



MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 15, 2015
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Karen McCulloh and Commissioners Usha Reddi, Linda Morse, Michael L. Dodson, and Wynn Butler were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, Interim City Attorney Katharine Jackson, City Clerk Gary S. Fees, 12 staff, and approximately 28 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor McCulloh proclaimed September 26, 2015, ***60th Anniversary Dedication of Peace Memorial Auditorium***. Dave Fiser, President; Jim Sharp, Honorary Chairman; Barbara Poresky, Treasurer; Kathy Dzewaltowski, Secretary; and Stormy Lee Kennedy and Randi Dale, Members, Friends of Peace Memorial Auditorium Board of Directors, were present to receive the proclamation.

Mayor McCulloh proclaimed October 2015, ***Domestic Violence Awareness Month***. Judy Davis, Executive Director, The Crisis Center, Inc., and Nicole Dodson, Advocate Supervisor, Sunflower CASA Project, Inc., were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Butler reminded citizens of ongoing efforts to go paperless with City water bills in an effort to save trees and money. He encouraged everyone to sign-up with the convenience of online water utility bill service.

COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Morse reminded citizens to attend the Sunflower Fair in Salina on September 22, 2015, at the Bicentennial Center. She stated that the Sunflower Fair is sponsored by the North Central Flint Hills Area Agency on Aging and includes workshops, exhibitors and speakers. She also stated that Randi Dale was selected from Riley County to be recognized and encouraged those interested to attend the Fair.

Commissioner Dodson mentioned the League of Women Voters of Manhattan/Riley County event held on Saturday, September 12, 2015, and encouraged groups to sponsor these type of events and appreciated questions and comments from citizens.

Commissioner Reddi highlighted recent events in Manhattan and the area including the Maker Faire in Aggieville, the Color Run near Bill Snyder Family Stadium and the Kansas State Fair. She encouraged the community to join the Wonder Workshop, 506 S. 4th Street, on Friday, September 18, 2015, at 7:00 p.m., for 10 billion beats for global healing and to participate in this event.

Mayor McCulloh stated the Flint Hills Discovery Center hosted a Family Free Day on September 13, 2015, that was well attended. She informed the community that there would be a Flint Hills Masters Lunch and Lecture with Matthew Richter, Flint Hills Master Artist, and Jay Nelson, owner of Strecker-Nelson Gallery and exhibition curator, on September 19, 2015, from 12:00 (noon) to 1:30 p.m., at the Flint Hills Discovery Center and then an opportunity to take a guided native plant walk tour after the lunch for an additional fee.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 1, 2015.

CLAIMS REGISTER NO. 2800

The Commission approved Claims Register No. 2800 authorizing and approving the payment of claims from August 26, 2015, to September 8, 2015, in the amount of \$4,566,489.94.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7164 - UPZONE - ELAINE DRIVE

The Commission approved Ordinance No. 7164 rezoning 35 lots, generally located along the north side of Todd Road and along both sides of Elaine Drive, from R-1, Single-Family Residential District; R-2, Two-Family Residential District; and R-2/UO, Two-Family Residential District with University Overlay District; to R-3, Multiple-Family Residential District and R-3/UO, Multiple-Family Residential District with University Overlay District, based on the findings in the Staff Report (*See Attachment No. 1*) and the recommendation of the Planning Board.

ORDINANCE NO. 7165 – UPZONE – 1800 BLOCK OF HUNTING AVENUE

The Commission approved Ordinance No. 7165 rezoning 22 lots, generally located along both sides of the 1800 block of Hunting Avenue including 826 Sunset Avenue and 1855 Hunting Avenue and the Western Resources Substation, based on the findings in the Staff Report (*See Attachment No. 2*) and the recommendation of the Planning Board.

ORDINANCE NO. 7166 – AMEND – LOT 4, HERITAGE SQUARE SOUTH, UNIT FOUR, COMMERCIAL PLANNED UNIT DEVELOPMENT

The Commission approved Ordinance No. 7166 amending Ordinance Nos. 6607, 7062, and 7139 and the Preliminary Development Plan for Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development, generally located southeast of the intersection of South Port Drive and US-24 Highway, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 3*).

ORDINANCE NO. 7167 – REASSESS SPECIALS – ABBOTT’S LANDING PUD

The Commission approved Ordinance No. 7167 authorizing the reassessment and/or re-levy of certain special assessments applicable to the Abbott’s Landing Planned Unit Development Final Plat and the Abbott’s Landing, Unit Two, Addition and amending and supplementing Ordinance No. 7013.

AGREEMENT – REASSESS SPECIALS – ABBOTT’S LANDING PUD

The Commission authorized the Mayor and City Clerk to execute an Agreement for the Reassessment of Special Assessments and Waiver of Assessment Proceedings for the Abbott’s Landing PUD Final Plat and Abbott’s Landing, Unit Two, Addition.

CHANGE ORDER NO. 2-FINAL - WILDCAT CREEK LIFT STATION, PHASE II (SS1211, CIP #WW016P)

The Commission approved Change Order No. 2-Final in the amount of \$30,274.70 to the contract with Walters-Morgan Construction Inc., of Manhattan, Kansas, for the Wildcat Creek Lift Station, Phase II, Improvements (SS1211, CIP# WW016P) project.

CONSENT AGENDA (CONTINUED)

REJECT BIDS – LEE MILL HEIGHTS, UNIT 10 – SANITARY SEWER (SS1512), WATER (WA1512), AND STREET (ST1509) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$474,800.00; rejected the only bid submitted by Larson Construction, of Manhattan, Kansas, in the amount of \$590,704.80, exceeding the Engineer's Opinion of Probable Cost; and authorized City Administration to rebid Lee Mill Heights, Unit 10, Sanitary Sewer (SS1512), Water (WA1512), and Street (ST1509) Improvements project at a later date.

REJECT BIDS - 1500 BLOCK ALLEY BETWEEN HOUSTON STREET AND PIERRE STREET IMPROVEMENTS (ST1504)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$58,000.00; rejected all bids as they exceeded the Engineer's Opinion of Probable Cost; and authorized City Administration to rebid the 1500 Block Alley between Houston Street and Pierre Street Improvement project (ST1504) at a later date.

*** AWARD CONTRACT – BLUE EARTH PLAZA ELECTRICAL UPGRADES (PR1501)**

Commissioner Butler provided additional information on the item. He encouraged those interested in contributing to the holiday lighting event in the Blue Earth Plaza to contact the Manhattan Community Foundation and contribute to the Whoville fund account.

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$30,000.00, and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$22,544.00 to Heineken Electric Company, of Manhattan, Kansas, for the Blue Earth Plaza Electrical Upgrades project (PR1501).

AWARD CONTRACT – CITY PARK POOL PARKING LOT (CP1501) AND NORTH PARKING LOT (CIP #CU0289)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,106,568.25 for the base bid and \$63,371.00 for Alternates A1 (Bleacher Area), A2 (Plantings), and A3 (Light Pole Enhancements), for a total amount of \$1,170,091.25, and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$1,010,820.84 for the base bid and \$47,765.00 for Alternates A1, A2, and A3, for a total construction amount of \$1,058,585.84 to Kolde Construction, of St. Marys, Kansas, for the City Park Pool Parking Lot (CP1501) and North City Park Road Parking Improvements (CIP #CU028P).

CONSENT AGENDA (CONTINUED)

AGREEMENT – CONSTRUCTION ADMINISTRATION SERVICES - CITY PARK POOL PARKING LOT (CP1501) AND NORTH PARKING LOT (CIP #CU0289)

The Commission authorized the Mayor and City Clerk to execute an agreement for construction administration services in the amount of \$31,578.00 with SMH Consultants, of Manhattan, Kansas, for the City Park Pool Parking Lot (CP1501) and North City Park Road Parking Improvements (CIP #CU028P).

* **SUPPLEMENTAL AGREEMENT NO. 3 – K-18 AND K-113 INTERCHANGE IMPROVEMENTS (ST1214)**

Commissioner Butler stated that he had reservations regarding this project based on the current maintenance priorities with the public streets, the use of older traffic count data, and the funds available and priorities with the Kansas Department of Transportation (KDOT). He asked that the item be tabled until the next legislative City Commission meeting.

Mayor McCulloh asked about the project timing and the considerations regarding more current traffic counts.

Ron Fehr, City Manager, responded to questions from the Commission regarding the project and the timeline, and discussed the grant program for funding with KDOT. He suggested that the item be moved to the end of the General Agenda for further discussion.

Rob Ott, Director of Public Works, provided additional information on the timeline and grant considerations with KDOT.

This item was moved to the end of the General Agenda.

* **CONTRACT AMENDMENT NO. 1 - ENGINEERING SERVICES - K-18 AND K-113 INTERCHANGE IMPROVEMENTS (ST1214)**

This item was moved to the end of the General Agenda.

BOARD APPOINTMENTS

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

Bicycle and Pedestrian Advisory Committee

Re-appointment of Brian Hardeman, 1822 Laramie Street, to a three-year Business term. Mr. Hardeman's term will begin November 1, 2015, and will expire October 31, 2018.

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS (*CONTINUED*)

Appointment of Brent Chambelain, 1716 Poyntz Avenue, to a three-year At-Large term. Mr. Chambelain's term will begin November 1, 2015, and will expire October 31, 2018.

Housing Appeals Board

Re-appointment of Allyn Weddle, 2617 Marion Avenue, to a three-year term. Mr. Weddle's term begins immediately, and will expire June 30, 2018.

After further discussion and comments from the Commission, Commissioner Morse moved to approve the consent agenda, with the exception of Item L, SUPPLEMENTAL AGREEMENT NO. 3 and CONTRACT AMENDMENT NO. 1 – ENGINEERING SERVICES – K-18 AND K-113 INTERCHANGE IMPROVEMENTS (ST1214), which was moved to the end of the General Agenda. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING - INCREASE - STORMWATER RATES

Rob Ott, Director of Public Works, presented an overview of the item. He highlighted background information on the stormwater program; reviewed the Cost of Services recommendations; provided an overview of existing debt service projects; discussed the current Downtown Watershed Study; and referenced future projects that have been identified. He then responded to questions from the Commission regarding future plans for stormwater rates, future and past projects, the process available for property owners to discuss the amount being charged for a specific property, and provided additional information on the Stormwater Fund projections.

Ron Fehr, City Manager, provided additional information on the Capital Improvements Program, stormwater rates, and debt service policy to retire stormwater projects.

Bernie Hayen, Director of Finance, and Hillary Badger, Assistant Director of Finance, provided information on the Stormwater Fund revenues and fund balances.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

GENERAL AGENDA (CONTINUED)

FIRST READING – INCREASE - STORMWATER RATES

After discussion and comments from the Commission, Commissioner Reddi moved to approve first reading of a Charter Ordinance increasing stormwater rates effective January 1, 2016. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

2014 ANNUAL ECONOMIC DEVELOPMENT REPORT

Hillary Badger, Assistant Finance Director, introduced the item.

Courtney Kramer, Financial Analyst, presented the 2014 annual Economic Development Report. She highlighted an overview of the Fund history; the Economic Development Report highlights; the Economic Development Fund forecast; the summary of all Economic Development sales taxes; and the accountability reports for Continental Mills, Farrar Corporation, GTM Sportswear, The Kansas Entrepreneurial Center, Manhattan Holdings, LLC, CivicPlus, Flint Hills Beverage, Kansas State University Institute for Commercialization, Manhattan Area Technical College, Meadowlark Hills, Tallgrass Brewing Company, the National Bio and Agro-Defense Facility (NBAF); and infrastructure projects for the K-18 Airport interchange, the North Manhattan Avenue Corridor, and the future amount committed and the future amount available in the Fund. She then responded to questions from the Commission regarding compliance with the Manhattan Area Technical College, provided additional information on infrastructure projects, and stated the future amount committed for infrastructure is \$5.7 million and the future amount available for infrastructure is \$1.1 million.

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information regarding additional improvements anticipated at Kimball Avenue and Denison Avenue. He also provided an update on the North Manhattan improvements and discussed considerations with NBAF.

Hillary Badger, Assistant Finance Director, responded to questions from the Commission regarding sales tax projections, return on public investment, and the Fund balance forecast.

Courtney Kramer, Financial Analyst, and Hillary Badger, Assistant Finance Director, informed the Commission that a summary and a copy of the entire 2014 Economic Development Annual Report is available on the City's website.

Ron Fehr, City Manager, provided additional information on the Economic Development Report. He expressed his appreciation to Hillary Badger, Courtney Kramer and to all the businesses that provided updated annual report information and acknowledged those companies that have expanded their business operations in Manhattan.

GENERAL AGENDA (CONTINUED)

2014 ANNUAL ECONOMIC DEVELOPMENT REPORT (CONTINUED)

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

As this was a discussion item, there was no formal action taken by the City Commission.

DISCUSSION - WATER TREATMENT PLANT CLEARWELL AND PUMP STATION IMPROVEMENTS PROJECT (WA1403, CIP #WA015P)

Rob Ott, Director of Public Works, acknowledged Abdu Durar, Environmental Compliance Manager, for reaching his 20-year milestone working for the City. He then introduced the item and stated that this was a discussion item; however, City staff wanted to provide an update and seek direction from the City Commission.

Randy DeWitt, Assistant Director of Public Works for Water and Wastewater, presented the project background. He stated that the primary project objectives are to increase the clearwell capacity; replace the low-service pump station; eliminate the medium voltage sub-station; and provide electrical redundancy and an emergency back-up generator.

Rob Ott, Director of Public Works, responded to questions from the Commission regarding the need for a backup generator and informed the Commission of their recent experience with an electrical power outage. He stated that a back-up generator would take two to three days to arrive from another state, such as Louisiana or Tennessee, if Westar could not correct the issue in a timely manner.

Randy DeWitt, Assistant Director of Public Works for Water and Wastewater, presented the secondary project considerations that included reducing flooding in the basement; providing modifications to the chemical application; eliminating the transfer pump station; eliminating the east clearwell; providing a new high service pump station; and eliminating the west clearwell. He also presented several alternatives for the project.

Garrett Sheehan, Carollo Engineers, Project Engineer, provided a broad overview of the primary and secondary objectives that were identified. He also presented the alternatives and objective accomplishments diagram with the proposed construction costs. He then responded to questions from the Commission regarding identified costs associated with each alternative.

Randy DeWitt, Assistant Director of Public Works for Water and Wastewater, discussed the original project scope and the Water Treatment Plant capacity levels.

GENERAL AGENDA (CONTINUED)

DISCUSSION - WATER TREATMENT PLANT CLEARWELL AND PUMP STATION IMPROVEMENTS PROJECT (WA1403, CIP #WA015P) (CONTINUED)

Garrett Sheehan, Carollo Engineers, Project Engineer, presented additional information on the list of alternative projects and primary project objectives. He then responded to questions from the Commission regarding potential water conservation practices, water capacity levels and clearwell storage considerations at the Water Treatment Plant.

Ron Fehr, City Manager, responded to questions from the Commission about the current and potential water capacity at the Water Treatment Plant. He also discussed future considerations to expand the existing Plant or the potential need to build another facility.

Garrett Sheehan, Carollo Engineers, Project Engineer, responded to additional questions from the Commission and highlighted the intermediate improvements that are needed, proposed construction costs and facility priorities. He stated that a back-up generator and electrical improvements at the facility are critical components.

Randy DeWitt, Assistant Director of Public Works for Water and Wastewater, provided a summary of the suggested priorities. He then responded to questions from the Commission regarding the alternatives, priorities and potential construction costs.

Ron Fehr, City Manager, responded to questions from the Commission about water rates and the desire to keep the rates at level increases. He also provided clarification of the proposed project items being considered.

Randy DeWitt, Assistant Director of Public Works for Water and Wastewater, provided information on the growth experienced in the community, the additional demand for water currently and in the future, and highlighted the probable timeline for the project. He provided additional information on the project funding and the availability to utilize a 20-year loan from the Kansas Department of Health and Environment Kansas Public Water Supply Loan Fund.

After additional discussion and comments from the Commission, Randy DeWitt, Assistant Director of Public Works for Water and Wastewater, clarified the options that were identified to be the most important. He informed the Commission that the next steps will be to continue to work with Carollo Engineers to finalize the alternatives evaluation report and to develop and negotiate an additional scope and fee for the final design phase services for the project and to bring the item back to the City Commission for approval.

Ron Fehr, City Manager, provided additional information on the item and responded to questions from the Commission.

As this was a discussion item, there was no formal action taken by the City Commission.

At 9:45 p.m., The City Commission took a brief recess.

ITEM REMOVED FROM CONSENT AGENDA

SUPPLEMENTAL AGREEMENT NO. 3 - K-18 AND K-113 INTERCHANGE IMPROVEMENTS (ST1214) and CONTRACT AMENDMENT NO. 1 - ENGINEERING SERVICES - K-18 AND K-113 INTERCHANGE IMPROVEMENTS (ST1214)

Rob Ott, Director of Public Works, presented a project overview on the award of a Kansas Department of Transportation (KDOT) geometric improvement grant for this project. He also highlighted previous presentations, outlined prior public involvement and comments received, and discussed alternatives and options for the Commission.

Chuck Bartlett, Alfred Benesch & Company, provided information on the alternatives that were evaluated for this intersection and the process that has occurred to-date.

Rob Ott, Director of Public Works, provided additional information on the item and stated that the recommendation is a diverging diamond interchange. He responded to questions from the Commission regarding the coordination with and participation from KDOT. He stated that the project is tentatively scheduled to start in 2017. He informed the Commission that he would not recommend the City proceed forward with the project if there is exposure above \$3 million and stated that the City will know that at the time the bids are received and reviewed what the project will cost.

Ron Fehr, City Manager, responded to questions from the Commission regarding the item and clarified the funding commitment from KDOT for this project.

After comments from the Commission, Rob Ott, Director of Public Works, provided additional information on the project. He responded to questions from the Commission about the proposed start and project completion schedule, the accident history with diverging diamonds, the contract fixed quantities and time element, the total proposed costs associated with the project, and the maintenance considerations with a diverging diamond.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

ITEM REMOVED FROM CONSENT AGENDA (CONTINUED)

SUPPLEMENTAL AGREEMENT NO. 3 - K-18 AND K-113 INTERCHANGE IMPROVEMENTS (ST1214) and CONTRACT AMENDMENT NO. 1 - ENGINEERING SERVICES - K-18 AND K-113 INTERCHANGE IMPROVEMENTS (ST1214)(CONTINUED)

After further discussion and comments from the Commission, Commissioner Butler moved to authorize the Mayor and City Clerk to execute Supplemental Agreement No. 3 with KDOT, and authorize City Administration to finalize and the Mayor and City Clerk to execute Contract Amendment No. 1 to the engineering services agreement with Alfred Benesch & Company, of Manhattan, Kansas, in the amount of \$102,070.00 for the K-18/K-113 Interchange Improvements (ST1214) project. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 10:20 p.m., the City Commission adjourned.

A handwritten signature in blue ink, appearing to read "Gary S. Fees", is written over a horizontal line.

Gary S. Fees, MMC, City Clerk

**STAFF REPORT
Elaine Drive – Todd Road Rezoning**

ON AN APPLICATION TO REZONE PROPERTY

FROM: R-1, Single-Family Residential District, R-2, Two-Family Residential District and R-2/UO, Two-Family Residential District with University Overlay District.

TO: R-3, Multiple-Family Residential District and R-3, Multiple-Family Residential District with University Overlay District.

APPLICANT/OWNERS: Manhattan Urban Area Planning Board on behalf of City of Manhattan

ADDRESS: 1101 Poyntz Avenue, Manhattan, KS 66502

LEGAL DESCRIPTION:

Tracts of land located in Section 7, Township 10 South, Range 8 East of the Sixth Principal Meridian, in the City of Manhattan, Riley County, Kansas, described as: Lots 1-21 and Lots 24 - 31 Sunrise View Addition; Lot A Tex Winter Addition #2, and Lots 1 and 2 Tex Winter Addition #3.

LOCATION: The rezoning area is generally located northwest of the intersection of Denison Avenue and Todd Road, along the north side of Todd Road and along both sides of Elaine Drive.

AREA: The total area of the rezoning site is approximately 7.4 acres.

DATE OF NEIGHBORHOOD MEETING: June 11, 2015

DATE OF PUBLIC NOTICE PUBLICATION: July 27, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: August 17, 2015

CITY COMMISSION: September 1, 2015

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE:

The existing use of the rezone area along Elaine Drive and Todd Road is single and two family homes and the Cats for Christ student center.

Attachment No. 1

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The rezoning site is generally flat with existing residential structures, open yards, and a few mature trees. The area drains to the street. Off-street parking for the properties is accessed from driveways on the front and side of the structures leading to attached garages from adjacent street curb cuts.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Two Greek Houses, KSU's Jardine Apartment Complex; R-3 and U, University.

SOUTH: Todd Road; three Sororities, ten multi-family apartment buildings with 112 living units, Church, four commercial buildings consisting of an office building, convenience store and retail/office development; R-3, PUD.

EAST: Denison Avenue; Kansas State University Gardens/Conservatory and main campus; U.

WEST: Single-family homes; R-1.

4. GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood is a mix of single-family and multiple-family dwellings, the majority of which are renter occupied units presumably for KSU students. Also there is one fraternity and four sororities. The Kansas State University main campus is to the east. Denison Avenue, a minor arterial street, runs north and south immediately adjacent to the proposed rezone area. The area is heavily influenced and impacted by the proximity to Kansas State University.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The rezoning site consists of 35 lots from 4,234 square feet to 13,538 square feet in size. All but three lots conform to the minimum lot size requirements for single-family dwellings as allowed in the R-1 zone. The three R-2 lots meet the standards and are allowed uses in the zone.

The UO, University Overlay District is designed to provide for establishment of the types of uses which ordinarily locate close to a University, but which might not be located on University property, such as Greek Houses, offices, laboratories and other facilities for educational, fraternal, professional, religious and research organizations and institutions. The University Overlay District regulations are applied in combination with an underlying residential district, and adds these university related activities as a conditional use, unless it's already allowed by the underlying residential zoning district. The site is suitable for land uses under the existing zoning.

- 6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in noise, light and traffic can be expected if the proposed rezoning is approved, however it would be consistent with the development in the immediate area.

The rezoning could increase density from the current 53 dwelling units on 7.4 acres up to approximately 322 dwelling units provided the required parking and setbacks could be met. Given the relatively small lot sizes and lot depths, it is likely that development of apartment buildings will require consolidation of lots and may be challenging with the 25 foot front and rear yard setbacks, 40% lot coverage and requirement to place parking to the side or rear of the building.

At the Neighborhood Meeting conducted by the City on June 11, 2015 fourteen owners and neighbors attended and discussed the rezone process, parking ratios and parking lot location with development. Concern was specifically expressed about the limited supply of on-street parking. Any new development is required to supply adequate parking and may actually improve the parking supply.

The proposed rezoning should be compatible with the surrounding properties.

- 7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Core Area Neighborhoods Future Land Use Map of the recently updated and adopted 2015 Manhattan Urban Area Comprehensive Plan shows the site designated as RHD, Residential High Density. Policies of the RHD categories are below:

RHD-1: Characteristics

The Residential High Density designation is designed to create opportunities for higher density neighborhoods adjacent to the KSU campus and in other more urban parts of the core area of the community, and in a suburban setting. Within the core area or in Downtown, the designation accommodates higher-intensity residential housing, such as mid-rise apartments, townhomes and condominiums, combined with complementary non-residential land uses, such as retail, service commercial, and office uses, often within the same building. In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or urban fashion, such as in planned apartment communities with complimentary neighborhood service commercial, office, and recreational facilities. These neighborhoods could be implemented through a Planned Unit Development or by following design and site plan standards during the design review process.

RHD-2: Appropriate Density Range

Possible densities under this designation are 19-50 dwelling units per net acre and greater.

RHD-3: Location

Residential High Density uses are typically located near intersections of arterials and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. Concentrations of Residential High Density are designated west and east of the KSU campus and in the Aggieville vicinity to promote expanded student housing options within walking distance of campus. In a more urban setting or in Downtown, Residential High Density may be combined with active non-residential uses in a vertically mixed-use building. Outside of the core area, Residential High Density uses should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods.

RHD-4: Building Massing and Form

Avoid plain, monolithic structures or blank walls on the backs or sides of buildings. In a planned apartment community context, large buildings should incorporate a variety of design elements to create visual interest. Infill projects should be consistent with area-specific design standards or guidelines, as adopted.

RHD-5: Mix of Uses

Encourage the integration of neighborhood serving retail uses (e.g., drycleaners, coffee shop) on the ground level of high density residential buildings where viable, typically in areas with high visibility and/or pedestrian activity. Nonresidential uses should generally not exceed twenty-five percent of the total floor area in a mixed-use structure; however, actual percentages will be driven by market demand and the surrounding site context.

RHD-6: Parking Location and Design

Locate off-street surface parking behind buildings, tucked under buildings (e.g., podium parking), or within parking structures in established core area neighborhoods and the Downtown to maintain a pedestrian-oriented street frontage. Integrate structured parking garages and tuck-under parking with the overall design of the building they are intended to serve. The incorporation of active uses, such as retail, into the ground floor of freestanding parking structures included as part of multi-block developments.

THE PROPOSED REZONING OF THE AREA TO R-3, Multiple-Family Residential District AND R-3/UO, Multiple-Family Residential District with University Overlay District CONFORM TO THE POLICIES OF THE 2015 Manhattan Urban Area Comprehensive Plan and the high density land use area

identified on the Future Land Use map through the Comprehensive Plan update process. **(Note: The UO District is limited to the property at 1501 Denison Avenue, where it currently exists.)**

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

1965 - 1970:	A, First Dwelling House: One and Two Family Dwellings
1970 - 2001:	R-1, Single-Family Residential District and R-2, Two-Family Residential District
2001 – Present:	R-1, Single-Family Residential District, R-2, Two-Family Residential District and R-2/UO, Two-Family Residential District/ University Overlay District

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

The intent and purpose of the Manhattan 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 R-3 District is designed to provide for multiple-family dwellings at a density no greater than 1 dwelling unit per 1,000 square feet. Most lots will have to be consolidated in order to accommodate construction of apartment buildings, along with placement of the necessary off-street parking to the side or rear of buildings, and providing the required 25 foot front and rear yard setbacks. It is anticipated that this transition would occur through market forces over time.

The rezone area is 7.4 acres and in the current lot configuration only one lot would be non-conforming all other lots conform to the minimum R-3 District requirements. However, for higher density development some lots will have to be consolidated. The proposed rezoning conforms to the intent of the Zoning Regulations.

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

Through the Manhattan Urban Area Comprehensive Plan process a great deal of analysis and public discussion concluded that while there may be some additional impacts to the immediate area the benefits of additional high density housing opportunities directly adjacent to the KSU Campus would outweigh any impacts. Additional housing units for students, located closer to their principle destination could minimize traffic and other impacts further to the west.

Attachment No. 1

There appears to be no gain to the public that denial of the rezoning would accomplish. No expected adverse impacts on the public health, safety and welfare are anticipated as a result of the rezoning.

- 11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** There is a sidewalk along the south side of Todd Road and along both sides of Denison Avenue. However, there are no sidewalks along Elaine Drive. The City will require a sidewalk along one side of Elaine Drive and is considering various financing options to accomplish that. In addition there is already a pedestrian actuated crossing of Denison Avenue at Todd Road to provide safe access to the K-State Campus. It is recognized that the water lines serving the rezoning area will need to be up-sized at some point as development occurs, depending upon the nature and density of the redevelopment. Storm water detention will be required for developments of half an acre or more in size.

- 12. OTHER APPLICABLE FACTORS:** None

- 13. STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of the 35 lots along the north side of Todd Road and along both sides of Elaine Drive from R-1, Single-Family Residential, R-2 Two-Family Residential District and R-2/UO, Two-Family Residential District with University Overlay District and to R-3, Multiple-Family Residential District and R-3/UO, Multiple-Family Residential District with University Overlay District, based on the findings in the Staff Report. **(Note: The UO District is limited to the property at 1501 Denison Avenue, where it currently exists.)**

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of 35 lots, generally located northwest of the intersection of Denison Avenue and Todd Road, along the north side of Todd Road and along both sides of Elaine Drive based on the findings in the Staff Report.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of 35 lots, generally located along the north side of Todd Road and along both sides of Elaine Drive from R-1, Single-Family Residential District; R-2, Two-Family Residential District; and R-2/VO, Two-Family Residential District with University Overlay District; to R-3, Multiple-Family Residential District and R-3/VO, Multiple-Family Residential District with University Overlay District, based on the findings in the Staff Report.

PREPARED BY: Lance Evans, AICP, Senior Planner

DATE: August 10, 2015

LE/EC
15019}SR}RezoneElaineDrive

**STAFF REPORT
Hunting Avenue Rezoning**

ON AN APPLICATION TO REZONE PROPERTY

FROM: R-M/UO, Four-Family Residential District with University Overlay District and R-2/UO, Two-Family Residential District with University Overlay District

TO: R-3/UO Multiple-Family Residential District with University Overlay District.

APPLICANT: Manhattan Urban Area Planning Board on behalf of City of Manhattan

ADDRESS: 1101 Poyntz Avenue, Manhattan, KS 66502

LEGAL DESCRIPTION:

Tracts of land located in Section 18, Township 10 South, Range 8 East of the Sixth Principal Meridian, in the City of Manhattan, Riley County, Kansas, described as follows:

An area generally located along both sides of Hunting Avenue from Denison Avenue westward and generally known by the following addresses: 1810, 1814, 1817, 1818, 1821, 1822, 1825, 1826, 1830, 1831, 1834, 1835, 1839, 1840, 1843, 1846, 1847, 1851, 1852, and 1855 Hunting Avenue, 826 Sunset Avenue; and the Western Resources Substation located northwest of Denison Avenue and Hunting Avenue.

LOCATION: The rezoning area is generally located along both sides of Hunting Avenue from Denison Avenue westward including the southeast corner of Sunset and Hunting Avenues.

AREA: The total area of the rezoning site is approximately 3.8 acres.

DATE OF NEIGHBORHOOD MEETING: June 11, 2015

DATE OF PUBLIC NOTICE PUBLICATION: July 27, 2015

DATE OF PUBLIC HEARING: **PLANNING BOARD:** August 17, 2015
CITY COMMISSION: September 1, 2015

THIRTEEN MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE:

The existing uses in the rezone area along Hunting Avenue consist of 11 single family structures, 7 two family homes, one 3-plex and two 4-plexes.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The rezoning site is generally flat with existing residential structures, open yards, and a few mature trees. The area generally drains to the street. Off-street parking for the properties is accessed from driveways on the front and side of the structures leading to attached and detached garages, and in one case a small parking lot, from curb cuts on Hunting Avenue.

2. SURROUNDING LAND USE AND ZONING:

NORTH: Ecumenical Campus Ministry, two duplexes, three 3-plexes, and nine multi-family dwelling apartment buildings, College Heights Road; R-3/UO, Multiple-Family Residential District with University Overlay District.

SOUTH: Kansas State University parking lot; R-M/UO, Four-Family Residential District with University Overlay District.

EAST: Two multi-family apartment buildings at the east end of Hunting Ave. zoned R-3/UO; Denison Avenue; Kansas State University Natatorium and main campus, U District.

WEST: Sunset Avenue; Fiji Fraternity House, single-family dwelling units south of Hunting, R, Single-Family; and duplexes and multi-family dwelling units north of Hunting, R-M/UO.

3. GENERAL NEIGHBORHOOD CHARACTER: The surrounding neighborhood is a mixture of single-family, two-family and multiple-family dwellings, the majority of which are renter occupied units presumably for KSU students, as well as Greek Houses. To the southwest across Sunset Avenue is a well established single-family neighborhood with approximately 58% owner occupancy. The Kansas State University main campus is to the east. Denison and Sunset Avenues run north and south immediately adjacent to the proposed rezoning area; they are a minor arterial street and major collector street, respectively.

4. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The rezoning site is zoned a combination of R-2/UO and R-M/UO and consists of 22 lots ranging from 5,745 square feet to 10,711 square feet in area. Most lots individually conform to the minimum lot size requirements for single-family detached. Ten lots meet the zoning standard for two-family dwellings and three lots meet the zoning standards for three or four unit dwellings.

Attachment No. 2

The UO, University Overlay District is designed to provide for establishment of the types of uses which ordinarily locate close to a University, but which might not be located on University property, such as Greek Houses, offices, laboratories and other facilities for educational, fraternal, professional, religious and research organizations and institutions. The University Overlay District is applied in combination with an underlying residential district, and adds these university related activities as a conditional use, unless it's already allowed by the underlying residential zoning district. The site is suitable for land uses under the existing zoning.

5. **COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** An increase in noise, light and traffic can be expected if the proposed rezoning is approved and redevelopment occurs; however it would be generally consistent with the development in the immediate area, particularly to the north.

The rezoning could increase density from the current 36 dwelling units on 3.8 net acres up to approximately 152 dwelling units provided the required parking and setbacks could be met. Given the relatively small lot sizes and lot depths, it is likely that development of apartment buildings will require consolidation of lots and may be challenging with the 25 foot front and rear yard setbacks, 40% lot coverage and requirement to place parking to the side or rear of the building.

At the Neighborhood Meeting conducted by the City on June 11, 2015, fourteen owners and neighbors attended and discussed the rezone process, parking ratios and parking lot location with development. Teresa Hinrichs owner of 826 Sunset Avenue and Darrel and Kevin Bryant, owners of the house located at 1855 Hunting Avenue, just west of the Hunting Avenue rezoning area identified in the recently updated Comprehensive Plan, asked why the R-3 District wasn't going further to the west to include them, and asked about the M-FRO Overlay east of campus. **(Note: At the July 6, 2015 Planning Board meeting, the Board authorized City Administration to initiate this rezoning along Hunting Avenue and directed staff to include these two additional lots in the rezoning application.)**

The proposed rezoning should be compatible with the surrounding properties.

6. **CONFORMANCE WITH COMPREHENSIVE PLAN:** The Core Area Neighborhoods Future Land Use Map of the recently updated and adopted 2015 Manhattan Urban Area Comprehensive Plan shows the site designated as RHD, Residential High Density, and RLM, Residential Low to Medium Density (826 Sunset Avenue and 1855 Hunting Avenue). Policies of the RLM and RHD categories are below:

RLM-1: Characteristics

The Residential Low to Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with policies for Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM-2: Appropriate Density Range

Densities in the Residential Low to Medium Density designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM-3: Location

Residential Low to Medium Density neighborhoods typically should be located where they have convenient access to and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including parks, schools, shopping areas, transit and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping, and recreational activities. The Residential Low to Medium Density designation includes most established neighborhoods outside of the core area as well as future residential growth areas to the west and east.

RLM-4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of architectural styles is strongly encouraged in all new development, particularly when a single housing type (e.g., detached single-family) is prevalent.

RHD-1: Characteristics

The Residential High Density designation is designed to create opportunities for higher density neighborhoods adjacent to the KSU campus and in other more urban parts of the core area of the community, and in a suburban setting. Within the core area or in Downtown, the designation accommodates higher-intensity residential housing, such as mid-rise apartments, townhomes and condominiums, combined with complementary non-residential land uses, such as retail, service commercial, and office uses, often within the same building. In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or

urban fashion, such as in planned apartment communities with complimentary neighborhood service commercial, office, and recreational facilities. These neighborhoods could be implemented through a Planned Unit Development or by following design and site plan standards during the design review process.

RHD-2: Appropriate Density Range

Possible densities under this designation are 19-50 dwelling units per net acre and greater.

RHD-3: Location

Residential High Density uses are typically located near intersections of arterials and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. Concentrations of Residential High Density are designated west and east of the KSU campus and in the Aggieville vicinity to promote expanded student housing options within walking distance of campus. In a more urban setting or in Downtown, Residential High Density may be combined with active non-residential uses in a vertically mixed-use building. Outside of the core area, Residential High Density uses should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods.

RHD-4: Building Massing and Form

Avoid plain, monolithic structures or blank walls on the backs or sides of buildings. In a planned apartment community context, large buildings should incorporate a variety of design elements to create visual interest. Infill projects should be consistent with area-specific design standards or guidelines, as adopted.

RHD-5: Mix of Uses

Encourage the integration of neighborhood serving retail uses (e.g., drycleaners, coffee shop) on the ground level of high density residential buildings where viable, typically in areas with high visibility and/or pedestrian activity. Nonresidential uses should generally not exceed twenty-five percent of the total floor area in a mixed-use structure; however, actual percentages will be driven by market demand and the surrounding site context.

RHD-6: Parking Location and Design

Locate off-street surface parking behind buildings, tucked under buildings (e.g., podium parking), or within parking structures in established core area neighborhoods and the Downtown to maintain a pedestrian-oriented street frontage. Integrate structured parking garages and tuck-under parking with the overall design of the building they are intended to serve. The incorporation of active uses, such as retail, into the ground floor of freestanding parking structures included as part of multi-block developments.

THE PROPOSED REZONING OF THE AREA TO R-3/UO, Multiple-Family Residential District with University Overlay District CONFORMS TO THE POLICIES OF THE Manhattan Urban Area Comprehensive Plan and the RHD, Residential High Density up-zone area identified on the Future Land Use map through the Comprehensive Plan update process.

The two lots added by the Planning Board located at 826 Sunset and 1855 Hunting Avenue are shown as RLM Low to Medium density to maintain the lower density transition area previously established along the east edge of Sunset Avenue and help protect the low density neighborhood to the southwest on the west side of Sunset. While the rezoning of those two lots to R-3 does not conform to the Future Land Use map, it does generally conform to the policy statements for high density land uses in the Comprehensive Plan. This shift seems to balance the adjacent neighborhood's concerns about the spread of high density housing to the west and the potential impact on the existing neighborhood with the appropriate use of two lots that are surrounded by high density housing. In this case Sunset Avenue will act as the buffer and dividing line.

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

1955 - 1965:	A, First Dwelling House: One and Two Family Dwellings
1965 - 1969:	B, Second Dwelling House: One and Two Family Dwellings, Apartment Houses
1969 - 1987:	R-3/U, Multiple-Family Residential District/ University District
1987 - 2000:	R-3/UO, Multiple-Family Residential District/ University Overlay District
2000 - Present:	R-M/UO, Four-Family Residential/ University Overlay District and R-2/UO, Two-Family Residential District/ University Overlay District

8. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Manhattan 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.

Attachment No. 2

The R-3 District is designed to provide for multiple-family dwellings at a density no greater than 1 dwelling unit per 1,000 square feet. Due to the relatively small lot sizes and depths, most lots will likely have to be consolidated in order to accommodate construction of apartment buildings, along with placement of the necessary off-street parking to the side or rear of buildings, and providing the required 25 foot front and rear yard setbacks. It is anticipated that this would occur through market forces over time.

The rezoning area is 3.8 acres and in the current configuration most of the lots generally conform to the minimum R-3 District requirements. However, for higher density development many lots will have to be consolidated as described above. The proposed rezoning conforms to the intent of the Zoning Regulations.

9. **RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT:** Through the 15 month Manhattan Urban Area Comprehensive Plan update process a great deal of analysis and public discussion concluded that while there may be some additional impacts to the immediate area the benefits of additional higher density housing opportunities directly adjacent to the KSU Campus would outweigh impacts. Additional housing for students, located closer to their principle destination could minimize traffic and other impacts further to the west.

There appears to be no gain to the public that denial of the rezoning would accomplish. No expected adverse impacts on the public health, safety and welfare are anticipated as a result of the rezoning.

10. **ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate streets and sanitary sewer are available to serve the site, although water service will need to be up-sized as development occurs. Major storm water improvements are planned in the out years in the CIP. There is an existing pedestrian actuated crossing at Hunting and Denison Avenues to provide safe pedestrian access to the Campus. Storm water detention will be required for developments of half an acre or more in size.

11. **OTHER APPLICABLE FACTORS:** None

12. **STAFF COMMENTS:** City Administration recommends approval of the proposed rezoning of the twenty two (22) lots along both sides of Hunting Avenue from Denison Avenue to Sunset Avenue as identified above from R-2/UO, Two-Family Residential District with University Overlay District and R-M/UO Multi-Family Residential District with University Overlay District, to R-3/UO, Multiple-Family Residential District with University Overlay District, based on the findings in the Staff Report.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the 22 lots generally located along both sides of the 1800 block of Hunting Avenue from Denison Avenue westward, including the southeast corner of Hunting and Sunset Avenues and the Western Resources Substation located northwest of Denison Avenue and Hunting Avenue based on the findings in the Staff Report.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of 22 lots generally located along both sides of the 1800 block of Hunting Avenue from Denison Avenue to Sunset Avenue, including 826 Sunset Avenue and 1855 Hunting Avenue and the Western Resources Substation from R-M/UO, Four-Family Residential District with University Overlay District, and R-2/UO, Two-Family Residential District with University Overlay District, to R-3/UO, Multiple-Family Residential District with University Overlay District, based on the findings in the Staff Report.

PREPARED BY: Lance Evans, AICP, Senior Planner

DATE: August 10, 2015

AN AMENDMENT OF ORDINANCE NO. 6607, 7062 AND 7139 AND THE PRELIMINARY DEVELOPMENT PLAN FOR LOT 4, HERITAGE SQUARE SOUTH, UNIT FOUR, PROPOSED AS A FINAL DEVELOPMENT PLAN.

BACKGROUND

The proposed amendment is required because:

- Condition No. 2, Ordinance No. 7062, states, “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.”

Note: The Final Development Plan is for Lots 4, Heritage Square South, Unit Four.

APPLICANT: SMH Consultants, P.A. – Jeff Hancock

ADDRESS: 2017 Vanesta Place, Suite 11, Manhattan KS 66503.

OWNER: Midland Exteriors – Jamie Musa

ADDRESS: 2794 Rory Road, Manhattan, KS 66502

LEGAL DESCRIPTION: Lot 4, Heritage Square South Unit Four P.U.D.

LOCATION: Generally located to the southeast of the intersection of U.S. Highway 24 and South Port Road.

AREA: 75,528 square feet (1.734 acres)

DATE OF NEIGHBORHOOD MEETING: May 18, 2015.

DATE OF PUBLIC NOTICE PUBLICATION: July 27, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: August 17, 2015.

CITY COMMISSION: September 1, 2015.

EXISTING PUD:

EXISTING PUD AFFECTING LOT 4, HERITAGE SQUARE SOUTH, UNIT 4

Ordinance No. 6607

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

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-5, Highway Service Commercial District, except for Adult Businesses and Commercial off-street parking lots as a Principal Use. Additional Permitted Uses include: Antique shops; Apparel stores; Blueprinting, desktop publishing, and photocopying establishments; Book stores; Camera and photographic supply stores; Carpet and rug stores; China and glassware stores; Department stores; Farm and ranch supply stores; Florist shops; Furrier shops; Governmental buildings; Hardware stores; Hobby shops; Motel; Medical clinic; Outdoor seating for restaurants; and Tavern.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Light poles shall be provided as described in the application documents. Exterior building lighting shall be provided as proposed and be of a cut-off design, so as to not cast direct light or glare onto streets or adjacent property.
5. Ground Signs shall be permitted and constructed as proposed.
6. Wall signs shall be permitted as proposed.
7. One (1) pole sign shall be permitted per lot on Lots 6, 7, 8 and 10, and no pole signs shall be permitted on Lots 1, 2, 3, 4, 5 and 9. Pole signs shall have a maximum total height of 50 feet above the ground; shall not exceed a maximum total 120 square feet in area; and shall include skirting of the pole. The skirting and the base of pole signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and, pole signs shall include an enhanced landscaped area around the base.
8. Exempt signage shall be permitted as described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited. *See Article VI, Section 6 -102 (A)(2) under the amended sign regulations for exempt signage.*
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.

Ordinance No. 7062

The Heritage Square South Commercial Planned Unit Development, and Ordinance No. 7062, approved February 14, 2014, is subject to 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.

Ordinance No. 7139

The Heritage Square South Commercial Planned Unit Development, and Ordinance No. 7139, approved May 19, 2015, is subject to the following conditions of approval:

1. The Final Plat of Heritage Square South, Unit Four, 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 Lots 1, 2, 3 and 4 Heritage Square South, Unit Four.

Permitted Uses

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.

PUD AMENDMENT AND PROPOSED IMPROVEMNTS

Proposed Use and Building: The proposed development use is a commercial building with a foot print of approximately 5,300 square foot for the Midland Exteriors home improvement services. The building will serve as the business' showroom for its products and services, office and workshop space, and material storage. The building will be one-story, with a mezzanine platform for mechanical equipment and storage. The building and main entrance to the office area and showroom will be oriented slightly to the northwest, toward the off-street parking lot. The north façade will include the business' signage. The interior floor plan shows an approximately 4,000 square foot showroom area that will include building facades to showcase their lines of products, offices, conference room, and restrooms located in the northern part of the building. The southern area of the interior space will include an approximate 2,200 square foot workspace storage area and the mechanical mezzanine. At-grade level roll-up doors located on the southern facing façade

of the building for access into the storage area. The exterior materials of the building will consist primarily of metal wall panels that are textured to appear like stucco materials and a metal canopy overhang above the main entrance on the northern façade and metal panels on the other three (3) building facades. A limestone band will be present below the windows on the north façade. The building will be approximately twenty-five (25) feet at the top cornice on the front facade. A twenty-seven (27) foot-wide drive leads to the building and the access points to an enclosed outdoor storage area. Additional parking is located in the proposed outdoor storage area. The total area of the outdoor storage area is approximately 39,500 square feet and will be screened with a six (6) foot tall slated chain link fence.

Proposed Signs: The north façade is proposed to have three (3) separate wall signs. The main wall sign will be above the main entrance and will be approximately 140 square feet in area, when measured using the City's established measurement standards for irregular shaped signage. Two (2) additional sign areas are proposed above the eastern windows to display national brands the company sales. These two (2) spaces measure thirty-six (36) square feet in area. A pylon sign is proposed to be located at the northwest corner of the site. The pylon sign will be thirty (30) feet tall and have a total sign area of approximately 144 square feet. No signage is proposed for the east, west and south façades. The total area of proposed signage on the north façade is 356 square feet. All signage is proposed to be internally illuminated.

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 surface area of the proposed signs is 356 square feet. The C-5 District would allow up to 321 square feet of surface area (4 square feet of signage for each linear foot of street frontage (80.25 feet), provided no sign is to exceed 260 square feet in surface area.

The PUD Amendment Process allows for the ability to exceed standard zoning district regulations and/or conditions of approval of previously approved PUD ordinances. The need for the larger than allowed signage is due to the need to attract customers to a location with limited visibility for signage other than a pylon sign. The proposed signage appears to be reasonable in size and similar in character to the other developments in the commercial center.

Proposed Lighting: Exterior lighting fixtures are downcast and will consist of building wall packs and exterior lights for the main canopy wall sign 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 Midland Exteriors development on Lots 4, Heritage Square South, Unit Four is shown on the Preliminary Development Plans partially as the “anchor” commercial building and the associated off-street parking lot.

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 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. 2 of Ordinance No. 7139, requires an amendment of the PUD prior to issuance of any permits for development. Lots 1, 2, 3 and 4, Heritage Square South, Unit Four are the only vacant land left in the commercial development.

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The proposed amendment will result in a gain to the public by allowing development of a vacant 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 will consist of ornamental trees, shrubs, perennials, 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 outdoor storage area generally located to the rear of the proposed building will consist of gravel.

Attachment No. 3

2. SCREENING: A six (6) foot tall chain link fence “with screening” will be located along the perimeter of the outdoor storage area located the south of the proposed building. The screening will be required to be sight obscuring. A trash dumpster enclosure with wooden fence screening is proposed to be located on the east side of the building in the storage yard area.

3. DRAINAGE: The site will drain towards the northeast corner of the lot and be collected by an area inlet then directed, via underground infrastructure, towards South Port Drive where it will enter the public stormwater system. The site is not located within 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 4, Heritage Square South, Unit Four 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. A sidewalk from South Port Drive will lead to the building.

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. Eighteen (18) off-street parking spaces are shown on the Final Development Plans for Midland Exteriors. 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 eighteen (18) off-street parking spaces are required for the proposed business based on the Final Development Plan.

Lot 5, Heritage Square South, Unit 4 (lot immediately to the east) was created as a flag lot, by the Manhattan Urban Area Planning Board on April 20, 2015. The approved flag lot limited the possibility of this site and adjacent lots to meet the minimum access management distances along the local commercial street, which is 75 feet. The City Engineer and Public Works Director have reviewed the access management criteria for

this road type, the type of businesses to be located on the site and in the area and characteristics of the existing road network within the development. The Public Works Director states “After field review the location the reduce spacing between driveways will not create any safety or hazards specifically related only to this location. The street is classified as a Local Street, it has a low speed limit, and it has excellent sight distance along this roadway, hence our opinion is that this proposed driveway will not create concerns.” The Public Works Administration approves of the proposed PUD Amendment and Final Development Plan.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: Landscaping and lawn areas identified on the lot for Midland Exteriors.

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: The site is currently a vacant lot.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is relatively flat, irregular shaped lot to the east of South Port Drive. The effective Flood Insurance Rate Map (FIRM) Panel 359 of 500 dated March 16, 2015, 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, Dollar General, Aarons, Fastenal; PUD, and undeveloped tract (future Heritage Square North); Pottawatomie County CH, Highway & Commercial Corridor District.

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

(c.) EAST: Proposed Leiszler Oil Company corporate office and warehouse, furniture sales, storage units, and similar highway service commercial and retail uses, livestock sales; Pottawatomie County CH, Highway & Commercial Corridor District.

(d.) WEST: Midway Wholesale, Salisbury Supply Retail sales and wholesale; PUD, 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 site 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, Condition No. 2, Ordinance 7062, and Condition No. 2, Ordinance 7139.

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, Heritage Square South PUD was intended to develop as a large, “anchor” commercial lot. The proposed PUD Amendment and previous Final Plat divided the platted lot into five (5) separate lots. The proposed Final Development Plan for Lots 4, Heritage Square South, Unit Four creates a commercial use that is in a manner similar to other commercial sites in the PUD.

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.

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- August 15, 2006: City Commission approves first reading of ordinances annexing Heritage Square North and Heritage Square South; and, approves Resolution No. 081506-A, requesting the Board of Pottawatomie County Commissioners to make positive findings regarding the island annexation of that portion of the US 24 Right-of-way that adjoins Heritage Square.
- August 18, 2006: City of Manhattan receives Consent To Annexation from the Kansas Department of Transportation for that portion of the US Highway 24 right-of-way that adjoins Heritage Square South, consisting of 6.791 acres.
- August 21, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexation of that portion of the US Highway 24 right-of-way that adjoins Heritage Square South.
- 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).

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- 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.
- 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.

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- 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 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.

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- January 6, 2014 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6607 and the 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; and approves the Final Plat of Heritage square South Unit Three PUD.
- January 21, 2014 City Commission approves first reading of an ordinance amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial as proposed.
- February 4, 2014 City Commission approves Ordinance No. 7062 amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial as proposed, to allow construction of the proposed Salisbury Supply store on proposed Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development; and accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square South, Unit Three, Commercial Planned Unit Development.
- April 20, 2015 Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6607 and Ordinance No. 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development, with two conditions of approval.
- May 5, 2015 City Commission approves first reading of an ordinance amendment of Ordinance No. 6607 and Ordinance No. 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development.
- May 19, 2015 City Commission approves Ordinance No. 7139 amending Ordinance Nos. 6607 and 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South, Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development.

May 19, 2015 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square South, Unit Four, Commercial Planned Unit Development.

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

The proposed PUD amendment is consistent with Ordinance No. 6607, Ordinance No. 7062, Ordinance No. 7139, 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: None.

13. STAFF COMMENTS: All provisions of Ordinance No. 6607, Ordinance No. 7062, and Ordinance No. 7139 that are not in conflict with this amendment shall remain in force.

City Administration recommends approval of the proposed amendment of Ordinance No. 6607 Ordinance No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 6607, Ordinance No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development, stating the basis for such recommendation.
2. Recommend approval of the proposed amendment 6607 Ordinance No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed amendment of Ordinance No. 6607 Ordinance, No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development, stating the basis for such recommendation.
4. 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, Ordinance, No. 7062, and Ordinance No. 7139, and the approved Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development, based on the findings in the Staff Report.

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

DATE: August 10, 2015

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