

MINUTES
CITY COMMISSION MEETING
TUESDAY, NOVEMBER 7, 2006
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bruce Snead and Commissioners Tom Phillips, Mark Hatesohl, Jayme Morris-Hardeman, and Ed Klimek were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government Representative Rick Nelson, 8 staff, and approximately 43 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Snead proclaimed ***Veteran's Day***, November 11, 2006. Mike Kearns, Chair, and Dave Denning, Vice-Chair, Flint Hills Veterans Coalition, were present to receive the proclamation.

Mayor Snead proclaimed ***Buddy Poppy Day***, November 11, 2006. Walt Gatsche, Commander, VFW, was present to receive the proclamation.

Mayor Snead proclaimed November 12, 2006, ***Manhattan Bethel A.M.E. Church Recognition Day***. James Butler, District Steward; Arlene Cole, Steward and Longest Living Member; Clyde Howard, Trustee; Fred Beverly, Sunday School Superintendent; H. B. Cardwell, Trustee Pro Tem; Gerry Jones, Steward Pro Tem, and other representatives were present to receive the proclamation.

Mayor Snead proclaimed November 12-18, 2006, ***Geography Awareness Week***. Hildy Hurren, Special Education Teacher, Manhattan High School, and student representatives were present to receive the proclamation.

PROCLAMATIONS (CONTINUED)

Mayor Snead proclaimed November 13-19, 2006, *Children's Book Week*. Jennifer Adams, Children's Services Manager; Fred Atchison, Director; and Jessica Long, Manhattan Public Library, were present to receive the proclamation.

Mayor Snead proclaimed November 16, 2006, *The Great American Smoke-Out Day*. Janelle McIlvain, Kansas State University intern; and Marcus Kidd and Emily Berry, Manhattan High School Students, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Snead opened the public comments.

Hearing no comments, Mayor Snead closed the public comments.

COMMISSIONER COMMENTS

Mayor Snead welcomed Rick Nelson, Youth in Government representative.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, October 17, 2006.

CLAIMS REGISTER NO. 2571

The Commission approved Claims Register No. 2571 authorizing and approving the payment of claims from October 11, 2006 – October 31, 2006, in the amount of \$4,644,524.93.

LICENSE – CEREAL MALT BEVERAGE AND TREE MAINTENANCE

The Commission approved the renewal applications for Cereal Malt Beverage and Tree Maintenance licenses for calendar year 2007.

CONSENT AGENDA (CONTINUED)

FINAL PLAT – WESTERN HILLS ADDITION, UNIT FOURTEEN

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Western Hills Addition, Unit Fourteen, generally located north of Londonderry Drive and west of the CiCo water tank, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6588 – RILEY COUNTY LAW ENFORCEMENT CENTER MUNICIPAL FACILITY EXPANSION

The City Commission found that the public interests to be served by the proposed expansion of the Riley County Law Enforcement Center, outweigh the impacts upon legitimate community interests, as mitigated by the condition of approval and approved Ordinance No. 6588 amending Ordinance No. 6005 and authorizing the proposed LEC expansion, generally located at 1001 South Seth Child Road, based on the findings in the Staff Report, with the one condition of approval recommended by the Planning Board. (*See Attachment No. 1*)

ORDINANCE NO. 6587 – GENERAL OBLIGATION BONDS 2006B - RESOLUTION NO. 110706-B - AUTHORIZE BOND DELIVERY

The Commission approved Ordinance No. 6587 issuing \$7,460,000.00 in general obligation bonds (Series 2006B) to finance twenty-three (23) special assessment projects (*Brookfield Addition, Units 5 & 7, Phase I – Sanitary Sewer (SS0503), Street (ST0507) and Water (WA0503); Brookfield Addition, Units 5 & 7, Phase II – Sanitary Sewer (SS0503), Street (ST0507) and Water (WA0503); Brookfield Addition, Units 5 & 7, Phase III – Sanitary Sewer (SS0503), Street (ST0507) and Water (WA0503); Brookfield Addition, Unit 6 – Sanitary Sewer (SS0505), Street (ST0510) and Water (WA0505); Highland Meadows Addition, Unit 1 – Sanitary Sewer (SS0501), Street (ST0503) and Water (WA0501); Prairie Lakes – Storm Drainage (SM0404); Prairie Lakes Addition, Unit 1 – Sanitary Sewer (SS0508), Street (ST0514) and Water (WA0508); Hackberry Addition, Unit 2 – Sanitary Sewer (SS0512) and Water (WA0512); and Lee Mill Heights Addition, Unit 2 – Sanitary Sewer (SS0504) and Water (WA0512)*) and approved Resolution No. 110706-B authorizing delivery of the bonds to the low bidder.

RESOLUTION NO. 110706-E - TEMPORARY NOTE SERIES NO. 2006-06

The Commission approved accepting the best bids for selling the notes and approved Resolution No. 110706-E issuing Temporary Note Series No. 2006-06 in the amount of \$2,030,000.00 to finance the following seven (7) special assessment to be debt financed: *Brookfield Addition, Unit 8, Sanitary Sewer (SS0604), Street (ST0610) and Water (WA0607) Improvements; and Kimball Townhomes, Sanitary Sewer (SS0609), Street (ST0622) and Water (WA0621) Improvements.*

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 110706-I - TEMPORARY NOTE SERIES NO. 2006-07

The Commission approved accepting the best bids for selling the notes and approved Resolution No. 110706-I issuing Temporary Note Series No. 2006-07 in the amount of \$1,855,000.00 to finance the City of Manhattan Economic Development Research Incubator (NISTAC), Phase 2 Construction (SP0406).

* **RESOLUTION NO. 110706-A – KANSAS VETERANS’ CEMETERY ADDITION ISLAND ANNEXATION**

Ron Fehr, City Manager, and Eric Cattell, Assistant Director for Planning, answered questions from the Commission.

Ken Kallenbach, Project Engineer, provided additional information on the item.

The Commission approved Resolution No. 110706-A, requesting that the Board of Riley County Commissioners make certain findings regarding the island annexation of the proposed Kansas Veterans’ Cemetery Addition.

RESOLUTION NO. 110706-F – PRAIRIE LAKES, UNIT 3 – STREET IMPROVEMENTS (ST0619)

The Commission found the petition sufficient and approved Resolution No. 110706-F finding the project advisable and authorizing construction for Prairie Lakes, Unit 3, Street Improvements (ST0619).

RESOLUTION NO. 110706-G – PRAIRIE LAKES, UNIT 3 – WATER IMPROVEMENTS (WA0619)

The Commission found the petition sufficient and approved Resolution No. 110706-G finding the project advisable and authorizing construction for Prairie Lakes, Unit 3, Water Improvements (WA0619).

RESOLUTION NO. 110706-H – PRAIRIE LAKES, UNIT 3 – SANITARY SEWER IMPROVEMENTS (SS0617)

The Commission found the petition sufficient and approved Resolution No. 110706-H finding the project advisable and authorizing construction for Prairie Lakes, Unit 3, Sanitary Sewer Improvements (SS0617).

AGREEMENT – ENGINEERING SERVICES – PRAIRIE LAKES, UNIT 3, IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement with Ruggles & Bohm, P.A., of Wichita, Kansas, to perform engineering services for the Prairie Lakes, Unit 3, Improvements.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – FOUR WINDS VILLAGE, PHASE 2 IMPROVEMENTS (ST0603, SS0601, WA0602)

The Commission accepted the Engineer's Estimate in the amount of \$728,704.00; and awarded a construction contract to Nowak Construction Company, Inc., of Goddard, Kansas, in the amount of \$704,060.31 for Four Winds Village, Phase 2, Street (ST0603), Sanitary Sewer (SS0601), and Water (WA0602) improvements.

DENIED CONTRACT – GRAND VISTA, UNIT 1, IMPROVEMENTS (ST0523, WA0520, SS0519)

The Commission rejected the Engineer's Estimate in the amount of \$273,069.00; and denied a contract to Meadows Construction Co., Inc., of Tonganoxie, Kansas, for Grand Vista, Unit 1, Street (ST0523), Water (WA0520), and Sanitary Sewer (SS0519).

CHANGE ORDER NO. 5 – NISTAC FACILITY (SP0406)

The Commission approved Change Order No. 5 for the National Institute for Strategic Technology Acquisition and Commercialization (NISTAC) facility, resulting in a net increase of \$30,008.00 (+3.56%) to date to the contract with Cheney Construction Company, of Manhattan, Kansas.

* AIRSTAIRS/DEICING AGREEMENT – KANSAS AIR CENTER

Peter VanKuren, Airport Director, provided additional information on the item and answered questions from the Commission.

The Commission authorized the Mayor and City Clerk to execute the Airport Airstairs/Deicing Agreement with Kansas Air Center.

* AUTHORIZE VEHICLE PURCHASES

Jeff Hancock, Director of Public Works, answered questions from the Commission.

The Commission authorized City Administration to purchase a four-door sedan, three-quarter ton 4x4 emergency response vehicle, and one-half ton pick-up truck utilizing state vehicles bids.

AWARD CONTRACT – RECTRAC SOFTWARE, TRAINING, MAINTENANCE, AND SUPPORT

The Commission authorized the Mayor and City Clerk to execute a contract in the amount of \$35,894.00 with Vermont Systems, Inc., of Essex Junction, Vermont, for the purchase of *RecTrac* software, training, maintenance, and technical support.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS

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

City/University Special Projects Fund

Reappointment of Roger C. Adams, 1609 Humboldt Street, to a Faculty term. Mr. Adam's term begins immediately and will expire on June 30, 2007.

Douglass Center Advisory Board

Appointment of Alajuwoh Higgins, 810 Fremont Street, Apt. 20, to a three-year, At-Large term. Mr. Higgins' term begins immediately and will expire on October 2, 2009.

Downtown Business Improvement District Advisory Board

Appointment of Jim Wright, 2902 Lakewood Drive³, to fill an unexpired term to replace Marvin Rodriguez to a two-year term. Mr. Wright's term begins immediately and will expire on December 31, 2008.

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

GENERAL AGENDA

FIRST READING – ANNEX/REZONE - US 24 RIGHT-OF WAY and HERITAGE SQUARE SOUTH PUD

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

Roger Schultz, 4741 Tuttle Creek Boulevard, Applicant, provided additional information on the pole signs proposed and answered questions from the Commission.

After discussion, Commissioner Morris-Hardeman moved to approve first reading of an ordinance annexing a 6.8-acre portion of the US 24 Highway right-of-way adjoining the proposed Heritage Square South development; and, approved first reading of an ordinance rezoning the proposed Heritage Square South development and the adjoining portion of US 24 Highway right-of-way, from Pottawatomie County CH, Commercial Highway Zoning District, to PUD, Planned Unit Development District, based on the findings in the Staff Report, with the eleven conditions recommended by the Manhattan Urban Area Planning Board. (*See Attachment No. 2*) Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

DEVELOPMENT AGREEMENT - HERITAGE SQUARE SOUTH

Jeff Hancock, Director of Public Works, presented the item. He then answered questions from the Commission.

Ron Fehr, City Manager, provided additional information and clarification on the item.

Bill Frost, City Attorney, and Ron Fehr, City Manager, provided additional information on the item and answered questions regarding the development agreement and additional agreements that may be necessary.

Roger Schultz, Applicant, answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to authorize the Mayor and City Clerk to execute the finalized development agreement with Heritage Square Land Co., LLC, and also authorize City Administration to finalize and the Mayor and City Clerk to execute all contracts/agreements which are contingencies to the Development Agreement. Commissioner Morris-Hardeman seconded the motion.

Ron Fehr, City Manager, provided clarification that City Administration will need to have flexibility on the Development Agreement and other contingencies.

Bill Frost, City Attorney; Jeff Hancock, Director of Public Works; and Ron Fehr, City Manager, answered questions from the Commission.

On a roll call vote, motion carried 5-0.

FINAL PLAT - LIMEY POINTE PLANNED UNIT DEVELOPMENT (PUD)

Eric Cattell, Assistant Director of Planning, presented the item.

After discussion, Commissioner Phillips moved to accept the easements and rights-of-way, as shown on the Final Plat of Limey Pointe PUD, a Commercial Planned Unit Development, generally located northeast of the McCall Road and Tuttle Creek Boulevard intersection, based on conformance with the Manhattan Urban Area Subdivision Regulations. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

SET PUBLIC HEARING –CREATE TRANSPORTATION DEVELOPMENT DISTRICT – PETITIONS - LIMEY POINTE ADDITION IMPROVEMENTS (ST0623, SS0617, WA0618) (ST0627)

Jeff Hancock, Director of Public Works, presented the item.

Ron Fehr, City Manager, provided additional information on the item.

Jeff Hancock, Director of Public Works, answered questions from the Commission.

Bob Welstedt, Dial Realty, provided additional information on the item and gave an update on the development. He then answered questions from the Commission.

Ron Fehr, City Manager, provided additional information on the Transportation Development District. He then answered questions from the Commission.

Bill Frost, City Attorney, provided clarification on the public infrastructure that is being proposed and answered questions on the petitions. He then answered additional questions from the Commission.

Ron Fehr, City Manager; Bob Welstedt, Dial Realty; Rick Kialbasa, Dial Realty; and Bill Frost, City Attorney, answered questions from the Commission.

After discussion, Commissioner Morris-Hardeman moved to find the benefit district petitions sufficient, approved Resolution Nos. 110706-C and 110706-D finding the projects advisable and authorizing construction (ST0623, SS0617, WA0618) (ST0627), and approved Resolution No. 110706-J setting the date for a public hearing relative to the creation of a Transportation Development District for the on-site improvements. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

AWARD CONTRACT - LIMEY POINTE ON-SITE IMPROVEMENTS (STREET (ST0623), SANITARY SEWER (SS0616), WATER (WA0618))

Jeff Hancock, Director of Public Works, presented the item.

After discussion, Commissioner Hatesohl moved to accept the Engineer's Estimate in the amount of \$473,918.80 and awarded a construction contract to Bayer Construction Company, Inc., of Manhattan, Kansas, in the amount of \$383,149.80. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

PRESENTATION - 2005 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Bernie Hayden, Director of Finance, introduced the item.

Karen Linn, Berberich & Trahan & Co., P.A., presented the item. She then answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to receive and accept the 2005 Comprehensive Annual Financial Report including the 2005 City audit. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - CHARTER ORDINANCE – SPEEDY TRIAL

Katharine Jackson, Assistant City Attorney, presented the item and answered questions from the Commission.

Matt Richter, City Prosecutor, provided additional information on the item. He then answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve first reading of a Charter Ordinance relating to the scheduling of trials within the Municipal Court of the City of Manhattan. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

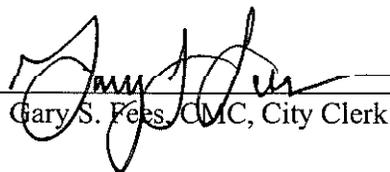
FIRST READING -AMENDING SECTIONS 22-27 AND 22-30 - INCREASING THE JURISDICTION OF THE CITY - CRIMINAL DAMAGE TO PROPERTY AND WORTHLESS CHECK PROSECUTIONS FROM \$500.00 TO \$1,000.00

Katharine Jackson, Assistant City Attorney, presented the item.

After discussion, Commissioner Hatesohl moved to approve first reading of the ordinance amending Section 22-27, relating to criminal damage to property and Section 22-30, passing a worthless check in the Code of Ordinances. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:31 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

**STAFF REPORT
STATE OR MUNICIPAL FACILITY REVIEW**

APPLICANT: Board of Commissioners of Riley County

ADDRESS: 110 Court House Plaza

LOCATION: Riley County Law Enforcement Center (LEC)

AREA: 6.33 acres

DATE OF PUBLIC NOTICE PUBLICATION: Monday, August 28 , 2006

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, September 18, 2006
CITY COMMISSION: Tuesday, October 17, 2006

At the conclusion of the hearing, the Manhattan Urban Area Planning Board shall forward its recommendation to the Governing Body. Such recommendation shall include all factors and reasons the Board relies upon to support such recommendation. In arriving at such recommendation, the Planning Board shall balance the public interests to be served by the construction or expansion of the utility or facility, as opposed to the impact upon interests intended to be protected by the Zoning Regulations. In balancing such interests, the Planning Board shall consider factors, such as:

EXISTING USE: Riley County LEC approved in 1998 (Ordinance No. 6005 attached). The LEC is the headquarters for the Riley County Police Department (RCPD). The application documents indicate there are 184 off-street parking spaces and 7 ADA parking spaces.

PROPOSED USE: a proposed 10,860 square building expansion on the north side of the existing building for maximum security housing of prisoners that must be separated from other prisoners. Several multipurpose rooms are proposed, one of which will be for a laundry and the others on an as needed basis, such as consoling of a prisoner. No additional off-street parking is proposed. The facility will be manned by existing staff. A security fence and gate are proposed in front of the expansion and along the northern and eastern boundary lines connecting to an existing fence on the eastern boundary line.

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PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is bounded on the south and west by Ft. Riley Boulevard and Seth Child Rod, respectively. The northeast side of the site is along Wildcat Creek. The site drains to Wildcat Creek. The existing LEC is approximately 33,500 square feet of jail space and 24,100 square feet of administrative space. Accessory buildings include a detached vehicle service building in the southeast corner of the site and a storage building along the south side of the northern access road.

THE NATURE AND SCOPE OF THE MUNICIPALITY OR STATE AGENCY: The Riley County Police Department provides law enforcement and detention operations for all of Riley County.

THE FUNCTION OF THE UTILITY OR FACILITY: The existing LEC provides detention and administrative services for Riley County.

THE EXTENT OF THE PUBLIC INTEREST TO BE SERVED BY THE UTILITY OR FACILITY: The applicant indicates that, "The Riley County Police Department serves the public good through enforcement of laws and ordinances within the County and communities herein. The staff of officers and administrative personnel provide services to safeguard our population from criminals and those who would commit crimes." The proposed expansion is intended to increase the effectiveness of the services provided by the LEC.

THE EFFECT THAT REGULATION OF THE CONSTRUCTION, OR EXPANSION, EITHER BY THE IMPOSITION OF REQUIREMENTS NECESSARY TO MITIGATE IMPACTS OR BY A COMPLETE DENIAL, WILL HAVE UPON THE MUNICIPALITY'S, OR STATE AGENCY'S, ABILITY TO EFFICIENTLY, ECONOMICALLY AND PRUDENTLY MEET THE PUBLIC INTERESTS THEY ARE SERVING: The effect of regulation by imposing mitigating requirements on the proposed expansion, or the complete denial of the proposed expansion, would reduce the effectiveness of the RCPD by hindering the RCPD's ability to house maximum security prisoners in a separate area of the LEC. The applicant indicates that, "The proposed addition is primarily allocated to housing maximum security inmates as this is the fastest growing component of detention population in this area."

THE IMPACT THAT CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY WILL HAVE UPON THE LEGITIMATE INTERESTS OF THAT PORTION OF THE COMMUNITY IN WHICH IT IS PROPOSED TO BE LOCATED: Minimal impact is expected on the surrounding neighborhood. Traffic light and noise as a result of the expansion is minimal. Adjoining properties to the south and west are highways. To the east is Wildcat Creek and vacant residential land in the Wildcat

Attachment No. 1

Creek Floodway. No portion of the expansion, however, is in the 100 Year Flood Plain part of Wildcat Creek. To the north is a veterinary clinic in the C-5, Highway service Commercial District. The proposed expansion is setback from the north lot line a distance of approximately 75 feet. The expansion is setback from Seth Child Road the same front yard setback as the existing building, or approximately 180-190 feet at the point of the expansion. The front and rear building heights are at the same heights as the existing building. The expansion will be constructed with similar materials.

IF THE OWNER OF THE UTILITY OR FACILITY IS THE CITY OF MANHATTAN, AND IF THE FACILITY OR UTILITY IS OF A TYPE EMBRACED WITHIN THE COMPREHENSIVE PLAN, WHETHER OR NOT IT IS IN CONFORMITY WITH THAT PLAN: The Comprehensive Plan identifies the site as Public/Semi-Public, which reflects the existing LEC. The proposed expansion conforms to the Comprehensive Plan.

OTHER FACTORS AS THE PLANNING BOARD DEEMS APPROPRIATE AND RELEVANT: The Manhattan Urban Area Planning Board may consider other factors it deems appropriate with respect to the expansion.

STAFF RECOMMENDATION: City Administration recommends approval of the proposed expansion for a maximum security addition to the Riley County Law Enforcement Center, with the following condition of approval:

1. The expansion shall be constructed as proposed.

The Planning Board shall not recommend approval of the request unless it determines, by a preponderance of the evidence, that the public interests to be served by the construction or expansion of the utility or facility outweigh any impact upon legitimate community interests, as such impact is mitigated by any requirements of the Planning Board.

If the Planning Board recommends approval, they shall also recommend any requirements or conditions they deem necessary to mitigate impacts caused by such use. Such requirements or conditions may include, but are not limited to, any bulk, or other requirements, which would have otherwise been applicable within the zoning district in which the proposed use is to be placed.

ALTERNATIVES

It appears the Planning Board has the following alternatives concerning the issue at hand. The Board may:

1. Hold a public hearing on the proposal and, following the hearing, recommend approval of a proposed expansion of the Riley County LEC, based on the findings in the staff report, with the one condition of approval recommended by City Administration.
2. Hold a public hearing on the proposal and, following the hearing, recommend denial of the proposed expansion of the Riley County LEC, for specifically stated reasons.
3. Hold a public hearing on the proposal and, following the hearing, modify the site plan and/or conditions of approval, to meet the needs as perceived by the Planning Board, and establish such conditions, if any, as deemed necessary to mitigate any impacts created by the proposed expansion of the Riley County LEC.
4. Table the public hearing of a proposed expansion of the Riley County LEC, for specifically stated reasons and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends that the Planning Board:

1. Hold a public hearing on the proposed expansion of the Riley County LEC;
2. Determine by a preponderance of the evidence, that the public interests to be served by the proposed expansion of the Riley County LEC, outweigh the impacts upon the legitimate community interests, as mitigated by requirements of the Planning Board; and,
3. Recommend approval of the proposed expansion of the Riley County LEC, with the one condition of approval recommended by City Administration. This recommendation is based on the findings in the Staff Report.

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POSSIBLE MOTION

The Manhattan Urban Area Planning Board finds that the public interests to be served by the proposed Municipal Facility, outweigh the impacts upon the legitimate community interests and recommends approval of a proposed expansion of the Riley County Law Enforcement Center, based on the findings in the Staff Report, with the one condition of approval recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: September 11, 2006

06022

STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: Pottawatomie County CH, Commercial Highway Zoning District

TO: PUD, Planned Unit Development District

OWNER/APPLICANT: Heritage Square Land Co. LLC - Roger Schultz.

ADDRESS: 1213 Hylton Heights Road, Manhattan KS 66502

DATE OF PUBLIC NOTICE PUBLICATION: Monday, September 25, 2006

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, October 16, 2006
CITY COMMISSION: Tuesday, November 7, 2006

LOCATION: approximately 3,600 feet east of the Manhattan city limits on the south side of US Highway 24.

AREA: 32.5 acres development site. 6.791 acres of US Highway 24 right-of-way.

PROJECT HISTORY: The City and Pottawatomie County Commissions have considered and approved the island annexation of Heritage Square. The proposed development is consistent with the Comprehensive Plan and the commercial nature of the US 24 Highway corridor. Provision for public services has also been considered. The Comprehensive Plan and Public utilities and services are described in more detail under the zoning criteria below.

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.

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- July 27, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexation 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 the portion of the US 24 right-of-way adjoining Heritage Square, 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 24 Right-of-way that adjoins Heritage Square.
- October 16, 2006: Manhattan Urban Area Planning Board holds public hearing to consider rezoning the proposed Heritage Square South from County - CH, Highway & Commercial Corridor District, to PUD, Commercial Planned Unit Development District.

The proposed PUD includes only Heritage Square South and adjoining US 24 Highway.

PROPOSED USES: The development is proposed to allow a broad range of highway service commercial uses and retail shopping facilities and services to include: all of the Permitted Uses of the C-5, Highway Service Commercial District, excluding 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.

PROPOSED BUILDINGS AND STRUCTURES: The first phase of the PUD will consist of Lots 1, 6 and 9. Lots 1 and 6 are individual sites for specific tenants: Fastenal and Farm and Tractor Supply. Lot 9 will establish multiple tenant spaces. Development on all other lots will be subject to future amendments of the PUD once specific buildings and uses are known.

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Lot 1: Fastenal is an industrial supplier that specializes in tools and fasteners, such as screws and bolts.

Lot 6: Farm and Tractor Supply is a retail store selling a broad range of farm and tractor items.

Lot 9: Heritage Square Commons is proposed as a self contained retail center with a floor plan depicting a retail business complex with leaseable retail/office space. The site plan also shows a possible future “shade structure” at the northwest end of the building to cover a possible outdoor dining area.

Owners of all lots will be members of the Heritage South Association and subject to restrictive covenants that address cross easements, general maintenance, building materials and signs.

PROPOSED LOT COVERAGE

Building coverage in the PUD range from a minimum of 11% to a maximum of 27%. Landscape coverage ranges from a minimum of 16% to a maximum of 56%.

PROPOSED SIGNS

<u>Type</u>	<u>Dimensions</u>	<u>Lighting</u>
<u>Entry Signs</u> Three (3) Ground Entry Signs (Type 1): One at the west end, one at the east end, and one at the main entrance along US 24. Split-face block columns supporting a sign board.	20' x 14'	Internally Illuminated
<u>Lot 1 Fastenal</u> <ul style="list-style-type: none">• Wall Sign• Ground sign (Type 3) Split-face block columns supporting sign board	18” – 30” Individual Letters 8’8” high & 10’ wide	Plastic Illuminated Letters Internally Illuminated

Neighborhood Shopping District regulations apply to commercial PUD's, which limit the height of pole signs to 30 feet. In addition, a ground sign (Type 3) of 24.5 square feet is proposed on Lot 6, which is consistent with the standardized sign requirements for the PUD.

Lots 2, 3, 4, 5, 7, 8 and 10

As no specific buildings or uses are known for Lots 2, 3, 4, 5, 7, 8 and 10, no specific wall signage was proposed in the application for these lots. However, it is recommended that wall signage on these lots maintain a consistent character as the wall signage proposed on Lots 1, 6, and 9, to maintain consistency throughout the PUD.

Type 3 ground identification signs are proposed for the front lots, Lots 2, 3, 4 and 5. No ground signage is proposed for the back lots, Lots 7, 8 and 10. The signage plan proposes pole signs on Lots 7, 8 and 10 that are 50 feet in height and up to 400 square feet in area, due to the buildings being over 800 feet from the US 24 Highway right-of-way.

PROPOSED LIGHTING: Parking lot and building lighting consists of pole and wall lighting. Light poles include 12 foot tall ornamental pedestrian scale lighting (option 3) and 20 foot ornamental parking lot lighting (option 2) on Lot 9. Parking lot lighting on the other lots consists of box-cutoff lighting that is 25 feet tall (option 1).

Building lighting will consist of wall lighting. All exterior lighting should be cut-off type lighting to direct light to specific areas and not general flood lighting, to prevent glare.

REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING: Landscaping is functional and exceeds the minimum 5% of the paved area commonly required with commercial development. Irrigation will be underground and maintained by the owner of the lot. Landscaping consists of lawn, shade and ornamental trees and shrubs. Specific landscaping plans are provided for Lots 1, 6 and 9. A general landscape plan is provided for the overall concept of the entire PUD. Specific landscape plans will need to be submitted on the future lots as part of those future amendments.

2. SCREENING: Outdoor storage areas must be adequately screened and enclosed and outdoor display of commercial goods or materials shall not be allowed except in those areas specifically designated for such activities.

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Lot 9 Heritage Commons: The trash/dumpster areas are located to the side and behind the building. The applicant has submitted a proposed uniform design for the screening of trash/dumpster areas consisting of a six (6) foot high split-face block wall enclosure with wrought iron screen gates with one inch pickets.

Lot 6 Tractor Supply: A 20,000 square foot outdoor display area located adjacent to the west of the main building will be screened by a twelve (12) foot tall metal fence with privacy fabric. The front (northern) portion of this screening fence includes masonry columns. There will also be additional unscreened outdoor display areas: four (4) permanent display areas along the front (north) façade and a permanent display area for “3 Point & Trailer Equipment” on the west edge of the parking lot. The Planning Board may want to review the items proposed to be displayed in these non-screened areas (*see Tractor Supply documentation*). The trash/dumpster area is located behind the building in the below grade loading ramp area, which is screened by an eight foot metal fence with privacy fabric that is consistent with the storage area screening fence.

Lot 1 Fastenal: The trash/dumpster area is located to the side and behind the building, and will be enclosed with the masonry wall and metal gates consistent with the design standards as proposed for the PUD.

3. DRAINAGE: The site will be graded and developed to drain to the north using streets, storm sewer inlets and storm sewer pipes. Drainage will be taken under US 24 and northward to the Blue River. A Drainage Report was submitted by the applicant’s consultant, which was reviewed and accepted by the City Engineer (see attached memo and Report).

4. CIRCULATION: The proposed 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 shall be minimized.

Pedestrians are accommodated by sidewalks throughout the development located along the streets. Sidewalks shall connect to existing pedestrian systems, or be designed to allow for future off-site connections as the area continues to develop.

Adequate off-street parking and loading areas shall be provided: Lot 1 - 16 parking spaces are provided; Lot 6 - 75 parking spaces are provided; and Lot 9 - 161 parking spaces are provided

A Traffic Report was submitted by the applicant’s consultant, which was reviewed and accepted by the City Engineer (see attached memo and Report). Access to the development will be from US 24 onto a main entry drive to the frontage road system and

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the internal streets of the development. Major highway improvements to US 24 are proposed as a part of the development, including new left turning lanes, a traffic signal and closure of two existing median crossings, which are all being reviewed and approved by the Kansas Department of Transportation as part of the necessary KDOT highway access permit.

5. OPEN SPACE AND COMMON AREA: No common or open space is proposed.

6. CHARACTER OF THE NEIGHBORHOOD: The highway corridor is a service commercial neighborhood characterized primarily by individual building sites. Open sales display lots of vehicles and equipment are a common feature of the corridor.

MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: Vacant tract of land currently being graded for future development.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Generally a flat tract with covered by field grass. The southeast portion of the site is in the 100 Year Flood Plain (a portion of proposed Lots 8 and 10) and will need to be built according to the applicable Flood Plain Regulations.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Cultivated agricultural field, furniture stores, auto repair, equipment display and sales, trailer rental; US 24 Highway and undeveloped tract (future Heritage Square north). Pottawatomie County CH, Commercial Highway Zoning District.

(b.) SOUTH: Railroad; farm fields, Kansas River. Pottawatomie County CH, Commercial Highway Zoning District.

(c.) EAST: Bank, auto dealership, furniture, professional office, veterinary clinic, equipment sales and display, storage units. Pottawatomie County CH, Commercial Highway Zoning District.

(d.) WEST: Furniture sales, storage units, flooring business, cabinetry and millwork, auto sales, landscaping business, livestock sales. Pottawatomie County CH, Commercial Highway Zoning District

4. CHARACTER OF THE NEIGHBORHOOD: Same as above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The existing site is suitable for the uses of the CH District. The CH District is intended to provide a limited range of retail facilities, personal services, offices, sales, trade & related accessory uses along major transportation corridors.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed PUD should have minimal impact on adjacent service commercial uses. Access is from frontage road and a major public street, rather than through adjacent neighborhoods. Drainage is to the north. The proposed PUD, characterized as a service commercial use, is consistent with the service commercial character of the neighborhood. Major improvements to US 24 Highway are proposed at the main entrance to the PUD.

CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map for the Northeast Planning Area of the Manhattan Urban Area Comprehensive Plan (MUACP) designates the site as Community Commercial (CC). The MUACP 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 MUACP.

The proposed PUD generally conforms to the Manhattan Urban Area Comprehensive Plan. Applicable MUACP policies include the following:

COMMUNITY COMMERCIAL (CC)

CC 1: Characteristics

Community Commercial Centers provide a mix of retail and commercial services in a concentrated and unified setting that serves the local community and may also provide a limited draw for the surrounding region. These centers are typically anchored by a larger national chain, between 120,000 and 250,000 square feet, which may provide sales of a variety of general merchandise, grocery, apparel, appliances, hardware, lumber, and other household goods. Centers may also be anchored by smaller uses, such as a grocery store, and may include a variety of smaller, complementary uses, such as restaurants, specialty stores (such as books, furniture, computers, audio, office supplies, or clothing stores), professional offices and health services. The concentrated, unified design of a community commercial center allows it to meet a variety of community needs in a “one-stop shop” setting, minimizing the need for multiple vehicle trips to various commercial areas around the community. Although some single use highway-oriented commercial activities will continue to occur in some areas, this pattern of development is generally not encouraged.

CC 2: Location

Community Commercial Centers should be located at the intersection of one or more major arterial streets. They may be located adjacent to urban residential neighborhoods and may occur along major highway corridors as existing uses become obsolete and are phased out and redeveloped over time. Large footprint retail buildings (often known as “big-box” stores) shall only be permitted in areas of the City where adequate access and services can be provided.

CC 3: Size

Typically require a site of between 10 and 30 acres.

CC 4: Unified Site Design

A unified site layout and design character (buildings, landscaping, signage, pedestrian and vehicular circulation) shall be required and established for the center to guide current and future phases of development. Building and site design should be used to create visual interest and establish a more pedestrian-oriented scale for the center and between out lots.

CC 5: Architectural Character

Community Commercial Centers shall be required to meet a basic level of architectural detailing, compatibility of scale with surrounding areas, pedestrian and bicycle access, and mitigation of negative visual impacts such as large building walls, parking areas, and service and loading areas. While these requirements apply to all community commercial development, they are particularly important to consider for larger footprint retail buildings, or “big-box” stores. A basic level of architectural detailing shall include, but not be limited to, the following:

- Façade and exterior wall plane projections or recesses;
- Arcades, display windows, entry areas, awnings, or other features along facades facing public streets;
- Building facades with a variety of detail features (materials, colors, and patterns);
and
- High quality building materials.

CC 6: Organization of Uses

Community commercial services should be concentrated and contained within planned activity centers, or nodes, throughout the community. Within each activity center or node, complementary uses should be clustered within walking distance of each other to facilitate efficient, “one-stop shopping”, and minimize the need to drive between multiple areas of the center. Large footprint retail buildings, or “big-box” stores should be incorporated as part of an activity center or node along with complementary uses. Isolated single store developments are strongly discouraged.

CC 7: Parking Design and Layout

Uninterrupted expanses of parking should be avoided. Parking areas should be broken into smaller blocks divided by landscaping and pedestrian walkways. Parking areas should be distributed between the front and sides of buildings, or front and rear, rather than solely in front of buildings to the extent possible.

CC 8: Circulation and Access

Clear, direct pedestrian connections should be provided through parking areas to building entrances and to surrounding neighborhoods or streets. Integrate main entrances or driveways with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles.

CHAPTER 13: SPECIAL PLANNING AREA POLICIES

US 24 CORRIDOR

Background and Intent

The US 24 Corridor will develop in a coordinated fashion, in accordance with the US 24 Corridor Plan, developed by Pottawatomie County. Commercial and residential development is anticipated to continue, with residential development presumed to remain at rural densities. Should the City and County determine that it is feasible and desirable for City infrastructure services to be extended to serve the area, the corridor could be developed at higher urban densities.

US 24 2: Commercial Development Patterns

Future commercial growth along U.S. 24 should be encouraged to occur in a coordinated fashion as a series of larger “centers”. The continuation of strip development patterns, consisting of numerous individual development sites with limited connectivity and multiple highway access points should be discouraged. Existing residential units that abut U.S. Highway 24 between the Blue River and Swamp Angel Road should be encouraged to convert to office and light service commercial uses.

8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site appears to have always been an undeveloped agricultural field.

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.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER: There appears to be no gain to the public that denial would accomplish. Denial of the rezoning may be a hardship to the owner.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The site will be served with water by the extension of a City sixteen (16) inch water main. This sizing conforms to the recommendations made in the Water Distribution Systems Master Plan Update for the Highway 24 Corridor Expanded Service Area, developed in July of 2003. Sewer service to the site would be somewhat more complicated. It is presently unfeasible for the City to provide sewer service directly to the site. While the sanitary sewers within the PUD will be City of Manhattan systems, they will need to connect to the Blue Township Sewer system for treatment purposes. In order to provide sewer service, it will be necessary for the City to enter into an agreement with the Blue Township Sewer District to provide that service to the site. The financing of the sewer, as well as the mechanisms to accomplish its construction, is the subject of the Development Agreement between the developer, the City, Pottawatomie County and the Blue Township Sewer District. The Manhattan City Commission is scheduled to approve the Development Agreements at the same time it considers the proposed PUD zoning.

US 24 Highway will be annexed and improved with PUD. The City received a “Consent to Annex” for the right-of-way from the Kansas Department of Transportation.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS AND RECOMMENDATION:

As per the Manhattan Zoning Regulations, the C-2, Neighborhood Shopping District signage regulations are the basis for signage within a commercial PUD. The height of the proposed pole signs for Lot 6 (Tractor Supply - 50 feet tall) and those for Lots 7, 8 and 10 (50 feet tall) exceed the 30 foot maximum height limitation established for the C-2, Neighborhood Shopping District. In early discussions about this PUD proposal, Pottawatomie County Planning and Zoning indicated it would require the height of pole signs not to exceed the height of the buildings within the development.

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In the PUD application Tractor Supply Company indicates that at a minimum they are willing to accept a pole sign of 75 square feet in area. Pole signs on Lots 7, 8, and 10 are proposed at up to 400 square feet in area. The proposed pole sign locations are a considerable distance from US 24 Highway, as follows: Lot 6 approximately 610 feet; Lot 7 approximately 680 feet; Lot 8 approximately 820 feet; and Lot 10 approximately 750 feet. This is approximately 1 ½ to 2 city blocks from drivers on US 24. Given these large distances, it is difficult to see how pole signs of almost any size will be seen by drivers traveling 60 mph along US 24.

Rather than trying to build signs that are unreasonably tall and large, it should be recognized that this is a development with some lots that have direct visibility from US 24 and some lots that do not have good visibility from US 24. Once drivers enter the development they will have better visibility of the buildings and lots in the southern portion of the development and shorter pole signs that are more in scale with the whole development would be easily seen. An alternative to large pole signs would be to provide directory signage near the main entrance, such as incorporating tenant names from the southern lots on the center island Entry Sign at the main entrance on US 24.

The high standard of the proposed Heritage Square South PUD and the Heritage Commons on Lot 9 in particular, strengthened by proposed restrictive covenants, will help unify the development and set the visual quality and character of this corridor. Signage plays an important role in establishing the character of the individual developments and commercial corridors in general.

In addition to the unified Ground Signs (Types 1, 2 and 3) proposed in the application documents and the proposed wall signage, it is important to establish a unified and consistent plan for all pole signs within the PUD. City Administration recommends that the signage plan limit poles signs to one (1) pole sign per lot on Lots 6, 7, 8 and 10, and no pole signs on Lots 1, 2, 3, 4, 5 and 9, as proposed in the application. In addition, pole signs shall have a maximum total height of 30 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 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. When the Final Development Plans are submitted they will need to include plan sheets that reflect these requirements.

It is also recommended the applicant and Planning Board consider allowing the Type 3 ground identification signs on Lots 7, 8, and 10. To compensate for the shorter and smaller poles signs recommended above, or if the Planning Board decides not to include poles signs, it is suggested that the applicant and Planning Board consider adding some type of directory signage either to the main entry ground sign, or in another appropriate location near US 24 that identifies the businesses located on Lots 7, 8, and 10.

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Finally, the Planning Board may want to review the items proposed to be displayed by Tractor Supply in the non-screened areas, to determine if it wants to place any limits on these items.

City Administration recommends approval of the proposed rezoning of the Heritage Square South and the adjoining US 24 Highway right-of-way from Pottawatomie County CH, Commercial Highway Zoning District, to PUD, Commercial Planned Unit Development District, with the following conditions:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-5, Highway Service Commercial District, except for Adult Businesses 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 30 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.
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.

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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.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Heritage Square South from CH, Commercial Highway Zoning District, to PUD, Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend approval of the proposed rezoning of Heritage Square South from CH, Commercial Highway Zoning District, to PUD, Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Heritage Square South from CH, Commercial Highway Zoning District, to PUD, Planned Unit Development District, based on the findings in the staff report, with the conditions recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior planner

DATE: October 11, 2006

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