

MINUTES
CITY COMMISSION MEETING
TUESDAY, JANUARY 17, 2006
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Ed Klimek and Commissioners Bruce Snead, Tom Phillips, Mark Hatesohl, and Jayme Morris-Hardeman were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government Representative Felix Wong, 9 staff, and approximately 38 interested citizens.

PLEDGE OF ALLEGIANCE

Girl Scouts of Kaw Valley Council, Junior Troop # 123, led the Commission in the Pledge of Allegiance.

RECOGNITION

Mayor Klimek recognized the Girl Scouts of Kaw Valley Council, Junior Troop #123.

PROCLAMATION

Mayor Klimek proclaimed January 16-22, 2006, ***Dr. Martin Luther King Week***. David Bryant and Sabra Schweger, Martin Luther King Jr. Memorial Committee, were present to receive the proclamation.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, January 3, 2006.

CLAIMS REGISTER NOS. 2545 and 2546

The Commission approved Claims Register No. 2545 authorizing and approving the payment of claims from December 28, 2005, to January 10, 2006, in the amount of \$362,438.73 and Claims Register No. 2546 authorizing and approving the payment of claims from January 3, 2006, to January 10, 2006, in the amount of \$1,505,423.61.

LICENSES – 2006 RENEWALS

The Commission approved the renewal applications for Cereal Malt Beverage and Tree Maintenance licenses for calendar year 2006.

ORDINANCE NO. 6520 – REZONE – MANHATTAN MARKETPLACE

The Commission approved Ordinance No. 6520 rezoning Manhattan Marketplace, generally located approximately one hundred sixty (160) feet north of Leavenworth Street, west of Tuttle Creek Boulevard, east of North 3rd Street, and south of vacated Laramie Street, from C-4, Central Business District, and C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, based on the findings in the Staff Report, with the six conditions recommended by the Manhattan Urban Area Planning Board. (*See Attachment No. 2*)

ORDINANCE NO. 6521 – REZONE – HOWIE'S RECYCLING

The Commission approved Ordinance No. 6521 rezoning Lots 265-267, Ward 5, from LM-SC Light Manufacturing-Service Commercial District, generally located southwest of the intersection of Fair Lane and South 9th Street and east of Howie's Recycling, to I-3, Light Industrial District, based on the findings in the Staff Report. (*See Attachment No. 1*)

ORDINANCE NO. 6522 – ADOPT – REDEVELOPMENT PLAN FOR NORTH PROJECT

The Commission approved Ordinance No. 6522 adopting the Redevelopment Plan for the North Project associated with the Downtown Redevelopment.

FIRST READING – INSTALL YIELD SIGNS – TUTTLE STREET

The Commission approved first reading of an ordinance authorizing installation of yield signs on Tuttle Street for westbound and eastbound traffic.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 011706-B – CERTIFICATION OF REAL PROPERTY ACQUIRED – ANDERSON AVENUE PROJECT, SETH CHILD ROAD TO HYLTON HEIGHTS (ST0301)

The Commission approved Resolution No. 011706-B certifying the City's accordance with the provisions of the Certification of Real Property Acquisition Procedures regarding the Anderson Avenue Project between Seth Child Road and Hylton Heights Road and authorized the Mayor and City Clerk to sign both the resolution and certification checklist.

SET PUBLIC HEARING DATE –SPECIAL ASSESSMENTS

The Commission set February 7, 2006, as the date to hold the public hearing levying special assessments against the benefiting property in the following six (6) projects, which have been completed: *Brookfield Addition, Unit 4 – Sanitary Sewer (SS0406), Street (ST0414) and Water (WA0411); and Lee Mill Heights, Unit 1 – Sanitary Sewer (SS0407), Street (ST0415), and Water (WA0412).*

AWARD CONTRACTS – MISCELLANEOUS EQUIPMENT

The Commission awarded the purchase of a Self Propelled Concrete Saw to Carter-Waters Corp., of Kansas City, Missouri, for \$10,653.00; a Mechanical Street Sweeper to Sellers Tractor Company, of Salina, Kansas, for \$98,753.00; a Traffic Striping Paint Machine to PMSI, of Wichita, Kansas, for \$39,767.00; and a Compact Excavator to Machinery & Supply, of Wichita, Kansas, for \$27,645.00.

AWARD CONTRACTS – HOUSING REHABILITATION PROJECTS

The Commission rejected the bids for 731 Colorado Street; accepted the bids for 803 Butterfield Road and 1129 Pierre Street and awarded the bid to the lowest responsible bidder; authorized City Administration to approve any necessary change orders, and authorized the Mayor and City Clerk to enter into agreements with the contractors and property owners for expenditure of Housing Rehabilitation Funds.

CHANGE ORDER NO. 6-FINAL – LEE MILL HEIGHTS ADDITION, UNIT 1 (ST0415)

The Commission approved Change Order No. 6-Final for Lee Mill Heights Addition, Unit 1, (ST0415) resulting in a net decrease in the amount of \$4,062.60 (-1.06%) to the contract with Manhattan Trenching, Inc., of Manhattan, Kansas.

CONSENT AGENDA (CONTINUED)

2006 AGREEMENT – CITY/UNIVERSITY SPECIAL PROJECTS FUND

The Commission authorized the Mayor and City Clerk to execute the 2006 City/University Special Projects Fund agreement with Kansas State University in the amount of \$97,200.00.

* **NEGOTIATE CONTRACT – WATER PLANT AND WELLFIELD PROJECT**

Commissioner Phillips informed the Commission that he served on the selection committee.

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

Larry Elliott, Carollo Engineers, stated that his firm is uniquely qualified to do this project and informed the Commission they plan on having multiple local firms involved. He then answered questions from the Commission.

Mark Bachamp, BG Consultants, provided additional information and informed the Commission that the recommendation presented is not in the best interest for the City of Manhattan.

Lyle Butler, President, Manhattan Area Chamber of Commerce, encouraged the Commission to discuss local preference in the selection process at a future work session.

Joe Dollerschell, Camp Dresser and McKee, who teamed up with BG Consultants on the proposal, asked that a local participation level be considered.

The Commission accepted the recommendation of the selection committee and authorized City Administration to negotiate a contract with Carollo Engineers, of Kansas City, Missouri, for the design of the Water Treatment Plant and Wellfield Improvements Project.

MANHATTAN CORPORATE TECHNOLOGY PARK – LIGHTING PROJECT

The Commission authorized City Administration to initiate Manhattan Corporate Technology Park lighting project and associated improvements along Corporate Drive and Sykes Boulevard, using steel instead of wood poles, and underground wiring.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 011706-D – INTENT TO ISSUE INDUSTRIAL REVENUE BONDS – FULL BEVERAGE SERVICE

The Commission approved Resolution of Intent No. 011706-D authorizing the issuance of up to \$500,000.00 additional bonds for the Controlled Environmental Warehousing (Flint Hills Beverage) project.

After discussion, Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item N: Negotiate Contract – Water Plant and Wellfield Project, which carried 4-1 with Commissioner Hatesohl voting against the item.

GENERAL AGENDA

PUBLIC HEARING - INTENT TO ISSUE INDUSTRIAL REVENUE BONDS - EAGLE LEASING (COVAN)

John Pagen, Manhattan Area Chamber of Commerce, introduced the item and provided an overview of the company and its request.

Lacy Brakefield, President, COVAN, World-Wide Moving, Inc., provided background information about the company.

Diane Stoddard, Deputy City Manager, provided the economic development package proposal for the company and answered questions from the Commission.

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

Lacy Brakefield, President, COVAN, World-Wide Moving, Inc., provided information on the benefit package and training program. He then answered additional questions about the benefits and projected employment.

Diane Stoddard, Deputy City Manager, answered questions regarding costs and benefits analysis for the company, and projected employment numbers.

Mayor Klimek opened the public hearing.

John Exdell, representing the Flint Hills Living Wage Coalition, 316 Denison Street, spoke in concern for wages not being adjusted over time with cost of living increases. He said the language is unclear regarding health benefits and recommended a standard employer share of health care costs, similar to the City of Lawrence.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - INTENT TO ISSUE INDUSTRIAL REVENUE BONDS - EAGLE LEASING (COVAN)(CONTINUED)

Lacy Brakefield, President, COVAN, World-Wide Moving, Inc., answered questions from the Commission regarding full and part time employees, and elaborated on health benefits.

Hearing no other comments, Mayor Klimek closed the public hearing.

RESOLUTION NO. 011706-C - INTENT TO ISSUE INDUSTRIAL REVENUE BONDS - EAGLE LEASING (COVAN)

After discussion, Commissioner Hatesohl moved to approve Resolution No. 011706-C indicating the Commission's intent to issue up to \$1.5 million in Industrial Revenue Bonds for Eagle Leasing (COVAN), for the purpose of constructing and equipping a warehousing facility to be located in the Manhattan Corporate Technology Park, and schedule February 7, 2006, as the date for a final determination on an economic development incentive package for the company. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

ESSENTIAL AIR SERVICE PROPOSALS AND COMMUNITY INPUT

Diane Stoddard, Deputy City Manager and Interim Airport Manager, presented the item. She then answered questions from the Commission.

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

After discussion, Commissioner Snead moved to authorize the Mayor to submit a letter to the U.S. Department of Transportation indicating the community's concern about the adequacy of the current air service proposals to meet the needs of the region and Fort Riley, and indicating a preference for a minimum of four daily flights and splitting the service apart between Manhattan and Salina. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

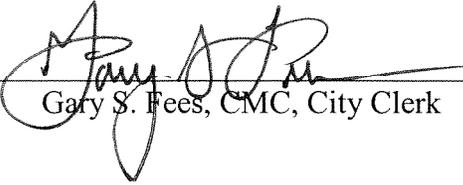
RESOLUTION NO. 011706-A - HOLIDOME INDUSTRIAL REVENUE BOND CONVEYANCE

Bill Frost, City Attorney, presented the item and answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 011706-A authorizing the Mayor and Clerk to execute a quit claim deed, bill of sale, lease termination and other documents necessary to complete the sale of the Project to Purchaser and terminate the Lease. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:52 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: LM-SC Light Manufacturing-Service Commercial District

TO: I-3, Light Industrial District

APPLICANT: Howie's Recycling, Inc.

ADDRESS: 625 S. 10th Street

OWNERS: City of Manhattan

ADDRESSES: Lots 265, 266, 267, Ward 5

LOCATION: Generally southwest of the intersection of Fair Lane and South 9th Street.

AREA: 0.5 Acres

DATE OF PUBLIC NOTICE PUBLICATION: November 28, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: December 19, 2005

CITY COMMISSION: January 3, 2005

EXISTING USE: Lots 265, 266, 267, Ward 5 are currently under lease to the UFM Community Learning Center and are utilized for Community Gardens.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:

Lots 265, 266, 267 of Ward 5 currently are utilized for Community Gardens which consists of approximately forty vegetated garden plots. The site is anticipated to generally drain to the north onto Fair Lane and to the east onto South 9th Street. A large tree is located in the northeast corner of Lot 265.

SURROUNDING LAND USE AND ZONING:

(1) **NORTH:** Fair Lane, an alley, followed by a lot with a structure used for organ repair and an adjoining vacant lot. Fort Riley Boulevard is further north. The lots are all zoned LM-SC, Light Manufacturing Service Commercial.

Attachment No. 1

- (2) **SOUTH:** Railroad Right of Way followed by an R-2, Two-Family Residential District.
- (3) **EAST:** South 9th Street, followed by three Community Garden lots, followed by three vacant lots, followed by two lots with trailer houses, followed by South 8th Street. The lots are all zoned LM-SC, Light Manufacturing Service Commercial.
- (4) **WEST:** Existing Howie's Recycling Center, followed by South 10th Street, followed by three lots owned by Wilson Valley LLC, the same owners of Howie's Recycling. The lots are all zoned I-3, Light Industrial District.

GENERAL NEIGHBORHOOD CHARACTER: The existing neighborhood generally consists of repair and service commercial uses, Community Garden lots, and several vacant lots. Rezoning will require the existing Community Garden plots to relocate, however the rezoning is not anticipated to substantially change the overall character of the existing neighborhood.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:

Both the LM-SC, Light Manufacturing-Service Commercial and I-3, Light Industrial Districts permit recycling centers as a Conditional Use. The existing recycling center is located within the I-3 District. Lots 265, 266, 267 of Ward 5, the proposed location for the recycling center expansion, are located within the LM-SC District. To maintain consistency with the current recycling use, the applicant has proposed to rezone Lots 265, 266, 267 to the I-3, Light Industrial District.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:

The organ repair and Precision Air companies to the north and northeast are of a light manufacturing, service character. Additional surrounding properties are either owned by the applicant and used for a recycling light industrial use, are vacant, or used as Community Garden plots. The railroad right of way to the south provides a buffer to the R-2, Two Family Residential District. The recycling center currently exists and has proposed to expand its structure and operation to the east. An expansion is not anticipated to have detrimental affects on surrounding properties.

CONFORMANCE WITH COMPREHENSIVE PLAN:

The Comprehensive Plan identifies Lots 265, 266, 267 of Ward 5 to have a Community Commercial land use. In the case of the rezoning site, the commercial use is suggestive of the service commercial component of the LM-SC District, rather than the industrial component. Given the fact that Howie's Recycling Center is an existing land use within the I-3, Light Industrial District and the intention of the recycling center is to expand its

Attachment No. 1

current operation; it appears to be more appropriate to maintain the Light Industrial land use district for the proposed lots rather than require a commercial land use district. If the recycling center land use was new, then following the Comprehensive Plan's Community Commercial land use would be appropriate.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

Lots 265, 266, 267 of Ward 5 were zoned I-3, Light Industrial from 1970 to approximately 2000 at which time the subject lots were rezoned to LM-SC, Light Manufacturing-Service Commercial. The lots have remained in the LM-SC District to date.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

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

The I-3, Light Industrial District is designed to allow manufacturing, processing, assembly, and nonretail service activities. An existing recycling center is located adjacent to the subject lots, and is zoned I-3, Light Industrial. The proposed rezoning of Lots 265, 266, 267 of Ward 5 would potentially allow a proposed expansion of the existing recycling center eastward through a Conditional Use Permit. The proposed use for which the rezoning is being requested is consistent with the intent and purpose 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 gain to the public that denial would accomplish. If the rezoning is denied, the applicant may not be able to expand the existing facility as desired.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer and water services exist.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Lots 265, 266, 267, Ward 5, from LM-SC, Light Manufacturing-Service Commercial District, to I-3, Light Industrial District.

Attachment No. 1

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lots 265, 266, 267, Ward 5, from LM-SC, Light Manufacturing-Service Commercial District to I-3, Light Industrial 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 Lots 265, 266, 267, Ward 5 from LM-SC, Light Manufacturing-Service Commercial District to I-3, Light Industrial District, based on the findings in the Staff Report.

PREPARED BY: Jeremy Frazzell, Planner

DATE: December 19, 2005

JF/vr
05021

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: C-4, Central Business District, and C-5, Highway Service Commercial District

TO: PUD, Planned Unit Development District

OWNERS: Dial Manhattan LLC; and, State of Kansas (Kansas Department of Transportation)

APPLICANT: Dial Manhattan LLC.

ADDRESS: 11506 Nicholas St. #200, Omaha Ne, 68154-4421; Kansas Department of Transportation C/o Kevin Schorzman, PE, Wamego Area Office, 1425 West U.S. 24, Wamego KS, 66547-1256

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 28, 2005

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 19, 2005
CITY COMMISSION: Tuesday, January 3, 2006

LOCATION: approximately one hundred sixty (160) feet north of Leavenworth Street, west of Tuttle Creek Boulevard, east of North 3rd Street, and south of vacated Laramie Street.

AREA: approximately 5.95-acres.

PROPOSED USES: Permitted uses are proposed to consist of all of the Permitted Uses and Conditional Uses of the C-4, Central Business District (C-4 District regulations attached).

PROPOSED BUILDINGS AND STRUCTURES: The site is within the North Project Area of the Downtown Redevelopment Plan and identified as the Tuttle Creek District in the Design Guidelines for Downtown Redevelopment. A Conceptual Site Plan (Sheet SP601) has been submitted along with the proposed PUD documents to provide a complete picture of the North Project Area. The boundary of the proposed PUD is set out on the Conceptual Site Plan.

Attachment No. 2

Proposed Manhattan Marketplace, to consist of 5 commercial lots for 4 commercial buildings:

Lot 1: Building A (Best Buy) an approximate 30,300 square foot, commercial retail store.

Lot 2: Building B an approximate 5,700 square foot commercial building (4 tenant spaces).

Lot 3: Building C an approximate 6,100 square foot commercial building (4 tenant spaces).

Lot 4: Building D an approximate 5,000 square foot commercial building (4 tenant spaces).

Lot 5: for off-street parking only.

Best Buy

Building height is approximately 27 feet in height to the roof cornice. The blue EFIS entry feature on the north elevation of the building is an additional 11 feet in height to its peak above the roofline and conforms to the Design Guidelines restriction of no more than 20% of the facade. Exterior materials are a combination of metal cornice, split block, smooth face, and cast stone materials, which are shown on the renderings in the application booklet under separate cover as shades of beige, taupe, and limestone (colors similar to the Plaza Courtyard at Manhattan Town Center). Horizontal courses are incorporated on the building façade to reduce the perceived height of the building and break-up its mass. Pilasters are provided along all of the building's façades to provide variation in plane and shadow. An aluminum canopy extends over the front glassed entrance. The building and site are consistent with the Design Guidelines for large retail buildings, except for signage as noted below under **PROPOSED SIGNS**.

Buildings B-D

Buildings B and C heights are approximately 21 feet to the roofline and 23 feet to decorative roof cornice. Building D is 21 feet in height. Each floor plan indicates up to 4 tenant lease spaces. Buildings B and C may have a drive-up window option for a restaurant or bank. Building materials similar to Best Buy, colors, and architectural features incorporate glass window treatments, awnings and other elements consistent with the Design Guidelines. The site and sign plans are consistent with the Design Guidelines.

Construction Phasing

Phasing is set out on the Construction Phasing Plan sheet: Phase I will consist of waterline and electrical relocations in early Spring 2006; Phase II will include the Best Buy site driving aisles and sidewalks, storm sewers, right-in/right-out and Tuttle Creek Boulevard improvements, and all landscaping within and adjacent to the PUD and Tuttle Creek Boulevard, all in Summer Fall 2006; and, Phase III will be all other buildings and parking on Lot 5 in 2007 and beyond, dependent upon market conditions.

Design Guidelines for Downtown Redevelopment

The Design Guidelines for Downtown Redevelopment are provided under separate cover in the application booklet and set out policy, intent, and conditions; site guidelines; building guidelines; supplemental guidelines for large format retail design and small scale residential guidelines; and, checklists for site and building guidelines. The Guidelines are not regulations. The Guidelines are for developers, architects, owners and decision makers for reviewing and evaluating proposals and design quality. Exceptions to the Guidelines may be considered if the overall intent of the Guidelines has been met. The Purpose and Intent statements are on pages 2-1 to 2-5. All of the intent statements are applicable to the entire Conceptual Site Plan. Some are not applicable to the proposed PUD.

The Design Guidelines are attached as an Exhibit to the Final Development Agreement between the City and Dial Realty Development Corp. The Agreement requires Dial Realty to identify that the proposed improvements comply with the Design Guidelines. A letter in the application booklet (Appendix J) from Patrick Schaub, AIA, Bowman Bowman Novick Inc., notes that the proposed development is substantially in conformance with the Guidelines with the exception of signage on the Best Buy building.

PROPOSED LOT COVERAGE

<u>Use</u>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Building	1.08 ac / 47,045 sf	18%
Parking and Driving Lanes	2.88 ac / 125,452 sf	48%
Streets (Travel Easements)	.63 ac / 27,442 sf	11%
Open/Landscape Space	1.36 ac / 59,241 sf	23%
Total	5.95 ac / 259,180 sf	100%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Wall (Best Buy) North Elevation	24'9" wide by 15'2" tall (350 sf in area)	Internally lit
Wall (Best Buy) East and West Elevations	14'6" wide by 9'4" tall (135.3 sf in area)	Internally lit
Wall (Best Buy) East	18 sf	Unlit
Wall (Buildings B, C, and D)	40 square foot wall mounted letters approximately 11' wide by 3'6" tall	Internally lit
Ground Entrance Sign on Tuttle Creek Boulevard	12' wide by 24' tall (288 sf in area)	Ground and Internal Lit Panels

The Design Guidelines indicate that signs must conform to the Manhattan Zoning Regulations. The applicable zoning district to determine conformance is the C-4, Central Business District. Gross surface area for wall signs are based on "the total gross surface area of all signs shall not exceed fifteen (15) times the square root of the street frontage on which the business has frontage, but in no case more than twenty (20) percent of the first floor of the facade of the building." The wall signs proposed on the Best Buy Building were evaluated based on the linear dimension of the north, east, and west façade, as was previously done with large department stores at Manhattan Town Center. The north wall sign should be no greater than 206 square feet in area and is proposed to be 350 square feet in area. East and west wall sign areas conform to the C-4 District requirements (*see sheets A1.02 and A1.03*).

The PUD process allows changes to typical zoning requirements, and the Design Guidelines allow for exceptions, if the overall intent of the Design Guidelines is met. The north wall sign and second east wall sign are generally consistent with the Purpose and Intent of the Design Guidelines. One of the Development Intent's of the Design Guidelines is to "Incorporate larger retail stores while maintaining the human scale and pedestrian nature of the existing downtown shopping area". The proposed north wall sign is not inappropriate for the scale of the building. At the same time, the human scale and pedestrian nature of the Best Buy site are maintained. The smaller 18 square foot wall sign on the east elevation is minimal in area and identifies the purpose of the two doors adjacent to the sign.

The ground lit entry sign is located along Tuttle Creek Boulevard to the south of the right-in/right-out entrance. It will be constructed with a limestone base and piers and a limestone cap. The sign will identify the name of the center on an engraved surface, as well as internally lit acrylic panels for tenants. The proposed ground sign would be more

consistent with the ground identification sign for Manhattan Town Center, which is located along Tuttle Creek Boulevard, if the individual tenant signs were deleted (*see sheet A1.00 for proposed ground sign*).

PROPOSED LIGHTING: There are four types of pole mounted lights: 14-foot pedestrian scale lights, 27-foot parking lot lights and 32-foot entry lights off Tuttle Creek Boulevard. Building lights are decorative exterior lights. All lights are downcast and shaded, full cut-off except for those lights used for building accent (*see Sheet A1.00 for Site Lighting Plan for details*).

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The proposed landscape plan is functional for the intended use and depicts a broad range of shade and ornamental trees, evergreen trees, shrubs, foundation plantings, parking lot landscaping, screening, and ground cover throughout the site. The remainder of the landscape area is lawn. Underground irrigation is proposed to maintain the landscaping, which will be maintained by the owner.

2. SCREENING: Dumpsters are proposed to be screened by masonry enclosures with doors and adjoin each building on Lots B and C. Building D will have a temporary dumpster location, possibly in a parking stall, until a shared dumpster is constructed with the building to the south (Building E on the Conceptual Site Plan). The screening materials for the temporary dumpster location would be of a temporary material, such as 6 foot cedar fencing. The temporary screened dumpster may utilize a parking space or be located on the alley. Loading and trash compacter locations adjacent to the Best Buy will be screened by 10 foot masonry screen walls. Roof-top equipment on all proposed buildings will be screened by parapet walls.

3. DRAINAGE: The site is proposed to drain to the east to inlets and then to the drainage channel along the east side of Tuttle Creek Boulevard. The drainage system has been reviewed by the City Engineer (*see attached Storm Drainage Report and memo from the City Engineer*).

Adequate inlets and improvements will be provided to assure the drainage system will work.

The site is in 500 Year Flood Plain, which is an area that is not subject to Flood Plain regulations.

Attachment No. 2

4. CIRCULATION: The proposed internal circulation plan provides for safe, convenient and efficient movement of goods, motorists, bicyclists, and pedestrians. Conflicts between motorists and pedestrians are minimized. The site will be accessed from the surrounding street system from an extension of Osage Street and a right-in and right-out off Tuttle Creek Boulevard. Internal travel easements will provide access to Lots 1, 2, and 3. No access through adjoining areas is proposed. Sidewalk is proposed throughout the site, as well as along Tuttle Creek Boulevard. Sidewalks in traffic ways will be brick paved to emphasize pedestrian crossings.

The off-street parking requirements of the Manhattan Zoning Regulations do not require parking in the C-4 District for any use. Regardless, the applicant has proposed a total of 300 off-street parking spaces in the proposed PUD. Each lot provides off-street parking for the building on the lot, as well as Lot 5, which consists entirely of off-street parking spaces.

Total gross building floor area for the entire site is approximately 47,100 square feet. Using the most restrictive commercial ratio from the Zoning Regulations of 1 parking space per 200 square feet of floor area would require 236 off-street parking spaces. Using the Zoning Regulations shopping center ratio of 5.5 spaces per 1,000 square feet would require 259 off-street parking spaces. The proposed number of parking spaces should be adequate.

The applicant's Traffic Engineering Analyses (*included in the application booklet*) indicates nominal impact on the surrounding transportation network as a result of the proposed development. The City Engineer has reviewed and accepted the (*attachment*).

KDOT indicates all state highway improvements, including the right-in/right-out must be completed prior to issuance of an occupancy permit for any store (*attachment in application booklet*).

The Bicycle Master Plan shows a bike route along Tuttle Creek Boulevard, which will be provided by the proposed sidewalk along the street and also serves as a connecting link of the Linear Trail, subject to KDOT approving a grant for the improvement. One bike rack is shown along the Tuttle Creek Boulevard sidewalk east of Best Buy.

5. OPEN SPACE AND COMMON AREA: Approximately 23% of the site is landscaped open space, which will be maintained by the owner.

6. CHARACTER OF THE NEIGHBORHOOD: The site is within a commercial service/retail corridor, and bounded on the east by Tuttle Creek Boulevard, on the west by North 3rd Street, on the south by the Central Business District, and the north by a mixture of retail and service retail uses.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Platted and vacant commercial site, adjoining former railroad, and state right-of-way.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally flat with concrete foundations and floor areas from prior improvements. Scattered grass and trees are throughout the site. Existing drainage is to the east to North Third Street storm water inlets and to the ditch along the west side of Tuttle Creek Boulevard. The site is located in a 500 Year Flood Plain and is not subject to flood plain development regulations

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Vacant commercial land and commercial retail and service uses; C-5 District and C-4 District.

(b.) SOUTH: Westar substation, gas station, commercial building, Leavenworth Street, Manhattan Town Center; C-4 District.

(c.) EAST: Tuttle Creek Boulevard, commercial/retail uses: C-5 District and PUD.

(d.) WEST: North Third Street, residential dwelling, and commercial/retail/service uses; C-5 District, and C-2, Neighborhood Shopping District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is zoned C-4 District, and C-5 District (former railroad and KDOT right-of-way), with C-4 District being the majority of the site. The site is sufficient in area and can be developed with any of the uses allowed in the C-4 District, subject to the Manhattan Zoning Regulations. The PUD zoning is necessary, in part, since Travel Easements are proposed to provide direct access to public streets for Lots 1, 2, and 3.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed PUD will allow as permitted uses all of the permitted and conditional uses of the C-4 District. Expected increases in traffic, light, and noise will be consistent with the commercial character of the neighborhood. Minimal impact on adjacent properties is anticipated.

CONFORMANCE WITH COMPREHENSIVE PLAN:

The Manhattan Urban Area Comprehensive Plan shows the site as Central Core District (CCD), which is a special purpose designation for the Downtown Core. The rezoning site is also designated as a primary redevelopment area for expansion of the Central Business District, in Downtown Tomorrow – A Redevelopment Plan for Downtown Manhattan, Kansas, adopted in May 2000.

The proposed rezoning conforms to the Comprehensive Plan.

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

December 15, 2003 Manhattan Urban Area Planning Board recommended approval of the rezoning of the former Steel & Pipe site from I-3, Light Industrial District and C-5, Highway Service Commercial District, to C-4, Central Business District.

January 6, 2004 City Commission approved first reading of an ordinance rezoning the Steel & Pipe site to C-4, Central Business District.

January 20, 2004 City Commission approved Ordinance No. 6387 rezoning the Steel & Pipe site to C-4, Central Business District.

The Steel & Pipe Supply business was demolished in 2003-2004. The site is vacant, except for concrete foundations.

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

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

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 relative gain to the public that denial would accomplish in comparison to the hardship to the owner. The site is part of the overall downtown redevelopment project and is an integral part of that project.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The PUD plans show existing and proposed public utilities and services, which will adequately serve the site. Utility releases have been provided by private companies. Easements have been reviewed by City Administration and will adequately serve the development.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: The proposed ground entry sign along Tuttle Creek Boulevard identifying Manhattan Marketplace serves as a gateway to the PUD. The sign should be consistent with the design of the Manhattan Town Center entry sign, which only identifies the name of the center and not individual tenants. Also, the Design Guidelines emphasize and promote the “Walkability and Bikability” in downtown. Additional bike racks should be incorporated into site plans as Final Development Plans are submitted for approval to provide for places to park bicycles.

City Administration recommends approval of the proposed rezoning of Manhattan Marketplace, from C-4, Central Business District, and C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, with the conditions:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses of the C-4, Central Business District.
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. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations, and temporary grand opening signs; and, menu boards for drive-up window restaurants.
5. Individual back-lit acrylic tenant signs on the ground entry sign shall be deleted and replaced with a compatible stone fascia.
6. Additional bike rack locations shall be considered as Final Development Plans are prepared for approval.

7. Screening for the temporary dumpster location for Building A shall be six (6) foot cedar fencing.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Manhattan Marketplace from C-4, Central Business District, and C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, based on the findings in the staff report, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Manhattan Marketplace from C-4, Central Business District, and C-5, Highway Service Commercial District, to PUD, 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 Manhattan Marketplace from C-4, Central Business District, and C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, based on the findings in the staff report, with the conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: December 13, 2005