

CERTIFICATION OF CLERK

I, Gary S. Fees, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Minutes were duly adopted at a meeting of the City of Manhattan, Kansas, held on the 20th day of January, 2009, and that said Minutes have been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, this 21st day of January, 2009.





Gary S. Fees, MMC, City Clerk

MINUTES
CITY COMMISSION MEETING
TUESDAY, JANUARY 6, 2009
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Mark J. Hatesohl and Commissioners Bob Strawn, Bruce Snead, James E. Sherow, and Tom Phillips were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 20 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Hatesohl led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Hatesohl proclaimed January 16-23, 2009, ***Dr. Martin Luther King, Junior Observance Week***. Tiffany Powell and Isaac Madison, Manhattan Martin Luther King, Jr. Memorial Committee, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Hatesohl opened the public comments.

Jeff Kreuser, 423 Vattier Street, informed the Commission that the smoking ordinance passed by the voters in November is not what he voted for and voiced frustration with the interpretation of outdoor patios and exemptions. He stated that the restaurants and bars with large patios have a distinct advantage over those restaurants and bars that do not.

Dee R. Ross, 2304 Brockman Street, stated that anyone who has read the smoking ordinance knows that it is a totalitarian idea of a utopian society and that 95 percent of businesses in Manhattan are already smoke free. He informed the Commission that the smoking ordinance takes away his freedoms and those of other smokers and does not include other health hazards, such as car smog, dung, body perfumes, weeds, and pollens. He stated that the Manhattan Mercury failed to educate people on the smoking ordinance

PUBLIC COMMENTS (*CONTINUED*)

and asked that a ban be placed on the sale of all tobacco products in the city limits of Manhattan.

Several Commissioners responded to questions raised on the smoking ordinance.

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

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, December 16, 2008.

CLAIMS REGISTER NO. 2597

The Commission approved Claims Register No. 2597 authorizing and approving the payment of claims from December 10, 2008, to December 30, 2008, in the amount of \$3,796,128.37.

ORDINANCE NO. 6745 – REZONE – MCCALL LANDING PUD

The Commission approved Ordinance No. 6745 rezoning McCall Landing, generally located north of the McCall Road and Carlson Street intersection, from PUD, Commercial Planned Unit Development District, to a new PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 1*), with the fourteen conditions recommended by the Manhattan Urban Area Planning Board.

ORDINANCE NO. 6746 – REZONE – 701 ENOCH LANE

The Commission approved Ordinance No. 6746 rezoning 701 Enoch Lane, generally located on the northwest corner of Enoch Lane and US Highway 24, from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report (*See Attachment No. 2*).

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6747 – INSTALLMENT PURCHASE – LEE MILL HEIGHTS PARK LAND

The Commission approved Ordinance No. 6747 authorizing the purchase of park land in Lee Mill Heights Addition via installment payments.

FIRST READING – REMOVE PARKING – NORTHFIELD ROAD

The Commission approved first reading of an ordinance removing parking along portions of the north side of Northfield Road to a point 75 feet west of the centerline of Casement Road.

FIRST READING – AMEND – SCHOOL ZONES

The Commission approved first reading of an ordinance amending the existing school time zones eliminating the 11:00 a.m. to 1:00 p.m. reduced speed limits in the existing school zones around the elementary schools beginning the 2009-2010 school year.

REQUEST FOR PROPOSALS – DESIGN – 17TH STREET (ST0824)

The Commission authorized City Administration to solicit proposals for the design of 17th Street from west Laramie Street to Anderson Avenue (ST0824) and appointed Commissioner Snead to serve on the Selection Committee.

REQUEST FOR PROPOSALS – DESIGN – TECUMSEH-QUIVERIA SYSTEM (SM0813)

The Commission authorized City Administration to solicit proposals for the design of Tecumseh-Quivera System Stormwater Project (SM0813) and appointed City Commissioner Sherow to serve on the Selection Committee.

REJECT BIDS – EFFINGHAM DRAINAGE IMPROVEMENTS, PHASE II (SM0807)

The Commission rejected the Engineer's Estimate in the amount of \$49,182.00, rejected all bids for the Effingham Drainage Improvements Phase II (SM0807), and authorized City Administration to rebid the project in January 2009.

CHANGE ORDER NO. 2-FINAL – STONE POINTE ADDITION, UNIT 2 – STREET IMPROVEMENTS (ST0630)

The Commission approved Change Order No. 2 – Final for Stone Pointe Addition, Unit II, Street Improvements (ST0630), resulting in a net increase of \$76,852.61 (+9.8%) to the contract with Nowak Construction Co., Inc., of Goddard, Kansas.

CONSENT AGENDA (CONTINUED)

* **CHANGE ORDER NO. 2-FINAL – LEE MILL VILLAGE ADDITION –
SANITARY SEWER IMPROVEMENTS (SS0704)**

Ron Fehr, City Manager, provided additional information on the item and responded to questions from the Commission regarding change orders.

The Commission approved Change Order No. 2 – Final for Lee Mill Village Addition Sanitary Sewer Improvements (SS0704), resulting in a net increase of \$31,504.00 (+5.7%) to the contract with Luttrell Construction Co., Inc., of Olathe, Kansas.

**CHANGE ORDER NO. 2-FINAL – LEE MILL VILLAGE ADDITION –
STORM SEWER IMPROVEMENTS (SM0702)**

The Commission approved Change Order No. 2 – Final for Lee Mill Village Addition Storm Sewer Improvements (SM0702), resulting in a net increase of \$10,591.00 (+2.1%) to the contract with Luttrell Construction Co., Inc., of Olathe, Kansas.

**CHANGE ORDER NO. 2-FINAL – LEE MILL VILLAGE ADDITION –
STREET IMPROVEMENTS (ST0709)**

The Commission approved Change Order No. 1 – Final for Lee Mill Village Addition Street Improvements (ST0709), resulting in a net increase of \$45,793.17 (+7.3%) to the contract with Luttrell Construction Co., Inc., of Olathe, Kansas.

* **SUPPLEMENTAL TRUST INDENTURE NO. 1 - GTM SPORTSWEAR
INDUSTRIAL REVENUE BONDS**

Commissioner Strawn stated that he would abstain from the item because his son is President of GTM Sportswear.

The Commission approved Supplemental Trust Indenture No. 1 relating to Series B, 2006 and Series D, 2006 Industrial Revenue Bonds for GTM Sportswear, and authorized the Mayor and City Clerk to execute all related bond documents.

HANGAR LEASE – HEARTLAND AVIATION

The Commission authorized the Mayor and City Clerk to execute the D-1 Hangar Lease agreement at the Manhattan Regional Airport with Mr. Gordon Smith, d/b/a Heartland Aviation for a term of two years, ending December 31, 2010.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 010609-A – SUPPORT – TRANSPORTATION IMPROVEMENTS FOR GREATER FORT RILEY COMMUNITIES

The Commission approved Resolution No. 010609-A indicating the Commission's support for ten priority transportation improvements for the Greater Fort Riley Communities and the enactment by the Kansas Legislature of a new statewide Comprehensive Transportation Program.

NEGOTIATE CONTRACT – DESIGN – MCCALL ROAD IMPROVEMENTS (ST0821)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with HWS Consulting Group, of Manhattan, Kansas, for engineering services for the McCall Road Improvements from Hayes Drive to US-24 (East Poyntz Avenue) (ST0821).

LICENSE – MERCHANT GUARD AGENCY

The Commission approved a Merchant Guard Agency License for calendar year 2009 for Securitas Security Services USA, Inc., 2942 B SW Wanamaker Dr., Ste. 2A, Topeka, Kansas.

* RILEY COUNTY LAW BOARD APPOINTMENTS

Commissioner Strawn voiced opposition to having elected officials serve on the Riley County Law Enforcement Board and stated that the Statute governing Law Board appointments was developed to ensure citizen oversight and not political oversight. He stated that the Law Board appointments provide an opportunity to open this up to citizen membership and appointing Commissioners is at odds with the Statute and with our Code of Ethics policy for transparency in government. He then asked the Mayor to reconsider his appointments to the Law Board and appoint at least one citizen-at-large.

Commissioner Sherow stated that being on the Law Board is an essential part of a Commissioner's responsibility, since the City budget is responsible for funding 80 percent of the Riley County Police Department budget. He voiced concern in having no say as a Commissioner in how the mill levy is spent for police services and stated the Commission is elected to set budgets, mill levies, and to be good stewards of the City's finances. He stated that there have been unintended consequences with the Statute and wanted to look at the Statute, appointments, and funding of the Riley County Police Department.

Mayor Hatesohl said we could pursue the police department having its own mill levy.

CONSENT AGENDA (*CONTINUED*)

* **RILEY COUNTY LAW BOARD APPOINTMENTS (*CONTINUED*)**

Commissioner Snead stated that the Riley County Law Enforcement Board meetings are open to the public and that Commissioner appointments to the Law Board are not in violation of the City's Code of Ethics policy and meets the principles of transparency. He said that it is the Commissioners responsibility to know what is going on as it pertains to public safety and enforcement and, stated that the police department provides a critical service that all taxpayers pay for, so a significant elected official presence on the Law Board makes sense for stewardship and fiscal responsibility. He said that Commissioners should serve when appointed to the Law Board and should resign from the Law Board when no longer a Commissioner. He said that the appointments are an important aspect of public service and would support the nominations.

Commissioner Phillips stated that it is important that Commissioners have a say in how such a significant portion of the City's budget is spent and its impact on the mill levy and City budget. He voiced opposition to the assessment made that transparency equals citizen involvement.

Commissioner Strawn reiterated the importance for citizen participation in serving on boards and voiced the need for additional citizen membership on the Law Board to promote transparency and good governance.

Ron Fehr, City Manager, responded to questions from the Commission regarding the ability for other boards to set their own mill levies.

Commissioner Strawn stated that he has asked for a review of the Statute and that has been put on hold until the lawsuit is over. He said the Statute needs to be revisited and supported a citizen to be appointed to the Law Board.

Commissioner Sherow stated that his preference would be to have two City Commissioners on the Law Board, but would prefer to have all City Commissioners able to weigh in on the mill levy in order to be good stewards of City resources.

Commissioner Snead provided additional information on the formation of the Riley County Police Department and stated that a significant presence of Commissioners makes sense given the financial impacts.

CONSENT AGENDA (*CONTINUED*)

* **RILEY COUNTY LAW BOARD APPOINTMENTS (*CONTINUED*)**

Bill Reece, 2013 Deerfield Square, provided background information about the composition of the Riley County Law Board and the State Statute creating the Riley County Police Department. He stated that it is appropriate for citizen representation on the Riley County Law Enforcement Board that is not politically motivated.

Loren Pepperd, 3005 Tomahawk Circle, provided the Commission with additional information on the provisions of the Statute and stated that citizens should be involved and appointed to the Riley County Law Enforcement Board. He stated that if the Statute needs to be corrected, that it be changed or if not, then, the Statute should be followed.

Commissioner Snead stated that the timing of the Riley County Police Department's budget process provides a very narrow window for budget feedback and that it is important to have more, rather than less, City Commissioner participation.

Commissioner Phillips expressed his frustration with the Statute and the Riley County Police Department budget that needs to be accepted into the City Budget.

Commissioner Sherow stated that revenue increases from new property tax gains the last two years, were eaten up by the Riley County Police Department budget before the City could realize the gain in new property taxes.

Mayor Hatesohl suggested that the Riley County Law Enforcement Board appointments be pulled off the agenda and that he would ask members of the public and the Commission to submit names of Manhattan residents who could serve on the Law Board. He stated that he would give up his seat on the Law Board and encouraged those interested to submit their applications for a citizen position on the Law Board and that he would also appoint two Commissioners.

After additional discussion, Commissioner Snead moved to approve the consent agenda, as amended, with the removal of Item R: Board Appointments for Riley County Law Enforcement Board. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item M: IRB's for GTM Sportswear, which carried 4-0 with Commissioner Strawn abstaining from the item.

GENERAL AGENDA

FIRST READING – REZONE - LOTS 7B, 8A-9B, AND LOTS 10 – 56, CEDAR GLEN ADDITION

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

Commissioner Snead moved to approve first reading of an ordinance rezoning Lots 7B, 8A-9B, and Lots 10 – 56, Cedar Glen Addition, generally located west of and adjacent to Little Kitten Avenue and Buckner Drive, from R-M, Four-Family Residential District, to R-2, Two-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 3*). Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:19 p.m. the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

NOTE: THE PRELIMINARY DEVELOPMENT PLAN FOR THE APPROVED MCCALL LANDING COMMERCIAL PLANNED UNIT DEVELOPMENT WAS APPROVED MAY 20, 2008 (SITE PLAN AND ORDINANCE ATTACHED.) DUE TO THE EXTENSIVE CHANGES TO THE APPROVED PUD, A REVISED PRELIMINARY DEVELOPMENT PLAN APPLICATION WAS SUBMITTED.

FROM: PUD, Commercial Planned Unit Development District.

TO: PUD, Commercial Planned Unit Development District.

OWNER/ ADDRESS: McCall Inc. / 615 McCall Road, Manhattan KS.

APPLICANT/ ADDRESS: McCullough Development Inc. – Charles Busch/PO Box 1088,
210 N. 4th Street, Manhattan KS.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, October 27, 2008.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, November 17, 2008. At the request of the applicant, the public hearing was tabled on November 17, 2008, to the Monday, December 1, 2008, Planning Board meeting.

CITY COMMISSION: Tuesday, December 16, 2008.

LOCATION: North of the intersection of McCall Road and Carlson Street, south of Levee Drive, west of McCall Pattern Company, and east of Abbott Management and Sunflower Self-Storage.

AREA: Approximately 26-acres.

PROPOSED USES: The revised McCall Landing PUD will consist of the following proposed Permitted Uses:

1. Farm and ranch supply stores such as, but not limited to, Orscheln Farm & Home, with associated outdoor sales, display and storage.

2. Business and professional offices.
3. Restaurants, including drive-in type.
4. Banks and financial institutions, including drive-in type.
5. Convenience stores, without buried storage tanks.
6. Package liquor stores.
7. Retail stores.
8. Home improvement centers, including retail sale of general merchandise, lumber yards, landscape and garden products, hardware, appliances and fixtures, carpet, tile and floor coverings, and general home improvement, household and related products, and outdoor sales, display and storage, including lumber yard areas for stores such as, but not limited to, Menards.

Lot 1 is for a proposed Orscheln Farm and Home store; Lot 2 is for a Menard's; and, Lots 3 and 4 are future out-lots, each subject to a PUD amendment.

PROPOSED BUILDINGS AND STRUCTURES:

Lot 1 - Orscheln Farm and Ranch

The proposed site is approximately four acres in area on which a 50,000 square foot Orscheln Farm and Home super store will be constructed, and a 20,000 square foot screened outdoor storage area (see Sheets A1.00 and A2.00), as well as outdoor display and proposed storage along the south and west sidewalks adjacent to the building.

The Orscheln Farm and Home business is a relocation of its existing business from its current location on the southwest corner of McCall Road and Enoch Lane. The one-story flat roofed building is 22 feet in height, with an exterior of tan aggregate covered metal panels similar in color and material to the McCall Pattern Company. An entry canopy extends along the west elevation of the building for the majority of the storefront. There is a covered entry on the south storefront of the building. Each canopy has supporting brick columns. An entrance to the tire shop is also on the south side of the building.

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

Sidewalk display includes smaller lawn and garden plant materials, equipment, tools and supplies, as well as smaller ranch and home supply items. The enclosed area includes large items such as fencing, larger building supplies, water tanks and other larger items. For a more complete list see written application documents.

Attachment No. 1

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

Lot 2 - Menards

The proposed Menards' site is approximately 18 acres in area on which a 202,948 square foot retail building is proposed consisting of heated indoor building area (162,340 square feet) and unheated indoor building space (40,608 square feet). Heated area contains approximately 94,432 square feet of retail area, 49,675 square feet of retail/warehouse space, 14,482 square feet of receiving area, and 3,751 square feet of bathroom/office space. Unheated building space contains 27,648 square feet of garden center/shipping area located on the eastern side of the building, and 12,960 square feet of rear overhang.

In addition, there is an outdoor storage/lumber yard (180,982 square feet) on the north and east sides of the building consisting of a lumber warehouse (26,420 square feet) to the north of the main building, an approximate 15,000 square feet of roofed over palletized lumber storage, which also functions as a 14 foot tall wood screening wall along the east, north and west perimeters of the building site, and approximately 15,400 square feet of open palletized lumber storage nine feet in height, which is located to the immediate east of the garden center. The remainder is driving aisle. The rear wall of the lumber warehouse is approximately 27 feet in height and provides an additional 13 feet of screening for that part of the warehouse along the northern part of the site. The south side of the storage yard is screened with a four foot concrete wall and nine foot wrought iron fence.

The Menards' building is approximately 30 feet in height and constructed of smooth finish precast concrete exterior walls with buff colored exterior aggregate walls on the south and west sides of the building and unpainted precast concrete walls on the east and north sides of the building. Emerald green standing seam accents are shown on the south, east and north sides of the building (see Sheets D4-D6 for more architectural details). The warehouse and roofed over palletized storage roof are standing seam metal.

The remainder of the site is off-street parking and landscaped space including a drainage basin on the east side of Lot 2.

Lots 3 and 4

Future PUD amendments.

PROPOSED LOT COVERAGE-TOTALS

<u>Use</u>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Buildings/Outdoor Storage	489,145 square feet	43%
Travel Easement/ Drives/Parking	393,659 square feet	35%
Open/Landscape Space	204,412 square feet	18%

Approximately 40,946 square feet (4%) of the site will be dedicated as right-of-way for future McCall Road.

Note: See Sheet C3 of the PUD drawings for projected individual lot coverage.

PROPOSED SIGNS-LOT 1

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
One Wall/Box Store Name	40 ft. long by 5.5 ft tall (220sq ft in area)	Internally lit
One wall painted Tire Shop	6 ft by 1 ft (6 sq ft in area)	None proposed
One ground sign (Orscheln)	15 feet by 10 ft 8 in. (160 sf ft in area incl. base)	May be ground or internally lit

PROPOSED SIGNS-LOT 2

The Menards' signage plan is shown on Sheet D4 and consists of a main entrance sign, and product and directional signage. In addition, a banner sign is proposed over the concrete block outdoor storage area along the sidewalk in front of the building between the garden center and main building exit. Signage is more in keeping with C-5, Highway Service Commercial District, than C-2, Neighborhood Commercial District, as recommended for PUDs; however, the total square feet of sign area is less than would be allowed under C-2 sign guidelines.

A 15 foot tall double faced ground entry sign is proposed at the northwest corner of the intersection of proposed Carlson Place and McCall Road. The signage will be internally illuminated and mounted on a precast concrete base with space for two other business names, in addition to the Menards' space. The Menards' portion of the sign is approximately 100 square feet in area (23 feet 8 inches long by 4 feet 3 inches tall), with each separate sign space 50 square feet in area. The ground sign will be in a landscaped base.

Attachment No. 1

The applicant's overall sign proposal is generally consistent with the signage requirements of the C-2, Neighborhood Shopping District, with respect to square footage, but deviates in terms of total number of signs. To ensure consistency on Lots 3 and 4 of the PUD, the sign requirements of the C-2 District should apply to those two lots due to their frontage along a major street; however, future amendments may contain requests for sign changes for a specific site.

As with the approved PUD, each business may have one temporary banner sign on the businesses lot. Exempt signs such as address numerals and construction sign will be allowed as well.

PROPOSED LIGHTING: Proposed Carlson Place and McCall Place, and Lots 1 and 2 parking lot lights are full-cutoff, 30 foot tall metal poles. Building lights will accent entrances and provide general security and are full cut-off design. In addition, the wrought iron screening fence on the south side of Menards has decorative light fixtures on the top of the fence.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Landscaping is a combination of grass areas, and deciduous trees scattered throughout the parking lots in landscape islands and along the east side of Carlson Place frontage. The west side of the street will be landscaped with the development of Lot 3 and 4. Lot 2's perimeter on the north, east and west sides is open lawn with scattered trees. In addition, building foundation plantings are proposed at the northwest, southwest and southeast corners of Orscheln's and at the base of the wrought iron screening fence for Menards.

Underground irrigation will maintain landscape areas along the street and on Lot 1 and 2.

The remainder of the site will be seeded with K-31 fescue grass, or native grasses, until each lot is developed.

2. SCREENING: Orscheln's trash dumpster is proposed to be screened with a 6 foot masonry wall with gates on the north side of the outdoor storage area. The 20,000 square foot outdoor storage area will be enclosed by a black chain link six foot tall fence with black vertical slats. The fenced outdoor storage area is approximately 105 feet north of McCall Road right-of-way. Display areas along the south and west sides of the building will be approximately 160 feet from Carlson Place and 105 feet from McCall Road, both visible from the street. Outdoor display on the south side of the building sidewalk will be visible from McCall Road, a major street, should not be allowed.

Attachment No. 1

Menards' screening consists of a six foot tall PVC fence enclosure with a wood grain finish around a transformer pad to the south of the store's main entrance in the parking lot; a 14 foot tall wood screening wall around the lumber yard; and, a wrought iron fence along the front to the east of the garden center. Trash compaction is behind the building in the outdoor storage yard.

3. DRAINAGE: A Drainage Study, dated October 3, 2008, was submitted by Schwab-Eaton, P.A. The site will drain, in part, to the south and southeast through on-site storm sewer improvements to future storm sewer improvements associated with McCall Road. However, the majority of the site will drain to a detention basin on the east side of the Menards' site, which drains to McCall Road future storm water improvements. The City Engineer has reviewed the proposed drainage study (memo attached) and accepts the consultant's drainage plan. The north portions of the site are currently designed to drain to a drainage easement generally along the north boundary of the PUD. The majority of the outdoor storage yard will need to be designed to drain to a proposed storm sewer and inlets rather than to the drainage easement along the north boundary of the PUD; however, some roof top run-off will drain to the drainage easement.

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

The PUD will be accessed off McCall Road from a proposed new street, Carson Place, a Travel Easement, a right-in right out at the southeast corner of Lot 1, and a future curb cut at the southwest corner of Lot 4, which will be provided with the future amendment of Lot 4. Access is otherwise prohibited for lots abutting McCall Road and extending along the east and west sides of Carlson Place a distance of approximately 240 feet. McCall Place, a Travel Easement, extends from Carlson Place to the western boundary of the PUD and provides access to Lots 3 and 4, and acts as a frontage road as well. A possible Travel Easement may be provided on the west side of Lot 4. In addition, the applicant's consultant has indicated Carlson Place may be converted to public right-of-way after construction.

McCall Road is not built to an urban section with curb and gutter, storm water improvements or sidewalks. Currently, the street is a three lane section with two through lanes and a center turn lane. **BENEFIT DISTRICT PETITIONS WERE APPROVED BY THE CITY COMMISSION ON NOVEMBER 18, 2008, TO IMPROVE MCCALL ROAD FOR A FIVE LANE SECTION OF ARTERIAL STREET, WHICH WILL CONSIST OF FOUR THROUGH LANES, A CENTER TURN LANE, CURB AND GUTTER, STORM WATER IMPROVEMENTS AND FIVE FOOT SIDEWALKS ON BOTH SIDES OF THE STREET, WITH FROM THE INTERSECTION OF U.S. HIGHWAY 24 (E. POYNTZ AVENUE) TO THE**

HAYES DRIVE INTERSECTION. AN APPROXIMATE EIGHT TO TEN FOOT SHARED USE CONCRETE SIDEWALK WILL BE INVESTIGATED BY THE PUBLIC WORKS DEPARTMENT ALONG THE NORTH SIDE OF MCCALL ROAD AT THE DIRECTION OF THE CITY COMMISSION. A 20 FOOT PEDESTRIAN EASEMENT IS PROPOSED ALONG THE PUD'S FRONTAGE OF MCCALL ROAD, WHICH WILL PROVIDE SUFFICIENT SPACE FOR SHARED USE IMPROVEMENTS TO BE INVESTIGATED ON THE NORTH SIDE OF MCCALL ROAD, IF RIGHT-OF-WAY WIDTH IS NOT ADEQUATE.

Internal Access

Access to Lot 1 is from proposed Carlson Place. The curb cut is located approximately 245 feet north of the intersection of existing Carlson Place and McCall Road. The Carlson Place entrance is approximately 70 feet in width at its southern end to accommodate turning lanes and reduces in width to 60 feet approximately 245 feet north of McCall Road. Access is also from a private driveway on the east side of Lot 1 off McCall Road.

Lot 2 is accessed off the private drive on the east side of Lot 1, as well as an extension of Carlson Place into the Menards' parking lot, and off the McCall Place Travel Easement.

Lots 3 and 4 are accessed of McCall Place with Lot 4 also accessed off a private drive on the west side of the lot, which may be a Travel Easement rather than a private drive.

Sidewalks and Pedestrian Circulation

No sidewalk currently exists along McCall Road. The City Commission approved a benefit district petition for improvement of McCall Road to an urban section on November 18, 2008. A part of the improvements include five foot sidewalks on the north and south sides of the future street, with the Public Works Department directed to investigate a shared use sidewalk on the north side of the street. The shared use would be an approximate eight to ten foot sidewalk for pedestrian and bicyclists similar to the Hudson Trail. A 20 foot pedestrian easement is provided for on the PUD along McCall Road if the shared use extends onto the PUD.

Sidewalks will be constructed along one side of proposed Carlson Place and along the south side of McCall Place to the western boundary of the PUD. Pedestrian connections from the public sidewalks will provide access to Orscheln's and to Menards' buildings.

Off-street parking

The Orscheln store generates a demand for 170 off street parking spaces (164 for the retail space (1:250 square feet of retail floor area), five for outdoor storage (1:2,000 square of storage and one for office space). One hundred and seventy two (172) parking spaces are proposed, which should be adequate.

Attachment No. 1

Menards generates a demand for 450 off-street parking spaces (377 for the retail floor area (1:250), 25 for the indoor warehouse (1:2,000), eleven for the unheated garden center (1:2,000), nine for the office, and 28 for outdoor warehousing (1:2,000). Four hundred and forty three (443) parking spaces are proposed, which should be adequate.

Future lots will be considered with amendments for the specific use and demand generated.

Traffic Study

A Traffic Impact Study, dated January 2008, Revised October 2008, was submitted by Schwab-Eaton P.A. The study was reviewed and accepted by the City Engineer (*see attached memo*). **MCCALL ROAD BENEFIT DISTRICT PETITIONS WERE APPROVED BY THE CITY COMMISSION TO UPGRADE THE STREET TO A FIVE LANE URBAN SECTION BETWEEN U.S. HIGHWAY 24 AND HAYES DRIVE. A TRAFFIC SIGNAL AT CARLSON PLACE AND MCCALL ROAD WOULD BE INSTALLED WITH STREET IMPROVEMENTS.**

5. OPEN SPACE AND COMMON AREA: The majority of open space is dedicated to parking and driving aisles (approximately 35% of the site) and landscaped areas (approximately 18%). Future sites will be evaluated with future PUD amendments.

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

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Undeveloped open agricultural field, which was rezoned to Commercial PUD on May 20, 2008 and commonly referred to a McCall Landing PUD.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Flat and tilled with the western the majority of the site in the 100 Year Flood Plain and the remainder in the 500 Year Flood Plain.

3. SURROUNDING LAND USE AND ZONING:

(a.) **NORTH:** City water well fields, Levee Drive: I-2 District.

(b.) **SOUTH:** McCall Road, Orscheln's Farm and Home store, GTM manufacturing, research facilities, car wash, self storage facilities, automobile sales and service; C-5, Highway Service Commercial District and I-2 District.

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

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

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site could be developed as a commercial PUD, subject to Ordinance No. 6700, dated May 20, 2008. Its current use for agricultural crop is nonconforming to the PUD.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The site is in a commercial growth corridor and its development as a commercial PUD should be compatible with the surrounding neighborhood. Minimal impact on property along the corridor is expected; however, the proposed sidewalk storage along McCall Road on the south side of Orscheln's building is inconsistent with the developing commercial character of the street and should not be allowed on the south side of the building's sidewalk. Sufficient area is set aside on the west front of the building and the 20,000 square feet of outdoor, screened storage.

McCall Road will be upgraded to a five lane urban section with curb and gutter, sidewalk, storm sewer improvements and traffic signal at Carlson Place and McCall Road.

Fifty foot well head protection zones around City well heads are shown along the northern boundary of the PUD, and extend partially in the PUD. In addition, 100 foot well head considerations are taken into account for the public water system. A 100 foot easement is not required if the intent is demonstrated to protect the public water supply. Part of the lumber warehouse is in the 100 foot well head area. Structures may be allowed in close proximity; however, no underground liquid fuel storage tanks will be allowed in the PUD, nor will storage of hazardous materials will be allowed in the east half of the warehouse. Fifty foot well head easements should also be designated as "No Structures Zone" to prohibit pollutants in the well head area, except that the palletized lumber storage and

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screening fence would be allowed if hard surface slopes and drainage are redirected in the outdoor storage yard to the storm sewer drainage improvements rather than the drainage easement to the north of the improvements.

No public access to the north or east is proposed, except for emergency fire access; however, public access is proposed to the west for future anticipated development.

6. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is in the Northeast Planning Area of the Future Land Use Map of the Comprehensive Plan. The site is shown as Industrial (IND) on the map. The proposed rezoning would implement a development generally consistent with the policies applicable to all commercial development, as well as policies applicable to Community Commercial, set out below after the policies of the IND category.

Policies of the IND category include:

Employment: Industrial and Office

BACKGROUND AND INTENT

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

INDUSTRIAL (IND)

I 1: Characteristics

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

I 2: Location

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

I 3: Screening

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

Commercial policies include:

Commercial

BACKGROUND AND INTENT

The City contains numerous commercial areas that provide the necessary goods and services for residents of the community and region as well as visitors. Commercial developments must be located and designed to balance market opportunities with access and location. In addition, the location and design of commercial areas must be incorporated into surrounding areas, rather than altering the character of surrounding neighborhoods. While the Downtown, or Central Core District, will remain the primary focus of regional commercial activity for the community and region, a variety of other community and neighborhood scale commercial centers will be distributed throughout the community to provide for the day-to-day needs of residents.

COMMERCIAL- ALL CATEGORIES

C 1: Designate Commercial Areas According to Their Role and Function in the Region

To provide a variety of commercial services to the community, three commercial designations are provided, depending on the center's scale, purpose, location, and intensity of use. These include the Central Core District, Community Commercial, and Neighborhood Commercial.

C 2: Distribution of Commercial Services

Commercial centers should be distributed throughout the community to provide ease of access for all residents and minimize the need for cross-town vehicle trips.

C 3: Locate All Commercial Uses in Activity Centers

Commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Development of distinct commercial nodes will help preserve the residential character of many of the major street corridors throughout the community and help prevent the negative impacts caused by multiple access points along a corridor. Commercial activities, when grouped in cohesive centers or nodes, result in more viable areas compared to scattered or isolated single use commercial sites. Activity centers, or nodes, provide a variety of services in a concentrated location to promote “one-stop shopping” and minimize the need for multiple vehicle trips. Each center has a limited number of vehicle access points to minimize impacts on surrounding uses and maintain an efficient traffic flow to and from the site. Uses are typically clustered on larger sites near the intersection of two major streets rather than being developed in linear, “strip” configurations along major street corridors. Linear development patterns, particularly when parcels provide a single use and are developed independently, can require multiple access points and lead to disruption of traffic flow on adjacent streets. Although lot sizes and/or configurations in some areas may warrant the use of a more linear development pattern, it is generally discouraged.

C4: Include a Mix of Uses in New and Redeveloped Commercial Areas

New development and redevelopment should include a mix of uses of different types and sizes, creating a diversity of activity and avoiding large, single-use buildings and dominating parking areas.

C5: Promote a High Quality Urban Environment

The physical design of commercial development areas shall promote a high quality urban environment, as expressed by site layout, building materials and design, landscaping, parking area design, and pedestrian-oriented facilities, such as through use of design guidelines.

COMMUNITY COMMERCIAL (CC)

CC 1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing

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stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC 2: Location

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

CC 3: Size

Typically require a site of between 10 and 30 acres.

CC 4: Unified Site Design

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

CC 5: Architectural Character

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

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

CC 6: Organization of Uses

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

CC 7: Parking Design and Layout

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

CC 8: Circulation and Access

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

Chapter 8: Mobility and Transportation Options

BACKGROUND AND INTENT

Mobility, efficiency and safety are important components of a transportation system. Current and future mobility needs will be addressed through appropriate land use decisions as guided by the Comprehensive Plan.

GOALS AND GUIDING PRINCIPLES

Goal #1

Ensure that new development patterns facilitate safety, connectivity, and mobility for all modes of transportation in established and developing areas of the community.

Guiding Principles:

- *Plan for a balanced, multi-modal transportation system of streets, sidewalks, bikeways and future public transit to meet the current and future mobility needs of the community.*
- *Promote street patterns that provide maximum safety and mobility for all modes of transportation, while preserving neighborhood integrity.*
- *Promote greater connectivity between different neighborhoods and commercial areas by providing appropriate access for automobiles, bicycles and pedestrians.*

POLICIES

MO 2: Multi-Modal Transportation System

The City and County shall continue to work towards the development of an integrated, multi-modal transportation system for Manhattan. New development shall be designed to eliminate conflicts between motor vehicle, bicycle, and pedestrian users, and provide safe and convenient access to and between residential neighborhoods, schools, employment and service centers, and recreational uses.

MO 3: Establish Interconnected Neighborhood Street and Sidewalk Patterns

Neighborhood streets and sidewalks in both new and existing areas shall form an interconnected network, including vehicular, bicycle, and pedestrian routes within and between neighborhoods, in order to connect neighborhoods together and with other parts of the community and region. In particular, direct walkway and bicycle routes to schools, parks, employment and service centers, and other community facilities should be provided.

MTO 4: Accessible, Pedestrian-Friendly Development

Future commercial and residential projects in the Urban Service Area Boundary shall be planned to ensure that sites and land uses are readily accessible to all modes—pedestrians, bicycles, autos, and future public transit.

The proposed PUD is in a commercial growth corridor, which has experienced commercial development along a major street, McCall Road, primarily around the Hayes Drive and McCall Road intersection and west to Tuttle Creek Boulevard. The PUD is concentrated off proposed Carlson Place with three lots fronting on McCall Road. McCall Road will be improved to a five lane urban section of street, which is expected to provide for all modes of transportation consistent with the policies of the Comprehensive Plan. The proposed PUD is in general conformance to the Comprehensive Plan.

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

1968	Annexation and rezoning to I-3, Light Industrial District.
1969-2008	Rezoned from I-3 District, to I-2, Industrial Park District.
April 21, 2008	Manhattan Urban Area Planning Board conducts the public hearing and recommends approval of the proposed rezoning of McCall Landing from I-2, Industrial Park District to PUD, Commercial Planned Unit Development District, with 15 conditions of approval.

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- May 6, 2008 City Commission approves first reading of an ordinance rezoning McCall Landing from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District.
- May 20, 2008 City Commission approves Ordinance No. 6700 rezoning McCall Landing from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District.

8. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed PUD is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

The majority of the site is in the 100 Year Flood Plain and building lowest floors must be elevated or flood proofed water tight to one foot above the Base Flood Elevation, which is 1008 feet NGVD. Lowest floors must be at 1009 feet NGVD. City of Manhattan Flood Plain Permits, as well as Kansas Division of Water Resources permits, when applicable, shall be approved prior to issuance of building permits.

Subject to the conditions of approval, proposed revised McCall Landing PUD is consistent with the Zoning Regulations.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: There appears to be no relative gain to the public, which denial would accomplish. Buildings must be protected to prevent flood damage. McCall Road will be upgraded to a five lane urban section with curb and gutter, sidewalks, storm sewer improvements and traffic signal at Carlson Place and McCall Road. Fifty foot well head protection zones around City well heads are shown along the northern boundary of the PUD, which are partially in the PUD. The lumber warehouse is in close proximity to the well head easement. Structures may be allowed in close proximity; however, no underground liquid fuel storage tanks will be allowed in the

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PUD, and storage of hazardous materials, chemicals and other pollutants, will be prohibited in the east half of the warehouse. The concrete base of the warehouse must drain to the south and its northern edge must be curbed to prevent at grade drainage to the north. Well head easements should be designated "No Structures Zone", except that palletized lumber storage and security fencing will be allowed in the easement. The concrete pad must be designed to drain to the south and the north edge of the concrete slab must be curbed to prevent at grade drainage to the north. No adverse impacts to the public are expected, subject to conditions of approval. Therefore, there may be a hardship to the applicant if the rezoning is denied.

10. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: THE SITE IS WITHIN THE CITY AND CAN BE SERVED BY PUBLIC IMPROVEMENTS, INCLUDING STREET, WATER, FIRE SERVICE AND SANITARY SEWER. MCCALL ROAD IS NOT ADEQUATE AS A THREE LANE SECTION FOR THE TRAFFIC GENERATED BY THE PROPOSED PUD. BENEFIT DISTRICT PETITIONS WERE APPROVED BY THE CITY COMMISSION ON NOVEMBER 18, 2008, TO IMPROVE MCCALL ROAD FOR A FIVE LANE SECTION OF ARTERIAL STREET, WHICH WILL CONSIST OF FOUR THROUGH LANES, A CENTER TURN LANE, CURB AND GUTTER, STORM WATER IMPROVEMENTS AND FIVE FOOT SIDEWALKS ON BOTH SIDES OF THE STREET, WITH FROM THE INTERSECTION OF U.S. HIGHWAY 24 (E. POYNTZ AVENUE) TO THE HAYES DRIVE INTERSECTION. AN APPROXIMATE EIGHT TO TEN FOOT SHARED USE CONCRETE SIDEWALK WILL BE INVESTIGATED BY THE PUBLIC WORKS DEPARTMENT ALONG THE NORTH SIDE OF MCCALL ROAD AT THE DIRECTION OF THE CITY COMMISSION. A 20 FOOT PEDESTRIAN EASEMENT IS PROPOSED ALONG THE PUD'S FRONTAGE OF MCCALL ROAD, WHICH WILL PROVIDE SUFFICIENT SPACE FOR SHARED USE IMPROVEMENTS TO BE INVESTIGATED ON THE NORTH SIDE OF MCCALL ROAD, IF RIGHT-OF-WAY WIDTH IS NOT ADEQUATE.

11. OTHER APPLICABLE FACTORS: None.

12. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of the proposed rezoning of McCall Landing Commercial PUD from PUD, Commercial Planned Unit Development District, to PUD, Commercial Planned Unit Development District, with the conditions:

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1. Permitted uses shall include Farm and ranch supply stores such as, but not limited to, Orscheln Farm & Home, with associated outdoor sales, display and storage; Business and professional offices; Restaurants, including drive-in type; Banks and financial institutions, including drive-in type; Convenience stores, without buried storage tanks; Package liquor stores; Retail stores; and, Home improvement centers, including retail sale of general merchandise, lumber yards, landscape and garden products, hardware, appliances and fixtures, carpet, tile and floor coverings, and general home improvement, household and related products, and outdoor sales, display and storage, including lumber yard areas for stores such as, but not limited to, Menards.
2. Outdoor display, storage and sales on Lot 1 shall be limited to the outside sidewalk area along the western side of the Orscheln's building and in the fenced enclosure, as shown on the application documents.
3. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
4. All landscaping and irrigation shall be maintained in good condition.
5. Light poles shall be provided as described in the application documents and shall be full cutoff design. Building lighting shall not cast direct light onto public or private streets or adjacent property and shall be full cut-off design.
6. Signage for Lot 1 – Orscheln's shall be constructed as proposed, consisting of wall signs.
7. Signage for Lot 2 and the ground sign on Lot 3 for Menards and other tenants of the PUD shall be constructed as proposed.
8. On all other lots there shall be no more than one (1) pole or ground sign per lot. In addition, pole signs shall have a maximum height of 30 feet above the ground; the total gross surface area of pole and ground signs including reader-boards shall be limited to no more than 1 square foot of sign area per 1 foot of linear street frontage and shall not exceed a maximum 200 square feet in area; all pole signs shall be fully skirted and the skirting and the bases of pole and ground signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and signs shall include a landscaped area around the base.
9. Wall signs on Lots 3 and 4 shall conform to requirements of the C-2, Neighborhood Shopping District of the Manhattan Zoning Regulations.
10. Temporary banner signs should be limited to no more than one (1) banner sign per lot. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.

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11. Prior to the development of Lot 3 and Lot 4, an amendment of the PUD shall be submitted and approved, prior to issuance of any necessary permits.
12. Underground liquid fuel storage tanks shall be prohibited in the PUD, and storage of hazardous materials, chemicals and other pollutants, shall be prohibited in the east half of the warehouse.
13. Well head easements shall be designated "No Structures Zone."
14. A revised drainage plan, consisting of grading and improvements necessary to protect the 50-foot and 100-foot well head areas, shall be submitted with the Final Development Plan. The revised drainage plan shall be approved by the Public Works Department.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the revised McCall Landing Commercial PUD from PUD, Commercial Planned Unit Development District, to PUD, Commercial 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 McCall Landing Commercial PUD from PUD, Commercial Planned Unit Development District, to PUD, Commercial 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 the revised McCall Landing Commercial PUD from PUD, Commercial Planned Unit Development District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the 14 conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: November 25, 2008; Revised December 1, 2008

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: C-5, Highway Service Commercial District.

TO: I-2, Industrial Park District.

APPLICANT: Dave Dreiling.

ADDRESS: 520 McCall Road, Manhattan KS, 66502.

OWNER: City of Manhattan.

ADDRESS: % 520 McCall Road, Manhattan KS, 66502.

LOCATION: 701 Enoch Lane, generally located on the northwest corner of the intersection of Enoch Lane and E. Poyntz Avenue.

AREA: Approximately one acre.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 10, 2008.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 1, 2008.

CITY COMMISSION: Tuesday, December 16, 2008.

EXISTING USE: The site was recently occupied by Purple Wave and earlier by Brooks Yamaha. There are two vacant commercial buildings, an approximate 5,600 square foot main building in the eastern part of the site, and an approximate 2,500 square foot storage building in the northwestern part of the site.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: A flat highway service commercial tract of land fronting on Enoch Lane to the east and U.S. Highway 24 (E. Poyntz Avenue) to the south. The site can be accessed from both rights-of-way. There are two commercial buildings on the site with off-street parking areas and access aisles gravel surfaced. The site is in the 100 Year Flood Plain. Development is subject to the requirements of Article X, Flood Plain Regulations of the Manhattan Zoning Regulations.

SURROUNDING LAND USE AND ZONING:

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- (1) **NORTH:** GTM Sportswear industrial building, vacant C-5 District lot and nonconforming residential dwelling, commercial service uses; I-2 District and C-5 District.
- (2) **SOUTH:** Motel, US Highway 24 (E. Poyntz Avenue); C-5 District, I-3, Light Industrial District, and I-4, Heavy Industrial District.
- (3) **EAST:** Enoch Lane, car dealership; C-5 District.
- (4) **WEST:** Carlson Street, motels, industrial park building, industrial research; C-5 and I-2 District.

GENERAL NEIGHBORHOOD CHARACTER: A mix of industrial park uses and service commercial uses.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for the permitted and conditional uses of the C-5, Highway Service Commercial District.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Areas to the north- west and immediate south are zoned I-2 District. The proposed change is consistent with industrial park uses off Carlson Street. I-2 and C-5 District abut one another in the area of the proposed rezoning and have co-existed for an extended time period. No negative impacts have been reported. An increase in traffic, light, and noise can be expected, consistent with a mix of service commercial and industrial park activities.

CONFORMANCE WITH COMPREHENSIVE PLAN: THE FUTURE LAND USE MAP FOR THE NORTHEAST PLANNING AREA DESIGNATES THE SITE AS COMMUNITY COMMERCIAL (CC) WITH IND, INDUSTRIAL TO THE NORTH.

The Community Commercial (CC) category policies are:

CC 1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a

variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged. (Chapter 4: Land Use and Growth Management, page 4-11)

CC 2: Location

Community Commercial Centers should be located at the intersection of one or more major arterial streets. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as “big-box” stores) shall only be permitted in areas of the City where adequate access and services can be provided. (Chapter 4: Land Use and Growth Management, page 4-11)

POLICIES OF THE INDUSTRIAL (IND) CATEGORY INCLUDE:

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. (Chapter 4: Land Use and Growth Management, page 4-15)*

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. (Chapter 4: Land Use and Growth Management, page 4-15)*

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. (Chapter 4: Land Use and Growth Management, page 4-15)*

The I-2 District allows manufacturing, research and industrial services consistent with the Comprehensive Plan. Other land adjacent to GTM Sportswear has been rezoned from C-5 to I-2 District to accommodate growth of GTM Sportswear. The proposed rezoning is in general conformance with the Comprehensive Plan

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The two existing buildings have been on the site for an unknown period of time. The rezoning site was annexed and rezoned to C-5 District in July 1969 and has remained C-5 District to date.

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 intent of the I-2 District is to allow a district designed for a broad range of manufacturing and research activities in a large lot industrial park setting. Minimum lot area in the I-2 District is one acre. The rezoning site will be combined with existing Lot 1, GTM Sportswear Addition, Unit Three. Proposed Lot 1, GTM Sportswear Addition, Unit Five, is approximately 7.5 acres in area. The proposed rezoning is consistent with the intent and purposes of the Zoning Regulations.

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

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

OTHER APPLICABLE FACTORS: The applicant has submitted a proposed Concurrent Plat (Preliminary Plat and Final Plat) of GTM Sportswear Addition, Unit Five, consisting Lot 1, GTM Sportswear Addition, Unit Three, the rezoning site, and Lot 2, Manhattan Industrial Park, Unit Eight. **THE CONCURRENT PLAT IS SUBJECT TO APPROVAL BY THE PLANNING BOARD, BASED ON THE REQUIREMENTS OF THE MANHATTAN URBAN AREA SUBDIVISION REGULATIONS, WHICH INCLUDES APPROVAL OF THE PROPOSED REZONING.**

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of 701 Enoch Lane from C-5, Highway Service Commercial District, to I-2, Industrial Park District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of 701 Enoch Lane from C-5, Highway Service Commercial District, to I-2, Industrial Park District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of 701 Enoch Lane from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: November 24, 2008
08078

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R-M, Four-Family Residential District

TO: R-2, Two-Family Residential District

APPLICANT/ ADDRESS: Doug DeMondbrun 1430 Poyntz Avenue, Manhattan, KS,

OWNERS/ADDRESS: G. Doug DeMondbrun Trust and Linda J. Conderman Trust/1430 Poyntz Avenue, Manhattan, KS,
Prairie Flower Homes, LLC/1430 Poyntz Avenue, Manhattan, KS,
Abbott/Anderson Development Company, Inc./225 McCall Road, Manhattan, KS
Western Hills, LLC/ 6803 NW Monticello Court, Kansas City, MO

LOCATION: Lots 7B, 8A-9B and Lots 10 – 56, Cedar Glen Addition. The site is generally located approximately 1,800 feet north of the intersection of Kimball Avenue and Little Kitten Avenue, adjacent to Little Kitten Avenue and Buckner Drive.

AREA: Approximately 12.11 acres (527,713 square feet)

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 24, 2008

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, December 15, 2008
CITY COMMISSION: Tuesday, December 30, 2008

EXISTING USE: Vacant residential lots appropriate for single-family, two-family and three- and four-family residential uses.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is rolling terrain which slopes to the west toward Little Kitten Creek. The site has been filled and graded for the construction of single-family homes. Public streets and utilities have been installed throughout the subdivision.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Vanesta Drive, an unplatted right-of-way, approximately 260 feet in width at its widest point, Grand Mere, Unit Three and Grand Mere Vanesta, Unit Two; R District.
- (2) **SOUTH:** Grand Mere Village and Stoneybrook Retirement Center; Commercial PUD District and R-3 District.
- (3) **EAST:** Little Kitten Avenue, a platted 60 foot right-of-way, Cedar Glen Addition, Unit One, Western Hills, Unit 14 and Western Hills, Unit 10; R-M District, R-2 District and R District.
- (4) **WEST:** Grand Mere Vanesta, Unit Two, Vanesta Drive, an unplatted right of way, approximately 240 feet in width at its widest point, Grand Mere, Unit Three; R District

GENERAL NEIGHBORHOOD CHARACTER: The area is characterized as a developing neighborhood in the northwest part of the City. To the north and west is large lot, single-family homes in the Grand Mere and Grand Mere Vanesta developments, and to the east is a mix of different types of housing with single-family attached and single-family detached homes. To the south are the Stoneybrook Retirement Community and the Grand Mere Village Commercial PUD.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:

The site is suitable for the permitted uses under the R-M, Four-Family Residential District. The original plat of the Cedar Glen Addition, which was platted in July, 2006 conforms to the requirements of the R-M District. The applicant is requesting the rezoning so that the homes designed for the lots on the subdivision will fit between the side property lines without requiring actions by the Board of Zoning Appeals. A Replat of Lots 10-18 and 33 – 56, Cedar Glen Addition has also been proposed so that the residential building design will fit on the lot. The existing R-M District requires a minimum side yard setback of eight (8) feet. The proposed R-2, Two-Family Residential District, requires a minimum of side yard setback of six (6) feet.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:

The site is in a growth area in the northwest part of the City. An increase in light, noise and traffic is expected. This increase will be consistent with the area which consists of single-family detached and single-family attached homes.

CONFORMANCE WITH COMPREHENSIVE PLAN: The rezoning site is shown on the Northwest Planning Area Future Land Use Map of the Comprehensive Plan as a combination of RMH, Residential Medium/High Density and OS, Open Space.

Policies of the RMH designation include:

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 four plexes 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.

RMH 3: Location

Residential Medium/High Density neighborhoods should be located close to arterial streets and be bounded by collector streets where possible, with a direct connection to work, shopping, and leisure activities.

RMH 4: Variety of Housing Styles

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

Based the number of lots established on the Final Plat of Cedar Glen Addition and the proposed replat of Cedar Glen Addition, Unit Two, the proposed R-2 District net density is 4.29 dwelling units per net acre

The OS designation is primarily due to the Little Kitten Creek 100 Year Flood Plain, which is located along the west site of the development.

Policies of the OS designation include:

NRE 1: Corridors, Buffers, and Linkages and Preserved Open Space

The City and County should use a variety of methods (both public and private) to facilitate the creation of a continuous, permanent, system of open space corridors using natural features such as preserved open space areas, drainages, streams, and rivers to the extent possible. Corridors should be identified during the subdivision or master planning process and should be used to provide linkages within and between non-contiguous parks, environmentally sensitive and preserved open space areas, as well as neighborhoods and other development areas. Buffers can also be used to provide a transition between different intensities of uses. The current width and shape and other features of a naturally occurring corridor (such as a drainageway) should be preserved, in order to maintain its environmental integrity and avoid creating an “engineered” appearance.

NRE 2: Parks and Recreation

The City and County should ensure that park and recreation facilities provide an adequate range of recreational opportunities. Facilities shall be designed in a manner that responds to the needs of the intended users. More specific policies and design guidelines are provided in the previously developed Comprehensive Parks Master Plan, Linear Park Master Plan - Phase II, Strategic Park Plan, Bicycle Master Plan, and the Fairmont Park Master Plan.

NRE 3: Trails Network

The City and County shall use a variety of methods to develop a system of open space that is connected, continuous, and permanent. The Linear Trail, which currently follows parts of Wildcat Creek, and the Big Blue and Kansas Rivers, represents the beginnings of a network of trails and open space that will link various areas of the City. Tributary drainage channels and other potential pedestrian corridors should also be incorporated as part of the overall network as they become integrated into residential areas.

NRE 4: Environmentally Sensitive Areas: Wildlife Habitat and Corridors, Wetlands, Riparian Areas and Prairie Ecosystems

The Urban Area is home to a variety of environmentally sensitive areas, including: Wildcat Creek, the Big Blue and Kansas Rivers, numerous secondary stream corridors, drainage areas, and wetlands, as well as prairie ecosystems. In addition to their scenic quality, these areas provide other benefits, such as water quality enhancement and flood control, potential ecotourism, and also serve as important wildlife habitat. The City and County shall work to ensure that development impacts upon these areas are minimized.

NRE 5: Environmentally Sensitive Site Design

The City and County shall ensure that environmentally sensitive site design practices are used in new development. Sensitive site design practices can minimize unnecessary physical and visual impacts upon the surrounding landscape, caused by excessive removal of existing vegetation or severe roadway cuts, and excessive grading of natural topography.

NRE 6: Natural Hazards

Development shall be prohibited in areas where natural hazards have been identified which have the potential to endanger life, resources, and property. Within the Manhattan Urban Area, these hazards include steep slopes (20% or greater slope), floodways, and other special flood hazard areas.

The Little Kitten Creek 100 year flood plain is located on the west side of the development. The developer has applied for and received a Letter of Map Revision-Based on Fill (LOMR-F), dated November 4, 2008, from the Federal Emergency Management Agency (FEMA) that has determined that portions of Lots 23 – 22, 36, 37, 38 and 50 through 56, Cedar Glen Addition, Unit One (subject property) has been removed from the Flood Zone AE based fill. Based on this determination, these portions of the subject property are located in Zone X (shaded). Portions of Lots 13 -18 remain in the Floodway District, Zone AE, and shall conform to the requirements of Article X, Flood Plain Regulations of the Zoning Regulations.

A note is on the Final Plat of Cedar Glen Addition, Unit Two, detailing the LOMR-F determination and the need for the determination document is to be filed with the plat for future reference.

The proposed rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

- | | |
|----------------|--|
| June 1, 1998 | Manhattan Urban Area Planning Board recommended approval of annexation of Tract VIII of Grand Mere, which would become known as the Cedar Glen Addition in 2002. |
| June 16, 1998 | City Commission approved first reading of annexation of Tract VIII of Grand Mere. |
| Sept. 10, 1998 | Manhattan Urban Area Planning Board recommended approval of rezoning Tract VIII to RM, Four-Family Residential District. |

Attachment No. 3

- Oct. 6, 1998 City Commission approved first reading of rezoning of Tract VIII of Grand Mere.
- Oct. 20, 1998 City Commission approved second reading of Ordinance No. 6041 rezoning Tracts VIII to RM, District.
- October 2, 2000 Manhattan Urban Area Planning Board recommended approval of rezoning eastern portion of Tract VIII, as a part of proposed Western Hills, Unit 11, to R2, Two-Family Residential District. (Note: the site would become part of Cedar Glen Addition in 2002.)
- October 17, 2000 City Commission approved first reading of rezoning of the eastern portion of Tract VIII, as a part of proposed Western Hills, Unit 11, to R2, Two-Family Residential District.
- November 7, 2000 City Commission approved second reading of Ordinance No. rezoning the eastern portion of Tract VIII, as a part of proposed Western Hills, Unit 11, to R2, Two-Family Residential District.
- July 1, 2002 Manhattan Urban Area Planning Board approves Preliminary Plat of the Cedar Glen Addition.
- June 29, 2006 Manhattan Urban Area Planning Board approves Final Plat of the Cedar Glen Addition.
- July 18, 2006 City Commission accepts easements and right -of-way as shown on the Final Plat of the Cedar Glen Addition.

The site has remained vacant for an undetermined length of time.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The R-2, Two-Family Residential District is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet. The proposed rezoning is consistent with the intent and purposes of the Zoning Regulations

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no relative gain to the public that denial would accomplish in comparison to the hardship to the owner. The February 4, 2005 revised NFIP map shows the west side of the development to be located in the Little Kitten Creek 100 year flood plain. The developer has applied for and received a Letter of Map Revision- Based on Fill (LOMR-F), dated November 4, 2008. The LOMR-F has determined that portions of Lots 23 – 22, 36, 37, 38 and 50 through 56, Cedar Glen Addition, Unit One (subject property) has been removed from the Flood Zone AE based fill. Based on this determination, these portions of the subject property are located in Zone X (shaded). Portions of Lots 13 -18 remain in the Floodway District, Zone AE, and shall conform to the requirements of Article X, Flood Plain Regulations of the Zoning Regulations.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The site is served by adequate public improvements, including street, water, fire service and sanitary sewer.

OTHER APPLICABLE FACTORS: None

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Lots 7B, 8A-9B and Lots 10 – 56, Cedar Glen Addition from R-M, Four-Family Residential District to R-2, Two-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lots 7B, 8A-9B and Lots 10 – 56, Cedar Glen Addition from R-M, Four-Family Residential District to R-2, Two-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lots 7B, 8A-9B and Lots 10 – 56, Cedar Glen Addition from R-M, Four-Family Residential District to R-2, Two-Family Residential District, based on the findings in the Staff Report .

PREPARED BY: Chad Bunger, Planner

DATE: November 25, 2008

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