

MINUTES
SPECIAL CITY COMMISSION MEETING
TUESDAY, FEBRUARY 11, 2014
5:00 P.M.

The Special City Commission Meeting of the City Commission was held at 5:00 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, 9 staff, and approximately 12 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Matta led the Commission in the Pledge of Allegiance.

WORK SESSION

ANNUAL REVENUE SURVEY

Bernie Hayen, Director of Finance, introduced the annual revenue survey report.

Hillary Badger, Assistant Director of Finance, presented an overview of the revenues for the 2014 City Budget; beginning cash balances; major revenue sources of sales and property taxes; City Budget expenditures; and highlighted the General Fund revenues, expenditures, and budget history for 2011 through 2014.

Ron Fehr, City Manager, responded to questions from the Commission regarding state and federal project funds received.

Bernie Hayen, Director of Finance, responded to questions from the Commission regarding project accounts. He then presented additional information on the General Fund Budget history and provided an overview of the current total City debt and debt trend line through 2019; history of City debt issuance; comparative data with other cities of the first class; and highlighted the Social Services Advisory Board funding history from 2008 through 2014.

Ron Fehr, City Manager, responded to questions from the Commission regarding the recent expenditures related to snow removal, pavement conditions, special assessments, sales tax projections, and discussed targeted budgeting.

WORK SESSION (*CONTINUED*)

ANNUAL REVENUE SURVEY (*CONTINUED*)

After discussion and comments from the Commission, Bernie Hayen, Director of Finance, provided additional information on the item and informed the Commission that the first budget Work Session would be on May 13, 2014.

After discussion and comments from the Commission regarding funding for the Social Services Advisory Board, John Ball, 3107 Harahey Ridge, Chair, Social Services Advisory Board (SSAB), provided an overview of the process the Board uses in regards to making funding recommendations to the Commission. He stated that the process is a requirements-based process and the Board works hard to eliminate duplication. He discussed the challenges associated with prioritizing social services and favored looking at the requirements, and projections rather than a percentage funding amount. He appreciated the guidance to keep funding generally flat, but if there are special circumstances he wanted to bring that to the City Commission.

Sarah Blair, 2204 Elco Circle, Vice-Chair, Social Services Advisory Board, informed the Commission on the Riley County Court House docket fees that have or may be eliminated, which would result in a decrease in funding for the Crisis Center, Sunflower CASA, and maybe other agencies. She then responded to questions from the Commission and provided additional information on historical funding levels and agency allocations.

John Ball, 3107 Harahey Ridge, Chair, Social Services Advisory Board (SSAB), informed the Commission that the Board's purpose is to advise the Commission and mentioned fundraising and volunteer efforts of the agencies. He then responded to questions from the Commission about the utility bill donation program, the current process for budgeting based on the agency requirements, effectiveness, workload, and additional considerations.

After discussion of the Commission on funding levels for social services and the utility donation program, Bernie Hayen, Director of Finance, responded to questions from the Commission and provided information on the utility billing donation program for social services and discussed the vendor ghost credit card that would generate additional revenue back to the City and could be used for social services.

This was a Work Session item and no formal action was taken.

PUBLIC COMMENTS

Mayor Matta opened the public comments.

Hearing no comments, Mayor Matta closed the public comments.

COMMISSIONER COMMENTS

Commissioner Jankovich congratulated the City's street crews for their good work in removing the heavy snow fall and responding to the storm.

Commissioner Butler voiced kudos to the driver of City truck No. 31 during the snow storm. He also thanked Deputy City Manager Jason Hilgers for assembling a team for the March of Dimes program and encouraged community members to support this effort.

Commissioner McCulloh informed the community that she and Representative Sydney Carlin helped to collect food for the Breadbasket at Dillon's East during Super Bowl weekend. She also urged the City Commission to consider a challenge with Riley County Commission for Walk Kansas.

Mayor Matta expressed his appreciation to City staff for their efforts during the snow removal and clean-up.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

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

CLAIMS REGISTER NOS. 2750 AND 2751

The Commission approved Claims Register Nos. 2750 and 2751 authorizing and approving the payment of claims from January 15, 2014, to January 28, 2014, in the amounts of \$880,089.80 and \$2,591,553.06, respectively.

LICENSE

The Commission approved a Tree Maintenance License for calendar year 2014 for Paul's Tree Service, Inc., 27530 Oregon Trail Road, Saint Mary's, Kansas.

FINAL PLAT – HERITAGE SQUARE SOUTH, UNIT THREE, PUD

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Heritage Square South, Unit Three, Planned Unit Development, generally located to the southeast of the intersection of US 24 and South Port Drive.

CONSENT AGENDA (CONTINUED)

FINAL PLAT – BARTON PLACE ADDITION, UNIT THREE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Barton Place Addition, Unit Three, generally located 175 feet south of the intersection of Wreath Avenue and Hemlock Avenue, long the south side of Wreath Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 7062 – AMEND PRELIMINARY DEVELOPMENT PLAN – LOT 10, HERITAGE SQUARE SOUTH COMMERCIAL PUD

The Commission approved Ordinance No. 7062 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.

FIRST READING – LEVY SPECIAL ASSESSMENTS – GOB 2014-A

The Commission approved first reading of an ordinance 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).*

RESOLUTION NO. 021114-A – PETITION – NORTHLAKE ADDITION, UNIT 2 – SANITARY SEWER IMPROVEMENTS (SS1321)

The Commission found the petition sufficient and approved Resolution No. 021114-A finding the project advisable and authorizing construction for the Northlake Addition, Unit 2, Sanitary Sewer (SS1321) Improvements.

RESOLUTION NO. 021114-B – PETITION – NORTHLAKE ADDITION, UNIT 2 – WATER IMPROVEMENTS (WA1322)

The Commission found the petition sufficient and approved Resolution No. 021114-B finding the project advisable and authorizing construction for the Northlake Addition, Unit 2, Water (WA1322) Improvements.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 021114-C – PETITION – NORTHLAKE ADDITION, UNIT 2 – STREET IMPROVEMENTS ST1326)

The Commission found the petition sufficient and approved Resolution No. 021114-C finding the project advisable and authorizing construction for the Northlake Addition, Unit 2, Street (ST1326) Improvements.

AGREEMENT – ENGINEERING SERVICES – NORTHLAKE ADDITION, UNIT 2 – SANITARY SEWER (SS1321), WATER (WA1322), AND STREET (ST1326) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with SMH Consultants, of Manhattan, Kansas, to perform professional services for the Northlake Addition, Unit 2, Sanitary Sewer (SS1321), Water (WA1322), and Street (ST1326) Improvements.

RESOLUTION NO. 021114-D – PETITION – LOT 6, DOWNTOWN ENTERTAINMENT DISTRICT, UNIT THREE – STREET IMPROVEMENTS (ST1318)

The Commission found the petition sufficient and approved Resolution No. 021114-D, finding the project advisable and authorizing construction of Lot 6, Downtown Entertainment District, Unit 3, Street Improvements (ST1318).

* AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM

Commissioner Butler stated that he had a conflict of interest on the award to Economy Carpentry, Painting and Concrete, and would abstain on the item.

The Commission accepted the bids for 808 Brockman Circle; awarded the bid to the lowest responsible bidder Economy Carpentry, Painting and Concrete, of Manhattan, Kansas, in the amount of \$19,875.00; 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.

PURCHASE – FUEL MANAGMEENT SYSTEM

The Commission authorized the purchase in the amount of \$44,928.00 of a fuel management system for the Street Shop from Double Check Company, Inc., of Kansas City, Missouri.

BOARD APPOINTMENTS

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

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Arts And Humanities Advisory Board

Re-appointment of Joleen Hill, 2909 Amherst Avenue, to a three-year term. Ms. Hill's term will begin April 1, 2014, and will expire March 31, 2017.

Re-appointment of Jay Nelson, 406 Poyntz Avenue, to a three-year term. Mr. Nelson's term will begin April 1, 2014, and will expire March 31, 2017.

Downtown Business Improvement District Advisory Board

Appointment of Christopher Spaw, 122 South Manhattan Avenue, to a two-year term. Mr. Spaw's term begins immediately, and will expire December 31, 2015.

Housing Authority Board of Commissioners

Re-appointment of Lorenza Lockett, 1920 Bluestem Terrace, to a four-year term. Ms. Lockett's term will begin March 4, 2014, and will expire March 3, 2018.

Municipal Audit Committee

Re-appointment of Adam Glendening, 313 Brookway Drive, to a three-year term. Mr. Glendening's term will begin April 1, 2014, and will expire March 31, 2017.

Re-appointment of Richard Jankovich, 2021 Somerset Square, a one-year Commissioner term. Commissioner Jankovich's term will begin April 1, 2014, and will expire March 31, 2015.

Commissioner McCulloh moved to approve the consent agenda. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried with the exception of Item J, AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM, which carried 4-0-1, with Commissioner Butler abstaining on the item.

GENERAL AGENDA

REQUEST – WAIVE FEES – BIRCHWOOD VILLAS ADDITION - HOUSING TAX CREDITS

Jason Hilgers, Deputy City Manager, presented an overview of the item.

GENERAL AGENDA (*CONTINUED*)

REQUEST – WAIVE FEES – BIRCHWOOD VILLAS ADDITION - HOUSING TAX CREDITS (*CONTINUED*)

The Commission asked that the item be moved to the end of the agenda in order to allow time for Jill Jacoby, Executive Director, to be present and provide additional information on the item regarding their request to waive fees.

ADOPT - 2014 CITY COMMISSION GOALS AND PRIORITIES

Ron Fehr, City Manager, presented an overview of the City Commission goals and priorities that were developed during the City Commission Retreat and Goal Setting Session on January 2, 2014.

Commissioner Butler stated the compilation of goals are well done; however, he requested that on the second page, under the heading Parks and Recreation Planning and Facility Improvements, be modified with the deletion of “Evaluate the Fieldhouse Project Report that was presented to the City Commission in December 2013,” and consider removing the first sentence that mentions the Fieldhouse Report. He also voiced concern with comments on the Fieldhouse website and stated that he could not support the Fieldhouse project as proposed because it would break the budget.

Commissioner Reddi agreed with Commissioner Butler and stated that the implication is that we are looking at the Fieldhouse Project, when we are actually looking at evaluating and updating the facilities that we already have in a collaborative effort. She also voiced concern with several items on the Fieldhouse website that she did not agree with.

Mayor Matta stated that it may be a matter of semantics and voiced his appreciation to the Fieldhouse Group for their work and effort they have brought to the item.

Commissioner Jankovich appreciated the concerns expressed by the Commission. He stated that this is an opportunity to evaluate our facilities and we can have the Parks and Recreation Advisory Board review and make recommendations. He voiced support for collaboration with Geary County and Junction City to explore joint use facilities and the remaining items as proposed.

Commissioner McCulloh stated that the community has a lot of valuable infrastructure that we have invested in and may need improvements, but not be totally taken out.

After discussion of the Commission, there was a consensus that the bold text under Parks and Recreation Planning and Facility Improvements, “Evaluate the Fieldhouse Project Report that was presented to the City Commission in December 2013” be eliminated and all other text would remain, as proposed.

GENERAL AGENDA (CONTINUED)

ADOPT - 2014 CITY COMMISSION GOALS AND PRIORITIES

After additional discussion and comments from the Commission, Commissioner Jankovich moved to approve the 2014 City Commission Goals and Priorities (*See Attachment No. 2*) with the elimination of the bold portion under the Parks and Recreation Planning and Facility Improvements that states, "Evaluate the Fieldhouse Project Report that was presented to the City Commission in December 2013" and all remaining portions of that section of the City Commission goals would remain. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

DISCUSSION: FUNDING OPTIONS – BOND - CONFERENCE CENTER AND ADJACENT PARKING GARAGE

Bernie Hayen, Director of Finance, presented an overview of the options for bonding and the estimated mill levy impact for the conference center and parking garage.

Ron Fehr, City Manager, responded to questions from the Commission and informed the Commission that they were working toward a May bond issue.

Bernie Hayen, Director of Finance, provided additional information on the timing and options on the bond issue.

After discussion and comments from the Commission, Ron Fehr, City Manager, responded to questions from the Commission regarding the term and preference of the proposed bonding for the conference center and parking garage. He also provided clarification on the maintenance responsibilities of the conference center.

After discussion, there was consensus among the Commission to bond the conference center and parking garage for 20 years and include a call provision.

This was a discussion item only and no formal action was taken.

REQUEST – WAIVE FEES – BIRCHWOOD VILLAS ADDITION - HOUSING TAX CREDITS

Jason Hilgers, Deputy City Manager, reintroduced the item.

Jill Jacoby, Executive Director, Manhattan Area Housing Partnership, provided an overview of the Manhattan Area Housing Partnership (MAHP) and clarified their request to waive the permit and hookup fees for Willow Ridge Apartments. She then responded to questions from the Commission regarding comparable market rents, utility costs, length of resident stay, and the mission of MAHP. She asked that the Commission favorably consider the request.

GENERAL AGENDA (CONTINUED)

REQUEST – WAIVE FEES – BIRCHWOOD VILLAS ADDITION - HOUSING TAX CREDITS (CONTINUED)

Jason Hilgers, Deputy City Manager, responded to questions from the Commission and provided clarification of the waiver request for building permit fees and utility hookups.

Tim Schultz, Schultz Construction, provided additional information on the item and responded to questions from the Commission. He explained the work that would need to be completed regarding tap fees and utility hook-ups.

Jason Hilgers, Deputy City Manager, responded to additional questions from the Commission. He provided additional clarification of the waiver of tap and connection fees being requested and historical requests received.

Commissioner McCulloh informed the Commission that she serves on the Manhattan Area Housing Partnership Board and is very cognizant regarding conflict of interest. She stated that she receives no income serving on the Board and, after checking with the Legal Department, would participate on the item. She provided additional information on the Manhattan Housing Partnership, and thanked Tim Schultz for his work with the Housing Partnership to help create affordable housing for Manhattan.

Rob Ott, Acting Director of Public Works, provided additional information on the cost and installation of the meters.

After additional discussion and comments from the Commission, Commissioner Jankovich moved to approve the waiver of building permit fees and absorb the utility connection fees for the 24 unit apartment building and four townhomes tax credit units in the Birchwood Villas Addition utilizing the economic development half-cent sales tax from infrastructure funds to cover the cost of the waiver.

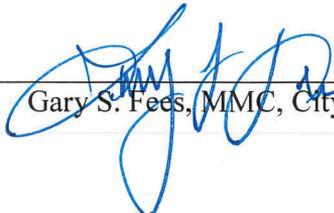
Ron Fehr, City Manager, provided clarification of the motion. He stated that this would include the full amount of \$24,726.00 being paid with the use of Economic Development Funds.

After additional discussion, Commissioner Reddi seconded the motion.

On a roll call vote, motion carried 4-1, with Mayor Matta voting against the motion.

ADJOURNMENT

At 7:34 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 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

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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.

CITY COMMISSION GOALS AND PRIORITIES FOR 2014

The City Commission goals and top priorities for 2014 were developed during the annual City Commission Retreat and Goal Setting Session on January 2, 2014.

LOCAL AND REGIONAL PLANNING, COOPERATION AND COORDINATION

- **Update the Manhattan Comprehensive Land Use Plan to maximize strengths of the community and region**
 - ✓ Update Comprehensive Plan with the assistance of the public advisory committee, technical committee, and the project consultants
 - ✓ Work cooperatively with planning staffs and engage Kansas State University in the coordination and implementation of the Campus Master Plan with the Comprehensive Plan
 - ✓ Continue to evaluate opportunities for infill redevelopment, parking considerations, and utility requirements
 - ✓ Continue to review infrastructure needs for growth areas involving the City, Counties, Kansas State University, and Fort Riley
 - ✓ Revitalize older neighborhoods in the community
 - ✓ Explore opportunities to develop a Community Strategic Plan in conjunction with the Comprehensive Plan Update
- **Develop plan to address high density housing**
 - ✓ Continue to work with Kansas State University planning staff and officials to address and plan for the growing demands of student housing near the campus as part of the Comprehensive Plan
- **Continue to increase cooperation and communication with Fort Riley and other regional units of government to develop partnerships that contribute to regional growth, collaboration, and cost savings**

EXPAND AND PROMOTE ECONOMIC DEVELOPMENT INITIATIVES

- **Support the Growth of and Improvements for the Manhattan Regional Airport**
 - ✓ Complete Phase I of the MHK Terminal project
 - ✓ Obtain a Phase II grant from the FAA for completion of the MHK Terminal project

EXPAND AND PROMOTE ECONOMIC DEVELOPMENT INITIATIVES (continued)

- ✓ Address future parking expansion improvements
 - ✓ Address Airport Road improvements in conjunction with relocating General Aviation Services
 - ✓ Ensure adequate signage and street lighting
 - ✓ Develop land and market to airport service related businesses on the land west of the Airport Terminal and Skyway Drive along
- **National Bio and Agro-Defense Facility (NBAF)**
 - ✓ Continue to assist with the completion of the Central Utility Plant
 - ✓ Continue to advocate for NBAF construction funds with our University, State, and Federal partners, especially our congressional delegation
 - ✓ Continue to assist in providing secondary development opportunities
 - ✓ Continue to enhance regional planning and marketing initiatives to attract related companies
 - **Expand opportunities with the City of Greater Geelong Australia in relation to shared interests relating to NBAF**

PARKS AND RECREATION PLANNING AND FACILITY IMPROVEMENTS

- **Continue progress for new Parks and Recreation Offices**
- **Have the Parks and Recreation Advisory Board discuss the Fieldhouse Report and suggest actions for identifying facility upgrades and funding options**
 - Update Parks and Recreation Strategic/Facilities Plans
 - Prioritize Capital Improvements Program for Parks and Recreation facilities and outdoor recreation/sports venues
 - ✓ Assess the City of Manhattan and the regions sports facilities and venues for attracting summer baseball/soccer tournaments with members of the Manhattan and Junction City/Geary County Convention and Visitors Bureau and other collaborators
 - ✓ Engage USD 383 officials to discuss indoor athletics and outdoor improvements, scheduling, etc., that will meet the needs of school patrons and athletics as well as recreational aspirations of residents and those of organized sporting groups

PROTECT PUBLIC SAFETY AND INFRASTRUCTURE

- **Develop a plan and strategy to fund a multi-year street maintenance and improvement plan to address deteriorating pavement conditions and pavement striping**
- **Ensure adequate infrastructure for future infill development and complete modeling of water, sanitary sewer, and stormwater systems**

DOWNTOWN REDEVELOPMENT

- **Complete the Core Redevelopment Poyntz Avenue streetscape and landscape project**
- **Complete Core Alley Improvements for drainage and pavement improvements**
- **Continue to facilitate South End Redevelopment Project**
 - ✓ Facilities include HCW apartments and Holiday Inn Express
- **Continue to monitor construction/grant administration for CivicPlus new five-story office facility**
- **Evaluate parking conditions and availability to develop plans to improve and expand parking in the downtown area**

MITIGATE FLOODING IN OUR COMMUNITY

- **Create a Floodplain Management Plan for the Blue River Basin and Develop and Adopt Higher Standard and Floodplain Regulations City-wide**
- **Determine a funding strategy for Levee raise and renovations to match future US Army Corp of Engineers Cost Share Grant**

BUDGET, DEBT MANAGEMENT AND EFFICIENCIES

- **Budget and debt management**
 - ✓ Provide clear and concise financial planning and management of City debt
 - ✓ Develop revenue and expenditure projections; focusing on long-term fiscal planning and providing information on the City's website
 - ✓ Provide planning efforts regarding mutual consideration in the use of City/University Funds
- **Address wage structure and pay plan for both Union and Non-Union employees as part of the 2015 budget process**
- **Explore the use of additional on-line practices for utility bill payments to achieve savings**

BUDGET, DEBT MANAGEMENT AND EFFICIENCIES (continued)

- **Initiate the Baseline Assessment process for the Excellence in the Heartland Award associated with the Malcolm Baldrige National Quality Award**

MISSION STATEMENT

The mission of the City of Manhattan is to sustain order and protect public safety, promote public health, preserve the built environment, and enhance economic vitality. The City supports a regional community in which individuals and families develop and thrive.