLC. – Patrick Lee, Member.
ADDRESS: 627 Pecan Circle, Manhattan, KS, 66502.

OWNER: Home Center Mall, LLC.
ADDRESS: 627 Pecan Circle, Manhattan, KS, 66502.

LOCATION: Generally at 627 Pecan Circle; Lot 6, Home Center Mall, Unit 3. Lot 6 is a travel easement. The sign is proposed in a landscape island at the entrance to the PUD. The proposed location is the same as the location approved in 1989.

AREA: 55,874 square feet (1.283 acres); Lot 6, Home Center Mall, Unit 3, Planned Unit Development, City of Manhattan, Riley County, Kansas.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, May 25, 2009.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, June 15, 2009.
CITY COMMISSION: Tuesday, July 7, 2009.

DESCRIPTION OF PROPOSED AMENDMENT:

Approved Sign and Ordinance

Amend Ordinance No. 4568 (attached), approved July 18, 1989, regarding the approved Ground Sign and its limitations [**limitations to be amended are underlined and in bold**]:

Ground Sign: One ground sign may be located as shown on the Amended Final Development Plan documents that are dated June, 1989, and are on file in the Zoning Administrator's Office. This sign shall maintain a ten (10) foot setback from the Pecan Circle property line and **shall be constructed as shown on the Amended Final**

Development Plan drawings with regard to materials and shall not exceed the size shown on the plan. In addition, **this sign shall not be used for advertising individual tenants and shall only bear the name of the center.** This sign may also be internally lit, but shall not flash.

The approved ground sign (attached) identifies the name of the center “Home Center Mall” and measures seven feet in width by two feet five inches, or 16.94 square feet in area, and proposed on a concrete block with stone veneer support. The sign is nine inches in depth. Sign face materials are not described in the original sign application documents but are probably plastic, as the sign could be internally lit.

Ordinance No. 4568 sets out specific limitations regarding the ground sign. The Zoning Regulations indicate that a deletion or change to a restriction, condition or limitation is a substantial modification, which requires the amendment.

Proposed Sign

The proposed unlit sign (attachment) will be at the same setback as previously approved. The sign will be oriented towards the entrance to identify the tenants of the PUD. The aluminum sign is single sided, eight feet in height, on a two foot by six foot, with individual tenant names on a six foot by eight foot space. Sign depth is eight inches.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The original PUD was intended to develop as a “mall” with retail and services directed towards home owners and contractors. Over time, manufacturing and assembly, mobile home storage and repairs, and youth centers were added as permitted uses. Today, the PUD is oriented more towards contractors than a home improvement center mall orientation as originally envisioned.

The proposed changes maintain the general ground sign character of the previously approved sign with respect to location in an entrance island. The approved sign was limited to the name of the center and no tenant names. Signage identifying businesses in the PUD at the entrance off Pecan Circle will provide directional information to the motoring public and identify the businesses of the PUD and distinguish them from surrounding businesses on separate tracts.

WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The approved sign was never constructed. Because additional development has occurred in the neighborhood since 1989, and with more driveways off Pecan Circle, it's somewhat unclear where individual business entrances are located. The proposed sign changes will identify tenants in the Home Center Mall and should eliminate confusion about the entrance to the PUD.

WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The proposed sign will identify the entrance to the PUD and businesses within the PUD. The proposed sign will eliminate any confusion about the location of businesses within the PUD and businesses in the surrounding neighborhood that are also served by Pecan Circle. The sign benefits the tenants of the PUD as well as the motoring public.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

- 1. LANDSCAPING:** No changes are proposed.
- 2. SCREENING:** No changes are proposed.
- 3. DRAINAGE:** No changes are proposed.
- 4. CIRCULATION:** The proposed sign will identify the entrance to the PUD so that vehicular traffic on Pecan Circle is efficiently and safely directed to appropriate business locations, both within the PUD as well as nearby businesses.
- 5. OPEN SPACE AND COMMON AREA:** No changes are proposed.
- 6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is characterized by industrial services and highway service commercial uses. The more specific neighborhood off Pecan Circle is an industrial service neighborhood.

MATTERS TO BE CONSIDERED WHEN PLANNED UNIT DEVELOPMENT

1. EXISTING USE: Home Center Mall PUD, which allows a combination of commercial retail, service retail, storage, repairs, manufacturing and assembly, and youth centers. The proposed sign will be on common area parking lot island.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: A developed and flat site, with off-street parking, buildings and landscaped space.

3. SURROUNDING LAND USE AND ZONING:

(a) NORTH: Wildcat Creek and light industrial uses; County G-1, General Agricultural District and I-3, Light Industrial District.

(b) SOUTH: Light industrial uses; I-3 District.

(c) EAST: Light industrial and agricultural uses; I-3 and G-1 Districts.

(d) WEST: Rosencutter Road, highway service commercial uses; C-5, Highway Service Commercial District.

4. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is characterized as an industrial services and highway service commercial uses. The more specific neighborhood off Pecan Circle is an industrial service neighborhood.

6. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable as zoned. The sign will identify the tenants of the various businesses in the PUD.

7. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND

EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: No changes to the permitted uses of the district are proposed. No adverse impacts on the neighborhood are expected with the change of signage. The proposed sign changes will identify tenants of the Home Center Mall PUD and direct traffic to the site.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown as Community Commercial (CC) and located in the Southwest Planning Area of the Future Land Use map of the Comprehensive Plan. The proposed amendment is consistent with the approved PUD, which conforms to the Comprehensive Plan.

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

- | | |
|--------------|--|
| 1983 | Annexation and Zoning to I-3, Light Industrial District. |
| 1985 | Rezoning from I-3 to PUD |
| 1985 | Home Center Mall Final Development Plan and Final Plat approved. |
| 1989 | PUD amended concerning permitted signs. |
| 1992 | PUD amended to allow light manufacturing assembly as a permitted use. |
| 1994 | Final Plat of Unit 2 approved and PUD amended concerning outdoor storage. |
| May 3, 1999 | Planning Board approves Final Plat of Unit 3. |
| May 18, 1999 | City Commission accepts Easements and R-O-W |
| May 1, 2000 | Planning Board recommends approval to add Youth Centers and Related Activities as a Permitted Use. |
| May 16, 2000 | City Commission approved first reading of amendment. |
| June 6, 2000 | City Commission approved Ordinance No. 6140 to add Youth Centers as a permitted use. |

The buildings throughout the site have been in place since around 1985. The approved ground sign was never constructed after approval in 1989.

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 proposed PUD is a commercial/industrial PUD. Signs requirements for commercial PUD's are, as a general

Attachment No. 2

rule, considered subject to the C-2, Neighborhood Shopping District. Signs requirements for industrial PUD's are, as a general rule, considered subject to the I-2, Industrial Park District. The proposed ground sign is generally consistent with either zoning district's sign requirements.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: No adverse impacts on the public are expected. It would be a hardship on the applicant if the ground sign amendment is denied as the sign is intended to direct traffic from the public street, Pecan Circle, into the site and eliminate confusion about the entrance as distinct from other business entrances in the neighborhood.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Public facilities and services are adequate to serve the site. The proposed amendment generates no need for public facilities and services.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed Amendment of the Home Center Mall PUD and Ordinance No. Ordinance No. 4568, with the following conditions of approval:

1. The sign shall be constructed as proposed and as shown on the application documents.
2. A sign permit shall be obtained prior to placement of the sign on the property.

ALTERNATIVES:

1. Recommend approval of the proposed Amendment of the Home Center Mall PUD and Ordinance No. Ordinance No. 4568, stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment of the Home Center Mall PUD and Ordinance No. Ordinance No. 4568, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment of the Home Center Mall PUD and Ordinance No. Ordinance No. 4568, based on the findings in the Staff Report, with the two conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: June 8, 2009

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R-3, Multiple-Family Residential District.

TO: C-3, Aggieville Business District.

APPLICANT: Chrischelle Borhani

ADDRESS: 731 Harris Avenue, Manhattan, KS 66502

OWNERS: Rahim and Martha Borhani

ADDRESS: 731 Harris Avenue, Manhattan, KS 66502

LOCATION: 519 N. 11th Street, which is generally located southwest of the intersection of N. 11th Street and Laramie Street.

AREA: 22,651 square feet (.52 acres)

DATE OF PUBLIC NOTICE PUBLICATION: June 15, 2009

DATE OF PUBLIC HEARING: PLANNING BOARD: July 6, 2009
CITY COMMISSION: July 21, 2009

EXISTING USE: Multiple-family dwelling with nine (9) units and eighteen (18) off-street parking spaces.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is generally flat with a three (3) story limestone building that contains multiple-family dwelling units. The building has a front yard setback of approximately fifty (50) feet from the front lot line along Laramie Street and twenty-five (25) feet from N. 11th Street. Access to the site is from a curb cut off of Laramie Street that leads into a parking lot. The parking lot exits onto N. 11th Street. The parking lot contains a total of eighteen (18) off-street spaces along the west and south property lines and inside a detached garage near the southwest corner of the site. The building contains nine (9) dwelling units. Entrances to the building are from N. 11th Street, Laramie Street and from the parking lot to the west.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Laramie Street, platted as a 60 foot right-of-way, a commercial strip center that contains a convenience store with gas pumps, professional offices, restaurants and retail stores; C-3, Aggieville Business District.
- (2) **SOUTH:** Fifteen (15) foot wide public alley, fraternity house and multiple-family dwelling, Fremont Street, platted as a 60 foot right-of-way, and the City Park; R-3, Multiple-Family Residential District and R-M/UO, Four-Family Residential District and University Overlay District.
- (3) **EAST:** N. 11th Street, platted as a 60 foot right-of-way, single-family, two-family and multiple-family dwellings; R-3/M-FRO, Multiple-Family Residential District and Multi-Family Redevelopment Overlay District.
- (4) **WEST:** A multiple-family dwelling, the Laramie Plaza commercial building, which contains, a fitness center, retail stores, a restaurant and apartments; R-3, Multiple-Family Residential District, and C-3 Aggieville Business District.

GENERAL NEIGHBORHOOD CHARACTER: The general character of the neighborhood is a mix of commercial uses and single-family, two-family and multiple-family dwellings. To the north and west of the site is the Aggieville Business District, which includes a variety of restaurants, drinking establishments, retail stores, professional offices and residential dwellings. One (1) lot immediately to the west is zoned R-3, Multiple-Family Residential District and contains a twelve (12) unit apartment building. To the south and east are residential properties that are mostly rentals properties. A fraternity is also located to the south of the site.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The current zoning for the site is R-3, Multiple-Family Residential District. The site is approximately 0.50 acres in area and has a multiple-family dwelling located on it. The structure contains nine (9) dwelling units and eighteen (18) off-street parking spaces. The structure has been used as a multiple-family dwelling since at least 1962. The site is suitable for its existing use and future residential developments and other uses allowed in the R-3 District.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The applicant has proposed to establish a mixed-use, commercial and residential development on the site by converting the first floor of the existing structure into retail space and a coffee shop. The upper floors will remain residential with eight (8) dwelling units. A minimal increase in light, noise and traffic is anticipated from rezoning the site to C-3,

Aggieville Business District. The property is on the southeastern edge of the Aggieville Business District. Rezoning the site would be an extension of the C-3 District to match the Comprehensive Plan's Downtown Core Neighborhoods Future Land Use Map. Similar developments are established throughout the Aggieville Business District, where commercial uses are on the main floor and the upper floors are utilized as residential dwelling units. The Laramie Square commercial center to the west of the site on Laramie Street has four (4) dwelling units located on the second floor of the main building. The properties to the north of the site are a commercial strip center with a convenience store with gas pumps, a restaurant, retail space and professional offices. The proposed mixed-use building with commercial uses on the first floor and residential uses on the second and third floor of the existing building will be compatible with the existing uses found to the north and west of the site in the Aggieville Business District.

The properties to the east and south are mostly rented, residential properties. The residential properties to the east are separated from the site by N. 11th Street. The residential properties to the south are multiple-family dwellings and a fraternity. Given the number of dwelling units in these buildings (a 12 dwelling unit building, a 5 dwelling unit building, a 4 dwelling unit building), the number of residents living at the fraternity (approximately 65) and the character of the surrounding neighborhood, minimal impact is anticipated from the proposed rezoning of the site to C-3, Aggieville Business District, on nearby properties.

CONFORMANCE WITH COMPREHENSIVE PLAN: The rezoning site is shown on the Downtown Core Neighborhoods Future Land Use Map of the Comprehensive Plan as Central Core (CC) District

Policies of the CC designation include:

CCD 1: Characteristics

The Central Core District is a special purpose designation for the Downtown Core and "Aggieville", which both have a unique historical character and importance to the broader community. Although the two areas are not physically connected, they both consist of a variety of civic, cultural, retail, commercial, business and professional offices and financial institutions, as well as residential uses in a compact, vibrant setting enhanced by a large inventory of older, and in some cases historic, structures and a pedestrian-friendly scale. "Superstores" and big box centers could be incorporated into identified redevelopment areas in the downtown core, if they are designed as part of a master planned development that is compatible with and complimentary to the traditional downtown urban fabric by maintaining a pedestrian oriented streetscape, and are of exceptional design quality. (Note: "master planned" refers to the process of developing an overall concept or neighborhood level plan for an area, prior to development, that takes into consideration the relationships between land uses, buildings, access and site

characteristics, in order to establish a more unified and compatible development. It can apply to a large single site, a whole neighborhood, or series of neighborhoods.)

CCD 2: Infill and Redevelopment

Infill and redevelopment that is in keeping with the historic character and scale of the established neighborhood is strongly encouraged to utilize vacant or underutilized sites and enhance the vitality of the Central Core.

CCD 3: Renovation and Reuse

The renovation and reuse of existing older underutilized structures, particularly along Poyntz Avenue in the downtown core, is strongly encouraged.

CCD 4: Conversion of Upper Floors

Conversion of upper floors above retail storefronts to office or residential uses is strongly encouraged to reinforce the variety and vitality of the downtown environment.

CCD 5: Outdoor Seating

The provision of outdoor dining and seating areas along the sidewalk edge is strongly encouraged, particularly in the downtown core, to create activity along the street and increase the overall vitality of the Central Core.

CCD 6: First Floor Uses Active

Visible uses that encourage pedestrian activity, such as restaurants or retail storefronts, are most appropriate as first floor uses. Offices, residential or other uses that typically are “closed off” from the street and lend little to the pedestrian atmosphere should be encouraged as upper floor uses in retail areas.

The proposed rezoning of the site to C-3 District conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

1926 - 1964	“B” Second Dwelling House District.
1964 – 1969	B-1, Multiple Family Dwelling District
1969 – Present	R-3, Multiple-Family Residential District

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The C-3, Aggieville Business District, is designed to provide for a relatively broad range of retail shopping facilities and services which primarily consist of specialty shops and stores. The C-3 District also

permits residential buildings. The proposed rezoning of the site is consistent with the intent of the Zoning Ordinance.

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. No adverse affects on the public health, safety and welfare are known. It may be a hardship upon the owner if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public facilities and services are available to serve the site. The site gains access from Laramie Street (a local street) and N. 11th Street, (a collector). These streets are adequate to handle the existing and future traffic generated by the site and the surrounding area.

OTHER APPLICABLE FACTORS: None

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of 519 N. 11th Street from R-3, Multiple-Family Residential District, to C-3, Aggieville Business District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of 519 N. 11th Street from R-3, Multiple-Family Residential District, to C-3, Aggieville Business 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 519 N. 11th Street from R-3, Multiple-Family Residential District, to C-3, Aggieville Business District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, Planner

DATE: June 18, 2009

CB/vr
09034

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: PUD, Residential Planned Unit Development District.

TO: PUD, Commercial Planned unit Development District.

OWNER/APPLICANT: Westport Commons Development LLC.

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

DATE OF PUBLIC NOTICE PUBLICATION: Monday, June 15, 2009.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, July 6, 2009.

CITY COMMISSION: Tuesday, July 21, 2009.

LOCATION: North of Claflin Road, east of Browning Avenue, south of Williamsburg Drive, and west of Westport Street; Lot 1, Williamsburg Unit One, a Residential Planned Unit Development.

AREA: 2.4 acres.

PROPOSED USES: Permitted Uses include: Bank, with drive-in facilities, and Business and Professional Office uses. Business and professionals office is defined in the Manhattan Zoning Regulations as, "The office of an engineer, dentist, doctor, attorney, real-estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration."

PROPOSED BUILDINGS AND STRUCTURES:

Proposed Lot 1

The building on Lot 1 is a proposed one-story Bank, identified as Building C on the site plan, with drive-in facilities. The building is a 4,678 gross square foot, 22-foot tall flat roofed building, with the clock tower entrance peak at approximately 42-feet. The Bank will be constructed with a brick and cast stone exterior. The bank is located in the south

part of the PUD with frontages on Westport Street, Claflin Road and Browning Avenue. Access to the site is from a proposed curb cut off Westport Street and a curb cut off Browning Avenue. The drive-in facilities are accessed from the east side of facilities, which exits to the west to Browning Avenue or through the Bank's parking lot to the south back to Westport Street.

Proposed Lot 2

Two separate one-story professional office and business buildings are proposed, identified as Building A and Building B on the site plan. Building A is located in the north part of the site and oriented east to west. Building B is on the west side of the site adjacent to Browning Avenue and oriented north to south. Both buildings will be constructed with exterior masonry and limestone materials. Roof materials are concrete tile. Both buildings are approximately 25-feet in height to the roof peak. Building A is approximately 8,597 square feet in gross floor area and Building B is approximately 5,759 square feet in gross floor area. Floor plans will be to tenant specifications. Access to the site is primarily from Westport Street, with Williamsburg Drive a secondary access.

PROPOSED LOT COVERAGE

<u>Use</u>	<u>Square Feet</u>	<u>Percentage</u>
Building(Bank) Lot 1	4,648	10%
Buildings Lot 2	<u>13,498</u>	22%
Total	18,146	17%
Parking/Driveways Lot 1	23,853	51%
Parking/Driveways Lot 2	<u>25,328</u>	42%
Total	49,181	46%
Landscaping Lot 1	17,983	39%
Landscaping Lot 2	<u>21,324</u>	36%
Total	39,307	37%

PROPOSED SIGNS

On Lot 1, the Bank has proposed wall signs on the east and west elevations and two ground signs, one at the corner of Browning Avenue and Claflin Road and a second at the entrance off Westport Street. Wall signs are internally illuminated approximately 126 square feet in area. The approximate eight-foot tall internally illuminated ground signs are

constructed on a brick and cast stone base. Sign copy area is approximately 21-square feet in area. Also, a common use ground lit ground sign, identified on the sign plan as Westport Commons Sign Detail 2, is proposed at the intersection of Westport Street and Claflin Road. The sign is approximately eight feet in height and will be constructed of masonry and cast stone with sign copy on six inch by 36 inch plates identifying tenants.

On Lot 2, the professional office buildings signage consists of two ground signs, one off the Westport Street entrance and the second off the Browning Avenue entrance, generally at the southwest corner of Building B. The Westport Street ground lit ground sign is approximately seven and one-half feet in height and will be constructed with brick and masonry with name plates of tenants. The approximate three foot tall brick ground lit ground sign off Browning Avenue has sign copy space to identify the building.

Exempt signage for such signs identified in the Manhattan Zoning Regulations as address numerals, for lease and other similar signs will also be allowed (*attachment Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2).*)

PROPOSED LIGHTING: Proposed lighting consists of pedestrian scale accent lighting on the office buildings, Buildings A and B, and the Bank, Building C. Twenty five 25 foot tall full cut off light poles are in the parking lots.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Proposed landscaping is functional with respect to the proposed professional office and bank setting of the development. The landscape plan consists of 26 deciduous and evergreen trees and a broad range of shrubs and ornamental grasses, primarily in landscape parking islands and around the base of proposed ground signs. Other landscaped space will be turf type grass, either seeded or sod. Landscaping will be maintained by the owner and watered by an underground sprinkling system.

2. SCREENING: Screening should be adequate. Outdoor storage (trash dumpsters) areas are adequately screened with masonry walls and gates for the Bank on Lot 1. Trash storage, in household type containers, for the office buildings, will be enclosed with masonry walls and open on the west side. The storage is six feet above grade of Browning Avenue and separated from the street by approximately 110 feet. The open side of the trash storage should not be visible from the street due to distance and elevation.

3. DRAINAGE: The drainage system is designed in conformance with the adopted Stormwater Management Master Plan. Adequate provisions for drainage have been provided.

The applicant's proposal is to direct storm water to the existing storm water system on Claflin Road and to the north to a detention basin on property owned by the applicant, Lot 1, Williamsburg PUD. A Storm Drainage Report was prepared by BG Consultants, dated May, 2009 (attached). The City Engineer has reviewed the Report (memo attached), and accepts the proposal.

4. CIRCULATION: The internal circulation plan provides for safe, convenient and efficient movement of motorists and pedestrians. Conflicts between motorists and pedestrians are minimized.

A Transportation Impact Study for Westport Commons was prepared by BG Consultants, dated May 19, 2009 (attached). The Study concludes that the street intersections serving the proposed PUD will operate safely within acceptable Levels of Service.

The City Engineer has reviewed the Study, and accepts it with no exceptions. The memo notes the reduced distance of the curb cut onto Browning Avenue, a collector street. The minimum distance for a curb cut along Browning Avenue from Claflin Road is 300 feet. The proposed two way curb cut is 210 feet north of the street intersection and opposite an existing curb cut for the church to the west. Following the minimum standard would result in an off-set curb cut condition creating conflicting turning movements.

Pedestrian traffic is accommodated for within the development and connects to the existing public sidewalks on Westport Street and Williamsburg Drive. There is no public sidewalk along Browning Avenue, a collector street. The Manhattan Urban Area Subdivision regulations require sidewalks on both sides of a collector street. The Public Works Department recommends that a sidewalk be provided along the east side of Browning Avenue as a part of the proposed PUD (*attached memo dated June 30, 2009, City Engineer*). Pedestrian sidewalks should be provided connecting the sidewalk along Browning Avenue to the buildings on Lot 1 and Lot 2 and shown on the Final Development Plan.

Off-street parking is based on net floor area, with space such as mechanical rooms, storage and hallways deducted. In both cases, the applicant calculated parking based on gross floor area. This means that more parking is proposed than would be required when a final floor plan is submitted, as space described above would be deducted from the gross floor area to determine the minimum number of required parking spaces for each use. Based on the requirements of the Manhattan Zoning Regulations, the proposed off-street parking is adequate to serve the separate uses of the proposed PUD.

Bank

Adequate off-street parking for the Bank is provided. The Manhattan Zoning Regulations require one parking space for each 450 square feet of floor area for a Bank. Based on gross floor area, ten off-street parking spaces are required. Twenty four spaces are proposed.

Office Space

Adequate office street parking for the office buildings is provided. The Manhattan Zoning Regulations requires medical and dental clinics provide 5.5 parking spaces for each 1,000 square feet of floor area. Professional and business offices are required to provide one parking space for each 300 square feet of floor area. Based on gross floor area, and assuming the floor spaces are devoted to medical and dental office uses, 53 parking spaces are required. Sixty two parking spaces are proposed.

5. OPEN SPACE AND COMMON AREA: The applicant has made provisions for the continuity, preservation, care, conservation and maintenance of all within the development plan. Upon installation of landscaping, it will be maintained by the owner and watered by an underground sprinkling system.

6. CHARACTER OF THE NEIGHBORHOOD: The proposed rezoning site is on the northeast corner of Claflin Road and Browning Avenue. Claflin Road is a major commercial and multiple-family street corridor. Browning Avenue is a residential collector street corridor. The site is between College Avenue and Seth Child Road and at the southern end of Browning Avenue. The mix of uses along the north side of Claflin Road consists of multiple-family, professional office, church, banks with drive-in facilities, professional and business offices, and a KSU forestry service site. Professional office and retail commercial are the majority use on the south side of the street, with low density residential dwellings east of Hylton Heights Road. The southern end of Browning Avenue is dominated by a large church site and the undeveloped western portions of the Williamsburg PUD. The proposed rezoning site is also part of the Williamsburg PUD, a planned residential neighborhood, which is immediately north of the site and Georgetown Apartments along the east side of Westport Street to the east of the rezoning site. The proposed character of the PUD reflects the neighborhood in which it will be located.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Undeveloped multiple-family residential lot in the Williamsburg Residential PUD, which was intended for a three-story, 36-unit, retirement condominium building approximately 42 feet in height generally proposed to be oriented from north to south along the western side of Westport Street. Two detached parking garages were also proposed: one was a 29-space garage generally west of the building, and the second was a seven car garage at the north end of the site. No development has occurred on the rezoning site since approval of the PUD on March 7, 1989.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is elevated above the abutting rights-of-ways. Grading of the site has occurred in the recent past and existing trees were removed. There are several large mature trees on the site. The approximate north half of the site drains to the north to Lot 2, Williamsburg PUD into a drainage channel that crosses under Browning Avenue. The approximate south half of the site drains to the south into a drainage system on Westport Street. Access to the site was off Williamsburg Drive.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Existing single-family and single-family attached residential dwelling units and undeveloped single-family attached residential dwelling units, and Williamsburg Drive, a local street; Williamsburg PUD.

(b.) SOUTH: Claflin Road, an urban four lane collector street, retail, professional office, and retail service uses; C-2, Neighborhood Shopping District.

(c.) EAST: Westport Street, an urban two lane local street, multiple-family residential buildings; Claflin Residential PUD.

(d.) WEST: Browning Avenue, a two lane collector street with no curb and gutter, sidewalks or storm sewer,

4. CHARACTER OF THE NEIGHBORHOOD: See above under PUD Criteria Number 6, CHARACTER OF THE NEIGHBORHOOD.

8. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The Williamsburg Residential PUD was approved in 1989 and no development of the rezoning site has occurred since approval. The Manhattan Zoning Regulations indicate that if an owner does not submit a Final Development Plan within two years of the date of approval of the PUD, and has not applied for an extension, the PUD is considered abandoned. Regardless of the proposed rezoning, prior to any development of the site an application to rezone or amend the existing PUD would be required.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed PUD is similar to a C-1, Restricted Business District, which is intended to be compatible with residential districts. The proposed PUD limits the permitted uses to a Bank, with drive-in facilities, and Business and Professional Office uses. The site adjoins a residential PUD to the north and is otherwise separated from nearby properties by streets. Front yard setbacks along Westport Street, Claflin Road and Browning Avenue are 25 feet. Off-street parking off Williamsburg Drive is approximately 15 feet at its closest. The north side yard setback of Building A is approximately ten feet to the roof overhang. Proposed lighting in the parking lots is full cut-off and pedestrian scale on buildings. A Site Lighting Calculations Plan, provided as a part of the PUD, indicates minimal light impact at the property lines. The proposed uses are generally day time activities, although the Bank will have an ATM machine and some night activity should be expected. Any increase in light, noise and traffic will be consistent with the character of the Claflin Road, Browning Avenue and Westport Street corridors.

9. CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed site is shown on the Future Land Use map in the Northwest Planning Area as Residential Medium High Density (RMH). The applicant's proposed rezoning is consistent with the Office/Research Park (OFF/RP) category. The policies (in italics and bold headings) for all Commercial activities, in general, and the OFF/RP, include:

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.

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.

Office/Research Park (Off/RP)

OR 1: Characteristics

The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, “campus-like” setting. Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may

include limited prototype production, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17th Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.

OR 2: Location

Office/Research Park facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access.

OR 3: Site Layout and Design

Office/Research Park developments should be organized in a planned, “campus-like” setting that is heavily landscaped. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces

OR 5: Unified Architectural Character

Buildings within an Office/Research Park setting should have a unified architectural character achieved through the use of similar elements, such as rooflines, materials, colors, signage, landscaping and screening and other architectural and site layout details.

OR 6: Common Areas

Plazas and other common outdoor gathering spaces should be provided as part of the “campus” environment. Each development will vary based on site configuration and topographical or other constraints; however, in a “campus-like” setting, buildings should typically be arranged to form outdoor gathering spaces, such as quads, courtyards, patios, or seating areas for employees and visitors.

OR 7: Circulation and Access

Building entrances, outdoor gathering spaces, and parking areas shall be linked with clear, direct pedestrian walkways.

OR 8: Outdoor Storage

The functions of an Office/Research Park facility should generally be completely contained within buildings. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.

The proposed PUD is in general conformance with the Comprehensive Plan.

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

1972	Annexation and Rezoning to R, Single-Family Residential District.
1984	Rezoning from R District to I-1, Research Park.
March 7, 1989	Rezoning from I-1 District to Williamsburg Residential Planned Unit Development (Ordinance No. 4570).
April 5, 1991	Final Development Plan of Phase One approved.
November 16, 1992	Manhattan Urban Area Planning Board approved the Final Plat of Williamsburg, Unit One.
December 15, 1992	City Commission City Commission accepted easements and rights-of-ways of Williamsburg, Unit One.
July 1, 1993	Manhattan Urban Area Planning Board approved the Final Plat of Williamsburg, Unit Two.
August 3, 1993	City Commission accepted easements and right-of-way of Unit Two.
July 7, 1994	Manhattan Urban Area Planning Board approved the Final Plat of Williamsburg, Unit Three.
July 19, 1994	City Commission accepted easements and rights-of-way of Williamsburg, Unit Three
December 5, 1994	Manhattan Urban Area Planning Board approved the Final Plat of Williamsburg, Unit Four.
December 20, 1994	City Commission accepted easements and rights-of-way for Williamsburg, Unit Four.
September 7, 1995	Manhattan Urban Area Planning Board approved the Final Plat of Williamsburg, Unit Five.

Attachment No. 4

- September 19, 1995 Amendment of the Final Development Plan approved to allow single-family detached dwellings as a permitted use (Ordinance No. 4937).
- September 19, 1995 City Commission accepted easements and rights-of-way of Williamsburg, Unit Five.
- January 4, 1996 Manhattan Urban Area Planning Board approved the Final Plat of Williamsburg, Unit Six.
- January 16, 1996 City Commission accepted easements and rights-of-way of Williamsburg, Unit 6.
- October 7, 1996 Manhattan Urban Area Planning Board approved Final Plat of Williamsburg, Unit 7.
- November 5, 1996 City Commission accepted easements and rights-of-way of Williamsburg, Unit Seven.
- June 16, 1997 Manhattan Urban Area Planning Board approved the Final Plat of Williamsburg, Unit Eight.
- July 1, 1997 Amendment of the Final Development Plan approved to replace the condominium at the north of the PUD, with duplexes, and add a single-family detached dwelling in an open space area (Ordinance No. 5044).
- July 1, 1997 City Commission accepted easements and rights-of-way for Williamsburg, Unit Eight.
- October 23, 2003 Boundary Line Adjustment for Lots 39 and 40, Williamsburg, Unit Eight filed.
- October 17, 2005 Manhattan Urban Area Planning Board approved the Final Plat of Williamsburg, Unit Nine.
- November 1, 2005 City Commission accepted easements and rights-of-way of Williamsburg, Unit Nine.

- January 19, 2006 Manhattan Urban Area Planning Board recommends denial (4-2) of an amendment of the Preliminary Development Plan regarding open space, landscaping and sidewalks.
- February 7, 2006 City Commission considers first reading of an ordinance to amend the Williamsburg PUD.

The proposed PUD site has remained vacant to date.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The proposed PUD is located in the Williamsburg PUD, which is described below. The proposed PUD is also consistent with the general character of the C-1, Restricted Business District, but will be limited to business and professional office uses and banks with drive-in facilities.

Land use and structures within a Planned Unit Development District which, when approved by the Planning Board and Governing Body, may differ in one or more respects from the regulations that are applicable in any other zoning district. The objectives of a Planned Unit Development District shall be to promote progressive development of land and construction by encouraging Planned Unit Developments (PUD's) to achieve: a maximum choice of living environments by allowing a variety of housing and building types; a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns; a more efficient use of land than is generally achieved through conventional development; a development pattern in harmony with land use density, transportation facilities, and community facilities; an environment which provides safe, clean, convenient and necessary residential, commercial, and industrial facilities which will afford greater opportunities for better housing, recreation, shops and industrial plants for all citizens of the community; a development plan which suits the specific needs of the site and takes into account the unique conditions of the property which may require changes of conventional bulk regulations, lot layout, or density; or results in a project that provides greater public benefit than would be provided under conventional zoning; and, a mixture of compatible uses which might not otherwise be permitted in a single district, or which may restrict the range of land uses more than in a single district.

Underlying Zoning District

Lot 1 of the underlying Williamsburg PUD was approved for a three-story, 36-unit retirement condominium building approximately 42 feet in height generally proposed to be oriented from north to south along the western side of Westport Street. Two detached parking garages were also proposed: one was a 29-space garage generally west of the building, and the second was a seven car garage at the north end of the site. No development has occurred on the rezoning site since approval of the PUD on March 7, 1989. The proposed PUD will allow a restricted business district compatible with residential districts in the neighborhood.

Overall Intent

The proposed PUD is generally like a C-1, Restricted Business District, but limited to professional offices and businesses, and a bank with drive-in facilities. Fewer of the permitted uses and none of the conditional uses of the C-1 District are proposed.

The C-1 District is designed to provide for non-retail commercial, business and professional office activities adjacent to arterial and collector streets. The C-1 District is also intended to be compatible with adjacent residential districts.

C-1 Districts are typically found along major arterial streets, such as Poyntz Avenue, Anderson Avenue, Dickens Avenue and Claflin Road. C-1 Districts, or equivalent PUD's such as the proposed Westport Commons PUD, are found adjacent to various residential districts in the community. The proposed PUD will provide for non-retail business and professional activities adjacent to arterial and collector streets.

The overall intent of the proposed PUD is consistent with the policies of the Comprehensive Plan and intent of the PUD requirements, subject to the conditions of approval. The proposed PUD is an infill project on a site along a major commercial corridor dominated by professional office, banks, multiple-family and other commercial or institutional uses. Overall, the proposed PUD is sensitive to the Williamsburg PUD to the north and Georgetown Apartments to the east, and a church to the west of Browning Avenue.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: There appears to be no gain to the public that denial would accomplish as no adverse impacts are expected as a result of the rezoning. It may be a hardship on the owner if the rezoning is denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate streets, sanitary sewer and water services are available to serve the site.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of the Westport Commons Commercial Planned Unit Development, from PUD, Residential Planned Unit Development District, to PUD, Commercial Planned Unit Development District, with the following conditions:

1. The Permitted Uses shall include: Business and professional offices, as defined in the Manhattan Zoning Regulations, and a Bank, with drive-in facilities.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Signage shall be limited to signs proposed in the application.
5. Exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2), of the Manhattan Zoning Regulations shall be permitted.
6. A sidewalk shall be constructed along the east side of Browning Avenue concurrent with the construction of the improvements in the PUD.
7. Pedestrian sidewalks shall be provided connecting the sidewalk along Browning Avenue to the buildings on Lot 1 and Lot 2, and shall be shown on the Final Development Plan.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Westport Commons PUD from PUD, Residential 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.

Attachment No. 4

2. Recommend approval of the proposed rezoning of Westport Commons PUD from PUD, Residential 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 Westport Commons PUD from PUD, Residential Planned Unit Development District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the seven conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: July 1, 2009

09035