



MINUTES
CITY COMMISSION MEETING
TUESDAY, MAY 21, 2013
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Pro-Tem Wynn Butler and Commissioners Karen McCulloh, Usha Reddi, and Richard B. Jankovich were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Raymond, City Clerk Gary S. Fees, 4 staff, and approximately 9 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Butler led the Commission in the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Jankovich reported that he and City Manager Ron Fehr attended the Manhattan Area Chamber of Commerce monthly Board Meeting and received an update on the Fieldhouse Project and funding for a market study, introduced the Kansas State University Master Plan, and welcomed Lonnie Baker as the new Chief Executive Officer (CEO) at Meadowlark Hills. He extended his best wishes to Assistant City Manager Lauren Palmer on her move to the City of Parkville, Missouri, and congratulated Assistant City Manager Jason Hilgers to his new position as Deputy City Manager.

Commissioner Reddi congratulated Lauren Palmer and stated that she looked forward in working with City Administration and staff. She encouraged citizens to take advantage of the great Arts in the Park programs, the Sunset Zoo, the Manhattan Public Library, the City pools, and the many facilities provided in the community. She voiced concerns for the teachers, students, and families that have experienced loss as a result of the recent tornado in Oklahoma and extended her prayers and thoughts with them.

Commissioner McCulloh also congratulated Lauren Palmer. She provided an update on the Senior Center Advisory Board meeting and stated that the Senior Center has a new stained glass window and that the building is being painted.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 7, 2013, and the Special City Commission Meeting held Tuesday, May 14, 2013.

CLAIMS REGISTER

The Commission approved Claims Register Nos. 2732 authorizing and approving the payment of claims from May 1, 2013, to May 14, 2013, in the amount of \$2,305,009.11.

LICENSE

The Commission approved an annual Cereal Malt Beverages Off-Premises License for Short Stop #12, 2010 North Tuttle Creek Boulevard.

ORDINANCE NO. 7002 – AMEND PRELIMINARY DEVELOPMENT PLAN – LOT 16, MANHATTAN MARKETPLACE PUD, UNIT TWO

The Commission approved Ordinance No. 7002 amending Ordinance No. 6544 and the Preliminary Development Plan of Lot 16, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1 and 2, Manhattan Marketplace Shops, Unit Five, Planned Unit Development, based on the findings in the Staff Report, with the one condition of approval (*See Attachment No. 1*).

ORDINANCE NO. 7003 – ADOPT/INCORPORATE – EUREKA VALLEY HIGHWAY K-18 CORRIDOR PLAN

The Commission approved Ordinance No. 7003 amending and re-establishing the Manhattan Urban Area Comprehensive Plan by adopting and incorporating by reference the Eureka Valley Highway K-18 Corridor Plan, dated April 2013, and incorporating the necessary citations in Chapters 4 and 13, as proposed.

ORDINANCE NO. 7004 – REZONE – LOT 4, MANHATTAN SERVICE PARK ADDITION

The Commission approved Ordinance No. 7004 rezoning Lot 4, Manhattan Service Park Addition from C-5, Highway Service Commercial District, to I-2, Industrial Park District, generally located at the eastern dead-end of Service Circle, based on the findings in the Staff Report (*See Attachment No. 2*).

CONSENT AGENDA (CONTINUED)

* **RESOLUTION NO. 052113-A – ISSUE – TEMPORARY NOTE SERIES NO. 2013-02**

Ron Fehr, City Manager, provided an update on the bid results of the Temporary Note Sale.

The Commission accepted the best bid from UMB Bank N.A., of Kansas City, Missouri, for selling the notes and approved Resolution No. 052113-A issuing Temporary Note Series No. 2013-02 in the amount of \$3,015,000.00 to finance *Scenic Meadows Addition, Unit Three, Phase II, Sanitary Sewer (SS1004) and Water (WA1004); The Reserves Sanitary Sewer (SS1210) and Water (WA1216); and Poyntz Avenue Street Improvements (ST1203).*

RESOLUTION NO. 052113-B – ISSUE – TEMPORARY NOTE SERIES NO. 2013-03

The Commission approved Resolution No. 052113-B issuing Internal Temporary Note Series No. 2013-03 in the amount of \$470,000.00 to finance the Bluemont Avenue Corridor Improvements Project (ST1103).

FINAL PLAT – CONGRESSIONAL ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Congressional Addition, generally located north of the intersection of Players Terrace and Bellerive Drive, on the west side of Grand Mere Parkway.

* **RESOLUTION NO. 052113-C – SANITARY SEWER IMPROVEMENTS (SS1309) – CONGRESSIONAL ADDITION**

Item was removed from the consent agenda at the request of the applicant.

* **RESOLUTION NO. 052113-D – STREET IMPROVEMENTS (ST1311) – CONGRESSIONAL ADDITION**

Item was removed from the consent agenda at the request of the applicant.

* **RESOLUTION NO. 052113-E – WATER IMPROVEMENTS (WA1310) – CONGRESSIONAL ADDITION**

Item was removed from the consent agenda at the request of the applicant.

* **AGREEMENT – ENGINEERING SERVICES – CONGRESSIONAL ADDITION SANITARY SEWER (SS1309), STREET (ST1311), AND WATER (WA1310) IMPROVEMENTS**

Item was removed from the consent agenda at the request of the applicant.

CONSENT AGENDA (CONTINUED)

FINAL PLAT – K-STATE RESEARCH PARK ADDITION, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of K-State Research Park Addition, Unit Two, generally located at the southern dead-end of Research Park Drive.

* **DEVELOPMENT AGREEMENT – K-STATE RESEARCH PARK, PHASE II, WATER (WA1311), STREET (ST1312), AND SANITARY SEWER (SS1310) IMPROVEMENTS**

Commissioner Jankovich announced that he had a conflict of interest and would be abstaining on the item.

The Commission authorized the Mayor and City Clerk to execute the Development Agreement for K-State Research Park, Phase II, Water (WA1311), Street (ST1312), and Sanitary Sewer (SS1310) Improvements.

* **RESOLUTION NO. 052113-F – WATER IMPROVEMENTS (WA1311) – K-STATE RESEARCH PARK, PHASE II**

Commissioner Jankovich announced that he had a conflict of interest and would be abstaining on the item.

The Commission found the petition sufficient and approved Resolution No. 052113-F finding the project advisable and authorizing construction for K-State Research Park, Phase II, Water (WA1311) Improvements.

* **RESOLUTION NO. 052113-G – STREET IMPROVEMENTS (ST1312) – K-STATE RESEARCH PARK, PHASE II**

Commissioner Jankovich announced that he had a conflict of interest and would be abstaining on the item.

The Commission found the petition sufficient and approved Resolution No. 052113-G finding the project advisable and authorizing construction for K-State Research Park, Phase II, Street (ST1312) Improvements.

* **RESOLUTION NO. 052113-H – SANITARY SEWER IMPROVEMENTS (SS1310) – K-STATE RESEARCH PARK, PHASE II**

Commissioner Jankovich announced that he had a conflict of interest and would be abstaining on the item.

The Commission found the petition sufficient and approved Resolution No. 052113-H finding the project advisable and authorizing construction for K-State Research Park, Phase II, Sanitary Sewer (SS1310) Improvements.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 052113-I – SAFE ROUTES TO SCHOOL GRANT APPLICATION

The Commission authorized the Mayor to sign and submit an application with the assistance of Alfred Benesch and Company, of Manhattan, Kansas, to the Kansas Department of Transportation (KDOT) for the Safe Routes to School Phase One Grant and approved Resolution No. 052113-I to show Municipal Support of the Safe Routes to School Program.

SUPPLEMENTAL AGREEMENT NO. 1 – US 24/MANHATTAN TOWN CENTER TURNING LANE PROJECT (ST1107)

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute a supplemental agreement with KDOT for the sidewalk improvements included as part of the US 24 and East Poyntz Avenue (Mall Entrance) project (ST1107).

CONTRACT AMENDMENT NO. 1 – CASEMENT ROAD BRIDGE IMPROVEMENTS AT MARLATT DITCH (SM1203)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 1 in the amount of \$59,154.00 with Olsson Associates, Inc., of Manhattan, Kansas, for engineering services related to the design of the roadway associated with the Casement Road Bridge Improvements at Marlatt Ditch (SM1203).

KDOT GRANT AGREEMENT – US 24/LEAVENWORTH AVENUE INTERSECTION IMPROVEMENTS (ST1207)

The Commission accepted a Geometric Improvement Program Grant for the US 24 and Leavenworth Avenue Intersection Improvements (ST1207) and authorized the Mayor and the City Clerk to execute the agreement with the Kansas Department of Transportation.

PURCHASE – WATER METERS AND WATER METER AUTOMATION EQUIPMENT (WA1114)

The Commission authorized City Administration to finalize and execute a purchase agreement with Aclara Technologies, LLC, for meter automation equipment, and to purchase water meters from Salina Supply Company, of Salina, Kansas, to be installed as part of the Water Meters Automation and Replacement Project (WA1114).

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENT – LIBRARY BOARD

The Commission approved the appointment of Katharine Jackson, 1717 Kingwood Drive, to fill the unexpired term of Usha Reddi. Ms. Jackson's term begins immediately, and will expire April 30, 2014.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve the consent agenda, with Item I, RESOLUTION NO. 052113-C – SANITARY SEWER IMPROVEMENTS (SS1309); RESOLUTION NO. 052113-D – STREET IMPROVEMENTS (ST1311); RESOLUTION NO. 052113-E – WATER IMPROVEMENTS (WA1310); and AGREEMENT – ENGINEERING SERVICES – CONGRESSIONAL ADDITION IMPROVEMENTS, being removed from the consent agenda at the request of the applicant. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 4-0, with the exception of Item K, DEVELOPMENT AGREEMENT; RESOLUTION NO. 052113-F – WATER IMPROVEMENTS (WA1311); RESOLUTION NO. 052113-G – STREET IMPROVEMENTS (ST1312); and RESOLUTION NO. 052113-H – SANITARY SEWER IMPROVEMENTS (SS1310) – K-STATE RESEARCH PARK, PHASE II, IMPROVEMENTS, which carried 3-0-1, with Commissioner Jankovich abstaining on the item.

GENERAL AGENDA

FIRST READING - AMEND – OLD WAL-MART PLANNED UNIT DEVELOPMENT

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission regarding signage and landscaping performance process and requirements.

Dale Houdeshell, Director of Public Works, responded to questions from the Commission. He also provided additional information on water drainage, water storage, and the Poyntz Avenue pumping station.

Ron Fehr, City Manager, provided additional information on the elevation requirements and the flooding experienced in this area during the 1993 flood.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve first reading of an ordinance amending the Wal-Mart Planned Unit Development and approving the Final Development Plan of Manhattan Crossing PUD, generally located northeast of the intersection of Tuttle Creek Boulevard Frontage Road and Sarber Lane, based on the findings in the revised Staff Report (*See Attachment No. 3*), with five conditions of approval. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - LOT 4, MANHATTAN INDUSTRIAL PARK, UNIT FOUR, (610 HAYES DRIVE)

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission and provided clarification on accessibility.

After discussion, Commissioner McCulloh moved to approve first reading of an ordinance rezoning Lot 4, Manhattan Industrial Park, Unit Four, generally located at 610 Hayes Drive, from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report (*See Attachment No. 4*). Commissioner Reddi seconded the motion. On a roll call vote, motion carried 4-0.

FIRST READING – REZONE - NORTHLAKE ADDITION

Eric Cattell, Assistant Director for Planning, presented an overview of the item.

After discussion, Commissioner Reddi moved to approve first reading of an ordinance rezoning Northlake Addition, a 9.9 acre tract of undeveloped land, generally located 150 feet west of the intersection of Brookpark Drive and Northfield Road, from R-3, Multiple-Family Residential District, to R-2, Two-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 5*). Mayor Pro-Tem Butler seconded the motion. On a roll call vote, motion carried 3-0-1, with Commissioner Jankovich abstaining on the item due to a business conflict of interest.

ADJOURNMENT

At 7:40 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

AMENDMENT OF A COMMERCIAL PLANNED UNIT DEVELOPMENT

PROPOSED AMENDMENT

Amend Ordinance No. 6544 and the Preliminary Development Plan of Lot 16, Manhattan Marketplace Unit Two Commercial Planned Unit Development, in order to allow a second building on the property for a proposed drive-in restaurant (Taco John's), and other site improvements. The amendment is proposed as a Final Development Plan.

Note: A separate Final Plat is also proposed (see separate staff memorandum.) A Preliminary PUD serves in lieu of a preliminary plat. Lot 16 was included with a Final Plat in 2008 as a part of the larger project generally from Osage Street to Moro Street, which included the Hy-Vee store. That larger area was ready to proceed, and in order to facilitate the vacation of easements and existing streets and dedication of new easements and streets, Lot 16 was formally Final Platted as Lot 11, Manhattan Marketplace Shops, Unit One, Planned Unit Development. While no development has occurred on Lot 11, it was included as a part of the Final Plat due to the extent of street and utility vacations and dedications to facilitate construction.

For the purpose of the amendment, this staff report will refer at times to Lot 16 of the approved Preliminary PUD, because that lot does not have a Final Development Plan, and proposed Lot 1 (commercial/retail building) and Lot 2 (Taco Johns drive-in restaurant), Manhattan Marketplace Shops, Unit Five, Planned Unit Development, which combined are the Final Development Plan.

BACKGROUND

APPLICANTS: Flinthills Holdings LLC – Kimberly Jager, Member; and, Dial-Manhattan LLC-Rick Kiolbasa, Manager.

ADDRESSES: 222 Oak Valley Drive, Manhattan, KS 66502; and, 11506 Nicholas Street, #200, Omaha, NE 68154.

OWNER: Dial-Manhattan LLC-Richard Kiolbasa, Manager.

ADDRESS: 11506 Nicholas St. #200, Omaha, NE 68154-4421.

LOCATION: Generally the northeast corner of Leavenworth Street and N. 3rd Street.

AREA: Total area of the amendment site is 0.96 acres (approximately 41,818 square feet).

Attachment No. 1

DATE OF PUBLIC NOTICE PUBLICATION: Monday, March 11, 2013.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 15, 2013. The public hearing was tabled on April 1, 2013, to the April 15, 2013, Planning Board meeting.

CITY COMMISSION: Tuesday, April 16, 2013.

EXISTING PUD

Ordinance No. 6544

Ordinance No. 6544 and the Preliminary Development Plan were approved June 6, 2006. Conceptual Building E and the balance of the site improvements are shown on Lot 16 (*attachments*). Prior to the current application, no amendment or Final Development Plan has been submitted to develop Lot 16.

Approved Conceptual Building E and Site Improvements - Lot 16

Conceptual Building E is a one-story, approximate 24 foot to 28 foot tall brick building, rectangular in shape with the longer side of the building fronting on N. 3rd Street. Prominent building entrances are located on the southern corners of the building. The building's floor area is approximately 7,429 square feet. Exterior elevations show large window spaces accented with awnings on the N. 3rd Street façade, and partially on the north and south facades. The "rear", or east façade of the building, is masonry (*Building E-conceptual elevations attached*). Lot 16 is noted as a future phase 2008 or later.

A screened trash enclosure is to the north of Building E.

Wall sign space is shown over the main southern doorway entrances and over windows with a suggested size of 56 square feet in area per sign. A wall sign space is also shown on the north color elevation façade but no size is noted.

There is an off-street parking lot to the east of the building containing 77 parking spaces.

The preliminary landscape plan consists of landscaped perimeter and parking lot islands, and shade and ornamental trees.

Site lighting is generalized and consistent with the light poles in the surrounding PUD.

Sidewalks around Building E connect to public sidewalks.

Permitted Uses

The Permitted Uses in the PUD include all of the Permitted and Conditional Uses of the C-4, Central Business District, which includes drive-in restaurants.

Existing and Proposed Final Plat

Initially described as Lot 16 with the Preliminary Development Plan, the tract of land was designated Lot 11 with the Final Plat of Manhattan Marketplace Shops, Unit One, Planned Unit Development, which was approved January 24, 2008. A separate application to Replat Lot 11 has been submitted concurrently with the proposed amendment to divide Lot 11 and establish Lot 1 (commercial/retail building) and Lot 2 (Taco Johns), Manhattan Marketplace Shops, Unit Five, Planned Unit Development.

PROPOSED MODIFICATIONS, BUILDINGS, IMPROVEMENTS AND DESIGN GUIDELINES

Whenever there are substantial modifications to an approved Preliminary Development Plan, the Manhattan Zoning Regulations require an amendment of the PUD. The proposed changes are substantial modifications to Lot 16, and the range of improvements associated with the approved PUD, and Ordinance No. 6544.

Proposed Modifications on Lot 1

The commercial/retail building on Lot 1 is a one story primarily brick veneer commercial building 22 feet tall with limestone wainscoting and large expanses of window space with aluminum canopies accenting window space. Front doors are on the east and west sides of the building with an optional outdoor patio on the south end of the building enclosed with black aluminum fencing.

The lot coverage of the building is 4,500 square feet with the floor plan's total interior floor area shown at 4,304 square feet and noted for four tenant spaces. Conceptual Building E was approximately 7,429 square feet in area. The reduced square footage is attributed to the Taco John restaurant (2,710 square feet of lot area) with total building coverage of both proposed buildings less than Conceptual Building E (7,210 square feet of proposed lot area versus 7,429 square feet of approved lot area). The commercial/retail building is set back consistent with the Anytime Fitness building to the north, or approximately six feet from the property line. Roof equipment is screening by parapet walls.

There are 24 off-street parking spaces on proposed Lot 1.

Proposed Modifications on Lot 2

The commercial drive-in restaurant is a one story ledgestone (limestone) veneer and EFIS commercial building, generally 15 feet 6 inches tall with a maximum height of 18 feet 6 inches. Front doors are on the east side of the building with an outdoor eating area on the south side of the restaurant enclosed by a black aluminum fence. Two drive-in pick-up windows are on the west side of the building with order boards at the rear or north side of the building. Circulation is counter clockwise with access from the south to drive-in menu boards and lanes. Awnings are over windows and pick-up window on the east and west sides of the building.

A screened trash enclosure, six feet tall, with metal gates and masonry walls is proposed to be shared by Lots and Lot 2. The applicant, Flinthills Holdings LLC will own both lots.

Proposed signs: Proposed restaurant signs are wall signs on the east, south and west facades, and one awning sign on the east side of the building over the restaurant's entrance. Exempt signage, such as address numerals, political signs and other similar signs, described in the Manhattan Zoning Regulations, Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5) are added as a condition, because sign requirements for exempt signs changed since approval of the PUD in 2006 (*attached*).

Proposed lighting: Light poles will be approximately 15 feet in height feet in the parking lots consistent with lights in the PUD. Building lights are wall wash lighting fixtures on the commercial building; goose neck lights are proposed on the east, west and south facades of the restaurant and full cutoff fixtures on the rear by the order board area.

Design Guidelines

The Design Guidelines for Downtown Redevelopment sets 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. While the Guidelines are not regulations, they were incorporated as a part of the Development Agreement between the City and Dial. 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. In addition, large format buildings, those with footprints greater than 10,000 square feet in area, such as iconic, corporate or standard building design, will be allowed, only if the purposes, intent and conditions of the Guidelines are met. General purpose and intent statements consists of:

- Promote a civic and functional relationship between the public streetscape and adjacent private development.
- Increase the economic and cultural vitality of Downtown Manhattan.
- Create an environment conducive to pedestrian circulation.

Design Review

Patrick Schaub, AIA, letter dated April 1, 2013 (*attached in Appendix I*) has reviewed the plans for conformance with the Design Guidelines, and found the development to be in general conformance with the Design Guidelines. Also in Appendix I is a response to Schaub's original review letter.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:

The proposed amendment is generally consistent with the intent and purpose of approved Preliminary Development Plan. Drive-in restaurants were approved with the PUD in 2006, both located north of Best Buy and both set back from the street (*see approved 2006 PUD site Plan attached*). Approval of the proposed amendment will ensure the efficient development and preservation of the entire PUD. The proposed development conforms to the Design Guidelines. The general overall intent of the PUD is met with the development intended to fit in and provide for a pedestrian oriented mixed-use retail and residential environment as an extension of the Downtown.

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:

The proposed amendment is necessary due to the proposed drive-in restaurant and a separate commercial/retail building in contrast to the single commercial/retail building approved on Lot 16 in 2006.

3. 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:

Approval of the proposed amendment will result in a relative gain to the general public welfare because it will allow the last tract of land in the PUD to be developed. Substantial public investment has been made in public improvements in association with the PUD. Streets and easements are designed to accommodate the downtown redevelopment project resulting in a positive gain to the public.

Attachment No. 1

The proposed amendment will not be granted as a special benefit to any one person. Approval of the proposed amendment makes the overall downtown redevelopment project viable and a benefit to the general public.

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

1. LANDSCAPING: The proposed landscape plan provides for a number and variety of shade and ornamental trees, shrubs, foundation plantings, parking lot landscaping, and ground cover throughout Lots 1 and 2. Landscaping and underground irrigation will be maintained by the applicant, Flinthills Holdings LLC, who will own both lots.

2. SCREENING: A trash dumpster is proposed to be screened by masonry walls with solid doors. Roof equipment will be screened by parapet walls (commercial/retail building) and metal panel screen walls (Taco Johns).

3. DRAINAGE: The site will drain to an area inlet grate at the driveway for the drive-in restaurant and then to the drainage channel along the east side of Tuttle Creek Boulevard. A comprehensive drainage plan was submitted and approved with the approved PUD and there are no changes to the drainage proposal. No update to the initial drainage plan was required with the amendment.

4. CIRCULATION:

Public Access. 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 sites will be accessed from the surrounding street system within the PUD and city streets. Sidewalks exist or will be provided including pedestrian routes within the two sites. An existing driveway on proposed Lot 1 will be closed and relocated to the east for access to Lots 1 and 2. Internal access connections to the north will allow truck deliveries to Best Buy, and additional circulation for the public to the north between Anytime Fitness and Best Buy.

Traffic. The applicant's original traffic analyses were comprehensive for the entire North Project Area and indicated nominal impact on the surrounding transportation network as a result of the proposed development. The analysis was previously accepted by the City Engineer with the rezoning to PUD.

Attachment No. 1

A technical memorandum was prepared by Alfred Benesch and Co. dated March 25, 2013, (*attached Appendix F*) regarding trip generation comparisons between those anticipated in 2005 and at full build-out in 2013. The technical memorandum concludes that trip generation at build-out will be less than originally expected in 2013, and "... the current proposed Taco Johns restaurant and a mixed use building, when examined with the entire development, will have no impact to the recommendations from the original traffic study."

The Public Works Department (Peter Clark, PE, Civil Design Engineer) reviewed the technical memorandum and determined the traffic impact and driveway to proposed Lot 2 off Leavenworth Street are acceptable (*attachment*).

Off-Street Parking. The Manhattan Zoning Regulations does not require off-street parking for any use in the C-4 Central Business District, with Manhattan Marketplace generally an extension of the C-4 District. The Manhattan Marketplace PUD does not use any specific parking ratio; off-street parking is maximized to the greatest extent possible.

Based on the proposed off-street parking, and assuming standard commercial ratios applied to the separate uses, the commercial/retail building would require 17 parking spaces, and the restaurant would require 26 off-street parking spaces, or 43 spaces. Twenty four off-street parking spaces are proposed on Lot 1 and 22 on Lot 2, or 46 total off-street parking spaces. Adequate off-street parking should be available to the two proposed uses.

In addition, there are 56 off-street parking spaces available to the west of N. 3rd Street on Lots 2 and 3, Manhattan Marketplace Shops, Unit Four, which would be available to proposed Lots 1 and 2 and other commercial uses in the PUD.

5. OPEN SPACE/LANDSCAPED: The average landscape space between proposed Lots 1 and 2 is 26% of the site, Lots 1 (29.9%) and 2 (23.2%).

6. CHARACTER OF THE NEIGHBORHOOD: The site is characterized as a downtown commercial street corridor bounded on the north by Manhattan Marketplace shopping area, a commercial PUD as an extension of the C-4 District, and on the south by Manhattan Town Center, which is in the C-4 District.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Approved Lot 16, Manhattan Marketplace Unit Two, PUD, is subject to Ordinance No. 6544 approved on June 6, 2006. The site is vacant and has an unimproved access drive off Leavenworth Street.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally flat with drainage to the southeast. The site is located in a 500 Year Flood Plain and is not subject to flood plain development regulations or requirements.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** Anytime Fitness, Best Buy, off-street parking lots, balance of commercial uses in Manhattan Marketplace PUD including one drive-in business; PUD.

(b.) **SOUTH:** Leavenworth Street, Manhattan Town Center and off-street parking lots; C-4 District.

(c.) **EAST:** Hy-Vee gas station and Tuttle Creek Boulevard; C-5, Highway Service Commercial District.

(d.) **WEST:** N. 3rd Street, city park space along the west side of N. 3rd Street, off-street parking lots, Strasser Village apartment building; PUD.

4. GENERAL NEIGHBORHOOD CHARACTER: See Number 6 above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The existing site is suitable for the Permitted Uses of the PUD, which include all of the Permitted and Conditional Uses of the C-4, Central Business District. Drive-in restaurants are a Permitted Use in the PUD.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed modifications should have minimal impact on adjacent properties. Properties to the north are commercial. To the south is Manhattan Town Center and Manhattan's central business district. Commercial, public, and residential uses are to the west and northwest of N. 3rd Street. The proposed amendment should not adversely affect those areas as the changes are consistent with the approved PUD. To the east is a Hy-Vee gas station and Tuttle Creek Boulevard. N. 3rd Street and Manhattan Marketplace PUD, which consists of developed and one undeveloped lot in the PUD.

The amendment is within the Environs of the Downtown Manhattan Historic District. The applicant submitted an application form for a Minor Review (*attached*) which was reviewed by Kevin Credit, Planner. The Summary of Finding: Basis for Decision states, "The entire Manhattan Marketplace Shops area has been previously redeveloped, compromising the historic character, use & spatial relationships that made this portion of the environs of the Downtown Manhattan Historic District distinctive. Therefore, this proposal will not significantly alter or damage the remaining character – defining features of the District environs."

7. 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 amendment 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 amendment conforms to the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The amendment site is vacant as demolition and clearing have occurred since rezoning to PUD.

May 1, 2006 Manhattan Urban Area Planning Board, on a vote of 5-0, recommends approval of the rezoning of Manhattan Marketplace Addition, Unit Two from R-2, Two-Family Residential District; R-3, Multiple-Family Residential District; C-2, Neighborhood Shopping District; C-4, Central Business District; C-5, Highway Service Commercial District; I-3, Light Industrial District; and, PUD, Commercial Planned Unit Development District, to PUD, Commercial Planned Unit Development District.

May 15, 2006 Applicant submits revised Preliminary Development Plan replacing the hotel in Building P with residences.

May 16, 2006 City Commission considers first reading of an ordinance rezoning of Manhattan Marketplace Addition, Unit Two to PUD, Commercial Planned Unit Development District and on a vote of 5-0, overrode the Planning Board's recommendation and approved first reading of an ordinance rezoning the site to PUD, Commercial Planned Unit Development, as modified by the revised Preliminary Development Plan that replaced the hotel use in Building P with residential dwellings, based on the findings in the Staff Report as verbally updated in the staff presentation, with the four (4) conditions of approval recommended by the Planning Board.

June 6, 2006 City Commission overrides the recommendation of the Manhattan Urban Area Planning Board and approves Ordinance No. 6544 rezoning Manhattan Marketplace Addition, Unit Two, to PUD Commercial Planned Unit Development District as modified by the revised Preliminary Development Plan replacing the hotel use in Building P with residential dwellings, based on the findings in the Staff Report as updated by the Cover Memorandum, with the four (4) conditions of approval listed in the Staff Report.

Attachment No. 1

- January 24, 2008 Manhattan Urban Area Planning Board approves the Final Plat of Manhattan Marketplace Shops, Unit One, Planned Unit Development.
- February 5, 2008 City Commission accepts easements and rights-of-way of Manhattan Marketplace Shops, Unit One, Planned Unit Development.

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 amendment is consistent with the intent and purposes of the Zoning Regulations, the intent of the PUD Regulations and meets the Design Guidelines, subject to any conditions of approval listed under the staff recommendation.

10. 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 in comparison to the hardship to the applicant and the City. The area of the PUD, affected by the amendment, is the final part of the overall downtown redevelopment project. Substantial public investment has been made to implement the entire PUD as a part of the overall downtown redevelopment effort. Denial of the amendment would be a hardship on the applicant, as well as the general public, given the levels of public investment already made.

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

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: All provisions of Ordinance No. 6544, which are not in conflict with this amendment, shall remain in force.

Attachment No. 1

City Administration recommends approval of the proposed amendment of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 16, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1 and 2, Manhattan Marketplace Shops, Unit Five, Planned Unit Development, subject to the following condition:

1. Exempt signage shall include signage described in the Manhattan Zoning Regulations, Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5).

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 6544 and the approval of the proposed amendment of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 16, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1 and 2, Manhattan Marketplace Shops, Unit Five, Planned Unit Development, stating the basis for such recommendation.
2. Recommend denial of the proposed amendments of Ordinance No. 6544 and the approval of the proposed amendment of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 16, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1 and 2, Manhattan Marketplace Shops, Unit Five, Planned Unit Development, 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 Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 16, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1 and 2, Manhattan Marketplace Shops, Unit Five, Planned Unit Development, based on the findings in the Staff Report, subject to the one condition of approval recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: April 9, 2013

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: C-5, Highway Service Commercial District

TO: I-2, Industrial Park District

APPLICANT: SMH Consultants – Jeffrey Hancock, on behalf of the owner

ADDRESS: 4201B Anderson Avenue, Suite 2, Manhattan, KS 66503

OWNERS: JSG Properties, LLC – Gary Jones

ADDRESS: 800 Hayes Drive

LOCATION: Lot 4, Manhattan Service Park Addition

AREA: 50,140 square feet (1.15 acres)

DATE OF PUBLIC NOTICE PUBLICATION: Monday, March 25, 2013

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 15, 2013

CITY COMMISSION: Tuesday, May 7, 2013

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

- 1. EXISTING USE:** undeveloped lot at the end of Service Circle cul-de-sac. The applicant has also proposed a Final Plat of Manko III Addition, which will combine the site to the adjacent lot to the north so that an off-street parking lot associated with the industrial use can be constructed on the site. Please refer to the Manko III Addition, memo for more information about the Final Plat.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is an irregular shaped lot at the end of Service Circle, a local cul-de-sac serving the adjacent commercial businesses. The site is generally flat. A shallow drainage area is located along the east property line. The site is shown on the effective Flood Insurance Rate Map (FIRMs) panel number 0366E as being located in the AH, 1% Annual Chance Floodplain due to ponding. The preliminary FIRMs of the Riley County Flood Insurance Study update shows the site to be in the Zone X, Protected by Levee Floodplain.

3. SURROUNDING LAND USE AND ZONING:

NORTH: I-2, Industrial Park District, Manko Window system manufactures facility.

SOUTH: C-5, Highway Service Commercial District and K-Mart PUD, Commercial Planned Unit Development. Service Circle ROW, vacant land and the K-Mart Shopping Center.

EAST: K-Mart PUD, Commercial Planned Unit Development and C-2, Neighborhood Shopping District. K-Mart Shopping Center and Plaza East Shopping Center

WEST: C-5, Highway Service Commercial District. Service industry uses devoted to Manko Windows Systems and the automotive repair industry.

4. GENERAL NEIGHBORHOOD CHARACTER: The immediate area is a mix of vacant commercial lots, service repair businesses, Manko Window Systems manufacturing business and retail commercial uses.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site meets the minimum lot size and area requirements for the C-5, Highway Service Commercial District. The property owner is proposing to construct an off-street parking lot associated with the window and door manufacturing facility. The proposed rezoning and Final Plat of Manko III Addition will allow for the proposed off-street parking lot to comply with all applicable regulations of the Zoning Ordinance.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning from C-5 District to I-2 District is compatible with the surrounding properties. The I-2, Industrial Park District is designed to allow for a broad range of manufacturing and research activities in a large lot industrial park setting. The lot immediately to the north of the site is zoned I-2 District. The current uses found in the C-5 District in the area are service repair uses associated with Manko Window Systems or the automotive repair industry. The current uses are of a light industrial nature and compatible with the I-2 District. The commercial retail uses to the east of the site face U.S. Highway 24 to the southeast. Only the rear of these commercial buildings can be seen from the site.

The proposed rezoning should not result in any detrimental effects related to traffic, light or noise when compared to the permitted uses allowed in the C-5 District, which the site is currently zoned. The intent of the property owner is to construct an off-street parking lot for Manko Window Systems on the adjacent lot; however, any of the permitted or conditional uses of the I-2 District would be allowed. The parking lot will have access onto Service Circle.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is shown on the future land use map in the northeast planning area as Commercial Center (CC). The I-2 District falls within the Industrial (IND) land use designation of the Comprehensive Plan.

The CC and IND policies are set out below in *italics* and ***bold italics***.

COMMUNITY COMMERCIAL (CC)

CC 1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC 2: Location

Community Commercial Centers should be located at the intersection of one or more major arterial streets. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as “big-box” stores) shall only be permitted in areas of the City where adequate access and services can be provided.

CC 3: Size

Typically require a site of between 10 and 30 acres.

CC 4: Unified Site Design

A unified site layout and design character (buildings, landscaping, signage, pedestrian and vehicular circulation) shall be required and established for the center to guide current and future phases of development. Building and site design should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.

CC 5: Architectural Character

Community Commercial Centers shall be required to meet a basic level of architectural detailing, compatibility of scale with surrounding areas, pedestrian and bicycle access, and mitigation of negative visual impacts such as large building walls, parking areas, and service and loading areas. While these requirements apply to all community commercial development, they are particularly important to consider for larger footprint retail buildings, or “big-box” stores. A basic level of architectural detailing shall include, but not be limited to, the following:

- Façade and exterior wall plane projections or recesses;*
- Arcades, display windows, entry areas, awnings, or other features along facades facing public streets;*
- Building facades with a variety of detail features (materials, colors, and patterns); and*
- High quality building materials.*

CC 6: Organization of Uses

Community commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Within each activity center or node, complementary uses should be clustered within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses. Isolated single store developments are strongly discouraged.

CC 7: Parking Design and Layout

Uninterrupted expanses of parking should be avoided. Parking areas should be broken into smaller blocks divided by landscaping and pedestrian walkways. Parking areas should be distributed between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible.

CC 8: Circulation and Access

Clear, direct pedestrian connections should be provided through parking areas to building entrances and to surrounding neighborhoods or streets. Integrate main entrances or driveways with the surrounding street network to provide clear connections between uses....

Employment: Industrial and Office

BACKGROUND AND INTENT

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

INDUSTRIAL (IND)

I 1: Characteristics

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

I 2: Location

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

I 3: Screening

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

The immediate area along Service Circle is generally service commercial uses, of which the current uses would be permitted in the I-2 District. Many of the factors of the CC policies do not apply to the area along Service Circle because the policies relate to shopping centers.

To the north of the subject site is the Manko Windows System manufacturing facility and other manufacturing uses, which are in the I-2 District.

The proposed I-2 District is in general conformance to the Comprehensive Plan.

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

- | | |
|-----------------------------|---|
| July 1, 1969 | City Commission approved Ordinance No. 2652 annex area that includes the site into the City and rezone the area to E, Light Industrial District |
| July 15, 1969 | City Commission approves Ordinance No. 2658 which established a new Zoning Ordinance for the City. The new Zoning Ordinance rezoned the site from E, Light Industrial District to I-3, Light Industrial District |
| December 16, 1969 | Manhattan City Commission approves Ordinance No. 2692 to rezone an area, including the site from I-3 District to I-2, Industrial Park District |
| October 7, 1985 | Manhattan Urban Area Planning Board approves the Preliminary Plat of Manhattan Industrial Park Addition, Unit 4 and recommends approval to rezone the area of the Preliminary Plat from I-2 District to C-5 District. |
| November 5, 1985 to present | City Commission approves the ordinance to rezone the area of the Preliminary Plat from I-2 District to C-5 District. |
| April 6, 1987 | Manhattan Urban Area Planning Board approves the Final Plat of Manhattan Service Park Addition. |
| April 7, 1987 | City Commission accepts easements and rights-of-way for the Final Plat of the Manhattan Service Park Addition. |

- 9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The intent and purpose of the Manhattan 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.

Attachment No. 2

The I-2, Industrial Park District is designed to allow for a broad range of manufacturing and research activities in a large lot industrial park setting. The I-2 District's minimum lot size is one (1) acre; minimum lot width is one hundred (100) feet; and a minimum lot depth is one hundred fifty (150) feet. The site is proposed to be joined with the adjacent lot to the north with the Final Plat to create Lot 1, Manko III Addition. The new lot will meet and exceed the minimum requirements of the I-2 District.

The proposed rezoning is consistent with the Manhattan Zoning 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 APPLICANT:** There appears to be no relative gain to the public that denial would accomplish compared to the hardship of denial upon the applicant. The site has been vacant since it was annexed into the City of Manhattan in 1969. The property owner is proposing to construct an off-street parking lot to serve the window manufacture business to the north, which is located in the I-2 District. The proposed rezoning and Final Plat of the site will ensure that the off-street parking lot will comply with the Zoning Regulations. It would be a hardship upon the applicant and property owner to deny the proposed rezoning in a neighborhood, which is has developed with a mix of commercial and industrial uses.
- 11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** There are adequate public facilities and services to serve the site.
- 12. OTHER APPLICABLE FACTORS:** None
- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Lot 4, Manhattan Service Park Addition from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lot 4, Manhattan Service Park Addition from C-5, Highway Service Commercial District, to I-2, Industrial Park District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lot 4, Manhattan Service Park Addition from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Planner II

DATE: April 1, 2013

CB/vr
13025

AMENDMENT OF A COMMERCIAL PLANNED UNIT DEVELOPMENT

APPLICANT: Chip Corcoran, Renaissance Infrastructure Consulting on behalf of the owner.

OWNER: Project Manhattan, LLC.

APPLICANT ADDRESS: 11490 Strand Line Road, Lenexa, KS 66215.

OWNER ADDRESS: 1707 N. Waterfront Parkway, Wichita, KS 67206.

REQUEST: Amend the Wal-Mart Planned Unit Development (PUD) to add Drive-In Establishment as a Permitted Use in the PUD for a proposed drive-in restaurant, which will be located in the northwest part of the off-street parking lot to the east of the Frontage Road. Additional modifications include, but are not limited to, changes to the off-street parking lot, landscaping, signs, and other improvements. The amendment is in the form of a Final Development Plan. *(Note: The staff report was revised based on information received at the Planning Board regarding a second ground sign and traffic improvements located in the off-street parking lot northwest of the corner of the Staples store.)*

The proposed Final Development Plan renames the Wal-Mart PUD to Manhattan Crossing PUD.

LEGAL DESCRIPTION: Lot 1, Walmart Addition, Unit 2.

LOCATION: property generally located northeast of the intersection of Tuttle Creek Boulevard Frontage Road and Sarber Lane, at 606 Tuttle Creek Boulevard, and 620-632 Tuttle Creek Boulevard. Existing businesses on the site include Staples, Hobby Lobby, Hastings, Dollar Tree, H & R Block, Midland Medical, and Tad's Tropical Sno.

AREA: 11.11 acres.

DATE OF NEIGHBORHOOD MEETING: March 20, 2013.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 15, 2013.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 6, 2013.
CITY COMMISSION: Tuesday, May 21, 2013.

EXISTING PUD

Ordinance

The existing PUD has been amended on a number of occasions for a variety of changes including signs and site plan modifications since adoption of Ordinance No. 4630, on February 20, 1990, and thereafter (see Number 8 below **ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED**). Ordinance No. 4993, adopted October 15, 1996, allowed the pole sign in the southwestern corner of the PUD. Ordinance No. 6146, adopted June 20, 2000, was associated with Wal-Mart and allowed outdoor seasonal sales in the off-street parking lot. Ordinance No. 6426, adopted August 17, 2004, allowed Tads Tropical Sno and the current approved site plan. Other ordinances were related to building expansions that are not affected as a result of the amendment.

Permitted Uses

All of the Permitted Uses of the C-2, Neighborhood Shopping District, plus tire and battery auto service center (see Ordinance No. 4630, condition 1) are allowed in the existing PUD. Drive-in establishments are not allowed in the existing PUD.

PROPOSED AMENDMENT

The proposed application renames the shopping center to Manhattan Crossing and is proposed in the form of a Final Development Plan.

Proposed changes include: 1) Condition 1, Ordinance No. 4630, is amended to allow drive-in restaurant as a Permitted Use; 2) Ordinance No, 4993 is amended to delete a pole sign at the southwestern corner of the PUD; 3) Ordinance No. 6146 is amended to delete outdoor seasonal storage; and, 4) Ordinance No. 6426 amends the current approved site plan.

PROPOSED USE AND BUILDING: The proposed new building adjacent to the east side of the frontage road is a one story Chick-fil-A drive-in restaurant, approximately 20 feet tall, with lot coverage of 6,400 square feet. Exterior materials are primarily brick. Interior customer access is on the north side of the building with the drive-in window on the south side of the building. The drive-in circulation is a counter clockwise format accessed from internal parking lot aisles with a double stack lane converging to a single lane leading to the drive-in pick-up window. Outdoor seating is proposed on the west side of the restaurant. Interior seating is for 100 people with outdoor seating accommodating 20 people. Up to 12 part time and full time employees will be added. The lease space for the restaurant provides 55 off-street parking spaces.

Attachment No. 3

The proposed drive-in restaurant location is at elevation 1005 feet. Due to the location in the 100 Year Flood Plain, the lowest enclosed floor has to be at 1009 feet or above. The proposed lowest floor is shown at 1009.25 feet, and will require approximately four feet of fill to elevate the restaurant.

PROPOSED SIGNS: Proposed signs for the restaurant are internally illuminated wall signs on each building wall elevation ranging from approximately 12 square feet in area up to 56 square feet in area and other restaurant directional and other informational signage.

The existing shopping center ground sign will be replaced with a multi-tenant ground sign approximately 29 feet tall measured from the driveway grade, with illuminated letters identifying the name of the center and tenants. Overall sign dimensions are approximately 23 feet by 14 feet per side, or 322 square feet, with tenant letter spaces less than 3 feet in height by less than 14 feet in length. The sign will be in a landscaped base mounted on a 6 foot tall prairie stone base with prairie stone accent from top to bottom on the west side of the sign (see elevations).

A second internally illuminated ground sign, with a similar design described above, is proposed at the northwest corner of the site to address a concern of the Staples store because the northern two-way curb cut is removed. The ground sign will be limited to Staples and Chick-fil-A with a reader board. The sign is approximately 14 feet in width by 10 feet in heights on a six foot tall prairie stone base. The sign advertises Staples and Chick-fil-A, which has a changeable reader board for the restaurant.

Exempt signs will be added to the allow to those types of signs described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5) (attached). These signs generally include governmental flags, address numerals, directional signs, seasonal lights and decorations, real estate and construction signs, and political signs.

PROPOSED LIGHTING: Existing parking lot and building lights do not change. Restaurant lease area building and parking lot lights are similar in height and are shaded.

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

1. 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 amendment to allow the drive-in restaurant in an outbuilding differs from the original PUD, which did not envision outbuildings or drive-ins, only the existing principal shopping center buildings. (Note: The PUD was amended previously to allow an outbuilding in the southwest part of the site for a restaurant without a drive-in window, Tads Tropical Sno.) Condition No. 1, Ordinance No. 4630, dated February 20, 1990, identifies all Permitted Uses of the C-2, Neighborhood Shopping District are permitted in the PUD. Restaurants are a permitted use in the C-2 District. The proposed drive-in restaurant creates a shopping center consistent with modern shopping centers, which have perimeter buildings along street frontages, which may include drive-in restaurants. The PUD process allows for evaluation of the impacts and fit of the proposed use in the highway service commercial neighborhood and within the PUD.

The proposed use is a drive-in restaurant and will be located generally along the mid-western part of the parking lot furthest from the existing commercial buildings on the east side of the site. Customers can use the drive-in or park and eat in, or eat outside on a patio on the west side of the restaurant. Changes to the site plan will accommodate driving movements within the PUD.

Signage changes are consistent with the character of the shopping center.

The applicant states, in part, “The proposed amendment provides for additional retail opportunities and customers within the PUD and does not adversely impact the existing development within the PUD. As such, the Applicant believes that the proposed amendment is generally consistent with the intent of the PUD and will promote the efficient development and preservation of the entire PUD.”

2. 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 applicant indicates that the amendments are necessary because, “The existing PUD provides an opportunity for a new business to be located on site, supporting the overall use, efficiency and viability of the shopping center, Additionally, the proposed addition an of a outbuilding reconfigures access to the center by eliminating and access point that was subject to limited site distance and which promoted cut through traffic to and from adjacent streets. Additionally, outbuildings are common in large shopping centers and would otherwise be allowed if the site were not a PUD and was zoned C-2 District, for example.”

3. 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: A relative gain to the public should result from a reduction of the number of curb cuts along Tuttle Creek Boulevard frontage road and traffic control at the northwest corner of the existing Staples store, consistent with parking access control improvements reviewed and accepted by the Public Works Department. The proposed amendments are a benefit to the motoring public by increasing the opportunity for added consumer choice in Manhattan's restaurant market. The drive-in restaurant also provides an added benefit to the motoring public by adding a convenient and easily accessed drive-in window service from nearby public streets. Sign changes will identify the shopping center and services and business offered to the public.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: A revised landscaping plan is proposed for the overall PUD and a more specific landscape plan is proposed around the drive-in restaurant, both of which are described on the Final Development Plan drawings and plans.

Irrigation is in-ground sprinklers. Landscaping is maintained by the property owner.

2. SCREENING: Trash containers for the restaurant will be screened by an 8 foot 8 inch split block wall and metal gates, described on the Final Development Plan drawings and plans.

3. DRAINAGE: The site drains to the southwest corner of the parking lot. The amendment does not require additional drainage improvements. The applicant's consultant contacted AMEC, the consultant that prepared the Preliminary Flood Plain Maps, to determine if the request, which requires fill and elevation of the restaurant, will impact the storage capacity of the flood plain. AMEC (attachment) reviewed the proposal and made a determination. A memo (attached) dated May 1, 2013, from Shane Swope P.E. Stormwater Engineer, Manhattan Public Works Department, states,

"AMEC Engineering was retained by Renaissance infrastructure Consultants to analyze the floodplain impact of the proposed development. AMEC had previously developed an interior flooding model for the Levee Certification project and AMEC used this study to analyze the impacts of the proposed fill to the floodplain storage. There was a very minor increase in the water surface elevation of 0.01 feet. The increase would not change the mapped static water surface elevation of 1008 feet. City Staff has reviewed and accepted the results of this report."

4. CIRCULATION: Public Access. Modifications recommended and approved by the Public Works Department (*memo attached*) to the blind corner at the northwest corner of the Staples store improve the proposed internal circulation plan, which will provide for safe, convenient and efficient movement of goods, motorists, bicyclists, and pedestrians, and reduce conflicts between motorists and pedestrians. Internal access to the drive-in restaurant is proposed with driving lanes controlled by stop signs and no entry signs. A sidewalk exists along the Tuttle Creek Boulevard frontage road but no sidewalks exist along Sarber Lane and Hayes Drive. A proposed pedestrian connection from the frontage road sidewalk accommodates pedestrian access to the proposed drive-in restaurant.

Existing access is from three abutting streets and curb cuts: 1) A total of five curb cuts along the Tuttle Creek Boulevard frontage road; 2) Two curb cuts off Sarber Lane; and, 3) One curb cut off Hayes Drive. Proposed access removes the northwestern divided curb cut with three remaining entrance/exits onto the Tuttle Creek Boulevard frontage road. No other changes to existing access are proposed along any other abutting street.

Traffic. A Traffic Impact Analysis was prepared by the applicant's consultant, Renaissance Infrastructure Consulting, dated October 18, 2012, (*attached*) evaluating the impact of the proposed land use change on the surrounding street network. (Note: The impact analysis was submitted with an application in late 2012, which was withdrawn and resubmitted in March 2013.) The consultant's conclusion is noted on page 14 of its analysis, in general, that the land use change will have minimal impact on the surrounding street network.

In addition, closing the northwestern two-way curb cut has a public benefit by eliminating a sight distance problem to the north and cut-through traffic from east to west along the driving aisle from Hayes Drive.

A memo (*attached*) dated May 1, 2013, from Peter Clark, P.E. PTOE, Civil Design Engineer, Manhattan Public Works Department, states,

“Traffic Impact Study

Staff is supportive of the reduction in the total number of driveways along Frontage Road and concurs with the analysis from each of the signalized and unsignalized intersections in the study.

The Traffic Impact Study should be stamped and signed by a professional engineer. I believe that there are plenty of qualified professional engineers on staff at Iteris, so this should not be a problem.

Site Plan

The engineer added a small bulb-out on the northeast corner of the parking area, directly adjacent to the northwest corner of the existing Staples building, per direction given by staff to address a safety concern with the blind corner. Staff requests that this bulb-out be located further west to allow westbound vehicles to see around the parked cars located along the western frontage of the building, and be extended south to help reinforce the "Left-Turn Only" design for the westbound traffic."

(Note: The consultant's engineer revised the bulb out and relocated it to the west. Vehicles traveling east to west from Hayes Drive along the northern access aisle will face a stop sign and no left turn sign as the driver approaches the bulb out. The original design did not allow drivers to see around the building before making a left turn movement. The revised design accommodates better vision and turning movements. Peter Clark, P.E. PTOE, Civil Design Engineer, Manhattan Public Works Department, reviewed the revised design and accepts the change, which was made at his direction.)

Off-Street Parking.

The proposed site plan, Sheet 1 of 4, shows 553 proposed off-street parking spaces. The existing condition site plan, Sheet 2 of 4, shows 644 off-street parking spaces with a net loss of 91 off-street parking spaces based on proposed and existing conditions. (Note: The latest amendment in 2004 proposed 643 off-street parking spaces as a result of the Tads Tropical Sno business.) In addition, seasonal storage was approved when Wal-Mart was a tenant and the applicant has proposed to delete seasonal storage, which may have reduced off-street parking for a period of time an annual basis if not removed as a temporary use

The Manhattan Zoning Regulations require at least 5.5 off-street parking spaces per 1,000 square feet of floor area. Gross floor area of the existing shopping center is noted on Sheet 1 of 4 at 145,900 square feet, including the proposed drive-in restaurant. The Manhattan Zoning Regulations allow computation of floor area for determining off-street parking requirements to deduct space devoted to storage, hallways, stairwells, elevators, bathrooms or mechanical rooms are deducted from gross floor area. Commercial spaces vary as occupants change, consequently net floor area can change dependent on the occupancy.

Based on existing gross floor space, 803 (802.5) off-street parking spaces would be required ($145,900/1,000 \times 5.5$), or 159 more spaces than currently exists. The existing gross floor area is 139,500 square feet (less the proposed 6,400 square feet of drive-in restaurant) which is a demand for 767 off-street parking spaces, a ratio of 4.6 parking

Attachment No. 3

spaces per 1,000 square feet. The addition of the drive-in restaurant reduces the overall total number of off-street parking spaces to 553 spaces, not including stacking for the drive-in window. Using the shopping center ratio method 145,900 square feet of gross floor area is a ratio of 3.8 parking spaces per 1,000 square feet of floor area.

The Planning Advisory Service Report Number 510/511, Parking Standards, notes a range of ratios from 3.3 parking spaces per 1,000 square feet of floor area up 6 parking spaces per 1,000 square feet of floor area. The PAS report cites 22 cities throughout the country. Based on the ranges cited, 3.8 parking spaces per 1,000 square feet of floor area are not unreasonable.

If parking demand was calculated on Manhattan Zoning Regulations retail space requirement, 1 parking space per 250 square feet of floor area, or 4 spaces per 1,000 square feet of net floor area. This ratio would be equivalent to 558 parking spaces for the existing commercial uses, and 52 for the restaurant based on the restaurant standard of 1 space per 3 person plus maximum employee shift, or 610 total parking spaces. This approach, however, is impractical due to the changing occupancy.

The elimination of seasonal outdoor storage and the expectation that net floor space would reduce the floor area, resulting in a ratio greater than 3.8 parking spaces per 1,000 square feet of floor area, could be expected. Based on casual observation, daily and weekend parking, parking tends to be centered towards the Hobby Lobby space. Underutilized parking is available in the southwest part of the parking lot and daily and weekend parking will to shift to that area.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: There is no common area other than the shared off-street parking lot. Landscaped space is primarily perimeter space along abutting streets and internal landscape islands.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is characterized as a commercial/industrial area, with commercial retail and service/commercial activities dominating the area to the south and north of the site between Hayes Drive and the Frontage Road and industrial and commercial services to the east of Hayes Drive. The neighborhood to the west of the site is a major street corridor.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The existing use is a commercial shopping center with buildings located on the eastern side of the property, one out building generally in the southwest corner of the site, and off-street parking on the western side of the site. Historically, the site was the location of a Wal-Mart store, replaced by a Super Wal-Mart to the north, and Dillons' grocery store, replaced by a Dillons' store to the south. The PUD is currently occupied by a range of commercial and service commercial uses.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is generally a flat and slopes to the west southwest, and is a developed commercial site consisting primarily with roof and asphalt paving and perimeter landscaping and landscape islands.

Existing Lot 1 is in the 100 Year (1%) Flood Plain (Flood Insurance Rate Map FIRM) Number 20161C0366E, effective date November 19, 2003, Zone AH, flood depths of 1 to 3 feet usually from ponding. The Base Flood Elevation is 1008 National Geodetic Vertical datum (NGVD) feet. The proposed undated preliminary FIRM modifies the 1% zone to AE, Base Flood Elevations determined. The map change reduces the amount of Lot 1 affected by the 1% Flood, to an area west of the existing commercial buildings out to the frontage road, which includes the area of the proposed drive-in restaurant. The proposed BFE is 1008 feet.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** Commercial strip center and Super Wal-Mart; PUD.

(b.) **SOUTH:** Sarber Lane, hotel, grocery restaurant, and other service commercial uses; C-5, Highway Service Commercial District.

(c.) **EAST:** Hayes Drive, auto related service commercial, K-Mart; C-5, and PUD.

(d.) **WEST:** K-177 Tuttle Creek Boulevard and frontage road, Manhattan Marketplace; C-5, and PUD.

4. GENERAL NEIGHBORHOOD CHARACTER: See No. 6 above, **CHARACTER OF THE NEIGHBORHOOD.**

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The PUD is zoned and suitable for the existing uses, all of which are a Permitted Use in the C-2 District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed amendment is compatible with nearby properties because the PUD is in a highway service commercial environment accessed from three streets. The surrounding area is zoned to serve the motoring public in a manner consistent with higher traffic volumes. Some added light and minimal noise is expected with the additional drive-in restaurant. The proposed amendments are no different than those in the service commercial character of the area.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is designated as CC, Community Commercial, a designation intended to provide for a mix of retail and commercial services in a concentrated and unified setting. The existing PUD and proposed amendment conform to the Comprehensive Plan.

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

1969	Annexation/Zoned C-5, Service Commercial District and I-2, Industrial Park District
1971	Original Wal-Mart PUD established
1982	Planning Board approved Final Plat, Wal-Mart Addition
1990	Major expansion of Wal-Mart and establishment of new revised Wal-Mart Planned Unit Development (Ordinance No. 4630)
1991	Planning Board approved Wal-Mart Add., Unit 2 (<i>As-built replat</i>)
1993	Amend Wal-Mart PUD signage plan (Ord. No. 4828)
1996	Amend Wal-Mart PUD signage plan (Ord. No. 4993)
July 7, 1997	Planning Board recommends approval of building expansion for a Staples Office Store
Aug. 19, 1997	City Commission approves Ord. No. 5054 expansion for Staples
June 5, 2000	Planning Board recommends approval of an increase of outdoor storage for seasonal sales of landscape materials and a reduction of the required number of parking spaces during the 4 month display period.
June 20, 2000	City Commission approves first reading of the amendment to increase of outdoor storage for seasonal sales of landscape materials and a reduction of the required number of parking spaces during the 4 month display period.
July 11, 2000	City Commission approves Ordinance No. 6146.
July 19, 2004	Planning Board recommends approval of an amendment to allow "Tad's Tropical Sno" outbuilding in the southern part of the parking lot.
Aug. 3, 2004	City Commission approves first reading of amendment for Tad's Tropical Sno.
Aug. 17, 2004	City Commission approves Ordinance No. 6426 amendment for Tad's Tropical Sno.

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

Attachment No. 3

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 amendments are consistent with the PUD, subject to the conditions of approval.

The proposed second tenant sign, in addition, to the monument sign for Chick-fil-A, is consistent with the general rule for signs in commercial PUDs, which the Manhattan Zoning Regulations suggest follow the C-2 District requirements. The number of ground or pole signs allowed along a street in the C-2 District is:

“Ground or Pole signs: A total of one per zoning lot indicating only the name of the shopping center complex and/or the names of the occupants. A total of two such signs may be permitted when the total street frontage upon which the zoning lot abuts is in excess of 600 feet or when the zoning lot fronts on more than one street.”

(Note: At the Planning Board’s meeting on May 6, 2013, the applicant proposed and the Board found that the second multi-tenant sign and Chick-fil-A ground sign be replaced with a smaller monument sign in the northwest corner of the PUD limited to identification of Chick-fil-A, a reader board for Chick-fil-A, and tenant identification of Staples. The proposed change would be consistent with the C-2 District requirements for signs along a street frontage.)

10. 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 adverse affects on the public and no relative gain would be accomplished by denial. If the improvements are made, it may be a hardship to the applicant if the amendments are denied.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public sewer and water are available to serve the business.

12. OTHER APPLICABLE FACTORS: There are no other applicable factors.

13. STAFF COMMENTS: City Administration recommends approval of the proposed amendment of the Wal-Mart Planned Unit Development, and approval of the Final Development Plan of Manhattan Crossing, subject to the following conditions of approval:

1. A Drive-in restaurant, located in the northwestern portion of the PUD, shall be a Permitted Use, subject to all drawings and documents submitted as a part of the Final Development Plan application.

Attachment No. 3

2. Signage for the drive-in restaurant and the shopping center multi-tenant monument sign, located at the main western entrance of the PUD, shall be constructed as proposed in the Final Development Plan application documents. A smaller two-tenant monument sign proposed at the northwest corner of the PUD shall be constructed as proposed in the modified application documents.
3. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5).
4. Landscaping and underground irrigation shall be maintained in good condition.
5. A landscape performance agreement shall be approved, prior to issuance of a building permit.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of the Wal-Mart Planned Unit Development, and approval of the Final Development Plan of Manhattan Crossing, stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of the Wal-Mart Planned Unit Development, and approval of the Final Development Plan of Manhattan Crossing, 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 Wal-Mart Planned Unit Development, and approval of the Final Development Plan of Manhattan Crossing, based on the findings in the Staff Report, subject to the five conditions of approval recommended and modified by City Administration.

PREPARED BY:. Steve Zilkie, AICP, Senior Planner

DATE: May 1, 2013. Revised May 13, 2013.

13036Revised

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: C-5, Highway Service Commercial District.

TO: I-2, Industrial Park District.

APPLICANT: SMH Consultants – Jeffrey Hancock, on behalf of the owner.

ADDRESS: 4201B Anderson Avenue, Suite 2, Manhattan, KS 66503.

OWNERS: Connie L. Westgate –Westgate Auto Repair.

ADDRESS: 610 Hayes Drive.

LOCATION: Lot 4, Manhattan Industrial Park, Unit Four.

AREA: 50,155 square feet (1.15 acres).

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 15, 2013.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 6, 2013.

CITY COMMISSION: Tuesday, May 21, 2013.

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

- 1. EXISTING USE:** The lot is developed with an approximately 5,200 square foot building and accessory off-street parking lot on it. The lot shares a private access driveway with four (4) adjacent businesses. Manko Window and Door Systems have proposed to locate a wood window manufacturing facility and an associated wood window showroom in the existing building.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is a rectangular shaped lot on the east side of Hayes Drive. The site is generally flat. A shallow drainage area is located along the east property line. The site is shown on the effective Flood Insurance Rate Map (FIRMs) panel number 0366E as being located in the AH, 1% Annual Chance Floodplain due to ponding. The preliminary FIRMs of the Riley County Flood Insurance Study update shows the site to be in the Zone X, Protected by Levee Floodplain.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Automotive Repair Businesses, Service Circle right-of-way and Manko Window system manufactures facility; C-5, Highway Service Commercial District and I-2, Industrial Park District.

SOUTH: Automotive Repair Businesses and the K-Mart Shopping Center C-5, Highway Service Commercial District and K-Mart PUD; Commercial Planned Unit Development.

EAST: K-Mart Shopping Center and Plaza East Shopping Center; K-Mart PUD, Commercial Planned Unit Development and C-2, Neighborhood Shopping District.

WEST: Hayes Drive right-of-way and commercial retail and professional business uses; C-5, Highway Service Commercial District and Wal-Mart PUD, Commercial Planned Unit Development.

4. GENERAL NEIGHBORHOOD CHARACTER: The immediate area is a mix of vacant commercial lots, service repair businesses, Manko Window Systems manufacturing business and other retail commercial uses.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site meets the minimum lot size and area requirements for the C-5, Highway Service Commercial District. The applicant's client has proposed to renovate the building to house Manko Window System's wood window production and accessory showroom. The window manufacturing use is not permitted in the C-5 District, thus the need for the proposed rezoning to I-2, Industrial Park District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed rezoning from C-5, Highway Service Commercial District to I-2 Industrial Park District is compatible with the surrounding properties. The I-2 District is designed to allow for a broad range of manufacturing and research activities in a large lot industrial park setting. The lot immediately to the north of the site is zoned C-5 District. The current uses found in the C-5 District in the area are service repair uses associated with Manko Window Systems or the automotive repair industry. The current uses are of a light industrial nature and compatible with the I-2 District. The commercial retail uses to the east of the site face U.S. Highway 24 to the southeast. The commercial retail and business professional uses to the west face Tuttle Creek Boulevard. Only the rear of these commercial buildings can be seen from the site.

The proposed rezoning should not result in any detrimental effects related to traffic, light or noise when compared to the permitted uses allowed in the C-5 District, which the site is currently zoned. The intent of the applicant's client is to renovate the building to house Manko Window System's wood window production and accessory showroom; however, any of the permitted or conditional uses of the I-2 District would be allowed.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is shown on the future land use map in the northeast planning area as Commercial Center (CC). The I-2 District falls within the Industrial (IND) land use designation of the Comprehensive Plan.

The CC and IND policies are set out below in *italics* and ***bold italics***.

COMMUNITY COMMERCIAL (CC)

CC 1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a "one-stop shop" setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC 2: Location

Community Commercial Centers should be located at the intersection of one or more major arterial streets. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as "big-box" stores) shall only be permitted in areas of the City where adequate access and services can be provided.

CC 3: Size

Typically require a site of between 10 and 30 acres.

CC 4: Unified Site Design

A unified site layout and design character (buildings, landscaping, signage, pedestrian and vehicular circulation) shall be required and established for the center to guide current and future phases of development. Building and site design should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.

CC 5: Architectural Character

Community Commercial Centers shall be required to meet a basic level of architectural detailing, compatibility of scale with surrounding areas, pedestrian and bicycle access, and mitigation of negative visual impacts such as large building walls, parking areas, and service and loading areas. While these requirements apply to all community commercial development, they are particularly important to consider for larger footprint retail buildings, or “big-box” stores. A basic level of architectural detailing shall include, but not be limited to, the following:

- *Façade and exterior wall plane projections or recesses;*
- *Arcades, display windows, entry areas, awnings, or other features along facades facing public streets;*
- *Building facades with a variety of detail features (materials, colors, and patterns);*
and
- *High quality building materials.*

CC 6: Organization of Uses

Community commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Within each activity center or node, complementary uses should be clustered within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses. Isolated single store developments are strongly discouraged.

CC 7: Parking Design and Layout

Uninterrupted expanses of parking should be avoided. Parking areas should be broken into smaller blocks divided by landscaping and pedestrian walkways. Parking areas should be distributed between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible.

CC 8: Circulation and Access

Clear, direct pedestrian connections should be provided through parking areas to building entrances and to surrounding neighborhoods or streets. Integrate main entrances or driveways with the surrounding street network to provide clear connections between uses....

Employment: Industrial and Office

BACKGROUND AND INTENT

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

INDUSTRIAL (IND)

I 1: Characteristics

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

I 2: Location

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

I 3: Screening

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

The immediate area along Hayes Drive and Service Circle consist of service commercial uses associated with the automotive repair industry, which are compatible with the I-2 District. Many of the factors of the CC policies do not apply to the area along Hayes Drive because the policies relate to shopping centers.

To the north of the subject site are areas in the I-2 Zoning District, including Lot 4, Manhattan Service Park Addition at the end of Service Circle, for which first reading will be considered on May 7, 2013, to rezone from C-5 to I-2.

The proposed I-2 District is in general conformance to the Comprehensive Plan.

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

July 1, 1969	City Commission approved Ordinance No. 2652 annex area that includes the site into the City and rezone the area to E, Light Industrial District
July 15, 1969	City Commission approves Ordinance No. 2658 which established a new Zoning Ordinance for the City. The new Zoning Ordinance rezoned the site from E, Light Industrial District to I-3, Light Industrial District
December 16, 1969	Manhattan City Commission approves Ordinance No. 2692 to rezone an area, including the site from I-3 District to I-2, Industrial Park District
October 7, 1985	Manhattan Urban Area Planning Board approves the Preliminary Plat of Manhattan Industrial Park Addition, Unit 4 and recommends approval to rezone the area of the Preliminary Plat from I-2 District to C-5 District.
November 5, 1985 to present	City Commission approves the ordinance to rezone the area from I-2 District to C-5 District.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

The intent and purpose of the Manhattan 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-2, Industrial Park District is designed to allow for a broad range of manufacturing and research activities in a large lot industrial park setting. The I-2 District's minimum lot size is one (1) acre; minimum lot width is one hundred (100) feet; and a minimum lot depth is one hundred fifty (150) feet. The new lot will meet and exceed the minimum requirements of the I-2 District.

Attachment No. 4

Section 15-103(B) lists the minimum requirements for an application to request a zoning change. The requirements are:

No application for amendment to change the zoning classification of any lot, parcel or tract of land shall be accepted unless such lot, parcel or tract has 100 feet of frontage on a public street, or has 10,000 square feet of area, or abuts a lot, parcel or tract of land that has the same zoning classification as that which is proposed for the property which is the subject of the proposed amendment.

The site has 106 feet of frontage on Hayes Drive and is approximately 50,100 square feet in area.

The proposed rezoning is consistent with the Manhattan Zoning 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 APPLICANT:** There appears to be no relative gain to the public that denial would accomplish compared to the hardship of denial upon the applicant. The applicant's client is proposing to start a wood window manufacturing facility and showroom associated with Manko Windows System. It would be a hardship upon the applicant and property owner to deny the proposed rezoning in a neighborhood, which has developed with a mix of commercial and industrial uses.
- 11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** There are adequate public facilities and services to serve the site.
- 12. OTHER APPLICABLE FACTORS:** None
- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Lot 4, Manhattan Industrial Park, Unit Four from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lot 4, Manhattan Industrial Park, Unit Four from C-5, Highway Service Commercial District, to I-2, Industrial Park District, stating the basis for such recommendation.

Attachment No. 4

2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lot 4, Manhattan Industrial Park, Unit Four from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Planner II

DATE: April 26, 2013

CB/vr
13039

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

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

TO: R-2, Two-Family Residential District.

APPLICANT: Jeff Hancock – SMH Consultants

ADDRESS: 4201B Anderson Avenue, Suite 2, Manhattan, KS 66503

OWNER: Overlay Properties Inc. - Russel Weisbender

ADDRESS: 1812 Fair Lane, Manhattan, KS 66502.

LOCATION: Generally located 500 feet east of the intersection of Donnas Way and Northfield Road or 150 feet west of the intersection of Brookpark Drive and Northfield Road

AREA: 9.90 acres

DATE OF PUBLIC NOTICE PUBLICATION: April 15, 2013

DATE OF PUBLIC HEARING: PLANNING BOARD: May 6, 2013

CITY COMMISSION: May 21, 2013

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

- 1. EXISTING USE:** Developing, residential neighborhood. The site is currently an undeveloped tract.
- 2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is generally flat and drains to the south towards Prairie Lake. The area is developing with new streets and utilities for residential developments.
- 3. SURROUNDING LAND USE AND ZONING:**
 - (1) NORTH:** Brookfield Residences' apartments, Walters Drive, Eisenhower Middle School and City of Manhattan playing fields and single-family dwellings ; Residential PUD, and R-1, Single-Family Residential Districts.

- (2) **SOUTH:** Prairie Lakes and developing residential neighborhood of two family dwellings; R-2 District.
- (3) **EAST:** Brookfield single-family subdivisions; R-1 Districts.
- (4) **WEST:** Developing single-family and two-family portion of Prairie Lakes, Unit 6 and 3, single-family and two-family homes in the Northfield Additions, and Butterfield Road; R-3, Multiple-Family Residential District and R-2 District.

4. GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood can be generally characterized as a developing low-density residential neighborhood. An existing multiple-family apartment is located immediately to the north. Eisenhower Middle School and the baseball complex are located to the northwest and is part of the established residential neighborhood. Areas of Prairie Lakes to the immediate west and to the south are under development as single-family, single-family attached and two-family dwellings.

The area to be rezoned is currently undeveloped. The area was originally described as Prairie Lakes, Unit 6 on the approved Preliminary Plat. **THE PROPOSED FINAL PLAT RENAMES THE AREA FROM UNIT 6, DESCRIBED IN THE PRELIMINARY PLAT, TO NORTHLAKE ADDITION.** The applicant has submitted the Final Plat of Northlake Addition, Unit 1 to subdivide a portion of the vacant tract into 20 single-family lots (see Northlake Addition, Unit 1 memorandum).

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable under its currently zoning district regulations. The R-3 District allows for a wide variety of residential uses, including single-family, two-family and multiple-family.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The surrounding properties consist of low-density residential uses with single-family, single-family attached and two-family dwellings in the Brookfield, Prairie Lakes and Butterfield neighborhoods. The lone exception is the Brookfield Residents apartment complex immediately to the north of the site. The proposed Final Plat of Northlake Addition, which is accompanying this rezoning request shows 20 single-family residential lots. The rezoning may reduce the impacts of traffic, light and noise compared to the high density uses allowed in the R-3 District. The proposed rezoning will be compatible with existing R-1 and R-2 Districts in the nearby low-density residential neighborhoods.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE NORTHEAST PLANNING AREA FUTURE LAND USE MAP OF THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN SHOWS THE REZONING SITE AS RESIDENTIAL LOW/MEDIUM DENSITY (RLM). THE DENSITY RANGE FOR THE RLM DESIGNATION IS ONE-DWELLING UNIT UP TO ELEVEN DWELLING UNITS PER NET ACRE. THE EXISTING R-3 DISTRICT ALLOWS MORE THAN 19 DWELLING UNITS PER NET ACRE. (NOTE: AS A PART OF THE ANNEXATION, REZONING TO R-3 DISTRICT AND PLATTING, THE OWNER FILED A RESTRICTIVE COVENANT WITH THE RILEY COUNTY REGISTER OF DEEDS (BOOK 817, PAGE 4154 – 4156), WHICH LIMITS DENSITY TO NO MORE THAN 18 DWELLING UNITS PER NET ACRE. THE SITE IS ADJACENT TO AN AREA IN THE NORTHEAST PLANNING AREA FUTURE LAND USE MAP THAT IS SHOWN AS BEING IN THE RMH CATEGORY, WHICH RECOMMENDS A DENSITY RANGE OF ELEVEN TO 19 UNITS PER ACRE. THE PROPOSED R-2 DISTRICT IS MORE RESTRICTIVE THAN THE COVENANT.)**

APPLICABLE RLM POLICIES (IN ITALICS) OF THE COMPREHENSIVE PLAN INCLUDE:

Residential Low/Medium Density (RLM)

RLM 1: Characteristics

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

RLM 2: Appropriate Density Range

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

RLM 3: Location

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

RLM 3: Variety of Housing Styles

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

The Final Plat of the Northlake Addition, Unit 1 consists of 20 single-family lots on 3.97 net acres. The proposed residential density is five (5) dwelling units per net acre. The Concept Plat of the remaining area of the vacant tract shows a similar density of single-family residential development.

The proposed rezoning conforms to the Comprehensive Plan.

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

- | | |
|-----------------|---|
| April 4, 2005 | Manhattan Urban Area Planning Board recommends approval 5-0 of annexation and rezoning of Prairie Lakes from G-1, General Agricultural District, and PDD, Planned Development District, to R-2, Two-Family Residential District, and from G-1, General Agricultural District, to R-3, Multiple-Family Residential District. |
| April 18, 2005 | Manhattan Urban Area Planning Board considers the Preliminary Plat of Prairie Lakes |
| April 19, 2005 | City Commission approves first reading of annexation and rezoning of Prairie Lakes on a vote of 5-0. |
| May 3, 2005 | City Commission approves Ordinance No. 6471 annexing and Ordinance Nos. 6472 & 6473 rezoning Prairie Lakes. |
| June 6, 2005 | Manhattan Urban Area Planning Board approves the Final Plats of Prairie Lakes Addition, Units 1 and Unit 2. |
| June 21, 2005 | City Commission accepts the easements and rights-of-ways as shown on the Final Plats of Prairie Lakes Addition, Units 1 and Unit 2. |
| August 7, 2006 | Manhattan Urban Area Planning Board approves the Final Plat of Prairie Lakes Addition, Unit 3. |
| October 3, 2006 | City Commission accepts the easements and rights-of-way as shown on the Final Plat of Prairie Lakes Addition, Unit 3. |

Attachment No. 5

- January 18, 2007 Manhattan Urban Area Planning Board approves Final Plat of Prairie Lakes Addition, Unit 4.
- February 6, 2007 City Commission considers consent to replat, accepts revised restrictive covenant and accepts easements and rights-of-way on Final Plat of Prairie Lakes Addition, Unit 4.
- June 1, 2009 Manhattan Urban Area Planning Board recommends approval 6-0 of the rezoning of the eastern portion of Prairie Lakes Addition, Unit 3, from R-3, Multiple-Family Residential District, to R-2, Two-Family Residential District; and, approves reinstatement and extension of the effective period of approval of the previously approved Preliminary Plat of the Prairie Lakes Addition.
- June 16, 2009 City Commission approves first reading of rezoning of the eastern portion of Prairie Lakes Addition, Unit 3, from R-3, Multiple-Family Residential District, to R-2, Two-Family Residential District.
- July 7, 2009 City Commission approves Ordinance No. 6767 rezoning the eastern portion of Prairie Lakes Addition, Unit 3, from R-3, Multiple-Family Residential District, to R-2, Two-Family Residential District.
- November 15, 2010 Manhattan Urban Area Planning Board approves Final Plat of Prairie Lakes Addition, Unit 5.
- December 7, 2010 City Commission accepts easements and rights-of-way on Final Plat of Prairie Lakes Addition, Unit 5.
- July 2, 2012 Manhattan Urban Area Planning Board approves Final Plat of Prairie Lakes Addition, Unit 6.
- July 17, 2012 City Commission accepts easements and rights-of-way on Final Plat of Prairie Lakes Addition, Unit 6.

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 R-2, Two-Family Residential

District, is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. Minimum lot area for single-family lot is 6,000 square feet. The minimum lot area for a single-family attached lot is 3,750 square feet per lot. The Final Plat of Northlake Addition, Unit 1 provides for single-family lots that is sufficient in area to conform to the R-2 District requirements. Lot sizes will allow single-family dwelling and two-family dwellings. The Concept Plat provided with the application documents shows similar lots sizes for the remaining vacant tract.

- 10. 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. 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.
- 11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the rezoning site.
- 12. OTHER APPLICABLE FACTORS:** None
- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of Northlake Addition from R-3, Multiple-Family Residential District to R-2, Two-Family Residential District based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Northlake Addition from R-3, Multiple-Family Residential District to R-2, Two-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Northlake Addition from R-3, Multiple-Family Residential District to R-2, Two-Family Residential District, based on the findings in the Staff Report.

Attachment No. 5

PREPARED BY: Chad Bunger, AICP, CFM, Planner II

DATE: April 24, 2013

CB/vr
13037