

***MINUTES***  
***SPECIAL CITY COMMISSION MEETING***  
***TUESDAY, AUGUST 22, 2006***  
***5:00 P.M.***

The Special Meeting of the City Commission was held at 5:00 p.m. in the City Commission Room. Mayor Bruce Snead and Commissioners Tom Phillips, Mark Hatesohl, Jayme Morris-Hardeman, and Ed Klimek were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 3 staff, and approximately 55 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Snead led the Commission in the Pledge of Allegiance.

**WORK SESSION**

The City Commission held a Work Session regarding the Smoking Ordinance.

The Commission took a brief recess at 8:20 p.m.

**CONSENT AGENDA**

(\* denotes those items discussed)

**\* LICENSE – FIREWORKS DISPLAYS**

Jerry Snyder, Director of Fire Services, answered questions from the Commission on the fireworks display for Purple Power Play on Poyntz and the fireworks display to be held on New Year's Eve in Aggieville.

The Commission approved the application for Fireworks Display for Purple Power Play on Poyntz Avenue for September 1, 2006.

## CONSENT AGENDA (CONTINUED)

### FINAL PLAT – DAISY MEADOW ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Daisy Meadow Addition, generally located northeast of the intersection of Dickens Avenue and Hudson Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

After discussion, Commissioner Hatesohl moved to approve the consent agenda. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### FIRST READING – REZONE - LIMEY POINTE

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

Rob Ott, City Engineer, answered questions from the Commission and presented a simulation of traffic movements on McCall Road.

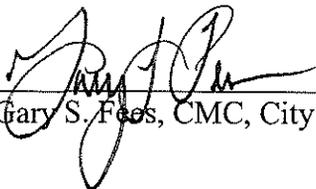
Bob Welstead, Dial Realty, provided additional information on the item and the businesses to be relocated to the area. He then answered questions from the Commission.

Ron Fehr, City Manager, responded to questions regarding funding sources for the improvements and provided additional information on future improvements to McCall Road.

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance rezoning the proposed Limey Pointe development, generally located northeast of McCall Road and Tuttle Creek Boulevard, to PUD, Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 1*), with the ten conditions as modified and recommended by the Manhattan Urban Area Planning Board. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

### ADJOURNMENT

At 8:15 p.m. the Commission adjourned.

  
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Gary S. Fees, CMC, City Clerk

## **STAFF REPORT**

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

### **BACKGROUND**

**FROM:** R-2, Two-Family Residential District; I-2, Industrial Park District; C-6, Heavy Commercial District; and, C-5, Highway Service Commercial District.

**TO:** PUD, Planned Unit Development District.

**OWNER/APPLICANT:** Dial Realty Development Corp. and City of Manhattan/ Dial Realty Development Corp.

**ADDRESS:** 11506 Nicholas Street, Omaha NE 68154.

**DATE OF PUBLIC NOTICE PUBLICATION:** June 26, 2006.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** July 17, 2006, tabled to August 7, 2006

**CITY COMMISSION:** August 22, 2006.

**LOCATION:** generally located along the north side of McCall Road, east of Tuttle Creek Boulevard and on the east and west side of Hostetler Drive.

**AREA:** 13 acres.

**PROPOSED USES:** Proposed Permitted Uses include all of the Permitted and Conditional Uses of the C-5, Highway Service Commercial District, except for Adult Businesses, which will not be allowed.

**PROPOSED BUILDINGS AND STRUCTURES:** The PUD, in part, will relocate the existing Wendy's and Pizza Hut restaurants currently located on N. 3<sup>rd</sup> Street in Manhattan Marketplace PUD, Unit Two. The proposed International House of Pancakes (I-HOP) restaurant is a new business. The remaining three lots are unknown and will require an amendment of the PUD, prior to development of the lot. Based on plans submitted with the PUD, businesses appear to be standard prototypes of the chain restaurant. Architectural, floor and sign plans are attached.

Phasing includes the first phase to include Lots 1, 2 and 4, internal private street and other public and private improvements in the Fall of 2006. Phasing of Lots 3, 5 and 6 will require an amendment of the PUD as development of the lots is unknown at this time.

### **PROPOSED LOT COVERAGE**

Proposed lot coverage for Lots 1-6 for building, streets and parking, and open/landscaped space are shown on the PUD's site plan.

### **PROPOSED SIGNS**

<b><u>Type</u></b>	<b><u>Dimensions</u></b>	<b><u>Lighting</u></b>
Pole and ground signs	1 square foot of sign area per foot of street frontage	Internal
Wall signs	Vary per business	Internal

Signs generally follow the C-2, Neighborhood Shopping District sign requirements; however, ground and pole signs are shown on the architectural building sheets differ from the skirted pole sign shown on the Preliminary Development Plan's site plan. Likewise, each lot would be allowed to construct a pole sign which varies in size due to frontage along the street. Uniformity in size would be inconsistent. A note on the PUD site plan indicates, "Metal skirting to match building design" is vague. Overall, the sign plan is confusing and inconsistent.

Ground and/or pole signs will have a visual affect and can be used to create a unifying theme in the PUD. City Administration recommends that the applicant provide an architecturally unifying pole and/or ground sign plan with the Final Development Plan. The plan should consist of a unifying architectural designs the pole and/or ground signs throughout the entire PUD, which should include clear architectural elements and ground treatments such as stone planters and landscaping at the sign base. Height, maximum gross surface area, structural type, setback and illumination should be clearly set out in the plan. No more than one (1) pole and/or ground sign should be allowed per lot. See policy CC 4 below under the Comprehensive Plan regarding unified site design.

Wall signs are internally lit and well scaled to the building facades and shall be permitted as proposed.

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Temporary banner signs should be limited to no more than one (1) banner sign per lot. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.

**PROPOSED LIGHTING:** 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. Light fixtures will be provided on individual buildings according to architectural plans and not cast direct light on streets or adjacent property.

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

**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 be irrigated with underground systems.

**2. SCREENING:** Dumpster locations will be screened with materials consistent with the building materials of each respective business.

**3. DRAINAGE:** The site will drain to the west and south to the drainage channel along Tuttle Creek Boulevard or to a drainage detention basin proposed northwest of the PUD. The City Engineer has reviewed the drainage study. The utility and grading plan indicates storm water improvements including inlets on Hostetler Drive. The drainage study, however, notes that Hostetler Drive inlet improvements should be made at a later date and existing improvements, although inadequate, do not make conditions much worse after development. The City Engineer's memo (attached) recommends that the inlet improvements on Hostetler Drive be made with the development, since there are no plans to improve Hostetler Drive. The memo otherwise accepts the consultant's drainage study.

**4. CIRCULATION:** Access is from McCall Road and Hostetler Drive. Lots 1-4 will be served by two Travel Easements, Limey Place and Goodfood Place, which will be privately owned and maintained by the owners of Lots 1-4. Restrictive covenants will be provided with the Final Development Plan addressing the private streets.

Lots 5-6 will be accessed from Hostetler Drive, a public street.

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No lots will be directly accessed from McCall Road or Tuttle Creek Boulevard. Access is prohibited from those two streets.

Sidewalk connections are provided along streets and travel easements for pedestrian access.

Off-street parking for Lots 1, 2 and 4 are based on the parking ratio for a restaurant, which requires at least one (1) parking space for each three (3) customers based upon the maximum design occupancy and one (1) parking space for each employee as related to the work shift when the maximum number of employees are present. Based on occupancy and employee counts provided by the applicant and a separate review by Code Services, Lot 1 will provide 83 parking spaces, which reflects a surplus of parking spaces. Lot 2 provides 46 parking spaces, which is the minimum required. Lot 4 provides 76 parking spaces. Based on the applicant's information, 70 parking spaces would be required. Code Services review would require 81. Seventy six (76) parking spaces for Lot 4 should be adequate, although no handicapped spaces are shown. The proposed total will likely be reduced by several spaces to accommodate handicapped stalls.

A traffic report was submitted and reviewed by the City Engineer with comments (attached memos). The traffic study indicates that the major impacts to the street network can be expected as a result of the proposed development. Proposed improvements on the site plans address the major impacts as described in the City Engineer's memo dated July 31, 2006; however a response from the VFW concerning a proposed median for new access lanes adjacent to the VFW entrance has not been provided, as requested.

**5. OPEN SPACE AND COMMON AREA:** Each lot is individually owned and consists of building, off-street parking and landscaped areas.

**6. CHARACTER OF THE NEIGHBORHOOD:** Generally characterized as a mix of retail and industrial service businesses.

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

**1. EXISTING USE:** A combination of industrial park, highway service commercial and heavy commercial lots. The former lime sludge ponds along McCall Road and Tuttle Creek Boulevard, which are being excavated. The R2 District portion of the site is a small part of the site in the northwestern corner and is in the lime sludge part of the site.

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**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. Finished floors of proposed buildings are shown 2-3 feet above the flood elevation. The eastern part of the site consists of Hostetler Drive and a recently demolished commercial building on the west side of Hostetler Drive. An existing former truck/transportation site and building are on the east side of Hostetler Drive. The eastern portion of the site is in Riley County and the western, or majority portion of the site, is in Pottawatomie County. The site drains to the west to the drainage ditch along Tuttle Creek Boulevard and partly to the north along Hostetler Drive to undersized storm water inlets.

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

(a.) **NORTH:** Industrial services; I-2 District.

(b.) **SOUTH:** McCall Road, American Legion, Super-Walmart; C-5 and PUD.

(c.) **EAST:** heavy commercial; C-6 District.

(d.) **WEST:** Tuttle Creek Boulevard, N. 3<sup>rd</sup> Street, highway and neighborhood commercial businesses on N. 3<sup>rd</sup> Street; C-5 and C-2, Neighborhood Shopping District.

**4. CHARACTER OF THE NEIGHBORHOOD:** Generally characterized as a mix of retail and industrial service businesses.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** Except for the lime sludge pond areas, individual sites in existing zoning districts could accommodate permitted uses in the zoning district in which they are located.

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

**EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site is commercial growth corridor and its development as a commercial PUD should be compatible with the surrounding neighborhood..

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map for the Northeast Planning Area designates the site as Community Commercial (CC). 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

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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 is in general conformance to the Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** The site has been zoned various commercial and industrial districts over time. Annexation was in 1968 and 1969. Commercial and industrial buildings have occupied the site.

**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.

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

**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 if the rezoning is denied and it may be a hardship to the owner if the rezoning is denied. Two businesses will be relocated from Manhattan Marketplace PUD, Unit Two. In order for the phasing to occur in a timely manner the rezoning is necessary. Street improvements, however, are necessary so that negative traffic impacts on public streets do not occur.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate sanitary sewer and water are available. Storm sewer pipes and inlets are proposed to divert storm water and must be provided. Sidewalk is proposed for pedestrian access. The traffic study by the applicant's consultant indicates major impacts to the street network, which are shown, in part, and must be built to serve the public.

Utility releases have been provided by private utility companies.

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

**13. STAFF COMMENTS AND RECOMMENDATION:**

City Administration recommends approval of the proposed rezoning of Limey Pointe PUD from R-2, Two-Family Residential District; I-2, Industrial Park District; C-6, Heavy Commercial District; and, C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, with the following conditions:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-5, Highway Service Commercial District, except for Adult Businesses.
2. 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.

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3. All landscaping and irrigation shall be maintained in good condition.
4. Light poles shall be provided as described in the application documents and shall be full cutoff design. Building lighting shall be provided as proposed and shall not cast direct light onto public or private streets or adjacent property.
5. An architectural unifying pole and/or ground sign plan shall be submitted with the Final Development Plan for the first phase. The sign plan shall apply to the entire PUD, and shall include, but not be limited to, clear architectural elements, materials and lighting and ground treatments, such as stone planters and landscaping at the sign base. Height, maximum gross surface area, structural type, setback and illumination shall be clearly set out in the sign plan. The sign plan shall indicate that there shall be no more than one (1) pole and/or ground sign per lot.
6. Wall signs shall be permitted as proposed.
7. Temporary banner signs should be limited to no more than one (1) banner sign per lot. Exempt signage shall be 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.
8. Traffic improvements cited in the July 31, 2006, Inter-Office Memorandum from the City Engineer shall be constructed with the first phase of the development to include:
  - (a.)The second through lane for westbound traffic on McCall Road between Hays Drive and Hostetler Drive shall be added.
  - (b.)The westbound and eastbound left turn lanes shall be aligned at the intersection of Hostetler Drive & McCall Road.
  - (c.)Hostetler Drive shall match the south leg of the intersection in terms of number of lanes and configuration.
  - (d.)An urban section shall be shown on the plans along the north side of McCall Road and shall include curb and gutter.
9. Drainage improvements cited in the July 31, 2006, Inter-Office Memorandum from the City Engineer for storm inlets and storm sewer pipes shall be provided with the first phase of the development.
10. Prior to the development of Lots 3, 5 and 6, an amendment of the PUD shall be submitted and approved prior to issuance of any necessary permits.

### **ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of Limey Pointe from R-2, Two-Family Residential District; I-2, Industrial Park District; C-6, Heavy Commercial District; and, C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Limey Pointe from R-2, Two-Family Residential District; I-2, Industrial Park District; C-6, Heavy Commercial District; and, C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

### **POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Limey Pointe from R-2, Two-Family Residential District; I-2, Industrial Park District; C-6, Heavy Commercial District; and, C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, based on the findings in the staff report, with the conditions recommended by City Administration.

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

**DATE:** August 2, 2006