



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, SEPTEMBER 1, 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 Bob Strawn and Commissioners Bruce Snead, James E. Sherow, Loren J. Pepperd, and Jayme Morris-Hardeman 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, 6 staff, and approximately 20 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Strawn led the Commission in the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Strawn opened the public comments.

Stan Hoerman, 2021 Bluehills Road, congratulated the City Commission for bringing in American Eagle with daily flights to Dallas/Fort Worth and stated that he had a great experience last weekend traveling on this flight. He encouraged the City to promote the advantage of free parking at the Manhattan Regional Airport.

Mayor Strawn thanked Mr. Hoerman for his comments and encouraged people and businesses in the region to use American Eagle and the Manhattan Regional Airport.

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

**COMMISSIONER COMMENTS**

Commissioner Morris-Hardeman informed the community of volunteer and training opportunities available with the Manhattan Crisis Center and Sunflower CASA. She encouraged those interested to contact the agency directly for additional information.

## COMMISSIONER COMMENTS (*CONTINUED*)

Mayor Strawn provided information about the H1N1 flu outbreak and stated that pregnant women especially need to be cautious, as they are four times more likely to be impacted. He encouraged everyone to take preventative steps and stated that vaccines will be in short supply and will likely be limited to those in the most susceptible groups.

Mayor Strawn then informed the community that the Commission discussed during the Discussion/Briefing session concerns with drivers using handheld devices and sending text messages while driving. He asked citizens to contact a Commissioner if you have thoughts relating to texting and driving, as the item may be discussed in the near future whether to pass an ordinance prohibiting motorists from sending text messages while driving.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, August 18, 2009, and the Special City Commission Meeting held Tuesday, August 25, 2009.

### CLAIMS REGISTER NO. 2619

The Commission approved Claims Register No. 2619 authorizing and approving the payment of claims from August 12, 2009, to August 25, 2009, in the amount of \$4,218,103.40.

### ORDINANCE NO. 6780 – ANNEX – GRAND CHAMPIONS

The Commission approved Ordinance No. 6780 annexing Grand Champions Development, an approximate five-acre tract of land, generally located 630 feet south of the intersection of Grand Mere Parkway and Colbert Hills Drive along the east side of Grand Mere Parkway, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

### ORDINANCE NO. 6781 – REZONE – GRAND CHAMPIONS

The Commission approved Ordinance No. 6781 rezoning Grand Champions Development from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report and the recommendation of the Planning Board (*See Attachment No. 1*).

## CONSENT AGENDA (CONTINUED)

### NEGOTIATE CONTRACT – CONSULTANT – UPDATE TRANSIT IMPLEMENTATION PLAN

The Commission approved the selection of TranSystems, of Kansas City, Missouri, to prepare an update of the *2001 Transit Implementation Plan* and authorized City Administration to negotiate a contract for services.

### AWARD CONTRACT - GRAND MERE VANESTA, UNIT 3 - SANITARY SEWER (SS0905), WATER (WA0902), AND STREET (ST0904) IMPROVEMENTS

The Commission accepted the Engineer's Estimate in the amount of \$894,730.00 and awarded a construction contract in the amount of \$594,382.50 to Larson Construction, Inc., of Manhattan, Kansas, for Grand Mere Vanesta, Unit 3, Sanitary Sewer (SS0905), Water (WA0902), and Streets (ST0904).

### AWARD CONTRACT – WASTEWATER TREATMENT PLANT AIR LINE REPAIR (SS0910)

The Commission awarded a contract in the amount of \$39,275.00 to Walters-Morgan Construction, Inc., of Manhattan, Kansas, for the Wastewater Treatment Plant Air Line Repair project (SS0910).

### RESOLUTION NO. 090109-A – MAINTENANCE AGREEMENT – MCCALL ROAD AND US 24 INTERSECTION (ST0907)

The Commission approved Resolution No. 090109-A authorizing the Mayor and City Clerk to execute an agreement with the Kansas Department of Transportation and Union Pacific Railroad Company for maintenance, operation, and installment of pedestrian and bicycle crossing at the intersection of McCall Road and US-24 (East Poyntz).

### BOARD APPOINTMENTS

The Commission approved the following appointments by Mayor Strawn to the Parks and Recreation Advisory Board:

Re-appointment of Walt Pesaresi, 3039 Conrow, to a four-year USD 383 term. Mr. Pesaresi's term begins immediately, and will expire June 30, 2013.

Appointment of Susan Marshall, 2708 Stone Pine Circle, to fill the unexpired USD 383 term of Curt Herrman. Ms. Marshall's term begins immediately, and will expire June 30, 2011.

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

## GENERAL AGENDA

### AGREEMENT FOR REPAYMENT OF EXISTING DEBT - FARRAR CORPORATION

John Pagen, Manhattan Area Chamber of Commerce, presented background information and an overview of the item.

Lauren Palmer, Assistant City Manager, presented the proposed agreement with Farrar Corporation, repayment proposal, site consideration for Manhattan Day Care and Learning Center, and recommendation of the item. She then responded to questions from the Commission regarding Industrial Revenue Bonds used for Farrar Corporation, ownership of the land, congressional earmark for the day care center, and the location of the day care facility in the Manhattan Industrial Park.

Bill Frost, City Attorney, provided clarification on the item and the ownership of the land with the Industrial Revenue Bonds issued for Farrar Corporation.

Lauren Palmer, Assistant City Manager, responded to questions from the Commission regarding taxes received from the building and rates charged by Manhattan Day Care Center to their clients.

Joe Farrar, President, Farrar Corporation, informed the Commission that the City approached him with the idea for a day care center and it seemed reasonable, given the value of the land. He stated that his firm is dependent on the national economy and is discussing the transfer of 15 jobs from its Norwich facility to Manhattan. He said that the initial move of employees and equipment is a significant amount equal to or above the cost of the land being discussed. He then responded to questions from the Commission regarding the potential jobs that would be brought to Manhattan, the range of wages for those positions, potential noise concerns, and stated that if his grandchildren were attending day care, he would not have any concerns with the day care facility being near his business.

Ron Fehr, City Manager, responded to questions from the Commission and provided background information on the recruitment of Farrar Corporation coming to Manhattan and discussions with Mr. Farrar regarding the proposal.

Joe Farrar, President, Farrar Corporation, responded to questions from the Commission and stated that he talked with City Manager Fehr and representatives from the day care center and Commissioner Snead in separate discussions regarding the proposal.

Commissioner Snead provided information about meetings held regarding the ongoing concerns with day care issues related to site and Manhattan Day Care and Learning Center.

## GENERAL AGENDA (CONTINUED)

### AGREEMENT FOR REPAYMENT OF EXISTING DEBT - FARRAR CORPORATION

Lauren Palmer, Assistant City Manager, provided additional information on the steering committee formed and responded to questions from the Commission.

Mark Long, 2201 Blaker Street, informed the Commission that he appreciated the concerns for child care in the community and stated the consideration of land of Farrar Corporation should be considered delicately as the process is addressed.

Jeff Rosenow, President, Manhattan Day Care and Learning Center Board of Directors, informed the Commission that it was critical that the new facility maximize business efficiency and provide an appropriate learning environment. He asked that this opportunity be embraced and asked the Commission to look favorably on the item. He then responded to questions from the Commission regarding facility costs, transportation of clients, and facility expansion. He stated that they have exhausted their options for finding an affordable site for a new facility and responded to questions from the Commission.

Vincent Tracey, 304 Knoxberry Drive, asked about the tax status of the property and how soon construction of the facility would begin.

Alice Wagner, Manhattan Day Care and Learning Center Board of Directors, informed the Commission that the Board has worked hard to provide affordable day care and asked that the proposal be approved.

Mary DeLuccie, 430 Shelle Road, Coordinator of K-State Child Development Program, informed the Commission of the important needs for quality child care in our community and asked the Commission to support this idea. She stated the City has historically supported child care and this is an opportunity to develop a new center that meets the needs of our community. She then responded to questions from the Commission about the importance of early learning experiences for children and the location of a center being near workers.

Jan Miller, 3806 Emerald Circle, informed the Commission that she appreciated the past support provided to Manhattan Day Care for so many years and asked for the Commission to continue that support.

Hallie, registered nurse at Fort Riley, stated that child care is important in our community and voiced concerns to ensure that day care centers are offered similar opportunities and are adequately serving the community at the appropriate rates and meeting community needs.

## GENERAL AGENDA (CONTINUED)

### AGREEMENT FOR REPAYMENT OF EXISTING DEBT - FARRAR CORPORATION (CONTINUED)

Commissioner Snead stated that last fall the Commission dealt with the financial crisis Manhattan Day Care and Learning Center faced and with the help of three entities, has provided the necessary support to sustain Manhattan Day Care over the next three years. He said that he has been publically engaged to assist Manhattan Day Care find a site and to enhance its fund-raising prospects. He stated that if Manhattan Day Care can't find a facility site, it would make it difficult for the Center to do fundraising. He said the site issue has to be resolved or the window starts to close on sustaining the existence of Manhattan Day Care.

After discussion, Commissioner Snead moved to authorize City Administration to finalize and the Mayor and City Clerk to execute a repayment agreement for the existing debt with Farrar Corporation. Commissioner Sherow seconded the motion.

Commissioner Sherow expressed his interest in the item and stated that even though the City doesn't own the title to the land, this would be similar to the City providing the Boys and Girls Club with a City-owned parking lot for its current facility. He voiced concern in wanting to see both objectives met with 15 new jobs added in our community and a new day care center facility.

Bill Frost, City Attorney, provided clarification on the item and proposed agreement with Farrar Corporation. He then responded to questions from the Commission regarding the agreement and job creation at the Manhattan Farrar facility.

Lauren Palmer, Assistant City Manager, provided additional information on the item.

Joe Farrar, President, Farrar Corporation, responded to questions from the Commission regarding the proposed agreement and stated that they are discussing and evaluating the economics and possibility of transferring people from its Norwich facility to Manhattan.

Bill Frost, City Attorney, provided additional information on the proposed agreement.

Commissioner Morris-Hardeman thanked all parties for being creative and stated that the City has a long-term commitment to quality day care. She stressed the importance for children to receive quality childcare and early learning experiences.

Commissioner Sherow stated that the City is not building a day care center, but providing an economic development agreement for a land transfer to occur that will provide an opportunity for a new day care center to be built.

## GENERAL AGENDA (CONTINUED)

### AGREEMENT FOR REPAYMENT OF EXISTING DEBT - FARRAR CORPORATION (CONTINUED)

Ron Fehr, City Manager, and Lauren Palmer, Assistant City Manager, responded to questions from the Commission regarding the property tax abatement provided to Farrar Corporation.

Mayor Strawn stated that the prior funding the City provided to Manhattan Day Care was to spur a private fundraising campaign that would actually obtain the site and that much of this should be through private funding. He voiced concern that every social service activity that comes before this Commission is going to pass and that we are running people out of Manhattan because they can't afford to live in Manhattan.

After additional discussion, on a roll call vote, motion carried 3-2, with Mayor Strawn and Commissioner Pepperd voting against the motion.

### FIRST READING - AMEND LOT 2, MCCALL CATS COMMERCIAL PLANNED UNIT DEVELOPMENT AND ORDINANCE NO. 6705

Eric Cattell, Assistant Director for Planning, presented the item and responded to questions from the Commission.

Dale Houdeshell, Director of Public Works, provided additional information on the sidewalk and pedestrian linkages.

Ron Fehr, City Manager, and Eric Cattell, Assistant Director for Planning, provided additional information on the item and responded to questions from the Commission regarding cross walks and driveways along McCall Road.

Jeff Hancock, Sloan, Meier and Hancock, provided additional information on the sidewalks and future connections along McCall Road.

After discussion, Commissioner Snead moved to approve first reading of an ordinance amending Lot 2, McCall Cats Commercial Planned Unit Development, generally located west of the intersection of McCall Road and Hayes Drive along the north side of McCall Road, for a proposed restaurant, and Ordinance No. 6705, based on the findings in the Staff Report, with the one condition of approval, as recommended by the Manhattan Urban Area Planning Board (*See Attachment No. 2*). Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 4-0, with Mayor Strawn abstaining from the item.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - ALLOW SALE OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE ON SUNDAYS AND SPECIFIED HOLIDAYS

Brian Williams, Assistant to the City Manager, presented the item. He then answered questions from the Commission regarding hours of operation and the option for businesses to be open on Sundays.

Stan Hoerman, 2021 Bluehills Road, voiced concern that this proposal would erode the quality of life that we appreciate in Manhattan and was opposed to making alcohol more accessible and asked that Sunday liquor sales not be approved.

Brian Williams, Assistant to the City Manager, responded to questions from the Commission regarding the proposed ordinance.

After discussion, Commissioner Sherow moved to approve first reading of an ordinance expanding the days of sale at retail of both cereal malt beverages and alcoholic liquor, in the original package, on any Sunday, except Easter, between the hours of 12 noon and 8 p.m. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

### WAIVE FEE REQUEST - MANHATTAN-OGDEN U.S.D. 383

Brad Claussen, Building Official, presented the item. He then responded to questions on the allocation of time to accomplish these inspections.

Ron Fehr, City Manager, provided additional information on the request.

Bob Seymour, U.S.D. 383, informed the Commission that the projects and plans will be sequential and could possibly expand over a four year period.

After discussion, Commissioner Sherow moved to approve the request from Manhattan-Ogden USD 383 to conduct plan review and inspections of the school district bond projects but waive associated building permit fees. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

### APPOINT CITY COMMISSION REPRESENTATIVE - CHAMBER BOARD

Mayor Strawn provided background information on the request that was discussed during the August 18, 2009, Commission meeting and reiterated his position that the City's Code of Ethics policy guided his decision to not participate as an ex-officio member of the Manhattan Chamber Board.

## GENERAL AGENDA (CONTINUED)

### APPOINT CITY COMMISSION REPRESENTATIVE - CHAMBER BOARD (CONTINUED)

Commissioner Snead stated that the Mayor typically holds the role of ex-officio member of the Chamber Board and as the current Mayor Pro-Tem and when serving as Mayor next April, he planned to take that important role and asked if another Commissioner would be willing to fill that role on an interim basis until next April. He asked if Commissioner Pepperd would be willing to serve on the Chamber Board in this timeframe, since he has served on the Chamber Board in the past.

Commissioner Pepperd stated that he has served on the Chamber Board in the past and agreed with the position of Mayor Strawn; however, he but would accept serving as an ex-officio member on the Chamber Board.

After discussion, Commissioner Snead moved to appoint Commissioner Pepperd to serve as liaison to the Manhattan Area Chamber of Commerce Board of Directors. Commissioner Sherow seconded the motion.

Vincent Tracey, 304 Knoxberry Drive, informed the Commission that while serving in the military there was a code of ethics and stated that a Commissioner served on the Chamber Board prior to adopting a Code of Ethics policy. He asked the Commission to consider appointing another City employee to sit in lieu of a Commissioner and to show the public that your rules apply to you as well.

Jane Clark, 2909 Tattarax Drive, stated that the Code of Ethics presents to the public the possibility of collusion between the two entities. She asked that if Commissioner Pepperd is more than qualified to sit in the position on an interim basis, why not have him serve full time instead of until the end of Mayor Strawn's term as Mayor.

Commissioner Snead said every previous Mayor has traditionally served in the capacity of ex-officio to the Chamber Board, but there is nothing that precludes it from being the Mayor or Mayor Pro-Tem. He stated that he is comfortable serving on the Chamber Board in this capacity during his term as Mayor.

Commissioner Pepperd stated that he understands the position that Mayor Strawn has taken on this matter and that he has served on the Chamber Board before. He then responded to questions from Mayor Strawn that he would represent the City Commission, report back to the City Commission, and would recuse himself from confidential or financial Chamber Board information.

## GENERAL AGENDA (CONTINUED)

### APPOINT CITY COMMISSION REPRESENTATIVE - CHAMBER BOARD (CONTINUED)

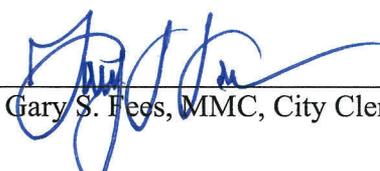
Linda Weis, Chairman of Board, Manhattan Area Chamber of Commerce, informed the Commission that the ex-officio position is a non-voting position and attendance is not required; however, ex-officio members are usually in attendance. She stated that ex-officio members provide a maximum of two minute reports to the Chamber Board and do not participate in voting. She then responded to questions from the Commission and stated that she and the Chamber Board members appreciate the information shared, first-hand, from the ex-officio members.

Commissioner Sherow stated his position and provided clarification to a recent letter to the editor regarding his former service as a Board Member on the Downtown Manhattan Inc., with full voting rights and policy making capacity, of which, he resigned when he became a City Commissioner. He stated that it is appropriate for Commissioner representation to attend as an ex-officio, non-voting member on the Chamber Board.

After additional discussion of the Commission, on a roll call vote, motion carried 3-1, with Mayor Strawn voting against the motion and Commissioner Pepperd abstaining from the motion.

### ADJOURNMENT

At 9:45 p.m. the Commission adjourned.



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Gary S. Fees, MMC, City Clerk

**STAFF REPORT**

**ON AN APPLICATION TO REZONE PROPERTY**

**FROM:** County R-PUD, Residential Planned Unit Development District.

**TO:** R-3, Multiple-Family Residential District.

**APPLICANT:** Grand Mere Development – Mary L. Vanier for Field House Development, Inc. – Zachary J. Burton, President.

**ADDRESS:** 2021 Vanesta Drive, Suite A, Manhattan, KS 66503; 2520 Heartland Drive, Manhattan, KS 66503.

**OWNER:** Grand Mere Development – Mary L. Vanier.

**ADDRESS:** 2021 Vanesta Drive, Suite A, Manhattan, KS 66503.

**LOCATION:** Generally located six hundred and thirty (630) feet south of the intersection of Grand Mere Parkway and Colbert Hills Drive along the east side of Grand Mere Parkway.

**AREA:** Approximately five acres (5.20)

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, July 13, 2009.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, August 3, 2009.

**CITY COMMISSION:** Tuesday, August 21, 2009.

**EXISTING USE:** Open undeveloped space in a phase of Grand Mere.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Open range land with native grass cover. The site slopes to the south and partly to the north.

**SURROUNDING LAND USE AND ZONING:**

(1) **NORTH:** Undeveloped space (future Grand Mere neighborhood recreation), Colbert Hills Drive; R-S, Single-Family Residential Suburban District.

*Attachment No. 1*

(2) **SOUTH:** Undeveloped space (future Grand Mere townhomes); County R-PUD, Residential Planned Unit Development District.

(3) **EAST:** Colbert Hills Golf Course (par three course); R-S District.

(4) **WEST:** Grand Mere Parkway, Undeveloped space (future Grand Mere Villas, single-family and open space), Colbert Hills Golf Course; County R-PUD, Residential Planned Unit Development District, and R-S District.

**GENERAL NEIGHBORHOOD CHARACTER:** Currently a mix of low density residential and golf course uses developing within a comprehensively planned neighborhood.

**SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site was rezoned to R-PUD in 1997. At the time of the rezoning, the developer of the golf course wanted assurance that when the golf course was annexed a zoning, specifically the R-PUD for the golf course was attached. The rezoning was done primarily for the benefit of the golf course development. Those portions of Grand Mere that are not annexed remain County R-PUD. The current R-PUD predated the Grand Mere Master Plan and Comprehensive Plan, which currently recommend townhomes and medium density residential, respectively. Development in Grand Mere is progressing to ensure attractive and orderly neighborhoods in response to changing market demand.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site is generally in an area that is undeveloped to the north, south and west. To the east is a par three golf course. Access to the site will off Grand Mere Parkway. An increase in light, noise and traffic can be expected with minimal impact on the largely undeveloped surrounding area. To ensure compatibility within Grand Mere, architectural guidelines and design standards provide for building review and approval. A design review committee is responsible for enforcement of guidelines and standards (*see policy statement below under Comprehensive Plan, part III Community Concepts and Development Strategy.*)

**CONFORMANCE WITH COMPREHENSIVE PLAN: THE PROPOSED SITE IS SHOWN ON THE FUTURE LAND USE MAP IN THE NORTHWEST PLANNING AREA AS RESIDENTIAL MEDIUM HIGH DENSITY (RMH).** The Grand Mere Community Master Plan was originally adopted in April 2000, and is included as a specific Land Use Element of the current Comprehensive Plan adopted in 2003. The Grand Mere Plan is a more detailed level neighborhood plan for the site, which notes the annexation site as “Townhomes”. Applicable policies of the Comprehensive Plan and Grand Mere, a Master Planned Golf Course Community, are set out below in italics.

## COMPREHENSIVE PLAN

### **Residential Medium/High Density (RMH)**

#### ***RMH 1: Characteristics***

*The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or four lexes 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.*

### **Grand Mere, a Master Planned Golf Course Community**

#### ***I. INTRODUCTION***

##### ***A. PURPOSE OF SUBMITTAL***

*This Grand Mere submittal is a proposed amendment to the 1991 City of Manhattan Comprehensive Land Use Plan. It is intended to be the guide for future zoning requests as the Grand Mere Community develops.*

## **B. PROJECT INTENT**

*The overall Land Use Amendment is intended to create a community designed within a park. By responding to the natural terrain, preserving natural corridors, protecting the slopes and riparian environment, a harmonious relationship with the land can be created for the community.*

*Grand Mere is envisioned as an upscale residential community, with the University's Colbert Hills Golf Course and preserved open space interwoven throughout the development. The community is made up of individual neighborhoods defined by open space features, topography, connection to the Grand Mere Parkway, and the golf course. A strong joint effort has integrated the golf course design (Colbert Hills) and the overall community design (Grand Mere Development). The interconnectivity of automobile circulation, pedestrian/bicycles, and open space, as well as residential neighborhood placement and overall community utility location, has created a well integrated community with both future residences and community recreation as the main focus. Flexibility is built into the land use plan to allow the development to respond to market demand.*

*Specific types of residential product may subtly change in the future due to market demand as the development pattern becomes clearer and as the community matures. The community will offer a high level of design quality, architectural variety, and a wide range of housing types to address the potential markets appropriate for an upscale development.*

### **5 KEY DESIGN CONCEPTS**

#### **1. Create a high quality residential community**

*Create a community of villages, residential neighborhoods, and neighborhood commercial areas centered along the projects' spine, Grand Mere Parkway. Through the use of architectural design guidelines and development reviews the quality of building construction will be maintained at the highest level.*

#### **2. Integrate the Natural Environment**

*Preserve the natural slopes and open space features. Provide a visual connection to the natural beauty of the development: the golf course in the valleys, the long vistas/views, and the prairie environment.*

### **3. Offer a Variety of Residential Living**

*Offer a wide range of residential products and lot types to address the market demands of the well informed and upscale consumer. An integrated community of many housing types will help to provide an interesting streetscape, a quality neighborhood texture, and a sustainable development.*

### **4. Create a Pedestrian/Bicycle System**

*Provide pedestrian/bicycle connections throughout the development, following the Grand Mere Parkway, open space corridors and the linear park connections provided as part of the Master Plan along Little Kitten Creek and the continuation of the Hudson trail.  
Grand Mere Community Overall Development Plan*

### **5. Establish a 'heart' to the community**

*Provide a central community feature for the residents of Grand Mere. Utilizing the golf clubhouse access as a link between the east and west parts of the property, a private community recreation complex would be provided at the intersection of Grand Mere Parkway and Colbert Hills Drive. This central location along the bike trail and pedestrian sidewalk connections to all the neighborhoods would provide an accessible 'recreational heart' for the community.*

## **III. COMMUNITY CONCEPTS AND DEVELOPMENT STRATEGY**

*Grand Mere is proposed as a Master Planned Community consisting of a wide range of residential housing types and densities and will be utilizing both Planned Unit Development and Conventional Zoning Development standards based on specific sites and development types.*

*The overall Grand Mere Project consists of 1,054 (estimated) acres, including the Colbert Hills Golf Course. Rather than dispersing development throughout the entire property, the project purposes to "concentrate" neighborhood development within residential and commercial villages on approximately 543 acres preserving almost 50% of the land as natural open space or golf course. This concept, while proposing a variety of home types and densities, provides large natural open spaces, golf course amenity for the general public, and peripheral residential villages as large lot or low density residential products that create an overall density (1.5 du/ac) for the site, consistent with the surrounding neighborhoods. All housing types shall belong to the Master Homes Association, which will be responsible for enforcing the covenants and restrictions, and maintaining the common grounds.*

*Attachment No. 1*

*Within the community, residential neighborhoods are supported by neighborhood commercial services, which provides a focus and entry element for the development. These neighborhood office and retail villages are envisioned as community services located at the development entries along the Little Kitten Creek entry and Kimball Ave. and the future northern entry on Marlatt.*

*Throughout the plan, connecting open space systems, sidewalks and bike trails provide pedestrian connections between residential neighborhoods, public amenities and the neighborhood services. These are planned connections to occur in a variety of types and locations. As each phase of development is planned in detail, the specific pedestrian connections will be part of each village plat and relate back to the overall Circulation Parks & Open Space Plan.*

*Grand Mere Community Architectural Guidelines and Design Standards will provide for the review and approval of all site and building plans for the Grand Mere property. The Design Review Committee of Grand Mere will be responsible for enforcement of these guidelines and standards. The Developer believes that careful planning and enforcement of design and development standards will ensure orderly, attractive, and lasting development, all of which will preserve and enhance the value of the community.*

**A. Residential Neighborhoods**

*The planning concept proposes a wide range of residential uses, with densities ranging from 1 to 20 dwelling units per acre (du/ac) within individual parcels. Generally, individual neighborhoods are envisioned as small enclaves in order to promote a mix of different product types, create intimate neighborhoods, and to build a strong community image from the project's onset. The key to a sustainable successful development is quality design and construction, and a variety of housing price points to attract a wide spectrum of residential consumers. Higher density residential, as well as small lot single-family opportunities are integrated into the community along Grand Mere Parkway, rather than isolated or located along the site's edges. While building a stronger new community, this concept also reduces impact on existing adjacent neighborhoods by focusing the traffic and circulation internally.*

**Residential Types:**

**Townhomes (RMH)**

*The townhomes proposed for Grand Mere are located along the parkway or the golf course for direct access to the recreation center, open space, and bike trail systems. These homes would offer a two and three bedroom configuration in groups of two to six homes*

*per building, depending on site conditions and planning. The homes association would provide maintenance for the common areas within the neighborhood. The architecture would be designed to provide an overall theme and consistent material quality throughout the neighborhood. Attached garages and individual entries for each home would be provided. Depending on the market demands an amenity center might be planned for the various townhome parcels.*

### **C. Streets and Circulation System**

*Residential streets within Grand Mere are envisioned as a key element of “neighborhood quality,” offering a place to walk and play, as well as to drive and park. The streetscape in and along the roads will reflect the quality of the community through the use of signage monumentation and landscaping depending on the location and natural conditions of the space providing strong visual “cues” to better orient drivers to their locations and destinations.*

*When utilizing the approved Manhattan street system standards the hierarchy, street-widths, design speeds, and travel/parking lanes are consistent and will not compromise auto on-street parking, or bike and pedestrian access. The street layout will frame important views and vistas, including buildings, golf course, and natural features. On-street parking is available on all local streets.*

*The Master Planned Community will be accessed from Kimball Avenue and Marlatt Avenue. Additional access points into the Community from surrounding residential streets are shown on the Master Plan.*

### **D. Pedestrian and Bicycle Circulation System**

*Connectivity with the City of Manhattan Linear Park Master Plan is our main focus for the overall trails system. A comprehensive pedestrian and bicycle system is proposed for the community to provide access to individual neighborhoods, the Club Facility and Hotel site, commercial services, and open space amenities~ Elements include both off-street and on street bike paths, natural unimproved trails, and a 17.2 acre linear park along Little Kitten Creek. An easement shall be provided for the extension of the Hudson trail northward, along the east property line to northeast corner section 3-10-7. All trail/path systems will be site- specifically designed at the time of construction. Each will be reviewed on a site-by-site basis to ensure sensitive placement and minimum disturbance. This will be coordinated with the Park & Recreation Board and the Parks and Recreation Department.*

***G. Golf Course Development***

*The Grand Mere development drainage and detention system shall be designed to work in concert with the golf course drainage and detention system. The course was designed to meet the environmental goals of the Audubon International Signature Status Program.*

***Bike Paths, Trails and Sidewalks***

*Bike paths, trails and sidewalks are provided along the internal streets and open spaces to provide internal connections between the villages where possible. See the Circulation Parks & Open Space Plan*

***M. Current School District Boundaries***

*The school district boundary between Manhattan U.S.D. 383 and Riley County U.S.D. 378 divides Grand Mere into east and west jurisdictions crossing the property beginning at the S.W. Corner of Section 3-10-7 and continuing north to the N.W. Corner of Section 3-10-7.*

As noted on the Preliminary Plat, the proposed density range is generally in the 8 to 10 dwelling units per net acre, which is based on a range of 36 total dwelling units (two, 14 unit apartment buildings and eight single family dwellings) to 42 total dwelling units (two, 17-unit apartment buildings and eight single-family dwellings.) The Comprehensive Plan suggests up to 19 dwelling units is appropriate in the RMH category and the Grand Mere Plan suggests a range of one up to 20 units.

**THE REZONING OF PROPOSED GRAND CHAMPIONS DEVELOPMENT CONFORMS TO THE POLICIES OF** Grand Mere, a Master Planned Golf Course Community and the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:**

August 7, 1997	Riley County Commission approved Preliminary Development Plan of Colbert Hills and the Wildcat PUD.
August 14, 1997	Riley County Commission approved Final Development Plan.
February 7, 2000	Planning Board approves resolution adopting Grand Mere Community Master Plan and amendment of Comprehensive Land Use Plan.

*Attachment No. 1*

March 7, 2000 City Commission approved first reading of an ordinance adopting the Grand Mere Community Master Plan.

April 2003 Comprehensive Plan adopted. Grand Mere Community Master Plan adopted as a related plan and implementation document.

**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-3, Multiple-Family Residential District is designed to provide for multiple-family development at a density no greater than one dwelling unit per 1,000 square feet. Multiple family lots are approximately 43,247 square feet and 47,536 square feet in area. Single-family lots range from approximately 10,091 square feet in area to 15,757 square feet in area. Both uses are permitted in the R-3 District and sufficient land area is set aside for the residential uses. The proposed rezoning is consistent with the intent and purpose of the Manhattan 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. No expected adverse affects on the public health, safety and welfare as a result of the rezoning. Development of the site cannot proceed until a Preliminary Plat is approved. A separate application was submitted for approval of a Preliminary Plat. It may be a hardship upon the owner if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate street, sanitary sewer and water services are available to serve the rezoning site.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of Grand Champions Development from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Grand Champions Development from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-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 Grand Champions Development from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report .

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

**DATE:** July 30, 2009

## **STAFF REPORT**

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

## **BACKGROUND**

**APPLICANT:** Dave Dreiling.

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

**OWNER:** Dave Dreiling.

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

**LOCATION:** Generally located 230 feet west of the intersection of McCall Road and Hayes Drive along the north side of McCall Road between Freddy's Frozen Custard restaurant and Firestone Complete Auto Care.

Lot 2, McCall Cats Commercial P.U.D., Commercial Planned Unit Development, an Addition to the City of Manhattan, Pottawatomie County, Kansas.

**AREA:** 42,688 square feet (0.98 acres).

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, July 27, 2009.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, August 17, 2009.

**CITY COMMISSION:** Tuesday, September 1, 2009.

**DESCRIPTION OF PROPOSED AMENDMENT:** The amendment is for a proposed Cox Brothers drive-in restaurant. Ordinance No. 6705 (attached), Condition 10, requires, "Prior to the development of Lot 2, an amendment of the PUD shall be submitted and approved prior to issuance of any required permits." In addition, Condition No. 6 states, "The skirted pole signs shall include a three (3) foot tall masonry planter around the base, incorporating masonry materials similar to those used in the building, and landscaping within the planter." The proposed pole sign is a 30 inch diameter pole wrapped in corrugated metal consistent with the building's exterior material. The term "skirting" is not defined and the proposed pole sign may not be consistent with the intent of Condition No. 6, which seems to be to reduce the "pole" appearance of signs within the PUD.

### Proposed Building

The proposed one story drive-in restaurant building is 4,177 square feet in area. It is 27 feet 8 inches in height, and will be constructed of primarily of unpainted galvanized metal siding and roofing, with “aged look” wood siding, trim and beams, and split face block (limestone color). An unpainted galvanized corrugated metal silo marks the entrance to restaurant, which faces southeast towards McCall Road. The restaurant has interior seating, a portion of which can function as patio seating by opening overhead doors located on the south end of the building. The wood oven and storage are located on the north end of the building. The architectural character of the building can be characterized as a “rib shack.” Light poles will be 28 feet in height, which includes the base. Light poles should be full cutoff design to reduce glare on streets and adjacent properties. Building lights are generally at entrances.

### Proposed Restaurant Signage

The applicant’s overall sign proposal for the PUD is generally consistent with the sign requirements for the C-2, Neighborhood Shopping District, except that the total number of wall signs on the east and west facades of the restaurant as described below. As shown on the site plan, the pole and directional signs are in a dedicated utility easement and will need to be relocated by the owner out of the easement if the City or a utility company requires use of the easement. The signs were shown on the approved Preliminary Development Plan and the proposed site was designed around the understanding the signs could be in the easement.

### Pole Sign

A 24-foot tall, 30-inch diameter, pole sign, proposed to be wrapped in galvanized metal, which will be located in the southwestern part of Lot 2. Total sign area in approximately 188 square feet consisting of internally illuminated restaurant name panel (70 square feet) and a separate menu board (117.5 square feet in area). The restaurant sign is in a three and one-half foot tall landscaped split face block base.

The proposed pole sign does not appear to be consistent with the intent of skirting, a term that is not defined in Ordinance No. 6705, even though it uses materials around the pole that are on the building. Based on the skirting of pole signs for the Comfort Suites hotel and Freddy’s Frozen Custard restaurant in the PUD in rectangular boxes around the pole, the proposed sign is not consistent with the term “skirting.” The applicant suggests the proposed pole sign captures the architectural character of the building, which it appears to do, be design and materials.

## Wall and Other Signs

The total number of wall signs on the east and west elevations of the restaurant exceed the total number of wall signs that would be allowed in C-2 District, however, total square footage is well below the maximum 30 percent allowed per façade. Signs on the east and west facades will be illuminated with a red neon border and located above windows. A wall sign on the north façade is bordered in red neon and less than 30 percent of the façade and is otherwise non-illuminated. A wall sign on the southeast corner of the building on the silo entry is bordered in red neon and externally illuminated by goose neck lamps and is less than 30 percent of the silos façade. An order board will be located on the north side of the site in the landscape island.

Temporary banner signs are limited to no more than one (1) banner sign per lot. Exempt signage shall 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, are prohibited, as well as off-site advertising signs, which is in reference to a previous billboard on Lot 2 that was removed from the property.

An entry directional sign for the businesses in the PUD is proposed in the southwest corner of Lot 2 off McCall Road. The sign is internally illuminated entry/exit seven square foot location sign panel for the hotel.

### PROPOSED LOT COVERAGE

<i>USE</i>	<u>Acres/Square Feet</u>	<u>Percentage</u>
Building	4,177	9.79%
Driveway/parking	20,587	48.25%
Travel Easement	9,527	22.33%
<i>Landscape Open</i>	<u>6,108</u>	<u>14.32%</u>
<i>Space</i>		
<i>Total</i>	42,688sf	100%

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

**WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD:** The proposed drive-in restaurant is a permitted use consistent with the approved PUD. No site or building plans were submitted at the time of rezoning; however, it was anticipated the site would develop with a drive-in restaurant, as proposed. The proposed drive-in is located on a major traffic corridor and will promote the efficient development and preservation of the PUD intended to serve the motoring public, in general, and visitors staying at Comfort Suites hotel to the north, which is also located in the McCall Cats PUD.

**WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** No specific changes have occurred in the surrounding area, which make the amendment necessary. The PUD amendment is necessary to meet Condition 10 of Ordinance No. 6705. At the time of Preliminary Development Plan approval, no plans were provided, other than the possible use as a drive-in restaurant.

**WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** Approval of the PUD will implement provision of a sidewalk along the north side of McCall Road as well as internal sidewalks from the PUD connecting to McCall Road, which is a benefit to the public. The amendment does not confer a specific benefit upon any person, rather the amendment implements development of Lot 2 in the PUD, which was anticipated with the original approval of McCall Cats PUD.

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

### **REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

*Attachment No. 2*

**1. LANDSCAPING:** Landscaping is functional for the service commercial nature of the site and will consist of canopy, ornamental and evergreen trees, shrubs and lawn areas to be owned and maintained by individual lot owners. Landscaped areas will irrigated with underground systems. Minimum landscaping requirement for a commercial development's parking lot is 5% of the paved area. Lot 2 exceeds the minimum requirement with 14% of the site set aside as landscaped open space, primarily perimeter landscaping. Four trees would be required, based on the pavement area, and eight are proposed.

**2. SCREENING:** One dumpster is proposed to be shared by Lot 2 and Lot 3 and is located Lot 1, as well as the enclosed dumpster for the hotel.

**3. DRAINAGE:** The site is flat and will drain to McCall Road through recently constructed underground storm water conduit, which carries storm water to the drainage channel along Tuttle Creek Boulevard. A Storm water Drainage Analysis was previously submitted by the applicant's consultant, Sloan Meier Hancock-Engineers Surveyors, P. A., dated January 31, 2008 (attachment). The City Engineer reviewed and accepted the storm water analysis (memorandum dated May 12, 2008 attached). Minimal impact is expected on the drainage system.

**4. CIRCULATION:** Lot 2 will be served internally by Lodging Cats Place, which connects with Hungry Cats Place to the west of Lot 2. Lodging Cats Place extends east to west and connects to Hostetler Drive and Hays Drive. Hungry Cats Place extends from McCall Road to Lodging Cats Place. The site can also be accessed from a curb cut/driveway in the southeastern part of the site, which connects to the restaurant to the east. Access to Lot 2 is safe and efficient. There is no direct access onto McCall Road or Hungry Cats Place.

The drive-in is a counter clockwise circulation with access to the drive-in lane from the south part of the site along the east side of the building to the pick-up window on the west side of the building and exiting either back to the north on the east side of the site to Lodging Cats Place or to the east through the common driveway connection wit the restaurant to the east.

A Transportation Impact Study was previously submitted by the applicant's consultant, Sloan Meier Hancock-Engineers Surveyors, P. A., dated January 28, 2008 (attachment). The City Engineer has reviewed and accepted the transportation analysis (memorandum dated May 12, 2008 attached). The surrounding transportation network is adequate for the increased trips expected with the proposed commercial development.

*Attachment No. 2*

Sidewalk is proposed, and required, along the north side of McCall Road and on the north side of Lodging Cats Place. Sidewalk will be provided from Lodging Cats Place to the common boundary line between Lots 2 and 3 and will extend to McCall Road for access for the public from the street to the hotel and the restaurants in lieu of sidewalk on Hays Drive and Hungry Cats Place. (Note: Hays Drive sidewalks will need to be provided at a future date when the street is built to an urban section.)

The restaurant requires 44 off-street parking spaces based on one parking space per three customers and one space for each employee on the work shift with the maximum number of employees present. Forty four parking spaces are proposed. Additionally, part of the customer traffic will be served by the drive-in and part from guests staying at the hotel to the immediate north that can walk to the restaurant.

**5. OPEN SPACE AND COMMON AREA:** Lot 2 is currently owned separately from Lots 1 and 3 in the subdivision. The majority of open space is in perimeter landscaping around the site.

**6. CHARACTER OF THE NEIGHBORHOOD:** Generally characterized as a mix of retail, drive-in and sit down restaurants, and industrial service businesses.

**MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS**

**1. EXISTING USE:** Lot 2 is vacant.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Generally a flat site located in the build-able portion of the 100 Year Flood Plain. The 100 Year Flood elevation is 1008 feet. The lowest enclosed floor must be at least 1009 feet and is shown on the building footprint at 1009.5 feet. A local flood plain permit is required, prior to issuance of a building permit, and a state flood plain fill permit may be required as well, prior to issuance of the local flood plain permit.

**3. SURROUNDING LAND USE AND ZONING:**

**(a.) NORTH:** Lodging Cats Place, hotel, industrial services and KSU research, new hotel; I-2, Industrial Park District, C-6, District and PUD.

**(b.) SOUTH:** McCall Road, Super Walmart; PUD.

**(c.) EAST:** Drive-in restaurant, Hayes Drive, self storage; PUD and I-2, Industrial Park District.

**(d.) WEST:** Hungry Cats Place, auto service store, Hostetler Drive, and drive-in restaurants in the Limey Pointe development; PUD.

**4. CHARACTER OF THE NEIGHBORHOOD:** Generally characterized as a mix of retail, drive-in and sit down restaurants, and industrial service businesses.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** Lot 2 was rezoned to McCall Cats PUD. The proposed drive-in restaurant is a permitted use in the PUD.

**6. 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. Additional light, traffic and noise can be expected, but will be consistent with the predominately commercial neighborhood. The building is setback approximately 60 feet from McCall Road and parking is setback 15 feet from the front lot line along McCall Road. The proposed setbacks are generally consistent with the restaurant to the east, 70 feet for the building and generally 15 feet for the parking. Additional landscaping along McCall Road will buffer the reduced parking setbacks.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map for the Northeast Planning Area designates the site as Community Commercial (CC). The McCall Cats PUD was found to conform to the Comprehensive Plan when the PUD was approved June 17, 2008.

Applicable policies include:

*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 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 connections between uses for vehicles, pedestrians, and bicycles.*

The PUD amendment is in general conformance to the Comprehensive Plan.

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

1968 - 1969	Site annexed and zoned to commercial and industrial districts.
1970's	Lot 2 rezoned from I-2 District to C-6, Heavy Commercial District.
Sept. 5, 2006	Lot 1 rezoned as part of Limey Pointe PUD.
Oct. 17, 2006	Lot 3 rezoned from C-6, to C-5, Highway Service Commercial District.
May 19, 2008	Manhattan Urban Area Planning Board recommends approval of rezoning entire site of McCall Cats to PUD, Commercial Planned Unit Development District, with 10 conditions.

- June 3, 2008 City Commission approves first reading of an ordinance rezoning McCall Cats PUD.
- June 17, 2008 City Commission approves Ordinance No. 6705 rezoning McCall Cats PUD.
- August 4, 2008 Manhattan Urban Area Planning Board approves the Final Development Plan for Lots 1 and 3 of the McCall Cats PUD and the Final Plat of Lots 1, 2 and 3, McCall Cats PUD Addition.
- August 19, 2008 City Commission accepts easements and rights-of-way as shown on the Final Plat of McCall Cats PUD Addition.

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

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

The proposed PUD amendment is generally consistent with the intent and purposes of the Zoning Regulations, the intent of the PUD Regulations, and Ordinance No. 6705, subject to the conditions of approval. The proposed rezoning implements the Comprehensive Plan and site plans ensure compatibility with surrounding properties and public facilities.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There appears to be no gain to the public that denial would accomplish. The public street network should not be adversely affected and storm water will be directed to public storm water improvements. Adequate public improvements can serve the site. It may a hardship to the owners if the rezoning is denied as no apparent public gain results from denial.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public improvements are available to serve the proposed development.

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS AND RECOMMENDATION:** The Planning Board will need to determine if the proposed pole sign is consistent with Condition No. 6 of Ordinance No. 6705. If the proposed pole sign is not consistent, the Board will need to add an appropriate condition regarding the design of the sign and direct the applicant accordingly. If the Board determines the proposed pole sign is consistent, the Board should make a finding that the proposed design is consistent with Condition No. 6. No condition of approval will be required if the Board finds the proposed pole sign is consistent with Condition No. 6.

City Administration recommends approval of the proposed Amendment of the McCall Cats Commercial Planned Unit Development and Ordinance No. 6705, with the following condition of approval:

1. The Final Development Plan for Lot 2 shall be subject to the conditions of approval of Ordinance No. 6705.

**ALTERNATIVES:**

1. Recommend approval of the proposed Amendment of the McCall Cats Commercial Planned Unit Development and Ordinance No. 6705, stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment of the McCall Cats Commercial Planned Unit Development and Ordinance No. 6705, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment of the McCall Cats Commercial Planned Unit Development and Ordinance No. 6705, based on the findings in the Staff Report and the one condition of approval recommended by City Administration.

*Attachment No. 2*

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

**DATE:** August 13, 2009.

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