

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, APRIL 3, 2007***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bruce Snead and Commissioners Tom Phillips, Mark Hatesohl, Jayme Morris-Hardeman, and Ed Klimek were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government Representative Sean Weston, 8 staff, and approximately 22 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Snead led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Snead proclaimed March 26, 2007, to April 9, 2007, ***Housing America 2007 Campaign***. JoAnn Sutton, Executive Director, Manhattan Housing Authority, was present to receive the proclamation.

Mayor Snead proclaimed April 2007, ***Fair Housing Month***. JoAnn Sutton, Executive Director, Manhattan Housing Authority; and Karen Davis, Director of Community Development, City of Manhattan; were present to receive the proclamation.

Mayor Snead proclaimed April 9-14, 2007, ***Manhattan, Kansas, Architecture Week***. Bruce McMillan, President, and David Sachs, Past President, American Institute of Architects (AIA) Flint Hills, were present to receive the proclamation.

## PUBLIC COMMENTS

Mayor Snead opened the public comments.

John Furney, 3106 Freeman Circle Road, informed the Commission that he was trying to put into place a regular bus transportation schedule for Manhattan. He stated the corporation would be called Bethany Waters and hoped the City Commission would support the idea and provide feedback. He said he was not looking for money from the City and was hoping to build community support throughout the summer and be at full strength when the university students come back.

Mayor Snead stated that he was receptive to this important issue in meeting transportation needs and looked forward to seeing the proposal.

Mr. Furney said if the City of Manhattan would reach the 50,000 population threshold, he didn't want to affect other transportation providers, but was looking to assist and work with current services. He said that infrastructure improvements and curb cuts would be needed.

Hearing no other comments, Mayor Snead closed the public comments.

## COMMISSIONER COMMENTS

Commissioner Klimek informed the community of K-18 highway improvements near the Corporate Technology Park and asked drivers to be careful and protect those working on the highway. He stated that the Riley County Police Department would be enforcing that work area during the construction period.

Commissioner Morris-Hardeman stated that there is a huge need for public transportation in our community and informed citizens that April is Child Abuse and Prevention Month.

Mayor Snead recognized Sean Weston, Youth in Government representative. He informed the community that the City of Manhattan is in the midst of Spring Clean-Up and encouraged citizens to attend Sunset Zoo's Eggstravaganza event this Saturday, April 7, 2007.

**CONSENT AGENDA**  
(\* denotes those items discussed)

**MINUTES**

The Commission approved the minutes of the Special City Commission Meeting held Thursday, March 15, 2007; March 27, 2007; and the Regular City Commission Meeting held Tuesday, March 20, 2007.

**CLAIMS REGISTER NOS. 2586 and 2587**

The Commission approved Claims Register No. 2586 and 2587 authorizing and approving the payment of claims from March 14, 2007, to March 27, 2007, in the amounts of \$29,935.44 and \$4,398,273.50, respectively.

**LICENSE – CEREAL MALT BEVERAGE**

The Commission approved a Cereal Malt Beverage License for calendar year 2007 for Rusty's Last Chance, 1213 Moro, Manhattan, Kansas.

**FINAL PLAT – MANHATTAN EMERGENCY SHELTER PUD**

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Manhattan Emergency Shelter P.U.D. Addition, generally located at the northwest corner of South 4<sup>th</sup> Street and Yuma Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

**ORDINANCE NO. 6615 – AMEND DANGEROUS DOG SECTION**

The Commission approved Ordinance No. 6615 amending Section 6-25 of the Code of Ordinances relating to the keeping and harboring of dangerous dogs within the City of Manhattan, and adding new Section 6-30 to the Code of Ordinances, defining aggressive dogs at-large and providing penalties therefore.

\* **RESOLUTION NO. 040307-A – KDOT AGREEMENT and SUPPLEMENTAL AGREEMENT – FOURTH STREET AND BLUEMONT AVENUE INTERSECTION PROJECT (ST0703)**

Rob Ott, Interim Director of Public Works, and Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, answered questions from the Commission.

The Commission approved Resolution No. 040307-A authorizing the Mayor and City Clerk to execute Agreement No. 23-07 with the Kansas Department of Transportation and a supplemental agreement with HWS Consulting Group, of Manhattan, Kansas, in the amount of \$75,686.00 for the Fourth Street and Bluemont Avenue Intersection Project (ST0703).

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – CEDAR GLEN ADDITION – SANITARY SEWER IMPROVEMENTS (SS0615)

The Commission accepted the Engineer's Estimate for 2006 Sanitary Sewer Improvements for Cedar Glen Addition in the amount of \$418,000.00 and awarded a construction contract for sanitary sewer improvements to the low bidder, Walters-Morgan Construction Company, Inc., of Manhattan, Kansas, in the amount of \$288,868.00;

### AWARD CONTRACT – CEDAR GLEN ADDITION – STORM WATER IMPROVEMENTS (SM0602)

The Commission accepted the Engineer's Estimate for 2006 Storm Water Improvements for Cedar Glen Addition in the amount of \$1,029,000.00 and awarded a construction contract for storm water improvements to the low bidder, Middlecreek Corporation, Inc., of Peabody, Kansas, in the amount of \$790,305.00.

### AWARD CONTRACTS – HOUSING REHABILITATION PROJECTS

The Commission accepted the bids for 512 South 12<sup>th</sup> Street, 2309 Walnut Street, and 1330 Yuma Street; awarded the bids to the lowest responsible bidder; authorized City Administration to approve any necessary change orders; and authorized the Mayor and City Clerk to enter into agreements with the contractors and property owners for expenditure of Housing Rehabilitation Funds.

### NEGOTIATE CONTRACT – ENGINEERING SERVICES – SCENIC DRIVE AND MILLER PARKWAY INTERSECTION (ST0705)

The Commission authorized City Administration to negotiate a contract with Schwab & Eaton, P.A., of Manhattan, Kansas, for improvements at the intersection of Scenic Drive and Miller Parkway.

### CHANGE ORDER NO. 1 – STONE POINTE, UNIT 1, PH I – STREET IMPROVEMENTS (ST0611)

The Commission approved Change Order No. 1 for Stone Pointe, Unit 1, PH I, Street Improvements (ST0611) resulting in a net increase in the amount of \$198,000.00 (+18.91%) to the contract with Walters-Morgan Construction Co., of Manhattan, Kansas.

## CONSENT AGENDA (CONTINUED)

### CHANGE ORDER NO. 1 – STONE PONTE, UNIT 1, PH II – STREET IMPROVEMENTS (ST0617)

The Commission approved Change Order No. 1 for Stone Pointe, Unit 1, PH II, Street Improvements (ST0617) resulting in a net increase in the amount of \$54,000.00 (+9.76%) to the contract with Walters-Morgan Construction Co., of Manhattan, Kansas.

### REQUEST FOR PROPOSALS – ENGINEERING SERVICES – 2007 NEW AND PARALLEL WATER LINES PROJECT (WA0703)

The Commission authorized City Administration to solicit proposals for engineering services for the 2007 New and Parallel Water Lines Project and appointed Commissioner Hatesohl to serve on the selection committee.

### \* PURCHASE – 2007 SINGLE-AXLE 5-YARD FOUR-WHEEL-DRIVE DUMP TRUCK - STREET DEPARTMENT

Rob Ott, Interim Director of Public Works, provided additional information on the proposed purchase and uses of the new truck.

The Commission authorized City Administration to purchase a 2007 Single-Axle 5-Yard Four-Wheel-Drive Dump Truck, replacing Unit 29, from Kansas City Freightliner, of Kansas City, Missouri, in the amount of \$75,337.64.

### \* PURCHASE – TANDEM-AXLE TEN-YARD DUMP TRUCK – STREET DEPARTMENT

Rob Ott, Interim Director of Public Works, provided additional information on the proposed purchase and uses of the new truck.

The Commission purchased a Tandem-Axle Ten-Yard Dump Truck, Unit 165, from KCR International Truck Sales, of Kansas City, Missouri, in the amount of \$80,246.00.

### \* HANGAR LEASE – KANSAS AIR CENTER, INC.

Peter Van Kuren, Airport Director, answered questions from the Commission.

The Commission authorized the Mayor and City Clerk to execute the E-1 Hangar Lease agreement between City of Manhattan and Kansas Air Center, Inc.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – VETERINARY SERVICES – SUNSET ZOOLOGICAL PARK

The Commission authorized the City of Manhattan to renew the agreement with Kansas State University in connection with Veterinary Services at Sunset Zoological Park.

\* **REAL ESTATE CONTRACT – BOYS AND GIRLS CLUBS, OF MANHATTAN, KANSAS – 5<sup>TH</sup> STREET and PIERRE STREET NORTHWEST CORNER**

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, provided additional information on the item and answered questions from the Commission.

The Commission authorized the Mayor and City Clerk to enter into a contract with the Boys and Girls Clubs, of Manhattan, Kansas, for the purchase of City property located at the northwest corner of 5<sup>th</sup> and Pierre Streets.

Dee R. Ross, 2304 Brockman Street, asked questions about the cost of Fourth Street and Bluemont Avenue Intersection project, roundabouts versus four way stop signs, traffic issues, costs of special assessments to the taxpayers listed in items on the consent agenda, and asked about the housing rehab projects.

Rob Ott, Interim Director of Public Works; Jason Hilgers, Assistant City Manager and Redevelopment Coordinator; Ron Fehr, City Manager; and Karen Davis, Director of Community Development, answered questions and provided clarification on items asked by Mr. Ross.

After discussion, Commissioner Hatesohl moved to approve the consent agenda. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### **FIRST READING - HEALTH CARE FACILITY REVENUE BONDS - MEADOWLARK HILLS RETIREMENT COMMUNITY**

Diane Stoddard, Deputy City Manager, presented the item.

Steve Shields, Executive Director and Chief Executive Officer (CEO), Meadowlark Hills Retirement Community, provided a brief summary of the project and voiced excitement about what this expansion brings to the community of Manhattan.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - HEALTH CARE FACILITY REVENUE BONDS - MEADOWLARK HILLS RETIREMENT COMMUNITY (CONTINUED)

After discussion, Commissioner Phillips moved to approve first reading of an ordinance issuing up to \$29 million in Health Care Facility Revenue Bonds for Meadowlark Hills Retirement Community. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING – AMEND FINAL DEVELOPMENT PLAN - LIMEY POINTE COMMERCIAL PLANNED UNIT DEVELOPMENT

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

Rick Kiolbasa, Dial Realty, provided additional information on the item and informed the Commission this business is part of the relocation efforts for downtown redevelopment.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance amending the Final Development Plan for Lot 3 of the Limey Pointe Commercial Planned Unit Development and Ordinance No. 6566, as proposed, based on the findings in the Staff Report (*See Attachment No. 1*), with the one (1) condition of approval, recommended by the Manhattan Urban Area Planning Board. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

### RESOLUTION NO. 040307-B – ADMINISTER - SOUTH RELOCATION PLAN IMPLEMENTATION

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, presented the item. He then answered questions from the Commission.

Bill Frost, City Attorney, provided additional information on the South Relocation Plan and responded to Commissioner questions regarding possible claims and benefits of the plan received from business owners and tenants.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 040307-B authorizing City Administration to administer the South Project Area Relocation Plan, as proposed. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### CONTRACT - ENGINEERING SERVICES - SOUTH END DISTRICT OF THE DOWNTOWN REDEVELOPMENT PROJECT

Rob Ott, Interim Director of Public Works, presented the item and answered questions from the Commission.

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, answered questions from the Commission regarding project funding.

After discussion, Commissioner Morris-Hardeman moved to authorize City Administration to finalize and the Mayor and City Clerk to execute Addendum #1 in the amount of \$99,478.00 with HWS Consulting Group, of Manhattan, Kansas, for additional preliminary engineering services related to the South End District of the Downtown Redevelopment Project. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

### ORDINANCE NO. 6614 - CONDEMNATION OF PROPERTY - SOUTH PROJECT OF DOWNTOWN REDEVELOPMENT

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, presented the item.

Rick Kiolbasa, Dial Realty, updated the Commission on the progress and status being made with the property owners in the south project area.

Pernell Peters, representing O'Reilly Auto Parts, Topeka, Kansas, provided information on the employees at the Manhattan store and urged the Commission and Dial Realty to find a suitable place for its business.

After discussion, Commissioner Phillips moved to approve Ordinance No. 6614 authorizing the acquisition of the subject properties within the South Project Area by condemnation. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

## EXECUTIVE SESSION

Commissioner Hatesohl moved to recess into Executive Session until 8:40 p.m. for the purpose of preliminary discussions related to the acquisition of real estate. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

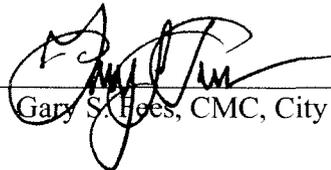
## EXECUTIVE SESSION (CONTINUED)

At 8:40 p.m., the Commission reconvened with Mayor Snead and Commissioners Phillips, Hatesohl, and Morris-Hardeman in attendance. Mayor Snead moved to recess into Executive Session until 9:00 p.m. for the purpose of preliminary discussions related to the acquisition of real estate. Commissioner Hatesohl seconded the motion. On vote, motion carried 4-0.

At 9:00 p.m., the Commission reconvened with Mayor Snead and Commissioners Phillips, Hatesohl, Morris-Hardeman, and Klimek in attendance.

## ADJOURNMENT

At 9:00 p.m., Mayor Snead moved to adjourn. Commissioner Hatesohl seconded the motion. On vote, motion carried unanimously.

  
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Gary S. Fees, CMC, City Clerk



## **STAFF REPORT**

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

## **BACKGROUND**

**APPLICANT/OWNER:** J. Larry Fugate

**ADDRESS:** 208 S. Maize Road, Wichita KS 67209

**LOCATION:** Lot 3, Limey Pointe Addition, which is generally located along the north side of McCall Road approximately 250 feet west of the McCall Road and Hostetler Drive intersection.

**AREA:** 54,897 square feet (1.3 acres).

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, February 26, 2007

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, March 19, 2007

**CITY COMMISSION:** Tuesday, April 3, 2007

**DESCRIPTION OF PROPOSED AMENDMENT:** Amend Lot 3 of the Limey Pointe Commercial Planned Unit Development District, Ordinance No. 6566, for a proposed drive-in Taco Bell restaurant.

The Limey Pointe PUD was approved with the following conditions of approval:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C- 5, Highway Service Commercial District; except for Adult Businesses which shall be prohibited.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Light poles shall be provided as described in the application documents and shall be full cutoff design. Building lighting shall be provided as proposed and shall not cast direct light onto public or private streets or adjacent property.

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5. An architecturally unifying pole and/or ground signage plan shall be submitted with the Final Development Plan for the first phase. The signage plan shall apply to the entire PUD, and shall include, but not be limited to, clear architectural elements, materials and lighting, and ground treatments, such as stone planters and landscaping at the sign base. Height, maximum gross surface area, structural type, setback and illumination shall be clearly set out in the signage plan. The signage plan shall indicate that 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; skirting for pole signs and the base 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.
6. Wall signs shall be permitted as proposed.
7. 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.
8. Traffic improvements cited in the July 31, 2006, Inter-Office Memorandum from the City Engineer shall be constructed with the first phase of the development to include:
  - (a.) The second through lane for westbound traffic on McCall Road between Hays Drive and Hostetler Drive shall be added.
  - (b.) The westbound and eastbound left turn lanes shall be aligned at the intersection of Hostetler Drive & McCall Road.
  - (c.) Hostetler Drive shall match the south leg of the intersection in terms of number of lanes and configuration.
  - (d.) An urban section shall be shown on the plans along the north side of McCall Road and shall include curb and gutter.
9. Drainage improvements cited in the July 31, 2006, Inter-Office memorandum from the City Engineer for storm inlets and storm sewer pipes shall be provided with the first phase of the development.
10. Prior to the development of Lots 3, 5 and 6, an amendment of the PUD shall be submitted and approved prior to issuance of any necessary permits.

**PROPOSED BUILDINGS AND STRUCTURES:** One story Taco Bell drive-in restaurant approximately 24 feet to the peak of the entrance tower with the roof line at approximately 18 feet. Exterior walls are EFIS with the stone wainscot. The restaurant fronts to the south and has walk in doors on the south and east sides of the building. The

*Attachment No. 1*

drive-in window is along the west side of the building and can be accessed from the north or south curb cuts and exits to the south to parking lot. The drive-in lane on the north side of the restaurant is one lane in width for ordering and expands to 24 feet in width for passing vehicles in line. The stacking lane provides space for at least eight cars. Forty seven off-street parking spaces are proposed. Based on occupancy and staffing, the restaurant would be required to provide 30 stalls. Access is from Limey Place and Goodfood Place. The driveway alignments of the northern curb cut to the site will align with a proposed IHOP curb cut to the north (a concern expressed by the Planning Board with the approval of the Limey Place PUD).

### **PROPOSED LOT COVERAGE**

Proposed lot coverage: building (4%), drives, parking, and travel easement (65%), and open/landscaped space( 31%).

### **PROPOSED SIGNS**

The pole sign is along the McCall Road frontage and is 30 feet in height with the sign portion of the sign 93 square feet in area. The base is a stone veneer to match the building stone. The base is in a landscape space along the street frontage and parking lot. Wall signs are externally and internally lit and well scaled to the building facades.

**PROPOSED LIGHTING:** Light poles are a cut-off design. Exterior wall mounted lights illuminate both wall signs and exterior areas.

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

**WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:** The proposed use and site is consistent with the commercial highway business nature of the PUD and is intended for relocation of businesses from the north Manhattan Marketplace PUD Wendy's and Pizza Hut, as well as new and similar businesses such as IHOP and the proposed Taco Bell.

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**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 specific occupant of the site was unknown at the time the PUD was approved. It was generally expected that a drive-in restaurant would develop on Lot 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 proposed amendment was anticipated with the original approval and no adverse impact on the public is expected. The proposed use is a permitted use in the PUD and does not grant a special benefit to any person.

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

- 1. LANDSCAPING:** Landscaping exceeds that proposed with the approved PUD and consist of canopy, ornamental and evergreen trees, shrubs and lawn areas and foundation plantings to be owned and maintained by the owner. Landscaped areas will irrigated with underground systems.
- 2. SCREENING:** The 8 foot block wall dumpster is located in the northeast part of the site with materials consistent with the building materials.
- 3. DRAINAGE:** The site will drain to storm sewers.
- 4. CIRCULATION:** Access is from McCall Road, Limey Place and Goodfood Place, which are Travel Easements that are privately owned and maintained by the owners of Lots 1-4.
- 5. OPEN SPACE AND COMMON AREA:** Each lot is individually owned and consists of building, off-street parking and landscaped areas.
- 6. CHARACTER OF THE NEIGHBORHOOD:** Generally characterized as a mix of retail and industrial service businesses.

**EXISTING USE:** Vacant commercial lot.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Generally a flat site located in the build-able portion of the 100 Year Flood Plain. The 100 Year Flood elevation is 1008 feet. Finished floor elevation of the proposed building is 1011.50 feet, or 3 feet above the flood elevation. The site drains to the west to the drainage ditch along Tuttle Creek Boulevard and partly to the north along Hostetler Drive to undersized storm water inlets.

**SURROUNDING LAND USE AND ZONING:**

(a.) **NORTH:** Lot 1, future IHOP site in Limey Pointe and industrial services; I-2 District.

(b.) **SOUTH:** McCall Road, American Legion, Super-Walmart; C-5 and PUD.

(c.) **EAST:** Limey Place travel easement, Lot 4, Hostetler R.

(d.) **WEST:** Lot 2, Limey Pointe, Wendy's restaurant under construction, Tuttle Creek Boulevard, N. 3<sup>rd</sup> Street, highway and neighborhood commercial businesses on N. 3<sup>rd</sup> Street; Limey Pointe PUD, C-5 and C-2, Neighborhood Shopping District.

**GENERAL NEIGHBORHOOD CHARACTER:** Generally characterized as a mix of retail and industrial service businesses.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** Limey Pointe PUD uses: Permitted Uses include all of the Permitted and Conditional Uses of the C-5, Highway Service Commercial District, except for Adult Businesses, which will not be allowed. Drive-in restaurants are a permitted use in the PUD and the site is suitable for the use.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site is commercial growth corridor and its development as a commercial PUD should be compatible with the surrounding neighborhood.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map for the Northeast Planning Area designates the site as Community Commercial (CC). The PUD amendment is in general conformance to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has been zoned various commercial and industrial districts over time. Annexation was in 1968 and 1969. Commercial and industrial buildings have occupied the site. Limey Pointe PUD was approved on September 5, 2006 (Ordinance No. 6566).

*Attachment No. 1*

**CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:** The amendment is consistent with the approved PUD and Zoning Regulations.

**RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** There appears to be no gain to the public if the amendment is denied and it may be a hardship to the owner if the amendment is denied. The proposed land use and PUD were approved in 2006.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer, storm sewer, and water are available.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed Amendment of Lot 3, Limey Pointe Commercial Planned Unit Development District and Ordinance No. 6566, and the Final Development Plan, with the following conditions of approval:

1. The Final Development Plan shall be subject to the conditions of approval of Ordinance No. 6566.

**ALTERNATIVES:**

1. Recommend approval of the proposed Amendment of the Limey Pointe Commercial Planned Unit Development, and Ordinance No. 6566, and the Final Development Plan, stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment of the Limey Pointe Commercial Planned Unit Development, and Ordinance No. 6566, stating the basis for such recommendation.
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 Amendment of the Limey Pointe Commercial Planned Unit Development, and Ordinance No. 6566, and approval of the Final Development Plan, based on the findings in the Staff Report, with the one condition recommended by City Administration.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** Monday, March 14, 2007

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