



***MINUTES
CITY COMMISSION MEETING
TUESDAY, MAY 5, 2015
7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Karen McCulloh and Commissioners Usha Reddi, Linda Morse, Michael L. Dodson, and Wynn Butler were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Bill Raymond, City Clerk Gary S. Fees, 8 staff, and approximately 40 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor McCulloh proclaimed May 2015, ***Mental Health Month***. Robbin Cole, Executive Director, and Stan Wilson and Ann Brown, Board members, Pawnee Mental Health Services, were present to receive the proclamation.

Mayor McCulloh proclaimed May 2015, ***National Preservation Month***. Cheryl Collins, Riley County Historical Museum; Sara Fisher, President, and Kathy Dzewaltowski, Vice President, Manhattan Preservation Alliance; and Dea Brokesh, Chair, and Angie Danner and Betty Mattingly-Ebert, Board members, Historic Resources Board, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor McCulloh opened the public comments.

PUBLIC COMMENTS (CONTINUED)

Ben Eckart, 1121 Hylton Heights Road, spoke about his recent experience with the City of Manhattan. He voiced concerns that there is not an advocate to help citizens that are dealing with city issues and the difficulty in understanding the rezoning process. He also asked about the need for City Commissioners to list their emails and phone numbers on the City website and if they are not going to respond to citizens, to consider taking their contact information off the website. Finally, he asked about the public comment period process during the Manhattan Urban Area Planning Board and City Commission meetings and the need for citizens to be able to speak if there is an inaccurate comment made that needs to be corrected or clarification provided after the public comment period is closed in order to improve the system for a better experience for citizens.

Mayor McCulloh responded to questions and thanked Mr. Eckart for his comments.

Bill Raymond, City Attorney, provided background information on questions raised and stated that the long standing advice from the City Attorney's Office is that when it comes to quasi-judicial matters the law requires due process. He stated the Kansas Supreme Court along with other states have said that what people are entitled to when dealing with zoning matters is a fair, open and impartial determination where the Commission sits much like a judge in a court room in the City Commission Room, which means that everyone has a fair opportunity to present their arguments, evidence and facts and allow the other side to present their arguments, evidence and facts, and then, the Commission can make a decision based upon that information.

Commissioner Reddi stated that she liked receiving emails and phone calls from citizens and tries to provide a response back to the citizen. She stated there have been several items that she has changed her mind on due to citizen comments, like pool pricing and the Peace Memorial Auditorium. She encouraged the community to continue to participate in the discussions.

Ben Eckart, 1121 Hylton Heights Road, provided additional information on the item and stated that this is an education to better understand the process. He informed the Commission that when he requested information from City staff, the information was provided in a timely manner and was a good experience from that stand point. He stated that this process is confusing for the average person who has no idea what is going on.

Ron Fehr, City Manager, stated that the Citizens' Academy program provides citizens with more in-depth information about the City. He also said that zoning 101 information from a citizen's perspective would be taken into consideration to see if some helpful information can be developed on the City's website.

PUBLIC COMMENTS (CONTINUED)

Paula Fullwood, 826 Allison Avenue, informed the Commission that for the past two years she has been trying to appeal her property tax valuation and the issue is still dragging on. She asked the Commission if they could help her resolve this issue.

Mayor McCulloh informed Ms. Fullwood that this is a Riley County issue and explained the valuation process with the County Appraiser. She encouraged her to talk with the County Appraiser or the Riley County Commission at their meetings, which meet every Monday and Thursday with public comments at 8:30 a.m.

Bill Raymond, City Attorney, provided clarification on the item and stated that under Kansas law, the County Appraiser follows a statutory process. He informed Ms. Fullwood that the City does not have jurisdiction over that department or oversight on what they do and that she would need to contact the Riley County Commission.

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

COMMISSIONER COMMENTS

Commissioner Reddi stated that she attended a candlelight vigil for Nepal last week at the Bosco Plaza at Kansas State University Union and stated that they are collecting donations on the K-State website to assist with the recent earthquake efforts. She informed the community that the Kansas Sampler Festival held in Wamego on Saturday, May 2, and Sunday, May 3, 2015, was a big hit and thanked the Flinthills ATA Bus for providing transportation from Manhattan to Wamego. She stated that May 12, 2015, is the last day to register to vote if you plan on participating on the Local Option Budget (LOB) election decision for Unified School District (USD) 383 and encouraged citizens to read more about the item on the USD 383 website. Finally, she wished all the mothers a Happy Mother's Day and to the dads that have to play mom on Sunday, May 10, 2015.

Mayor McCulloh wished all the moms in Manhattan a Happy Mother's Day. She announced the Mayor's Bike Ride will be Saturday, May 9, 2015, and stated that Commissioner Butler is helping with the event and encouraged everyone to join the bike ride. She also asked that if anyone is interested in being a lifeguard this season to contact the Parks and Recreation Department and stated that the City will also pay for your training. She stated that we want to open the pools and to keep them open during the swim season.

COMMISSIONER COMMENTS (CONTINUED)

Ron Fehr, City Manager, provided an update on the City's flash flood event that occurred on Monday, May 4, 2015. He stated that Manhattan had a record rainfall event, breaking a 1908 record for the quantity and duration of time for rainfall causing flash flooding. He stated that the City does not build its infrastructure based on 100 year events and said the collection systems in the low areas were overwhelmed. He expressed thanks for the efforts of the Emergency Service Crews, the Fire Department, the Public Works and Utility crews, and the public for their assistance and efforts. He stated there was some property damage reported and hoped not to see this magnitude of rainfall again for another 100 years.

Mayor McCulloh thanked City Manager Fehr, City crews, Riley County Emergency Management Director Pat Collins, and everyone that assisted during the flash flood event.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, April 21, 2015.

CLAIMS REGISTER NO. 2791

The Commission approved Claims Register No. 2791 authorizing and approving the payment of claims from April 15, 2015, to April 28, 2015, in the amount of \$1,596,670.83.

FINAL PLAT – THE RESERVE ADDITION, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of The Reserve Addition, Unit Two, generally located approximately 200 feet west of the intersection of Grand Mere Parkway and Grand Luxe Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations, shifting the adjoining property line between Lot 1 and Tract A, thereby increasing the size of Lot 1 from 8.19 acres to 8.22 acres.

FINAL PLAT – BIRCHWOOD VILLAS ADDITION, UNIT NO. 2, RESIDENTIAL PUD

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Birchwood Villas Addition, Unit No. 2, Residential Planned Unit Development, generally located 485-feet south of the intersection of Stone Crest Drive and North Scenic Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

CONSENT AGENDA (CONTINUED)

- * **ORDINANCE NO. 7134 – AMEND – THE TRAILS AT MANHATTAN PUD**
Commissioner Morse stated as a former member of the Manhattan Urban Area Planning Board, she had heard the information and facts on this zoning matter; however, will listen to the matter presented and that my new and impartial decision will be to vote in favor or in opposition to the item. She stated that there is another general agenda item that she will also make a declaration.

The Commission accepted the recommendation of the Manhattan Urban Area Planning Board with the understanding that a clerical error exists as to the number of dwelling units in documents previously submitted; modified and amended the clerical error to the accurate number of units as set forth in the currently Corrected Staff Report, subject to a 2/3 majority vote of this Governing Body as authorized by KSA 12-757; and further approved Ordinance No. 7134 amending Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and approving the Final Development Plan, to be known as The Links at Manhattan Residential Planned Unit Development, generally located 1,000 feet to the west of the intersection of Casement Road and Marlatt Avenue on the north side of Marlatt Avenue, based on the findings in the Corrected Staff Report (*See Attachment No. 1*), with the 11 conditions as corrected.

FINAL PLAT – THE LINKS AT MANHATTAN PUD

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of The Links at Manhattan Planned Unit Development, generally located 1,000 feet to the west of the intersection of Casement Road and Marlatt Avenue on the north side of Marlatt Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 7135 – AMEND – LOT 1, MANHATTAN PLAZA COMMERCIAL PUD

Item was removed from the agenda on Friday, May 1, 2015, at the request of the Developer.

ORDINANCE NO. 7136 – INSTALL STOP SIGN – TAMARAK DRIVE AND ARBOR DRIVE

The Commission approved Ordinance No. 7136 authorizing the installation of a southbound stop sign at the east intersection of Tamarak Drive and Arbor Drive.

ORDINANCE NO. 7137 – NO PARKING ZONE – HILLVIEW DRIVE

The Commission approved Ordinance No. 7137 designating a “No Parking Zone” from the north side of Hillview Drive beginning at the Intersection with College Avenue, proceeding to a point 145 feet west of the centerline of College Avenue along the north curb line.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – WELL REHABILITATION PROJECT (WA1504)

The Commission awarded a contract and authorized the Mayor and City Clerk to execute the contract in the amount of \$41,975.00 with Layne Christensen Company, of Wichita, Kansas, for the Well Rehabilitation Project (WA1504) to rehabilitate wells #16 and #21, to be paid from the Water Fund.

AWARD CONTRACT – HYDRANT AND VALVE REPLACEMENT PROJECT (WA1503)

The Commission awarded a construction contract to the lowest bidder, J&K Contracting, LC, of Junction City, Kansas, and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$119,900.00 with J&K Contracting, LC, for the Hydrant and Valve Replacement Project (WA1503).

CHANGE ORDER NO. 1 – HYDRANT AND VALVE REPLACEMENT PROJECT (WA1503)

The Commission authorized the Mayor to execute Change Order No. 1 in the net amount of \$18,150.00 (-15%) reducing the total project cost to \$101,750 and the quantities of the fire hydrant assemblies to be replaced for the 2015 Hydrant and Valve Replacement project (WA1503), with the project to be paid from the Water Fund.

MEMORANDUM OF UNDERSTANDING – PLANNING FOR GROWTH AND DEVELOPMENT AROUND FORT RILEY MILITARY BASE

The Commission authorized the Mayor and City Clerk to execute a Memorandum of Understanding between Fort Riley and surrounding municipalities to address issues related to communication, cooperation, and collaboration between military installations and surrounding municipalities regarding planning for growth and development in and around the base.

CONTRACT – AMAZING DINOSAURS! EXHIBIT

The Commission authorized the Mayor and City Clerk to execute an agreement requiring a 5% deposit (\$1,750.00) towards the rental fee of \$35,000.00 with Antiquities Company, LLC, of Rockford, Michigan, for the exhibition of *Amazing Dinosaurs!* at the Flint Hills Discovery Center for the period of May 14, 2016, through September 11, 2016.

APPROVE – MANHATTAN HOUSING AUTHORITY – ENERGY PERFORMANCE LEASE PURCHASE AGREEMENT

The Commission approved Manhattan Housing Authority entering into a lease purchase agreement for the purpose of financing an energy performance contract with Johnson Controls, Inc.

CONSENT AGENDA (CONTINUED)

SUBMIT – 2015–2019 CONSOLIDATED PLAN; 2015 ACTION PLAN

The Commission authorized the submission of the Community Development Block Grant 2015-2019 Consolidated Plan and 2015 Program Year Annual Action Plan and supporting documents.

PURCHASE – TRAFFIC SIGNAL POLES AND MAST ARMS – DENISON AVENUE AND PLATT STREET INTERSECTION IMPROVEMENTS (ST1503)

The Commission authorized the purchase in the amount of \$20,516.00 of four (4) traffic signal poles and mast arms to be installed at Denison Avenue and Platt Street, from Gades Sales, of Wichita, Kansas, as part of the City-University Denison Signal Corridor project, to be paid from City-University Funds.

PURCHASE – CEMETERY DIVISION UNIT #888 – MOWER (CIP #CP123E)

The Commission authorized the purchase of the 325D-61 Grasshopper mower from Morige Manufacturing, of Moundridge, Kansas, in the net amount of \$12,697.00 (base bid in the amount of \$13,997.00, less the trade-in allowance in the amount of \$1,300.00) for replacement of Unit #888 (CIP #CP123E) in the Cemetery Division, to be paid from the Special Parks and Recreation Fund.

After comments, Commissioner Reddi moved to approve the consent agenda. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

RECONSIDER FIRST READING – REZONE - NOOR RESIDENCE PUD - R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, MIXED-USE PLANNED UNIT DEVELOPMENT

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He highlighted the reconsideration of the item by the Manhattan Urban Area Planning Board as requested by the City Commission. He presented the proposed building and site plan; the proposed landscaping plan, signage, and lighting; the storm drainage improvements; the traffic and parking analysis; the surrounding neighborhood zoning map; the neighborhood character and compatibility; the adequacy of public facilities and services; and provided an aerial map of the subject area. He informed the Commission that on April 20, 2015, the Manhattan Urban Area Planning Board held a public hearing on the rezoning of the proposed Noor Residence PUD and on a vote of 6 to 0, recommended approval of the revised Preliminary Development Plan of the Noor Residence Mixed-Use Planned

GENERAL AGENDA (CONTINUED)

RECONSIDER FIRST READING – REZONE - NOOR RESIDENCE PUD - R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, MIXED-USE PLANNED UNIT DEVELOPMENT (CONTINUED)

Unit Development, dated February 18, 2015, and rezoning the site from R, Single-Family Residential District, to PUD, Mixed-Use Planned Unit Development District, based on consideration of the three issues requested by the City Commission and on the findings in the Revised Staff Report, dated April 9, 2015, with the ten conditions recommended by the Planning Board and City Administration.

Hayder Rasheed, representing the Islamic Center, provided additional background information on the item. He informed the Commission that they have removed the coffee shop from their plans and have addressed concerns regarding parking. He stated that the suggestion to reduce the three-story building would not be feasible for the purpose of accommodating students attending Kansas State University.

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission regarding the proposed height of the building and the rezoning request.

Hayder Rasheed, representing the Islamic Center, responded to additional questions from the Commission regarding parking concerns raised from the neighborhood and explained the transient nature of the students attending the mosque from Kansas State University.

Mayor McCulloh opened the public comments.

Mary Molt, 1122 Hylton Heights Road, informed the Commission that Mike Perl, 2424 Buena Vista Drive, could not attend the meeting, so she read a letter from him to the Commission. The letter included concerns with the proposed development, parking issues, and the proposed size of the structure. Mr. Perl provided a history of developments in the neighborhood including Kindercare daycare, Manhattan Medical Center, office buildings, the bank, and other buildings that have replaced existing single-family homes. The letter also stated that the neighborhood has voiced their concerns and are being nibbled away by commercial creep for commercial purposes and asked what recourse do residential neighbors have to stop this commercial creep.

Mary Molt, 1122 Hylton Heights Road, stated that the proposed three-story building does not fit in with the neighborhood and being on the crest of a hill, the proposed building would be higher than anything around. She stated that the proposed building does not fit with the residential and commercial area and did not appreciate comments at the Planning Board meeting regarding the residential neighborhood has already been compromised. She informed the Commission that she was not asking for a single-family residence at this location, but did not want to sacrifice their property values and way of life for this proposed building. She asked the Commission to please consider the concerns expressed by the residential neighbors regarding the proposed item.

GENERAL AGENDA (CONTINUED)

RECONSIDER FIRST READING – REZONE - NOOR RESIDENCE PUD - R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, MIXED-USE PLANNED UNIT DEVELOPMENT (CONTINUED)

Ben Eckart, 1121 Hylton Heights Road, informed the Commission that he did not understand the process and voiced concern that the Manhattan Urban Area Planning Board did not address or correct the three items requested earlier by the City Commission. He also voiced concern and concurred with Mary Molt that the proposed building is too large and stated that a two-story building could serve the same purpose and would be acceptable in the neighborhood. He stated that this building is going to be the most huge monstrosity on the top of this hill that can be seen from practically anywhere. He asked the Commission to reconsider the design of the project as a two-story building.

Gwyn Riffle, 1117 Hylton Heights Road, informed the Commission that his issue with the proposed apartment project relates to the size, mass and height. He stated that the project started out as a 28 plus unit apartment project and was downsized in half without consideration on the potential of what the building could look like. He asked that consideration be given to make this a two-story structure with 13 units that would be more complimentary to the street corridor and to the neighborhood.

Ian Reeke, Schwab-Eaton, 1125 Garden Way, representing the applicant, discussed the items requested by the City Commission and addressed by the Manhattan Urban Area Planning Board. He informed the Commission of changes made by the applicant and provided additional information on the proposed building, parking and site. He stated that the proposed three-story structure is appropriate and would be difficult to do a two-story building that would provide adequate parking. He also informed the Commission that two neighborhood meetings were held to present the plans proposed and to address any questions or concerns. He then responded to questions from the Commission regarding parking ratios for tenants and if the building would have a basement.

Eric Cattell, Assistant Director for Planning, provided clarification regarding places of assembly and parking ratio requirements for fixed seating assembly facilities.

Ian Reeke, Schwab-Eaton, representing the applicant, responded to additional questions from the Commission regarding seating configurations in the mosque, the existing cross easement, and the proposed sidewalks and connectivity.

Ben Eckart, 1121 Hylton Heights Road, stated that Kindercare is a Planned Unit Development and asked how parking is enforced. He questioned why the apartment building could not be a two-story versus a three-story building and stated that he hoped that the Planning Board or applicant would have addressed changing the size of the building to create a better alternative plan.

GENERAL AGENDA (CONTINUED)

RECONSIDER FIRST READING – REZONE - NOOR RESIDENCE PUD - R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, MIXED-USE PLANNED UNIT DEVELOPMENT (CONTINUED)

Eric Cattell, Assistant Director for Planning, responded to questions from the Commission and stated that he was not aware if all the neighbors and adjoining properties were in agreement. He informed the Commission that comment sheets and notes are included in the packet from the neighborhood open houses regarding the Noor Residence Apartments Preliminary PUD Plans held June 12, 2014, and March 18, 2015. He then responded to questions from the Commission and provided information on Kindercare and the number of available parking spaces on their site and availability of parking on the public street.

Ben Eckart, 1121 Hylton Heights Road, stated that everyone that signed the letter submitted to the Manhattan City Commission are neighbors in opposition of the project and includes residents from Hylton Heights Road and from Buena Vista Drive.

Mary Molt, 1122 Hylton Heights Road, provided clarification on those signing the letter and voicing their opposition to this project.

Ben Eckart, 1121 Hylton Heights Road, informed the Commission that all the homeowners that signed the letter are in immediate proximity to the proposed project.

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

Commissioner Butler voiced concern that when the City rezones a property, property rights of the adjoining properties are not really considered. He stated that it appears the only way to bring these two groups together and to meet the requirements of the residents of the neighborhood is to have the apartment complex reduced to a two-story building instead of a three-story complex. He also said that for this to work for both parties, they would need to relook at adjusting the parking formula with a two-story building.

Commissioner Dodson stated that he has great sympathy for people who are in R1 and watch zoning change. He said as we went through the 2035 Plan, he advocated that we make this thing stick as we look forward to make general policy statements that are best for the city's growth and prosperity. He stated that it is clear that Claflin Road has become something that it wasn't thirty years ago. He said there may have been a chance for reconciliation if the Commission would have provided instructions to the Manhattan Urban Area Planning Board during the December 2014 meeting regarding the size of a two-story building versus a three-story building and addressed the parking and street access issues, we might have been able to come to an accommodation. He stated that everyone we heard from tonight seems accepting of the development, but would wish for a two-story building height. He stated that he would like to see some kind of a judication

GENERAL AGENDA (CONTINUED)

RECONSIDER FIRST READING – REZONE - NOOR RESIDENCE PUD - R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, MIXED-USE PLANNED UNIT DEVELOPMENT (CONTINUED)

between the developer, if possible, to reconcile between the citizens and desires of the developer.

Commissioner Reddi informed those that spoke in opposition that the height of the building might seem huge from the perspectives suggested earlier, but stated the Manhattan Urban Area Planning Board has vetted this item two different times and both times the item came back to the Commission with unanimous support for the project. She discussed property values in this area for the past ten years. She also discussed the challenges with parking at different churches and at the Manhattan Public Library and the need for additional housing for the international student populations. She stated that after hearing the facts and recommendations from the Planning Board, she was leaning toward voting in support of the item.

Commissioner Morse provided additional insight and background on the item. She stated that the front of the apartment complex fits with what is on Claflin Road, but the south side faces an area with single-family homes and can sympathize with the neighborhood. She discussed the Comprehensive Plan, the character of properties and mixed-use along Claflin Road, and the demand for affordable housing to support faculty and students. She discussed Claflin Road and stated that the parking issue has been resolved in her mind, but shared her support on the opportunity to consider shared parking. Finally, she voiced her general support for the project based on the facts, evidence, and information heard based on the 13 Golden Rules.

Mayor McCulloh stated that the mosque was in her neighborhood at 16th Street and Osage Street and they were good neighbors with lots of people showing up around 1:00 p.m. on Friday's. She voiced her appreciation with concerns expressed from the neighbors dealing with a changing neighborhood. She reiterated the unanimous support from the Manhattan Urban Area Planning Board, zoning rules that we adhere to and stated that she has listened to the neighborhood concerns regarding the project. She stated that she talked with Mary Molt about the item earlier and informed her that she had voted in support of the item during the December 2, 2014, City Commission meeting and was happy to talk about the project again and clarified that she hoped that she did not say that she was going to vote for the item, however, only to say that she had voted for the item before.

After additional discussion and comments from the Commission, Commissioner Reddi moved to approve the first reading of an ordinance rezoning the Noor Residences PUD, generally located southeast of the intersection of Claflin Road and Hylton Heights Road, from R, Single-Family Residential District, to PUD, Mixed-Use Planned Unit Development District, and approving the revised Preliminary Development Plan of the

GENERAL AGENDA (CONTINUED)

RECONSIDER FIRST READING – REZONE - NOOR RESIDENCE PUD - R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, MIXED-USE PLANNED UNIT DEVELOPMENT (CONTINUED)

Noor Residence Mixed-Use Planned Unit Development, dated February 18, 2015; based on the findings in the Revised Staff Report (*See Attachment No. 2*), dated April 9, 2015, with the ten (10) conditions of approval recommended by the Manhattan Urban Area Planning Board. Commissioner Morse seconded the motion.

Commissioner Morse stated that as a former member of the Manhattan Urban Area Planning Board she had heard the information and facts on the zoning matter previously presented and participated on the vote, but did not vote on the item when it was presented at the last meeting of the Manhattan Urban Area Planning Board on April 20, 2015; however, she has listened to the matter presented tonight and that her new and impartial decision will be to vote in favor of the proposal.

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

Ron Fehr, City Manager, responded to questions from the Commission and provided clarification regarding anti-discrimination regulations for housing in the city of Manhattan.

Mayor McCulloh encouraged citizens and the neighborhood to embrace their new neighbors and visitors studying here from abroad so they feel welcomed.

At 8:55 p.m., the Commission took a brief recess.

FIRST READING - AMEND PRELIMINARY DEVELOPMENT PLAN - LOT 2, HERITAGE SQUARE SOUTH, UNIT THREE

Eric Cattell, Assistant Director for Planning, presented an overview of the item. He then responded to questions from the Commission and provided additional information on the proposed access road, the proposed sidewalks along public streets, and the uses for the new facility. He also provided clarification on the site plan and adjacent businesses.

Tim Schultz, Schultz Development, provided additional information on the facility being proposed and stated that this is not a retail outlet.

Dan Crouch, BBN Architects, Inc., presented additional information on the building and stated that it can accommodate 18 to 21 employees. He then responded to questions from

GENERAL AGENDA (CONTINUED)

FIRST READING - AMEND PRELIMINARY DEVELOPMENT PLAN - LOT 2, HERITAGE SQUARE SOUTH, UNIT THREE (CONTINUED)

the Commission regarding the suggestion for a sidewalk along one side of the proposed private drive and use of the new facility.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After additional discussion and comments from the Commission, Commissioner Morse moved to approve first reading of an ordinance amending Ordinance No. 6607 and Ordinance No. 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South, Unit Three, Commercial Planned Unit Development, generally located southeast of the intersection of South Port Drive and US 24 Highway, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development, based on the findings in the Staff Report (*See Attachment No. 3*), with two conditions of approval. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

REQUEST AND COMMITTEE RECOMMENDATION - 2016 CITY/UNIVERSITY SPECIAL PROJECTS FUNDS

Kiel Mangus, Assistant City Manager, introduced the item and provided an overview of the process in making project recommendations. He also thanked members of the City/University Committee for their work.

Ethan Erickson, Assistant Vice President for Budget Planning, Kansas State University, presented an overview of the City/University projects being recommended for funding for the 2016 City budget and Capital Improvements Program. He highlighted items being recommended for funding, including the North Campus Corridor improvements; the realignment of the intersection at Lovers Lane and Thurston Street; the sidewalk construction at Sunset Avenue; the Student Union Forum Hall accessibility renovations; and the Colbert Hills Special Assessment support. He then responded to questions from the Commission regarding the Student Union renovations being proposed.

Kiel Mangus, Assistant City Manager, provided clarification on the City/University Fund Committee meeting and discussions reflected in the Committee meeting minutes.

Ethan Erickson, Assistant Vice President for Budget Planning, and Kiel Mangus, Assistant City Manager, provided additional information on the items being requested for funding and the length of funding commitments for the projects.

GENERAL AGENDA (CONTINUED)

REQUEST AND COMMITTEE RECOMMENDATION - 2016 CITY/ UNIVERSITY SPECIAL PROJECTS FUNDS (CONTINUED)

Cindy Bontrager, K-State Vice President for Administration and Finance, provided clarification and additional information on the student referendum and projects being recommended for funding. She provided additional background information on Forum Hall and accessibility issues as well as discussed the importance in prioritizing projects.

After comments and questions from the Commission, Cindy Bontrager, K-State Vice President for Administration and Finance, provided additional information on Forum Hall and lack of adequate ADA (Americans for Disability Act) accessibility items due to its age and use by the University and community.

Kiel Mangus, Assistant City Manager, informed the Commission that during the City/University Committee meeting it was reported that over 70 public meetings occurred in Forum Hall last year and that it provides benefits to the University and to the community.

Cindy Bontrager, K-State Vice President for Administration and Finance, and Kiel Mangus, Assistant City Manager, provided additional information on the status of the City Park project and the funding request and support for Colbert Hills associated with the construction of Grand Mere Parkway.

Mayor McCulloh opened the public comments.

Bill Frost, representing Kansas State University Golf Course Management and Research Foundation, informed the Commission that the presentation referenced a special assessment issue. He stated that was one of the justifications in asking for financial assistance from the City, but as was presented earlier, Colbert Hills is also an economic generator for the community and a recreational facility for the public. He stated that in the initial request to the City, they did not ask for City/University Funds but, was a response from the Commission and appears that the City/University Committee also recommends this action. He stated that they are grateful for the consideration of their request and asked that the Commission also support the recommendation.

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

After further discussion and comments from the Commission, Commissioner Morse moved to direct City Administration to incorporate the 2016 City/University Special Projects Fund Committee Recommendation into the 2016 City Budget and Capital Improvements Program. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

ADJOURNMENT

At 9:58 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

**CORRECTED STAFF REPORT
AMENDMENT OF THE TRAILS AT MANHATTAN, RESIDENTIAL PLANNED
UNIT DEVELOPMENT DISTRICT (PUD) AND ORDINANCE NO. 7094**

REQUEST: The applicant/owner has requested an amendment of the Trails at Manhattan, Residential Planned Unit Development District (PUD) and Ordinance No. 7094, to allow a redesign of the proposed multiple-family apartment complex, consisting of 29 apartment buildings for a total of 614 dwelling units, accessory clubhouse with outdoor swimming pool, Foot-golf course, other recreation facilities and accessory parking lots. The PUD amendment will be in the form of a Final Development Plan. A separate Final Plat, The Links at Manhattan PUD plats the unplatted tract into one Lot and dedicates utility easements, drainage easements and Marlatt Avenue right-of-way (see separate Final Plat staff memorandum).

The proposed Final Development Plan renames The Trails at Manhattan PUD to The Links at Manhattan PUD.

BACKGROUND

APPLICANT: Blew & Associates, PA
524 W. Sycamore, Suite 4, Fayetteville, AR 72703

OWNER: The Links at Manhattan
PO Box 13000, Fayetteville, AR 72703

LOCATION: Generally located 1,000 feet to the west of the intersection of Casement Road and Marlatt Avenue on the north side of Marlatt Avenue.

AREA: Approximately 37.60 acres. 1.36 acres of the area is proposed to be dedicated as Marlatt Avenue right-of-way.

DATE OF NEIGHBORHOOD MEETING: June 26, 2014

DATE OF PUBLIC NOTICE PUBLICATION: July 28, 2014

DATE OF PUBLIC HEARING: PLANNING BOARD: August 18, 2014
CITY COMMISSION: September 2, 2014

EXISTING PUD

Ordinance

Ordinance No. 7094 was adopted by the City Commission on September 16, 2014 and rezoned The Trails at Manhattan Residential Planned Unit Development from County G-1, General Agricultural District, and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development District.

Conditions of Approval

1. The Permitted Use shall be Multiple-Family Residential.
2. A maximum of 722 total dwelling units shall be allowed.
3. A maximum of 480, one-bedroom; 241, two-bedroom; and 1, three-bedroom dwelling units shall be allowed.
4. The lowest enclosed floors of all structures in the development shall be at least 1,022 feet. *This condition was created to ensure that the proposed development was adequately protected from flooding on the Big Blue River and meet the City's new Floodplain Regulations.*
5. A private cross-access easement shall be filed between the applicant and the two (2) adjacent single-family residential property owners before the application of the Final Development Plan and Final Plat that outlines the long-term agreement for the shared driveway on the western side of the development. *The Preliminary Development Plan site plan showed a shared driveway between the development site and the two (2) adjacent single-family homes to the west of the site. The shared driveway was done in response to the City's requirements for driveways and streets intersecting an arterial street be no closer than 500 feet to each other. The condition was created to ensure that the site was developed as proposed to meeting the requirement.*
6. An agreement outlining the on-going maintenance responsibility and enforcement rights of the City for the drainage easements and detention areas shall be created and approved by the City prior to completion the Final Development Plan and Final Plat.
7. A minimum 6-foot-tall sight-obscuring fence shall be constructed along the western property line and a fence on the east perimeter of the site.
8. Prior to issuance of a building permit for the 30th building of the proposed development, a study of the downstream capacity constraints of the Casement Interceptor Sanitary Sewer shall be provided by the property owner and approved by City Administration. *Future sewer capacity for the Casement Interceptor Sanitary Sewer infrastructure was a concern of the Public Works Department. At this time, capacity is present for the proposed development. Because the*

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redesign site plan reduced the number of buildings that would require sanitary sewer service to 30, The Public Works Department has asked to remove this condition of approval.

9. Additional bike racks shall be provided in areas adjacent to apartment buildings and shall be shown on Final Development Plans.
10. 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.
11. All landscaping and irrigation shall be maintained in good condition.
12. The proposed walking trail or other type of ADA accessible sidewalk shall be extended to the edges of the development along Marlatt Avenue.
13. An eastbound left turn lane on Marlatt Avenue shall be provided at the western entrance and the design shall be submitted with the Final Development Plan for review and approval by the City. *The Preliminary Development Plan showed a main entrance onto Marlatt Avenue on the west side of the proposed development. Due to the amount of traffic and level of service of the proposed intersection, a left turn lane was proposed. The revised development plan eliminates this entrance and shifts the intersection to the east.*
14. The design of the pedestrian/bicycle crossing of Marlatt Avenue shall be submitted with the Final Development Plan for review and approval by the City.
15. A complete site illumination study shall be provided with the Final Development Plan.

PROPOSED AMENDMENT

Approved Development Plan

The applicant has completely redesigned the layout of the site. The original site consisted of 40 apartment buildings with 18 one-bedroom and two-bedroom units in each building. The total number of dwelling units was 720. A two-story clubhouse, with fitness room, office space, meeting space and other related amenities on the first floor and a two-bedroom and a three-bedroom dwelling unit on the second floor. Additional improvements include an outdoor swimming pool and accessory building for mechanical equipment and restrooms, recreation area, signage, surface parking, and landscaping. Other structures that are tentatively proposed are a mailbox pavilion for the housing of the mailboxes for the entire development, storage buildings and cabana. A large retention/detention basin was proposed on the west property line, generally in the middle of the development. This basin was to address stormwater detention requirements on the site and in the area, as well as being a source for fill material to elevate the site.

Proposed Amendment

The applicant has proposed a new site plan that reduces the total number of apartment buildings and dwelling units; adds a Foot-golf course around the perimeter of the site; consolidates the entrance into the development to the eastern edge of the development; and moves the retention/detention basin to the northern edge of the site. The revised site plan for the development is significant enough to require an amendment to the approved Planned Unit Development. Some of the conditions of approval are being revised or eliminated because of the redesign of the development (see page 14 below).

The new site plan shows 29 apartment buildings for a total of 614 dwelling units (349 two-bedroom units and 264 one-bedroom units) and a two-story clubhouse, with fitness room, office space, meeting space and other related amenities on the first floor and a two-bedroom and a three-bedroom dwelling unit on the second floor (Total of 614 dwelling units). Additional improvements include an outdoor swimming pool and accessory building for mechanical equipment and restrooms, recreation area, signage, surface parking, and landscaping. Other structures that are tentatively proposed are a mailbox pavilion for the housing of the mailboxes for the entire development, storage buildings and cabana.

A new amenity is being proposed around the perimeter of the development. The applicant has proposed a 9-hole Foot-golf course. The Foot-golf course will provide a recreational amenity to the tenants of the development, landscaping buffers to adjacent properties and provide additional space for stormwater management. The Foot-golf areas are depressions in the site and are being used for fill materials for the buildings. This area is being considered as dry detention basins for stormwater management and water quality measures.

The proposal to have a shared driveway with the single-family homes to the west became infeasible, so a redesigned entrance to the development is proposed. The new design is to create a divided entrance/exit for the site near the east property line. The site plan shows that both the entrance and exit would have 2 driving lanes for appropriate through and turning movements. The entering traffic would have a through lane to travel to the northern buildings and a left turn lane to the apartments on the southern side of the development. The exiting traffic will have a dedicated left and right turn lane for movements onto Marlatt Avenue. Improvements on Marlatt Avenue are being proposed to provide appropriate acceleration and deceleration lanes within the Marlatt Avenue right-of-way.

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The other significant change to the site plan is the location, size and depth of the stormwater retention/detention basin. The basin has moved to the extreme north of the site. The basin is shown to be 50 feet deep with a bank slope of 3:1. A main purpose of the basin will be to provide onsite fill material to elevate the buildings to the minimum required elevation of 1022 feet. The basin will also manage the stormwater runoff from the site as well as runoff that drains from the adjacent properties to the northwest. In addition to the site draining to the basin, the Foot-golf area will also be used to manage stormwater runoff. More information on the drainage plan for the development is provided below.

Proposed Buildings, Structures, and Phasing

Apartment Buildings

Four (4) different building models are proposed for the development. The site plan references them as “Custom Deluxe III,” “Custom Deluxe III Big Boy,” “Classic Deluxe IV,” or “Classic Deluxe IV Big Boy.” The development will consist of:

Building Design	# of Buildings	# of Unit Types	Unit Types
Custom Deluxe III	6	6	1-bedroom
		12	2-bedrooms
Custom Deluxe III Big Boy	12	12	1-bedroom
		12	2-bedrooms
Classic Deluxe IV	8	6	1-bedroom
		12	2-bedrooms
Classic Deluxe IV Big Boy	3	12	1-bedroom
		12	2-bedrooms

Custom Deluxe III Building Design

The “*Custom Deluxe III*” building plans are 3-stories, approximately 42 feet in height. Each building will have a footprint of approximately 7,100 square feet. The building will house 12 two-bedroom units and 6 one-bedroom units. The one-bedroom units will have a kitchen, 1 bathroom and living room. The two-bedroom units will have a kitchen, 2 bathrooms and a living room. Stairwells on both the front and rear of the building will provide access to the upper floors of the development. The upper floors will have a balcony. The first floors will have a patio. The exterior materials of the building will be brick and hardi-board lap siding and composite material roofing.

Custom Deluxe III Big Boy

The *Custom Deluxe III Big Boy* building plans are 3-stories, approximately 42 feet in height. Each building will have a footprint of approximately 8,800 square feet. The building type will house 12 two-bedroom units and 12 one-bedroom units. All units will have a kitchen, 1 bathroom and living room. Stairwells on both the front and rear of the building will provide access to the upper floors of the development. The exterior materials of the building will be brick and hardi-board lap siding and composite material roofing.

Classic Deluxe IV

The “*Custom Deluxe III*” building plans are 3-stories, approximately 38 feet in height. Each building will have a footprint of approximately 5,600 square feet. The building will house 12 two-bedroom units and 6 one-bedroom units. The one-bedroom units will have a kitchen, 1 bathroom and living room. The two-bedroom units will have a kitchen, 2 bathrooms and a living room. Stairwells on both the front and rear of the building will provide access to the upper floors of the development. No balconies or patios are proposed with this building design. The exterior materials of the building will be brick and hardi-board lap siding and composite material roofing.

Classic Deluxe IV Big Boy

The *Custom Deluxe III Big Boy* building plans are 3-stories, approximately 38 feet in height. Each building will have a footprint of approximately 6,900 square feet. The building type will house 12 two-bedroom units and 12 one-bedroom units. All units will have a kitchen, 1 bathroom and living room. Stairwells on both the front and rear of the building will provide access to the upper floors of the development. No balconies or patios are proposed with this building design. The exterior materials of the building will be brick and hardi-board lap siding and composite material roofing.

Clubhouse

The clubhouse is two (2) stories tall (approximately 46 feet in height), with a footprint of approximately 5,800 square feet in area. The first floor will include a fitness room, business center, office and meeting spaces, a kitchen, two (2) tanning bedrooms and four (4) bathrooms. The second floor will consist of a two-bedroom dwelling unit, with a kitchen, two (2) bathrooms and a living room, and a three-bedroom dwelling unit with a kitchen, master bathroom, and a second bathroom and utility room. Both of these units will have balconies at the rear of the building.

Other Buildings

Other buildings proposed in the development include a mailbox pavilion, storage building, cabana and pool building, which include the mechanical equipment for the pools, restrooms and vending machines for the pool and recreation area. The site plan does not specifically show the location of these various structures. The details of these other structures are below.

Building	Height	Footprint	Materials
Mailbox pavilion	~17.5 feet	~ 270 sq. ft.	Brick, EIFS and composition roofing
Storage building	~ 18 feet	~ 1870 sq. ft.	Brick and composition roofing
Cabana	~ 15.5 feet	~ 620 sq. ft.	Brick, EIFS and composition roofing
Pool building	~ 14.5 feet	~ 2600 sq. ft.	Brick, EIFS and composition roofing

PROPOSED SIGN:

The application shows one (1) permanent double-faced sign on a brick veneer wall proposed in the median between the entrance and exit roadways for the development on Marlatt Avenue. The sign will be approximately four (4) feet tall by twenty-three (23) feet wide (total of 92 square feet in area) and include the development name and phone number. The application shows the sign to be externally illuminated. The brick wall where the sign is to be located is approximately forty (40) feet long and five (5) feet tall. The end caps of the walls will be approximately seven (7) feet tall and have decorative lights located on top of the caps.

Exempt signage shall be permitted as described in Article VI, Section 6-102(A)(2) (a),(b),(c),(g),(h),(i),(j),(l), (m), and (n) of the Manhattan Zoning Regulations.

PROPOSED LIGHTING:

The site plan shows light poles along the parking lots throughout the development. There will be typical residential building lighting. The Zoning Regulations requires that all lighting be shielded and fully cut off.

**MATTERS TO BE CONSIDERED WHEN AMENDING A
PLANNED UNIT DEVELOPMENT**

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The intent of the PUD is to provide multiple-family apartment buildings and provide off-street parking at a ratio of approximately 1 parking space per bedroom. The overall intensity and density of the development has decreased. The approved Preliminary Development Plan showed 722 dwelling units in 40 apartment buildings, with a net density of 19.9 dwelling units per net acre. The proposed Final Development Plan shows 614 dwelling units in 29 apartment buildings for a net density of 16.9 dwelling units per net acre.

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The approved Preliminary Development Plan provided off-street parking at a ratio of 1.01 parking spaces per bedroom. The Planning Board determined that the off-street parking that was provided was sufficient. Nine hundred and sixty four (963) bedrooms are proposed in the 614 dwelling units. One thousand and four (1,004) parking spaces are showing on the site. This results in an off-street parking ratio of approximately 1.04 spaces per bedroom.

The other elements of the proposed revisions to the site plan include a Foot-golf course and changes to the location of the retention/detention basin and access points to the development on Marlatt Avenue. The Foot-golf course will add to the amount of landscape and open space area, as well as an added amenity to the development. The Public Works Department approves of the location and new retention/drainage basin shown in the revised site plan. Both the Fire Department and the Public Works Department approve of the location and configuration of the new access point to the development.

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The proposed amendment is made necessary because of changes to the development, which requires a new layout. The change in the size, depth and location of the retention/detention basin is the result of the condition of approval that all buildings need to be at least 1022 feet in elevation to protect against the risk of flooding from the Big Blue River. The proposed basin is being used for fill material to elevate the building in addition to the stormwater benefits.

The change in the location and design of the access point to the development is because a private cross-easement between the developer and the 2 neighboring single-family homes to the west could not be agreed upon to create the shared driveway. Without the private cross-easement, the City was unwilling to allow the location of the western driveway into the development because it did not meet the access management standard of having at least 500 feet of separation from driveways or road intersections along an arterial road (Section 10-207(B)(2)).

These two factors, in part, created the re-design of the overall site plan.

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON. The proposed changes to the site plan are related to the need to elevate the proposed building higher to protect against the flood risks from the Big Blue River and the need to meet the access management standards of the Subdivision Regulations and the Manhattan Area Transportation Strategy. The Manhattan

Fire Department and the Public Works Department have reviewed the proposed access point to the development and approve of the location and design (see Circulation information below). Both of these standards are to protect the general health, safety and welfare and do not confer a special benefit to any person.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: Landscaping is functional for the site and consists of deciduous trees, bushes and shrubs and grass yard areas. The proposed Foot-golf course provides grass open throughout the site as an active recreational area. The trees, shrubs and bushes are dispersed throughout the development. Significant plant materials are proposed along Marlatt Avenue and the west property line to buffer the development from the roadway and screen/buffer the development, including its parking lot from the adjacent single-family homes to the west. The application materials state that the proposed landscaping will be irrigated by underground sprinklers. The applicant will be responsible for maintenance of landscaped areas.

2. SCREENING: Deciduous trees, shrubs and bushes are proposed to be planted along Marlatt Avenue and west property line to buffer the parking. The applicant has proposed a six (6) foot tall sight-obscuring fence be constructed on the west side of the development to reduce any potential negative impacts on existing residential properties. The MUAPB agreed to not require site-obscuring screening on the north and east property lines to meet the wishes of the neighboring property owner to the north and east. Trash dumpsters shown throughout the development are shown to be screened by a six (6) foot tall brick enclosure with solid screening gates.

The proposed swimming pool is to be enclosed by a five (5) foot tall wrought iron looking fence. This area is also to be buffered by deciduous shrubs and bushes.

3. DRAINAGE: The northern portion of the development is a natural drainage area from properties to the west. The development shows that the inflow of the stormwater runoff will enter the retention/detention basin at the northern edge of the property. This water will first go into an approximately 10 foot deep sedimentation basin to address water quality issues. From there, the water will flow into the larger basin. The outflow of the basin is on the east property line and consists of a 5 foot deep, concrete lined drainage channel to flow to the southeast corner of the property where it will go under Marlatt Avenue via a stormwater sewer pipe and drain into the Marlatt Ditch.

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The basin is shown to be approximately 50 feet deep. Due to ground water levels, it can be expected that this basin will have a significant amount of water in it on a regular basis, and thus limit its amount of storage for stormwater. It can safely be assumed that the ground water level will be below 1015 feet, leaving approximately 5 feet of freeboard to manage the stormwater from the properties to the west.

The stormwater runoff from the development will be managed using the large retention/detention basin and two (2) dry detention basins that are the Foot-golf course areas in the center of the development and along the south, east and west property lines. Area inlets and underground stormwater pipes will direct stormwater runoff to these dry detention basins where the water will be detained until it drains to the channel lined ditch on the east property line or to the south towards Marlatt Ditch.

A drainage study was conducted by Blew & Associates, P.A., dated January, 2014. The drainage study analyzed the pre- vs. post-development conditions for the surrounding area and the proposed drainage basins on the site. The analysis conducted that the peak runoff for the 2-year, 10-year and 100-year storms were all decreased by the proposed drainage system.

State of Project Site	Storm Event		
	2 – year	10-year	100-year
Total Post	72.18 cfs	150.08 cfs	373.09 cfs
Total Pre	73.85 cfs	154.29 cfs	383.75 cfs
<i>Net</i>	<i>-1.67 cfs</i>	<i>-4.21 cfs</i>	<i>-10.66 cfs</i>

The City’s Stormwater Engineer has reviewed the drainage study and accepts its findings (*see attached memo*). The Stormwater Engineer is requiring that analysis of the stormwater quality will need to be performed using the City’s Post construction BMP manual (available online) to determine that the extended wet detention basin is functioning correctly. More detail including calculations will need to be provided on the design of the wet detention basin, following the post construction BMP design manual. City Administration is recommending a condition of approval that this analysis be provided before the Final Plat will be filed and before any building permits will be issued.

4. CIRCULATION: The internal circulation plan provides for safe, convenient and efficient movement of motorists and pedestrians. Two (2) curb cuts on to Marlatt Avenue, an arterial street were originally proposed. The western curb cut was shown to be a shared driveway with the adjacent neighbors to the west to meet the minimum requirements of Section 10-207(2)(b) of the Manhattan Subdivision Regulations and Manhattan Area Transportation Strategies, which requires a minimum of 500 feet of separation between driveways or street intersections on to the arterial roadway. The applicants have stated that this shared driveway is not able to be created.

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The new access plan is to create one (1) access point on the east side of the site to provide for ingress and egress of the site. Internal access is by parking drives, which are shown as Travel Easements, which are to be maintained by the applicant. The Final Development Plan shows that both the entrance and exit drives will consist of 2-lanes to provide for effective movement. The entering traffic would have a through lane to travel to the northern buildings and a left turn lane to the apartments on the southern side of the development. The exiting traffic will have a dedicated left and right turn lane for movements onto Marlatt Avenue. Improvements on Marlatt Avenue are being proposed to provide a dedicated left turn lane into the development. The improvements on Marlatt Avenue will also include a pedestrian refuge island in the middle of Marlatt Avenue near the left turn lane

The Traffic Study for the proposed PUD was prepared by Peters & Associates Engineers, Inc., dated March 9, 2015 (*see attachment*). The study determined that a total of approximately 314 new vehicle trips would be generated by the proposed development in the AM peak hour and approximately 381 new vehicle trips would be generated in the PM peak hour.

The Study also considered the projected traffic conditions for twenty (20) years in the future. Using the complete build-out of the PUD project and a two (2%) percent per year growth rate, the traffic study found that the current road network, including intersections would be adequate to handle the proposed development and community growth.

The Study concluded that the proposed development in its initial completion would not degrade the existing level of service at the existing intersections at Marlatt Avenue and Tuttle Creek Boulevard or Marlatt Avenue and Casement Road. The traffic study stated that although it was not warranted, a left-turn lane on Marlatt Avenue into the site is recommended at the access point to provide a safe turning movement into the development and to not impede eastbound through traffic on Marlatt Avenue.

The proposed Preliminary Development Plan shows approximately 70 feet of additional right-of-way on the north side of Marlatt Avenue to be dedicated to the City to construct such street improvements.

The City Engineer has reviewed the development plan and traffic study and accepts the findings of the traffic study, which concludes that trips generated by the development will not negatively impact the level of service of the roadway and area interactions. The City Engineer also accepts the recommendation that a left-turn lane be provided for the east board traffic at the western access into the site.

Pedestrian and Bicycle Access

Pedestrian traffic is accommodated within the proposed development by sidewalks from the parking lots to the various apartments and accessory buildings. An eight (8) foot wide walking trail was shown on the approved Preliminary Development Plan. This walking trail has been removed and replaced with the Foot-golf course for an active recreational amenity. Sidewalks are provided to the various parts of the Foot-golf course.

Pedestrian crosswalks across Marlatt Avenue are proposed on the east and west sides of the development to provide pedestrian access to an existing sidewalk on the south side of Marlatt Avenue. No sidewalk is currently located on the north side of Marlatt Avenue. At the time of the approval of the Preliminary and Final Plats of the Northwing Addition to the west, it was assumed that the street improvements of Marlatt Avenue by Riley County would include a sidewalk along the north side of Marlatt Avenue. However, that sidewalk was not constructed. To begin the pedestrian infrastructure on the north side of Marlatt Avenue, City Administration is recommending that an ADA accessible sidewalk be extended to the edges of the development so that future developments can connect to it and complete the sidewalk network along the north side of Marlatt Avenue in the area. Other existing sidewalk gaps in the area will be completed when new development or redevelopment occurs.

Off-Street Parking.

The Manhattan Zoning Regulations for multiple-family dwellings base the required number of parking spaces on bedrooms per dwelling unit (one bedroom units – 2 spaces per unit; two bedroom units – 3 spaces per unit; and three bedroom units - 3.5 spaces per unit). Based on these requirements, the proposed PUD would need to provide a minimum of 1,584 off-street parking spaces (264-one bedroom units (528 spaces); 351-two bedroom units (1053 spaces); 1-three bedroom units (3.5 spaces)). The applicant has proposed 1,004 total off-street parking spaces, equivalent to 1.04 parking spaces per bedroom, which appears to be adequate to serve the mixture of bedroom types and tenant mix in the proposed PUD.

The original Preliminary Development Plan has an equivalent parking ratio of 1.01 parking spaces per bedroom.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: The applicant has made provisions for the continuity, preservation, care, conservation and maintenance of all open space within the PUD. The applicant is proposing a 9-hole Foot-golf course along the edge of the development. The golf course is an active recreational area and provides landscape space and open areas to the multiple-family residential development.

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A large active recreation area is proposed on the southern portion of the development, which includes a swimming pool, playground, tennis court, basketball court and putting green. A schematic of the playground and pool structure is provided (*see attached*). This active recreation area will be controlled and maintained by the owner.

6. CHARACTER OF THE NEIGHBORHOOD: The area can be characterized as a growth corridor of the City with single-family, two-family and multiple-family residential developments to the west of the site and south of Marlatt Avenue. Nelson's Landing subdivision, a Riley County development, consists of small-lot mobile home, modular, and single-family residential structures, located immediately to the west. Farther to the west is the Northwing Addition, a City single-family development in its early stages of being constructed. Further to the west are the Tuttle Creek Residences PUD apartment complex development, and the Colonial Gardens Manufactured Home Park. To the south of Marlatt Avenue is the Brookfield Neighborhood, which consists of single-family and two-family homes. The Eisenhower Middle School and sports complex is located to the southeast.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: Undeveloped row crop land.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is typical Big Blue River Valley agriculture land, which is generally flat. The irregular shaped site has a natural drainage channel collecting stormwater from the northwest and directing the runoff to the southeast corner of site, where it empties into the Marlatt Ditch to the south, and eventually drains to the Big Blue River.

A portion of the site, generally along the natural drainage channel, is shown on the preliminary FEMA Flood Insurance Rate Maps as the 1% Annual Chance Floodplain. The City's Future Condition Flood Model is also present along the natural channel. The FEMA base flood elevation is 1019 feet in the southeast and 1020 in the northwest.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Agricultural land; County Ag, General Agriculture District

SOUTH: Marlatt Avenue, a minor arterial road with varying right-of-way width, the Brookfield neighborhood, consisting of single-family detached, single-family attached and two-family dwellings; R-2, Two-Family Residential District; and R-1, Single-Family Residential District.

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EAST: Row crop agricultural land and single-family homes in rural Riley County; County Ag District and SF-2, Single-Family District, and SF-4, Single-Family District

WEST: Single-family homes in the Nelson's Landing Neighborhood, vacant industrial land and the Northwing Neighborhood; County SF-2 District, D-2, Light Industrial District and City R-1, Single-Family Residential District.

4. CHARACTER OF THE NEIGHBORHOOD: See above under PUD Criteria Number 6, CHARACTER OF THE NEIGHBORHOOD.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site was rezoned from County AG, General Agriculture, and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development on September 16, 2014. The approved rezoning and Preliminary Development Plan was for a similar multiple-family apartment complex. Pending a Final Development Plan, the site is suitable for use of the current zoning.

Because of conditions of approval for the PUD, the developer has altered the apartment complex layout to meet the conditions of approval or to eliminate the need for the condition of approval.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed amendment to the PUD reduced the overall number of dwelling units, as well as total number of bedrooms. The approved PUD had 722 dwelling units. The proposed amendment will have 614 dwelling units.

The proposed Final Development Plan shows that the apartment buildings will be more towards the center of the site, with the proposed Foot-golf course and stormwater basins to be along the perimeter. Compared to the original site plan, the Final Development Plan provides more open space and landscape areas between the adjacent properties and the dwelling units.

The MUAPB approved the original rezoning and Preliminary Development Plan on August 18, 2014. The revised site plan shown in the Final Development Plan will have less of an impact on nearby properties that originally proposed.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The new 2015 Manhattan Urban Area Comprehensive Plan Future Land Use Map shows the site as Residential High Density. The 2003 Comprehensive Plan showed the area as Residential Low to Medium Density. At the time of annexation and rezoning, the Trails at Manhattan PUD was found in conformance with the Comprehensive Plan.

The proposed amendment conforms to the Comprehensive Plan.

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

- August 18, 2014 Manhattan Urban Area Planning Board recommends approval of the annexation of the approximate 36.4 acre Trails at Manhattan PUD; and recommends approval of the rezoning of the Trails at Manhattan PUD, from County AG, General Agriculture and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development District, with fifteen (15) conditions of approval.
- September 2, 2014 City Commission approves first reading of ordinances annexing and rezoning the Trails at Manhattan PUD, from County AG, General Agriculture and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development District.
- September 16, 2014 City Commission approves Ordinance Nos. 7093 and 7094 annexing and rezoning the Trails at Manhattan PUD, from County AG, General Agriculture and SF-2, Single-Family Residential District to PUD, Residential Planned Unit Development District.

9. CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

The PUD Regulations are intended to provide a maximum choice of living environments by allowing a variety of housing and building types; a more efficient land use than is generally achieved through conventional development; a development pattern that is in harmony with land use density, transportation facilities and community facilities; and a development plan which addresses specific needs and unique conditions of the site which may require changes in bulk regulations or layout. The proposed PUD is consistent with the intent and purposes of the Zoning Regulations, and the intent of the PUD Regulations, subject to the conditions of approval.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. Public utilities and facilities can be extended to adequately serve the subdivision, and most importantly, fire and emergency service protection. Denial of the request may be a hardship to the owner.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public water, sanitary sewer, streets and pedestrian sidewalks are currently available to serve the development.

As with the original proposal of the multiple-family development, the Assistant Director of Public Works for Water and Wastewater has reviewed the preliminary development plans and had concerns on the availability of sanitary sewer capacity in the Casement Interceptor Sewer that will serve the site. The Casement Interceptor Sewer is a large capacity sewer line that collects sewer from the “area roughly north of Kimball Avenue from Seth Child Avenue to Tuttle Creek Boulevard, as well as all areas east of Tuttle Creek Boulevard north of McCall Road.” Through a preliminary sanitary sewer analysis, using the best data available of existing conditions and the assumptions for proposed development, it was determined that adequate capacity is available downstream to serve the proposed development.

A condition of approval was approved requiring that the downstream sanitary sewer shall be further studied for capacity constraints prior to the beginning of the second phase of the development, which is shown on the Preliminary Development Plan as the construction of the 30th apartment building. Because the proposed Final Development Plan on has 30 buildings shown, the Public Works Department has asked to remove this condition of approval.

12. OTHER APPLICABLE FACTORS: None.

13. STAFF COMMENTS: City Administration recommends approval of the proposed amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and the approval of the Final Development Plan, to be known as The Links and Manhattan Residential Planned Unit Development, based on the findings in the Staff Report, subject to the following conditions of approval:

1. Replace Condition 2 of Ordinance No. 7094 with the following: A maximum of 614 total dwelling units shall be allowed.
2. Replace Condition 3 of Ordinance No. 7094 with the following: A maximum of 264, one-bedroom; 349, two-bedroom; and 1, three-bedroom dwelling units shall be allowed.
3. Eliminate Condition 5 of Ordinance No. 7094 because it is not needed with the proposed site plan.
4. Eliminate Condition 8 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
5. Eliminate Condition 9 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.

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6. Replace Condition 12 of Ordinance No. 7094 with the following: An ADA compliant sidewalk shall be provided along the north side Marlatt Avenue to the east and west edges of the property.
7. Replace Condition 13 of Ordinance No. 7094 with the following: An eastbound left turn lane on Marlatt Avenue shall be provided as proposed.
8. Eliminate Condition 14 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
9. Eliminate Condition 15 of Ordinance No. 7094 because it has been satisfied with the Final Development Plan.
10. Signs shall be provided as proposed in the application documents, and shall allow for Exempt signage shall be permitted as described in Article VI, Section 6-102(A)(2) (a),(b),(c),(g),(h),(i),(j),(l) (m) and (n), of the Manhattan Zoning Regulations.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and approval of the Final Development Plan for The Trails at Manhattan Residential Planned Unit Development, based on the findings in the Staff Report, subject to the ten (10) conditions of approval.
2. Recommend approval of the proposed amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and modify the proposed Final Development Plan and any conditions of approval, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation.
3. Recommend denial of the proposed amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, stating the specific reasons for denial.
4. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 7094 and the Preliminary Development Plan of The Trails at Manhattan PUD, and approval of the Final Development Plan for The Links at Manhattan Residential Planned Unit Development, based on the findings in the Staff Report, subject to the ten (10) conditions of approval recommended by City Administration.

Attachment No. 1

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

DATE: Revised April 20, 2015

15007}SR}PUDAmendment}LinksatManhattan_FinalDevelopmentPlanRev.

REVISED STAFF REPORT

APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT

BACKGROUND

FROM: R, Single-Family Residential District

TO: The Noor Residence PUD, Mixed Use Planned Unit Development

OWNERS/APPLICANT: North American Islamic Trust, Inc – Dr. Hayder Rashee

DATE OF NEIGHBORHOOD MEETING: March 18, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: April 20, 2015

CITY COMMISSION: May 5, 2015

LEGAL DESCRIPTION: Lots 1 and 2, Whitney Addition

LOCATION: Generally located to the southeast of the intersection of Claflin Road and Hylton Heights Road.

AREA: 1.45 acres, 0.64 acres is to be dedicated as Claflin Road right-of-way.

ACTIONS TO DATE ON THE PUD REQUEST:

***On August 18, 2014, the Planning Board** tabled the public hearing on the proposed Noor Residence PUD to October 20, 2014 to allow the applicant time to develop a revised plan showing Phase One; the building footprint of Phase Two as additional parking; a right-in and right-out on Claflin Road; and a notation of cross easements for the two lots, in addition to the existing nine conditions.*

***On November 17, 2014 Planning Board** considered a revised Preliminary Development Plan and request to rezone the site from R, Single-Family Residential District, to PUD, Residential Planned Unit Development. The revised Preliminary Development Plan showed the existing Islamic Center Mosque and a new mixed-use building consisting of a small coffee shop and 13 dwelling units, scaled back from the original 25 units. Following public comment on the item, the Manhattan Urban Area Planning Board, on a vote of 7-0, recommended approval of the proposed rezoning to PUD and the revised Preliminary Development Plan, with twelve 12 conditions of approval.*

On December 2, 2014, the Manhattan City Commission considered first reading of an ordinance to rezone the site from R District to the proposed PUD. Following public comment and extensive discussion, the City Commission voted 4-0 to return the item back to the Manhattan Urban Area Planning Board for further consideration regarding the following three items:

- 1) *Review the size of the residence, which is currently 3-stories, and to reduce the size of the residence.*
- 2) *Relook at the parking and come up with a plan that meets the current Code; and,*
- 3) *To refine the PUD use so that future expansion for a Phase 2 or modifications is severely restricted.*

(See attached Minutes of the December 2, 2014, City Commission meeting.)

Note About Revised Materials: Revisions to this Staff Report and the PUD proposal, from what the Planning Board previously considered, are shown in italics.

Please Note: *Because the PUD application was sent back to the Planning Board for further consideration of the three (3) items listed above, this is technically not a continuation of the formal public hearing. However, the Board can decide to open the floor to receive public comment, if it so chooses. The Board should focus consideration and discussion on the three (3) items identified by the City Commission, and provide any additional comments.*

PROPOSED USES: An existing Islamic Mosque and a 13-unit apartment building. *The originally proposed 676 square foot coffee shop has been eliminated. That space is now shown as a “common area” and is shown to have 2 sinks and a countertop. The application documents state that the “common area” will consist “of seating and conversational space, possible games tables, and possible vending machines for the tenants and their guests.”*

PROPOSED BUILDINGS AND STRUCTURES: The applicant has proposed to maintain the existing Islamic Mosque and construct a new three-story apartment building. *The originally proposed accessory coffee shop/restaurant has been removed from the proposal and replaced with a “commons area” for the tenants and their guests. The proposal is to create two (2) separate lots, with shared access and off-street parking² among both lots. The apartment building will be on Lot 1 and the mosque will be Lot 2.*

The existing mosque, located at the corner of Claflin Road and Hylton Heights Road, is one-story above grade with a basement. The mosque has a footprint of approximately 3,600 square feet in area and currently has front door access and off-street parking located to the south of the building. New off-street parking spaces are proposed to the east of the existing mosque.

Attachment No. 2

The proposed apartment building will replace the existing two-story house. The new building will be three-stories (approximately 36 feet) tall and consist of a total of thirteen (13) dwelling units and an approximate 676 square foot common area. The building will consist of the common area in northwest corner of the building on the first floor, 8 one-bedroom units and 3 two-bedroom units and 2 studio apartments. The new building will be “L-shaped” and oriented to the west, with a small courtyard planned south of the proposed building.

Exterior materials of the new building to be stone, brick, lap siding and architectural asphalt shingles. The paint colors will be mainly grey or beige for the siding and white accent pieces. The front door to each apartment will face the center courtyard. The entrance to the common area will face west towards the parking. The front of the common area will include a metal awning.

Access to the proposed apartment building and the site will include a new right-in/right-out driveway off Claflin Road and the existing driveways off Hylton Heights Road. Off-street parking will be located west and south of new building. Other improvements to the site include a new trash dumpster enclosure, an accessory storage shed landscaping and screening. A cross-easement is shown on the site plan that will allow free access to parking areas on both lots for the tenants and guests to the apartment building and the mosque.

The original PUD request and Preliminary Development Plan showed plans for a future Phase 2 of the apartment building. The second phase has been removed from the PUD request and from the Preliminary Development Plans. Any future building addition would be considered a substantial modification to the PUD, which would require an amendment to the PUD. Likewise, an expansion of the PUD site to include neighboring properties would require rezoning of those properties, in addition to amending the PUD. Both of these actions would require public hearings with the Manhattan Urban Area Planning Board and the City Commission.

PROPOSED LOT COVERAGE

Use	Square Feet	Percentage
Building	7,221	12.0%
Paved Area (Parking, Driveways & Walkways)	36,901	61.4%
Landscape, Lawns & Open Space	16,002	26.6%
Total Impervious	44,112	73.4%

PROPOSED SIGNS: The application include 2 signs located on the site. There is an existing monument sign located near the intersection of Claflin Road and Hylton Heights Road identifying the mosque. A new monument sign is proposed near the entrance on Claflin Road to identify the apartment building. This sign will be 7 feet in width and approximately 4 feet tall and will be externally illuminated. The materials for the new sign will be a limestone slab with a concrete base (*The original sign was 3 feet tall and 7 feet wide. A small wall sign was also proposed for the coffee shop. The wall sign is no longer proposed.*).

PROPOSED LIGHTING: Lighting of the site will consist of pole lights illuminating the parking lot. A site illumination study was submitted with the application documents indicating the parking lot lighting will not impact adjacent properties. The Zoning Regulations require “lighting used to illuminate off-street parking areas shall be directed away from residential properties and adjacent public rights-of-way in such a way so as to not interfere with the residential use or public rights-of-way” (Section 7-102(E)(6)). The proposed lighting shall be shielded to fully cut off the lighting at the property line. No changes to the original lighting plan have been proposed.

SIX REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS

1. LANDSCAPING:

Landscaping is functional for the site and consists of deciduous trees, shrubs, ornamental grasses, perennial flower beds and grass yard areas. The existing landscaping around the mosque will remain largely unchanged. The courtyard to the south of the apartment building will be mostly grass yard area with several deciduous trees. Foundation plantings for the apartment building will consist of shrubs and ornamental grasses. To the west of the courtyard is the apartment building’s mailbox. The landscape plan shows a heavily landscaped area around this mailbox area. The landscaping will include an underground irrigation system. Note #7 of the Landscape Plan states that the maintenance of the landscaping, including the lawn areas will be the requirement of the owner.

Additional deciduous and evergreen trees should be provided in the southeast corner of the site to provide additional visual buffering of the development from neighboring properties to the south and southeast. *City Administration is recommending a condition of approval to address this concern. This consideration can be addressed with the Final Development Plan for the PUD.*

2. SCREENING:

The trash dumpsters and a new storage shed are proposed to be screened with 7 foot, 4 inch tall brick and EFIS screening walls with a metal screening gate.

The application documents show a new six (6') foot tall wooden screening fence is to be installed along the east and south property lines of the site.

3. DRAINAGE:

Schwab-Eaton submitted a Drainage Study, dated July 2, 2014 (attached). The drainage study states that: “when comparing the corresponding watersheds between the existing and proposed conditions for the respective design storms, the above results indicate a significant increase in the proposed peak discharge rates. Therefore, storm water detention is proposed to mitigate the increase.”

The proposed storm water management plan is to have the site drain to underground storm sewers on the property via curb and gutter and then be collected into two (2), sixty (60) foot long by four (4) foot in diameter pipes buried under the entrance drive from Claflin Road. This underground detention structure will then be connected to the existing storm sewer in Claflin Road and will meter the storm water at a runoff rate that is less than the existing conditions. According to the drainage study the pre- vs. post-development rate of runoff is:

Storm Event	Existing Conditions	Post-Development w/out Detention	Post-Development w/ Detention
2-Year	3.5 cfs	5.0 cfs	3.4 cfs
10-Year	4.7 cfs	6.8 cfs	4.6 cfs
100-Year	6.7 cfs	9.7 cfs	6.4 cfs

The construction and ongoing maintenance of the underground detention structure and storm sewer leading to the structure are the responsibility of the property owner. An Agreement between the City and the property owner shall be completed prior to the filing of the Final Plat allowing the City access to the structure for inspection and maintenance if the property owner fails in its duty to property maintain the structure.

The revised site plan generally replaces the original southern portion of the apartment building with off-street parking, as suggested by the Planning Board. The amount of impervious surface area is unchanged and thus does not require any substantial changes to the proposed stormwater drainage plan or the analysis.

The City’s Stormwater Engineer has reviewed the proposed stormwater management plan and accepts its findings. The proposed development disturbs less than one (1) acre of land, therefore post-construction best management practices are not required.

4. CIRCULATION:

The mosque currently has access from Hylton Heights Road to the existing parking lot on the site. These curb cuts will remain to provide western access to the PUD site. The existing house that is to be removed has a driveway onto Claflin Road. That existing access point onto Claflin Road will be closed and a new curb cut will be created farther to the west for a new driveway to provide a northern access to the PUD and the parking lots near the new apartment building, which has been designed as a right-in/right-out intersection, as requested by the Planning Board *at a previous Public Hearing*.

The applicant’s consultant, Schwab Eaton, conducted a Traffic Impact Study, dated June 30, 2014 (see attached). The study compared the existing peak hour trips to the proposed development’s peak hour trips. It should be noted that the peak hour trips for the existing mosque are different than the typical a.m. and p.m. trip times, due to the mosque’s unique prayer service times. The Traffic Impact Study identifies the peak hours as follows:

- Weekday a.m. peak hour (6:00 – 7:00 a.m.)
- Weekday p.m. peak hour (7:30 – 8:30 p.m.)
- Friday p.m. peak hour (12:15 – 1:15 p.m.)

The following table lists the peak a.m. and p.m. hour trip generations generated by the entire PUD including the apartment building.

Use	Existing A.M. Trips	Proposed A. M. Trips	Existing P.M. Trips	Proposed P. M. Trips
Mosque	6	6	39	39
Single-Family Home (eliminated)	1	-1	1	-1
Apartment Building	- - -	13	- - -	16
Restaurant (coffee shop)	- - -	35	- - -	14
Total	7	53	40	68

*** Please note that the mosque’s trip generation does not actually coincide with typical a.m. and p.m. trip generation hours (7:00 – 9:00 am and 4:00 – 6:00 pm respectfully).*

Attachment No. 2

The Traffic Impact Study indicated that a modal shift may occur in the trip generation for the mosque as it is assumed that residents of the apartment building will attend the prayer sessions at the mosque. However, this modal split was not factored into the Traffic Impact Study. In addition, the Traffic Impact Study found that the low number of trips generated by the existing and proposed developments did not warrant an improvement to the area road system.

The Study also analyzed the site distance and access spacing based on the minimum City Standards for the proposed site access point onto Claflin Road. The Study found that the new access point meets the minimum site distance and access spacing requirements on Claflin Road, a major collector street.

Pedestrian access is provided internally within the PUD development via sidewalks and crosswalks to the two (2) buildings. A public sidewalk is also proposed on the site along Claflin Road. This sidewalk will be five (5) feet in width. Once constructed, only a small gap in front of an existing duplex to the east of the site will exist. Sidewalks currently exist on the west side of Hylton Heights Road and the north side of Claflin Road.

Bike racks are not shown on the Preliminary Development Plans. Bike racks should be provided and shown on the Final Development Plan.

The City Traffic Engineer accepted the findings and recommendations of the original development plans and Traffic Impact Study. The revised development plans reduce the number of dwelling units in the proposed apartment building and proportionately the overall trip generated to and from the site. Both the original and revised development proposal meets the City's minimum traffic standards and policies. The new entrance design as a right-in/right-out has been provided according to the recommendation of the Manhattan Urban Area Planning Board. The City Traffic Engineer has no further comments on the revised development plans (the original memo for the traffic analysis is attached).

Off-street Parking

The Manhattan Zoning Regulations require the following minimum number of parking stalls for the proposed uses on the site.

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Use	Occupancy Number	Parking Requirement
Mosque (w/out fixed seats) 1 space per 3 occupants	278	92
Apartment		
1-bedroom & studio 2 spaces per unit	10	20
2-bedroom 3 spaces per unit	3	9
Total Parking Stalls		121

The proposed common area is anticipated to be used by the tenants of the apartment building and their guests. The common area would not generate its own trip or parking demand. Any parking need generated by the tenant's guests is accommodated by the minimum parking requirements for the dwelling unit types.

The application documents state that the "future peak" attendance for the mosque's prayer services could be 180 people, not the designed occupancy of 278, as listed by the Manhattan Fire Department. This is based on the growth of the mosque and the limitations on how the open space of the prayer room is used. Considering this statement and using the parking ratio for a mosque without fixed seating, a minimum of 60 parking stalls are required. The site plan shows that Lot 2 will have 45 parking spaces associated with the Mosque. Lot 1 has 47 parking spaces shown to the south and west of the proposed apartment building. The apartment building will require a minimum of 29 parking spaces. The two lots combined provide 92 parking spaces, 3 spaces more than the minimum required for the mosque and apartment building, using the stated "future peak attendance" capacity of the Mosque.

The applicant's consultant, Schwab Eaton, P.A., has provided a revised off-street parking analysis (dated February 13, 2015) that states that the required 89 off-street parking spaces on the site, based on the "future peak attendance" does not take into account several factors, including:

- 1. The apartments are geared toward short-lease tenants, particularly international students and visiting professors who need housing for 1 semester or less. These tenants are less likely than traditional students to have vehicles and more likely to use different modes of transportation such as bicycles and ATA bus.*
- 2. The peak parking demand for the mosque is between 12:30 p.m. and 2 p.m. on Friday afternoons, which does not coincide with the peak parking demand for the apartments. Typically, apartment residents are not home during these times.*

3. *Internal capture or “non-captive adjustments” would reduce the number of discrete parking stalls necessary for the different land uses. Residents in the apartment complex who do attend the mosque during Friday afternoon are counted twice for their parking demand. If their parking is counted for the mosque, it should be reduced for the apartments. Conversely, mosque attendees may also be visitors to the apartment residents, and would also be counted.*

The consultant also did a shared parking analysis for the proposed development as described in the Urban Land Institute’s book Shared Parking, second edition. The shared parking analysis outlined in the report concludes that the parking demand for the PUD would be 75 off-street parking stalls for the peak demand of the site, which would be during the Friday afternoon prayer service.

A cross easement is shown and noted on the application site plan. Note #5 states that the condition of mandatory shared parking will “be spelled out in the covenants for the Islamic Center of Manhattan, and the Noor Residence Apartments. These covenants shall be provided with the Final Development Plan to assure that they will be established with the development.

Based on the information provided, and the planned cross-easement between the two lots, the proposed development exceeds the minimum off-street parking requirement for the proposed uses by 3 parking spaces. The consultant’s shared off-street parking report shows that site will have more than an adequate number of parking spaces. On-street parking congestion and conflicts with adjacent properties may currently exist, but it does not appear to be created by the existing use on the site during most days. The additional parking spaces, as described above should alleviate any parking congestion in the area during prayer services or during other meeting times at the Mosque.

Note: A gravel parking area has been installed, generally in the same location of the southern parking spaces on Lot 1. Off-street parking spaces for Mosques and similar uses are required to be paved with hard surface (asphalt or concrete). Considering that the site is undergoing this rezoning request, which shows this area as permanent paved parking, and the neighbors concern for on-street parking congestion, in part caused by the site; City Administration determined that enforcement of the paving requirements would not occur until after the rezoning request has concluded. If the PUD request is denied, the gravel parking area will need to be paved and striped for parking spaces that meeting the City of Manhattan’s parking lot design requirements or returned to its previous condition. If the PUD is approved, the paving must occur with the construction of the apartment building.

5. OPEN SPACE AND COMMON AREA: The applicant has made provisions for the continuity, preservation, care, conservation and maintenance of all open space within the PUD’s development plan. Upon installation of *landscaping, it will be maintained by the owner and watered by an underground irrigation system. A landscaped courtyard is proposed to the south of the “L-shaped” apartment building for the resident’s use.*

6. CHARACTER OF THE NEIGHBORHOOD: The area has a mixture of residential and commercial uses along Claflin Road and Hylton Heights Road. To the south of the site is a single-family residential neighborhood consisting of owner-occupied and rental units. To the north of the site is Claflin Road, the Georgetown Apartment Complex, a multiple-family apartment development with recreation amenities, and the Westport Commons commercial area which consists of business and professional offices. To the west of the site are business and professional office uses along Hylton Heights Road and retail businesses along Westport Road. To the east are a duplex and the Manhattan Medical Center office complex, and on the north side of Claflin Road is University zoned land for Kansas State Forestry offices and maintenance uses and business and professional offices.

THIRTEEN MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS

1. EXISTING USE: The Islamic Mosque and a single-family house.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is rectangular shaped and consists of two (2) lots. The northern portion of the site slopes towards Claflin Road. The remaining area of the site gradually slopes to the southeast. The western lot is mostly fully developed with the Islamic Center Mosque. The eastern lot for the proposed apartment building, consists of the a single-family house and grass lawns.

3. SURROUNDING LAND USE AND ZONING:

NORTH: Claflin Road, a four-lane, major collector corridor with varying width of right-of-way; Georgetown Apartment Complex; and business office; R, Single-Family Residential District; PUD, Residential Planned Unit Development; C-1, Restricted Business District.

SOUTH: Single-family homes; R, Single-Family Residential District

EAST: Non-conforming two-family dwelling; single-family homes (southeast); and the Manhattan Medical Center; R District, C-1 District; PUD.

WEST: Business and professional offices and a daycare; C-1 District

4. CHARACTER OF THE NEIGHBORHOOD: See above under PUD Criteria Number 6, CHARACTER OF THE NEIGHBORHOOD.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is currently zoned R, Single-Family Residential District. Both the Islamic Mosque and the single-family house present on the site are permitted and suitable under the current zoning district.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The general area is a mixture of business and professional offices, apartment buildings and single-family homes. The proposed uses are similar to those found throughout the general neighborhood. The application materials state that the apartment building will be marketed to international students at Kansas State University and short-term leases for visiting professors. An increase in light, noise and traffic is expected from the proposed development compared to the existing single-family house and Islamic Mosque.

The properties most impacted by the proposed development may be the single-family homes to the south/southeast. It appears that the applicant has taken appropriate measures to limit any adverse impacts on the surrounding properties. Sight-obscuring screening fences will be provided along the south and east property lines to shield the adjacent neighborhood from vehicle lights.

An illumination study of the proposed off-street parking lights was conducted. The study showed that the proposed lighting will not “bleed” onto adjacent property. The Zoning Regulations require that these lights be shielded to provide full cutoff of light at the property line.

A traffic impact study was conducted that shows the proposed uses should create a minimal increase in trips to and from the site on adjacent streets and should not adversely impact the existing traffic.

The amount of off-street parking on the two lots exceeds the minimum requirements for the proposed apartment building and existing mosque, based on the applicant’s statement of “future peak” attendance for the mosque. A cross easement has been proposed between the two lots to ensure that the shared parking situation will remain for the life of the development. A proposed covenant will be required at the time of the Final Development Plan application to ensure the easement is in place. The applicant’s consultant also conducted a parking analysis that detailed why the shared parking between existing mosque and the proposed apartment building and small coffee shop should be adequate. The analysis is based on the unique condition of the development, including:

- The apartments are geared toward short-lease tenants, particularly international students and visiting professors, who are less likely to have a personal vehicle and would walk, bicycle or use the ATA bus system,

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- The peak demand for the mosque does not coincide with the parking demand for the apartments.
- The assumption is made that the parking demand of Islamic residents living in the apartment complex who attend the mosque prayer services would be counted twice in the off-street parking requirements.

A second neighborhood meeting was held on March 18, 2015. According to the meeting summary, 9 neighbors attended the meeting. The summary states that “comments during the meeting were generally favorable, though 2 attendees were concerned with the 3-story height of the building and the location of the trash dumpster, off-street parking lot and the site lighting. Two (2) attendees completed comment sheets with these comments (See attached meeting summary and neighborhood comments).

Although there are concerns expressed by property owners in the general area, it appears that the applicant has taken appropriate measures to minimize any adverse impacts on the surrounding neighborhood.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: THE SITE IS SHOWN ON THE 2015 FUTURE LAND USE MAP AS RESIDENTIAL LOW/MEDIUM DENSITY (RLM). THE APPLICABLE POLICY STATEMENTS FOR THE RLM DESIGNATION ARE:

Residential Low/Medium Density (RLM)

RLM 1: Characteristics

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

RLM 2: Appropriate Density Range

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

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

RLM 4: Variety of Housing Styles

To avoid monotonous streetscapes, the incorporation of a variety of housing models and sizes is strongly encouraged in all new development.

The residential component of the proposed PUD on Lot 1 (.734 acres) has a net density of approximately 17.7 dwelling units per acre, which is above the stated density range for the RLM designation (i.e. 1 – 11 dwelling units per net acre). Due to the existing development on the site and the proposed building and off-street parking, adequate open space is not available to keep the residential component within the designated density range.

The Future Land Use Map for the Comprehensive Plan designated the site and surrounding area based on existing land uses and did not anticipate the transitioning nature of the Claflin Road corridor. Considering the existing condition of the site and that Claflin Road has been transitioning to more intense commercial office uses, the low density residential uses including the house and duplex to the east appear to no longer be the best use for the land along Claflin Road. Claflin Road is a four-lane road, classified as a major collector. Having individual curb cuts for driveways from low density residential uses is not advisable.

Growth Management 9 policy states: Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area. For additional policies related to infill and

redevelopment, refer to the Land Use Policies below and to Chapter 9, Housing and Neighborhoods (see these sections in the Comprehensive Plan).

The Planned Unit Development process allows for appropriate infill redevelopment to occur with adequate controls to limit impacts on adjacent properties, such as building design, screening and lighting control.

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

The site was annexed and zoned “A-A” Single-Family Dwelling District on August 7, 1962 (Ordinance No. 2269). The site and surrounding properties to the south were zoned R, Single-Family Residential District in 1969 and have remained in that zoning district ever since.

According to the Riley County Appraiser’s Office, the Islamic Mosque was built in 1993. The single-family house was built in 1907.

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.

Subject to the conditions of approval, the proposed PUD is consistent with the Zoning Regulations.

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

There appears to be no gain to the public that denial would accomplish. Public utilities and fire and emergency service protection can adequately serve the site. *The proposed development plans provide off-street parking that exceeds the combined parking requirements for the proposed uses.* The proposed PUD *should* not cause adverse impacts on nearby properties. Denial of the request may be a hardship to the owner.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public water, sanitary sewer, streets and pedestrian sidewalks are, or will be, available to serve the development.

12. OTHER APPLICABLE FACTORS: The Manhattan Fire Department requires that at least one (1) fire hydrant shall be provided within 150 feet of the fire department connection at the proposed apartment building. The Fire Department also requires that hard surface access for fire access shall be provided on the site before combustible construction begins on the proposed building. These conditions will be addressed at the time of the building permit application.

*As previously described, the City Commission returned the rezoning request to the Planning Board to be reconsidered on 3 topics. The 3 topics are in **bold** and the applicant's response (see attached for the full response) and City Administration's analysis are below*

- 1) ***Review the size of the residence, which is currently 3-stories and to reduce the size of the residence.*** *The applicant's consultant explains in the attached letter that simply eliminating the 3rd story of the apartment building would make it economically infeasible to develop. The alternative when considering removing the 3rd floor would be to enlarge the footprint of the building to keep the same number of dwelling units, which makes the project economically feasible. The letter points out that by enlarging the building footprint, other components of the site would be compromised, primarily the amount of off-street parking, which would negatively impact the surrounding neighbors.*

The letter then explains the consultant's opinion that the 3-story building is compatible with the surrounding area based on existing zoning and land uses in the area, including the commercial properties on Hylton Heights and Claflin Road, and the multiple-family developments on Claflin Road. The consultant points out that there are several 3-story buildings in the immediate area on Claflin Road and the proposed building is only 6 inches taller than the maximum height allowed in the R-1, Single-Family Residential District, which the property is currently zoned.

- 2) ***Relook at the parking and come up with a plan that meets the current Code.*** *The site plan shows 92 off-street parking spaces. The applicant has eliminated the proposed coffee shop and has proposed to use the space as a "common area". Based on the minimum requirements for the size of the previously proposed coffee shop, a minimum of 6 spaces were required. Changing the use of that space to a common area for tenants does not trigger any applicable residential parking ratio and should not generate any parking demand. Parking for that space is already accounted for by the parking requirements for the apartment units.*

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The applicant provided information that clearly indicates that the prayer service will not exceed 180 members, which reduces the parking requirement for the mosque from 92 spaces to 60 spaces.

Based on these two factors, the proposed uses would be required to have a minimum of 89 off-street parking spaces. The proposed site plan provides 92 off-street parking which slightly exceed the minimum off-street parking requirements and should not adversely impact the adjacent properties.

The applicant's consultant has also provided a shared parking analysis that further shows that the two uses (the existing mosque and the apartment building) would have a shared parking demand of 75 stalls.

- 3) To refine the PUD use so that future expansion for a Phase 2 or modifications is severely restricted.** *The applicant has removed any reference to the second phase from the PUD request and Preliminary Development Plans. Any future building addition proposal would be considered a substantial modification to the PUD, which would require a public hearing amendment to the PUD. Likewise, an expansion of the PUD site to include neighboring properties would require rezoning of those properties, in addition to amending the PUD. Both of these actions would require public hearings with the Manhattan Urban Area Planning Board and the City Commission.*

13. STAFF COMMENTS AND RECOMMENDATION: City Administration recommends approval of the proposed rezoning of the Noor Residence Residential Planned Unit Development from R, Single-Family Residential District to PUD, Residential Planned Unit Development District, based on the most recent revisions (February 18, 2015), with the following conditions of approval:

- 1. The Permitted Uses shall include a mosque (or other religious institution) and a thirteen (13) dwelling unit apartment building with a 676 square foot common area.*
- 2. The common area shall be limited to 676 square feet in area and may not be converted to any commercial or residential space.*
- 3. A sight-obscuring screening fence of not less than six (6) feet in height shall be provided along the southern and eastern property line of the PUD.*
- 4. Signage shall be limited to signs proposed in the application documents.*
- 5. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(3),(4),(5), (7) and (9); and, Section 6-104 (B)(2) and (5).*
- 6. Additional landscaping in the form of deciduous and evergreen trees should be provided in the southeast corner of the site to provide additional visual buffering of the development. The added landscape shall be shown on the Final Development Plans.*

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7. Landscaping and irrigation shall be maintained in good condition.
8. A Landscape Performance Agreement shall be approved, prior to issuance of a building permit.
9. An Agreement between the City and the property owner shall be completed prior to the filing of the Final Plat, obligating the property owner to construct and maintain the storm water system including the underground storm sewer and detention structure, and allowing the City access to the structure for inspection and maintenance if the property owner fails in its duty to property maintain the storm water system.
10. Covenants shall be provided at the time of application for the Final Development Plan detailing the cross easement between the two (2) lots for the proposed shared parking.

ALTERNATIVES

When the City Commission returns the recommendation of the Planning Board for further consideration, the Planning Board has the following alternatives:

1. *The Board may resubmit its original recommendation, giving the reasons therefore.*
2. *The Board may submit a new and amended recommendation, giving the reasons therefore.*

Following the November 17, 2014 public hearing, the Planning Board recommended approval of the Preliminary Development Plan of the Noor Residence PUD and the rezoning of the site from R, Single-Family Residential District to PUD, Mixed-Use Planned Unit Development, with twelve (12) conditions of approval (see attached Minutes from that meeting).

POSSIBLE MOTION

The Manhattan Urban Area Planning Board recommends approval of the revised Preliminary Development Plan of the Noor Residence Mixed Use Planned Unit Development, dated February 18, 2015, and rezoning the site from R, Single-Family Residential District, to PUD, Mixed Use Planned Unit Development District, based on consideration of the three (3) issues requested by the City Commission and on the findings in the Revised Staff Report, dated April 9, 2015, with the ten (10) conditions recommended by City Administration.

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

DATE: April 9, 2015

15009}SR}NoorResidencePUD. REVISED

AN AMENDMENT OF ORDINANCE NO. 6607 & 7062 AND THE PRELIMINARY DEVELOPMENT PLAN FOR LOT 2, HERITAGE SQUARE SOUTH, UNIT THREE, PROPOSED AS A FINAL DEVELOPEMNT PLAN. A CONCURRENT FINAL PLAT IS ALSO PROPOSED (SEE SEPARATE STAFF MEMORANDUM REGARDING THE FINAL PLAT).

BACKGROUND

The proposed amendment is required because:

- Condition No. 2, Ordinance No. 7062, states, “An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lot 2, Heritage Square South, Unit Three.”
- The applicant is also proposing to subdivide Lot 2 into five (5) lots.

Note: The Final Development Plan is for Lot 5, Heritage Square South, Unit Four. The original application was for Lots 4 and 5 but the development plans for Lot 4 have changed since the initial submission. No development plans have been submitted for proposed Lots 1-4 at this time. Unless otherwise noted, the PUD Amendment Staff Report will reference the proposed Leiszler Oil Company development on Lot 5. Please refer to the separate staff memorandum for details regarding the Final Plat.

APPLICANT: Tim Schultz

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

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

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

LEGAL DESCRIPTION: Lot 2, Heritage Square South Unit Three P.U.D., a Commercial Planned Unit Development, an addition of the City of Manhattan, Pottawatomie County, Kansas.

LOCATION: Lot 2, Heritage Square South Unit Three P.U.D. is generally located to the southeast of the intersection of South Port Drive and South Port Drive.

- **AREA:** Existing Lot 2, Heritage Square South Unit Three P.U.D. is 12.01 acres. Proposed Lot 5 will be 3.470 acres.

DATE OF NEIGHBORHOOD MEETING: Wednesday, January 28, 2015.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, March 16, 2015

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 20, 2015.
CITY COMMISSION: Tuesday, May 5, 2015.

EXISTING PUD:

EXISTING PUD AFFECTING LOT 2

Ordinance No. 6607

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

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

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9. Traffic and drainage improvements to US-24 shall be provided as required by the Kansas Department of Transportation, and the applicant shall submit with the Final Plat either the approved access permit, or a letter from a KDOT representative authorizing the project based on the approved concept.
10. Drainage improvements shall be provided as proposed in the application documents and as per the City Engineer's requirements.
11. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 2, 3, 4, 5, 7, 8 and 10.

Ordinance No. 7062

The Heritage Square South Commercial Planned Unit Development, and Ordinance No. 7062, approved February 14, 2014, is subject to the following conditions of approval:

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

Permitted Uses

Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-5, Highway Service Commercial District, except for Adult Businesses and Commercial off-street parking lots as a Principal Use. Additional Permitted Uses include: Antique shops; Apparel stores; Blueprinting, desktop publishing, and photocopying establishments; Book stores; Camera and photographic supply stores; Carpet and rug stores; China and glassware stores; Department stores; Farm and ranch supply stores; Florist shops; Furrier shops; Governmental buildings; Hardware stores; Hobby shops; Motel; Medical clinic; Outdoor seating for restaurants; and Tavern.

**PUD AMENDMENT AND PROPOSED IMPROVEMNTS ON
LOT 5 – LEISZLER OIL COMPANY**

Proposed Use and Building: The proposed development use is a single-tenant one-story, 18,881 square foot commercial building for Leiszler Oil corporate offices. The building's main entrance will be oriented to the west, toward the off-street parking lot. The interior floor plan shows approximately 9,000 square feet is dedicated to offices, meeting rooms, restrooms, storage and other general office related spaces. The east half of the interior space will include an approximate 8,700 square foot warehouse with grade level roll-up doors located on the northern facing façade. The exterior materials of the building will be a combination of red brick and sandstone painted metal with glass and limestone wainscot areas. The brick and glass are primarily used for the main entrance and office areas along the west and north façades. The office portion of the building will be approximately

nineteen (19) feet tall with the warehouse section decreasing in height from west to east. A fire hydrant is proposed within the off-street parking area and the building will be fully sprinklered, in order to satisfy City of Manhattan Fire Department requirements. The applicant's site plan shows future expansion areas to both the proposed building and associated off-street parking lot. Including the future building addition of 5,186 square feet, the building footprint will total 24,067 square feet. An additional 7,149 square feet of lot area is proposed to be improved for future parking lot expansion.

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

Proposed Signs: A monument sign is to be relocated from Leiszler Oil existing office building in clay center and be reused as proposed on the subject site. The sign is proposed to be located on the north side of the entrance driveway measuring approximately five (5) feet tall by eight (8) feet wide. The monument sign is proposed to be externally illuminated by ground lights and will sit on one (1) foot tall stands. The total area of the monument sign is approximately 40 square feet and consists of limestone material with recessed painted text. (See elevations).

The Heritage Square PUD is generally based on the C-5, Highway Service Commercial District. Comparing the proposed signage of the PUD Amendment to the C-5 District Regulations, the monument sign is permitted, with no limitation on the number signs. The C-5 District would allow up to 182 square feet of surface area (4 square feet of signage for each linear foot of street frontage (45.5 feet)), provided no sign is to exceed 260 square feet in surface area.

Proposed Lighting: Exterior lighting fixtures are in the form of both wall packs and pole lights within the off-street parking lot. Lighting is proposed to be downcast and cut off at the property lines.

MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPROVED PUD, AND WILL PROMOTE THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PUD: The proposed amendment is consistent with the intent and purpose of the approved commercial PUD to consist of a broad range of highway service and retail uses. The approved Preliminary PUD shows a large, "anchor" commercial building footprint (approximately 87,000 square feet of floor/lot area and 21,000 square feet of outdoor

storage) and a large parking to the north of the proposed building. The general area where the proposed Leiszler Oil Company developments on Lot 5, Heritage Square South, Unit Four is shown on the Preliminary Development Plans partially as the “anchor” commercial building and the associated off-street parking lot.

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

2. WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN OR AROUND THE PUD, AND THE NATURE OF SUCH CONDITIONS: The amendment is made necessary because Condition No. 2 of Ordinance No. 7062, requires an amendment of the PUD prior to issuance of any permits for development. The PUD has been amended several times since it was established in 2006, including the current application. The remaining portion of Lot 2 that is to become Lots 1, 2, 3 and 4 Heritage Square South, Unit Four is the only vacant land left in the commercial development (*Refer to the Final Plat memo for additional details*).

3. WHETHER THE PROPOSED AMENDMENT WILL RESULT IN A RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE, AND IS NOT GRANTED SOLELY TO CONFER A SPECIAL BENEFIT UPON ANY PERSON: The proposed amendment will result in a gain to the public by allowing development of a vacant tract of land. The amendment is necessary because of the condition of the approval of the Ordinance creating the PUD and not because the amendment will confer a special benefit to any person.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

Lot 5, Leiszler Oil Company:

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

2. SCREENING: A six (6) foot tall trash enclosure with redwood slats over a steel frame will be located to the northeast of proposed building. The trash enclosure will be adjacent to an area of proposed landscaping.

3. DRAINAGE: The site will drain towards the northwest corner of the lot and be collected by a curb inlet then directed, via underground stormwater infrastructure, towards South Port Drive where it will enter the public stormwater system. The site is not located within a regulated floodplain (*see Physical & Environmental Characteristics below*).

4. CIRCULATION: The existing street system provides an internal circulation plan which is safe, convenient and efficient for movement of goods, motorists, and pedestrians. Conflicts between motorists and pedestrians are minimized. Both proposed Lots 4 and 5, Heritage Square South, Unit Four will gain access from the internal street system.

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

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

Traffic. A Traffic Report was submitted and accepted by the City Engineer in 2006. Access to the development is from U.S.-24 Highway onto a main entry drive to the internal streets of the development, which connect to the east and west of the PUD. Major highway improvements including left turning lanes, a traffic signal and closure of two existing median crossings, were constructed with the original PUD.

Off-Street Parking. Sixty-four (64) off-street parking spaces are shown on the Final Development Plans for Leiszler Oil Company. Using the minimum off-street parking requirements for Business and professional offices (1 space per 300 square feet of floor area) and warehouse space (1 space per 2,000 square feet of floor area), a minimum of 34.5 off-street parking spaces are required for the proposed business based on the Final Development Plan. When accounting for the proposed future expansion, the existing off-street parking satisfies the minimum off-street parking requirements even with the expansion consisting exclusively of office space.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: Landscaping and lawn areas identified on the lot for Leiszler Oil Company.

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

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The site is currently a vacant lot.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Lot 5 is a relatively flat, irregular shaped lot to the south of South Port Drive. The effective Flood Insurance Rate Map (FIRM) Panel 359 of 500 dated March 16, 2015, shows the site to be within the 0.2% annual chance flood plain (500-year).

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: U.S.-24 Highway, Dollar General, Aarons, Fastenal; PUD, and undeveloped tract (future Heritage Square North); Pottawatomie County CH, Highway & Commercial Corridor District.

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

(c.) EAST: Furniture sales, storage units, and similar highway service commercial and retail uses, livestock sales; Pottawatomie County CH, Highway & Commercial Corridor District.

(d.) WEST: Midway Wholesale, Salisbury Supply Retail sales and wholesale; PUD, Heritage Square South PUD and Pottawatomie County CH, Highway & Commercial Corridor District.

4. GENERAL NEIGHBORHOOD CHARACTER: See above under **No. 6, CHARACTER OF THE NEIGHBORHOOD.**

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: Proposed Lot 5 is suitable for commercial development for the uses under the current zoning, as approved with the Preliminary Development Plan, subject to Condition No. 11, Ordinance No. 6607 and Condition No. 2, Ordinance 7062.

6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: Minimal impact on adjacent commercial property in the Heritage Square South PUD with respect to light, noise, and traffic is anticipated. The original Lot 10, Heritage Square South PUD was intended to develop as a large, “anchor” commercial lot. The proposed PUD Amendment and concurrent Final Plat divides the platted lot into five (5) separate lots. The proposed Final Plat and Final Development Plan for Lot 5, Heritage Square South, Unit Four creates a commercial use that is in a manner similar to other commercial sites in

the PUD. Subdividing the large lot creates more opportunities for development, allowing for efficient build out of the area.

No development plans are proposed at this time for the remaining Lots 1, 2, 3 and 4, Heritage Square South, Unit Four.

7. CONFORMANCE WITH COMPREHENSIVE PLAN: The Future Land Use Map of the Manhattan Urban Area Comprehensive Plan designates the site as Community Commercial (CC). The Comprehensive Plan also reflects the land use designation of the US 24 Corridor Plan developed by Pottawatomie County. The site is also subject to the US 24 Corridor Special Planning Area Policies in the Comprehensive Plan.

The existing PUD was found to conform to the Comprehensive Plan in 2006. The proposed PUD amendment conforms to the Manhattan Urban Area Comprehensive Plan.

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

June 29, 2006: City of Manhattan receives requests for island annexation of the proposed Heritage Square North and Heritage Square South tracts from Roger Schultz and Rob Eichman.

July 11, 2006: City Commission approves Resolution Nos. 071106-H & I, requesting the Board of Pottawatomie County Commissioners to make positive findings regarding the requested island annexation of Heritage Square North and Heritage Square South.

July 27, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexations of Heritage Square North and Heritage Square South.

August 15, 2006: City Commission approves first reading of ordinances annexing Heritage Square North and Heritage Square South; and, approves Resolution No. 081506-A, requesting the Board of Pottawatomie County Commissioners to make positive findings regarding the island annexation of that portion of the US 24 Right-of-way that adjoins Heritage Square.

August 18, 2006: City of Manhattan receives Consent To Annexation from the Kansas Department of Transportation for that portion of the US Highway 24 right-of-way that adjoins Heritage Square South, consisting of 6.791 acres.

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- August 21, 2006: Board of Pottawatomie County Commissioners makes positive findings regarding the island annexation of that portion of the US Highway 24 right-of-way that adjoins Heritage Square South.
- October 16, 2006; Manhattan Urban Area Planning Board holds public hearing and recommends approval (7-0), of the rezoning the proposed Heritage Square South and the adjoining US Highway 24 right-of-way from County - CH, Highway & Commercial Corridor District, to PUD, Commercial Planned Unit Development District.
- November 7, 2006 City Commission approved first reading of an ordinance annexing the 6.8-acre portion of the US Highway 24 right-of-way that adjoins the Heritage Square South development; and, approved first reading of an ordinance rezoning the proposed Heritage Square South development and the adjoining portion of US Highway 24 right-of-way, to PUD, Planned Unit Development District.
- February 6, 2007 City Commission approves Ordinance No. 6606 annexing proposed Heritage Square North, proposed Heritage Square South and the 6.8-acre portion of the US Highway 24 right-of-way that adjoins Heritage Square South; and, approved Ordinance No.6607 rezoning the Heritage Square South and the adjoining portion of US Highway 24 right-of-way, to PUD, Commercial Planned Unit Development District.
- March 5, 2007 Manhattan Urban Area Planning Board approves the Final Development Plan (Lots 1, 6, and 9) and Final Plat of the Heritage Square South Addition (Lots 1-10).
- March 15, 2007 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square South Addition.
- July 17, 2007 City Commission approves first reading of an ordinance renaming Heritage South Road to South Port Road, and Heritage Square Drive to South Port Drive, in Heritage Square South P.U.D. Addition.
- August 14, 2007 City Commission approves Ordinance No. 6651 renaming Heritage South Road to South Port Road, and Heritage Square Drive to South Port Drive, in Heritage Square South P.U.D. Addition.

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- January 24, 2013 Manhattan Urban Area Planning Board recommends approval of proposed amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development, based on the findings in the Staff Report.
- February 19, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development.
- March 5, 2013 City Commission approves Ordinance No. 6991 amending the Preliminary Development Plan of Lot 3, Heritage Square South Commercial Planned Unit Development and Ordinance No. 6607, as proposed, based on the findings in the Staff Report.
- June 3, 2013 Manhattan Urban Area Planning Board recommends approval of a proposed amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lot 2, and Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, based on the findings in the Staff Report; and approves the Final Plat of Heritage square South Unit Two PUD.
- June 18, 2013 City Commission approves first reading of an ordinance amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 2, and Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit Development, and the Final Development Plan of Lots 7 and 8, Heritage Square South Commercial Planned Unit Development.
- July 2, 2013 City Commission approves Ordinance No. 7010 amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 2, and Lots 7 and 8, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 2, Heritage Square South Commercial Planned Unit

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

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

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

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

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

January 6, 2014 Manhattan Urban Area Planning Board recommends approval of an amendment of Ordinance No. 6607 and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Salisbury Supply, Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development; and approves the Final Plat of Heritage square South Unit Three PUD.

January 21, 2014 City Commission approves first reading of an ordinance amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial as proposed.

February 4, 2014 City Commission approves Ordinance No. 7062 amending Ordinance No. 6607 and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial as proposed, to allow construction of the proposed Salisbury Supply store on proposed Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development; and accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square South, Unit Three, Commercial Planned Unit Development.

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

The proposed PUD amendment is consistent with Ordinance No. 6607, Ordinance No. 7062 and the approved PUD, the Manhattan Zoning Regulations, and PUD requirements of the Manhattan Zoning Regulations. The amendment process is required before development of the site can proceed. The amendment process insures the PUD conforms to the requirements of all regulations.

10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. No adverse affects on the public are anticipated as a result of the amendment. Denial of the rezoning may be a hardship to the owner.

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

12. OTHER APPLICABLE FACTORS: A flag lot is being proposed for Lot 5, Heritage Square South Unit Four. *Please refer to the separate Final Plat staff memorandum for details.*

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

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City Administration recommends approval of the proposed amendment of Ordinance No. 6607 and Ordinance No. 7062, and the approved Preliminary Development Plan for Lot 2, Heritage Square South Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development, with the following conditions of approval:

1. The Final Plat of Heritage Square South, Unit Four shall be approved.
2. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 1, 2, 3 and 4 Heritage Square South, Unit Four.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance No. 6607 and Ordinance No. 7062, and the approved Preliminary Development Plan of Lot 2, Heritage Square South, Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development, stating the basis for such recommendation.
2. Recommend approval of the proposed amendment of Ordinance No. 6607 and Ordinance No. 7062, and the approved Preliminary Development Plan of Lot 2, Heritage Square South, Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed amendment of Ordinance No. 6607 and Ordinance No. 7062, and the approved Preliminary Development Plan of Lot 2, Heritage Square South, Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development, stating the basis for such recommendation.
4. Table the proposed Amendment to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6607 and Ordinance No. 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South, Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development, based on the findings in the Staff Report, with two conditions of approval.

PREPARED BY: Chase Johnson, Planner

DATE: April 1, 2015

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