

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, JANUARY 21, 2014***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor 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, Assistant City Manager Adam Bentley, City Attorney Bill Raymond, City Clerk Gary S. Fees, 7 staff, and approximately 25 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Matta led the Commission in the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Commissioner Reddi informed the community about the Everybody Counts event that would occur on January 29, 2014, during a 24-hour period for homeless individuals and anyone in need in the community. She stated that community members, church officials, the school district, and various agencies would be providing assistance during this event. She congratulated those that organized and participated in the Martin Luther King (MLK) events at the Manhattan Town Center. She also stated that she attended the Chamber Leaders Conference in Overland Park on Friday and Saturday, January 17-18, 2014, with representatives from Pottawatomie, Geary, and Riley Counties to discuss regional challenges and issues. She thanked the Chamber of Commerce leadership teams from Manhattan, Wamego, and Junction City.

Commissioner Butler provided a recap of the City of Manhattan's debt and City-At-Large portion of the overall debt. He voiced concern with the high increase in City debt and with delinquent special taxes and stated that we need to get a better handle on the City's debt to avoid the astronomical increases. He discussed the recent Chamber Leaders Retreat last Friday and Saturday, January 17-18, 2014, held in Overland Park; voicing concern with the number of people attending from the City and associated costs. He requested that the Chamber host the conference in town next year and not in Overland Park. Finally, he stated that the City does a lot of good news things and expressed his appreciation to City staff for using recycled traffic poles in an effort to save money as part of the Gibbons Exhibit at Sunset Zoo.

## COMMISSIONER COMMENTS (CONTINUED)

Commissioner McCulloh informed the community that an expert would be conducting an assessment of the stage from 5:30 p.m. to 7:00 p.m., on February 5, 2014, in the City Auditorium, 1101 Poyntz Avenue. She encouraged those interested in sharing their ideas on the City Auditorium stage to attend this public input session.

### CONSENT AGENDA

(\* denotes those items discussed)

#### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, January 7, 2014.

#### CLAIMS REGISTER NOS. 2748 and 2749

The Commission approved Claims Register Nos. 2748 and 2749 authorizing and approving the payment of claims from January 1, 2014, to January 14, 2014, in the amounts of \$1,769,651.23 and \$1,941,762.72, respectively.

\* **ORDINANCE NO. 7061 – REMOVE “NO PARKING EXCEPT SUNDAY” ZONE**

Carl Taylor, representing Mount Zion Family Worship Center, 916 Yuma Street, expressed additional concerns with parking in the area. He stated that parking in this area is already congested and with the events at the Family Worship Center and increased activities at the Douglass Center, there is a need for additional parking. He asked that the Commission give this issue further consideration.

Mayor Matta thanked Mr. Taylor for bringing this item to the attention of the City Commission and stated that the issues he brought up would be considered.

The Commission approved Ordinance No. 7061 removing the “No Parking Except Sunday” zone along the west side of the 400 block of South 9<sup>th</sup> Street.

#### **RESOLUTION NO. 012114-A – PETITION – INTERLACHEN ADDITION – SANITARY SEWER IMPROVEMENTS (SS1318)**

The Commission found the petition sufficient and approved Resolution No. 012114-A finding the project advisable and authorizing construction for the Interlachen Addition Sanitary Sewer (SS1318) Improvements.

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 012114-B – PETITION – INTERLACHEN ADDITION – STREET IMPROVEMENTS (ST1325)

The Commission found the petition sufficient and approved Resolution No. 012114-B finding the project advisable and authorizing construction for the Interlachen Addition Street (ST1325) Improvements.

### RESOLUTION NO. 012114-C – PETITION – INTERLACHEN ADDITION – WATER IMPROVEMENTS (WA1321)

The Commission found the petition sufficient and approved Resolution No. 012114-C finding the project advisable and authorizing construction for the Interlachen Addition Water (WA1321) Improvements.

### AGREEMENT – ENGINEERING SERVICES – INTERLACHEN ADDITION – SANITARY SEWER (SS1318), STREET (ST1325), AND WATER (WA1321) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with SMH Consultants, of Manhattan, Kansas, in the amount of \$99,345.00 to perform professional services for the Interlachen Addition Sanitary Sewer (SS1318), Street (ST1325), and Water (WA1321) Improvements.

### SET PUBLIC HEARING DATE – LEVY SPECIAL ASSESSMENTS (GOB 2014-A)

The Commission set February 4, 2014, as the date to hold the public hearing levying special assessments against the benefiting properties in the following eight (8) projects, which have been completed: *Grand Vista Addition, Unit Two – Street (ST1202), Sanitary Sewer (SS1203), Water (WA1205), and Stormwater (SM1201); Lee Mill Heights Addition, Unit Three, Phase Two, and Unit Four, Phase Three – Street (ST1101) and Water (WA1102); and Lee Mill Heights Addition, Unit Three, Phase Two; Unit Four, Phase Three; Unit Five; and Unplatted Tract A – Sanitary (SS1102) and Stormwater (SM1101).*

### FIRST AMENDMENT – KDHE LOAN AGREEMENT – WATER METER AUTOMATION AND REPLACEMENT PROJECT (WA1114)

The Commission authorized the Mayor and City Clerk to execute the First Amendment to the Loan Agreement between the City of Manhattan, Kansas, and the State of Kansas, acting by and through the Kansas Department of Health and Environment, which funds the Water Meter Automation and Replacement Project (WA1114), revising the amortization schedule to reflect a new first repayment date of August 1, 2015, instead of February 1, 2014.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – ENGINEERING SERVICES – BLUE TOWNSHIP WATERLINE EXTENSION PROJECT (WA1307)

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$496,392.00 with Bartlett & West Engineers, Inc., of Manhattan, Kansas, for professional engineering services for the Blue Township Waterline Extension, Pump Station, and Storage Tower Project.

### AWARD CONTRACT – CASEMENT ROAD (ST1327) AND MARLATT CHANNEL BRIDGE (SM1307) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$2,405,206.00; awarded a construction contract in the amount of \$1,965,310.72 with Ebert Construction Company, Inc., of Wamego, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Casement Road (ST1327) and Marlatt Channel Bridge (SM1307) Improvements.

### CONTRACT AMENDMENT NO. 2– CASEMENT ROAD (ST1327) AND MARLATT CHANNEL BRIDGE (SM1307) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 2 in the amount of \$98,988.00 with Olsson Associates, of Manhattan, Kansas, for construction engineering services for the Casement Road (ST1327) and Marlatt Channel Bridge (SM1307) Improvements.

### KDOT AGREEMENT - CASEMENT ROAD (ST1327) AND MARLATT CHANNEL BRIDGE (SM1307) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute KDOT Agreement No. 392-13 for exchange of federal STP funds for the Casement Road (ST1327) and Marlatt Channel Bridge (SM1307) Improvements.

### RESOLUTION NO. 012114-D – ISSUE BONDS - MARLATT CHANNEL BRIDGE (SM1307) IMPROVEMENTS

The Commission approved Resolution No. 012114-D issuing bonds to pay for the Casement Road project (SM1307).

### RESOLUTION NO. 012114-E – ISSUE BONDS - CASEMENT ROAD (ST1327) IMPROVEMENTS

The Commission approved Resolution No. 012114-E issuing bonds to pay for the Marlatt Channel Bridge project (ST1327).

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – GRANDE BLUFFS AT MILL POINTE, UNIT 3 – SANITARY SEWER (SS1316), STREET (ST1321), AND WATER (WA1320) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$515,000.00; awarded a construction contract in the amount of \$443,120.15 to J&K Contracting Inc., of Junction City, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Grande Bluffs at Mill Pointe, Unit 3, Sanitary Sewer (SS1316), Street (ST1321), and Water (WA1320) Improvements.

### AGREEMENT – WASTEWATER TREATMENT PLANT DISSOLVED AIR FLOTATION THICKENER REHABILITATION PROJECT (SS1402)

The Commission authorized the City Manager to finalize and execute an agreement in the amount of \$89,445.00 with the Ray Lindsey Company, of Belton, Missouri, for the Wastewater Treatment Plant Dissolved Air Flotation Thickener Rehabilitation Project (SS1402).

### AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 1112 COLORADO STREET

The Commission accepted the bids for 1112 Colorado Street; awarded the bid to the lowest responsible bidder, Ben Kitchens Painting Co., Inc., of Junction City, Kansas, in the amount of \$16,380.00; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owner for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

### OUTSIDE CITY SEWER SERVICE AGREEMENT – 1200 ADY DRIVE

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an agreement with Michael R. Anderson and Nidia Vazquez for an outside city limits sanitary sewer service connection for the property at 1200 Ady Drive, Riley County, Kansas.

### \* AGREEMENT – SALE OF PROPERTY – 402 BLUEMONT AVENUE

Commissioner Butler expressed his support on the sale of property at 402 Bluemont Avenue.

The Commission authorized the Mayor and City Clerk to enter into an agreement with Randall and Adena Weiser for sale of City property at 402 Bluemont Avenue.

## CONSENT AGENDA (CONTINUED)

### PAYMENT – CITY’S CONTRIBUTION – FLINT HILLS MPO

The Commission authorized City Administration to finalize payment in the amount of \$58,373.48 to the Flint Hills Metropolitan Planning Organization for the City’s semi-annual payment contribution.

### BOARD APPOINTMENTS

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

#### *Aggieville Business Improvement District Advisory Board*

Appointment of Krista Bramhall, 4408 Leone Circle, to fill the unexpired term of Scott Bauer. Ms. Bramhall’s term begins immediately, and will expire December 31, 2014.

#### *Cemetery Board*

Appointment of Brian Waddington, 2415 Brockman Street, to a three-year term. Mr. Waddington’s term begins immediately, and will expire December 31, 2016.

#### *Convention and Tourism Committee*

Appointment of Karen McCulloh, 1516 Leavenworth Street, to a one-year Commissioner term. Commissioner McCulloh’s term begins immediately, and will expire December 31, 2014.

#### *Flint Hills Discovery Center Advisory Board*

Appointment of Christine Benne, 4420 Leone Terrace, to a three-year term. Ms. Benne’s term will begin February 1, 2014, and will expire January 31, 2017.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve the consent agenda. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### FIRST READING – AMEND PRELIMINARY DEVELOPMENT PLAN -LOT 10, HERITAGE SQUARE SOUTH COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD)

Eric Cattell, Assistant Director for Planning, presented an overview of the item.

## GENERAL AGENDA (CONTINUED)

### FIRST READING – AMEND PRELIMINARY DEVELOPMENT PLAN -LOT 10, HERITAGE SQUARE SOUTH COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) (CONTINUED)

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance amending Ordinance No. 6607, and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial Planned Unit Development, generally located southeast of the intersection of South Port Drive and US 24, to be known as the Final Development Plan of Salisbury Supply, Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 1*), with the two conditions of approval. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

### INTERLOCAL AGREEMENT - FLINT HILLS REGIONAL TRANSIT ADMINISTRATION

Adam Bentley, Assistant City Manager, introduced the item.

Gary Stith, Planner, Flint Hills Regional Council, presented background information on the item and the proposal to create a regional public entity through an Interlocal Agreement. He also provided information on the concept, process, and membership of the Flint Hills Regional Transit Administration. He then responded to questions from the Commission regarding matching funds from Kansas State University, if Kansas State University could be a fund recipient and have voting status, provided clarification on the Metropolitan Planning Organization, and highlighted the availability and distribution of federal transportation funds.

After discussion and comments from the Commission, Commissioner Butler asked that the item be tabled until additional information is received from Kansas State University on whether they can be a voting member and be a participant.

Gary Stith, Planner, Flint Hills Regional Council, responded to questions from the Commission and provided clarification on the item.

After further discussion and comments from the Commission, Commissioner McCulloh moved to authorize the Mayor and City Clerk to execute an Interlocal Agreement to establish the Flint Hills Regional Transit Administration.

After additional discussion and comments from the Commission, Commissioner Reddi seconded the motion.

## GENERAL AGENDA (CONTINUED)

### INTERLOCAL AGREEMENT - FLINT HILLS REGIONAL TRANSIT ADMINISTRATION (CONTINUED)

After further discussion from the Commission and comments about the City's representation on the Board, Ron Fehr, City Manager, responded to questions from the Commission and provided clarification on the item. He stated the Interlocal Agreement would not be signed and executed until the insurance provision is satisfied.

After additional comments, on a roll call vote, motion carried 3-2, with Mayor Matta and Commissioner Butler voting against the item.

Commissioner McCulloh expressed her appreciation to ATA for having a bus available at the Manhattan Regional Airport for arriving international students attending Kansas State University.

### RESOLUTION NO. 012114-F - USE OF EXCESS SALES TAXES - OUTDOOR SWIMMING POOL IMPROVEMENTS AND THE ZOO EDUCATION CENTER

Bernie Hayen, Director of Finance, presented background information on the Quality of Life Sales Tax, project bonds, sales tax performance, and strategies for the Commission to consider regarding the use of excess sales taxes. He then responded to questions from the Commission.

Jason Hilgers, Deputy City Manager, provided additional information and clarification on the proposed resolution. He then responded to questions from the Commission regarding the projects that were bonded.

Bernie Hayen, Director of Finance, provided additional information on the excess sales taxes collected and the importance of being transparent on the collections received.

Ron Fehr, City Manager, responded to questions from the Commission on improvements and equipment that can be used for the upcoming pool season. He also clarified the process for items in the Capital Improvement Program and City Budget.

Jason Hilgers, Deputy City Manager, provided additional information on items that need to be addressed at the pools.

After discussion and comments from the Commission, Jason Hilgers, Deputy City Manager, provided an overview of the strategies highlighted in the Commission Memorandum and alternatives to sunset the bonded projects. He then responded to additional questions regarding the use of designated funds.

Ron Fehr, City Manager, provided additional information on the three strategies presented and the flexibility offered to the Commission.

**GENERAL AGENDA (CONTINUED)**

**RESOLUTION NO. 012114-F - USE OF EXCESS SALES TAXES - OUTDOOR SWIMMING POOL IMPROVEMENTS AND THE ZOO EDUCATION CENTER (CONTINUED)**

Jason Hilgers, Deputy City Manager, responded to additional questions from the Commission and informed the Commission that the sales tax revenues will change and will need to be addressed as the City proceeds forward.

Ron Fehr, City Manager, suggested the Commission amend the proposed motion to approve the resolution, including the transfer of sales taxes into separate project accounts, but to delete the inclusion of strategy three or any of the strategies in the motion.

After additional discussion and comments from the Commission, Commissioner Jankovich moved to approve Resolution No. 012114-F, including the 2014 transfer of \$200,000.00 from City Pool sales taxes and \$200,000.00 from CiCo/Northview sales taxes into separate project accounts (*See Attachment No. 2*). Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

**ADJOURNMENT**

At 8:27 p.m., the Commission adjourned.



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Gary S. Fees, MMC, City Clerk

*Attachment No. 1*

**AN AMENDMENT OF AN ORDINANCE AND THE APPROVED PRELIMINARY DEVELOPMENT PLAN, PROPOSED AS A FINAL DEVELOPEMNT PLAT. A CONCURRENT FINAL PLAT IS ALSO PROPOSED (SEE SEPARATE STAFF MEMORANDUM REGARDING FINAL PLAT).**

**BACKGROUND**

**PROPOSED AMNENDMENT:** Amend Ordinance No. 6607 and the approved Preliminary Development Plan of Lot 10, Heritage Square South Commercial Planned Unit Development. The amendment is proposed as a Final Development Plan and Final Plat.

**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.”
- The applicant is also proposing to subdivide Lot 10 into two (2) lots – Lot 1 (.86 acres) and Lot 2 (11.16 acres).

*Note: The Final Development Plan is for Lot 1, Heritage Square South, Unit Three. No development plans have been submitted for proposed Lot 2. Unless otherwise noted, the PUD Amendment Staff Report will reference the proposed Salisbury Supply developments on Lot 1. Please refer to the separate staff memorandum for details regarding the Final Plat.*

**APPLICANT:** Schultz Construction, Inc. – Brett Ballou

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

**OWNER:** Heritage Square Land Co. LLC – Tim Schultz.

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

**LEGAL DESCRIPTION:** Lot 10, Heritage Square South P.U.D., a Commercial Planned Unit Development, an addition of the City of Manhattan, Pottawatomie County, Kansas.

**LOCATION:** Lot 10, Heritage Square South P.U.D. is generally located to the southeast of the intersection of South Port Drive and South Port Drive.

- **AREA:** Existing Lot 10, Heritage Square South P.U.D. is 12.01 acres. Proposed Lot 1 is to be .86 acres and Lot 2 will be 11.16 acres.

**DATE OF NEIGHBORHOOD MEETING:** December 9, 2013.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, December 16, 2013.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, January 6, 2014.  
**CITY COMMISSION:** Tuesday, January 21, 2014.

**EXISTING PUD:**

**EXISTING PUD AFFECTING LOT 10**

**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,

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- Signs, of the Manhattan Zoning Regulations, shall be prohibited.
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.

### **Existing Development**

The PUD consists of Lot 1(Fastenal); Lot 2 (Dollar General); Lot 3 (Aaron's Furniture); Lots 4 and 5 ( Short Stop Convenience Store and Car Wash); Lot 6 (Tractor Supply Co.); Lots 7 and 8 (Midway Wholesale); Lot 9 (Heritage Commons, a multiple-tenant commercial building currently occupied by a state government agency, liquor store, and restaurant, with the balance of the building vacant); and, Lot 10, a vacant approximate 12 acre tract of land.

### **Final Plat**

Lot 10, Heritage Square South, Commercial PUD was originally platted on March 9, 2007 when the Commercial Development was approved. Lot 10 is a large, "anchor" lot (12.01 acres) planned for a large commercial user.

The applicant has proposed the Final Plat of Heritage Square South, Unit Three, which will subdivide Lot 10 into two (2) separate lots. Lot 1 will be .856 acres and is the proposed lot for the Salisbury Supply commercial site, which requires the PUD Amendment. Lot 2 will be the remaining 11.161 acres. No development plans have been submitted for Lot 2 at this time.

## **PROPOSED AMENDMENT**

### **PUD AMENDMENT AND PROPOSED IMPROVEMNTS ON LOT 10**

#### **Building**

The proposed structure and use is a one story, 6,000 square foot (60 foot wide by 100 foot long) commercial building for the Salisbury Supply construction retail business. The building's main entrance to the retail and office area and warehouse will be oriented to the

*Attachment No. 1*

west, toward the off-street parking lot. The north façade (street facing façade) will include the majority of the business' signage. The interior floor plan shows an approximately 3,800 square foot retail area, sales area, offices, mechanical room and restrooms. The interior space will include an approximate 2,000 square foot heated warehouse adjacent to the retail area. The exterior materials of the building will be grey or earth tone colored metal siding. A brick 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-one (21) feet at the peak of the roof.

A screened trash enclosure is proposed on the lot as described below.

**Signs**

The north façade (street facing façade) is proposed to have three (3) separate signs, a twenty-four (24) foot wide by six (6) foot tall sign centered on the façade and two (2) signs on both sides of the centered sign that are to be eight (8) foot wide by six (6) foot tall. The total area of proposed signage on the north façade is 240 square feet.

The west façade is to have a six (6) foot wide by eight (8) foot tall (48 square feet in area) above the entrance door to the business. A note on the architectural sheet of the Final Development Plan states "Signage shall be aluminum with acceptable printing as follows: cut vinyl, digitally printed vinyl, or direct print. Signage shall not exceed the area shown. Aluminum signs will be direct mounted to building. Exterior signage light by Barn Light Electric: The Frontier Angle Sign Light."

The Heritage Square PUD is generally based on the C-5, Highway Service Commercial District. Comparing the proposed signage of the PUD Amendment to the C-5 District Regulations, the wall signs are permitted, with no limitation of number signs. The total gross surface area of the proposed signs is 288 square feet. The C-5 District would allow up to 596 square feet of gross surface area (4 square feet of signage for each linear foot of street frontage (149 feet)), provided no sign is to exceed 400 square feet in surface area.

**Lighting**

Exterior lighting fixtures are downcast and will consist of building wall packs and exterior lights for the wall signs on the north façade.

**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 to consist of a broad range of highway service and retail uses. The approved Preliminary PUD shows a large, “anchor” commercial building footprint (approximately 87,000 square feet of floor/lot area and 21,000 square feet of outdoor storage) and a large parking to the north of the proposed building. The general area where the proposed Salisbury Supply building and Lot 1, Heritage Square South, Unit Three is shown on the Preliminary Development Plans as a large side yard for the “anchor” commercial building.

The proposed PUD Amendment should not limit the original use of the large lot and will promote the efficient development of the site, and PUD, by allowing construction of retail uses intended to be part of the commercial shopping area.

**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. 7 of Ordinance No. 6607, which requires an amendment of the PUD prior to issuance of any permits for development. The PUD has been amended four (4) times in 2013, including the current application. The remaining portion of Lot 10 that is to become Lot 2, Heritage Square South, Unit Three is the only vacant land left in the commercial development (*Refer to the Final Plat memo for additional details*).

**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 tract of land. The amendment is necessary because of the condition of the approval of the Ordinance creating 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**

**1. LANDSCAPING:** Landscaping consists of ornamental trees, shrubs and grasses and lawn areas. The front yard area along South Port Drive and areas generally surrounding the off-street parking lot and the front of the building will be irrigated with an underground irrigation system. The area generally to the rear of the proposed building is to be lawn areas that will not be irrigated.

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**2. SCREENING:** A six foot tall split block trash container enclosure with metal doors will be located to the southwest of 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. The site is not located in a regulated floodplain (*see Physical & Environmental Characteristics below*).

**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. Both proposed Lots 1 and 2, Heritage Square South, Unit Three will gain access from the internal street system.

Pedestrian Access. Pedestrians will be accommodated by sidewalks that will be constructed throughout the development located along one side of all streets as the area develops.

A public sidewalk will be constructed in South Port Drive right-of-way along both lots of the proposed subdivision

Traffic. A Traffic Report was submitted and accepted by the City Engineer in 2006. 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 with the original PUD.

Off-Street Parking. Fifteen (15) off-street parking spaces are shown on the Final Development Plans for Salisbury Supply. Using the minimum off-street parking requirements for retail businesses (1 space per 250 square feet of floor area) and warehouse space (1 space per 2,000 square feet of floor area), a minimum of 14.5 off-street parking spaces are required for the proposed business based on the Final Development Plan.

**5. OPEN SPACE/LANDSCAPED AND COMMON AREA:** Landscaping and lawn areas identified on the lot for Salisbury Supply.

**6. CHARACTER OF THE NEIGHBORHOOD:** The neighborhood is generally characterized as a major highway service commercial street corridor with retail uses near, and along both sides, of US 24 Highway.

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

**1. EXISTING USE:** Existing Lot 10 is a vacant commercial tract of land.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site 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:** Tractor Supply, Midway Wholesale, railroad; PUD, agricultural fields, Kansas River; Pottawatomie County A-1, General Agriculture District.

**(c.) EAST:** Highway service commercial and retail uses, Dollar General, Aarons, Fastenal; PUD and Pottawatomie County CH, Highway & Commercial Corridor District.

**(d.) WEST:** Retail sales and wholesale; Heritage Square South PUD and 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:** The area is 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. The original Lot 10 was intended to develop as a large, “anchor” commercial lot. The proposed PUD Amendment and concurrent Final Plat divides the platted lot into two (2) separate lots. The proposed Final Plat and Final Development Plan for Lot 1, Heritage Square South, Unit Three create a commercial use that is in a manner similar to other commercial sites in the PUD. No development plan is

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proposed at this time for the remaining Lot 2, Heritage Square South, Unit Three. Lot 2 is generally large enough to maintain the original conceptual use shown on the Heritage Square South Preliminary Planned Unit Development Plans.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Future Land Use Map 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.

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- 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.
- 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.
- June 3, 2013      Manhattan Urban Area Planning Board recommends approval of a proposed amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lot 2, and Lots 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, 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; and approves the Final Plat of Heritage square South Unit Two PUD.
- June 18, 2013      City Commission approves first reading of an ordinance amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 2, and Lots 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, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development.
- July 2, 2013      City Commission approves Ordinance No. 7010 amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 2, and Lots 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

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Development, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development; and, accepts the easements associated with Lot 2 and Lot 3, Heritage Square South Unit two PUD.

July 2, 2013 City Commission accepts the easements as, as shown on the Final Plat of Heritage Square South, Unit Two PUD.

July 15, 2013 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lots 4 and 5, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 4 and Lot 5, Heritage Square South Commercial Planned Unit Development, based on the findings in the Staff Report

August 6, 2013 City Commission approves first reading of an Ordinance amending the Preliminary Development Plan of Lot 4, and Lot 5, Heritage Square South Commercial Planned Unit Development (PUD), and Ordinance No. 6607, to be known as the Final Development Plan of Lot 4 and Lot 5, Heritage Square South Commercial PUD.

August 20, 2013 City Commission approves Ordinance No. 7035 amending the Preliminary Development Plan of Lot 4, and Lot 5, Heritage Square South Commercial Planned Unit Development (PUD), and Ordinance No. 6607, to be known as the Final Development Plan of Lot 4 and Lot 5, Heritage Square South Commercial PUD.

Tractor Supply, Heritage Commons, and Fastenal were built in 2007. Dollar General was built in 2013. Construction is in the process for Aaron's Rental and Midway Wholesale.

**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.

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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 the site 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. No adverse affects on the public are anticipated as a result of the amendment. Denial of the rezoning may be a hardship to the owner.

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

**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 the proposed amendment of Ordinance No. 6607, and the approved Preliminary Development Plan of Lot 10, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Salisbury Supply, Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development, with the following conditions of approval:

1. The Final Plat of Heritage Square South, Unit Three shall be approved.
2. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lot 2, Heritage Square South, Unit Three.

**ALTERNATIVES:**

1. Recommend approval of the proposed amendment of Ordinance No. 6607, and the approved Preliminary Development Plan of Lot 10, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Salisbury Supply, Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development, stating the basis for such recommendation.

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2. Recommend denial of the proposed amendment of Ordinance No. 6607 and the approved Preliminary Development Plan of Ordinance No. 6607, and the approved Preliminary Development Plan of Lot 10, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Salisbury Supply, Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development, stating the specific reasons for denial.
3. Table the proposed Amendment to a specific date, for specifically stated reasons.

**POSSIBLE MOTION:**

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6607, and the approved Preliminary Development Plan of Lot 10, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Salisbury Supply, Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development, based on the findings in the Staff Report, with two conditions of approval.

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

**DATE:** December 24, 2013.



## Quality-of-Life Bond Issue Analysis

### Strategy Three *(early 'sunset' of sales tax; additional projects budgeted annually)*

City Pool	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Beginning Balance	-	94,383	1,105,332	1,259,801	1,470,992	1,663,247	1,904,198	2,161,207	2,444,589	2,754,260
Sales Tax Revenues	94,383	1,010,949	1,094,744	1,144,891	1,134,505	1,145,850	1,157,309	1,168,882	1,180,571	1,192,377
Principal & Interest Payment	-	-	940,275	933,700	942,250	904,900	900,300	885,500	870,900	2,514,500
Balance	94,383	1,105,332	1,259,801	1,470,992	1,663,247	1,904,198	2,161,207	2,444,589	2,754,260	1,432,136

Total Outstanding Debt	8,892,325	8,892,325	7,952,050	7,018,350	6,076,100	5,171,200	4,270,900	3,385,400	2,514,500	-
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Northview/CiCo	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Beginning Balance	-	94,383	1,105,332	101,402	846,787	1,582,067	2,335,292	3,101,576	3,881,133	4,679,179
Sales Tax Revenues	94,383	1,010,949	1,082,752	1,144,891	1,134,505	1,145,850	1,157,309	1,168,882	1,180,571	1,192,377
Principal & Interest Payment	-	-	1,923,995	399,506	399,225	392,625	391,025	389,325	382,525	1,520,450
Balance	94,383	1,105,332	264,089	846,787	1,582,067	2,335,292	3,101,576	3,881,133	4,679,179	4,351,106

Total Outstanding Debt	5,798,676	5,798,676	3,874,681	3,475,175	3,075,950	2,683,325	2,292,300	1,902,975	1,520,450	-
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Zoo ED	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Beginning Balance	-	47,191	552,666	1,094,042	174,186	383,807	604,307	831,337	1,070,053	1,320,513
Sales Tax Revenues	47,191	505,474	541,376	572,446	567,253	572,925	578,654	584,441	590,285	596,188
Principal & Interest Payment	-	-	-	-	357,631	352,425	351,625	345,725	339,825	1,678,850
Balance	47,191	552,666	1,094,042	1,666,487	383,807	604,307	831,337	1,070,053	1,320,513	237,851

Total Outstanding Debt	3,426,081	3,426,081	3,426,081	3,426,081	3,068,450	2,716,025	2,364,400	2,018,675	1,678,850	-
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Debt Retirement (17,881,125) (15,353,754) (12,634,881) (9,935,340) (8,591,379) (5,726,753) (2,833,480) 88,725 3,040,152 6,021,093

- The .25 cent sales tax would sunset in 2018
- City Pool residual remaining would be \$1,432,136
- Northview/CiCo Pool residual remaining would be \$4,351,106
- Zoo Education center residual remaining would be \$237,851
- An estimated \$6.0 million would be transferred to the General Fund