



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, NOVEMBER 4, 2014***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Wynn Butler and Commissioners Karen McCulloh, Usha Reddi, Richard B. Jankovich, and John Matta were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Bill Raymond, City Clerk Gary S. Fees, 5 staff, and approximately 20 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Butler led the Commission in the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Butler opened the public comments.

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

**COMMISSIONER COMMENTS**

Commissioner Reddi stated that voting for election day is officially over. She said that USD 383 elementary school children had an opportunity to vote today and to learn about the voting process in an effort to instill civic responsibilities at a very young age.

Mayor Butler informed the community that next Tuesday, November 11, 2014, is Veterans Day and encouraged everyone to attend the Veterans Day Parade along Poyntz Avenue starting at 9:30 a.m. He highlighted the Mayor's Christmas Spirit of the Holidays Lighted Parade starting at 5:30 p.m., on Friday, December 5, 2014. He encouraged people and groups to consider building a float and submit their entries to be in the parade. He also listed the six different parade categories and prizes available this year.

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

**MINUTES**

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, October 21, 2014.

**CLAIMS REGISTER NO. 2773**

The Commission approved Claims Register No. 2773 authorizing and approving the payment of claims from October 15, 2014, to October 28, 2014, in the amount of \$1,869,330.56.

**LICENSES**

The Commission approved Tree Maintenance Licenses for calendar year 2015 for Growing Concerns, Inc., 2880 Zeandale Road; Hummel Tree Service, Inc., 601 Pottawatomie Avenue; Mugler Tree Care, 2400 West 60<sup>th</sup> Street; and Randy's Tree Service, 110 Castle Street, Grandview Plaza, Kansas.

**ORDINANCE NO. 7103 – FRANCHISE AGREEMENT – IDEATEK TELCOM, LLC**

The Commission approved Ordinance No. 7103 authorizing a competitive infrastructure provider and telecommunications services franchise with IdeaTek Telcom, LLC.

**ORDINANCE NO. 7104 – REZONE – ABBOTT LANDING SHOPPING CENTER (I-2 TO PUD)**

The Commission approved Ordinance No. 7104 rezoning the Abbott Landing Shopping Center, generally located northeast of McCall Road and Hayes Drive, from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 1*) with the 15 conditions as recommended by the Manhattan Urban Area Planning Board.

**ORDINANCE NO. 7105 – AMEND FINAL DEVELOPMENT PLAN – MANHATTAN CROSSING PUD**

The Commission approved Ordinance No. 7105 amending Ordinance No. 7005 and the Final Development Plan of Manhattan Crossing Planned Unit Development, generally located northeast of the Tuttle Creek Boulevard Frontage Road and Sarber Lane, based on the findings in the Staff Report (*See Attachment No. 2*), subject to the three (3) conditions of approval recommended by the Planning Board.

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 7106 – RENAME STREET – TECHNOLOGY CIRCLE TO DRY HOP CIRCLE

The Commission approved Ordinance No. 7106 authorizing the renaming of Technology Circle and designating it Dry Hop Circle.

### RESOLUTION NO. 110414-A – INVESTMENT POLICY

The Commission approved Resolution No. 110414-A re-affirming expanded investment powers for the City of Manhattan based on final approval from the Pooled Money Investment Board.

### RESOLUTION NO. 110414-B – AMEND BYLAWS – SPECIAL ALCOHOL FUNDS ADVISORY COMMITTEE

The Commission approved Resolution No. 110414-B and the amended bylaws of the Special Alcohol Funds Advisory Committee.

### RESOLUTION NO. 110414-C – PETITION – TURNBERRY ADDITION – STREET IMPROVEMENTS (ST1419)

The Commission found the petition sufficient and approved Resolution No. 110414-C finding the project advisable and authorizing construction for Turnberry Addition Street Improvements (ST1419).

### RESOLUTION NO. 110414-D – PETITION – TURNBERRY ADDITION – SANITARY SEWER IMPROVEMENTS (SS1416)

The Commission found the petition sufficient and approved Resolution No. 110414-D finding the project advisable and authorizing construction for Turnberry Addition Sanitary Sewer Improvements (SS1416).

### RESOLUTION NO. 110414-E – PETITION – TURNBERRY ADDITION – WATER IMPROVEMENTS (WA1414)

The Commission found the petition sufficient and approved Resolution No. 110414-E finding the project advisable and authorizing construction for Turnberry Addition Water Improvements (WA1414).

### AGREEMENT – ENGINEERING SERVICES – TURNBERRY ADDITION STREET (ST1419), SANITARY SEWER (SS1416), AND WATER (WA1414) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$66,815.00 with SMH Consultants, of Manhattan, Kansas, to perform professional services for Turnberry Addition Street (ST1419), Sanitary Sewer (SS1416), and Water (WA1414) Improvements.

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 110414-F – PETITION – MERION ADDITION – STREET IMPROVEMENTS (ST1417)

The Commission found the petition sufficient and approved Resolution No. 110414-F finding the project advisable and authorizing construction for Merion Addition Street Improvements (ST1417).

### RESOLUTION NO. 110414-G – PETITION – MERION ADITION – SANITARY SEWER IMPROVEMENTS (SS1414)

The Commission found the petition sufficient and approved Resolution No. 110414-G finding the project advisable and authorizing construction for Merion Addition Sanitary Sewer Improvements (SS1414).

### RESOLUTION NO. 110414-H – PETITION – MERION ADDITION – WATER IMPROVEMENTS (WA1412)

The Commission found the petition sufficient and approved Resolution No. 110414-H finding the project advisable and authorizing construction for Merion Addition Water Improvements (WA1412).

### AGREEMENT – ENGINEERING SERVICES – MERION ADDITION – STREET (ST1417), SANITARY SEWER (SS1414), AND WATER (WA1412) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement in an amount not to exceed \$84,635.00.00 with SMH Consultants, of Manhattan, Kansas, to perform professional services for Merion Addition Street (ST1417), Sanitary Sewer (SS1414), and Water (1412) Improvements.

### NEGOTIATE CONTRACT – EUREKA VALLEY TRANSMISSION WATERLINE, PHASE 2 (WA1406, CIP #WA125P)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with BG Consultants, of Manhattan, Kansas, for engineering services for the Eureka Valley Transmission Waterline, Phase 2 (WA1406, CIP #WA125P) project.

### AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 803 BUTTERFIELD ROAD

The Commission accepted the bid for 803 Butterfield Road; awarded the bid to Ben Kitchens Painting Co., Inc., of Junction City, Kansas, in the amount of \$5,500.00; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owners for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 922 POTTAWATOMIE AVENUE

The Commission accepted the bid for 922 Pottawatomie Avenue; awarded the bid to Ben Kitchens Painting Co., Inc., of Junction City, Kansas, in the amount of \$19,300.00; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owners for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

### AGREEMENT – FESTIVAL OF LIGHTS

The Commission approved and authorized the Mayor and City Clerk to execute an agreement for holiday lighting at Blue Earth Plaza (from November 28, 2014, through January 1, 2015).

### PURCHASE – BUBBLE SLIDE – CITY PARK POOL

The Commission authorized City Administration to purchase from Capri Pools & Aquatics, of St. Louis, Missouri, a replacement bubble slide in the amount of \$41,331.00 to be paid from excess sales tax.

Commissioner Jankovich moved to approve the consent agenda. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### DESIGN UPDATE - PARKS AND RECREATION OFFICE EXPANSION AND HVAC RENOVATIONS TO CITY (PEACE MEMORIAL) AUDITORIUM (SP1206, CIP #RC020P)

Bruce McMillan, Bruce McMillan Architects, presented an overview of the Parks and Recreation Office expansion plans and renovations to the City Auditorium. He also provided a project timeline of events in order to move this project to construction in early 2015.

Tom Orazem, Orazem and Scalora, provided information on the heating/ventilation/and air conditioning (HVAC) system and improvements proposed for the City Auditorium. He then responded to questions from the Commission regarding the project and potential cost savings.

Bruce McMillan, Bruce McMillan Architects, responded to questions from the Commission and provided clarification on the bid and construction contract timeline.

## GENERAL AGENDA (CONTINUED)

### DESIGN UPDATE - PARKS AND RECREATION OFFICE EXPANSION AND HVAC RENOVATIONS TO CITY (PEACE MEMORIAL) AUDITORIUM (SP1206, CIP #RC020P) (CONTINUED)

Jason Hilgers, Deputy City Manager, provided information on the actions of the Manhattan Urban Area Planning Board regarding the Municipal Facilities Review Process and discussed future actions and the zoning process.

After discussion and comments from the Commission, Bruce McMillan, Bruce McMillan Architects, responded to questions regarding the kiosk in the lobby and stated that the memorial portion of the project would not be part of the initial bids and would be a separate, stand-alone piece.

Jason Hilgers, Deputy City Manager, informed the Commission that City staff would continue to work with Bruce McMillan and bring the item back before the Commission. He responded to questions about the process and existing use of the basement space and plans to accommodate the new HVAC for the addition.

Bruce McMillan, Bruce McMillan Architects, responded to questions from the Commission regarding the existing building and the new addition, use of energy efficient windows, and provided information on the proposed floor and site plans.

Cameron Tross and Bruce McMillan, Bruce McMillan Architects, provided additional information on the building exterior of the expansion, interior finishes, lighting plan, existing customer service area and Legal Department offices, and the new reception area for the Parks and Recreation Department.

Ron Fehr, City Manager, provided information on the proposed glazed finishes and discussed the possibilities for relocating the Legal Department offices during construction.

Cameron Tross, Bruce McMillan Architects, responded to questions from the Commission regarding the proposed Americans with Disabilities Act (ADA) lift for the stage and stairs.

Mayor Butler opened the public comments.

Randi Dale, 2416 Rogers Boulevard, thanked Bruce McMillan for his efforts. She asked about the ADA stair lift for the stage, ceiling replacement, and voiced concern with the doors on the side of the stage.

Cameron Tross and Bruce McMillan, Bruce McMillan Architects, responded to questions about the stair lift and stage doors. They stated that it is proposed that the ceiling above the stage would be removed to accommodate the new duct work and a small portion of the ceiling above the seating area would need to be replaced.

GENERAL AGENDA (CONTINUED)

**DESIGN UPDATE - PARKS AND RECREATION OFFICE EXPANSION AND  
HVAC RENOVATIONS TO CITY (PEACE MEMORIAL) AUDITORIUM  
(SP1206, CIP #RC020P) (CONTINUED)**

Randi Dale, 2416 Rogers Boulevard, thanked the Commission for helping them to develop this and to honor our veterans.

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

As this was a discussion item only, no formal action was taken.

**ADJOURNMENT**

At 7:35 p.m., the Commission adjourned.

  
\_\_\_\_\_  
Gary S. Fees, MMC, City Clerk

**STAFF REPORT**

**APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT**

**BACKGROUND**

**FROM:** I-2, Industrial Park District.

**TO:** PUD, Commercial Planned Unit Development

**OWNERS:** McCall Inc. – Tom Abbott, President

**APPLICANT:** Renaissance Infrastructure Consulting (RCI) - Chip Corcoran,

**DATE OF NEIGHBORHOOD MEETING:** August 13, 2014

**DATE OF PUBLIC NOTICE PUBLICATION:** September 15, 2014

**DATE OF PUBLIC HEARING: PLANNING BOARD:** October 6, 2014  
**CITY COMMISSION:** October 21, 2014

**LEGAL DESCRIPTION:** Unplatted tracts in Section 8, Township 10 South, Range 8 East (*see attached legal description for full details*)

**LOCATION:** Generally located to the northeast of the intersection of McCall Road and Hayes Drive.

**AREA:** 7.82 acres (340,709 square feet)

**PROPOSED USES:** Permitted and Conditional Uses of the C-2, Neighborhood Shopping District and C-5, Highway Service Commercial District, except convenience Stores including gasoline sales, Sexually Oriented Businesses, School, and Outdoor Movie Theatres. The proposed uses shown with the Preliminary Development Plan are two (2) restaurants with drive-thru windows, a home and farm retail store, and a stand-alone ATM.

**PROPOSED BUILDINGS AND STRUCTURES:** Five (5) individual lots are to be developed within the Planned Unit Development. These lots will gain access from either McCall Road or proposed travel easements within the development site. As a reminder, travel easements are privately owned and maintained travelways for the public to use. The



*Attachment No. 1*

names of the travel easements have not been provided at this time because they are waiting approval from the Pottawatomie County Emergency Management Office and Manhattan Fire Department. For the purposes of this staff report, the travel easements will be referenced in the following ways:

Travel Easement A: East/west travel way between Hayes Drive and Landing Place (a travel easement on the property to the east.

Travel Easement B: North/South travel way between McCall Road and Travel Easement A.

Travel Easement C: Small easement near the right in/right out intersection between Lots 2 and 3.

**Lot 1 - Orschlens Farm and Home store:** A new 32,375 square foot Orschlens Farm and Home store and a 19,679 square foot fenced in, outdoor storage area is proposed on Lot 1. The outdoor storage area will be enclosed with an eight (8) foot tall metal fence system and a sight obscuring mesh. The building will be approximately twenty-four (24) feet tall. The building's front door will be to the south and will also include the business' tire shop area. The south and west facades will have a stucco finish and a five (5) foot, eight (8) inch tall, brick wainscot. The north and west façade will have metal panel siding. These two (2) facades will generally not be seen by the public. The north façade is the back of the building and is adjacent to the neighboring industrial property. The west façade will be concealed by the sight-obscuring fence.

The site plan shows two (2) permanent outdoor display areas for the businesses larger products, such as lawn mowers, etc. The first is a 600 square foot area on the sidewalk in front of the southwest corner of the enclosed storage area. This area will be required to maintain the appropriate ADA access to ensure pedestrians can use the sidewalk. The second area is a 950 square foot area in a landscape island on the southwest corner of the lot.

A 5,400 square foot seasonal outdoor area is shown to the south of the building within an off-street parking area is shown. The seasonal display area would utilize thirty (30) off-street parking spaces. The site plan shows 156 parking spaces on the lot. The proposed use and building size requires a minimum of 111 parking spaces. Temporary using the thirty (30) parking spaces should not create an issue for the businesses within the development or surrounding developments. City Administration recommends a time limit from March 1<sup>st</sup> to October 31<sup>st</sup> for this area to display seasonal products such as plants and landscaping materials.

*Attachment No. 1*

Lot 1 will gain access from Travel Easement A, which intersects with Landing Place to the east on the Menards development and Hayes Drive to the west. Travel Easement B also intersects Travel Easement A to provide access to McCall Road.

**Lot 2 – Burger King Drive-thru Restaurant:** A new 3,000 square foot Burger King drive-thru restaurant is proposed on Lot 2. The building design is the latest corporate design with brick, stucco, exterior ceramic tiles and metal panel accent elements. The application materials show the building will be approximately twenty (20) feet tall. Entrance doors will face to the south and east on the lot. The drive-thru windows will face the west.

The lot will gain access from Travel Easement C that intersects with McCall Road, a five (5) lane minor arterial street, and the proposed Travel Easement A to the north of the lot, which intersects with Hayes Drive, a minor arterial street. The travel easement that intersects with McCall Road is shown to be limited to only right-in from McCall Road and right-out of the site.

**Lot 3 – Arby’s Drive-thru Restaurant:** A new 3,200 square foot Arby’s drive-thru restaurant is proposed on Lot 3. The corporate design of the building includes EFIS, lap siding, with brick wainscot around the building and an architectural tower. The building will be twenty-three (23) feet to the top of the architectural element. The main entrance to the building will be to the east and the drive-thru windows located on the west side of the building. Lot 2 will also gain access from Travel Easement C off of McCall Road and the Travel Easement A from Hayes Drive.

**Lots 4 & 5:** No buildings or structures are currently proposed on Lots 4 and 5. Due to the layout of Lot 4, it is apparent that an ATM or other small drive-thru kiosk will be developed on the lot. Any future developments of these lots will be required to go through a PUD amendment prior to or concurrently with the Final Development Plan.

**PROPOSED LOT COVERAGE**

<b>Use</b>	<b>Square Feet</b>	<b>Percentage</b>
Building	37,675	11.1%
Paved Area (Parking & Driveways)	189,286	55.6%
Total Open Space	113,748	33.3%
Total Impervious	226,961	66.7%

**PROPOSED SIGNAGE**

Each of the proposed businesses on Lots 1 – 3, show individual wall signs on the respective buildings and pylon signs on McCall Road. No signage has been proposed for the future development on Lots 4 & 5. The review of these future developments, including signage will occur through future PUD amendments and Final Development Plan process.

**Lot 1 - Orscheln Farm and Home Store**

Location	Type	Size	Area (sq. ft.)
South – “Tire Shop”	Wall sign	8’ x 4’-6”	36
South – “Orscheln Farm & Home”	Internally Illuminated Wall	42’ x 2’-10”	110

A twenty-five (25) foot tall pylon sign is proposed at the southeast corner of the Lot 5. The pylon sign will have metal clad skirting to cover the support structure. Two (2) individual signs are proposed: a 6 foot by 12 foot (72 square foot) internally illuminated cabinet sign and an 8 foot by 4 foot (32 square foot) internally illuminated changeable copy sign. The pylon sign will be located within a sign easement that is located thirty-two (32) feet from the McCall Road front property line and twenty-one (21) feet from the east property line.

**Lot 2 – Burger King Drive-thru Restaurant**

Location	Type	Size	Area (sq. ft.)
East – “Taste is King”	Internally Illuminated Wall	8’ x 1’	8
East – “Burger King” circle	Internally Illuminated Wall	3’ radius	28.27
East – “Home of the Whopper”	Internally Illuminated Wall	24’-7” x 1’ 2”	26.68
East – “Merchandise sign area”	Temporary Sign	11’ x 5’	55
West – “Burger King” circle	Internally Illuminated Wall	3’ radius	28.27
West – “Merchandise sign area”	Temporary Sign	11’ x 5’	55
North – “Burger King” circle	Internally Illuminated Wall	3’ radius	28.27

A monument sign is proposed near the corner of McCall and Hayes Drive. The monument sign is shown to be six (6) feet tall and six (6) foot wide on an architectural base with a 12.5 square foot Burger King circle sign. The sign is shown to be nine (9) feet from the McCall Road front property line and forty-one (41) feet from the Hayes Drive front property line.

**Lot 3 – Arby’s Drive-thru Restaurant**

Location	Type	Size	Area (sq. ft.)
South – Arby’s logo	Internally Illuminated Wall	6’ -6” x 6’	39
East – Arby’s lettering	Internally Illuminated Wall	2’-6” x 7’-6”	18.15
West – Arby’s lettering	Internally Illuminated Wall	2’-6” x 7’-6”	18.15

The Arby’s pylon sign is near the intersection of McCall Road and the Travel Easement C. The brick sign base is shown to be 11 feet, 3 inches wide and 8 feet tall. Two (2) signs are proposed on the brick sign base: a 6 foot, 10 inch by 4 foot, 10 inch (33 square feet) Arby’s logo sign; and a 3 foot, 4 inch by 6 foot, 9 inch (22 square feet) digital graphic sign. The sign is to be located six (6) feet from McCall Road front property line and approximately fifteen (15) feet from the edge of Travel Easement C. City Administration recommends that the proposed digital sign be limited to the display characteristics associated with a Digital Graphic Sign, which is defined as:

“A sign utilizing LED (light emitting diode), LCD (liquid crystal display), plasma, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change a static image only as a “slide show” (series of images).

**PROPOSED LIGHTING:**

LED lights on twenty-five (25) foot tall light poles are proposed to illuminate the site. Exterior lights on the three (3) buildings are also proposed to illuminate the area and to accent architectural features on the buildings. The lighting will be fully shaded and cut off at the property lines.

**SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

**1. LANDSCAPING:** The Landscape Plan for the proposed development consists of deciduous trees on the edge of the off-street parking areas, shrubs and grasses, and lawn areas. Underground irrigation will be provided to maintain these areas.

**2. SCREENING:** Trash dumpster enclosures for the proposed development are shown on the application site plans. The application materials state that the trash dumpster enclosures will be constructed with masonry walls and a metal gate, and will be a minimum of six (6) feet in height. The trash enclosures will be painted to compliment the structures the enclosure is associated with. The details of the trash dumpster enclosures shall be provided with the Final Development Plan.

*Attachment No. 1*

The outdoor storage area to the west of the Orscheln building is to be enclosed by an eight (8) foot tall, ornamental metal fence and a metal mesh material to obscure the materials displayed and stored in this area from the parking lot and adjacent areas.

**3. DRAINAGE:** The site is currently built with self-storage units and concrete and gravel parking lots and travelways. No on-site stormwater detention or underground stormwater infrastructure currently exists. The stormwater generally sheet flows to the south and is collected in the stormwater sewer system along McCall Road and the open ditch along Hayes Drive.

The proposal development will use curb and gutters to direct stormwater runoff to area inlets in the off-street parking lots and travelways. The stormwater sewer system will then direct the stormwater to existing stormwater infrastructure along McCall Road or Hayes Drive. The open ditch along Hayes Drive is to be replaced with a reinforced concrete pipe and the ditch will be filled in. The open ditch will remain along adjacent properties to the north.

The City's Stormwater Engineer, Shane Swope, has reviewed the proposal and the drainage study. Because the site is currently built out and is mostly impervious surface, stormwater detention is not required. The Stormwater Engineer is requiring that an applicant analyze if post-construction best management practices for stormwater quality are required for the proposed development. This development is required with the Final Development Plan. City Administration has recommended a condition of approval regarding this.

**4. CIRCULATION:** The development gains access from McCall Road to the south, Hayes Drive to the west and Landing Place to the east, a dedicated travel easement platted with the McCall Landing PUD. Thirty-six (36) foot wide travel easements cross the development site to connect to these adjacent roads and travel easement. The actual road way within these travel easements will be thirty (30) feet wide. Travel Easement B is a public travel way from McCall Road to the north into the site. Travel Easement A intersects Travel Easement B, is a thirty-six (36) foot wide travel easement and utility easement, that provides the east and west public travel way and connects to Hayes Drive and Landing Place. Travel Easement C is a small travel easement within the off-street parking lot for the two (2) restaurants at the right-in/right-out intersection with McCall Road. This travel easement provides access to Lots 2 and 3. The names of the proposed travel easements have not be approved by the Pottawatomie County Emergency Management Office or the Manhattan Fire Department to ensure that the proposed street names will not conflict with existing street names in the area. These names will need to be approved prior to approval of the Final Development Plan.

*Attachment No. 1*

Trek Design Group provided a Traffic Impact Study for the proposed development (*see attached*). The Traffic Impact Study analyzed the traffic generated from the proposed farm and home retail store, two (2) drive-thru restaurants, a bank with drive-up window, a small specialty retail shop and the automated teller machine. The ATM was not included in the analysis because it was determined that it did not specifically generate vehicular traffic; rather it was a convenience for the other proposed uses. No specific plans have been presented for the bank and retail specialty store. A linear 2% annual growth factor was used to predict the 20 year traffic volumes for the City. The Traffic Study notes that the “McCall Road corridor is a very dynamic corridor with many different types of traffic and fluctuating land usage. The global 2% growth rate as applied in the study is not necessarily indicative of what is occurring or will occur on the corridor.”

The Traffic Impact Study analyzed the location and sight distances for the proposed intersection, trip generation and trip distribution of the proposed and assumed uses, and the level of service of the nearby signalized intersections. The study determined that the site, with its proposed and assumed uses, would generate 393 total trips in the A.M. Peak Hour and 397 trips in the P.M. Peak Hour. The detailed trip distribution to and from the site and assignment of the traffic to different intersections on the site and the signalized intersection level of service analysis can be found, in its entirety, in the attached study.

The Traffic Impact Study concludes that the roadway and traffic signals work at an acceptable level of service under existing conditions with the new trips added to the road network. All of the proposed intersections should function well, with the exception of the left turning movement, or east bound turning traffic, from the middle intersection on McCall Road. This intersection turning movement will have an “F” level of service. The study states that this issue “is an onsite issue and does not affect progression on McCall Road. The Level of Service F is common on side streets accessing major corridors.

The study showed a considerable drop in the level of service along the corridor under the future growth conditions, but again, noted concerns that the 2% linear growth projection for traffic volumes in the area may not be an appropriate analysis. The loss in the level of service along the corridor is an issue for the City as a whole, and is not caused by the added trips from this development.

Finally, the Traffic Impact Study noted that the entrances to the site are less than desirable, due to the distance from existing intersections, but are limited by the size of the property. “All other aspects of the development fall into constraints outlined in the Manhattan Area Transportation Strategy. The proposed use of the property fits the area and the added trips have little effect on the existing network.

*Attachment No. 1*

The proposed site plan shows an existing curb cut on McCall Road is to remain on proposed Lot 5. This curb cut was not addressed in Traffic Impact Study and would not meet any of the intersection spacing requirements along a minor arterial road. As proposed, Lot 5 has access to the east, west and north via existing and proposed travel easements.

The City's Traffic Engineer, Peter Clark, has reviewed the development and the Traffic Impact Study conducted by the applicant's consultant. The Traffic Engineer Staff accepts this recommendation with only the minor driveway modifications as necessary changes to the proposed development. No auxiliary turn lanes are required for the development. The Traffic Engineer determined that the middle intersection that is anticipated to have an "F" level of service for the left turning movement has alternatives for drivers to use to get to their destination, including the signalized intersections at McCall Road and Carlson Road or McCall Road and Hayes Drive, thus not requiring any additional improvements. The Traffic Engineer recommends all other existing access points to this development along McCall Road and Hayes Drive are to be removed as part of this development. The traffic study has indicated that the development will function properly with the four access points indicated and no other access points are necessary. Any additional access points, including existing curb cuts, would not meet the City's access management criteria and will not be allowed in the final development plan.

City Administration is recommending that the existing curb cut on McCall Road for Lot 5 be removed and no access be provided along the public street rights-of-way for Lots 2, 3, 4 and 5, with the exception of proposed travel easement areas.

**Off-Street Parking**

Two-hundred and twenty (220) off-street parking spaces are shown on Lots 1 – 3. No spaces are proposed for Lot 4. Lot 5 is designated for future development. The off-street parking for Lot 5 will be reviewed during a future PUD Amendment and Final Development Plan for this lot.

One-hundred and forty-nine (156) parking stalls are shown for the Orscheln store on Lot 1. Based on the square footage of the building, excluding hallways, storage, restrooms, etc., the building and the use is required to provide a minimum of 111 off-street parking spaces (1 parking space for 250 square feet of floor area).

Restaurants are required to provide at least one (1) parking space for each three (3) customers based upon the maximum design occupancy. In addition, there shall be one (1) parking space for each employee as related to the work shift when the maximum number of employees is present. Burger King has a design occupancy load of sixty (60) occupants in the dining/waiting room (20 parking spaces required) and seven (7) employees during a shift. A minimum of twenty-seven (27) parking spaces are required with this proposed use. Twenty-Eight (28) parking spaces are shown for the Burger King on Lot 3.

*Attachment No. 1*

Arby's has a design occupancy of seventy (70) occupants in the dining waiting room and outdoor seating area (23 parking spaces required) and eight (8) employees during a shift. A minimum of thirty-two (32) parking spaces are required with this proposed use. Forty-three (43) parking spaces are shown on Lot 2 for the Arby's restaurant.

The amount of parking provided for the proposed development appears to be sufficient.

**Bicycle & Pedestrian**

A sidewalk is present along McCall Road, immediately to the south of the site. The open ditch to the west of the site is proposed to be filled in. A sidewalk will be placed in this area to being the pedestrian connection to the north along Hayes Drive along the west edge of the PUD. The open ditch will remain off-site on properties to the north, until the area is redeveloped or the City improves the roadway to fill in the ditch and create an urban section with curb, gutters and sidewalks. Sidewalks should be provided internal to the PUD site from the adjacent sidewalks along McCall Road and Hayes Drive. City Administration is recommending a condition of approval that this sidewalk network be provided with the Final Development Plan.

Bicycle racks are provided at the three proposed buildings.

**5. OPEN SPACE AND COMMON AREA:** Open space consists of lawn areas. Lot 5 will remain as open space until a development is proposed.

**6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is a mixture of highway commercial and industrial uses. The areas along McCall Road are transitioning from a historically industrial area, to a retail commercial corridor. Large box retail stores are located to east and southwest. Drive-thru restaurants are located along the five (5) lane minor arterial. There are also a number of strip mall type retail centers in the immediate area. To the north of the site, along Hayes Drive and Levee Drive and predominately industrial and office uses.

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

**1. EXISTING USE:** Self-storage buildings and business office.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is relatively flat and gradually slopes to the south towards McCall Road. An open drainage ditch is to the west of the site along Hayes Drive. The current site is nearly 100% developed with impervious surfaces, including buildings and concrete and gravel off-street parking lots.



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

**NORTH:** USD 383 busing facility and district kitchen, industrial business; I-2, Industrial Park District.

**SOUTH:** McCall Road, a 5-lane minor arterial road, Wal-mart retail store, automotive repair shop and retail strip center, industrial machine shop, fitness center, car wash, drive-thru restaurant, self-storage units and industrial research office; Wal-Mart Super Center PUD, C-5, Highway Service Commercial District and I-2 District.

**EAST:** Vacant commercial lot, restaurant, Menards home improvement store and retail strip center; McCall Landing PUD, Commercial Planned Unit Development.

**WEST:** Hayes Drive, a 2-lane local street, drive-thru restaurants, industrial research office, hotel, industrial businesses; McCall Cats PUD; C-6, Heavy Commercial District, I-2

**4. CHARACTER OF THE NEIGHBORHOOD:** See above under “6. CHARACTER OF THE NEIGHBORHOOD”.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The current zoning district is I-2, Industrial Park District, which the current use on the site of self-storage units and related business offices is determined to be a permitted use.

The proposed use for restaurants and retail stores are not allowed as primary permitted or conditional uses in the I-2 District. The proposed development requires a rezoning to a retail commercial zoning district, such as the proposed PUD.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND**

**EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The surrounding area is transitioning from an industrial area to an area concentrated with drive-thru restaurants and retail stores, some of which are big box type retail stores. The proposed development will be consistent with surrounding uses and should not adversely impact adjacent properties.

The applicant held a neighborhood meeting on August 13, 2014. According to the meeting notes, no one attended the meeting.

- 7. 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 the Community Commercial category, 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*

*Attachment No. 1*

*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 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 an arterial street corridor, McCall Road. The proposed PUD is in general conformance to the Comprehensive Plan.

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

1968	Annexation and rezoning to I-3, Light Industrial District.
1969-Present	Rezoned from I-3 District, to I-2, Industrial Park District.

## **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.

*Attachment No. 1*

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 current Flood Insurance Rate Maps shows this site to be in the Zone AH Floodplain, which is a floodplain designated for shallow, ponding flood conditions. This flood zone requires the building's lowest floors to be elevated or flood proofed water tight to one foot above the Base Flood Elevation, which is 1008 feet NGVD.

The Preliminary Flood Insurance Rate Maps, which are to be adopted and become effective by March 16, 2015 shows the site to be in the Flood Zone X (Protected By Levee). This flood zone is a moderate to low risk flood zone and is for informational purposes only. There are no regulatory requirements with this flood zone. Depending on when the buildings are constructed will depend on if the buildings will be required to be elevated or floodproofed above to one (1) foot above the base flood elevation.

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

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:**

There appears to be no relative gain to the public, which denial would accomplish. No adverse impacts to the public are expected, subject to conditions of approval. Therefore, there may be a hardship to the applicant if the rezoning is denied.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:**

The Public Works Department – Utilities and Traffic Divisions have reviewed the proposal. Public utilities and the street network are sufficient to service the site.

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

**13. STAFF COMMENTS AND RECOMMENDATION:** City Administration recommends approval of the proposed rezoning of Abbott Landing Shopping Center, Commercial PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, with the conditions:

1. Permitted uses shall include permitted uses in the C-2, Neighborhood Shopping District and C-5, Highway Service Commercial District, except that Convenience Stores with gasoline sales, Sexually Oriented Businesses shall be prohibited.



*Attachment No. 1*

2. Outdoor display, storage and sales on Lot 1 shall be limited to the outside sidewalk area along the south side of the Orschlen's building, the landscape space on the southwest corner of the lot, the parking field in front of the building and in the fenced enclosure, as shown on the application documents.
3. The 5,400 square foot temporary outdoor seasonal storage/display area as shown on Lot 1 shall be permitted from March 1st to October 31st of each year, and shall be limited to seasonal products such as plants and landscaping materials.
4. Sidewalks shall be provided internally to the PUD site and connect to adjacent sidewalks in the McCall Road and Hayes Drive rights-of-way.
5. 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.
6. All landscaping and irrigation shall be maintained in good condition.
7. 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.
8. Signage for shall be constructed as proposed consisting of wall signs and pylon signs.
9. The digital portion of the Arby's pylon sign proposed on McCall Road shall be limited to a Digital Graphic Sign, as follows:
  - a. Digital Graphic Sign. A sign utilizing LED (light emitting diode), LCD (liquid crystal display), plasma, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change a static image only as a "slide show" (series of images).
  - b. Duration of Message and Transitions. The sign message shall remain static for a period of not less than sixty (60) seconds. The transition from one (1) message to the next shall be direct and immediate, without any special effects including but not limited to, dissolving, fading, scrolling, starbursts and wiping, which shall be prohibited.
  - c. Image Characteristics. Digital Graphic Signs shall have a pitch of not greater than twenty (20) millimeters between each pixel.
  - d. Luminance. Between sunrise and sunset the maximum luminance shall be five thousand (5,000) nits and between sunset and sunrise the maximum luminance shall be five hundred (500) nits. All signs with a digital display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement.
10. Temporary banner signs should be limited to no more than two (2) 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.

*Attachment No. 1*

11. Prior to the development of Lots 4 and 5, an amendment of the PUD shall be submitted and approved, prior to issuance of any necessary permits.
12. Names of the Travel Easements shall be approved by City and Pottawatomie County Administration with the application for the Final Development Plan.
13. The existing curb cut on Lot 5 shall be eliminated.
14. No access shall be provided along McCall Road and Hayes Drive, with the exception of the proposed travel easement areas.
15. An analysis of post-construction best management practices for stormwater quality shall be conducted by the applicant at the time of application for the Final Development Plan.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Abbott Landing Shopping Center PUD from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Abbott Landing Shopping Center PUD from I-2, Industrial Park 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 Abbott Landing Shopping Center PUD, generally located to the northeast of the intersection of McCall Road and Hayes Drive, from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the fifteen (15) conditions of approval recommended by City Administration.

**PREPARED BY:** Chad Bunger, AICP, CFM, Senior Planner

**DATE:** September 30, 2014

*Attachment No. 2*

**AMENDMENT OF A COMMERCIAL PLANNED UNIT DEVELOPMENT**

**APPLICANT:** Chip Corcoran, Renaissance Infrastructure Consulting on behalf of the owner.

**OWNER:** Project Manhattan, LLC.

**APPLICANT ADDRESS:** 1138 W. Cambridge Circle Drive, Kansas City, KS 66103

**OWNER ADDRESS:** 1707 N. Waterfront Parkway, Wichita, KS 67206.

**REQUEST:** Amend Ordinance No. 7005 and the Final Development Plan of Manhattan Crossing Planned Unit Development (PUD) to add a retail outbuilding which will be located in the southwest corner of the off-street parking lot to the east of the Frontage Road. Additional modifications include, but are not limited to, the existing retail building, the off-street parking lot, landscaping, signs, and other improvements. The amendment is in the form of a Final Development Plan.

**LEGAL DESCRIPTION:** Lot 2, Manhattan Crossing Planned Unit Development, A Replat of Lot 1, Wal-Mart Addition Unit 2, City of Manhattan, Pottawatomie County, Kansas.

**LOCATION:** Generally located northeast of the intersection of Tuttle Creek Boulevard Frontage Road and Sarber Lane, at 606 Tuttle Creek Boulevard, and 620-632 Tuttle Creek Boulevard. Existing businesses on the site include Staples, Hobby Lobby, Hastings, Dollar Tree, H & R Block, Midland Medical, Chick-fil-A, and Tad's Tropical Sno.

**AREA:** 10.15 Acres.

**DATE OF NEIGHBORHOOD MEETING:** August 13, 2014.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, September 15, 2014.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, October 6, 2014.

**CITY COMMISSION:** Tuesday, October 21, 2014.

## **EXISTING PUD**

### **Ordinance**

The existing PUD has been amended on a number of occasions for a variety of changes including signs and site plan modifications since the adoption of Ordinance No. 4630, on February 20, 1990, and thereafter (see Number 8 below **ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED**). Ordinance No. 4993, adopted October 15, 1996, allowed the pole sign in the southwestern corner of the PUD. Ordinance No. 6146, adopted June 20, 2000, was associated with Wal-Mart and allowed outdoor seasonal sales in the off-street parking lot. Ordinance No. 6426, adopted August 17, 2004, allowed for the development of Tad's Tropical Sno in the southwest corner of the off-street parking lot. Ordinance No. 7005, adopted June 4, 2013, allowed for the addition of Drive-In Establishments as a Permitted Use in the PUD for the development of a Chick-fil-A restaurant located in the northwest part of the off-street parking lot with additional modifications to the site plan in the form of a Final Development Plan. In addition, the associated Final Development Plan renamed the Wal-Mart PUD to Manhattan Crossing PUD.

### **Permitted Uses**

All of the Permitted Uses of the C-2, Neighborhood Shopping District, plus tire and battery auto service center (see Ordinance No. 4630, condition 1) are allowed in the existing PUD. Drive-in establishments are allowed in the existing PUD after an amendment was approved in 2013 (see Ordinance No.7005).

## **PROPOSED AMENDMENT**

**PROPOSED USE AND BUILDING:** The proposed new multi-tenant retail building adjacent to the east side of Tuttle Creek Boulevard Frontage Road is a one-story building, approximately thirty-three (33) feet tall at its highest point, with total lot coverage of 7,500 square feet. Tad's Tropical Sno will be razed and replaced by the proposed building. Exterior materials are primarily EIFS, with prairie stone on the lower section of the façade and fabric awnings above the entrances and windows to the store fronts. Interior customer access is located on the north side of the building with the existing off-street parking serving the new retail customers and tenants. Approximately 15 to 20 part-time or full-time employees are anticipated to be added with the proposed square footage.

The proposed multi-tenant building site location is at an elevation of approximately 1,006 feet. Due to the location in the 100 Year Flood Plain, the lowest enclosed floor must be at 1,009 feet or above. The proposed finished floor elevation is shown at 1,009.25 feet, and will require approximately 3 feet of fill to elevate the building.

In addition to the proposed multi-tenant retail building, minor alterations are proposed to the existing retail center. Approximately 9,100 square feet of the existing main commercial building will be removed of the southern end in order to increase the functionality of the space. Improved access for deliveries and additional parking will result from the modifications.

**PROPOSED SIGNS:** Proposed signage for the new multi-tenant retail building are in the form of wall signs on the north, east, and west building façade elevations, ranging from approximately 95 square feet in area up to 176 square feet in area.

A new multi-tenant pylon sign is proposed to be located in the southwest corner of the subject property, measuring approximately 29 feet tall from the driveway grade. The proposed pylon sign is like-kind to the existing main entrance sign located along Frontage Road. The proposed sign includes halo internally illuminated letters identifying the name of the center and tenants. Overall sign dimensions are approximately 23 feet by 14 feet per side, or 322 square feet, with tenant letter spaces less than 3 feet in height by less than 14 feet in length. The sign will be in a landscaped base mounted on a 6 foot tall cottonwood stone base with matching stone accents on the west side of the sign (see elevations).

Exempt signs will be added to the allow for those types of signs described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5) (attached). These signs generally include governmental flags, address numerals, directional signs, seasonal lights and decorations, real estate and construction signs, and political signs.

**PROPOSED LIGHTING:** Existing parking lot and building lights do not change. Illumination for the new multi-tenant retail building will consist of two (2) types of lighting. On the north, east and west side of the building, full cut-off wall mounted lighting is proposed to be located under the awnings. The south side of the building is proposed to include aluminum painted diffused lighting.

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

**1. 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 amendment is consistent with the intent and purpose of the approved Planned Unit Development. The PUD was amended recently to allow a drive-in restaurant in an outbuilding located in the northwest part of the site. Previously, the PUD was amended to allow an outbuilding in the southwest part of the site for a restaurant

*Attachment No. 2*

without a drive-in window, Tads Tropical Sno. The proposed multi-tenant retail building is proposed to be sited in the same general location as the existing outbuilding in the southwest corner of the site. The amendment reflects an efficient development pattern consistent with the intent and purpose of the PUD, which is for uses allowed in the C-2 District.

The applicant states, in part, “the amendment is necessary because the Final Plan did not envision outbuildings on outlots. Condition No. 1, Ordinance No. 4630, dated February 20, 1990, indicates that all permitted uses of C-2, Neighborhood Shopping District are proposed as a permitted use in the PUD. The proposed amendment provides for additional retail opportunities and customers within the PUD and does not adversely impact the existing development within the PUD.”

**2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:** The applicant indicates that the amendments are necessary because, “The existing PUD provides an opportunity for a new business to be located on site, supporting the overall use, efficiency and viability of the shopping center. Additionally, outbuildings are common in large shopping centers and would otherwise be allowed if the site were not a PUD and was zoned C-2 District, for example.”

**3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON:** A relative gain to the public should result from the addition of a five (5) foot concrete sidewalk proposed to be located on the south side of the site along Sarber Lane. Currently there is no pedestrian connection along Sarber Lane and the sidewalk addition will help with the overall pedestrian connectivity between developments.

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

**1. LANDSCAPING:** A revised landscaping plan for the overall PUD was added with the amendment approved in 2013. Additional landscaping is proposed around the new multi-tenant building, which is described on the Final Development Plan drawings and plans.

Irrigation consists of underground sprinklers. Landscaping is maintained by the property owner.

**2. SCREENING:** Trash containers for the new multi-tenant building will be screened by an eight (8) foot prairie stone wall enclosure and metal gate painted to match the building façade, as described on the Final Development Plan drawings and plans.

**3. DRAINAGE:** The site currently drains to the southwest corner of the parking lot. The proposed design of the new building will alter the existing drainage pattern in the parking lot, as approximately 3 feet of fill is needed in order for the lowest enclosed floor to be at or above the required elevation of 1,009 feet. Two (2) curb inlets and a junction box are being proposed with the outbuilding addition in order to compensate for the alteration to the existing drainage pattern. The site will drain into the area inlets and then to Sarber Lane, where it will be collected by the public stormwater system.

In 2013, AMEC Engineering was retained by Renaissance Infrastructure Consultants to analyze the floodplain impact associated with the development of the Chick-fil-A Restaurant. The results found that the development would not change the mapped static water surface elevation of 1008 feet. City Staff reviewed and accepted the results of that 2013 report for the past development and it was determined that additional drainage studies are not required for the new proposed multi-tenant building.

#### **4. CIRCULATION:**

Public Access. The current internal circulation plan provides for safe, convenient and efficient movement of goods, motorists, bicyclists, and pedestrians, and reduces conflicts between motorists and pedestrians. A sidewalk exists along the Tuttle Creek Boulevard Frontage Road, providing access for pedestrians and bicyclists. A five (5) foot sidewalk and retaining wall is proposed along Sarber Lane to accommodate pedestrian access for the new multi-tenant building and existing businesses within the PUD.

Existing access to the subject site is from three (3) abutting streets and associated curb cuts: A total of three (3) curb cuts along the Tuttle Creek Boulevard Frontage Road; Two (2) curb cuts off Sarber Lane; and, One (1) curb cut off Hayes Drive. Proposed modifications to the southern curb cut along Tuttle Creek Boulevard Frontage Road redirects ingress and egress to the north, in order to accommodate for grading associated with the new multi-tenant building. Minor modifications to the parking layout are proposed, as described on the Final Development Plan drawings and plans. No other changes to existing access are proposed along any other abutting street. Additional traffic studies are not required for the proposed multi-tenant building

Traffic. In 2012, a Traffic Impact Analysis was prepared by the applicant's consultant, Renaissance Infrastructure Consulting and accepted by the City Engineer. Recent site improvements have been made that were associated with the amendment to the PUD for the development of a Chick-fil-A Restaurant. These improvements include closing the

northwestern two-way curb cuts along the Tuttle Creek Boulevard Frontage Road and modification to internal circulation. Additional traffic studies are not required for the proposed multi-tenant building.

Off-Street Parking. The Manhattan Zoning Regulations require at least 5.5 off-street parking spaces per 1,000 square feet of floor area. Gross floor area of the existing shopping center is noted on Sheet 1 of 4 at 142,946 square feet including the proposed multi-tenant building. The Manhattan Zoning Regulations allow computation of floor area for determining off-street parking requirements to deduct space devoted to storage, hallways, stairwells, elevators, bathrooms or mechanical rooms from the gross floor area. Commercial spaces vary as occupants change; consequently net floor area can change dependent on the occupancy. The net floor area of the proposed multi-tenant building is 117,454 square feet.

The proposed site plan, Sheet 1 of 4, shows 540 proposed off-street parking spaces. The existing condition site plan, Sheet 2 of 4, shows 558 off-street parking spaces with a net loss of 18 off-street parking spaces based on proposed and existing conditions. Based on the existing net floor area, 646 (645.99) off-street parking spaces would be required ( $117,454/1,000 \times 5.5$ ), or 106 more spaces than currently exists. This is a proposed ratio of 4.6 parking spaces per 1,000 square feet of net floor area. If the off-street parking demand was calculated by utilizing the proposed gross square footage of 142,946, a ratio of 3.8 (3.78) parking spaces per 1,000 square feet of floor area would be produced. This proportion is similar to the existing off-street parking ratio of 3.8 parking spaces per 1,000 square feet of floor area for the PUD.

**5. OPEN SPACE/LANDSCAPED AND COMMON AREA:** There is no common area other than the shared off-street parking lot. Landscaped space is primarily perimeter space along abutting streets and internal landscape islands.

**6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is characterized as a commercial/industrial area, with commercial retail and service/commercial activities dominating the area to the south and north of the site between Hayes Drive and the Frontage Road and industrial and commercial services to the east of Hayes Drive. The area to the west of the site is a major street corridor.

### **MATTERS TO BE CONSIDERED WHEN REZONING**

**1. EXISTING USE:** The existing use is a commercial shopping center with buildings located on the eastern side of the property, one drive-thru establishment generally located in the northwest corner of the site, one out building generally in the southwest corner of the site, and off-street parking on the western side of the site. Historically, the site was the location of a Wal-Mart store, which was replaced by a Super Wal-Mart to the north of the



*Attachment No. 2*

subject site; and Dillon's grocery store, which was replaced by a Dillon's grocery store to the south of the subject site. The PUD is currently occupied by a range of commercial retail and service commercial uses.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is generally flat with slopes to the west/southwest and is a developed commercial site consisting primarily with roof and asphalt paving and perimeter landscaping and landscape islands.

Currently, Lots 1 and 2 of Manhattan Crossing Planned Unit Development are in the 100 Year (1%) Flood Plain (Flood Insurance Rate Map FIRM) Number 20161C0366E, effective date November 19, 2003, Zone AH, flood depths of 1 to 3 feet usually from ponding. The Base Flood Elevation (BFE) is 1008 National Geodetic Vertical datum (NGVD) feet. The proposed preliminary FIRM modifies the 1% zone to AE, Base Flood Elevations determined. The map change reduces the amount of area of Lot 2 that is affected by the 1% Flood, to an area west of the existing commercial buildings extending out to the frontage road; which includes the area of the proposed multi-tenant building. The proposed BFE for the site is 1008 feet.

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

**(a.) NORTH:** Commercial strip center and Super Wal-Mart; PUD.

**(b.) SOUTH:** Sarber Lane, hotel, grocery store, restaurants, and other service commercial uses; C-5, Highway Service Commercial District.

**(c.) EAST:** Hayes Drive, auto related service commercial, vacant K-Mart building; C-5, and PUD.

**(d.) WEST:** K-177 Tuttle Creek Boulevard and frontage road, Manhattan Marketplace; C-5, and PUD.

**4. GENERAL NEIGHBORHOOD CHARACTER:** See No. 6 above, **CHARACTER OF THE NEIGHBORHOOD.**

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The PUD is zoned and suitable for the existing uses, all of which are a Permitted Use in the C-2 District.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed amendment is compatible with nearby properties because the PUD is in a highway service commercial environment accessed from three (3) streets. The surrounding area is zoned to serve the motoring public in a manner consistent with higher traffic volumes. Some added light and minimal noise is expected with the additional multi-tenant retail building. The proposed amendments are no different than those in the service commercial character of the area.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is designated as CC, Community Commercial, a designation intended to provide for a mix of retail and commercial services in a concentrated and unified setting. Applicable CC policies (*in italics*) of the Comprehensive Plan include:

***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 existing PUD and proposed amendment conform to the Comprehensive Plan.

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

1969	Annexation/Zoned C-5, Service Commercial District and I-2, Industrial Park District
1971	Original Wal-Mart PUD established
1982	Planning Board approved Final Plat, Wal-Mart Addition
1990	Major expansion of Wal-Mart and establishment of new revised Wal-Mart Planned Unit Development (Ordinance No. 4630)
1991	Planning Board approved Wal-Mart Add., Unit 2 ( <i>As-built replat</i> )
1993	Amend Wal-Mart PUD signage plan (Ord. No. 4828)
1996	Amend Wal-Mart PUD signage plan (Ord. No. 4993)
July 7, 1997	Planning Board recommends approval of building expansion for a Staples Office Store
Aug. 19, 1997	City Commission approves Ord. No. 5054 expansion for Staples
June 5, 2000	Planning Board recommends approval of an increase of outdoor storage for seasonal sales of landscape materials and a reduction of the required number of parking spaces during the 4 month display period.
June 20, 2000	City Commission approves first reading of the amendment to increase of outdoor storage for seasonal sales of landscape materials and a reduction of the required number of parking spaces during the 4 month display period.
July 11, 2000	City Commission approves Ordinance No. 6146.
July 19, 2004	Planning Board recommends approval of an amendment to allow "Tad's Tropical Sno" outbuilding in the southern part of the parking lot.
Aug. 3, 2004	City Commission approves first reading of amendment for Tad's Tropical Sno.
Aug. 17, 2004	City Commission approves Ordinance No. 6426 amendment for Tad's Tropical Sno.
May 6, 2013	Manhattan Urban Area Planning Board holds public hearing and recommends approval (6-0) to amend the Wal-Mart Planned Unit Development and approve the Final Development Plan of Manhattan Crossing PUD, based on the findings in the revised Staff Report, with the five conditions of approval, as modified and recommended by the Manhattan Urban Area Planning Board.
May 21, 2013	City Commission approves first reading of an ordinance amending the Wal-Mart Planned Unit Development and approval of the Final Development Plan of Manhattan Crossing PUD.

*Attachment No. 2*

- June 4, 2013 City Commission approves Ordinance No. 7005 amending the Wal-Mart Planned Unit Development and approving the Final Development Plan of Manhattan Crossing PUD, generally located northeast of the intersection of Tuttle Creek Boulevard Frontage Road and Sarber Lane, based on the findings in the revised Staff Report, with the five conditions of approval.
- Feb. 20, 2014 Manhattan Urban Area Planning Board approves Final Plat of Manhattan Crossing Planned Unit Development.
- March 25, 2014 City Commission accepts easements and rights-of-way as shown on the Final Plat of Manhattan Crossing Planned Unit Development.

**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 amendments are consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations.

**10. 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 adverse affects on the public and no relative gain would be accomplished by denial. Denial of the amendment would be a hardship on the owner because no adverse effects on the public are expected.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public sewer and water are available to serve the business.

**12. OTHER APPLICABLE FACTORS:** There are no other applicable factors.

**13. STAFF COMMENTS:** City Administration recommends approval of the proposed amendment of the Manhattan Crossing Planned Unit Development, and approval of the Final Development Plan of Manhattan Crossing, subject to the following conditions of approval:

*Attachment No. 2*

1. Landscaping and underground irrigation shall be maintained in good condition.
2. A Landscape Performance Agreement between the applicant and City shall be approved, prior to issuance of a building permit.
3. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5), of the Manhattan Zoning Regulations.

**ALTERNATIVES:**

1. Recommend approval of the proposed amendment of the Final Development Plan of Manhattan Crossing Planned Unit Development and Ordinance No. 7005, based on the findings in the Staff Report, with the conditions of approval recommended by City Administration.
2. Recommend denial of the proposed amendment of the Final Development Plan of Manhattan Crossing Planned Unit Development and Ordinance No. 7005, 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 Final Development Plan of Manhattan Crossing Planned Unit Development and Ordinance No. 7005, based on the findings in the Staff Report, subject to the three (3) conditions of approval recommended by City Administration.

**PREPARED BY:** Chase Johnson, Planner

**DATE:** November 13, 2014

14033