



MINUTES
MANHATTAN BOARD OF ZONING APPEALS
City Commission Room, City Hall
1101 Poyntz Avenue
Wednesday, September 12, 2018
7:00 PM

MEMBERS PRESENT: Harry Hardy, Chairperson; Connie Hamilton, Vice-Chairperson; La Barbara Wigfall; Sara Fisher

MEMBERS ABSENT: Angie Danner

STAFF PRESENT: Carol Davidson, Senior Planner; Shauna Laauwe, Planner II

CONSIDER THE MINUTES OF THE AUGUST 8, 2018, BOARD OF ZONING APPEALS MEETING.

Hamilton commented that the request at Grand Bluffs Court, by issuance of a legal opinion, has been declared denied because it did not have a majority vote. Therefore, the motion to table the request following the initial vote had no impact on the case. The case within the August 8, 2018 minutes must state that the request was denied for lack of a majority vote. Hamilton also stated that the findings for Grandview Terrace need to be excised as the request was tabled and never discussed by the board.

Wigfall stated that she gave staff grammatical corrections to the minutes.

Hamilton moved to approve the August 8, 2018 minutes as modified, which was seconded by Wigfall, and passed with a vote of 4 – 0.

A PUBLIC HEARING TO CONSIDER A REQUEST FOR A 180-DAY EXTENSION OF AN APPROVED EXCEPTION TO ALLOW FOR A REDUCTION OF THE FRONT YARD SETBACK FROM TWENTY-FIVE (25) FEET TO ZERO (0) FEET FOR A PROPOSED PRIVACY FENCE ADJACENT TO AN UNDEVELOPED SIXTY (60)-FOOT PUBLIC RIGHT-OF-WAY; AND AN APPROVED EXCEPTION TO ALLOW FOR PARKING IN THE FRONT YARD SETBACK WITHIN A PROPOSED PARKING LOT ABUTTING AN UNDEVELOPED SIXTY (60)-FOOT PUBLIC RIGHT-OF-WAY WITHIN THE C-1, RESTRICTED BUSINESS DISTRICT, LOCATED AT 1133 COLLEGE AVENUE. (APPLICANT/OWNER: MANHATTAN MEDICAL CENTER, INC. (BOB DIEBALL))

FILE NO. EXC-17-070

Hamilton commented that the board has already approved the exception, this is just an extension so the applicant can take action, so she can support the request.

Hamilton made a motion to approve the request for a 180-day extension of an approved EXCEPTION to allow for a reduction of the front yard setback from twenty-five (25) feet to zero (0) feet for a proposed privacy fence adjacent to an undeveloped sixty (60)-foot public right-of-way; and an approved exception to allow for parking in the front yard setback within a proposed parking lot abutting an undeveloped sixty (60)-foot public right-of-way within the C-1, restricted business district, located at 1133 college avenue.

Wigfall seconded the motion, which passed with a vote of 4-0.

CONSIDER A REQUEST TO TABLE A PUBLIC HEARING UNTIL OCTOBER 10, 2018 TO CONSIDER AN EXCEPTION UNDER THE TERMS OF THE MANHATTAN ZONING ORDINANCE OF THE CITY OF MANHATTAN, KANSAS, TO ALLOW FOR A MORE THAN SEVEN (7) FOOT REDUCTION TO THE MINIMUM REQUIRED EIGHT (8) FOOT SIDE-YARD SETBACK FOR A PROPOSED GARAGE AND RETAINING WALL ADDITION TO A SINGLE-FAMILY HOME IN AN R, SINGLE-FAMILY RESIDENTIAL DISTRICT LOCATED AT 2333 GRANDVIEW TERRACE. (APPLICANT/OWNER: DAVID MILLER)

FILE NO. EXC-18-040

Wigfall moved to table the consideration of an EXCEPTION under the terms of the Manhattan zoning ordinance of the city of Manhattan, Kansas, to allow for a more than seven (7) foot reduction to the minimum required eight (8) foot side-yard setback for a proposed garage and retaining wall addition to a single-family home in an R, single-family residential district located at 2333 Grandview Terrace.

Hamilton seconded the motion, which passed on a vote of 4-0.

A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE UNDER THE TERMS OF THE MANHATTAN ZONING ORDINANCE OF THE CITY OF MANHATTAN, KANSAS, TO ALLOW FOR A PROPOSED DRIVE-IN ESTABLISHMENT IN A C-2, NEIGHBORHOOD SHOPPING DISTRICT LOCATED AT 2700 ANDERSON AVENUE. (APPLICANT/OWNER: 2700 ANDERSON, LLC./BRANDON HAVERTY)

FILE NO. EXC-18-049

Laauwe presented the staff report for the Conditional Use and Exception at 2700 Anderson Avenue. Staff recommended approval of the Conditional Use with four conditions of approval and recommended approval of the Exception with three conditions of approval.

Hamilton asked if the board accepted Staff's recommended conditions, would the stacking lane be reduce to 11.

Laauwe said it could, but they would have opportunity to extend the stacking by moving the driveway.

Hamilton replied that is not one of the conditions staff is recommending. She said if the board approves the motion with conditions, the condition to remove right-in access on Anderson Avenue will eliminate 4 stacking spaces for the drive-thru.

Laauwe confirmed.

Brian Johnson, Assistant Director of Public Works, said the existing stacking for the Bluemont Avenue location is 205 feet and the proposed location will have 230 feet. If the right-in was eliminated; it would eliminate 4 stacking spaces, but it will prevent vehicles from stack onto Anderson Avenue. In the proposed stacking plan, cars 9, 10, and 11 will end up stacking onto Anderson Avenue because it is the most easily accessible entrance. Staff recommendation is that the Anderson Avenue access is removed. Due to the circular pattern of the property, it is clear that a strong right-out with large barriers may be necessary for some of the parking spaces. That intersection possess challenges for traffic because it could still cause conflicts with left-out vehicles from the drive-thru.

Hardy said he was on the board when the Bluemont Avenue Starbucks location was approved. At the time, the center median did not exist and the right-out was difficult to enforce.

Johnson said some right-out only exits do not work as well as others. The right-out would have to be approved via a building permit so a staff review could ensure it is effective.

Hamilton asked when the MATS was adopted.

Johnson said the original was adopted in 2003 and was updated 2014.

Hamilton asked if this request would violate MATS prior to the 2014 update.

Johnson said this building was constructed prior to MATS.

Laauwe said the building was built in 1990.

Hamilton asked if the standards for distance between driveways was in the original MATS.

Johnson said yes.

Hamilton asked if MATS was new to the applicant.

Johnson said no.

Hardy said MATS has existed since 2003.

Johnson said staff has discussed MATS with the applicant since their first meeting in April.

Hamilton asked if the standards that regulate the distance between driveways has existed since 2003.

Johnson said yes.

Laauwe said the applicant did provide a traffic count the previous week. They studied the Bluemont Avenue location for 1 hour and found that site still had up to 14 cars stacked in the 10 car stacking queue. They also looked at sites in Topeka, Olathe, and Lawrence but those sites did not exit onto an arterial road; they exited onto a minor street or parking lot.

Johnson said staff has taken a brief look at it. One thing staff noticed is that all of the other locations studied do not have access onto the main road.

Hardy opened the public hearing for the Conditional Use and Exception requests.

Brian Haverty, 2700 Anderson Avenue, purchased the site with the intention of having a Starbucks in this location. Had some preliminary conversations with Staff, this is not a perfect site and he wishes there was more room for parking and stacking. Manhattan is a great retail market so there is not a lot of real estate opportunities on arterial roads. All the property around the site is commercial so they did not see any red flags for traffic hazards with the initial reviews. After meetings with Staff; it was clear that one of the access points would need to be removed and Starbucks was not pleased. There was eventually a compromise with a right-in, right-out access point. They are willing to do directional signage on the site to help elevate traffic concerns. Some of the difficulties that have occurred at the Bluemont Avenue location will be relieved from a second location. He does not think the traffic studies are apples to apples but the Topeak location does have access off Wanamaker; the other locations are a part of a shopping center development.

Ernie MacIntosh, Starbucks Regional Director of Operations, said one of the goals to opening a second location in Manhattan is to elevate some of the pressures at the current location. The current location's annual revenue is \$1.7 million, they would like to take that down to relieve some of the pressures on the drive-thru and on operations. They anticipate the proposed location will be about \$1.2 million annually, taking away about 25% from the Bluemont Avenue Location. This effort could address the concern of the drive-thru stacking onto Bluemont at the existing location. This existing location was built in 2006 and was opened when drive-thru's were incorporated into the brand. It has changed a lot since then allow for more stacking. They anticipate the new location to do about 60% of revenue in the drive-thru. When the original location was built, they anticipated 25-30% drive-thru revenue. That speaks to the inefficiencies at the current location that hopefully won't be an issue at the new location using a different operations design. He hopes that the two stores average an 8-9 car stack at both locations to solve issues at both. This can also be a neighborhood gather place and good neighbors of the community.

Hardy commented that there is a Dillion's grocery store that is nearby that has a Starbucks. He assumes if people are on the west side and want Starbucks, they go to Dillion's. Those type of stores tend to cater to a different demographic; that may increase the number of individuals that use the proposed location as drive-thru only.

MacIntosh agreed, one is a captive audience. Those locations are called license locations. They typically operate on a model of \$200,000 - \$300,000. Most customers are not going to Dillion's for Starbucks but rather to shops. They look at it as a customer enhancement.

Hardy said another concern he has will be increased customers using the drive-thru rather than the Dillion's location.

MacIntosh commented that the traffic count study they provided to the city all were in the \$1.7-\$2 million revenue range. Much higher customer count and sales than anticipated at the proposed location. They would like to use the proposed location to relieve some of the sales from the existing Starbucks.

Dave Delach, Starbucks Real Estate Director, said one thing about the site that spoke very well was the access. Staff has suggested a complete closure of the access point on Anderson Avenue and that would have a negative impact for the site. If the access point was removed, people would have to back to try to exit. From a real estate perspective that is one of the biggest challenges.

Hamilton asked about right-out only.

Delach said that a right-out is best for the flow but a right-in allows for additional stacking. As MacIntosh pointed out, this location will be more efficient than the existing location and removing the right-in will reduce stacking.

Hamilton said the goal is to have 9 cars stacked and asked if the right-out only would help with the flow of the site.

Delach said it could relieve some of the access onto the site but a right-in, right-out would be better.

Haverty, introduced Michael Chen, a neighboring business owner, and said he supports the project.

Michael Chen, owner of Chen's Chinese Restaurant, he is very interested in helping Starbucks open at the proposed location. He mentioned he has extra parking spaces and if that is an issue, they could explore a partnership to use his parking lot in the future. Chen asked about the stacking at the nearby Radina's location.

Hardy asked if Chen was referring to the Radina's on the hill.

Chen said yes, it is the only drive-thru coffee shop competition in that area. In the Aggieville location most people use the drive-thru because parking is difficult but at the proposed location he would assume cars would go to the competition two blocks away.

Johnson commented that the Radina's location stacking does get close to Claflin or even onto Claflin. The Browning and Claflin intersection is very dangerous. It is the 2nd highest crash

location in Manhattan. Coffee shops develop and produce a lot of people driving. Radina's stacking is approximately 250 feet. The proposed Starbucks will have 230 feet of stacking. Along the Anderson Avenue corridor there have been 33 total accidents and 16 total injury accidents in a 5 year timespan.

Fisher asked if Johnson would show where the property is located on the accident map.

Johnson said the Bluemont location has had about 10 accidents in the same timeframe, only counting the accidents entering the Starbucks locations. It is suspected that 6 other accidents occurred due to activity at the Starbucks access point but that cannot be confirmed. The corridor along the proposed location has about 20,000 vehicles a day. Johnson pointed out the access points of surrounding properties have one access to the arterial road and one off the side street.

Hardy asked if the highest volume of traffic on Anderson Avenue is during the morning and evening rush hours, which would align with peak times patrons would use Starbucks.

Johnson said yes, the traffic is very directional with morning traffic going east and evening traffic going west. Traffic routinely backs up to Hylton Heights, it is not uncommon to queue people 200-300 feet from an intersection, and cars back up on Seth Child 300-400 feet at the 4-6 PM peak time.

Fisher asked if a different transportation strategy was being used when the bank was developed.

Johnson said yes.

Fisher clarified that bank was there, they could get access off Anderson going both directions. Since then, that has changed and Starbucks wants to convert the building but now the rules about traffic access off Anderson have changed.

Johnson said that was correct.

Johnson said if this corridor was developed today, the City would force them to build a reverse frontage road, similar to what exist on McCall Road, and no one would get access off Anderson Avenue.

Fisher said the compromise is for Starbucks to have a right-out exit only but cannot have a turn lane into the coffee shop off of Anderson. She asked if that space would become a curb.

Johnson said yes.

Fisher said no one has mentioned the traffic from the Credit Union.

Johnson said the Credit Union does not have access to Anderson Avenue, only on Hylton Heights.

Fisher asked if there is concern for traffic exiting the Credit Union while cars are trying to enter

Starbucks.

Johnson said that is a concern and he would prefer the driveway was further north but he cannot retroactively enforce regulations.

Marion Molt, 1122 Hylton Heights, lives near the proposed site and she would like to protect her property and neighborhood. It is disheartening to hear Starbucks say that they want to solve a problem in Aggieville at the cost of her neighborhood. Hylton Heights is a very congested road due to parents dropping off children in the morning with nowhere to park but is still tolerable. She also does not think the stacking has been very well thought out. The entrance off Hylton Heights use to not exist and was created after someone filled the ditch with gravel. The neighborhood paid to have Hylton Heights paved and the access point became permanent. The Credit generates a lot of traffic at a busy intersection. The street angle is odd and makes it difficult to turn left which creates stacking. There is not enough parking on the site so it should not be allowed. She ask the board to show consideration to the neighbors.

Fisher asked Molt if her opposition was to current proposed configuration of the site or to the Starbucks at that location.

Molt said she is opposed to all the traffic that will be generated and the congestion it will cause filtering additional traffic to Hylton Heights.

Haverty clarified the stacking times they have are not average stacking times; they are the most cars that were in the line at any time. The Credit Union does not open until 9:00 am so the peak operating hours of Starbucks between 7:15 – 8:15 am would be over before the Credit Union was open.

Ben Eckert, 1121 Hylton Heights, said he opposes the projects and agrees with Molts comments. There is parking on the east side of Hylton Heights so if 10 cars stack out of Starbucks then it will block Hylton Heights because there is not room for additional vehicles to pass. If there is stacking at Starbucks and a car cannot make a left turn into the site they will use his driveway to turn around to get in the queue. Hylton Heights is a narrow residential street and is not made for this kind of traffic. He proposed rearranging the stacking on the site but no closing the access points on Anderson Avenue as it will force traffic onto a residential road. If it was his business, he would use this location because it will frustrate the customers. When the site was a bank, there typically was 5 cars or less but it was a very different type of business than Starbucks.

Gwyn Riffel, 1117 Hylton Heights, said he developed real estate for 47 years and has experience with a similar type of development. Radina's has 30 parking spaces while the Starbucks is only proposed 19 spaces for the intensity of the use. He thinks the site and use is a misfit because of the intensity. The amount of traffic and visibility on Anderson is minimal making it difficult to exit Hylton Heights. A majority of the morning traffic is going east so the traffic would need to turn across westbound traffic to enter Starbucks which is a safety concern. Traffic will continue to increase on Anderson Avenue with growth in Manhattan and he is truly concerned about the safety of this location. There are better locations for this use. In commuter traffic there is usually 1 person per car so when you look at the amount of volume coming into the site at peak hours

there will be many cars queued at the drive-thru window. This site is a poor fit for this use and will cause more challenges in the future in regards to the traffic flow in this location. He also commented that this request need to be considered without consideration for the existing location in Manhattan because the project needs to stand on its own merits.

Terry Allan, 2430 Rebecca Road, said her property extends to Hylton Heights and her driveway is off Hylton Heights. The businesses in the area have not provided enough parking for employees so they parking on the street up the hill make it very difficult to exit her driveway. This will be even more difficult with extra traffic. The road is too narrow for two vehicles to pass while cars are parking on the east side and it is worse in the winter because it does not get cleaned off. If there are cars stacked out into the street, it will be difficult to see then when driving south on Hylton Heights over the hill.

Fisher asked when Staff explained MATS to the applicant.

Johnson said the MATS was adopted in the early 2000s and the first time it was discussed was around May-June 2018. There has been multiple phone calls and emails between the applicant and Staff about the access.

Fisher asked where the applicant would have accessed MATS prior to the conversation.

Johnson said MATS is posted online on the Public Works and Community Development websites. He is sure every community has a transportation strategy, it is a very common document.

Fisher asked if that site was reopened as a bank, would they need to come before the board.

Johnson said yes.

Fisher asked if that is because it would change ownership and that MATS is in effect.

Johnson said yes, they would have the same conversation. It is not a matter of the owner or user, it is a matter of zoning. If it is allowed now, he cannot change it later for a future use.

Hardy said conditional uses do not remain with the property if there is a change in use.

Laauwe agreed with Hardy; banks are permitted in the C-2 district but Public Works would flag it for access when a new bank applied for a building permit. It would not come before the board because it is permitted in the C-2 but it would be reviewed at a bi-monthly Staff Meeting and access would be addressed. A Pre-Application meeting did occur and closing the eastern access was discussed. The right-in/right-out was a compromise to that. There were additional conference calls and emails, the applicant was very good about communicating. Staff just feels the use is too much for the site.

Wigfall asked if Staff received the traffic counts from the applicant last week.

Laauwe said she received them last Wednesday.

Wigfall ask if Staff did not have time to review it.

Laauwe said the meeting packet was due on Wednesday so she did not have adequate time to review it. Notice for a public hearing is due 21 days prior to the hearing, during that time the public can visit Community Development to review the application but she did not receive it until after resident had reviewed the application.

Hamilton asked if Hylton Heights is as congested and problematic as the public is saying, does the City not have some concerns about directing traffic onto Hylton Heights. When would Hylton Heights become so much of a problem before the City considers this a land locked establishment that was just on Anderson Avenue.

Johnson asked Hamilton is she was asking if the City would rather close the Hylton Heights access and keep both access points on Anderson.

Hamilton said no, she is concerned that the City's recommendation is not addressing the problems that are going to be caused on Hylton Heights. There has been enough people telling the board existing issues and it seems troubling to consider additional intensity of the road.

Johnson said in order to circulate through the drive-thru, there must be two driveways. Because you have two driveways, you can close the third. The MATS would dictate which driveway to close and that would be the east driveway on Anderson Avenue because it is on an arterial. Anderson has about 20,000 vehicles a day, traveling at 35-38 miles per hour, getting vehicles off Anderson is advantageous because we do not want stacking that could cause accidents. If this was a fresh site, they would do things differently but this is the site they have to work with.

Hamilton said the topography does not allow a frontage road.

Johnson replied that is unknown.

Hamilton asked if the City has done anything to alleviate the problems on Hylton Heights such as extra lanes.

Johnson said extra lanes would lead to more traffic and higher speeds because there would be more room. If this site was built today, it would be very similar to Scenic Crossing with a frontage road that comes behind the building. The City and the applicant has to deal with the sites current condition and Staff is recommending the route with the least issues.

Hamilton said as a result, you could be in the position of compromising some C-2 zoned property's potential.

Johnson agreed, that applicant has clarified that. The applicant does not know if this site is correct for the level of volume it will produce but that is not for City Staff to decide, that is what the board is for. Staff is trying to mitigate those impact the best they can.

Wigfall commented that there are many traffic issues in that area near Connecticut Avenue that cause more accidents on Anderson.

Johnson said 33 accidents is a large number.

Wigfall added that there is not light to control that traffic

Johnson said the 16 injury accidents is a huge number, a common amount would be 5-6 injury accidents.

Haverty said other communities do use documents like MATS but generally they are guidelines. As they have said, if it is a new development it would be configured differently, but the key point is that those are guidelines, not ordinances. Looking at the land locked site on Anderson, Starbucks fits the components of the area. He does understand some of the neighbors' concerns but they are not reinventing the wheel, they are adding parking, taking away a drive-in lane, adding a trash enclosure. These are improvements to the site and should be seen as a benefit to Manhattan. This store should stand alone, so while he is concerned for the children's safety, the traffic generated at the Kinder-Care should not penalize Starbucks business at the site.

Eckert commented that just because you can do something, does not mean you should do it. There are other opportunities for other locations or different configurations.

Riffel emphasized that public safety is a concern for this site.

Hardy closed the public hearing for the Conditional Use and Exception requests.

Hamilton commented that everyone did a good job and public comments were excellent. She appreciated hearing all the input, it was very helpful. Assuming that an exception is approve, they do have compliance on all other regulations. The effect on adjacent properties, which does not including the whole Hylton Heights neighborhood, is not going to be significantly adverse. She does not see the domination of this use over the neighboring properties as a problem. Where the problem comes is the adequate provision of parking and loading in the conditional use. She does not think that the board should go against the City's recommendation. She appreciates the compromise of right-in/right-out but she is still going to be more persuaded by the City's recommendation that it be a right-out only. She does not see how the additional 4 cars stacked off Anderson Avenue will change that much, it just seems to cause more congestion on the site. She thought of the McDonald's in Westloop where there is two ordering lanes that wrap around the front to feed into those two lanes, and there are always issues with congestion.

Hardy agreed that is a difficult drive-thru to navigate.

Hamilton said this site would be similar because there is not a lot of room for the cars. She thinks because the traffic on Anderson Avenue is going east during peak hours of Starbucks, they are going to generate many left turns. They are not safe, they hold up traffic, and it is going to be a safety issue. Everyone should be trying to find solutions for the parking along Hylton

Heights without considering this request. She is very torn because she sees how it meets enough of the guidelines for a conditional use but it will create some serious safety issues.

Hardy agreed, the board has to apply the standards to the request and he cannot see himself doing something other than what the City recommends. Particularly with the right-out only, and not having a right-in/right-out off Anderson Avenue. He was on the board when the existing Starbucks location was approved and they had the same concerns with traffic stacking onto Bluemont. This board opted to approve that particular request but he is more concerned about the traffic on Anderson. He sees Anderson as a bigger safety concern than the safety concerns on Hylton Heights. He can see that City Staff has addressed that with their recommendation.

Wigfall said there are places that do not have easy answers due to a variety of constraints but the board must do their best. She is concerned about the intersections and the safety issues with car accidents. This is a tough decision for them to make. There are many things that could change in the future about how to deal with these kind of conditions. Whether a street is cleaned in the winter or not is an issue that is beyond the board and they must work with what is existing.

Fisher echoed what the fellow board members shared. She relies on the expertise of Public Works with safety concerns. She avoids Bluemont Avenue at certain times of the because of the traffic related to the Starbucks. There are also some times that she avoid using Anderson Avenue. Fisher banks at the Credit Union and access off Hylton Heights is difficult so she avoids having to turn left. She agree with Hamilton that the McDonald's drive-thru is very confusing. She is also sympathetic to the neighbors because it will affect them.

Fisher asked if the board supports the staff recommendation, that it includes the conditions. The board said yes.

Fisher said she is less uncomfortable about fewer parking spaces than other things.

Hardy agreed, he did not see the exception for the parking as a concern. Investors will figure it out, it is an instant gratification society so when the drive-thru line is too long, they may go to the location in Dillion's.

Hamilton said one of the concerns about parking is often spillover parking but in this case there is not a nearby place to park. The only options to meet parking are to dig out the hillside, but the board does consider topography a reason for an exception, or reduce the size of the building but that defeats the purpose of using an existing structure. So she will not be concerned about the parking reduction of 3 spaces. The stacking in front of employee parking is not a concern but the 3 additional spaces that will be blocked by stacking is a concern. She can support the parking exception.

Wigfall said the only time parking could be an issue is if you parked on the south side of Anderson Avenue and tried to walk across the street which creates a safety issue.

Hamilton made a motion to approve a CONDITIONAL USE under the terms of the Manhattan zoning ordinance of the city of Manhattan, Kansas, to allow for a proposed drive-in

establishment in a C-2, Neighborhood Shopping District located at 2700 Anderson Avenue with the following conditions:

1. The eastern Anderson Avenue driveway access shall be removed or converted to a Right/Out only to be approved with the building permit.
2. The drive-thru exit driveway shall be a dual-lane exit that separates left and right turning vehicles to exit onto Anderson Avenue.
3. A reduction in the minimum required off-street parking Exception shall be approved.
4. All applicable permits shall be obtained.

Wigfall seconded the motion, which passed with a vote of 4 – 0.

The Board made the following findings of fact for the CONDITIONAL USE at 2700 Anderson Avenue:

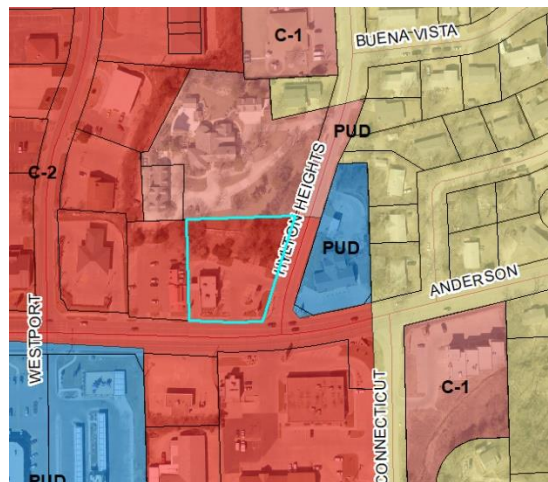
PRESENT USE: Former UMB Bank

STANDARDS FOR A CONDITIONAL USE

A. Compliance with all applicable regulations: The subject property complies with all applicable regulations except for providing the minimum required off-street parking for an establishment providing for the sale and consumption of food and/or beverages, and refreshments. The submitted site plan allocates for 19 off-street parking spaces, the proposed use is required to have a minimum of 22 parking spaces. The applicant has submitted a concurrent Exception application requesting a reduction in the minimum required off-street parking requirement.

B. Probable effect on adjacent properties:

- a. **NORTH:** Adjacent to the north is zoned C-1, Restricted Business and developed as Rockhill Real Estate Group to include Diamond Real Estate Management. Further north is a single-family residence wedged between the Rockhill Real Estate offices and two additional C-1 properties that are developed as a KinderCare day care and the Hylton Square office center.
- b. **SOUTH:** The properties located directly to the south, across Anderson Avenue are zoned C-2, Neighborhood Shopping District and are developed as Jimmy Johns to the southwest and Papa Johns Pizza to the southeast.



- c. **WEST:** Adjacent property to the west is also zoned C-2, Neighborhood Shopping

District and is currently developed as Chen's Chinese Restaurant.

- d. EAST: The property located directly to the east, across Hylton Heights Road is a Planned Unit Development developed as a Kansas State University Federal Credit Union. Further east and northeast of the subject property is an R, Single-Family Residential area with single-family homes located off of Rebecca Road and Buena Vista Drive.

As described above, the subject property, adjacent properties and surrounding properties are comprised of Restricted Business, Neighborhood Shopping, and R-1, Single-Family Residential uses. These uses generally work well together as the Neighborhood Shopping District is designed to provide a broad range of retail shopping facilities and services to residential uses and the Restricted Business District is designed to provide for non-retail commercial, business, and professional activities that are compatible with adjacent residential districts. The proposed use of a drive-in Starbucks, however may have some negative effect on the properties to the north and west that utilize Hylton Heights Road. Neighbors have noted concerns that potential overflow drive-thru stacking and overflow on-street parking may occur along Hylton Heights Road that will cause further narrowing of the 30 foot roadway that allows on-street parking on the east side of the street.

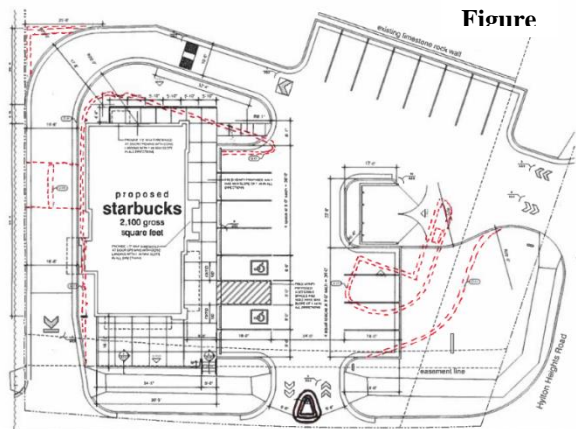
STAFF FINDING: Minimal impact to the adjacent properties to the north and west may occur.

C. Domination by use over neighboring properties: In general, the proposed Starbucks use would not dominate over neighboring properties as the former UMB Bank with drive-thru use was built in 1990 and several commercial properties along this section of Anderson Avenue include drive-thru's with some being approved conditional uses. These include a number of restaurants and banks located on the north side of Anderson Avenue. This includes Jimmy John's, which received a Conditional Use in October 2015, and is located almost directly to the south, across Anderson Avenue. Banks and financial institutions, including drive-in types are a permitted use within the C-2 District and do not require a conditional use.

1. **Location, nature, and height of physical improvements:** Please refer to Figure 1 below for reference. The dashed lines in Figure 1 indicate the location of proposed removal of existing concrete or structures. The applicant proposes to renovate the existing structure in addition to modifications to the parking layout and circulation in order to convert the use from a bank facility to a drive-in restaurant. The structure is located on the west side of the site with the drive-thru lane located along the west property line. As can be seen in Figure 1, the applicant proposes to narrow the existing two-car width drive-thru into a one-car lane that is 16'6" in width. In addition, the existing northwest corner of the drive-thru lane will be rounded and the existing canopy will be removed. Other site improvements include removing the existing automatic teller machine and access lane located on the southeast corner of the site. This improvement will increase the existing landscape island, provide additional parking spaces, and allow for a dumpster

enclosure.

The applicant proposes to add wide walkways around the structure and a 460 square foot outdoor seating area on the south side of the structure that can accommodate up to 24 patrons. In addition, the applicant will replace the existing UMB pylon sign located on the southeast corner of the property with a Starbucks sign of the same height and dimensions.



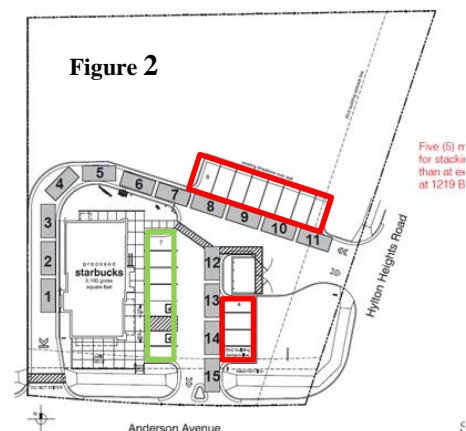
- 2. Landscaping and screening:** The applicant proposes to retain the existing line of mature trees and dense vegetation that serves as a buffer along the northern portion of the site and adjacent property. The property owner plans to maintain all the existing landscaping and screening that is currently in compliance.

STAFF FINDING: The use will not dominate over neighboring properties.

D. Adequate provision of parking and loading:

The submitted site plan shows provisions for a total of 19 off-street parking spaces. The regulations require at least one parking space for each three customers based upon the maximum design occupancy. Additionally, one parking space per employee as related to the work shift when the maximum number of employees are present is required. The Building Official has determined that the restaurant has a maximum occupancy load of 52 persons and the applicant has stated that no more than 5 employees will be on any one shift. These numbers do not include the proposed 24 seat seasonal patio area. A maximum occupancy of 52 persons requires 17 parking spaces, plus 5 employees equates to 22 required off-street parking spaces. The applicant has submitted a concurrent Exception request to allow for the proposed 3 space reduction to the minimum off-street parking requirement.

The submitted parking layout provides 7 parking spaces abutting the east side of the building, 4 parking spaces across the aisle near the east side of the site, and 8 parking spaces along the northern portion of the developed site. The applicant anticipates that the 8 northern spaces will be utilized by employees, even though the maximum employees on any given shift is expected to be five. The applicant provided stacking plan can be seen in Figure 2, on the right. City Administration has concerns regarding adequate provision of parking as the stacking plan for the drive-thru indicates that during peak times the 4 eastern parking spaces and the 8 northern parking spaces would be blocked.

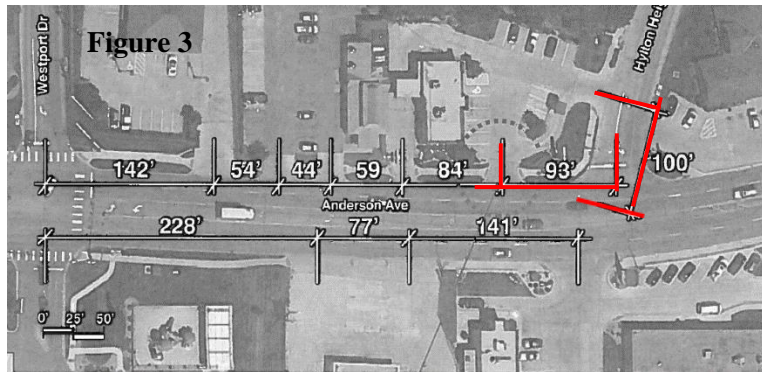


STAFF FINDING: Due to the lack of accessible parking spaces during peak drive-thru times, the proposed parking plan **does not** provide adequate provision of parking.

E. Adequate provision of drainage, and other public utilities: The subject property has adequate drainage and existing public utilities.

F. Adequate provision of access: Along the subject site, Anderson Avenue measures approximately 60 feet wide, which consists of four lanes and a designated median turn lane. Hylton Heights Road is 30 feet in width, with the roadway serving mostly office-commercial and residential uses. The City's functional street classification system classifies Anderson Avenue as a minor arterial and Hylton Heights as a local street. Minor arterials provide for through traffic movement to concentrated areas of activity with or without a median divider and provides access to abutting properties, subject to necessary control of entrances, exits and curb cuts.

The applicant had a pre-application meeting with City Engineering and Planning staff, where two major concerns were raised about the eastern access point along Anderson Avenue. The first concern regarding this access point, even as a right-in/right-out along the Anderson Avenue frontage, is that it does not meet the Manhattan Area



Transportation Strategy (MATS) for the minimum distance between access points along an arterial road. MATS requires arterial streets to have a minimum distance of 150 feet between an intersecting local street and the driveway access point. Figure 3 shows that the distance between the centerline of Hylton Heights Road and the eastern Anderson Avenue access point is 93 feet. To meet the adopted MATS, the distance should be at least 150 feet. The figure also shows that most of the neighboring access points are also out of compliance; however, it is difficult to mitigate an existing noncompliant condition.

The second concern with the eastern access point on Anderson Avenue is regarding the potential stacking of cars on Anderson Avenue waiting to enter the subject property. The existing drive-thru Starbucks located at 1219 Bluemont has a stacking queue of 10 vehicles; however, vehicles often stop along Bluemont Avenue and wait to gain access to the site causing congestion and accidents. This same issue could occur at this new location. Allowing this eastern access point to remain open could create safety concerns as this queue could easily spill out onto Anderson Avenue. City Staff has offered suggestions about closing off the eastern access point and moving the Hylton Heights Road access point north in order to extend the stacking queue. This would create a longer queue and free up parking spaces. The applicant found these options to be unfeasible.

In light of these two concerns, our Public Works Department will not support the eastern driveway access off Anderson Avenue. Public Works would be agreeable to a Right/Out only for circulation of delivery and customer vehicles. This will not only eliminate the nonconformity but also help to maintain safety. Please refer to the memo submitted by City Engineer, Brian Johnson P.E. that explains their recommendations.

STAFF FINDING: Due to safety concerns, staff finds that the site does not meet Standard F (14-704) which says, “Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.”

****Note:*** The applicant provided a Local Trip Data study for a Starbucks Store on September 5, 2018. Staff has not had time to review and generate written comments before the Board meeting packet was due. The study is included within the packet and Staff will comment on the study at the September 12, 2018 Board of Zoning Appeals meeting.

A PUBLIC HEARING TO CONSIDER AN EXCEPTION UNDER THE TERMS OF THE MANHATTAN ZONING ORDINANCE OF THE CITY OF MANHATTAN, KANSAS, TO ALLOW A REDUCTION IN THE MINIMUM REQUIRED OFF-STREET PARKING REQUIREMENT FOR ESTABLISHMENTS PROVIDING FOR THE SALE AND CONSUMPTION OF FOOD AND/OR BEVERAGES, AND REFRESHMENTS FOR A PROPOSED DRIVE-IN ESTABLISHMENT IN A C-2, NEIGHBORHOOD SHOPPING DISTRICT LOCATED AT 2700 ANDERSON AVENUE. (APPLICANT/OWNER: 2700 ANDERSON, LLC./BRANDON HAVERTY)

FILE NO. EXC-18-047

Laauwe presented the staff report, which recommended approval with three conditions of approval.

Refer to previous agenda item for board discussion and public hearing for the exception request located at 2700 Anderson Avenue.

Hamilton made a motion to approve an EXCEPTION under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow a reduction in the minimum required off-street parking requirement for establishments providing for the sale and consumption of food and/or beverages, and refreshments for a proposed drive-in establishment in a C-2, Neighborhood Shopping District located at 2700 Anderson Avenue, with the following conditions of approval:

1. The eastern Anderson Avenue driveway access shall be made removed or converted to a restricted Right/Out only to be approved with the building permit.
2. The Conditional Use Permit to allow a proposed drive-in establishment in a C-2, Neighborhood Shopping District shall be approved.
3. All applicable permits shall be obtained.

Fisher seconded the motion, which passed 4 – 0.

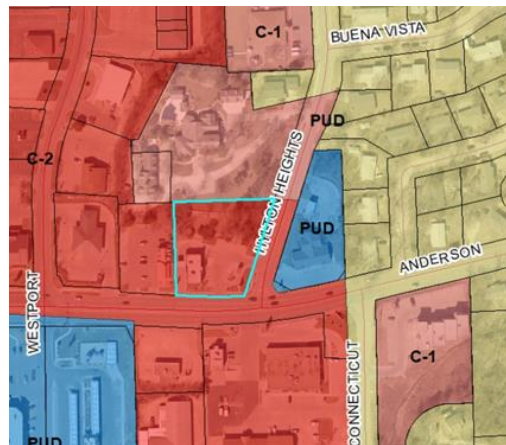
The Board made the following findings of fact for the EXCPETION at 2700 Anderson Avenue:

PRESENT USE: Former UMB Bank

COMPLIANCE WITH ALL APPLICABLE REGULATIONS: Drive-in establishments associated with permitted or other conditional uses within a C-2, Neighborhood Shopping District are required to obtain a Conditional Use permit. The applicant has submitted a concurrent Conditional Use application to allow for the proposed Starbucks with drive-thru service.

PROBABLE EFFECT ON ADJACENT PROPERTIES: The subject property, adjacent properties, and surrounding properties are comprised of Restricted Business, Neighborhood Shopping, and R-1, Single-Family Residential uses. These uses generally work well together as the Neighborhood Shopping District is designed to provide a broad range of retail shopping facilities and services to residential uses, and the Restricted Business District is designed to provide for non-retail commercial, business, and professional activities that are compatible with adjacent residential districts.

The adjacent property to the north is zoned C-1, Restricted Business and developed as Rockhill Real Estate Group to include Diamond Real Estate Management. Further north is single-family residence and two additional C-1 properties developed as KinderCare day care and the Hylton Square office center. The properties located directly to the south, across Anderson Avenue are zoned C-2, Neighborhood Shopping District and are developed as Jimmy Johns to the southwest and Papa Johns Pizza to the southeast. The adjacent property to the west is also zoned C-2, Neighborhood Shopping District and is currently developed as Chen’s Chinese Restaurant. To the east, across Hylton Heights Road is a Planned Unit Development developed as Kansas State University Federal Credit Union. Further east and northeast of the subject property is an R, Single-Family Residential area with single-family homes located off Rebecca Road and Buena Vista Drive.



The proposed use of a drive-in Starbucks should not dominate over the adjacent and surrounding properties as the former UMB Bank with drive-thru use was built in 1990 and several commercial properties along this section of Anderson Avenue include drive-thru’s with some being approved conditional uses. The proposed use of a Starbucks however, may have some negative effect on the properties to the north and west that utilize Hylton Heights Road. Neighbors have noted concerns that potential overflow drive-thru stacking and on-street parking

may occur along Hylton Heights Road that will cause further narrowing of the 30-foot roadway that allows on-street parking only on the east side of the street.

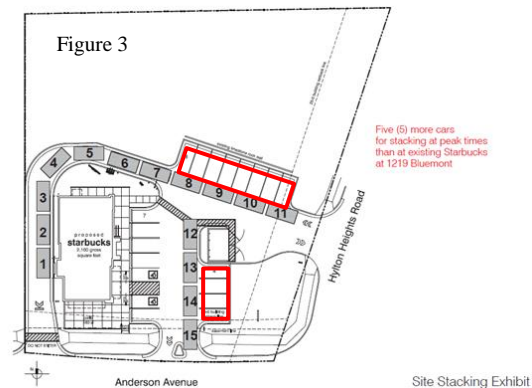
STAFF FINDING: Minimal impact to adjacent properties to the north and west may occur.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE:

The applicant provided the stacking plan shown as Figure 3, on the right. The stacking/queuing plan provides a maximum of 15 vehicles that may be accommodated on the proposed developed site. The plan shows vehicles numbered 12 thru 15 entering via Anderson Avenue and cars 9 thru 11 entering via Hylton Heights Road and then converging into the single drive-in lane.

City Administration has concerns about the anticipated blocking of the northern 8 parking spaces and the eastern 4 parking spaces. The anticipated blocking of these parking spaces constitutes 12 out of 19, or 63 percent of the proposed off-street parking spaces. Furthermore, two of the remaining 7 parking spaces, nearest to the structure, are restricted ADA parking. The applicant has stated that it is anticipated that the northern parking spaces will be utilized by employees, however that will only account for five of the eight spaces.

With most of the parking spaces potentially inaccessible, the parking stacking may extend farther into both Anderson Avenue and Hylton Heights Road creating traffic hazards and congestion. This poses a concern to the public health, safety, and general welfare, especially on Anderson Avenue that as a minor arterial, serves a high amount of traffic.



STAFF FINDING: Due to the lack of accessible parking spaces during peak drive-thru times, the proposed parking plan does not provide adequate provision of parking. In addition, the potential for the lack of parking to cause overflow cueing spillage onto Anderson Avenue and Hylton Heights Road poses a risk to the public health, safety and general welfare.

THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED:

The subject property does have challenges due to a general increase in topography and heavy vegetation on the northern portion of the site. However, no utility easements are in place and a retaining wall may be constructed like nearby properties that would allow for additional development of the site and safer layout design.

STAFF FINDING: The strict application of these Regulations is reasonable as the site may be redesigned to utilize the northern portion of the subject property, in addition to restricting the right-in entrance off Anderson Avenue. These changes would provide stacking only from Hylton Heights Road and make accessible the 4 eastern parking spaces, as well give adequate backing out room for the parking nearest the structure.

A PUBLIC HEARING TO CONSIDER AN EXCEPTION UNDER THE TERMS OF THE MANHATTAN ZONING ORDINANCE OF THE CITY OF MANHATTAN, KANSAS, TO ALLOW A REDUCTION IN THE MINIMUM REQUIRED TWENTY-FIVE (25) FOOT REAR YARD SETBACK, A REDUCTION IN THE MINIMUM REQUIRED EIGHT (8) FOOT SIDE-YARD SETBACK, AND AN INCREASE TO THE MAXIMUM ALLOWED THIRTY PERCENT (30%) LOT COVERAGE FOR A PROPOSED DECK ADDITION IN A R, SINGLE-FAMILY RESIDENTIAL DISTRICT LOCATED AT 3020 JEANIE LANE. (APPLICANT/OWNER: JUSTIN SMITH)

FILE NO. EXC-18-048

Laauwe presented the staff report, which recommended approval with two conditions of approval.

Fisher asked if this was an elevated deck or on the ground.

Laauwe said it is elevated at about 10 feet high.

Fisher asked if the deck still contributed to lot coverage even though it was elevated.

Laauwe said yes, everything that covers the ground in an aerial view contributes to lot coverage. She said an object is included if it is more than 30 inches tall.

Hardy opened the public hearing.

Justin Smith, 3020 Jeanie Lane, said he would like to build a deck to expand on the existing space. There is currently a small landing and the only access to the rear of the home is to the landing.

Hardy closed the public hearing.

Hardy said he can support the request because it is a unique location at the edge of the City Limits.

Wigfall agreed.

Hamilton corrected a typo in the staff report, changing “east” to “west” under Probable Effect on Adjacent Properties.

Hamilton made a motion to approve an EXCEPTION under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow for a twenty (20) inch reduction to the minimum required twenty-five (25) foot front-yard setback for a proposed porch addition to a single-family home in an R, Single-Family Residential District located at 1817 Alabama Lane, with the following conditions:

1. The porch shall be built as proposed in the application documents.
2. All applicable building permits shall be obtained.

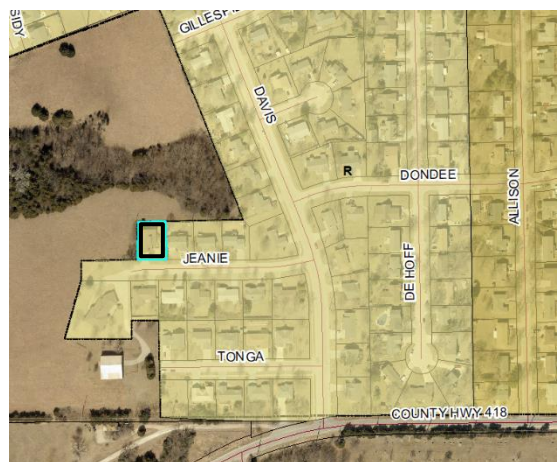
Fisher seconded the motion, which passed 4 – 0.

The Board made the following findings of fact for the EXCPETION at 3020 Jeanie Lane:

PRESENT USE: Single-family detached dwelling

COMPLIANCE WITH ALL APPLICABLE REGULATIONS: The subject property and structure are in compliance with all applicable regulations.

PROBABLE EFFECT ON ADJACENT PROPERTIES: The subject property and the adjacent properties to the west and south are located within an R, Single-Family Residential District. The subject property is located on the border of the City limits with the adjacent land to the north having dense vegetation and the area to the east being undeveloped agriculture grassland. The proposed deck will not be visible from neighbors or passers-by from the south or to the east. While it is unknown if the adjacent land to the north or west will eventually develop and be annexed into the City limits, it is not foreseen at this time.



STAFF FINDING: The proposed deck addition will not adversely affect adjacent or neighboring properties.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE: The subject property has an 8-foot utility easement that spans along the northern property line. The proposed deck and the associated stairs will not encroach into the easement. Aerial photographs of the homes along Jeanie Lane show that backyard decks are not uncommon. In addition, the proposed deck will not be visible to the public.

STAFF FINDING: The proposed deck will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED: The strict application of these Regulations are not unreasonable as the deck will encroach into two setbacks and cause the structures to exceed the maximum allowable lot coverage. However, the property is unique in that it is located on the edge of the City limits and the deck will be constructed on the lot where it will not be visible to the public or surrounding neighbors.

STAFF FINDING: The strict application of these Regulations is unreasonable, or unnecessary when all facts and circumstances are considered.

A PUBLIC HEARING TO CONSIDER AN EXCEPTION UNDER THE TERMS OF THE MANHATTAN ZONING ORDINANCE OF THE CITY OF MANHATTAN, KANSAS, TO ALLOW A REDUCTION IN THE MINIMUM REQUIRED SIGN SETBACK OF TEN (10) FEET FROM ANY PROPERTY LINE FOR A PROPOSED PYLON SIGN TO BE LOCATED WITHIN THE SOUTH AND WEST PROPERTY LINE SIGN SETBACK AREA. THE SUBJECT PROPERTY IS WITHIN A C-1, RESTRICTED BUSINESS DISTRICT LOCATED AT 1404 BEECHWOOD TERRACE. (APPLICANT/OWNER: A&J PROPERTY, INC./SON NGO)

FILE NO. EXC-18-046

Laauwe presented the staff report, which recommended approval with two conditions of approval.

Hamilton asked if there are restrictions about the lighting.

Laauwe said no.

Hamilton asked if there are any regulations pertaining to lighting.

Laauwe said no, the only part of the sign ordinance they did not meet was the setback.

Hamilton said the surrounding properties pylon signs are not lit.

Laauwe said they may have flood lights but they are not internally illuminated.

Hamilton said LEDs can be bright and its near apartment buildings. Normally lighting is a discussion about lighting near residential properties. She asked if the UDO will address sign lighting.

Laauwe said no, the board can ask the applicant about lighting.

Hamilton asked if there was a city standard that addressed lighting.

Fisher said some districts do have lighting regulations.

Davidson said the regulations do not specifically address lighting. It just states it is not supposed to shine onto nearby residential properties and with residential across the street it may be a concern.

Laauwe commented that is typically a concern if there are moving lights but it is something to consider.

Davidson said there are no regulations for internal illumination.

Wigfall asked if it is not regulated are they allowed to have the sign internally illuminated.

Davidson said yes, they would not be violating any regulation by illuminating the sign.

Hamilton and Hardy both commented that the board is considering the setback so if the sign was not placed within a setback, it would not be before the board.

Hamilton commented that it may not be the boards concern but it should be addressed.

Laauwe said it is okay to consider lighting because it will be closer to the residential property by being in the setback.

Davidson said the passage in the regulations states that lights shall not glare or case bright light located in residential districts. If it was approved and was too bright, Code Inspection could address it later if there was a complaint.

Hardy clarified that the City does have a mechanism to address it, if it becomes a problem.

Davidson said yes.

Fisher asked what the justification for a sign setback is.

Laauwe said it helps keep signs out of the vision triangle. This site is a standalone sign but in other instances signs may be right next to each other.

Wigfall asked if there is a chance they would want a larger sign.

Laauwe commented that there is a condition of approval that the sign remain as shown in the application.

Hardy opened the public hearing.

Arin Powers, 1404 Beechwood Terrace, is an administrator at the Urgent Care and helped plan the sign. The Urgent Care currently occupies 3 of the 4 suites in the structure, they have accommodated for a future change of tenants on the sign by incorporating additional slots. The rear of the apartment complex is facing the clinic so lighting so not be an issue. There is also street lights, a signaled intersection, and the Dillion's Gas Station across the street that emit a lot of light so she does not foresee the illuminated light being an issue. It is difficult for people to find the clinic so there is a need for a sign. The sign was designed to conform to other signs in the Westloop Business Association.

Hardy closed the public hearing.

Hamilton commented that she can grant it, although she does remain concerned about the light. She can appreciate the fact the Westloop does create a lot of light but then you take a significant

step when you bring it closer to the residential area. She thinks the sign is necessary, she has no problem with the setback exception, and trust that the sign will not be so lit that it will cause a problem.

Hardy said depending on your business hours; you could only have it illuminated while the clinic is open but that is the owner's choice.

Fisher made a motion to approve an EXCEPTION under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow a reduction in the minimum required sign setback of ten (10) feet from any property line for a proposed pylon sign to be located within the south and west property line sign setback area within a C-1, Restricted Business District located at 1404 Beechwood Terrace, with the following conditions:

1. That the pylon sign be located and constructed as shown on the submitted application site plan.
2. All applicable building permits shall be obtained.

Wigfall seconded the motion, which passed 4 – 0.

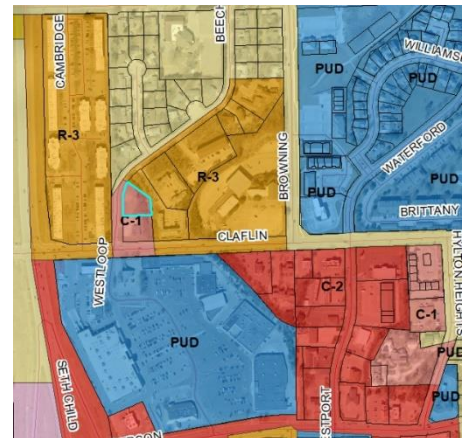
The Board made the following findings of fact for the EXCPEITION at 1404 Beechwood Terrace:

PRESENT USE: Urgent Care Clinic, Vein Clinic and one vacant office unit.

COMPLIANCE WITH ALL APPLICABLE REGULATIONS: The subject property and structure are in compliance with all applicable regulations.

PROBABLE EFFECT ON ADJACENT PROPERTIES:

The subject property and the adjacent property to the south are located within a C-1, Restricted Business District. As described above, both properties are used as medical offices. The adjacent property to the north and east is an R-3, Multi-Family Residential District that is developed as the Beechwood Apartment complex. The subject property and the apartment complex are separated by a large culvert and dense vegetation. The property to the west, across Beechwood Terrace is also an R-3, Multi-Family Residential District and developed as the Park Place Apartments. To the south, across Claflin Road is the Planned Unit Development, Westloop Center. Each of these adjacent properties have a monument sign or pylon signs advertising their properties.



STAFF FINDING: The proposed pylon sign will not have any adverse effects on adjacent properties.

EFFECTS ON PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE: The proposed signage is not out of character with signs located on surrounding properties. The proposed signage will give the patients of the medical offices and future patients the ability to see the sign from Claflin Road. The sign will be setback over 140 feet from Claflin Road and the proposed 40 square feet of signage at 8 feet in height will not visually dominate the landscape. The signage location was chosen to avoid the easements and floodway area as required.

STAFF FINDING: No adverse effects on the public health, safety, morals, order, convenience, prosperity, or general welfare are expected as measures have been made to insure the sign does not encroach the easements and is not dominating in height or width.

THE STRICT APPLICATION OF THESE REGULATIONS IS UNREASONABLE, OR UNNECESSARY WHEN ALL FACTS AND CIRCUMSTANCES ARE CONSIDERED: No other area on the subject site is feasible for either a monument or pylon sign. The landscape islands in front of the building are located within the Beechwood Terrace right-of-way. In addition, the grass area north of the structure is all within a utility and drainage easement and floodway. The only other option is in the parking lot and within the rock boundary area.

STAFF FINDING: The strict application of these regulations are unreasonable, or unnecessary when all facts and circumstances are considered as the uniqueness of the subject property's easements make it difficult for a commercial business to advertise. It is also unusual that the landscape islands that typically would be used are located within the right-of-way. The distance from Claflin Road, a collector street, is over 140 feet and the 8 foot in height sign placed 8 feet from the west property line should not visually dominate the surrounding residential and commercial properties.

Hardy announced it was Davidson's last board meeting. He thanked Davidson for all her efforts and support during her time with the City and wished her luck on her future endeavors.

Hardy adjourned the meeting at 9:31 p.m.

Respectfully submitted by,
Lesley Frohberg, Urban Planning Intern