



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, MAY 19, 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, Assistant City Clerk Brenda K. Wolf, 10 staff, and approximately 12 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor McCulloh led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor McCulloh proclaimed May 17-23, 2015, *National Public Works Week*. Jeff Hancock, SMH Consultants, P.A.; Greg Fief, Schwab-Eaton; Matthew Kohls, BG Consultants; Paul Parrish, Olsson Associates; and Rob Ott, Director of Public Works; and Jeff Walters, Street and Fleet Superintendent, City of Manhattan, were present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Morse stated that she recently attended the League of Kansas Municipalities Governing Body Institute on May 15-16, 2015, in Topeka.

Commissioner Reddi stated that she presented a Certificate of Appreciation on Thursday, May 14, 2015, to Andy Deckert, 3704 Stratford Terrace, who has planted approximately 3,000 irises between Miller Parkway Circle and the Miller Ranch water tower. She encouraged the public to go by to view the irises and daylilies that Mr. Deckert has planted. She also stated that the last day of school for USD 383 will be on Thursday, May 21, 2015. Commissioner Reddi also mentioned that Parks and Recreation offices have lots of activities happening this summer and that the City is still looking for lifeguards so that the pools can remain open longer this summer.

## COMMISSIONER COMMENTS (*CONTINUED*)

Mayor McCulloh mentioned that former Commissioner Loren Pepperd brought Mr. Deckert's contribution to the Commission's attention and thought that he should be recognized.

### CONSENT AGENDA (\* denotes those items discussed)

#### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 5, 2015.

#### CLAIMS REGISTER NO. 2792

The Commission approved Claims Register No. 2792 authorizing and approving the payment of claims from April 29, 2015, to May 12, 2015, in the amount of \$3,365,692.00.

#### LICENSE

The Commission approved an annual Cereal Malt Beverages On-Premises License for La Hacienda, 3003 Anderson Avenue, Suite 945.

#### \* ORDINANCE NO. 7138 – REZONE – NOOR RESIDENCES PUD

Commissioner Morse stated that as a former member of the Manhattan Urban Area Planning Board she had heard the facts related to the item previously presented and that her new and impartial decision will be to vote in favor of the rezoning.

The Commission approved Ordinance No. 7138 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 Noor Residence Mixed-Use Planned Unit Development, dated February 18, 2015; based on the findings in the Revised Staff Report, dated April 9, 2015, (*See Attachment No. 1*) with the ten (10) conditions of approval recommended by the Manhattan Urban Area Planning Board.

#### \* ORDINANCE NO. 7139 – AMEND LOT 2, HERITAGE SQUARE SOUTH, UNIT THREE, PUD

Commissioner Morse stated that as a former member of the Manhattan Urban Area Planning Board she had heard the facts related to the item previously presented and that her new and impartial decision will be to vote in favor of the amendment.

## CONSENT AGENDA (CONTINUED)

\* **ORDINANCE NO. 7139 – AMEND LOT 2, HERITAGE SQUARE SOUTH, UNIT THREE, PUD (CONTINUED)**

The Commission approved Ordinance No. 7139 amending Ordinance Nos. 6607 and 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South, Unit Three, Commercial Planned Unit Development, 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. 2*), with two conditions of approval.

\* **FINAL PLAT – HERITAGE SQUARE SOUTH, UNIT FOUR**

Commissioner Morse stated that as a former member of the Manhattan Urban Area Planning Board she had heard the facts related to the item previously presented and that her new and impartial decision will be to vote in favor of the approval of the final plat.

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Heritage Square South, Unit Four, generally located southeast of the intersection of U.S. Highway 24 and South Port Road, based on conformance with the Manhattan Urban Area Subdivision Regulations.

**RESOLUTION NO. 051915-A – ISSUE – TEMPORARY NOTE SERIES NO. 2015-02**

The Commission approved accepting the best bid for selling the notes from UMB Bank N.A., of Kansas City, Missouri; and approved Resolution No. 051915-A issuing Temporary Note Series No. 2015-02 in the amount of \$2,940,000.00 to finance: *Western Hills Addition, Unit 14 – Sanitary Sewer (SS1208), Street (ST1210), and Water (WA1209); Merion Addition – Sanitary Sewer (SS1414), Street (ST1417), and Water (WA1412); and Scenic Meadows Addition, Unit 3, Phase III – Street (ST1421).*

**REQUEST FOR PROPOSALS – GROUP HEALTH PLAN THIRD PARTY ADMINISTRATION SERVICES**

The Commission authorized City Administration to utilize the services of Ridge Consulting Group, Inc., of Wichita, Kansas, for the purpose of developing a Request for Proposals to solicit Group Health Plan Third Party Administration services for the City's Group Health program and appointed Commissioner Dodson to serve on the Selection Committee.

\* **AGREEMENT – HOW PEOPLE MAKE THINGS EXHIBIT**

Mayor McCulloh stated that memberships with the Sunset Zoo and the Flint Hills Discovery Center are reciprocal with other zoos and museums.

## CONSENT AGENDA (*CONTINUED*)

- \* **AGREEMENT – HOW PEOPLE MAKE THINGS EXHIBIT (*CONTINUED*)**  
The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$25,000.00 with the Children’s Museum, of Pittsburg, Pennsylvania, for the exhibition of *How People Make Things* at the Flint Hills Discovery Center for the period of January 29, 2016, through May 1, 2016, and approved a \$10,000.00 deposit.

### **BOARD APPOINTMENTS**

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

#### *Bicycle Advisory Committee*

Appointment of Jessica Fiscus, 2030 Tecumseh Road, to fill the unexpired Riley County Health Department term of Katherine Oestman. Ms. Fiscus’ term begins immediately, and will expire October 31, 2016.

#### *Convention and Tourism Committee*

Appointment of Usha Reddi, 1801 Westbank Way, to a Commissioner term. Commissioner Reddi’s term begins immediately.

#### *Flint Hills Regional Transit Administration*

Appointment of Mayor Karen McCulloh, 1516 Leavenworth Street, to fill the Manhattan City Commissioner permanent position and Commissioner Linda Morse, 2118 Spain Drive, to an alternate position on the Board. Both will serve for a term as long as they are a Commissioner and with the consent and approval of the City Commission.

#### *Housing Authority Board of Commissioners*

Appointment of Linda Morse, 2118 Spain Drive, to fill the unexpired Commissioner term of Usha Reddi. Commissioner Morse’s term begins immediately, and will expire March 3, 2017.

#### *Library Board*

Re-appointment of Bill Lansdowne, 1617 Baltimore Terrace, to a four-year term. Mr. Lansdowne’s term begins immediately, and will expire April 30, 2019.

Appointment of Elaine Shannon, 2869 Bentwood Drive, to a four-year term. Ms. Shannon’s term begins immediately, and will expire April 30, 2019.

## CONSENT AGENDA (*CONTINUED*)

### BOARD APPOINTMENTS (*CONTINUED*)

#### *Manhattan Urban Area Planning Board*

Appointment of Katie Bachelor, 1328 Fremont Street, to a three-year City term. Ms. Bachelor's term begins immediately, and will expire April 30, 2018.

#### *Metropolitan Planning Organization Policy Board*

Appointment of Mayor Karen McCulloh, 1516 Leavenworth Street, to fill the Manhattan City Commissioner permanent position and Commissioner Linda Morse, 2118 Spain Drive, to an alternate position on the Board. Both will serve for a term as long as they are a Commissioner and with the consent and approval of the City Commission.

#### *Municipal Audit Committee*

Appointment of Mike Dodson, 4109 Wellington Drive, to a one-year Commissioner term. Commissioner Dodson's term begins immediately, and will expire March 31, 2016.

After discussion, Commissioner Reddi moved to approve the consent agenda. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0 with the exception of Item D, ORDINANCE NO. 7138 – REZONE – NOOR RESIDENCES PUD, which carried 4-1 with Commissioner Butler voting against the item.

## GENERAL AGENDA

### MANHATTAN REGISTER OF HISTORIC PLACES NOMINATION - JESSE INGRAHAM HOUSE - 1724 FAIRCHILD AVENUE

Lance Evans, Senior Planner, presented the item; highlighted the houses' significant features and the additions made to the house; covered the registration process; highlighted the historic significance, historic integrity, and historic context for eligibility; and highlighted what type of work on the house in the future would require a Certificate of Appropriateness.

Cheryl Collins, owner, 1724 Fairchild Avenue, thanked the Commission for making it possible to recognize historical property; stated she has loved living in the house, in the neighborhood, and in Manhattan; and glad that Manhattan treasures its historic resources. She answered a question from the Commission and stated the windows are the original ones.

## GENERAL AGENDA (CONTINUED)

### MANHATTAN REGISTER OF HISTORIC PLACES NOMINATION - JESSE INGRAHAM HOUSE - 1724 FAIRCHILD AVENUE (CONTINUED)

Lance Evans, Senior Planner, answered questions from the Commission and stated that the historic designation runs with the land.

Cheryl Collins, owner, 1724 Fairchild Avenue, thanked City staff for all their help with the designation process.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion, Commissioner Morse moved to accept the recommendation from the Historic Resources Board and approve first reading of an ordinance, designating the Jesse Ingraham House, 1724 Fairchild Avenue, as a historic structure for placement on the Manhattan Register of Historic Places. Commissioner Reddi seconded the motion.

Commissioner Morse stated that she is a member of the Manhattan/Riley County Historic Preservation Alliance. She congratulated Cheryl Collins and Gary Clift for recognizing and taking the steps and trouble of undertaking the historic designation of their home.

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

### RESOLUTION NO. 051915-B – REVISED PETITION – STREET IMPROVEMENTS – BELLERIVE ADDITION AND CONGRESSIONAL ADDITION (ST1112); RESOLUTION NO. 051915-C – REVISED PETITION – WATER IMPROVEMENTS - BELLERIVE ADDITION AND CONGRESSIONAL ADDITION (WA1113)

Bill Raymond, City Attorney, presented the current allotment and boundary of specials for the Bellerive Addition and the new allotment of specials as a result of the revised petitions that reassess Tract A in the original Bellerive petitions (which is now Lots 2, 3, 5, and 6 in the Congressional Addition) among Lots 1-22 in the Congressional Addition and redefine the boundaries (*See Attachment No. 3*). He explained that the specials in the Bellerive Addition will remain unchanged and that the specials for Lots 1, 4, and 7-22 in the Congressional Addition will increase by an estimated amount of \$246.15 annually per lot whereas Lots 2, 3, 5, and 6 (former Tract A) will decrease and be assessed the same amount as the other lots in the Congressional Addition.

Jeff Hancock, SMH Consultants, provided historical background regarding the development of the Bellerive/Congressional area.

GENERAL AGENDA (CONTINUED)

**RESOLUTION NO. 051915-B – REVISED PETITION – STREET IMPROVEMENTS – BELLERIVE ADDITION AND CONGRESSIONAL ADDITION (ST1112); RESOLUTION NO. 051915-C – REVISED PETITION – WATER IMPROVEMENTS - BELLERIVE ADDITION AND CONGRESSIONAL ADDITION (WA1113) (CONTINUED)**

Ben Burton, owner, Lots 2 and 3 in the Congressional Addition, stated that his property are rentals and that all 22 lots in the Congressional Addition should be assessed the specials for Bellerive Addition water and street improvements versus just the four lots (2, 3, 5, and 6) which were the original Tract A. He informed the Commission that all individuals that are affected in this issue were contacted, even those in the Bellerive Addition.

Jeff Hancock, SMH Consultants, and Bill Raymond, City Attorney, answered questions from the Commission.

Rob Ott, Director of Public Works, stated that the developer gave everyone in the Bellerive and Congressional Additions an opportunity to voice an opinion and were provided notice of this meeting.

Ben Burton, owner, Lots 2 and 3 in the Congressional Addition, informed the Commission that contact was attempted several (approximately 5-6) times with the owner (Landmark Quality Homes, LLC, Jerry Istas) of Lots 18-22 in the Congressional Addition.

Rob Ott, Director of Public Works; Bill Raymond, City Attorney; and Ben Burton, owner, Lots 2 and 3 in the Congressional Addition, provided additional information regarding the item to the Commissioners.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion, Commissioner Butler moved to find the amended petitions sufficient and the amendments requested therein to be advisable; and approve and adopt Resolutions Nos. 051915-B and 051915-C amending Resolutions Nos. 092011-A and 092011-C by rescinding and replacing the proposed improvement district, estimated or probable cost, and method of assessment set forth within Resolutions Nos. 092011-A and 092011-C with the proposed improvement district, estimated or probable cost, and method of assessment set forth within Resolutions Nos. 051915-B and 051915-C for Bellerive Addition Street (ST1112) and Water (WA1113) Improvements. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

## EXECUTIVE SESSION

At 7:55 p.m., Commissioner Reddi moved to recess into Executive Session until 8:20 p.m. for the purpose of discussing personnel matters of non-elected personnel. Mayor McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

At 8:20 p.m., the Commission reconvened with Mayor McCulloh and Commissioners Reddi, Morse, and Butler in attendance.

## ADJOURNMENT

At 8:21 p.m. the Commission adjourned.

  
Brenda K. Wolf, CMC, Assistant City Clerk

**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.*

Attachment No. 1

***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 parking<sup>2</sup> 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. 1*

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**

<b>Use</b>	<b>Square Feet</b>	<b>Percentage</b>
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%

*Attachment No. 1*

**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 to 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.

*Attachment No. 1*

*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. 1*

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.

*Attachment No. 1*

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.*

*Attachment No. 1*

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.

*Attachment No. 1*

**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*

*Attachment No. 1*

*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,
- 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

*Attachment No. 1*

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 3<sup>rd</sup> story of the apartment building would make it economically infeasible to develop. The alternative when considering removing the 3<sup>rd</sup> 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.*

*Attachment No. 1*

*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.*

*Attachment No. 1*

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.*

*Attachment No. 2*

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.

*Attachment No. 2*

**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.

*Attachment No. 2*

- 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.

*Attachment No. 2*

- 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

*Attachment No. 2*

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.

*Attachment No. 2*

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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