



MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 17, 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 John E. Matta and Commissioners Wynn Butler, Karen McCulloh, Usha Reddi, and Richard B. Jankovich were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, City Attorney Bill Raymond, City Clerk Gary S. Fees, 7 staff, and approximately 60 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Matta led the Commission in the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Reddi stated that today is Constitution Day and she informed the community that many schools talked about the importance of the Constitution and freedom of speech. She congratulated Commissioner Jankovich as recipient of the Distinguished Trooper's Award from Fort Riley and also congratulated Commissioner McCulloh as recipient of the Edith Stunkel Good Government Award from the League of Women Voters. She encouraged those interested to attend the Wednesday, September 25, 2013, meeting focused on the Wildcat Creek Watershed Area in the City Commission Room, City Hall, 1101 Poyntz Avenue, from 4:00 p.m. to 7:00 p.m. She stated that additional information can be found on the City of Manhattan's website.

Commissioner McCulloh reminded the community that the Flint Hills Discovery Center is hosting Family Day 2013: Art in the Flint Hills, on Sunday, September 29, 2013, from 12:00 p.m. Noon to 5:00 p.m. She stated that this would be a free admission event filled with family-friendly activities for everyone to enjoy.

PROCLAMATION

Mayor Matta proclaimed September 2013, ***National Preparedness Month***. Henry Brown, Kansas Capital Area Chapter Board Member, American Red Cross, was present to receive the proclamation.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 3, 2013, and the Special City Commission Meeting held Tuesday, September 10, 2013.

CLAIMS REGISTER NO. 2740

The Commission approved Claims Register No. 2740 authorizing and approving the payment of claims from August 28, 2013, to September 10, 2013, in the amount of \$4,372,293.04.

LICENSES

The Commission approved annual Cereal Malt Beverage Off-Premises Licenses for Ray's Apple Market #447, 222 North 6th Street, and Ray's Apple Market #448, 3007 Anderson Avenue; and an annual Cereal Malt Beverage On-Premises License for El Mariachi, 420 Tuttle Creek Boulevard.

ORDINANCE NO. 7037 – NO PARKING ANYTIME – HOBBS DRIVE

The Commission approved Ordinance No. 7037 designating a “No Parking Anytime” zone on the north and south sides of Hobbs Drive, 100 feet west of the centerline of College Avenue.

ORDINANCE NO. 7038 – AMEND – LOT 1, MCCALL LANDING COMMERCIAL PUD

The Commission approved Ordinance No. 7038 amending Ordinance No. 6745 and the Preliminary Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, generally located northeast of the intersection of McCall Road and Carlson Place, to be known as the Final Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 1*), with three conditions of approval.

FIRST READING – ADOPT – 2013 STANDARD TRAFFIC ORDINANCE

The Commission approved first reading of an ordinance incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2013.

RESOLUTION NO. 091713-A – SET PUBLIC HEARING DATE – CREATE MCDONALD'S TDD

The Commission found the petition sufficient and approved Resolution No. 091713-A setting October 15, 2013, as the date for a public hearing relative to the creation of the McDonald's Transportation Development District (TDD).

CONSENT AGENDA (CONTINUED)

TASK ORDER NO. 10 – GENERAL AVIATION AREA DEVELOPMENT

The Commission authorized the Mayor and City Clerk to execute Task Order No. 10 with Mead & Hunt, Inc., of Madison, Wisconsin, in the amount of \$143,918.50 for the survey, analysis, and design aspects for the General Aviation area development on the east side of the Airport.

* **AGREEMENT – ENGINEERING SERVICES – NORTH MANHATTAN AVENUE STUDY (KIMBALL AVENUE TO SOUTH OF RESEARCH PARK DRIVE) (ST1319)**

Ron Fehr, City Manager, responded to questions from the Commission. He provided additional information on the proposed study and potential improvements that would be associated with the Kimball Avenue Corridor. He stated that this item is an amendment to the initial study.

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$41,068.00 with Schwab-Eaton, P.A., for professional services related to the study of North Manhattan Avenue between Kimball Avenue and Claflin Road and for the design of improvements to North Manhattan Avenue, from Kimball Avenue to just south of Research Park Drive (ST1319).

* **AMENDMENT NO. 1 – ENGINEERING SERVICES – KIMBALL AVENUE STUDY (COLLEGE AVENUE TO NORTH MANHATTAN AVENUE) (ST1001)**

Commissioner Jankovich announced that he has a business relationship with BG Consultants, Inc., and would be abstaining on the item.

The Commission authorized the Mayor and City Clerk to execute Amendment No. 1 in the amount of \$23,528.00 to the agreement with BG Consultants, Inc., of Manhattan, Kansas, for professional services for the Kimball Avenue Corridor Study (ST1001).

AWARD CONTRACT – 2013 VALVE AND HYDRANT REPLACEMENT (WA1314)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$102,000.00; awarded a construction contract to Josh Connet Excavation, LLC; and authorized the Mayor and City Clerk to execute the contract in the amount of \$78,042.04 for the Base Bid and \$20,242.00 for Alternate #1 with Josh Connet Excavation, LLC, of Manhattan, Kansas, for the 2013 Valve and Hydrant Replacement (WA1314).

CONSENT AGENDA (CONTINUED)

JOINT FUNDING AGREEMENT – RIVER GAUGES

The Commission approved and authorized the Mayor to execute a Joint Funding Agreement with the United States Geological Services (USGS) for the costs of four river gauges along Wildcat Creek and the Kansas River from October 1, 2013, to September 30, 2014.

GRANT/CONTRACTS – 2013 EMERGENCY SOLUTIONS GRANT

The Commission accepted the award of a 2013 Emergency Solutions Grant in the amount of \$99,878.00 and authorized the Mayor and City Clerk to execute contracts with the Manhattan Emergency Shelter, Inc., in the amount of \$83,750.00 and The Crisis Center in the amount of \$13,500.00 for allocation of the funds, with the remaining \$2,628.00 to the City of Manhattan for administrative services.

PURCHASE – UNIT #602 – FORESTRY DIVISION - 2013 SELF-PROPELLED STUMP GRINDER (CIP #CP020E)

The Commission authorized the purchase of a 2013 self-propelled stump grinder in the amount of \$34,818.00 from K.C. Bobcat, of Olathe, Kansas, to be paid from the Special Parks and Recreation Fund, and authorized selling at auction the current stump grinder once replacement equipment for Unit #602 for the Forestry Division is obtained and placed in service.

PURCHASE – STORM WARNING SIRENS (CIP #FR011E)

The Commission authorized the purchase and installation of two Federal Signal Corporation warning sirens with voice capability in the amount of \$56,491.84 with Blue Valley Public Safety, of Grain Valley, Missouri, with one to be located at 2727 Amherst Avenue and the second at 3131 Anderson Avenue.

BOARD APPOINTMENT – SOCIAL SERVICES ADVISORY BOARD

The Commission approved the appointment of Barbara C. Stewart, 2062 College Heights Road, to a three-year term on the Social Services Advisory Board. Ms. Stewart's term begins immediately, and will expire June 30, 2016.

After discussion, Commissioner Jankovich moved to approve the consent agenda. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item J, AMENDMENT NO. 1 – ENGINEERING SERVICES – KIMBALL AVENUE STUDY (COLLEGE AVENUE TO NORTH MANHATTAN AVENUE) (ST1001), which carried 4-0-1 with Commission Jankovich abstaining on the item due to a conflict of interest.

GENERAL AGENDA

NATIONAL REGISTER NOMINATION - BLUEMONT YOUTH CABIN

Commissioner Jankovich moved to remove the item from the table. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

Eddie Eastes, Interim Director of Parks and Recreation, presented background information on the item. He informed the Commission of the recommendation for the Bluemont Youth Cabin nomination from the Parks and Recreation Advisory Board.

Kathy Dzewaltowski, 100 South Delaware Avenue, President, Manhattan Riley County Preservation Alliance, spoke in support of the nomination of the Bluemont Youth Cabin. She stated that the Preservation Alliance believes this property is worthy of nomination based on its history and significance to the city of Manhattan. She also said the Cabin is an excellent example of the National Youth Administration Project to employ older teens and young adults. She provided additional background information and project eligibility considerations for tax credits and funding opportunities. She reiterated that the Preservation Alliance strongly supports this nomination and encourages the Commission to support the nomination due to the Cabins historic significance to the city of Manhattan.

Barbara Anderson, 142 North Dartmouth Drive, President, Goodnow Park Cabin Coalition, provided additional information on the Cabin and asked the Commission if they had any questions.

Dixie West, 1014 Houston, stated that the Historic Resources Board and the Parks and Recreation Advisory Board for the City have approved this nomination. She asked the Commission to support the nomination as well.

After discussion and comments from the Commission, Commissioner McCulloh moved to authorize the Mayor to send a letter to the State Historic Preservation Officer in support of the Bluemont Youth Cabin nomination. Commissioner Jankovich seconded the motion.

After comments from the Commission, on a roll call vote, motion carried 5-0.

CARRIER INCENTIVE AND AIRPORT USE AGREEMENT - ALLEGIANT AIR

Peter Van Kuren, Airport Director, presented an overview of the item including the Air Service and Incentive Agreement with Allegiant Air, air service development at the Manhattan Regional Airport (MHK), the MHK catchment area, and background information on Allegiant and their proposed service. He then responded to questions from the Commission regarding the discussion of the item with the Airport Advisory Board and the proposed carrier incentive for Allegiant.

GENERAL AGENDA (CONTINUED)

CARRIER INCENTIVE AND AIRPORT USE AGREEMENT - ALLEGIANT AIR (CONTINUED)

Ron Fehr, City Manager, responded to questions from the Commission regarding the timing of the announcement of Allegiant. He also provided additional information on the proposed Air Carrier Incentive and Airport Use Agreement with Allegiant Air.

Peter Van Kuren, Airport Director, responded to additional questions from the Commission regarding Allegiant and the incentives proposed. He responded to questions from the Commission about the incentives offered by other airports, the business model and packages that Allegiant offers, and marketing efforts that Allegiant plans to do as they promote their new service at MHK.

After additional discussion of the Commission, Peter Van Kuren, Airport Director, provided information on the aircraft that Allegiant would be using at MHK and the economic benefits that the additional air service carrier would provide to the community.

After additional discussion and comments from the Commission, Commissioner Jankovich moved to authorize the Mayor and City Clerk to execute an Air Carrier Incentive and Airport Use Agreement with Allegiant Air, LLC; and authorize City Administration to allocate Economic Development Funds in an amount not to exceed \$200,000.00. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Butler voting against the motion.

REQUEST BY WILDCAT TAXI - IMPOSE A CLEANING FEE

Bernie Hayen, Director of Finance, presented an overview of the item.

Richard Gibson, Wildcat Taxi, 1724 Hayes Drive, provided additional information on the request to include charging a cleaning fee if someone gets sick in the cab due to overindulgence of alcohol, requiring the vehicle to be cleaned. He provided additional information on the subject and asked the Commission to approve the proposed resolution to enforce a \$75 cleaning fee.

Bill Raymond, City Attorney, informed the Commission that the proposed resolution allows the taxi cab company to collect a cleaning fee. He provided clarification that the cab company would be responsible for collecting the fee and the City or Riley County Police Department would not be involved in the collection of cleaning fees. He then responded to questions and provided clarification regarding the Flint Hills Area Transportation Agency (ATA) Bus regulations and rates that are established independently from the taxi companies.

GENERAL AGENDA (CONTINUED)

REQUEST BY WILDCAT TAXI - IMPOSE A CLEANING FEE (CONTINUED)

Richard Gibson, Wildcat Taxi, 1724 Hayes Drive, provided additional information on the item. He then responded to additional questions from the Commission regarding providing throw-up bags in the cabs, collection issues, and communications with other taxi cab companies on this issue.

After additional discussion and comments from the Commission, Commissioner Jankovich moved to approve Resolution No. 091713-B increasing taxicab rates by the addition of a cleaning fee. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - ENFORCEMENT PROVISIONS OF DRAINAGE EASEMENTS

Shane Swope, Stormwater Engineer, presented background information and an overview of the item. He also described the current process and highlighted the proposed process and enforcement provisions of the proposed ordinance.

Bill Raymond, City Attorney, presented additional information on the proposed process and noted key elements of the ordinance.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve the first reading of an ordinance amending Sections 32-186 and 32-187 of the Code of Ordinances of the City of Manhattan, Kansas, relating to the maintenance of drainage easements. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:21 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

AMENDMENT OF A COMMERCIAL PLANNED UNIT DEVELOPMENT

REQUEST: The applicant/owner has requested an amendment of Ordinance No. 6745 and the approved Preliminary Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development to construct an approximate 16,800 square foot commercial building to expand the existing K-State Super Store south of McCall Road at GTM, and additional retail and retail/service commercial uses. The amendment includes an approximate 43,000 square foot area that will remain undeveloped for future development. The amendment is in the form of a Final Development Plan.

The amendment is necessary because the proposed store replaces the approved Orscheln store (described below in the staff report), which was not implemented by Final Development Plan. The proposed changes are substantial modifications of the original approved Preliminary Development site plan for Lot 1. (Note: When the Final Development Plan for the Menards store on Lot 2, Lot 1 was modified in size as well as removal of the site improvements.)

APPLICANT/OWNER: Dreiling Real Estate – Dave Dreiling.

ADDRESS: The applicant/owner's address is 520 McCall Road, Manhattan, KS 66502.

LEGAL DESCRIPTION: Lot 1, a McCall Landing Commercial Planned Unit Development, to the City of Manhattan, KS.

LOCATION: Lot 1 is located northeast of the intersection of McCall Road and Carlson Place.

AREA: The area of Lot 1 is 3.970 acres or 172,949 square feet.

DATE OF NEIGHBORHOOD MEETING: June 13, 2013.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, July 29, 2013.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, August 19, 2013.
CITY COMMISSION: Tuesday, September 3, 2013.

EXISTING PUD

Ordinance No. 6745, Permitted Uses and Conditions of Approval

Ordinance No. 6745 dated January 6, 2009 is attached. Permitted Uses are set out in Condition No. 1, and all other conditions of approval include:

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

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10. Temporary banner signs shall be limited to no more than one (1) banner sign per lot. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.
11. Prior to the development of Lot 3 and Lot 4, an amendment of the PUD shall be submitted and approved, prior to issuance of any necessary permits.
12. Underground liquid fuel storage tanks shall be prohibited in the PUD, and storage of hazardous materials, chemicals and other pollutants, shall be prohibited in the east half of the warehouse.
13. Well head easements shall be designated “No Structures Zone.”
14. A revised drainage plan, consisting of grading and improvements necessary to protect the 50-foot and 100-foot well head areas, shall be submitted with the Final Development Plan. The revised drainage plan shall be approved by the Public Works Department.

Approved Use, Building and Improvements (attachment) on Lot 1.

Orscheln Farm and Ranch

An approximate 50,000 square foot Orscheln Farm and Home super store was approved with the Preliminary Development Plan. Other uses included a 20,000 square foot screened outdoor storage area, as well as outdoor display and proposed storage along the south and west sidewalks adjacent to the building.

The existing Orscheln store was proposed to relocate from its current location on the southwest corner of McCall Road and Enoch Lane. The proposed building was a one-story flat roofed building shown at 22 feet in height, with an exterior of tan aggregate covered metal panels similar in color and material to the McCall Pattern Company. An entry canopy would extend along the west elevation of the building for the majority of the storefront with a covered entry on the south storefront of the building.

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

Sidewalk display included smaller lawn and garden plant materials, equipment, tools and supplies, as well as smaller ranch and home supply items. The enclosed area also included large items such as fencing, larger building supplies, water tanks and other larger items.

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

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Lot 1 was reduced in area with the Final Development Plan for the Menards store on Lot 2. The Final Plat established the revised lot area of Lot 1 and Lot 2, as well as the dedication of travel easement on the east side of Lot 1, McCullough Place.

PROPOSED AMENDMENT

Proposed Use and Building: The proposed rectangular shaped building has an approximate gross floor area of 16,800 square feet, which is divided into five floor spaces, the largest space devoted to the K-State Super Store located in the center of the building. The building is oriented with store fronts facing south towards McCall Road. The site plan depicts drive-in window stacking lanes for drive-in uses on the east and west sides of the building

The one story building is approximately 21 feet tall to the roofline with a center parapet wall roofline approximately 28 feet in height. Exterior materials are ledge stone and EFIS in shades of light tan, limestone and similar colors. Awnings and canopies are over other store fronts, window and drive-in window pickups.

PROPOSED SIGNS: Proposed signs consist of one, 200 square foot, 30 foot tall pole sign located along McCall Road, and wall signs. Wall signs are based on C-2 District requirements allowing up to 30% of the façade but are shown at less than 30% maximum. Rear wall signs are limited to 40 square feet in area and shown at less than 40 square feet in area.

The pole is enclosed with a rectangular base and exterior materials of ledge stone and EFIS to match the building's colors and materials. The sign is in a landscape base.

PROPOSED LIGHTING: Proposed parking lot lights are full-cutoff fixtures on metal poles. Building lights will accent entrances and provide general security and are full cut-off design.

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 intent and purpose of the McCall Landing Commercial PUD is to allow a broad range of commercial retail and commercial service uses, including drive-in type restaurants. The applicant states,

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“The purpose of the approved McCall Landing PUD was to provide uses suitable for Commercial zoning districts, as listed on the original PUD. The proposed amendment to the McCall Landing PUD which is a multi-purpose building consisting of a sports apparel store, with four other potential tenants (unknown at this time, on Lot 1 will be consistent with the approved 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 amendment is necessary because the approved site, building and other improvements shown on the approved Preliminary Development Plan for Lot 1 has been abandoned. The proposed uses and improvements are not comparable. In addition, a Final Development Plan was not submitted within two years of the date of approval of the Preliminary PUD for Lot 1, and no additional time was proposed to develop Lot 1. The applicant states,

“The proposed amendment is not due to changed or changing conditions in or around the PUD. This amendment is for further development of the original PUD, consistent with its original intent.”

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: The amendment will result in a relative gain to the public health, safety, convenience or general welfare because public improvements have been designed and built to accommodate commercial uses and vehicular traffic on improved streets, and pedestrians and bicyclists on sidewalks along McCall Road and on Carlson Place. The proposed amendment has no underground storage tanks associated with it that would adversely impact the water well field areas to the north. No special benefit is granted upon any person as a result of the amendment. The stores will provide opportunity for a broad range of commercial uses.

The applicant states,

“This amendment is not solely for conferring a special benefit upon any person, but in our opinion, will result in a relative gain to the general public by providing services which are in demand by local and out-of-town residents. It should be noted that the initial tenant of the building K-State Superstore (GTM Sportswear) is an expansion of its existing store location, just across the street.”

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: Landscaping is a combination of grass areas, deciduous and evergreen trees along public streets, ornamental trees in parking lot islands, ornamental grasses and perennials in parking lots islands and at the base of the ground sign, with the balance grass lawns, all of which will be maintained by in-ground sprinklers. The 43,000 square future building site will be grass, fescue or native, and non-irrigated.

2. SCREENING: Two trash container areas are proposed on the south side of McCall Place north of the stores. Both will be enclosed with six foot masonry walls to compliment with building, and gates.

3. DRAINAGE: A Drainage Study, dated October 3, 2008, was submitted by Schwab-Eaton, P.A. with the Preliminary Development Plan. The PUD is designed to drain, in part, to the south and southeast through on-site storm sewer improvements to storm sewer improvements associated with McCall Road. The majority of the PUD, due to the size of the Menards' site, drains to a detention basin on the east side of PUD, then to McCall Road storm water improvements. The City Engineer reviewed and accepted the 2008 drainage study. Minor changes were made to the drainage plan in 2010 when Menards was built.

Schwab-Eaton submitted an updated storm sewer letter (*attachment dated July 12, 2013*) summarizing the original storm water improvements and changes over the past several years. The letter indicates that, with respect to Lot 1, peak flows from Lot 1 have been slightly reduced due to changes to storm sewer improvements. Lot 1 will drain to storm sewer improvements on site and along McCall Road.

The Manhattan Public Works Department (*attachment dated August 14, 2013*) reviewed the 2013 update from Schwab-Eaton and made the following comments, "The stormwater runoff for this development is part of the overall PUD site drainage plan that has previously been approved by City Staff. The stormwater runoff for the proposed development was accounted for in the original PUD. No detention is required for this development. The proposed development meets city requirements for stormwater management."

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

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As a whole, the PUD is accessed off McCall Road from a series of travel easements. Carlson Place is at the center of the PUD connecting to a signalized intersection with McCall Road. McCullough Place is on the east side of the PUD with a right in right out at its intersection with McCall Road. Landing Place, on the west side of the PUD, intersects McCall Road at the southwest corner of Lot 4, and is a right-in right-out. McCall Place is an east to west travel easement north of Lots 1, 3, and 4, and the south and Lot 2 (Menards). The Preliminary PUD also shows a future travel easement intended to extend to the west from the western boundary of the PUD. A travel easement extending east of McCullough Place is also shown on the proposed Lot 1 amendment. Both projected travel easements to east and west properties are intended to create an internal street, or reverse frontage road, to reduce curb cuts onto McCall Road.

Internal Access

Access to Lot 1 will be from Carlson Place and McCall Place. The Carlson Place curb cut is located approximately 315 feet north of the intersection of existing Carlson Place and McCall Road. The second curb cut is off McCall Place in the northeastern corner of Lot 1.

Internal circulation is to the front of the store from driving aisles connecting to the curb cuts. Drive-in stacking for the western drive-in window is along the north side of the building, with the eastern drive-in accessed from the southwest corner area of the building and parking lot. Stacking lanes are depicted with lanes showing adequate internal space for vehicles.

Sidewalks and Pedestrian Circulation

A sidewalk was constructed along the east side of Carlson Place and along both sides of McCall Road with a 10-foot wide sidewalk on the north side of McCall for pedestrian and bicyclists. A pedestrian connection from the Carlson Place sidewalk connects the storefront sidewalk to the street sidewalk.

No sidewalk was required on McCullough Place. When the 43,000 square foot area is developed it may be appropriate to reconsider sidewalks on McCullough Place and McCall Place, in light of the possible extension of a possible travel easement to the east. Sidewalk extension from McCall Road to the future building site area will also be provided when the 43,000 square foot space is developed.

A bike rack is shown at the southeast corner of the building.

Off-street parking

The proposed number of off-street parking is based on the gross square feet of floor area using the shopping center ratio of 5.5 parking spaces per 1,000 square feet of floor area. Based on gross floor area, 16,800 square feet, 93 off-street parking spaces would be required. Floor area devoted to storage, restrooms, mechanical rooms would reduce the total floor space and the net demand may be less. The 93 parking spaces are proposed south of the building with an additional 24 optional parking spaces in the northeast corner of Lot 1, or 117 total off-street parking spaces. More than adequate parking is provided with the expectation that some of the 117 parking spaces may apply to the future building site, a 43,000 square foot space on the east side of the Lot 1. The 24 parking spaces may also be used for game day over flow parking.

Traffic Study

The original Traffic Impact Study, dated January 2008, Revised October 2008, was submitted by Schwab-Eaton P.A and accepted by the Public Works Department. An update to the original Traffic Impact Study, dated July 5, 2013 (*attached*) was submitted by Schwab-Eaton.

The Manhattan Public Works Department (*attachment dated August 14, 2013*) reviewed the 2013 update from Schwab-Eaton and made the following comments,

“The traffic impact study update was performed by Schwab Eaton. This update concludes that the trips generated by this PUD amendment would not cause the overall site to exceed the trip generation already accounted for in the original traffic impact study.

The original traffic study for the PUD included a trip generation based on assumptions of what each lot would be developed into. This study and its recommendations were accepted by the City. This current amendment to the original PUD changes the use from the original assumption for what would go into Lot 1, a lower trip generating development, to a development with a higher trip generation. However, the total number of generated trips from the original PUD traffic study have not been exceeded, primarily because the other lots have not yet been developed. It was not stipulated in the original PUD application that each lot was tied to a certain use. Because of this, a shift in trip generation from one lot to the next within the same PUD is acceptable as long as the total trip generation for the PUD does not exceed what has already been accepted.

It needs to be noted that this PUD amendment, which will account for a larger share of the total trips generated by the PUD, will have an impact on the future development of the other lots within the PUD. In order for these lots to be developed for uses as originally assumed, the total trip generation for the PUD may be exceeded and trigger a larger, more

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in-depth revision to the traffic impact study. To avoid this, the lots may have to be developed with a different use, one with a lower trip generation than what was originally assumed.

Given this, the Engineering Division has found the traffic impact of this PUD amendment to be acceptable and to not have a significant impact on the existing roadway network.”

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: Approximately 24% of Lot 1 is open grass area for the future building site. Landscaped space, outside of the 43,000 square foot area, is approximately 10% of the site.

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

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Lot 1 is a vacant commercial tract of land approved for an Orscheln’s store.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Grass covered tract located in the 100 Year Floodplain. The site is lower than the surrounding streets and Menards’ site because those areas were elevated in 2010. The site is the natural grade before fill is added.

Lot 1 is currently in the 100 Year Flood Plain, Zone AH, Base Flood Elevation (BFE) 1008 feet. The proposed building’s lowest floors must be elevated or flood proofed water tight to one foot above the BFE, or to 1009 feet NGVD. The proposed lowest floor is shown at 1010 feet, or two feet above BFE. An application to fill the site was submitted to the Kansas Division of Water Resources to fill the site. DWR has extended approval of the permit through July 1, 2015.

Proposed Preliminary Floodplain Maps, adoption date in 2014, remove Lot 1 from Zone AH, and will designate the tract Zone X, Protected By Levee. Flood plain requirements for elevation will not apply under the proposed map designation.

3. SURROUNDING LAND USE AND ZONING:

Attachment No. 1

(a.) **NORTH:** Menards home improvement store, City water well fields, Levee Drive: Commercial PUD, and I-2 District.

(b.) **SOUTH:** McCall Road, farm and ranch supply store, GTM manufacturing and Super Store, research facilities, car wash, self storage facilities, automobile sales and service; C-5, Highway Service Commercial District and I-2 District.

(c.) **EAST:** McCall Pattern Company; I-2 District.

(d.) **WEST:** Self storage, business office, and contractors; I-2 District.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for commercial development subject to the requirements of the Manhattan Zoning Regulations, Article IX, Planned Unit Development Districts, and Ordinance No. 6745.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Lot 1 is in a commercial growth corridor and its development as a commercial site should be compatible with the surrounding neighborhood. Minimal impact on property along the corridor is expected. The proposed development is consistent with the commercial character of the approved PUD.

Fifty foot well head protection zones around City well heads are along the northern boundary of the PUD, and extend partially in the PUD but do not extend near Lot 1. No underground liquid fuel storage tanks will be allowed in the PUD. No underground liquid storage is proposed.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: Lot 1 is in the Northeast Planning Area of the Future Land Use Map of the Comprehensive Plan. The site is shown as Industrial (IND) on the map. The proposed amendment would implement a development generally consistent with the policies applicable to all commercial development, as well as policies applicable to Community Commercial. The PUD was found in general conformance to the Comprehensive Plan in 2009. The amendment is in conformance with the approved PUD and Comprehensive Plan.

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

Attachment No. 1

- 1968 Annexation and rezoning to I-3, Light Industrial District.
- 1969-2008 Rezoned from I-3 District, to I-2, Industrial Park District.
- April 21, 2008 Manhattan Urban Area Planning Board conducts the public hearing and recommends approval of the proposed rezoning of McCall Landing from I-2, Industrial Park District to PUD, Commercial Planned Unit Development District, with 15 conditions of approval.
- May 6, 2008 City Commission approves first reading of an ordinance rezoning McCall Landing from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District.
- May 20, 2008 City Commission approves Ordinance No. 6700 rezoning McCall Landing from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District.
- November 17, 2008 At the request of the applicant, Manhattan Urban Area Planning Board tables the public hearing of the proposed rezoning of the revised McCall Landing PUD from PUD, Commercial Planned Unit Development District to PUD, Commercial Planned Unit Development District.
- December 1, 2008 Manhattan Urban Area Planning Board conducts the public hearing and recommends approval of the proposed rezoning of the revised McCall Landing PUD from PUD, Commercial Planned Unit Development District to PUD, Commercial Planned Unit Development District, with 14 conditions of approval.
- December 16, 2008 City Commission approves first reading of an ordinance rezoning the revised McCall Landing PUD from PUD, Commercial Planned Unit Development District to PUD, Commercial Planned Unit Development District.
- January 6, 2009 City Commission approves Ordinance No. 6745 rezoning the McCall Landing PUD from PUD, Commercial Planned Unit Development District to a new PUD, Commercial Planned Unit Development District.

Attachment No. 1

April 5, 2010 Manhattan Urban Area Planning Board approves the Final Development Plan (Lot 2 – Menards, and Lots 1, 3 and 4 – future amendments) and Final Plat of the McCall Landing Addition Commercial Planned Unit Development.

April 20, 2010 City Commission accepts the easements and rights-of-way of the Final Plat of the McCall Landing Addition Commercial Planned Unit Development; and, authorizes the Mayor and City Clerk to execute the Agreement regarding construction and maintenance of the storm water facilities and travel easements.

Lot 1 has remained vacant since annexation in 1968.

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 amendment conforms to the approved PUD and the uses permitted in McCall Landing Commercial PUD.

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, which denial would accomplish. The proposed commercial building on Lot 1 must be elevated at least one foot above BFE and proposed two feet above BFE. McCall Road was upgraded to a five lane urban section with curb and gutter, sidewalks, storm sewer improvements and traffic signal at Carlson Place and McCall Road.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: LOT 1 CAN BE SERVED BY PUBLIC IMPROVEMENTS, INCLUDING STREET, WATER, FIRE SERVICE AND SANITARY SEWER. MCCALL ROAD WAS UPGRADED TO A FIVE LANE SECTION OF ARTERIAL STREET, WHICH CONSISTS OF FOUR THROUGH LANES, A CENTER TURN LANE, CURB AND GUTTER, STORM WATER IMPROVEMENTS AND SIDEWALKS ON BOTH SIDES OF THE STREET.

Attachment No. 1

SIXTEEN FOOT WIDE SANITARY SEWER AND WATER UTILITY EASEMENTS FOR ARE SHOWN ON THE SITE PLAN, GENERALLY ON THE NORTH (SANITARY SEWER LINE) AND SOUTH (WATER LINE) SIDES OF THE BUILDING. THE EASEMENTS SHALL BE FILED WITH THE POTTAWATOMIE COUNTY REGISTER OF DEEDS PRIOR TO ISSUANCE OF THE BUILDING PERMIT.

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

13. STAFF COMMENTS: City Administration recommends approval of a proposed amendment of Ordinance No. 6745 and the approved Preliminary Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, with the following conditions of approval:

1. Prior to development of the 43,000 square foot future building site on Lot 1, and amendment of the Lot 1 shall be approved.
2. Sidewalks and pedestrian connection(s) to public streets shall be considered with the future building site amendment of Lot 1.
3. **PROPOSED SIXTEEN (16) FOOT WIDE UTILITY EASEMENTS SHALL BE FILED WITH THE POTTAWATOMIE COUNTY REGISTER OF DEEDS, PRIOR TO ISSUANCE OF THE BUILDING PERMIT.**

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 6745 and the approved Preliminary Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, stating the basis for such recommendation.
2. Recommend denial of the proposed amendment of Ordinance No. 6745 and the approved Preliminary Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

Attachment No. 1

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed Ordinance No. 6745 and the approved Preliminary Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 1, McCall Landing Commercial Planned Unit Development, based on the findings in the Staff Report, subject to the three conditions of approval recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner.

DATE: August 14, 2013.

13063}SR}Lot1McCallLandingPUDAmendment