



MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 2, 2013
7:00 P.M.

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

PLEDGE OF ALLEGIANCE

Mayor Matta led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Matta opened the public comments.

Lanard Reid, resident of Manhattan, informed the Commission that he was born in Junction City in 1952 and that he had been in and out of Manhattan all his life. He stated that he has a couple of situations ongoing from 2010 until recently regarding matters that needed to be addressed. He informed the Commission that he understood this is not the forum and that he needed to address the Riley County Law Board. He asked that the Commission look over the paperwork that he provided and get back to him at a later date. He expressed his appreciation in meeting the Commissioners.

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

COMMISSIONER COMMENTS

Commissioner Jankovich acknowledged Rodney McGruder and Jackie Carmichael (Manhattan High School graduate and played for his brother Tim Jankovich at Illinois State University) for successfully finishing their collegiate basketball careers at Kansas State University and Illinois State University respectfully. He extended congratulations to both players and their families as they will be playing on the Orlando Magic and Miami Heat summer leagues.

COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Reddi extended happy Independence Day to the community and expressed her appreciation in being a citizen of the United States and the privilege in serving as a City Commissioner for the City of Manhattan. She encouraged citizens to enjoy the Fourth of July events. She also stated that she attended a Pawnee Mental Health workshop and said that it was really insightful from prenatal care to geriatrics.

Commissioner McCulloh asked that all citizens have a safe and wonderful Fourth of July.

Commissioner Butler requested that everyone that will be using fireworks do so safely and appropriately. He encouraged citizens wanting additional information on the City budget to view the City's website and provided data regarding the City's June debt disclosure statement increases.

Mayor Matta wished everyone a fun and safe Independence Day and voiced appreciation for moderate weather.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 18, 2013.

CLAIMS REGISTER NO. 2735

The Commission approved Claims Register No. 2735 authorizing and approving the payment of claims from June 12, 2013, to June 25, 2013, in the amount of \$2,433,084.97.

LICENSE

The Commission approved a Tree Maintenance License for the calendar year 2013 for KCAT LLC, 22420 Overland Road, Onaga, Kansas.

ORDINANCE NO. 7010 – AMEND PRELIMINARY DEVELOPMENT PLAN – LOTS 2, 7, AND 8, HERITAGE SQUARE SOUTH COMMERCIAL PUD

The Commission approved Ordinance No. 7010 amending Ordinance No. 6607 and the Preliminary Development Plan of Lots 2, 7, and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, Unit Two, and the Final Development Plan of Lots 7 and 8, Heritage Square South

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7010 – AMEND PRELIMINARY DEVELOPMENT PLAN – LOTS 2, 7, AND 8, HERITAGE SQUARE SOUTH COMMERCIAL PUD (CONTINUED)

Commercial Planned Unit Development, as proposed, generally located south and east of the intersection of South Port Drive and US-24, based on the findings in the Staff Report (*See Attachment No. 1*).

FINAL PLAT – HERITAGE SQUARE SOUTH, UNIT TWO, PUD

The Commission accepted the easements, as shown on the Final Plat of Heritage Square South, Unit Two, PUD, generally located southeast of the intersection of South Port Drive and US-24 Highway.

ORDINANCE NO. 7011 – AMEND – LOT 2, TREASURES OF THE HEART, MIXED-USED PUD

The Commission approved Ordinance No. 7011 amending Lot 2, Treasures of the Heart, Mixed-Use Planned Unit Development (PUD) and Ordinance No. 6568, as proposed, generally located at 518 Yuma Street, based on the findings in the Staff Report (*See Attachment No. 2*), with the three conditions of approval recommend by Manhattan Urban Area Planning Board.

ORDINANCE NO. 7012 – AMEND – GENERAL OBLIGATION BONDS – TECUMSEH-QUIVERA STORMWATER IMPROVEMENT PROJECT (SM1302)

The Commission approved Bond Ordinance No. 7012, amending and supplementing Ordinance No. 6948 for the Tecumseh/Quivera, Phase IIA, Stormwater Improvement Project (SM1302).

* PUBLIC HEARING – LEVY - SPECIAL ASSESSMENTS (GOB 2013-A)

Mayor Matta opened the public comments.

Riley Gordon, 2821 Arbor Drive, Vice President of the Arbor Heights Neighborhood Association and Warner Park, informed the Commission that the Association president could not make it tonight, but the Association wanted to extend its appreciation for a job well done on the Shuss Road Improvement.

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

CONSENT AGENDA (CONTINUED)

FIRST READING – LEVY – SPECIAL ASSESSMENTS (GOB 2013-A)

The Commission approved first reading of an ordinance levying special assessments against the benefiting properties in the following four (4) projects, which have been completed: *Manhattan Mennonite Church – Sanitary Sewer (SS0909; McCall Road – Street (ST0821); Shuss Road – Street (ST1111); and Claflin Road and Seth Child Road (Beechwood Terrace) Intersection – Street (ST1015).*

FIRST READING – NO PARKING – 100 BLOCK OF NORTH 14TH STREET (EAST SIDE)

The Commission approved first reading of an ordinance designating a “No Parking” zone along the east side of the 100 block of North 14th Street from its intersection with Central Park Road, thence south 150 feet.

* **FIRST READING – NO PARKING – 500 BLOCK OF LEAVENWORTH STREET (SOUTH SIDE)**

Commissioner Butler voiced concern with the elimination of parking to accommodate a bus stop location for the ATA Fixed Bus Route for a portion of the south side of the 500 block of Leavenworth Street.

Mayor Matta stated that he would vote no on this particular item.

After discussion and comments from the Commission, the Commission approved first reading of an ordinance designating a "No Parking" zone along the south side of the 500 block of Leavenworth Street from its intersection with Sixth Street, thence east 50 feet.

FIRST READING – NO PARKING – CENTRAL PARK ROAD (NORTH SIDE)

The Commission approved first reading of an ordinance designating a "No Parking" zone along the north side of Central Park Road in City Park from the center line of North Manhattan Avenue, thence east 210 feet.

FIRST READING – REMOVE - NO PARKING EXCEPT SUNDAY – 400 BLOCK OF YUMA STREET (SOUTH SIDE)

The Commission approved first reading of an ordinance removing the “No Parking Except Sunday” zone along the south side of the 400 block of Yuma Street.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 070213-A – CONSENT TO THE SALE – MANHATTAN TOWN CENTER

The Commission approved Resolution No. 070213-A consenting to the sale of Manhattan Town Center in accordance with existing agreements, with continuing management by Urban Retail Properties, LLC.

RESOLUTION NO. 070213-B – PETITION – NORTHLAKE ADDITION, UNIT 1 – SANITARY SEWER (SS1311)

The Commission found the petition sufficient and approved Resolution No. 070213-B finding the project advisable and authorizing construction for the Northlake Addition, Unit 1, Sanitary Sewer (SS1311) improvements.

RESOLUTION NO. 070213-C – PETITION – NORTHLAKE ADDITION, UNIT 1 – WATER IMPROVEMENTS (WA1313)

The Commission found the petition sufficient and approved Resolution No. 070213-C finding the project advisable and authorizing construction for the Northlake Addition, Unit 1, Water (WA1313) improvements.

RESOLUTION NO. 070213-D – PETITION – NORTHLAKE ADDITION, UNIT 1 – STREET IMPROVEMENTS (ST1314)

The Commission found the petition sufficient and approved Resolution No. 070213-D finding the project advisable and authorizing construction for the Northlake Addition, Unit 1, Street (ST1314) improvements.

AGREEMENT – ENGINEERING SERVICES – NORTHLAKE ADDITION, UNIT 1 – SANITARY SEWER (SS1311), WATER (WA1313), AND STREET (ST1314) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with SMH Consultants, P.A., of Manhattan, Kansas, to perform professional services for the Northlake Addition, Unit 1, Sanitary Sewer (SS1311), Water (WA1313), and Street (ST1314) improvements.

REQUEST FOR QUALIFICATIONS – CONSTRUCTION ENGINEERING SERVICES – OLD BIG BLUE RIVER CHANNEL STORMWATER IMPROVEMENTS AND ENHANCEMENTS, PHASES III AND IV (SM1106)

The Commission authorized City staff to advertise a Request for Qualifications (RFQ) for Construction Engineering Services for the Old Big Blue River Channel Stormwater Improvements and Enhancements, Phases III and IV (SM1106), located between McCall Road and Bluemont Avenue.

CONSENT AGENDA (CONTINUED)

CHANGE ORDER NO. 2 – DOWNTOWN CORE IMPROVEMENTS (ST1203)

The Commission approved Change Order No. 2 for the Downtown Core Improvements Project (ST1203) resulting in a net increase in the amount of \$121,300.00 (+4.9%) to the contract with Emery Sapp and Sons, Inc., of Kansas City, Missouri, for removal and replacement of the existing pedestrian light pole foundations, removal and replacement of the existing electrical conduit, and removal and replacement of the existing electrical wiring.

AWARD CONTRACT – TRIANGLE PARK SIDEWALK REPLACEMENT (CP1302, CU018P)

The Commission accepted the Landscape Architect's Opinion of Probable Cost in the amount of \$35,550.00 for the Base Bid and \$14,820.00 for Bid Alternate 1, and authorized the Mayor and City Clerk to execute a construction contract, including the Base Bid and Bid Alternate 1 in the total amount of \$55,378.30, with R.M. Baril General Contractors, of Manhattan, Kansas, for the Triangle Park Sidewalk Replacement Project (CP1302, CIP #CU018P).

AWARD CONTRACT – STREET MAINTENANCE CONCRETE PANEL REPLACEMENT – AMHERST AVENUE AREA (ST1313)

The Commission awarded a construction contract to Pavers, Inc., of Salina, Kansas, for the Street Maintenance Concrete Panel Replacement – Amherst Area (ST1313) in the total amount of \$466,837.32 and authorized the Mayor and the City Clerk to execute the contract.

AWARD CONTRACT – STREET MAINTENANCE CONCRETE PANEL REPLACEMENT – NORTHVIEW AREA (ST1315)

The Commission awarded a construction contract to Pavers, Inc., of Salina, Kansas, for the Street Maintenance Concrete Panel Replacement – Northview Area (ST1315) in the total amount of \$350,656.29 and authorized the Mayor and the City Clerk to execute the contract.

AWARD CONTRACT – HAYES DRIVE PAVEMENT MARKING (ST1308)

The Commission rejected the bid in the amount of \$88,185.75 from 3-M Company, Inc., of St. Paul, Minnesota, and approved and authorized the Mayor and City Clerk to execute a negotiated contract in the amount of \$50,000.00 with 3-M Company, Inc., for the Hayes Drive Pavement Marking project (ST1308) from Sarber Lane to Casement Road.

CONSENT AGENDA (CONTINUED)

* **RESOLUTION NO. 070213-E – ISSUE GENERAL OBLIGATION BONDS – 17TH STREET IMPROVEMENTS PROJECT (ST0824)**

Item was moved to the end of the General Agenda at the request of Commissioner McCulloh so that the Commission could recess into Executive Session.

AMEND – 2012 CDBG ANNUAL ACTION PLAN

The Commission approved the substantial amendment to remove the USD 383 Family Literacy Connection Expansion Project from the CDBG 2012 Annual Action Plan, and redistributed the surplus created by this action to CDBG 2013 rehabilitation and infrastructure projects.

BOARD APPOINTMENTS

The Commission approved appointments by Mayor Matta to various boards and committees of the City.

City/University Special Projects Fund Committee

Re-appointment of Dolly Gudder, 531 Ratone Lane, to a two-year Citizen term. Ms. Gudder's term begins immediately, and will expire June 30, 2015.

Re-appointment of Eileen Meyer, 2429 Buena Vista Drive, to a two-year Citizen term. Ms. Meyer's term begins immediately, and will expire June 30, 2015.

Historic Resources Board

Appointment of Betty Mattingly, 1004 Oaktree Place, to a three-year Interior Architect term. Ms. Mattingly's term begins immediately, and will expire April 30, 2016.

Joint Corrections Advisory Board

Appointment of Jayme Morris-Hardeman, 1822 Laramie Street, to a two-year Adult term. Ms. Morris-Hardeman's term begins immediately, and will expire June 30, 2015.

Appointment of Jayme Morris-Hardeman, 1822 Laramie Street, to a three-year Juvenile term. Ms. Morris-Hardeman's term begins immediately, and will expire June 30, 2015.

Parks And Recreation Advisory Board

Re-appointment of Dave Schafer, 2104 Fox Meadows, to a four-year term. Mr. Schafer's term begins immediately, and will expire June 30, 2017.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Social Services Advisory Board

Re-appointment of Robin Hays, 2606 Casement Road, to a three-year term. Ms. Hays' term begins immediately, and will expire June 30, 2016.

After discussion and comments from the Commission, Commissioner McCulloh moved to approve the consent agenda and to move Item Q, RESOLUTION NO. 070213-E – ISSUE GENERAL OBLIGATION BONDS – 17th STREET IMPROVEMENTS PROJECT (ST0824), to the end of the general agenda. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item I-2, FIRST READING – NO PARKING – 500 BLOCK OF LEAVENWORTH STREET (SOUTH SIDE), which carried 3-2 with Mayor Matta and Commissioner Butler voting against the item.

GENERAL AGENDA

REQUEST FOR QUALIFICATIONS (RFQ) - UPDATE - MANHATTAN URBAN AREA COMPREHENSIVE PLAN

Karen Davis, Director of Community Development, presented background information and an overview of the item. She then responded to questions from the Commission and provided additional information regarding the make-up of the steering committee and potential stakeholders, the process and schedule, and responded to additional questions on the potential to work with the Metropolitan Planning Organization for transportation planning.

Ron Fehr, City Manager, provided additional information regarding the item. He informed the Commission on the costs and funding sources projected to pay for the update to the Comprehensive Plan.

Philip Kvasnica, 3426 Chimney Rock Road, voiced concern with the new housing units that were built for the returning personnel with Fort Riley and asked if those are filled.

After comments from the Commission, Ron Fehr, City Manager, responded to questions regarding housing and stated that residential rental rates last reported by the Riley County Appraiser's Office in Manhattan indicated about a 95% occupancy.

After additional discussion and comments from the Commission, Commissioner Jankovich moved to authorize City Administration to solicit professional services for an update of the Manhattan Urban Area Comprehensive Plan and related projects with a Commissioner representative appointed for the consultant selection and in this case, Commissioner Butler. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

ITEM REMOVED FROM CONSENT AGENDA

RESOLUTION NO. 070213-E – ISSUE GENERAL OBLIGATION BONDS – 17TH STREET IMPROVEMENTS PROJECT (ST0824)

The Commission and City staff discussed the timing for the two remaining items.

At 7:30 p.m., Commissioner McCulloh moved to recess into Executive Session until 7:40 p.m. for the purpose of preliminary discussions related to the acquisition of real estate. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

At 7:40 p.m., the Commission reconvened with Mayor Matta and Commissioners Butler, McCulloh, Reddi, and Jankovich in attendance.

After discussion, Commissioner McCulloh moved to approve Item Q: Resolution No. 070213-E authorizing the issuance of General Obligation Bonds and authorize City Administration to finalize and the Mayor and City Clerk to execute agreements for acquisition of real estate from Kansas State University Foundation and from the Northern Flint Hills Audubon Society for the 17th Street Improvements Project (ST0824). Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

At 7:41p.m., Commissioner Jankovich moved to recess into Executive Session until 8:05 p.m. for the purpose of discussing matters, that presently need to remain confidential, and are related to employer-employee negotiations between City Administration and Local 2275, International Association of Fire Fighters, the Union representing certain members of the Manhattan Fire Department. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

At 8:05 p.m., the Commission reconvened with Mayor Matta and Commissioners Butler, McCulloh, Reddi, and Jankovich in attendance.

ADJOURNMENT

At 8:05 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

AN AMENDMENT OF AN ORDINANCE AND THE APPROVED PRELIMINARY DEVELOPMENT PLAN, PROPOSED AS A FINAL DEVELOPEMNT PLAN.

BACKGROUND

PROPOSED AMNENDMENT: Amend Ordinance No. 6607 and the approved Preliminary Development Plan of Lots 2, 7, and 8, Heritage Square South Commercial Planned Unit Development, to allow for a proposed Aaron's Rental retail store on Lot 2 and a proposed Midway Wholesale business on Lots 7 and 8. Other site improvements include, but are not limited to, signs, landscaping, lighting, and other improvements. The amendment is proposed as a Final Development Plan.

The proposed amendment is required because Condition No. 11, Ordinance No .6607, states, *An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 2, 3, 4, 5, 7, 8 and 10.*

APPLICANT: Schultz Construction – Brett Ballou.

OWNER: Heritage Square Land Company, LLC – Tim Schultz Member.

ADDRESS: 1213 Hylton Heights Road, Suite 129, Manhattan, KS 66502.

LEGAL DESCRIPTION: Lots 2, 7 and 8 Heritage Square South PUD a Commercial Planned Unit development, in the City of Manhattan, Pottawatomie County, Kansas.

LOCATION:

- Aaron's Rental retail store: generally located approximately 230 feet east of the intersection of South Port Drive and South Port Drive along the north side of the street.
- Midway Wholesale: generally located south of Tractor Supply Store along the south side of South Port Drive.

AREA:

- Lot 2 – 61,374 square feet (1.41 acres). Lot 2 has proposed to be replatted with the adjacent Lot 3 to create Heritage Square South, Unit Two. The area reflects the proposed lot dimensions. The current lot is 64,867 square feet (1.49 acres)
- Lot 7 & 8 – 136,886 square feet (3.143 acres).

DATE OF NEIGHBORHOOD MEETING: April 16, 2013.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, May 13, 2013.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, June 3, 2013.

CITY COMMISSION: Tuesday, June 17, 2013.

EXISTING PUD

Ordinance No. 6607

The Heritage Square South Commercial Planned Unit Development, and Ordinance No. 6607, approved February 6, 2007, is subject to the following conditions of approval:

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 and Commercial off-street parking lots as a Principal Use. Additional Permitted Uses include: Antique shops; Apparel stores; Blueprinting, desktop publishing, and photocopying establishments; Book stores; Camera and photographic supply stores; Carpet and rug stores; China and glassware stores; Department stores; Farm and ranch supply stores; Florist shops; Furrier shops; Governmental buildings; Hardware stores; Hobby shops; Motel; Medical clinic; Outdoor seating for restaurants; and Tavern.
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.
3. All landscaping and irrigation shall be maintained in good condition.
4. Light poles shall be provided as described in the application documents. Exterior building lighting shall be provided as proposed and be of a cut-off design, so as to not cast direct light or glare onto streets or adjacent property.
5. Ground Signs shall be permitted and constructed as proposed.
6. Wall signs shall be permitted as proposed.
7. One (1) pole sign shall be permitted per lot on Lots 6, 7, 8 and 10, and no pole signs shall be permitted on Lots 1, 2, 3, 4, 5 and 9. Pole signs shall have a maximum total height of 50 feet above the ground; shall not exceed a maximum total 120 square feet in area; and shall include skirting of the pole. The skirting and the base of pole signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and, pole signs shall include an enhanced landscaped area around the base.
8. Exempt signage shall be permitted as 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

9. Traffic and drainage improvements to US-24 shall be provided as required by the Kansas Department of Transportation, and the applicant shall submit with the Final Plat either the approved access permit, or a letter from a KDOT representative authorizing the project based on the approved concept.
10. Drainage improvements shall be provided as proposed in the application documents and as per the City Engineer's requirements.
11. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 2, 3, 4, 5, 7, 8 and 10.

Permitted Uses

The Permitted Uses in the PUD are set out above in Condition No. 1.

**PUD AMENDMENT AND PROPOSED IMPROVEMENTS ON
LOT 2 – AARON'S RENTAL CENTER**

Proposed Use and Building: An approximate 80 foot by 100 foot commercial building for an Aaron's rental store is proposed. The 7,970 square feet of interior floor area is divided into the showroom, offices, storage, restrooms and break rooms. The front of the building faces U.S. Highway 24, with the rear of the building facing to the south towards South Port Drive. Deliveries will be received on the south side of the building. The building will be approximately twenty (20) feet tall, with an eight (8) foot tall parapet. Looking at the front façade, the building will appear to be twenty-eight (28) feet tall.

The exterior finish materials will consist of a brick band below the windows, EIFS (exterior insulation and finish system) and metal paneling above the doorway and on the parapet. The building colors will be brown colored brick, tan EFIS and the Aaron's corporate blue metal mansard and parapet.

A screened in trash enclosure is proposed to the south of the building. The proposed screened trash enclosure is described below.

The site is a through lot fronting onto U.S. Highway 24 and South Port Drive. Access is prohibited along U.S. Highway 24. The north property line along the highway is by definition considered a rear lot line. The proposed building will be setback approximately seventy-five (75) feet from this property line. The south property line along South Port Drive is a front lot line, with an approximately sixty (60) foot setback. The building will be setback roughly ninety-five (95) feet from the west property line and eight (80) feet from the east property line.

Attachment No. 1

The site is part of the Heritage Square South, Unit Two Final Plat, which shifts the adjoining property line between the site and Lot 3 (Dollar General) fifteen (15) feet to the east. A thirty (30) foot wide utility easement is platted along the north property line. A ten (10) foot wide utility easement is platted along the east property line and a fifteen (15) foot utility easement is along the south property. The site will abut a twenty-five (25) foot wide utility easement on the adjacent lot.

Proposed Signs: Five (5) signs are proposed on the front façade of the building, with a total of 186 square feet of sign area. The main sign will be centrally located on the parapet and be 144 square feet in area. Four (4) small signs will be on the parapet, two (2) on either side of the main sign. The two (2) smaller sign to the west of the main sign will each be 10.5 square feet in area. The two (2) smaller signs to the east of the main sign will be twelve (12) feet and nine (9) feet.

A ground sign is proposed along the south side of US-24 Highway and set back approximately 30 feet from the north property lot line due to a 30 foot wide utility easement. The sign will be six feet, nine inches tall on a one foot, six inch tall brick base (a total of eight feet, three inches tall) and six feet wide. The brick base will match the building's brick accents.

Proposed Lighting: Exterior lighting will consist of full cutoff, building wall packs on all four (4) sides of the proposed building. No parking lot light poles are proposed for the development.

**PUD AMENDMENT AND PROPOSED IMPROVEMENTS ON
LOTS 7 & 8 – MIDWAY WHOLESALE**

Proposed Use and Building: Midway Wholesale has proposed to develop Lots 7 and 8 to include two buildings and a fenced in materials and equipment storage area. The east building will be approximately 8,000 square feet in floor area with a showroom, business offices and warehouse space. Standard doors and large overhead doors will be located on the west side of the building. A loading dock will be located on the southwest side of the building. The exterior materials of the east building will be grey colored metal siding. A cultured stone band will be present below the windows on the north façade and a portion of the east and west façade towards the front of the building. The building will be approximately twenty-three (23) feet at the peak of the roof.

The west building will have approximately 11,700 square feet of floor area and will be used as warehouse space. The building will have overhead doors on both the east and west side of the structure. A loading dock will be located on the southeast side of the structure. The warehouse's exterior materials will be entirely metal siding. The building will be approximately twenty-three (23) feet at the peak of the roof.

Attachment No. 1

The east building will be approximately thirty-eight (38) feet from the front property line along South Port Drive, sixty-three (63) feet from the east property line, and over 580 feet to the west property line.

The west building will be 120 feet from the front property line along South Port Drive, over 340 feet from the east property line, approximately eighteen (18) feet from the south property line and over 220 feet from the west property line.

The majority of the site will be fenced in creating a secured equipment and materials storage yard. Additional details of the fence are provided below.

Proposed Signs: One wall sign is proposed on the north façade of the showroom building (east building). The area designated for the wall sign is six (6) feet by twenty-four (24) feet, for a total area of 144 square feet. A second wall sign is proposed on the west façade of the showroom building (east building). The sign will be six (6) feet by six (6) feet, for a total area of 36 square feet.

Proposed Lighting: Illumination of the development will consist of exterior lights on the two (2) buildings. Two (2) types of light are proposed. On the north, east and south side of the showroom building, full cut off wall packs are proposed. On the east side of the showroom and east, west and north side of the warehouse will be flood lights. The south side of the warehouse is not proposed to have light fixtures on it.

**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 commercial PUD intended to consist of a broad range of highway service and retail uses. The approved PUD shows a commercial building footprint and parking on Lot 2, 7 and 8, but no other information was provided with the initial rezoning. The proposed amendment will promote the efficient development of the site, and PUD, by allowing construction of a retail use intended to be part of the retail and commercial shopping area.

Attachment No. 1

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 amendment is made necessary because Condition No. 11, of Ordinance No. 6607, requires an amendment of the PUD prior to issuance of any permits for development. The PUD has begun developing and the amendment is a result of the increase in demand in the commercial development.

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: The proposed amendment will result in a gain to the public by allowing development of a vacant lots of land. The amendment is necessary because of a condition of the approval of the PUD and not because the amendment will confer a special benefit to any person.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

Lot 2, Aaron's Rental

- 1. LANDSCAPING:** The majority of the front, side and rear yards are grass lawn areas. Deciduous trees are to be located along the side yards. Foundation planting beds and parking lot islands are proposed with decorative bushes and perennial ornamental grasses. The proposed landscape will be watered by an underground irrigation system.
- 2. SCREENING:** A six (6) foot tall split-faced cinder block wall is proposed to enclosed the trash dumpster. The wall will also include a double set of swinging gates to fully enclose the area.

No other screening is proposed on the site.

- 3. DRAINAGE:** The majority of the stormwater runoff will sheet flow to the north towards an open ditch along U.S. Highway 24. Runoff from the proposed building and off-street parking lot will be directed to a concrete flume, which will then deposit the stormwater into the adjacent ditch. The southernmost portion of the site will sheet flow to South Port Drive, where it will be collected in the street gutter and storm sewer system.

Attachment No. 1

4. **CIRCULATION:** The existing street system provides an internal circulation plan which is safe, convenient and efficient for movement of goods, motorists, and pedestrians. Conflicts between motorists and pedestrians are minimized.

Public Access. Pedestrians will be accommodated by sidewalks that will be constructed throughout the development located along one side of streets, as the development builds out.

As a part of Lot 2 development, public sidewalk will be constructed in the South Port Drive right-of-way to the south of Lot 2, with a pedestrian connection from the public sidewalk to an internal pedestrian sidewalk on the south and west side of the building, which leads to the front door.

Traffic. In 2006, a Traffic Report was submitted and accepted by the City Engineer. Access to the development is from U.S.-24 Highway onto a main entry drive to the internal streets of the development, which connect to the east and west of the PUD. Major highway improvements including left turning lanes, a traffic signal and closure of two existing median crossings, were constructed.

Off-Street Parking. Twenty-four (24) off-street parking spaces are required and are provided.

5. **OPEN SPACE/LANDSCAPED AND COMMON AREA:** No common area is proposed. Landscaped space is approximately 60% of the site's coverage.
6. **CHARACTER OF THE NEIGHBORHOOD:** The highway corridor is a service commercial neighborhood characterized primarily by individual building sites. Open sales display lots of vehicles and equipment are a common feature of the corridor.

Lot 7 & 8, Midway Wholesale

1. **LANDSCAPING:** The front yard, east side yard and a portion of the rear yard will primarily grass lawn area. The landscape plan notes lawn area along South Port Drive will be irrigated. The grass areas on the east and south side of the site will not be irrigated. A planter bed will be along the north façade of the building and will consist of ornamental shrubs and grasses. Deciduous and evergreen trees are proposed in the front yard area.

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2. **SCREENING:** The equipment and materials storage area will be enclosed with a six (6) foot tall chain link fence with screening slats. The fence will enclose all areas of the storage area, with the exception of the off-street parking lot.
3. **DRAINAGE:** The site will drain towards South Port Drive where it will be collected by the stormwater sewer system or drain to the south towards a drainage ditch along the Union Pacific Railroad right-of-way.

Sump pumps are proposed in the lowered loading dock areas to pump the collected stormwater and pump it into the paved parking lot, where it will sheet flow towards the street to the north

4. **CIRCULATION:** The existing street system provides an internal circulation plan which is safe, convenient and efficient for movement of goods, motorists, and pedestrians. Conflicts between motorists and pedestrians are minimized.

Public Access. Pedestrians will be accommodated by sidewalks that will be constructed throughout the development located along one side of streets, as the development builds out.

As a part of the development of Lots 7 & 8, public sidewalk will be constructed in South Port Drive right-of-way to the north of the site.

Traffic. In 2006, a Traffic Report was submitted and accepted by the City Engineer. Access to the development is from U.S.-24 Highway onto a main entry drive to the internal streets of the development, which connect to the east and west of the PUD. Major highway improvements including left turning lanes, a traffic signal and closure of two existing median crossings, were constructed.

Off-Street Parking. Fifteen (15) off-street parking spaces are required and are provided.

5. **OPEN SPACE/LANDSCAPED AND COMMON AREA:** No common area is proposed. Landscaped space is approximately 21% of the site's coverage.
6. **CHARACTER OF THE NEIGHBORHOOD:** The highway corridor is a service commercial neighborhood characterized primarily by individual building sites. Open sales display lots of vehicles and equipment are a common feature of the corridor.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Lots 2, 7 & 8 are vacant commercial lots.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:

Lot 2: The site is a flat, square shaped lot with frontage on two (2) public rights-of-way, U.S. Highway 24 and South Port Drive. No access is permitted along the property line.

Lot 2 is shown on effective Flood Insurance Rate Map (FIRM) Panel 359 of 500, dated July 6, 2010, in the 0.2% annual chance flood plain (500-year).

The site is also shown in the 0.2% annual chance flood plain (500-year) on the Preliminary FIRM for Riley County, undated Panel 359 of 500. Preliminary FIRMS are expected to be adopted in 2013-2014 time period. Zone X is for informational purposes only and is not used for regulatory purposes.

Lot 7 & 8: If approved, the two (2) platted lots will be combined into a zoning lot. The zoning lot is a relatively flat, irregular shaped lot to the south of South Port Drive. The effective Flood Insurance Rate Map (FIRM) Panel 359 of 500, dated July 6, 2010, does not show a mapped floodplain on the site.

The Preliminary FIRM shows the site to be within the 0.2% annual chance flood plain (500-year).

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: U.S.-24 Highway, cultivated agricultural field, highway service commercial and retail uses, and undeveloped tract (future Heritage Square North); Pottawatomie County CH, Highway & Commercial Corridor District.

(b.) SOUTH: Railroad; agricultural fields, Kansas River; Pottawatomie County A-1, General Agriculture District.

(c.) EAST: Highway service commercial and retail uses; Pottawatomie County CH, Highway & Commercial Corridor District.

(d.) WEST: Furniture sales, storage units, and similar highway service commercial and retail uses, livestock sales; Pottawatomie County CH, Highway & Commercial Corridor District.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Lots 2, 7 and 8 are suitable for commercial development for the uses under the current zoning, as approved with the Preliminary Development Plan, subject to Condition No. 11, Ordinance No. 6607.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Minimal impact on adjacent commercial property in the Heritage Square South PUD with respect to light, noise, and traffic is anticipated. Lots 2, 7 and 8 are intended to develop as a commercial lots in a manner similar to other commercial sites in the PUD.

Lot 2: The Preliminary PUD shows a building footprint with the storefront oriented towards the south along South Port Drive. The rear of the preliminary building was shown to be towards U.S. Highway 24. The proposed building's storefront will face U.S.-24 Highway, with the rear of the building facing the internal street (South Port Drive). Facing the proposed building towards a major highway is more compatible with the highway oriented businesses found in the development. Dollar General was recently approved to have a similar orientation. The change in orientation should not have a substantial negative effect on the businesses to the south that are separated from Lot 2 by a public street. Trash containers and HVAC will be screened.

Lot 7 & 8: The Preliminary PUD shows Three (3) commercial buildings on the two (2) lots. Lot 8 was shown to have a building with its front façade facing north towards South Port Drive with an off-street parking lot between the building and the street right-of-way. Lot 7 was shown to have two buildings on it. The eastern building appears to have a business facing South Port Drive and another facing to the west towards the western building. The east and west buildings were separated by an off-street parking lot. The proposed development on Lots 7 & 8 has two (2) buildings and a large enclosed equipment and materials storage yard. The layout of the two (2) lots should not have a detrimental effect on the businesses within the commercial development or on adjacent properties. The development is at the rear of the commercial development and will be adequately screened to avoid any visual conflicts with the rest of the development or adjacent properties.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Northeast Planning Area of the Manhattan Urban Area Comprehensive Plan designates the site as Community Commercial (CC). The Comprehensive Plan also reflects the land use designation of the US 24 Corridor Plan developed by Pottawatomie County. The site is also subject to the US 24 Corridor Special Planning Area Policies in the Comprehensive Plan.

The existing PUD was found to conform to the Comprehensive Plan in 2006. The proposed PUD amendment conforms to the Manhattan Urban Area Comprehensive Plan.

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

June 29, 2006: City of Manhattan receives requests for island annexation of the proposed Heritage Square North and Heritage Square South tracts from Roger Schultz and Rob Eichman.

July 11, 2006: City Commission approves Resolution Nos. 071106-H & I, requesting the Board of Pottawatomie County Commissioners to make positive findings regarding the requested island annexation of Heritage Square North and Heritage Square South.

July 27, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexations of Heritage Square North and Heritage Square South.

August 15, 2006: City Commission approves first reading of ordinances annexing Heritage Square North and Heritage Square South; and, approves Resolution No. 081506-A, requesting the Board of Pottawatomie County Commissioners to make positive findings regarding the island annexation of that portion of the US 24 Right-of-way that adjoins Heritage Square.

August 18, 2006: City of Manhattan receives Consent To Annexation from the Kansas Department of Transportation for that portion of the US Highway 24 right-of-way that adjoins Heritage Square South, consisting of 6.791 acres.

August 21, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexation of that portion of the US Highway 24 right-of-way that adjoins Heritage Square South.

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- October 16, 2006; Manhattan Urban Area Planning Board holds public hearing and recommends approval (7-0), of the rezoning the proposed Heritage Square South and the adjoining US Highway 24 right-of-way from County - CH, Highway & Commercial Corridor District, to PUD, Commercial Planned Unit Development District.
- November 7, 2006 City Commission approved first reading of an ordinance annexing the 6.8-acre portion of the US Highway 24 right-of-way that adjoins the Heritage Square South development; and, approved first reading of an ordinance rezoning the proposed Heritage Square South development and the adjoining portion of US Highway 24 right-of-way, to PUD, Planned Unit Development District.
- February 6, 2007 City Commission approves Ordinance No. 6606 annexing proposed Heritage Square North, proposed Heritage Square South and the 6.8-acre portion of the US Highway 24 right-of-way that adjoins Heritage Square South; and, approved Ordinance No.6607 rezoning the Heritage Square South and the adjoining portion of US Highway 24 right-of-way, to PUD, Commercial Planned Unit Development District.
- March 5, 2007 Manhattan Urban Area Planning Board approves the Final Development Plan (Lots 1, 6, and 9) and Final Plat of the Heritage Square South Addition (Lots 1-10).
- March 15, 2007 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square South Addition.
- July 17, 2007 City Commission approves first reading of an ordinance renaming Heritage South Road to South Port Road, and Heritage Square Drive to South Port Drive, in Heritage Square South P.U.D. Addition.
- August 14, 2007 City Commission approves Ordinance No. 6651 renaming Heritage South Road to South Port Road, and Heritage Square Drive to South Port Drive, in Heritage Square South P.U.D. Addition.

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- January 24, 2013 Manhattan Urban Area Planning Board recommends approval of proposed amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development, based on the findings in the Staff Report.
- February 19, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development.
- March 5, 2013 City Commission approves Ordinance No. 6991 amending the Preliminary Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development and Ordinance No. 6607, as proposed, based on the findings in the Staff Report.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout.

The proposed PUD amendment is consistent with Ordinance No. 6607, and the approved PUD, the Manhattan Zoning Regulations, and PUD requirements of the Manhattan Zoning Regulations. The amendment process is required before development of Lots 2, 7 and 8 can proceed. The amendment process insures the PUD conforms to the requirements of all 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 gain to the public that denial would accomplish. Denial of the rezoning may be a hardship to the owner.

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

The Final Plat of Heritage Square South, Unit Two has been submitted, which will shift the western lot line of Lot 2 fifteen (15) to the east to accommodate the needs of the new Dollar General store to the west. Adequate utility easements are shown on the proposed plat to accommodate the proposed development on Lot 2. (see staff memorandum for specifics of the Final Plat)

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

13. STAFF COMMENTS: All provisions of Ordinance No. 6607 that are not in conflict with this amendment shall remain in force.

City Administration recommends approval of an ordinance amending Ordinance No. 6607 and the approved Preliminary Development Plan of Lots 2, 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, Unit Two, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development.

ALTERNATIVES:

1. Recommend approval of an ordinance amending Ordinance No. 6607 and the approved Preliminary Development Plan of Lots 2, 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, Unit Two, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, stating the basis for such recommendation.
2. Recommend denial of an ordinance amending Ordinance No. 6607 and the approved Preliminary Development Plan of Lots 2, 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, Unit Two, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

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POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval an ordinance amending Ordinance No. 6607 and the approved Preliminary Development Plan of Lots 2, 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, Unit Two, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Planner II

DATE: May 23, 2013.

**AMENDMENT OF AN ORDINANCE AND THE FINAL DEVELOPMENT PLAN
OF A MIXED USE PLANNED UNIT DEVELOPMENT**

APPLICANT/OWNER: Jon Henry. (*Note: The applicant is the owner of all three properties in the PUD, which include 514, 518 and 522 Yuma Street.*)

APPLICANT'OWNER'S ADDRESS: 514 Yuma Street, Manhattan, KS 66502.

PROPOSED AMENDMENTS:

Request and Amendments.

The applicant/owner has requested an amendment of Ordinance No. 6568 to convert and remodel the current vacant first floor commercial retail space at 518 Yuma Street to two, one bedroom dwelling units. The space was formerly occupied by Treasures of the Heart antique store. The amendment is in the form of a Final Development Plan, which includes the revised floor plan for 518 Yuma Street, and a site plan for the existing 19 off-street parking spaces serving the entire PUD, which was reduced with the building permit for 518 Yuma Street from 20 to 19 parking spaces. No other changes to the PUD are proposed.

Sheets C1 and A2 of the attached approved Final Development Plan are revised with the amendments.

Substantial Modifications of the Approved Residential Density and Floor Area.

The amendment is required because the Manhattan Zoning Regulations, Article IX, Section 9-108 (C) (2) indicates that an increase in net residential density greater than 5% is a substantial modification; and, Section 9-108 (C) (3), which indicates that an increase in floor area of a residential building of more than 10% is a substantial modification. The proposed changes are substantial modifications to net density for the entire PUD, and residential floor area of 518 Yuma Street and the entire PUD.

Net Density.

The conversion of the floor space from retail to residential results in an increase of total dwelling unit count within the entire PUD from 7 dwelling units to 9 dwelling units, which is an increase in net density within the approved PUD from 13.5 dwelling units per gross acre to 17.4 dwelling units per gross acre ($17.4-13.5/13.5=.288 \times 100$), or a 29% increase in net residential density.

Net Floor Area.

Residential floor area within the mixed use building at 518 Yuma Street increases from 1,282 square feet on the second floor to 2,472 square feet total as a result of the additional 1,190 square feet of residential floor area for the two units on the first floor ($2472-1282/1282=.928 \times 100$), or a 93% increase in floor area of the residential building at 518 Yuma Street.

The increase of total existing residential floor area for the entire PUD is 20%, based on all residential building floor areas compared to proposed total residential floor space floor space (2,400 square feet at 514 Yuma Street, and 2,234 square feet at 522 Yuma Street combined with 2,472 square feet at 518 Yuma Street) ($7106-5916/5916=.201 \times 100$).

(Note: The common foyer entrance on the first floor and stairwell to the second floor were not counted as floor area because neither is living area. The storage, mechanical room and bathroom basement space was not included in the floor area for 514 Yuma Street. If the basement space is expanded for residential living purposes, separate calculations will be made have to be made prior to expansion to determine compliance with Article IX PUD standards for residential floor area and/or density.)

LOCATION: The location of the amendment site is 518 Yuma Street, which is on the north side of Yuma Street mid block between S. 5th Street and S. 6th Street. 518 Yuma Street is the middle lot in the PUD with 514 Yuma Street to the immediate east and 522 Yuma Street to the immediate west.

LEGAL DESCRIPTION: The legal description of the amendment site is Lot 2, Treasures of the Heart, PUD, an Addition to the City of Manhattan, Kansas.

AREA: The area of the amendment site, Lot 2, is 7,826 square feet (.180 acres). The balance of the PUD is Lot 1: 7,636 square feet, .175 acres; and Lot 3: 7,073 square feet, .162 acres. Total area in the PUD is 22,535 square feet and 0.517 acres.

DATE OF NEIGHBORHOOD MEETING: April 14, 2013.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, April 29, 2013.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, June 3, 2013.
CITY COMMISSION: Tuesday, June 18, 2013.

EXISTING PUD

Ordinance No.

The PUD is subject to Ordinance No. 6568, adopted May 7, 2002 (*attached*).

Permitted Uses.

Permitted Uses in the PUD include single-family residential, two-family residential, multiple-family residential and a broad range of commercial retail uses and several service commercial uses such as barber shops, beauty shops and tailors (*see attached Ordinance for complete list*).

Existing Structure and Off-Street Parking.

Treasures of the Heart Mixed Use PUD consists of three structures, two-residential structures and one mixed use structure; seven total dwelling units, a vacant commercial space; and, a total of 19 off-street parking spaces. Parking was reduced to 20 off-street parking spaces with the Final Development Plan approval and later to 19 parking spaces due to design complications as a part of providing ADA parking on the amendment site. In addition, private covenants were submitted with the Final Development Plan granting a cross easement to allow shared parking between properties. (*Construction date information was obtained from the Riley County GIS web page.*)

- Lot 1, 514 Yuma Street: The two-story, four-family dwelling unit, is a residential structure originally constructed in 1945 and converted to four, one-bedroom dwelling units at a later date. The existing dwelling structure is built with two dwelling units per floor, with basement for storage, bathroom and mechanical equipment. There is a detached garage at the rear of the lot, which is accessed off the concrete paved public alley. There are four off-street parking spaces on Lot 1, two on a concrete paved open to the sky parking pad and two in the garage.
- Lot 2, 518 Yuma Street: The two-story mixed use commercial/residential structure was constructed in 2009, and built with first floor commercial space (vacant and formerly occupied as an antique store) and second floor three bedroom single-family dwelling unit. There are eleven open concrete paved off-street parking spaces located at the rear of the lot, which are accessed from the alley.
- Lot 3, 522 Yuma Street: The one-story, two-family dwelling unit is a residential structure originally built in 1960 and converted at a later date to two-dwelling units. The dwelling structure is built with a three bedroom dwelling unit on the first floor, and a one bedroom dwelling unit in the basement. There is a detached garage at the rear of the property accessed off the alley. There are four off-street parking spaces on Lot 3, two in a garage and two on a paved open parking pad.

PROPOSED AMENDMENT

Proposed Use and Building: Minor external changes to the building at 518 Yuma Street are proposed at the rear to relocate a back door. All other changes are interior modifications of the first floor at 518 Yuma Street. The building maintains its residential character.

The commercial floor space will be divided into two mirror image one bedroom dwelling units consisting of kitchen, living room, mechanical room, bathroom, bedroom and closet space. Each unit is accessed from a separate door through a common foyer entrance.

PROPOSED LIGHTING: No changes are proposed.

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 approved PUD, which allows residential buildings, and because in the applicant's words, "Within the current PUD surrounding 518 Yuma, there are numerous commercial, single family housing and multi-family housing. By requesting a change of use, from commercial to multiple single family dwelling units we are staying within the current neighborhood usage."

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 amendments are necessary because the standards to evaluate the proposed changes are greater than the percent increases allowed for net density and residential floor are. In the applicant's words, the amendments are necessary because, "We have seen the addition of downtown residential rental property as the building of new shopping areas surrounding the Manhattan Town Center. The proposed change in use will provide for additional housing in this area as well."

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: The resulting relative gain to the public is expressed in the applicant's words, "Currently the ground floor of 518 Yuma is vacant, the

antique store that was located here for a short time could just not compete with the newer shopping areas as we believe that it was just too far off the beaten path. By building two single family dwelling units, we will be bringing potential shoppers/workers to within walking distance of an area of commerce.” No adverse affect on the public is expected as the changes are interior remodeling to convert the commercial ground floor to residential space. The applicant’s consultant has contacted the Code Services Department to insure applicable building code requirements will be met with the conversion/remodel.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

- 1. LANDSCAPING:** No change to the approved landscape plan is proposed.
- 2. SCREENING:** A trash enclosure on the amendment site is located on the east side of the parking pad and is screened with a wood fence. The existing dumpster in the northwest corner of Lot 3 is not screened. The Manhattan Zoning Regulations does not require sight obscuring screening of trash receptacles for two family dwelling structures, which is the residential use on Lot 3. City Administration recommends the dumpster be screened with six foot sight obscuring fencing to be determined prior to issuance of the building permit on Lot 2.
- 3. DRAINAGE:** No changes to the drainage are proposed as a result of the interior remodeling of 518 Yuma Street.
- 4. CIRCULATION:** Public Access. The proposed internal circulation plan provides for safe, convenient and efficient movement of goods, motorists, bicyclists, and pedestrians, and reduces conflicts between motorists and pedestrians. Access to the amendment site is from Yuma Street and sidewalk connections from public sidewalk on the north side of Yuma Street and private sidewalk to the front door of the building. Off-street parking to the rear of the amendment site is accessed from the public alley.

Off-Street Parking.

There are 11 off-street parking spaces proposed for the amendment site. The approved PUD required one parking space for each bedroom. There are three existing bedrooms and two proposed, or five total bedrooms at the amendment site and eleven parking spaces are provided. There are eight off-street parking spaces on the adjoining two lots. Future conversions of any use on any or all lots in the entire PUD may necessitate the need for shared parking. A private covenant was submitted with the Final Development Plan to insure a cross easement between properties to share parking. As a private agreement, the shared provision could be changed among owners. The PUD amendment is conditioned on a requirement to share off-street parking.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: No exterior changes to the existing landscaped space are proposed

6. CHARACTER OF THE NEIGHBORHOOD: The overall character of the surrounding neighborhood is generally medium density residential, with a combination of owner occupied and rental homes throughout the established neighborhood. Further to the east, on both the north and south sides of Yuma Street, are two sites zoned C-5, Highway Service Commercial District. Document Resources and associated parking area occupies the C-5 lot on the north side of Yuma, while the C-5 lot to the south is currently vacant and used as vehicle storage.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The amendment site is a mixed use commercial retail first floor and second floor, three bedroom dwelling unit.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The amendment site is relatively flat with the north half draining to the north to the public alley and the south half to Yuma Street. Grass and trees are on the site, which is in the 0.2% Annual Chance Flood Plain (commonly called the 500 Year Flood Plain), and is not regulated for flood plain development purposes.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Public alley, owner occupied, group home, and rental homes; R-M, Four-Family Residential District, with TNO, Traditional Neighborhood Overlay District.

(b.) SOUTH: Yuma Street and a mix of owner occupied and rental homes, vacant residential lot, and gravel parking lot; R-M/TNO District, and C-5 District.

(c.) EAST: An existing parking lot located in a residential district used by a commercial office building located further to the east in a service commercial district, South 5th Street; R-M/TNO, District, and C-5 District.

(d.) WEST: A mix of owner occupied and rental single-family and two-family residential homes located on the north and south sides of Yuma Street, and South 6th Street; R-M/TNO District.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The PUD allows a range of commercial and residential uses set out in Ordinance No. 6568, and is suitable for the range of uses. The remodel of the first floor plan at 518 Yuma Street from commercial space to residential space results in an increase in residential density and residential floor area greater than allowed by Article IX of the Manhattan Zoning Regulations, which requires an amendment prior to conversion of the floor space.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The approved PUD allows a mix of residential and commercial uses. Two existing residential structures exist on Lots 1 and 3, which remain as residential uses. Commercial uses approved on the first floor of the amendment site and a residential three-bedroom apartment on the second floor, are not consistent with the residential neighborhood to the north and west but the remodel of the first floor at 518 Yuma Street establishes a use in keeping with the R-M/TNO neighborhood.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown on the Downtown Core Neighborhoods Future Land Use Map of the Comprehensive Plan as Residential Medium High density (RMH). Applicable policies (*Italics*) include:

RESIDENTIAL MEDIUM/HIGH DENSITY (RMH)

RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

RMH 2: Appropriate Density Range

Densities within a Residential Medium/High neighborhood range from 11 to 19 dwelling units per net acre.

RMH 3: Location

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

RMH 4: Variety of Housing Styles

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

Policies for Neighborhood Commercial Centers in policy RMH1 above include:

NEIGHBORHOOD COMMERCIAL CENTER (NCC)

NCC 1: Characteristics

Neighborhood Commercial Centers are intended to provide a range of services, including supermarkets, restaurants, movie rentals, drycleaners, drugstores, filling stations, smaller specialty shops, retail and health services and business and professional offices, for residential areas. Neighborhood centers will vary in scale and character. Smaller, limited use centers may be fully integrated into the surrounding neighborhood and be accessed primarily by pedestrian or bicycle; while larger centers will function more independently, providing ample parking and numerous stores. Mixed-Use Neighborhood Centers that also incorporate residential uses are appropriate in a master planned setting. Neighborhood Centers often serve more than one nearby neighborhood in order to maintain sufficient economy of scale.

NCC 2: Location

Neighborhood centers should generally be located at the intersection of arterial and collector streets. However, smaller centers with limited uses may be appropriate within a residential area at the intersection of two collector streets, or at the intersection of a collector and a local street, provided they are designed to be compatible with the surrounding neighborhood and meet a minimum level of design criteria.

NCC 3: Size

Neighborhood centers typically require a site of approximately 10 acres, but may vary, ranging from as small as 1-3 acres to as large as 15-20 acres depending on the size of its service area and the extent of its mixed-use characteristics.

NCC 4: Architectural Character

Neighborhood Centers shall be designed to be compatible with and sensitive to surrounding residences. Building materials and architectural detailing should be compatible with and reflect the character of the surrounding neighborhood. Building heights and scale should be similar to surrounding residences.

NCC 5: Circulation and Access

Main entrances and driveways should be integrated with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles. Clear, direct pedestrian connections shall be provided between uses within the center and to the surrounding neighborhood.

NCC 6: Parking Location and Design

Large, uninterrupted expanses of parking should be avoided. Parking areas shall be divided into smaller “blocks” by landscaping and walkways. To the extent possible, parking blocks shall be distributed between the front and sides of buildings, or the front and rear, rather than placed solely in front of building.

NCC 7: Transitions between Uses

Attractive transitions should be provided between the center and surrounding residences, while not limiting access between the center and the neighborhood for all modes of travel. Transitions can be accomplished by stepping down the height of taller structures to meet residences, providing landscape buffers or screening, or similar means. Use creative design to avoid simply “walling” off residential areas from neighborhood centers.

In addition, the Downtown Tomorrow Redevelopment Plan shows the area west of s. 5th Street along Yuma Street as RMH, with commercial uses to the east of S. 5th Street. The rezoning of the site to RM/TNO District was intended to encourage the preservation of the residential character of the neighborhood west of S.5th Street.

No specific finding(s) were made regarding conformance of the approved PUD to the Comprehensive Plan. The preponderance of the facts supported the request to rezone to PUD in 2006.

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

- | | |
|--------------------|--|
| August 21, 2006 | Manhattan Urban Area Planning Board recommended approval of the proposed rezoning of the Treasures of the Heart PUD from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to PUD, Planned Unit Development District, with 5 conditions. |
| September 5, 2006 | City Commission approves first reading of an ordinance rezoning of the Treasures of the Heart PUD from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to PUD, Mixed-Use Planned Unit Development District with six (6) conditions of approval. |
| September 19, 2006 | City Commission approves Ordinance No. 6568 rezoning 514 and 522 Yuma Street, to PUD, Mixed-Use Planned Unit Development District with six (6) conditions of approval. |

Attachment No. 2

- Nov. 6, 2006 Manhattan Urban Area Planning Board approves the Final Plat of Treasures of the Heart PUD Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations.
- Nov. 21, 2006 City Commission accepts the easements and rights-of-way, as shown on the Final Plat of Treasures of the Heart PUD Addition.

The two-story mixed use building at 518 Yuma Street was constructed in 2009.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The Manhattan Zoning Regulations are intended to divide the City into zones and districts; to regulate the use of land within those districts; restrict the use of buildings and land to agriculture, dwelling, business, industry, and other purposes; to promote the health, safety, morals, comfort and general welfare; to serve and protect property values throughout the City; and, establish land use regulations, control density, conserve natural resources, and the use of land within flood plains. The proposed amendment is generally consistent with the intent and purpose of the Manhattan Zoning Regulations and the approved PUD, which in its current format is primarily residential.

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 health, safety and welfare that denial of the request would accomplish. The owner has invested significant time in preparing the amendment to meet the needs of the City's policies. Therefore, it may be a hardship upon the owner, if the amendment is denied.

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

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

13. STAFF COMMENTS AND RECOMMENDATION:

City Administration recommends approval of an amendment of Ordinance No. 6568 and the Revised Final Development Plan of Lot 2, Treasures of the Heart Mixed Use Planned Unit Development for a proposed conversion and remodel of the of the first floor commercial retail space at 518 Yuma Street to two, one bedroom dwelling units, and the revised off-street parking configuration for the PUD, with the following conditions of approval:

Attachment No. 2

1. There shall be shared off-street parking between Lots 1, 2 and 3, Treasures of the Heart Mixed Use PUD.
2. There shall be shared use of trash receptacles between Lots 1, 2 and 3 in Treasures of the Heart Mixed Use PUD.
3. The trash receptacle on Lot 3 shall be enclosed with six foot tall sight obscuring screening.

ALTERNATIVES:

1. Recommend approval of an amendment of Ordinance No. 6568 and the Revised Final Development Plan of Lot 2, Treasures of the Heart Mixed Use Planned Unit Development for a proposed conversion and remodel of the of the first floor commercial retail space at 518 Yuma Street to two, one bedroom dwelling units, and the revised off-street parking configuration for the PUD, with the three conditions of approval, stating the basis for such recommendation.
2. Recommend approval of an amendment of Ordinance No. 6568 and the Revised Final Development Plan of Lot 2, Treasures of the Heart Mixed Use Planned Unit Development for a proposed conversion and remodel of the of the first floor commercial retail space at 518 Yuma Street to two, one bedroom dwelling units, and the revised off-street parking configuration for the PUD, 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 condition(s) of approval.
3. Recommend denial of the proposed amendment, stating the specific reasons for denial.
2. Table the proposed amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6568 and the Revised Final Development Plan of Lot 2, Treasures of the Heart Mixed Use Planned Unit Development for a proposed conversion and remodel of the of the first floor commercial retail space at 518 Yuma Street to two, one bedroom dwelling units, and the revised off-street parking configuration for the PUD, with the three conditions of approval, based on the findings in the Staff Report

PREPARED BY: Steve Zilkie, AICP, Senior Planner.

DATE: May 28, 2013.