



MINUTES
CITY COMMISSION MEETING
TUESDAY, JUNE 5, 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 Tom Phillips and Commissioners Mark Hatesohl, Bob Strawn, Bruce Snead, and James E. Sherow were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 10 staff, and approximately 38 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Phillips led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Phillips proclaimed May 31- June 5, 2007, ***World No Tobacco Week***. Marcus Kidd, President, Students Against Driving Drunk (SADD); Megan Allen, President, Teens Leading Teens; and Kari Quiton, Alcohol and Drug Counselor, Manhattan High School, were present to receive the proclamation.

Mayor Phillips proclaimed June 15-16, 2007, ***Juneteenth***. Gerry Walton and Don Slater, Co-Chairs, Juneteenth Committee, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Phillips opened the public comments.

Karen Mayse, 3340 Newbury Street, President, League of Women Voter's of Riley County, asked the Commission to reconsider the City's policy on Law Board appointments and encouraged greater citizen participation.

Mayor Phillips responded to the City's policy on Law Board appointments and indicated that there would be opportunities for public participation in the selection process for a new Director for the Riley County Police Department.

PUBLIC COMMENTS (CONTINUED)

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

COMMISSIONER COMMENTS

Commissioner Sherow encouraged citizens to attend the Juneteenth celebration. He then commended tonight's teens for their initiative for the World No Tobacco Week proclamation and provided clarification on comments made during last Tuesday's Work Session.

Ron Fehr, City Manager, informed the community that the Federal Emergency Management Association (FEMA) representatives will be in the community and may be able to provide assistance to residents impacted by the recent flood events. He stated that residents need to contact FEMA and register with FEMA within 60 days.

Mayor Phillips encouraged citizens to contact FEMA for possible assistance.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 15, 2007.

CLAIMS REGISTER NO. 2592

The Commission approved Claims Register No. 2592 authorizing and approving the payment of claims from May 9, 2007, to May 29, 2007, in the amount of \$3,678,282.70.

LICENSES – CEREAL MALT BEVERAGE AND FIREWORKS DISPLAY

The Commission approved renewal applications for 2007 Cereal Malt Beverage licenses for Alco Discount Store #45, 3007 Anderson Avenue, and Valentino's, 3003 Anderson Avenue, and a Fireworks Display license for Thunder Over Manhattan, July 4, 2007, at CiCo Park.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – MANHATTAN MARKETPLACE “WATERLINE E” (WA0704)

The Commission accepted the Engineer’s Estimate in the amount of \$129,071.50 and awarded a contract in the amount of \$78,135.00 to Bayer Construction, Inc., of Manhattan, Kansas, for the Manhattan Marketplace “Waterline E” (WA0704).

AWARD CONTRACT – LEE MILL HEIGHTS, UNIT 3 – STREET (ST0626), WATER (WA0625), SANITARY SEWER (SS0622), AND STORM DRAINAGE (SM0604) IMPROVEMENTS

The Commission accepted the Engineer’s Estimate in the amount of \$647,000.00 and awarded a construction contract in the amount of \$629,420.40 to Middlecreek Corp., of Peabody, Kansas, for the Lee Mill Heights, Unit 3, Street (ST0626), Improvements, Water (WA0625), Sanitary Sewer (SS0622), and Storm Drainage (SM0604) improvements.

AWARD CONTRACT – ANNEBERG PARK PARKING LOT PROJECT (CP0705P)

The Commission approved the Engineer’s Estimate in the amount of \$199,787.00 and authorized the Mayor and City Clerk to execute a contract in the amount of \$180,927.15 with Designer Construction, Inc., of Manhattan, Kansas, for the Anneberg Park Parking Lot Paving Project (CP705P).

RESOLUTION NO. 060507-B – TEMPORARY NOTES – ANNEBERG PARK PARKING LOT PROJECT

The Commission approved Resolution No. 060507-B authorizing the issuance of temporary notes to finance the Anneberg Park Parking Lot Project (CP705P) over a four-year period of time.

CONTRACT – REMARK RUNWAY 3/21

The Commission authorized the Mayor and City Clerk to execute the Construction Contract in the amount of \$67,505.00 with Hi-Lite Markings, Inc., of Adams Center, New York, for Remarketing Runway 3/21.

TASK ORDER NO. 14 – REMARK RUNWAY 3/21

The Commission executed Task Order No. 14 in the amount of \$17,582.00 with HNTB Corporation, of Overland Park, Kansas, for Remarketing Runway 3/21.

CONSENT AGENDA (CONTINUED)

FAA GRANT OFFER – REMARK RUNWAY 3/21

The Commission accepted the grant offer in the amount of \$132,052.00 from the Federal Aviation Administration (FAA) for the re-marking of runway 3/21 and associated work.

TASK ORDER NO. 12 – PART 150 AIRPORT NOISE STUDY

The Commission authorized the Mayor and City Clerk to execute Task Order No. 12 in the amount of \$230,717.00 with HNTB Corporation, of Overland Park, Kansas, for the Part 150 Airport Noise Study.

FAA GRANT – PART 150 AIRPORT NOISE STUDY

The Commission accepted the FAA Grant Offer in the amount of \$219,181.00 for the Part 150 Airport Noise Compatibility Planning Program.

CHANGE ORDER – EUREKA ADDITION – STREET IMPROVEMENTS (ST0613)

The Commission approved a Change Order for Eureka Addition Street Improvements (ST0613) resulting in a net increase in the amount of \$40,962.50 (+4.28%) to the contract with Pavers, Inc., of Salina, Kansas.

CHANGE ORDER – FOUR WIND VILLAGE, UNIT II – SANITARY SEWER IMPROVEMENTS (SS0601)

The Commission approved Four Wind Village, Unit II, Sanitary Sewer Improvements (SS0601) resulting in a net increase in the amount of \$25,186.00 (+10.78%) to the contract with Nowak Construction Company, Inc., of Goddard, Kansas.

CHANGE ORDER – FOUR WIND VILLAGE, UNIT II – STREET IMPROVEMENTS (ST0603)

The Commission approved Four Wind Village, Unit II, Street Improvements (ST0603) resulting in a net increase in the amount of \$60,731.69 (+14.93%) to the contract with Nowak Construction Company, Inc., of Goddard, Kansas.

* **CHANGE ORDER NO. 1-FINAL – KIMBALL TOWNHOMES – SANITARY SEWER IMPROVEMENTS (SS0609)**

Rob Ott, City Engineer, provided additional information on the change orders and answered questions regarding vegetation and erosion control.

Frank Tillman, Developer, informed the Commission that wildflower seeds will also be applied to the area.

CONSENT AGENDA (CONTINUED)

* **CHANGE ORDER NO. 1-FINAL – KIMBALL TOWNHOMES –
SANITARY SEWER IMPROVEMENTS (SS0609) (CONTINUED)**

The Commission approved Change Order No. 1-Final for Kimball Townhomes Sanitary Sewer Improvements resulting in a net decrease in the amount of \$45,986.00 (-11.2%) to the contract with Walters-Morgan Construction Co., Inc, of Manhattan, Kansas.

**CITY'S PARTICIPATION PAYMENT – RILEY COUNTY MARLATT
AVENUE PROJECT**

The Commission approved payment reflecting the City's participation in the amount of \$320,814.45 to Riley County for the Marlatt Avenue Project, from Casement Road west to 800 feet East of US 24, which has been awarded to the low bidder, Pavers, Inc., of Salina, Kansas.

PURCHASE – SUNSET ZOO – SKID STEER LOADER

The Commission authorized the purchase of a Bobcat Skid Steer Loader, Model S-250, for the bid price of \$27,500.00 from White Star Machinery and Supply Company, of Manhattan, Kansas, for the Sunset Zoo.

DISPOSAL OF CITY VEHICLES

The Commission authorized the sale of six (6) excess City vehicles by sealed bid.

CONTRACTS – 2007 EMERGENCY SHELTER GRANT FUNDS

The Commission authorized the Mayor and City Clerk to execute the grant agreement with the Kansas Housing Resources Corporation for the award of 2007 Emergency Shelter Grant Funds and executed contracts with local social service agencies to allocate the 2007 Emergency Shelter Grant. (*See Attachment No. 1*)

After discussion, Commissioner Snead moved to approve the consent agenda. Commissioner Sherow seconded the motion as presented. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING – REZONE - COLLEGIATE MARKETING SERVICES PUD

Eric Cattell, Assistant Director for Planning, presented the item. He then answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - COLLEGIATE MARKETING SERVICES PUD (CONTINUED)

Steve Ballard, Applicant, provided additional information on the item and answered questions from the Commission regarding the downtown location, building, and parking.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding hours of operation in relationship to planning and zoning.

Frank Tillman, Owner of building, provided additional information regarding hours of operation.

Lisa Rockley, Executive Director, Downtown Manhattan Inc., spoke in support of the PUD with the three conditional items mentioned in the Downtown Manhattan Inc. letter attached in the packet.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning of Collegiate Marketing Services PUD from C-4, Central Business District, to PUD, Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 2*), with the ten conditions recommended by the Manhattan Urban Area Planning Board. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

ECONOMIC DEVELOPMENT ASSISTANCE - COLLEGIATE MARKETING SERVICES, INC.

John Pagen, Manhattan Area Chamber of Commerce, presented an overview of the proposal for Collegiate Marketing Services, Inc. (CMS)

Brian Williams, Management Intern, presented the incentive package for Collegiate Marketing Services, Inc.

Steve Ballard, Chief Executive Officer (CEO), Collegiate Marketing Services, Inc., informed the Commission that he was excited about this proposal. He then provided additional information about the company and introduced members of the management team.

Jeff Grantham, President, Collegiate Marketing Services, Inc., provided additional information on the market, growth of the company, and mentioned staff members that would be moving to Manhattan.

GENERAL AGENDA (CONTINUED)

ECONOMIC DEVELOPMENT ASSISTANCE - COLLEGIATE MARKETING SERVICES, INC. (CONTINUED)

Erich Wurster, Chief Financial Officer (CFO), Collegiate Marketing Services, Inc., informed the Commission that CMS want to be in the downtown area, that they are excited about the proposal, and stated that the City of Manhattan is getting a good deal.

Steve Ballard, CEO, Collegiate Marketing Services, Inc., informed the Commission that the projections in the economic development package should be easily passed and that their company would bring in outside money to the community. He stated that Collegiate Marketing Services, Inc., would add to the synergy with the downtown redevelopment. He then answered additional questions from the Commission.

Becky Ballard, Collegiate Marketing Services, Inc., provided additional information on the health care package and costs.

Rose Phillips, 1412 Houston Street, asked what the distinction was between full-time employment and benefits offered.

Becky Ballard, Collegiate Marketing Services, Inc., responded to additional questions.

Ron Fehr, City Manager, responded to questions from the Commission regarding how this firm compared to other firms receiving economic development funds.

After discussion, Commissioner Hatesohl moved to schedule June 19, 2007, as the date for a final determination on an economic development incentive package for Collegiate Marketing Services, Inc. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

INTERLOCAL AGREEMENT - BLUE TOWNSHIP SEWER DISTRICT; FIRST READING – AMEND – SEWER CONNECTION FEES AND MONTHLY SEWER SERVICE CHARGES

Ron Fehr, City Manager, presented the item and answered questions from the Commission.

Bill Frost, City Attorney, provided additional information on the item and clarification on the proposed ordinance. He then responded to questions from the Commission.

Ron Fehr, City Manager, provided additional information on the design costs associated with the project.

GENERAL AGENDA (CONTINUED)

INTERLOCAL AGREEMENT - BLUE TOWNSHIP SEWER DISTRICT; FIRST READING – AMEND – SEWER CONNECTION FEES AND MONTHLY SEWER SERVICE CHARGES (CONTINUED)

Rob Ott, City Engineer, responded to questions from the Commission and stated that he was comfortable with the proposal.

Robert Reece, Administrator, Pottawatomie County, provided information on the selection process for the engineering firm.

Ron Fehr, City Manager, responded to questions from the Commission regarding rates and associated costs.

Abdu Durar, Assistant Director of Public Works – Wastewater, and Ron Fehr, City Manager, provided information on the treatment plant capacity and the potential service area.

Robert Reece, Administrator, Pottawatomie County, provided additional information on the current capacity of its system.

Dee R. Ross, 2304 Brockman Street, asked the Commission why so much money was given to the developer of Heritage Square, when it could have helped pay to prevent flooding in the area. He then voiced concern for additional inspectors needed to monitor development activity.

Ron Fehr, City Manager, responded to questions that were raised and provided clarification on the Heritage Square development and improvements that have been made to the City's infrastructure.

After discussion, Commissioner Snead moved to authorize the Mayor and City Clerk to sign the proposed Interlocal Agreement, once all exhibits are attached to the satisfaction of Administration and approve first reading of an ordinance amending the Code of Ordinances dealing with sewer connection fees and monthly sewer service charges. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – REZONE - BROOKLINE SELF STORAGE PUD

Eric Cattell, Assistant Director for Planning, presented the item. He then answered questions from the Commission.

GENERAL AGENDA (*CONTINUED*)

FIRST READING – REZONE - BROOKLINE SELF STORAGE PUD (*CONTINUED*)

Zac Burton, Applicant, informed the Commission that he understood the protest petition that was filed and believed that the project for additional storage is needed for the area. He then provided additional information on the proposed project and answered questions from the Commission.

Melissa Jurick, resident of Brookstone Circle, requested that the Commission not approve the request. She informed the Commission that this is a residential area and a storage facility should not be built in this area. She then read a prepared letter from her husband, Michael Jurick, who is currently serving in the military.

Carmen Smith, 1921 Casement Road, informed the Commission that she circulated the petition and that additional families were not able to come tonight to voice opposition to the proposed commercial storage units being proposed.

A resident of Brookstone Circle asked if Mr. Burton would ensure that the storage units would not flood.

Zac Burton, Applicant, stated that the elevation levels would be complied with and that this was discussed at the Manhattan Urban Area Planning Board meeting.

Sabine Bishop, 101 Brookstone Circle, asked the Commission to not support the proposal and stated that this development would hurt us if approved.

Zac Burton, Applicant, provided additional information about the cost of the land and associated costs that he has in the proposal.

Melissa Jurick, resident of Brookstone Circle, stated that she understood that the land will be developed, but wanted to see it developed as residential.

Bill Frost, City Attorney, provided clarification on the item and possible options for the Commission to consider.

Zac Burton, Applicant, informed the Commission that if they would support residential for this area, that he would withdraw the application and re-file for residential.

Bill Frost, City Attorney, asked the Applicant for clarification on his request to withdraw the application.

GENERAL AGENDA (CONTINUED)

FIRST READING – REZONE - BROOKLINE SELF STORAGE PUD (CONTINUED)

Zac Burton, Applicant, orally withdrew his application for consideration by the Commission.

The Commission accepted Mr. Burton's request to withdraw the item.

Zac Burton, Applicant, stated the Commission is sending a different message than what the Manhattan Urban Area Planning Board sent earlier and asked for consistency.

At 10:40 p.m., the Commission took a brief recess.

FIRST READING – REZONE - PURPLE WAVE ADDITION

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

Aaron McKee, Founder and President, Purple Wave Auction, provided additional information on the proposal and background information about his business.

Fred Gibbs, BG Consultants, provided additional information on the item and stated the turning lane is a non issue for rezoning.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding the proposed turning lane and responsibility of the turning lane.

Rob Ott, City Engineer, informed the Commission that the right turn lane is warranted and who pays for it will need to be determined.

After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning the proposed Purple Wave Addition, from I-2, Industrial Park District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report (*See Attachment No. 4*). Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

RESOLUTION NO. 060507-A - FIRST READING - SPECIAL OBLIGATION TAX INCREMENT FINANCING REVENUE BONDS - SOUTH REDEVELOPMENT PROJECT

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

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 060507-A - FIRST READING - SPECIAL OBLIGATION TAX
INCREMENT FINANCING (TIF) REVENUE BONDS - SOUTH
REDEVELOPMENT PROJECT (CONTINUED)

Rick Kiolbasa, Dial Realty, responded to questions from the Commission regarding acquisition for the south end and project timeframe. He then provided an update on the south and north end of the redevelopment, and responded to questions about the number of leases signed for the north end.

Bob Welstead, Dial Realty, updated the Commission on the leases they have secured thus far and provided an update to the activities of the south end.

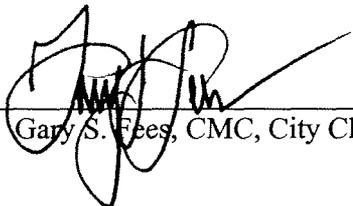
Ron Fehr, City Manager, informed the Commission that there will be some flexibility with the footprint for the south end and that the item will be brought back to the Commission with additional detail.

Bob Welstead, Dial Realty, responded to questions from the Commission regarding leases.

After discussion, Commissioner Snead moved to approve Resolution No. 060507-A authorizing the negotiation for sale of special obligation TIF revenue bonds; and approve first reading of an ordinance authorizing the issuance of up to \$10 million in special obligation TIF revenue bonds for the South Project area of Downtown Redevelopment. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Strawn voting against the item.

ADJOURNMENT

At 11:42 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

2007 Emergency Shelter Grant Funding Breakdown

	Crisis Center	MESI	Salvation Army	City	Total
Rehabilitation					\$
Operations	\$15,000.00	\$ 9,000.00			\$24,000.00
Essential Services	\$ 2,000.00	\$11,000.00			\$13,000.00
Homeless Prevention	\$ 2,000.00	\$ 3,000.00	\$10,000.00		\$15,000.00
Admin				\$1,368.00	\$ 1,368.00
Total	\$19,000.00	\$23,000.00	\$10,000.00	\$1,368.00	\$53,368.00

\$2,400 to include staff

2007 Grant Funds Awarded	
Rehab	\$0
Operations	\$24,000
Essential Services	\$13,000
Homeless Prevention	\$15,000
Admin	\$ 1,368
Total	\$53,368

(\$2400 to include staff)

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: C-4, Central Business District.

TO: PUD, Planned Unit Development District.

APPLICANT: Collegiate Marketing Services, Inc. - Steve Ballard.

.ADDRESS: 9111 Cody Street, Overland Park KS 66214.

OWNER: Tillman Partners LP.

ADDRESS: 1328 Sharingbrook, Manhattan KS 66503.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 16 , 2007.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 7 , 2007. (Note: the Public hearing was tabled to the May 21, 2007, Manhattan Urban Area Planning Board meeting.)

CITY COMMISSION: Tuesday, June 5, 2007.

LOCATION: Generally on the northwest corner of S. 4th Street and Houston Street at 116 S. 4th Street.

AREA: an approximate one (1) acre tract of land.

PROPOSED USES: Permitted Uses include all of the Permitted Uses of the C-4, Central Business District, and the Manufacturing, Warehousing and Distribution of Textile Apparels. The first floor of the building will be for the Permitted Uses of the C-4 District and a shipping/receiving area. Corporate offices of Collegiate Marketing Services will be located on the first floor.

The basement will be for the manufacturing, warehousing and distribution of textile apparels use. An existing off-street parking area to the west of the building is included in the proposed PUD. Forty (40) off-street parking spaces are proposed in the re-striped parking lot. A shipping and receiving door is at the southwest corner of the building.

PROPOSED BUILDINGS AND STRUCTURES: The existing building footprint is 29,277 square foot and has two levels, with a total interior floor space of 58,544 square feet. The footprint of the building remains as is. The basement will be remodeled for the manufacturing/warehousing use. The existing parking lot will be re-stripped. New awnings will replace the existing continuous awning on S. 4th Street improvements after 4th Street improvements are complete as a part of the downtown redevelopment project. Awnings will also be added over two entry locations on Houston Street. Other changes include a new door on the west side of the building for exiting and new dock and exit door at the southwest corner of the building.

Collegiate Marketing Services hours are anticipated to be from 8:00 AM to 6 PM. Other commercial tenant hours will vary.

Deliveries will be by UPS with semi-truck deliveries expected 6 to 8 times a year.

The applicant indicates the employee count for Collegiate Marketing Services will be: 29 manufacturing employees and 29 first floor office employees. Jobs will be created over a ten year period.

The manufacturing process includes applying school logos to garments through screen printing, embroidery, and heat transfer applications. The manufacturing/warehousing and office uses are described in more detail in attached documents.

PROPOSED LOT COVERAGE

<u>Use</u>	<u>Square Feet</u>	<u>Percentage</u>
Building	29,277	65%
Drives and Parking	15,723	35%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
C-4 District	Per C-4 District	Per C-4 District

PROPOSED LIGHTING: No external changes to lighting are proposed.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: The site is 100% existing impervious surface: building roof and concrete parking lot. No landscaping is proposed; however, there appears to be space in traffic islands along Houston Street, which could accommodate low level landscaping.

2. SCREENING: A dumpster generally at the northwest corner of the site will be proposed to be enclosed with a six (6) foot redwood fence. In order to incorporate permanent screening materials compatible to the downtown, the dumpster should be screened with brick that is similar or compatible to the brick on the existing building.

3. DRAINAGE: The site drains to the street and alley and the PUD does not alter the condition. A drainage report was not required.

4. CIRCULATION: An internal circulation plan to the parking lot off Houston Street provides for safe, convenient and efficient movement of motorists. Access to the property is also from sidewalks along S. 4th Street and Houston Street. The off-street parking lot off Houston Street is accessed from two points: one from a one-way driveway on the east side of the parking lot, which will exit to the alley; and, a second one way south driveway off the alley on the west side of the parking lot, which will exit to Houston Street. An existing 26 foot deep shipping and receiving driveway is located at the southwest corner of the building and will be accessed off Houston Street.

Off-street parking is not required in the C-4 District; however, the applicant indicates that 29 of the proposed 40 parking spaces will be for the 29 manufacturing/warehousing employees, with the remaining 11 spaces for first floor workers.

A Traffic Impact Study was submitted by HWS Consulting Group and reviewed by the City Engineer, who accepted the report. Negligible impact is expected on the street system.

5. OPEN SPACE AND COMMON AREA: The parking lot is the only open space on the site.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is the Central Business District of downtown Manhattan consisting of a broad range of retail, commercial services, government, business and professional offices, and residential uses.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Commercial building and off-street parking lot. The site is 100% impervious surface consisting of roof and concrete parking lot. The existing building is a one-story brick commercial building with basement, with a continuous blue canvas awning along the S. 4th Street façade and individual awnings over doorways along Houston Street. The first floor is occupied by various business and professional offices.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: A fully developed site consisting primarily of a one story building with off-street parking lot. The site drains to the alley and street. The site is located in a 500 Year Flood Plain. Development in the 500 Year Flood Plain is not subject to the requirements of the Flood Plain Regulations.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** public alley, retail and professional offices; C-4 District.

(b.) **SOUTH:** Houston Street, government offices, public parking lot, private club, retail commercial and professional services; C-4 District.

(c.) **EAST:** S. 4th Street, church, and business and professional offices; C-4 District.

(d.) **WEST:** Professional offices, private parking, and S. 5th Street; C-4 District.

4. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is the Central Business District of downtown Manhattan consisting of a broad range of retail, commercial services, government, and professional offices.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The existing building is occupied by Permitted Uses of the C-4 District. The building is suitable for the uses of the C-4 District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Additional light, noise and traffic will be created by the combination of uses. The addition of the light manufacturing/warehouse distribution use is generally inconsistent with the character of the neighborhood and introduces an activity allowed in an industrial district; however, the manufacturing/warehousing use will be restricted to the basement and the first floor of the building will be for C-4 District uses in keeping with street level activity in the downtown.

Based on the application documents, which describe the manufacturing/warehousing processes, the proposed use will have a low impact on the neighborhood. In addition, it is unlikely that the basement would be used as a retail space. Unlike second floor space in the downtown, use of basement space for business and retail use is limited.

The main impact of the manufacturing/warehousing use will be on on-street and public parking lots. As indicated in the application documents, the proposed PUD will provide 29 off-street parking spaces for the manufacturing/warehousing use and 11 other off-street parking spaces for first floor workers. It is unusual for off-street parking to be provided in the neighborhood surrounding the PUD. Given that off-street parking is not required in the C-4 District, the impact of a permitted use, such as a large office building, would generally have more impact on on-street and public parking than the proposed PUD, which will provide 40 off-street parking spaces.

CONFORMANCE WITH COMPREHENSIVE PLAN: The site is identified as Central Core District on the Downtown Core Neighborhoods Future Land Use Map of the Manhattan Urban Area Comprehensive Plan.

Under the Goals and Guiding Principles for Land use and Growth Management, Goal # 2 and relevant downtown Guiding Principles include:

Goal #2:

Promote the sustainable use of land, energy and other resources by encouraging orderly, contiguous growth and minimizing low-density, dispersed development.

Guiding Principles:

Establish a balance between contiguous outward growth and inward redevelopment, rehabilitation, and reuse, in order to promote the sustainable use of land, infrastructure, energy and other resources.

Provide opportunities for businesses, landowners, and the public sector to rehabilitate, redevelop, and revitalize the downtown.

Strengthen and promote downtown Manhattan as the City's primary business, office, governmental, and cultural center. Recognize other retail centers that exist and coordinate development of new centers.

With respect to Policies concerning the Central Core District, relevant policies include:

CENTRAL CORE DISTRICT (CCD)

CCD 1: Characteristics

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

CCD 2: Infill and Redevelopment

Infill and redevelopment that is in keeping with the historic character and scale of the established neighborhood is strongly encouraged to utilize vacant or underutilized sites and enhance the vitality of the Central Core. CCD 3: Renovation and Reuse

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

CCD 4: Conversion of Upper Floors

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

CCD 5: Outdoor Seating

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

CCD 6: First Floor Uses

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

The site is also identified as a Special Planning Area in the Comprehensive Plan. Relevant policies include:

DOWNTOWN MANHATTAN

Background and Intent

The community’s long term goal of achieving the continued stability and vitality of Downtown Manhattan as the regional commercial, office, governmental, and cultural center for the Manhattan Urban Area will continue to drive ongoing planning efforts. These efforts, and additional specific policies, are outlined in the adopted Downtown Tomorrow Redevelopment Plan.

Policies

DT 1: Reinforce the Role of the Downtown

The City and County will continue to reinforce the role of the Downtown area by making Downtown more accessible; supporting a variety of uses and activities as the focal point of the community; and promoting redevelopment of underutilized lands at the periphery of the downtown area.

DT 2: Historic Preservation

The City and County will encourage continued public and private efforts for redevelopment, revitalization, restoration, and preservation projects in the downtown area.

DT 3: Promote Appropriate Infill and Redevelopment

The City shall encourage residential, commercial, office, and mixed-use infill and redevelopment within the downtown area, as identified in the Downtown Tomorrow Plan. Development design standards in the Downtown shall be considered in order to maintain and enhance the area's character.

The proposed addition of a light manufacturing/warehousing and distribution activity is identified as an Industrial use in the Comprehensive Plan. Relevant policies include:

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 Comprehensive Plan indicates that the Central Core District is intended to “consist of a variety of civic, cultural, retail, commercial, business and professional offices and financial institutions, as well as residential uses in a compact, vibrant setting enhanced by a large inventory of older, and in some cases historic, structures and a pedestrian-friendly scale.” The proposed addition of a use generally characterized as Industrial for manufacturing/warehousing does not conform to the policies of the Comprehensive Plan.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: From 1926-1969 the site was zoned D, Central Business District. From 1969 to the present the site has been zoned C-4, Central Business District. The existing building has been on the site for many years. The private off-street parking lot was created in the recent past when a gas station was removed and the space was converted to off-street parking.

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 C-4, Central Business District, is the primary commercial center of the community and is designed to provide for a broad range of retail shopping facilities, services, and cultural activities.

The proposed addition of a light manufacturing/warehousing and distribution use is permitted in the I-2, Industrial Park District, which is a district designed to allow a broad range of manufacturing and research activities in a large lot industrial park setting.

The Permitted Use is identified as Light Manufacturing and Warehousing and Distribution, which include “Activities engaged in the transformation of predominately secondary or partially finished (semi-finished) materials including processing, fabrication, assembly, treatment, and packaging. Final products are destined to wholesale markets or to other manufacturers with few customers coming to the site.

Light Manufacturing Activities may include: manufacturing or assembly of items or equipment such as electronics, appliances, machinery, or vehicles; newspaper and book publication; processing of food related products; production of clay, glass, leather, rubber, or wood materials or products; production or fabrication of metal products; production of signs; and production of textiles and apparel.

Warehousing and Distribution: Firms involved in the movement and storage of goods for themselves, other firms, or individuals.

Warehousing and Distribution Activities may include: cold storage; food and hardware distributors; household moving and general freight storage; inventory warehouses used for storage of household furnishings and appliances; parcel services; public self-storage units; storage of electrical, heating and cooling machinery and plumbing supplies; and truck terminals.

The proposed PUD combines all of the Permitted Uses of the C-4 District and a combination of Light Manufacturing and Warehouse Distribution for production of textiles and apparel only. No other industrial uses are proposed.

The proposed PUD is in general conformance with the intent and purpose of the Zoning Regulations, subject to the conditions of approval.

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

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate street, sanitary sewer, and water service is available to serve the site.

12. OTHER APPLICABLE FACTORS: The Historic Resources Board discussed the proposal on April 23, 2007 (Minutes attached) and found the proposal will not encroach upon, damage or destroy any listed historic property or its environs. The Kansas State Historical Society/State Historic Preservation Officer (SHPO) was notified of the proposal by letter dated April 25, 2007 (attached). The SHPO said a letter has been sent and verbally indicated on May 15, 2007 that the proposal will not encroach upon, damage or destroy any listed historic property or its environs.

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of the Collegiate Marketing Services PUD from C-4, Central Business District, to PUD, Planned Unit Development District, with the conditions:

1. Permitted Uses shall include all of the Permitted Uses of the C-4, Central Business District, and the Manufacturing, Warehousing and Distribution of Textile Apparels.
2. The first floor of the building shall be for the Permitted Uses of the C-4 District and a shipping/receiving area.
3. The Manufacturing, Warehousing and Distribution of Textile Apparels shall be limited to the basement.
4. A minimum of forty (40) off-street parking spaces shall be provided.
5. Signs shall conform to the requirements of Article VI of the Manhattan Zoning Regulations, Section 6-205, C-4, Central Business District.
6. The dumpster area shall be screened with a brick enclosure at least six (6) feet in height, with brick that matches or is compatible to brick on the existing building.
7. Landscaping shall be provided in traffic islands along Houston Street.
8. Landscaping shall be maintained in good condition.

9. A landscaping and irrigation plan shall be provided with the Final Development Plan.
10. 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.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Collegiate Marketing Services PUD from C-4, Central Business District, to PUD, Planned Unit Development District stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Collegiate Marketing Services PUD from C-4, Central Business District, to PUD, Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Collegiate Marketing Services PUD from C-4, Central Business District, to PUD, Planned Unit Development District, based on the findings in the staff report, with the ten (10) conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: May 16, 2007

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: R-1, Single-Family Residential District.

TO: PUD, Planned Unit Development District.

OWNER/APPLICANT: Chapel Hill Inc. - Zach Burton.

ADDRESS: 2300 Heartland Dr. Manhattan KS 66503.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 16, 2007, 2007.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 7, 2007.

CITY COMMISSION: Tuesday, June 5, 2007.

LOCATION: 2729 Casement Road, which is approximately 850 feet south of the intersection of Casement Road and Marlatt Avenue; Lot 302, Brookfield Addition, Unit Eight.

AREA: Approximately 2 acres.

PROPOSED USES: Brookline Self Storage, a commercial self-storage unit development, will have 84 total storage units, consisting of 12, 10 foot by 10 foot units, or 9,600 square feet of storage space, and 72, 10 foot by 20 foot units, 14,400 square feet of storage space, or total of 24,000 square feet of storage space. Hours of operation are 24 hours a day, 7 days a week, with no on-site management.

The site is divided into a build-able area, which is the approximate north half of the site, with the approximate south half a dedicated drainage easement for the Marlatt Drainage ditch.

The applicant has proposed restrictive covenants, which will restrict the use of the self-storage units.

PROPOSED BUILDINGS AND STRUCTURES: Flat roofed metal panel storage buildings, which are 8 ½ feet in height. Written documents indicate the building color will probably be a beige.

Three buildings are oriented east to west with two (2), 230 foot by 20 foot buildings on the north and south sides of the development site with one (1), 130 foot by 40 foot building in the center. One (1), 60 foot by 20 foot building at the western, or rear of the site, oriented north to south. Each storage unit has an overhead door with all storage unit doors facing the interior of the site.

A six (6) foot wood privacy fence encloses the self- storage portion of the site. The south half of the site is Marlatt drainage ditch.

PROPOSED LOT COVERAGE

<u>USE</u>	<u>Square Feet</u>	<u>Percentage</u>
Storage buildings	15,600	16.17%
Parking Area	17,699	18.34%
Open/Landscape Area	63,190	65.49%

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
Two Entrance Ground Signs	8 feet by 7 feet (56 square feet)	Unlit

PROPOSED LIGHTING: Full cutoff downcast wall packs are proposed on the buildings, all of which will confine light to the internal parking area of the site. A lighting plan indicates zero (0) light impacts at the north, west and east adjoining residential property lines. Minimal light impact is to the east towards Casement Road and is zero (0) impact at the property line

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Landscaping consisting of lawn and evergreen and deciduous trees will be provided in a buffer area around the boundary of the PUD. Irrigation is not described. In order to visually buffer the northern and western boundaries of the site from adjoining residential properties, City Administration recommends that additional evergreen trees be provided, as well as underground irrigation to ensure landscaping is maintained.

2. SCREENING: A six (6) foot cedar fence, with brick columns along the Casement Road frontage, will fully enclose the self-storage units on the north, west, and south sides of the buildings. The east side of the site will be screened along the frontage except for the entrance drive. The interior of the site will be visible from Casement Road at the entrance.

City Administration has recommended a self-locking gate be provided (see below under Compatibility of Proposed District with Nearby Properties). To further ensure the site is well screened, the gate should be sight obscuring.

3. DRAINAGE: The site will drain to the Marlatt Avenue Drainage ditch. There will be minimal impacts on the drainage system as a result of the proposed PUD (see memorandum from City Engineer).

4. CIRCULATION: Access is from a 30-foot wide driveway off Casement Road, an arterial street. No other street connection is proposed. Sidewalk will be provided along Casement Road when the street is constructed to an urban section.

Concrete paved internal drives and aisles provide access to storage units with parking generally located in front of each unit. Approximately twelve (12) parking spaces would be required for the self-storage units, based on current off-street parking requirements. While parking spaces are not stripped, adequate space is available for parking vehicles.

There will be minimal impact on the street system as a result of the increased traffic associated with the proposed PUD (see memo from City Engineer).

5. OPEN SPACE AND COMMON AREA: The majority of the site will be open space, dominated in large part by the Marlatt Drainage ditch on the south side of the site. The boundary of the site surrounding the build-able part of the PUD is landscaped buffer from street and adjoining residential yards.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is at the northeastern boundary of the City and is characterized by low density residential and agricultural uses.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Farmhouse and outbuildings. Marlatt Drainage ditch is along the south part of the site.

While the site is not in a 100 Year Flood Plain, existing Lot 302 is subject to a requirement, noted on the Final Plat, that all buildings shall have the lowest enclosed floor at elevation 1020.5 feet. An elevation certificate is required to be submitted to certify lowest enclosed floor is at or above 1020.5 feet.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally flat with drainage to the Marlatt Drainage ditch and open swales along Casement Road. No portion of the site is in a 100 Year Flood Plain. The site is in the 500 Year Flood Plain, which is generally unregulated except as noted on the Final Plat of Brookfield Addition, Unit Eight.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** Brookfield Addition, Unit Eight, single-family attached dwelling, Marlatt Avenue, single-family dwellings; R-2, Two-Family Residential District, County G-1 District, and County A-2 and A-3, Single Family Residential Districts.

(b.) **SOUTH:** single-family residential (Brookfield subdivisions); R-1 District.

(c.) **EAST:** Casement Road, single-family dwelling unit, and agricultural fields; G-1 District.

(d.) **WEST:** single-family residential (Brookfield subdivisions); R-1 District and R-2 District.

4. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is at the northeastern boundary of the City and is characterized by low density residential and agricultural uses.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable in size for the uses allowed in the R-1 District.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: An increase in noise can be expected, which may not be similar to the same conditions existing in nearby residential neighborhoods. As proposed, the self-storage units would be open 24 hours a day, seven days a week, which may be inconsistent with the adjoining and nearby residential subdivisions. Limiting the hours of operation to 7 AM to 9 PM, Monday through Friday, and 9 AM to 6 PM, on Saturday and Sunday, may reduce noise impacts and would ensure that the proposed use is compatible with nearby residential neighborhoods. In addition, the entrance drive is open and should be a gated and locked during the hours the self-storage units are closed, which would restrict activity to the hours of operation. In addition, metal building overhead doors should be maintained to reduce any noise impacts.

An increase in traffic and light can be expected; however, the site is accessed from an arterial street and is in a growth corridor for the city and additional urban growth can be expected in the vicinity of the site. The self-storage units are not likely to generate an adverse volume of traffic given the access is limited to an arterial street intended to handle larger volumes of traffic.

Light is not expected to adversely affect nearby neighborhoods as all lighting are full cut-off fixtures, which are directed towards the interior of the site. The lighting plan indicates no impact at the north, south, and west property lines, and minimal impact towards Casement Road.

The applicant has stated in the written documents that certain items will not be permitted in the storage units to include: flammable or explosive materials, chemicals, hazardous or otherwise, perishables, plants, high value items, necessary records, firearms, and stolen goods. Further proposed limitations/prohibited activities include: illegal activity, business operation or residential occupation, hanging of exterior signs, playing of music, automobile or any other motor repair, wood or metal working, yard sales, or any action creating a nuisance.

A six (6) foot tall wood privacy fence and landscape space between the fence and residential property lines, will buffer the site, except for approximately 2 ½ feet of the top of the buildings. Additional evergreen trees along the north and west boundaries will further ensure compatibility with residential properties.

With respect to setbacks, the western rear yard setback is 25 feet in the R-1 District and the building is proposed at 19 feet, which is generally consistent with the R-1 requirement. The north side yard setback in the R-1 District is 8 feet and the proposed north setback is 21 feet and is greater than the R-1 District. The front yard is proposed at 25 feet, which is the minimum in the R-1 District. The south setback is between 165 feet to over 200 feet due to the drainage ditch.

Although it can be argued that a self-storage facility is a better fit within an industrial or commercial zone, due to its warehouse appearance, a self-storage facility can be a good residential neighbor if properly designed to ensure compatibility. It can also be quieter than other uses. With the proposed revised hours of operation and gate, potential noise impacts are greatly reduced. The lighting plan provides adequate security and does not appear to negatively impact neighboring properties. The limitations to the activities associated with the self-storage units also reduce adverse affects on residential areas.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is within an area shown as Residential Medium/High on the Northeast Planning Area of the Future Land Use Map of the Manhattan Urban Area Comprehensive Plan. Adjoining the site to the north and along the west side of Casement Road the Plan shows Office-Research Park and Neighborhood Community Center.

RESIDENTIAL MEDIUM/HIGH DENSITY (RMH)

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

RMH 2: Appropriate Density Range

Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.

OFFICE/RESEARCH PARK (OFF/RP)

OR 1: Characteristics

The Office/Research Park land use designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development, and educational facilities in a planned, “campus-like” setting. Office/Research Park developments may be incorporated into a master planned neighborhood, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply (i.e., Policy OR5 will not apply to single-building facilities). The Poyntz Avenue Corridor, located between 17th Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.

NEIGHBORHOOD COMMERCIAL CENTER (NCC)

NCC 1: Characteristics

Neighborhood Commercial Centers are intended to provide a range of services, including supermarkets, restaurants, movie rentals, drycleaners, drugstores, filling stations, smaller specialty shops, retail and health services and business and professional offices, for residential areas. Neighborhood centers will vary in scale and character. Smaller, limited use centers may be fully integrated into the surrounding neighborhood and be accessed primarily by pedestrian or bicycle; while larger centers will function more independently, providing ample parking and numerous stores. Mixed-Use Neighborhood Centers that also incorporate residential uses are appropriate in a master planned setting. Neighborhood Centers often serve more than one nearby neighborhood in order to maintain sufficient economy of scale.

The Comprehensive Plan does not recommend the site develop with community commercial or industrial land use categories, which are appropriate for self-storage units. The Comprehensive Plan suggests that a service commercial use (Policy RMH 1) can be in residential areas if the use conforms to Neighborhood Commercial Center policies which integrate the site with the surrounding neighborhood.

The proposed PUD is not a neighborhood center; however, it could, as a single-use, fit in the area, subject to use limitations, which protect the residential character of the area. As noted in the application documents, the self-storage units are a relatively affordable solution for storage for home owners in adjacent newly established residential neighborhoods, with homes that do not have basements and are generally on smaller lots with limited space for accessory storage buildings.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The single-family house and outbuildings have been in place for an unknown length of time.

- March 6, 2006 Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Brookfield Addition, Unit Eight, from G-1, General Agricultural District, to R-1, Single-Family Residential District, and R-2, Two-Family Residential District, and tabled Preliminary Plat to March 20, 2006.
- March 20, 2006 Manhattan Urban Area Planning Board approves Preliminary Plat of the Brookfield Addition, Unit Eight.
- March 28, 2006 City Commission approves first reading of annexation and rezoning of Brookfield Addition, Unit Eight.
- April 4, 2006: City Commission approves Ordinance Nos. 6532 and 6533 annexing and rezoning Brookfield Addition, Unit Eight to R-1, Single-Family Residential District, and R-2, Two-Family Residential District.
- May 15, 2006 Manhattan Urban Area Planning Board approves the Final Plat of Brookfield Addition, Unit Eight.
- June 6, 2006 City Commission accepts easements and rights-of-way as shown on the Final Plat of Brookfield Addition, Unit Eight.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout.

The proposed PUD is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to recommendations of approval.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: There appears to be no relative gain to the public, which denial would accomplish. No adverse impacts to the public are expected. There may be a hardship to the applicant if the amendment is denied.

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

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of the Brookline Self Storage PUD, from R-1, Single-Family Residential District, to PUD, Planned Unit Development District, with the conditions:

1. Permitted uses shall be limited to self-storage units.
2. Self-storage units shall only be used for the purpose of storage.
3. Hours of operation shall be 7 AM to 9 PM, Monday through Friday, and 9 AM to 6 PM, on Saturday and Sunday.
4. A locked gate shall be provided across the driveway entrance, the gate shall be screened, and the gate shall be locked after the hours of operation. The gate shall conform to any requirements for emergency access for emergency services.
5. Maintenance and lubrication of the metal overhead storage doors shall be performed regularly (at least yearly) in order to keep noise at a minimum.
6. Storage unit colors shall be earth-tone and compatible with nearby residential dwellings.
7. No vehicles shall be stored out-of-doors for more than 24 hours.
8. Other than parking of a vehicle for no more than 24 hours, outdoor storage is prohibited.
9. Additional evergreen trees shall be provided along the northern and western boundaries of the site to ensure the site is screened from residential properties.
10. Underground irrigation shall be provided to maintain landscaping.
11. 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.
12. All landscaping and irrigation shall be maintained in good condition.
13. Two (2) ground signs and Exempt signage shall be permitted as described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7), of the Manhattan Zoning Regulations.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Brookline Self Storage PUD from R-1, Single-Family Residential District, to PUD, Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of the Brookline Self Storage PUD from R-1, Single-Family Residential District, to PUD, Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.

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

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning the Brookline Self Storage PUD from R-1, Single-Family Residential District, to PUD, Planned Unit Development District, based on the findings in the staff report, with the thirteen (13) conditions, recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: May 3, 2007

07027

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: I-2, Industrial Park District.

TO: C-5, Highway Service Commercial District.

APPLICANT: Purple Wave Holdings LLC. – Aaron McKee.

ADDRESS: 701 Enoch Lane, Manhattan KS 66502.

OWNER: Controlled Environmental Warehousing LLC.

ADDRESS: 132 W. Market Street, Osage City KS 66523.

LOCATION: 825 Levee Drive, which is located northwest of the intersection of Levee Drive and US Highway 24 (East Poyntz Avenue).

AREA: 3.838 acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 16, 2007.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, May 7, 2007.

CITY COMMISSION: Tuesday, June 5, 2007.

EXISTING USE: Former Flint Hills Beverage warehouse. The proposed occupant of the building is Purple Wave Auction, Inc. a rapidly growing live and online auction house, which sells vehicles, trailers, boats, furniture, appliances, as well as property of individuals. Purple Wave is currently located at 701 Enoch Lane.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally a flat site, which drains to the east and south. Structures consist of: an existing one-story 17,947 square foot metal warehouse building in the northeast part of the site; a 748 square foot one-story metal building to the west of the main building; and, a 38 foot silo to the north of the two buildings. There are three concrete driveways off Levee Drive. The southernmost driveway connects to an off street parking lot with 25 parking spaces along the US Highway 24 frontage with a driving aisle extending to the northwest and 6 additional parking spaces. Two additional concrete driveways off Levee Drive lead to the eastern side of the main building and delivery doors. The remainder of the site is open landscape space consisting of lawns, trees, shrubs and a large decorative pond on the western side of the site.

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

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Warehousing and distribution, parking lot, and municipal facility; I-2 District.
- (2) **SOUTH:** US Highway 24 a divided 4-lane KDOT controlled street, railroad, open undeveloped land; Pottawatomie County A-1, General Agriculture District.
- (3) **EAST:** Levee Drive, a local street, home improvement center, and warehouse and distribution: C-5 District and I-3 Light Industrial District.
- (4) **WEST:** Vocational and educational facility, new car sales, hotel, auction and vehicle sales, wholesale distribution warehouse, shopping center; I-2 District, C-5 District, C-2, Neighborhood Shopping District, and PUD.

GENERAL NEIGHBORHOOD CHARACTER: A major industrial/commercial corridor entrance to the City.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for the permitted and conditional uses of the I-2 District.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The use will add additional traffic, light, and noise, in an otherwise busy commercial and industrial corridor. Adequate off-street parking must be provided so that adjacent properties are not used for parking. The site is approximately 4 acres in area and should be sufficient in area to provide adequate parking. Levee Drive does not have curb and gutter and parking along the street could impede turning movements into warehouse and distribution uses to the north of the rezoning site. The proposed rezoning is otherwise a compatible use along a major traffic industrial/commercial corridor.

CONFORMANCE WITH COMPREHENSIVE PLAN: The site is identified as Industrial on the Northeast Planning Area Future Land Use Map of the Manhattan Urban Area Comprehensive Plan.

With respect to Policies concerning the Industrial category, relevant policies are:

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 Northeast Planning Area Map shows the corridor as primarily Community Commercial, with the proposed rezoning site and sites abutting it as Industrial.

The proposed C-5 District is generally in conformance to the Comprehensive Plan. The single-use highway service activity is generally discouraged to reduce multiple vehicle trips. The proposed rezoning site is an example of a single-use site that the Plan recognizes may occur in the area, which is dominated along the corridor by commercial uses.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site was annexed in April 1969.

April 1969-July 1969	E, Light Industrial District
July 1969 -1970	I-3, Light Industrial district
1970-Present	I-2, Industrial Park District

The building at 825 Levee Drive was constructed in the early 1980's.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The C-5 District is designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which require access to major streets and highways. Outdoor storage, with the exception of sales lots for motor vehicles and boats, must be enclosed by six (6) foot tall sight obscuring screening, which can be fence or evergreen trees.

The proposed C-5 District is adjacent to a major street. Minimum lot size is 10,000 square feet in area and the site is approximately 4 acres in area. The intent of the regulations is met.

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 health, safety, and welfare that denial would accomplish, compared to the hardship to the applicant, as long as a right hand turning lane is provided on Levee Drive due to an increase in traffic volumes at peak hour resulting from the proposed development.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate sewer and water facilities are available to serve the site. Public streets are, in general, adequate to serve the site. The City Engineer (attachment) has reviewed a Traffic Impact Study, prepared by BG Consultants, Inc. dated March 23, 2007 (attached). The City Engineer accepts the Traffic Impact Study, with one exception to the Study, which is that increased right-hand turning movements warrant the need for a right hand turning lane on Levee Drive for vehicles turning west onto U S 24, due to increased right hand turning volumes at peak hour condition above the criteria set by the Manhattan Area Transportation Study.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS: The applicant has applied for a Concurrent Plat, which will Preliminary and Final Plat the unplatted 4 acre tract of land. The Public Hearing for the Concurrent Plat will be conducted on May 21, 2007, and will address the requirements of the Manhattan Urban Area Subdivision regulations, including traffic impact issues and the need for street improvements.

City Administration recommends approval of the proposed rezoning of the Purple Wave Addition from I-2, Industrial Park District, to C-5, Highway Service Commercial District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of C-5, Highway Service Commercial 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 C-5, Highway Service Commercial District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: May 3, 2007

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