

MINUTES
CITY COMMISSION MEETING
TUESDAY, FEBRUARY 6, 2007
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 Hillary Green, 9 staff, and approximately 45 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Snead opened the public comments.

Jason Lantz, Director, American Red Cross, Flint Hills Chapter, informed the Commission about the importance of education and preparation of businesses and families for pandemic flu.

Dee R. Ross, 2304 Brockman Street, stated that he looked at the Management Report regarding the Parks and Recreation scandal and asked about additional items that were not mentioned in the Report.

Ron Fehr, City Manager, informed Mr. Ross that he would be happy to meet with him about this issue or any other issue he would like to address.

Dee R. Ross, 2304 Brockman Street, informed the Commission that he was opposed to the half-cent sales tax and preferential treatment given to those receiving abatements and incentives to developers at the taxpayer's expense.

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

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, January 23, 2007.

CLAIMS REGISTER NOS. 2578 AND 2579

The Commission approved Claims Register Nos. 2578 and 2579 authorizing and approving the payment of claims from January 17, 2007, to January 30, 2007, in the amounts of \$1,316,284.27 and \$2,732,078.11, respectively.

LICENSE – CEREAL MALT BEVERAGE

The Commission approved the applications for 2007 Cereal Malt Beverage License for Wal-Mart Supercenter #35, 101 East Bluemont Avenue, and Aggie Lounge, 712 North 12th Street.

FINAL PLAT – MANHATTAN MARKETPLACE ADDITION, UNIT 2

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Manhattan Marketplace Addition, Unit 2, generally located northeast of Leavenworth Street and North 3rd Street and west of Best Buy, based on conformance with the Manhattan Urban Area Subdivision Regulations.

RESTRICTIVE COVENANT/FINAL PLAT – PRAIRIE LAKES ADDITION, UNIT 4

The Commission consented to the proposed replatting of Lots 32A through 35B and a portion of Tract A, Prairie Lakes Addition, Unit 1; accepted the revised Restrictive Covenant; and, accepted the easements and rights-of-way, as shown on the Final Plat of Prairie Lakes Addition, Unit 4, generally located north of the intersection of Brooklawn Drive and Brook Circle and consisting of the lots around Brook Circle, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6605 – NO PARKING – DENISON AVENUE (ANDERSON AVENUE TO KIMBALL AVENUE)

The Commission approved Ordinance No. 6605 establishing a “No Parking” zone on both sides of Denison Avenue from Anderson Avenue to Kimball Avenue.

CONSENT AGENDA (CONTINUED)

FIRST READING – LEVY – SPECIAL ASSESSMENTS

The Commission approved first reading of an ordinance levying special assessments against the benefiting property in the following twenty-eight (28) projects, which have been completed: *Abbott Acres Addition – Water (WA0604); Brookfield Addition, Unit 8 – Sanitary Sewer (SS0604), Street (ST0610), and Water (WA0607); Block 1 of Four Winds Village Addition – Sanitary Sewer (SS0510), Street (ST0516), and Water (WA0510); Grand Mere Vanesta, Unit 1 – Sanitary Sewer, Street, and Water (SP0505); Hackberry Addition, Unit 2 – Street (ST0518); Highland Meadows Addition, Unit 2 – Sanitary Sewer (SS0507), Street (ST0513), and Water (WA0507); Oak Hollow Addition, Unit 11 – Sanitary Sewer (SS0502), Street (ST0506), and Water (WA0502); Platt Addition – Sanitary Sewer (SS0511), Street (ST0517), and Water (WA0511); Prairie Lakes Addition, Unit 2 – Sanitary Sewer (SS0509), Street (ST0515), and Water (WA0509); Stone Pointe Addition, Unit 1 – Water (WA0608); Western Hills Addition, Unit 13 – Sanitary Sewer (SS0603), Water (WA0603), and Stormwater (SM0601); and Woodland Hills, Unit 5, Phase 2/Unit 6, Phase 1 – Sanitary Sewer (SS0516), Street (ST0523), and Water (WA0517).*

FIRST READING – ESTABLISH STOP SIGNS

The Commission approved first reading of an ordinance establishing stop signs at the following intersections: *Christy Drive at Anderson Avenue; Sundance Drive at Anderson Avenue; Newfoundland Drive at Kimball Avenue; Highland Ridge Drive at Scenic Drive; Stone Drive at Scenic Drive; and East Highland Ridge Drive at Scenic Drive.*

FIRST READING – AMEND – CLAFLIN RESIDENTIAL PLANNED UNIT DEVELOPMENT, UNIT ONE

The Commission approved first reading of an ordinance amending the Final Development Plan of the Claflin Residential Planned Unit Development, Unit One, located east of Westport Street, north of Claflin Road, and south and west of Heywood Drive, and Ordinance No. 4602, as proposed, based on the findings in the Staff Report (*See Attachment No. 1*), with the two (2) conditions of approval, recommended by the Manhattan Urban Area Planning Board.

RESOLUTION NO. 020607-B – TEMPORARY NOTES – RIGHT-IN/RIGHT-OUT STREET IMPROVEMENTS (ST0609)

The Commission approved Resolution No. 020607-B for the issuance of temporary notes not to exceed \$970,000.00 to finance the Right-in/Right-out (RIRO) Street Improvements (ST0609) along Tuttle Creek Boulevard in the Downtown Redevelopment North Project area.

CONSENT AGENDA (CONTINUED)

* **CHANGE ORDER NO. 2-FINAL – DENISON AVENUE IMPROVEMENTS (ST0411)**

Robert Ott, Interim Director of Public Works, provided additional information on the item and answered questions from the Commission.

The Commission approved Final Change Order No. 2 for 2006 Denison Avenue Improvements (ST0411), resulting in a net increase in the amount of \$56,559.21 (+ 6.4%) to the contract with Pavers, Inc., of Salina, Kansas.

CHANGE ORDER NO. 1-FINAL – MILLER RANCH ADDITION, UNIT 3, PHASE I (ST0521)

The Commission approved Change Order No. 1-Final for the 2006 Street Improvements for Miller Ranch Addition, Unit 3, PH I, resulting in a net increase in the amount of \$33,203.90 (+4.87%) to the contract with Ebert Construction Co., of Manhattan, Kansas.

* **REJECT BIDS – 4TH STREET SANITARY SEWER IMPROVEMENTS (SS0625)**

Robert Ott, Interim Director of Public Works, provided clarification on the difference between the Engineer's Estimate and the actual bids. He then answered questions from the Commission.

Buck Driggs, HWS Consulting, Inc., provided additional information on the estimate provided by HWS Consulting, Inc., and explained several reasons why the bids received were significantly higher than the Engineer's Estimate.

The Commission accepted the Engineer's Estimate in the amount of \$349,432.00 and rejected all bids for the 4th Street Sanitary Sewer Improvements Project.

AWARD CONTRACT – HOUSING REHABILITATION PROJECTS

The Commission accepted the bids for 2105 Sloan Street, 731 Yuma Street, and 716 Frey Street; awarded the bids to the lowest responsible bidder; authorized City Administration to approve any necessary change orders; and authorized the Mayor and City Clerk to enter into agreements with the contractors and property owners for expenditure of Housing Rehabilitation Funds.

CONSENT AGENDA (CONTINUED)

CONTRACT – DESIGN – ODOR CONTROL SYSTEM FOR SANITARY SEWER COLLECTION SYSTEM INVERTED SIPHON (SP0702)

The Commission authorized the Mayor to enter into a contract with Camp Dresser and McKee, Inc., of Wichita, Kansas, for the preliminary design of an Odor Control System for the Sanitary Sewer Collection System Inverted Siphon.

* PURCHASE – PARKS AND RECREATION DEPARTMENT – PICK-UP TRUCK

Curt Loupe, Director of Parks and Recreation; Ron Fehr, City Manager; and Bernie Hayen, Director of Finance, provided additional information on the item and answered questions from the Commission.

The Commission authorized the purchase of a new 2007 Ford F-150 Super Crew XLT, half-ton two-wheel drive pick-up truck for the price of \$20,648.00 from Shawnee Mission Ford, Inc., of Shawnee Mission, Kansas.

PURCHASE – PARKS AND RECREATION DEPARTMENT - MOWERS

The Commission approved the purchase of two 2007 4600 Hustler Mowers for a combined total of \$39,947.00 from Brooks Yamaha Sales, of Manhattan, Kansas.

RESOLUTION NO. 020607-C – AWARD CONTRACT/AUTHORIZE CONSTRUCTION – K18/WILDCAT CREEK ROAD IMPROVEMENTS (ST0303)

The Commission authorized the Mayor and City Clerk to execute the Construction Engineering Agreement with Kansas Department of Transportation; authorized the Mayor and City Clerk to approve the award of a contract for improvements at the intersection of Wildcat Creek Road and Fort Riley Boulevard (K-18); and approved Resolution No. 020607-C authorizing construction and financing for the K-18 and Wildcat Creek Road Intersection Improvements project (ST0303).

TASK ORDER NO. 10 – SNOW REMOVAL EQUIPMENT STORAGE RENOVATION PROJECT

The Commission authorized the Mayor and City Clerk to execute Task Order No. 10 in the amount of \$99,452.00 with HNTB Corporation, of Overland Park, Kansas, to design the Snow Removal Equipment Storage Renovation Project under the Federal Aviation Administration Airport Improvement Program.

* TASK ORDER NO. 11 – REMARK RUNWAY 3/21

Peter Van Kuren, Airport Director, provided additional information and answered questions from the Commission.

CONSENT AGENDA (CONTINUED)

* **TASK ORDER NO. 11 – REMARK RUNWAY 3/21 (CONTINUED)**

The Commission authorized the Mayor and City Clerk to execute Task Order No. 11 in the amount of \$46,818.00 with HNTB Corporation, of Overland Park, Kansas, to develop Contract Documents and Bidding Services for the re-marking of runway 3/21.

OUTSIDE CITY SERVICES – SANITARY SEWER – 4790 SKYWAY DRIVE

The Commission authorized the Mayor and City Clerk to execute an agreement permitting connection to the City of Manhattan's sanitary sewer system by the owners of the Landmark Addition property located at 4790 Skyway Drive, Manhattan, Kansas.

2007 EMERGENCY SHELTER GRANT APPLICATION

The Commission authorized Mayor and City Clerk to sign an application for 2007 Emergency Shelter Grant funds. (*See Attachment No. 3*)

BOARD APPOINTMENTS

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

Special Alcohol Funds Advisory Committee

Appointment of Dennis Cook, 6854 Chinkapin Circle, to a three-year term. Mr. Cook's term begins immediately and will expire on December 31, 2009.

Re-appointment of Brian London, 1726 Colorado Street, to a three-year term. Mr. London's term begins immediately and will expire on December 31, 2009.

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

GENERAL AGENDA

RESOLUTION NO. 020607-D – INFRASTRUCTURE AND ECONOMIC DEVELOPMENT SUPPORT - PROPOSED NATIONAL BIO AND AGRO-DEFENSE FACILITY (NBAF)

Ron Fehr, City Manager, provided an overview of the item.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 020607-D – INFRASTRUCTURE AND ECONOMIC DEVELOPMENT SUPPORT - PROPOSED NATIONAL BIO AND AGRO-DEFENSE FACILITY (NBAF) (CONTINUED)

Dr. Ron Trewyn, Vice Provost for Research and Dean of Graduate Schools, Kansas State University, provided information on the Biosecurity Research Institute on the K-State campus and on the National Bio and Agro-Defense Facility (NBAF) proposal and process.

Tom Thorton, Chief Executive Officer (CEO), Kansas Bioscience Authority, informed the Commission that the NBAF is a unique opportunity at K-State, specifically in the areas of animal health and plant sciences. He provided additional information about the facility, cost share incentives, and level of commitment necessary to compete on a national level for this facility. He then answered questions from the Commission regarding the elements involved regarding the evaluation of competing communities.

Lyle Butler, President, Manhattan Area Chamber of Commerce, spoke in support of this request and asked the Commission to give the item serious consideration. He stated this facility would be significant to Manhattan and would provide numerous economic benefits to our region and to the State.

Ron Fehr, City Manager, provided additional information on the request and highlighted portions of Resolution No. 020607-D. He then answered questions from the Commission regarding available funding sources for infrastructure and economic assistance.

Dr. Ron Trewyn, Vice Provost for Research and Dean of Graduate Schools, Kansas State University, explained the types of activities that would occur in the NBAF and those currently occurring in the Biosecurity Research Institute.

Ron Fehr, City Manager, and Diane Stoddard, Deputy City Manager, provided additional information on the availability of economic development funds.

After discussion, Commissioner Morris-Hardeman moved to approve Resolution No. 020607-D supporting the recruitment of NBAF to Manhattan, Kansas, and pledging up to \$5.0 million in economic assistance for the NBAF project, conditioned on the City of Manhattan taking more definitive action in the event Manhattan is chosen as a finalist site and more detailed information is provided on the NBAF project. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 020607-A – SET PUBLIC HEARING DATE - SOUTH PROJECT REDEVELOPMENT PLAN

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, provided background information on the South Project Redevelopment Plan, including: project description, relocation plan, and feasibility study. He provided detailed information on the proposed flow of revenue, investment, project costs, moral obligation requirements, and projected timeline for the project. He then answered questions from the Commission.

Andrew Kane, D.A. Davidson, City's bond underwriter, provided additional clarification and information on the moral obligation component. He then answered questions from the Commission.

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, answered questions from the Commission on the Transportation Development District (TDD) Bond and terms of the bonds being proposed.

Rick Kiolbasa, Dial Realty, provided an update to the Commission on the negotiations with property owners and target date of closing with all properties.

Bill Frost, City Attorney, and Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, discussed the condemnation process that will take place and encouraged everyone to work toward negotiations with Dial Realty.

Joe Norton, Gilmore and Bell, City's bond council, provided additional information on the bonding requirements and responded to questions from the Commission regarding substantial deviation from the plan and the matter of degree if substantial or not.

Bill Frost, City Attorney, informed the Commission that the bonds will not be issued until everything is approved and necessary filings are completed.

Ron Fehr, City Manager, and Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, answered questions from the Commission.

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, and Ron Fehr, City Manager, provided additional clarification on the commitment of Dial Realty for both the North and South Project areas, and the City's responsibilities.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 020607-A – SET PUBLIC HEARING DATE - SOUTH PROJECT REDEVELOPMENT PLAN (CONTINUED)

Andrew Kane, D.A. Davidson, City's bond underwriter, provided additional information about their firm and other communities that they have worked with on similar type of projects. He then answered questions from the Commission regarding the moral obligation, bond marketability, projected sales data, and tenant evaluation.

Jenny Wolfe, Springsted, Inc., City's financial advisor, provided information about the feasibility plan and requirement that the benefit must exceed the cost. She then clarified that the projected revenue streams are conservative and bonds will be structured based on the projected revenues with current and prospective clients.

Rick Kiolbasa, Dial Realty, provided additional information to the Commission. He then answered questions from the Commission.

Mike Conkwright, Manager, Bud's Auto Service, 301 Colorado Street, informed the Commission that Bud's Auto is a family-owned business, founded by his grandfather, and provided a history of their business. He stated that they received an offer from Dial Realty, but the offer did not provide due consideration to improvements made to their facility, parking or high visibility of their current location. He asked that their family be treated fairly and equitably.

The Commission took a brief recess.

Bernie Hayen, Director of Finance, informed the Commission that the plan is strong and revenue projections are conservative. He stated that the bonds may be retired as early as 2009 for the infrastructure improvements necessary for the Wal-Mart store. He then answered additional questions about the need to build funds into the budget to cover the moral obligation and potential budget impact of the project.

Ron Fehr, City Manager; Jason Hilgers, Assistant City Manager and Redevelopment Coordinator; and Bill Frost, City Attorney, responded to questions on the potential budget impact of the moral obligation, relocation budget and projected costs, project responsibilities and timeframe, and possible eminent domain actions.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 020607-A setting March 15, 2007, as the date for the public hearing to consider the Redevelopment Plan for the South Project Area within the Downtown Redevelopment, and approve first reading of an ordinance adopting the South Project Redevelopment Plan. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

HERITAGE SQUARE – ANNEXATION AND REZONING

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

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

Tim Schultz, Applicant, informed the Commission that this development will provide potential relocations from the downtown area and for new businesses. He provided additional information and asked for support of the item.

After discussion, Commissioner Morris-Hardeman moved to approve Ordinance No. 6606 annexing Heritage Square North and South and annexing that portion of the US Highway 24 right-of-way that adjoins Heritage Square South, all located approximately 3,600 feet east of the Manhattan city limits; and, approve Ordinance No. 6607 rezoning the proposed Heritage Square South development and the adjoining portion of US Highway 24 right-of-way, from County CH, Commercial Highway District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report (*See Attachment No. 2*), with the eleven conditions of approval, as modified and recommended by the Manhattan Urban Area Planning Board. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

INTERLOCAL AGREEMENT - HERITAGE SQUARE NORTH/SOUTH - BLUE TOWNSHIP SEWER DISTRICT

Bill Frost, City Attorney, presented the item.

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

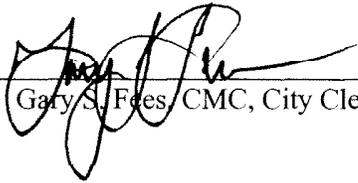
Bill Frost, City Attorney, provided clarification on the Interlocal Agreement.

Ron Fehr, City Manager, and Bill Frost, City Attorney, answered additional questions from the Commission regarding the Agreement, capacity issues, and potential annexation and services requests from property owners.

After discussion, Commissioner Phillips moved to approve the interlocal agreement between the City of Manhattan and Pottawatomie County regarding the provision of sanitary sewer service to the Heritage Square North and South developments, and authorize City Administration to finalize and the Mayor and City Clerk to execute the final negotiated Agreement. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 10:36 p.m. the Commission adjourned.



Gary S. Fees / CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD)

BACKGROUND

APPLICANT: Dan Fletcher-Curtin Property Company.
ADDRESS: 12321 Metcalf Ave. Overland Park, KS 66213

OWNER: Chris Curtin-Curtin Property Company
ADDRESS: 12321 Metcalf Ave. Overland Park, KS 66213

LOCATION: East of Westport Street, north of Claflin Road, and south and west of Heywood Drive.

AREA: 8.33 Acres

DATE OF PUBLIC NOTICE PUBLICATION: Monday, November 13, 2006

DATE OF PUBLIC HEARING: PLANNING BOARD: Thursday, January 18, 2007
CITY COMMISSION: Tuesday, February 6, 2007

DESCRIPTION OF PROPOSED AMENDMENT: Modify the approved PUD Final Development Plan and Ordinance No. 4602 to remove the wood screening fences located along the east side of Westport Drive between Heywood Drive and Claflin Road. The fences currently are located between the garage structures that border Westport Street and generally provide screening of the off-street parking area from adjacent properties and public rights-of-way. Landscaping generally consisting of evergreen shrubs and trees currently provides a buffer of the existing off-street parking area and screening wood fences from the surrounding neighborhood. The applicant has proposed additional landscaping consisting of shrubs and ornamental grasses to fill in the space where the fences are proposed to be removed.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

Attachment No. 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 original Preliminary Development Plan approved in August 1988, described the landscaping and screening along Westport Street, Heywood Drive, and Claflin Road to generally consist of three foot landscape buffers in combination with evergreen and deciduous plantings to provide year round screening. When the Final Development Plan was approved in August 1989, an amendment to the Preliminary Development Plan was made which included replacing the landscape berm along Westport Drive with additional landscaping planting materials. At that time, the property to the general west, generally between Browning Ave. and Westport Street was vacant and although there was no specific requirement for the six foot tall fencing, the Final Development Plan did identify the fencing along Westport Street. The proposed amendment to replace the wood fencing with additional landscaping to provide screening of the parking area is consistent with the intent, purpose, and preservation of the approved PUD.

WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS:

Since the PUD was approved in 1989, property to the west has been developed into the Williamsburg PUD. The mix of single-family, single-family attached, and two-family dwellings in the Williamsburg PUD, front Williamsburg Drive, leaving the rear of the structures with views of open landscape yards, Westport Drive, and the Claflin Residential PUD. Properties to the west within the Williamsburg PUD are separated by considerable distance (at least 100-feet) and large landscape yards from the Claflin Residential PUD parking area containing the existing screening fences. The applicant indicated in the application documents that the basis for removing the screening fences is generally that “design trends are moving away from wood fence structures in favor of softer, more open landscape designs for screening purposes.”

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:

No specific gain to the public is found; however, no adverse effects are anticipated with the proposed change in screening. No public improvements or easements will be adversely affected by the proposed amendment and the proposed amendment will not be granted as a special benefit to any one person, but may benefit the public as a whole by providing additional landscaping along Westport Drive.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

- 1. LANDSCAPING:** Existing landscaping along Westport Drive currently consists of mature evergreen and deciduous trees along with evergreen shrubs. The existing landscaping currently provides an overall buffer of the multiple-family residential development and associated off-street parking area with garage structures along Westport Drive. The applicant has proposed to replace the fences with additional landscaping which will consist of a mix of shrubs (pyracantha and viburnum) and ornamental grasses (maiden grass).
- 2. SCREENING:** Screening fences were not a requirement of the approved PUD, however they were shown on the Final Development plan along Westport Drive. The existing wood fences and mature shrub and tree vegetation located along Westport Drive provide screening and buffering of the parking area and garage structures. Additional landscaping is proposed to compensate for the loss of fencing. Although the proposed landscaping will not provide immediate sight obscuring screening of the parking area, the combination of existing and proposed landscaping will buffer the parking area from adjacent properties and the public right-of-way.
- 3. DRAINAGE:** The proposed amendment will not change or affect the existing drainage pattern of the PUD.
- 4. CIRCULATION:** The proposed amendment will not change or affect the existing number of off-street parking spaces or affect the existing circulation found within the PUD.
- 5. OPEN SPACE AND COMMON AREA:** The existing open space and common area will not be increased or reduced with the proposed amendment. Replacing the existing fences with additional landscaping may provide a visual appearance of increased open space along the perimeter of the PUD.
- 6. CHARACTER OF THE NEIGHBORHOOD:** The established neighborhood generally consists of multiple-family residential uses within the PUD and single-family, single-family attached and two-family residential uses in the Williamsburg PUD to the west. The general neighborhood offers large, open landscaped yards, with landscaped vegetation providing buffers between properties. Replacing the wood fences with additional landscaping is anticipated to complement with the general character of the neighborhood.

EXISTING USE: Multiple-Family Residential

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:

The surrounding neighborhood is residential in character with a mix of single-family, single-family attached, two-family, and multiple-family uses. In general the west portion of the PUD where the fences are currently located is generally higher in elevation than the residential uses within the Williamsburg PUD to the west. The residential structures in the Williamsburg PUD to the west have their primary façade facing towards the west with the general rear façade facing the east. Existing mature landscaping consisting of shrubs and trees currently provides a buffer between the two developments.

SURROUNDING LAND USE AND ZONING:

- (1) **NORTH:** Westport Street; followed by Claflin Residential PUD, Unit 2, and single-family, single-family attached, and two-family dwellings located in the Williamsburg Residential PUD; followed by Dickens Ave.
- (2) **SOUTH:** Claflin Road, followed by a church in the R, Single-Family Residential District; a mix of professional offices in the C-1, Restricted Business District; and service commercial uses such as Blockbuster, and Taco Bell in the C-2; Neighborhood Shopping District.
- (3) **EAST:** Heywood Drive; followed by a portion of Claflin Residential PUD, Unit 2, and a professional office in the C-1 Restricted Business District; followed by a professional office in the U, University District.
- (4) **WEST:** Westport Street; followed by single-family, single-family attached, and two-family dwellings in the Williamsburg Residential PUD; followed by Browning Ave.

GENERAL NEIGHBORHOOD CHARACTER:

The established neighborhood generally consists of multiple-family residential uses within the Claflin Residential PUD and single-family, single-family attached and two-family residential uses in the Williamsburg PUD to the west. The general neighborhood offers large, open, extensively landscaped yards, with vegetation providing buffers between properties. Replacing the wood fences with additional landscaping is anticipated to complement the general character of the neighborhood.

Attachment No. 1

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:

In August 1988, the Board approved the rezoning of the site from I-1, Research Park District to PUD, Residential Planned Unit Development for the Claflin Residential PUD. An amendment was made approximately one year later with the Final Development Plan, which established the existing multiple-family residential development bound by Westport Street to the west, Heywood Drive to the east, and Claflin Road to the south. The site remains suitable for its established uses under the current PUD zoning.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:

No changes are proposed to the zoning district.

CONFORMANCE WITH COMPREHENSIVE PLAN:

The Comprehensive Plan identifies the area to consist of Residential Medium/High Density (RMH) which allows for a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses. Residential Medium/High Density neighborhoods should be located close to arterial streets and bound by collector streets where possible. Appropriate densities within a Residential Medium/High neighborhood range in density from 11 to 19 dwelling units per net acre, and the density for this development remains at 15 (120 units / 8 acres). The Claflin Residential PUD is in conformance with the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

- 1988 Rezoned from I-1, Research Park District to PUD, Residential Planned Unit Development for the Claflin Residential PUD.
- 1989 Amendment of Phase I of the PUD, which reduced the number of residential buildings, bedrooms, and parking stalls; reduced some of the building heights; and reconfigured and refined the buildings and landscape plans.

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.

Attachment No. 1

The proposed Amendment is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations.

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 relative gain to the public, which denial would accomplish. No adverse impacts to the public are expected. There may be a hardship to the applicant if the amendment is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

Adequate public utilities and facilities are available to serve the PUD.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS: City Administration recommends approval of the proposed Amendment of the Claflin Residential Planned Unit Development, and Ordinance No. 4602, with the following conditions of approval:

1. The proposed amendment shall be limited to the removal of the existing fences along Westport Street as indicated in the application documents.
2. Landscaping shall be as proposed in the application documents and shown on the site plan; shall be planted within the first planting season; and shall be maintained in good condition.

ALTERNATIVES:

1. Recommend approval of the proposed Amendment of the Claflin Residential Planned Unit Development, and Ordinance No. 4602, stating the basis for such recommendation.
2. Recommend denial of the proposed Amendment, and Ordinance No. 4602, stating the specific reasons for denial.
3. Table the proposed Amendment(s) to a specific date, for specifically stated reasons.

Attachment No. 1

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed Amendment(s) of the Claflin Residential Planned Unit Development, and Ordinance No. 4602, based on the findings in the Staff Report, with the two conditions of approval.

PREPARED BY: Jeremy Frazzell, Planner

DATE: January 9, 2007

JF/vr
06032

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>		
• Wall Sign	18” – 30” Individual Letters	Plastic Illuminated Letters
• Ground sign (Type 3) Split-face block columns supporting sign board	8’8” high & 10’ wide	Internally Illuminated

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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:

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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.

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.

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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.

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.

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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.

8. 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.
9. Drainage improvements shall be provided as proposed in the application documents and as per the City Engineer's requirements.
10. 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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2007 Emergency Shelter Grant Request

	Crisis Center	MESI	Salvation Army	City	Total
Rehabilitation	\$ 5,000.00				\$ 5,000.00
Operations	\$ 22,000.00	\$ 30,000.00			\$ 52,000.00
Essential Services	\$ 3,000.00	\$ 22,000.00			\$ 25,000.00
Homeless Prevention	\$ 2,000.00		\$20,000.00		\$ 22,000.00
Admin				\$4,000.00	\$ 4,000.00
Total	\$ 32,000.00	\$ 52,000.00	\$20,000.00	\$4,000.00	\$ 108,000.00