



MINUTES
CITY COMMISSION MEETING
TUESDAY, MARCH 21, 2017
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Usha Reddi and Commissioners Linda Morse, Michael L. Dodson, Wynn Butler, and Karen McCulloh were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, Legal Counsel Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 15 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Reddi led the Commission in the Pledge of Allegiance.

COMMISSIONER COMMENTS

Mayor Reddi informed the community that on March 13-15, 2017, she, Commissioner McCulloh, City Manager Fehr, and Assistant City Manager Mangus attended the National League of Cities conference in Washington, DC, and also met with legislators and their respective staff members. She stated that the meetings were very productive and also discussed security issues at the Manhattan Regional Airport.

Commissioner Dodson provided information on the Fake Patty's Day event held in Aggieville on Saturday, March 11, 2017, and mentioned possible organizational efforts in the future. He acknowledged the Manhattan Fire Department, the Riley County Police Department, and the Riley County Emergency Medical Services crews that were on duty during the event.

Commissioner Butler stated that the number of incidents associated with Fake Patty's Day were less this year compared to last year. He stated that the Manhattan Fire Department and the Riley County Police Department did an outstanding job.

Mayor Reddi expressed her appreciation to all the governmental agencies involved with Fake Patty's Day, especially, to the residents, the Manhattan Fire Department, the Riley County Police Department, and the Riley County Emergency Medical Services.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, March 7, 2017.

CLAIMS REGISTER NOS. 2846 AND 2847

The Commission approved Claims Register Nos. 2846 and 2847 authorizing and approving the payment of claims from March 1, 2017, to March 14, 2017, in the amount of \$37,568.98 and \$2,524,854.71, respectively.

LICENSE

The Commission approved an annual Cereal Malt Beverages Off-Premises License for Ampride, 215 East Poyntz Avenue.

PUBLIC HEARING – VACATE EASEMENT – LOTS 18 AND 21, LEDGESTONE RIDGE, UNIT TWO

Mayor Reddi opened the public hearing.

Hearing no comments, Mayor Reddi closed the public hearing.

FIRST READING – VACATE EASEMENT – LOTS 18 AND 21, LEDGESTONE RIDGE, UNIT TWO

The Commission found that no private rights will be injured or endangered by such vacation, and approved first reading of an ordinance vacating a portion of the public utility easements on Lots 18 and 21 of Ledgestone Ridge, Unit Two.

RESOLUTION NO. 032117-A - PETITION - THE HIGHLANDS AT GRAND MERE AND PRAIRIE VILLAGE AT THE HIGHLANDS - STREET IMPROVEMENTS (ST1705)

The Commission found the petition sufficient, and approved Resolution No. 032117-A, finding the project advisable and authorizing construction for The Highlands at Grand Mere and Prairie Village at the Highlands Street Improvements (ST1705).

RESOLUTION NO. 032117-B - PETITION - THE HIGHLANDS AT GRAND MERE AND PRAIRIE VILLAGE AT THE HIGHLANDS - WATER IMPROVEMENTS (WA1710)

The Commission found the petition sufficient, and approved Resolution No. 032117-B, finding the project advisable and authorizing construction for The Highlands at Grand Mere and Prairie Village at the Highlands Water Improvements (WA1710).

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 032117-C - PETITION - THE HIGHLANDS AT GRAND MERE AND PRAIRIE VILLAGE AT THE HIGHLANDS - SANITARY SEWER IMPROVEMENTS (SS1714)

The Commission found the petition sufficient, and approved Resolution No. 032117-C, finding the project advisable and authorizing construction for The Highlands at Grand Mere and Prairie Village at the Highlands Sanitary Sewer Improvements east of the project along the property line with Colbert Hills Golf Course (SS1714).

RESOLUTION NO. 032117-D - PETITION - THE HIGHLANDS AT GRAND MERE AND PRAIRIE VILLAGE AT THE HIGHLANDS - SANITARY SEWER IMPROVEMENTS (SS1715)

The Commission found the petition sufficient, and approved Resolution No. 032117-D, finding the project advisable and authorizing construction for The Highlands at Grand Mere Sanitary Sewer Improvements (SS1715).

AGREEMENT - ENGINEERING SERVICES - THE HIGHLANDS AT GRAND MERE AND PRAIRIE VILLAGE AT THE HIGHLANDS - STREET (ST1705), WATER (WA1710), AND SANITARY SEWER IMPROVEMENTS (SS1714) (SS1715)

The Commission authorized the Mayor and City Clerk to execute an engineering services agreement with Schwab-Eaton, of Manhattan, Kansas, in an amount not to exceed \$152,309.00, for The Highlands at Grand Mere and Prairie Village at the Highlands Street (ST1705), Water (WA1710), and Sanitary Sewer Improvements (SS1714) (SS1715).

ACCEPT – 2017 FEDERAL FUNDS EXCHANGE

The Commission authorized City Administration to accept the Federal Funds exchange for 2017 in the amount of \$541,732.74 for future transportation projects.

AGREEMENT – ENGINEERING SERVICES – SOUTH DELAWARE AVENUE STORMWATER IMPROVEMENTS (SM1706, CIP #SW081P)

The Commission authorized the Mayor and City Clerk to execute an agreement for professional services in an amount not to exceed \$55,340.00 with Alfred Benesch Company, of Manhattan, Kansas, for the South Delaware Avenue Stormwater Improvements (SM1706, CIP #SW081P).

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – 2017 CURED-IN-PLACE-PIPE SEWER LINING PROJECT (SS1704)

The Commission awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$489,375.00 with SAK Construction, LLC, of O'Fallon, Missouri, for the 2017 Cured-in-Place-Pipe Sewer Lining Project (SS1704).

AWARD CONTRACT – 2017 SANITARY SEWER MANHOLE REHABILITATION PROJECT (SS1703)

The Commission awarded and authorized the Mayor and City Clerk to execute a contract in the amount of \$57,350.00 with Mayer Specialty Services, of Goddard, Kansas, for the 2017 Sanitary Sewer Manhole Rehabilitation Project (SS1703).

AMENDMENT NO. 3 – MOWING SERVICES

The Commission authorized the Mayor and City Clerk to execute contract mowing services extension Amendment No. 3 in the amount of \$37,925.00 with Little Apple Lawn and Landscape, of Manhattan, Kansas, for a term to terminate on October 31, 2017.

PURCHASE – ANIMAL CONTROL DIVISION – UNIT 169 – ¾-TON CARGO VAN (CIP #AS007E)

The Commission authorized the purchase of a 2017 Chevrolet ¾-ton cargo van (CIP #AS007E), for the Animal Control Division, from Ed Bozarth Chevrolet, of Topeka, Kansas, in the amount of \$23,080.00 (base bid in the amount of \$24,830.00 less trade-in of current Unit #169 in the amount of \$1,750.00), to be paid from the General Fund.

LEASE PURCHASE – PAINT MACHINE WITH PUSHER UNIT (CIP #AP065E)

The Commission authorized the purchase of a paint machine with pusher unit for the Manhattan Regional Airport from Vogel Traffic Services, Inc., dba EZ-Liner Industries, of Orange City, Iowa, in the amount of \$39,257.00, to be paid from the General Fund; authorized the disposal by Purple Wave Auction of the existing paint machine upon delivery of the new machine; and authorized the Mayor and/or City Clerk to execute the lease purchase agreement for the paint machine with pusher unit (CIP #AP065E).

CONSENT AGENDA (*CONTINUED*)

PURCHASE – 2017 POOL CHEMICALS

The Commission authorized City Administration to purchase muriatic acid for the amount of \$0.24 per pound, sodium bicarbonate for the amount of \$0.24 per pound, calcium chloride for the amount of \$0.25 per pound, sodium thiosulfate for the amount of \$0.69 per pound, and sodium hypochlorite for the amount of \$1.04 per gallon for treatment of the City pools for the 2017 season from Edwards Chemicals, Inc., of Elwood, Kansas, to be paid from the Parks and Recreation Swimming Pool Division Operation Budget General Fund.

WAIVE FEES – HABITAT FOR HUMANITY – 1026 YUMA STREET

The Commission approved the request from Manhattan Area Habitat for Humanity to waive the building permit fees and authorized payment of the water and sewer connection fees for the home being constructed by Habitat for Humanity at 1026 Yuma Street.

BOARD APPOINTMENTS

The Commission approved the following appointments by Mayor Reddi to various boards and committees of the City:

Arts and Humanities Advisory Board

Appointment of Hilary Wahlen, 3140 Bermuda Lane, to fill the unexpired term of Chris Boxberger. Ms. Wahlen's term begins immediately and will expire March 31, 2018.

Manhattan Urban Area Planning Board

Re-appointment of Gary Stith, 2517 Meadowood Drive, to a three-year term. Mr. Stith's term will begin May 1, 2017, and will expire April 30, 2020.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

Commissioner McCulloh moved to approve the consent agenda. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

SECOND CONSIDERATION/AGREEMENT - ECONOMIC DEVELOPMENT APPLICATION - K-STATE FOUNDATION

Jason Hilgers, Deputy City Manager, presented an overview of the economic development application and agreement with the K-State Foundation. He highlighted components of the economic development agreement and summary on the return on investment. He then responded to questions from the Commission regarding the wage structure and minimum hourly wage; monitoring process for the number of jobs being created; and informed the Commission that performance information would be provided as part of the annual economic development report.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

After discussion and comments from the Commission, Commissioner Morse moved to authorize the Mayor and City Clerk to execute an economic development incentive agreement with the K-State Foundation. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - AMEND FINAL DEVELOPMENT PLAN - LOT 2B, STONECREEK BUSINESS CENTER, UNIT FOUR, PLANNED UNIT DEVELOPMENT

Chad Bunger, Assistant Director of Community Development, presented an overview of the item. He highlighted the site plan, building floor plan, aerial photo of the site, and informed the Commission that the Manhattan Urban Area Planning Board recommended approval of the item with the condition recommended by City Administration. He then responded to questions from the Commission regarding the Planned Unit Development and potential of another entrance into the development.

Rob Ott, Director of Public Works, responded to questions from the Commission and provided clarification regarding access to the development.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

After discussion and comments from the Commission, Commissioner Morse moved to approve first reading of an ordinance amending Ordinance Nos. 6388 and 7185 and the approved Final Development Plan Lot 2B, Stonecreek Business Center, Unit Four, Planned Unit Development, to be known as the Final Development Plan of ENT Amendment, based on the findings in the Staff Report (*See Attachment No. 1*), with the condition recommended by City Administration. Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

FIRST READING - AMEND FINAL DEVELOPMENT PLAN - LOT 9, HERITAGE SQUARE SOUTH

Chad Bunger, Assistant Director of Community Development, presented an overview of the item. He highlighted the subject site, parking plan, Final Development Plan for Lot 9, and informed the Commission that the Manhattan Urban Area Planning Board approved the item, based on the findings in the Staff Report. He then responded to questions from the Commission regarding the daycare facility and the fence to be constructed.

Rob Ott, Director of Public Works, provided additional information on the item.

Chad Bunger, Assistant Director of Community Development, responded to additional questions from the Commission regarding the daycare facility and the location of a nearby liquor store.

Mayor Reddi opened the public comments.

Tim Schultz, Schultz Property Management, representing the owner of the building, informed the Commission that the fence would be a 6-foot separation fence and discussed the location and facility with the Kansas Department of Health and Environment and there were no issues. He responded to questions from the Commission and provided additional information on the work that would be completed. He stated that he was waiting on the final set of plans from Code Services.

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

After discussion and comments from the Commission, Commissioner McCulloh moved to approve first reading of an ordinance amending Ordinance No. 6607 and the approved Final Development Plan of Lot 9, Heritage Square South, Commercial Planned Unit Development, to be known as the Final Development Plan of Creche Daycare, based on the findings in the Staff Report (*See Attachment No. 2*). Commissioner Dodson seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 7:40 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

STAFF REPORT

AN AMENDMENT OF ORDINANCE NOS. 6388 AND 7185 AND THE APPROVED FINAL DEVELOPMENT PLAN OF LOT 2B STONECREEK PLANNED UNIT DEVELOPMENT, UNIT FOUR.

BACKGROUND

OWNER/APPLICANT: ENT Properties, Inc. – Eric Purdom

ADDRESS: 4201 Anderson Avenue, Building C, Manhattan, KS 66503

REQUEST: Amend Ordinance Nos. 6388 and 7185 of the Stonecreek Planned Unit Development (PUD) to allow for a new approximate 6,000 square foot medical office building on a separate locate created by a Lot Split of Lot 2, Stonecreek Addition Business Center, Unit 4.

LEGAL DESCRIPTION: Lot 2B, Stonecreek Business Center Addition, Unit Four

DATE OF PUBLIC NOTICE PUBLICATION: Monday October 26, 2015

LOCATION: Southeast of the intersection of Scenic Drive and Anderson Avenue

AREA: Total area is 14,201 square feet (0.326 acres)

DATE OF PUBLIC NOTICE PUBLICATION: Monday, February 13, 2017

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, March 6, 2017
CITY COMMISSION: Tuesday, March 21, 2017

EXISTING PUD

Ordinance

Ordinance No. 6388 rezoned the site from C-2, Neighborhood Shopping District to the Stone Creek PUD in February, 2004. The ordinance was approved with the following conditions of approval:

1. Permitted uses shall be limited to the permitted uses listed in the C-2, Neighborhood Shopping District, except for air conditioning, heating and plumbing sales, automobile service stations, convenience stores with gas pumps, and laundry establishments, as per the Manhattan Zoning Regulations.

Attachment No. 1

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. Except as noted, signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1), (2), (4), (5) (7) and (8); and Section 6-104 (B) (2); and, Section 6-104 (D) (1), of the Manhattan Zoning Regulations.

PROPOSED AMENDMENT

The Commercial PUD was approved with 4 proposed buildings, totaling 39,800 square feet of building footprint. To date, 34,575 square feet of commercial space has been approved through Final Development Plans, or administrative approval of minor modifications. Of that total square footage approved, 27,175 square feet of commercial space has been built or is in some stage of construction.

The site provides 158 off-street parking spaces within a shared common space for the development.

The site of the PUD Amendment was recently split from its parent tract using the administrative Lot Split procedure. The result of the Lot Split is 2 lots within Stonecreek Business Center, Unit 4. Lot 2A is 0.51 acres in area and is the site of the oral surgery and implant doctor's office, approved in November, 2016. Lot 2B is a 0.33 acre tract for the proposed PUD Amendment.

The proposed amendment is in the form of a Final Development Plan and is for a new approximate 6,000 square foot two-story office building. The building is shown at a setback of approximately 9-feet from the north property line and approximately 29-feet from the south property line, and approximately 9-feet from the east and west property lines. Roughly half of the building will be used for the Inspire ENT Sleep Lab. The interior of the building is typical of a medical office, consisting of doctor offices, exam rooms, reception areas, restrooms, employee break rooms and storage area.

The other half of the building is shown as a shell space to be occupied by a tenant at a later date.

Building Materials

The proposed exterior building materials is consistent with the character of the other existing buildings in the PUD. The building materials will consist of dry laid limestone veneer, lap siding, shingle siding and metal and stone architectural accents. The roof will be pitched and consist of architectural asphalt shingles with metal roof dormers. Gutters, downspouts and decorative cedar trusses are located below the eave overhangs.

Signage

Externally illuminated, wall signs consisting of pin-mounted lettering are proposed for business signage for the 2 business spaces. Each wall sign will be 2 feet tall and 4.5 feet wide (total of 9 square feet)

**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 Planned Unit Development, which is to provide for a business and professional office complex. The proposed amendment is to create a similar office building to be used as a sleep lab for the adjacent ears, nose and throat doctor office to the east and a shell space for a future tenant. The Amendment should not limit the original intent of 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 Amendment is made necessary because the proposed building is considered a substantial modification, as defined in Section 9-108. The PUD was originally approved with 4 office buildings with a total of 39,800 of gross floor area. The proposed amendment would create a fifth building and increasing the total floor area for the development to 40,575 square feet.

The changing conditions in and around the PUD is related to the market demand for the medical profession and office space needs.

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 not confer a special benefit to any one person. The Amendment allows for the expansion of the medical field and addresses market needs for professional office space. The proposed Amendment will result in a gain to the health, safety and general welfare of the public.

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

Attachment No. 1

- 1. LANDSCAPING:** Landscaping consisting of lawn, deciduous trees, evergreen shrubs, ornamental grasses and perennial plantings.
- 2. SCREENING:** The trash generated by the 2 commercial businesses on the site will be stored in a screened dumpster enclosure at the doctor's office location to the east.
- 3. DRAINAGE:** The site drains to the south to Wildcat Creek to a four (4) foot by six (6) foot stone culvert under Cumberland Road that flows in a natural channel to Wildcat Creek. No changes are proposed to the site that would impact the drainage on the site or in the immediate area.
- 4. CIRCULATION:** The internal circulation plan provides for safe, convenient and efficient movement of motorists and pedestrians which minimizes conflicts between motorists and pedestrians. An internal drive consisting of a travel easement provides public access to the subject site and associated parking from Anderson Ave.

Off-street Parking

One hundred fifty-eight (158) parking spaces are located within the PUD. The PUD was approved using a parking ratio generally consistent of medical professional offices, which is 5.5 spaces per 1,000 square feet of building area. Using this parking ratio of the existing buildings and buildings either under construction or previously approved, 189 off-street parking spaces are required. However, not all tenant spaces are being used as doctor's office. There is a fitness center located in an existing building to the north of the site. Also, the approved, but not constructed building on Lot 3 (northwest corner of the development) and the shell space in this proposed building could be used for business offices. These uses have less of an off-street parking requirement than a medical professional office. Based on the mix of professional offices in the development, off-street parking should be adequate for the current and future uses.

- 5. OPEN SPACE AND COMMON AREA:** The open space and common areas are established within the PUD. The proposed amendment does not alter existing open space or common areas.
- 6. CHARACTER OF THE NEIGHBORHOOD:** The site is at the western edge of the existing City limits. It is located southeast of the intersection of Scenic Drive and Kimball Avenue, and Anderson Avenue intersections. Kimball Avenue is a major northern access route to the City, and Scenic Drive is a major southern route towards Manhattan Airport, Fort Riley and Junction City. Anderson Avenue extends to the west towards the cities of Keats and Riley, and into the City to the east. The adjacent section of Anderson Avenue and Seth Child Road is currently undergoing an improvement project to widen and improve the street to an urban section with sidewalks, curbs and gutters. The remainder of

the neighborhood is characterized by a mix of low-density rural development and farmlands to the west, and multi-family apartments, single-family residential neighborhoods and parkland to the northeast and east. The site is in a growth corridor for the City of Manhattan.

MATTERS TO BE CONSIDERED WHEN REZONING

1. EXISTING USE: The Stonecreek PUD includes a mix of Business and Professional Offices.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is partially developed with buildings, parking, and mature landscaped areas. There is one remaining lot that has yet to be improved with development.

3. SURROUNDING LAND USE AND ZONING:

(a.) NORTH: Anderson Avenue right-of-way (ROW), neighborhood commercial center under construction, and single-family and two-family homes; C-2, Neighborhood Commercial District, R-2, Two-Family Residential District R-1, Single-Family Residential District, and R, Single-Family Residential District.

(b.) SOUTH: Cumberland Road ROW, undeveloped agricultural land, Wildcat Creek; County G-1, General Agricultural District.

(c.) EAST: Medical office, Cumberland Road ROW, multiple-family apartment complex; C-2 District, and R-3, Multiple-Family Residential District.

(d.) WEST: Medical office building under construction, Scenic Drive ROW, and Blueville Nursery; PUD, C-5, Highway Service Commercial District.

4. CHARACTER OF THE NEIGHBORHOOD: See above.

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The PUD has been in place since 2004, and is suitable for the uses permitted within the district.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: The proposed Amendment is consistent with the existing PUD. The proposed building will be similar in use and architectural style as other buildings in the development. Adequate shared off-street parking is provided for the entire development. The proposed Amendment should not have detrimental effects on nearby properties.

6. CONFORMANCE WITH COMPREHENSIVE PLAN: The Manhattan Urban Area Comprehensive Plan shows the site as Neighborhood Commercial Center (NCC), which is intended to provide a range of services for residential areas, including supermarkets, restaurants, convenience stores, drycleaners, drugstores, filling stations, smaller specialty shops, retail and health services, and business and professional offices. Sites are typically on a smaller scale (1-3 acres) and should be located at the intersection of arterial and collector streets. Main entrances should be integrated with the surrounding street network. Building materials should reflect the surrounding architectural character. In addition, the site is located in the West Anderson Corridor (WAC) Special Planning Area.

NCC policies include:

NCC-1: Characteristics

Neighborhood Commercial Centers are intended to provide a range of services for residential areas, including supermarkets, restaurants, convenience stores, drycleaners, drugstores, filling stations, smaller specialty shops, retail and health services, and business and professional offices. Neighborhood centers will vary in scale and character. Smaller, limited use centers may be fully integrated into the surrounding neighborhood and be accessed comfortably by foot or bicycle; while larger centers will function more independently, providing ample parking and numerous stores. Mixed-Use Neighborhood Centers that also incorporate residential uses are appropriate in a master planned setting. Neighborhood Centers often serve more than one nearby neighborhood in order to maintain sufficient economy of scale.

NCC-2: Location

Neighborhood centers should generally be located at the intersection of arterial and collector streets. However, smaller centers with limited uses may be appropriate within a residential area at the intersection of two collector streets, or at the intersection of a collector and a local street, provided they are designed to be compatible with the surrounding neighborhood and meet a minimum level of design criteria.

NCC-3: Size

Neighborhood centers typically require a site of approximately 10 acres, but may vary, ranging from as small as 1-3 acres to as large as 15-20 acres depending on the size of its service area and the extent of its mixed-use characteristics.

NCC-4: Circulation and Access

Integrate main entrances and driveways with the surrounding street network to provide clear connections between uses for vehicles, pedestrians, and bicycles. Provide clear, direct pedestrian connections between uses within the center, to the surrounding neighborhood, and to transit stops.

NCC-5: Transitions between Uses

Provide attractive transitions between the center and surrounding neighborhoods, while not limiting access between the center and the neighborhood for all modes of travel. Transitions can be accomplished by stepping down the height of taller structures when developing towards nearby residences, providing landscape buffers or screening, or similar means. Use creative design to avoid simply “walling” off residential areas from neighborhood centers.

West Anderson Corridor (WAC)

Background and Intent

The West Anderson Corridor is contiguous to the western boundary of Manhattan and is considered as an area for potential future growth. The scenic quality of the corridor is significant, defined by the Wildcat Creek Riparian area, which bounds its southern edge and by the lush agricultural lands that extend south from Anderson Avenue to the creek. The corridor will remain primarily rural in nature within the near-term or until such time as utility services are available. To the extent possible, both the scenic quality and availability of developable land within the corridor should be preserved. As the market for growth in the corridor emerges, compatibility with Fort Riley and specific recommendations made by the 2005 Flint Hills Joint Land Use Study are a key consideration.

Policies

WAC-1: Preservation of Wildcat Creek Riparian Corridor

Design land use patterns in the Wildcat Creek Corridor to protect natural features, including steep slopes, native vegetation, riparian corridors, streams, and wetlands, in accordance with the adopted Wildcat Creek Floodplain Management Plan.

WAC-2: Future Growth Area

The West Anderson Corridor is identified as a potential future growth area, dependent upon the timing, and availability of infrastructure and urban services. Evaluate development proposals within the West Anderson Corridor based upon their compatibility with the area’s potential for future urban development and the recommendations of the 2005 Flint Hills Joint Land Use Study. Discourage isolated parcels of development that will lead to fragmented patterns of urban development.

WAC-3: Future Neighborhood Services and Residential Development

The West Anderson Corridor provides potential for additional Neighborhood Commercial services and specialty stores in the vicinity of the Anderson Avenue–Scenic Drive intersection. Explore the provision of low to medium density housing along the south side of Anderson Avenue, transitioning to the riparian open space corridor, along Wildcat Creek.

WAC-4: Multi-modal Connectivity

As development opportunities emerge, explore and implement opportunities to enhance multi-modal connections between the West Anderson Corridor and existing multi-modal facilities in other parts of the Planning Area.

The proposed PUD amendment conforms to the Comprehensive Plan.

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

| | |
|--------------------|---|
| June 1, 1998 | Manhattan Urban Area Planning Board recommends approval of annexation request. |
| June 16, 1998 | City Commission approves first reading of annexation. |
| August 3, 1998 | Manhattan Urban Area Planning Board tables public hearing on Concurrent Plats and rezoning, due to a lack of a quorum. |
| August 17, 1998 | Manhattan Urban Area Planning Board recommends approval of rezoning from County G-1, General Agricultural District, to C-2, Neighborhood Shopping District, and approves the Final Plat of the Stone Creek Addition. |
| September 1, 1998 | City Commission approves first reading of rezoning. |
| September 15, 1998 | City Commission approves second reading of Ordinance Nos. 6030 and 6031, annexing and zoning the Stone Creek Addition and the adjacent Anderson Avenue and Cumberland Road rights-of-way; and accepts the easements and rights-of-way as shown on the Final Plat of the Stone Creek Addition. |
| January 5, 2004 | Manhattan Urban Area Planning Board recommends approval of the rezoning of Lot 2, Stone Creek Add, from C-2 District, to Commercial PUD. |

Attachment No. 1

- January 20, 2004 City Commission approves first reading of the Stonecreek PUD.
- February 3, 2004 City Commission approves Ordinance No. 6388, rezoning of Lot 2, Stone Creek Add, from C-2 District, to Commercial PUD.
- March 1, 2004 Manhattan Urban Area Planning Board approves Phase 1 of the Final Development Plan and the Final Plat of Stonecreek Business Center Addition, a Replat of Lot 2, Stone Creek Addition.
- March 16, 2004 City Commission accepts easements and rights-of-way of the Final Plat of the Stonecreek Business Center Addition.
- May 15, 2006 Manhattan Urban Area Planning Board approves the Final Plat of Stonecreek Business Center Addition, Unit Two, a Replat of Lot 4, Stonecreek Business Center Addition.
- June 6, 2006 City Commission accepts easements and rights-of-way of the Final Plat of the Stonecreek Business Center Addition, Unit Two.
- November 16, 2015 Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6388, and approved the Final Development Plan of the Stonecreek Planned Unit Development, based on the findings in the staff report, with one condition of approval, for a proposed entrance sign.
- December 1, 2015 City Commission approves first reading of an ordinance amending Ordinance No. 6388, and the Final Development Plan of the Stonecreek Planned Unit Development.
- December 15, 2015 City Commission approves Ordinance No. 7185 amending Ordinance No. 6388 and the Final Development Plan of the Stonecreek Planned Unit Development for the proposed sign.

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 the intent and purposes of the Zoning Regulations, and the intent of the PUD 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 adverse affects on the public and no relative gain would be accomplished by denial. Denial of the amendment would be a hardship on the owner because no adverse effects on the public are expected.

11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public streets, sewer, and water are available to serve the site and the proposed use.

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS AND RECOMMENDATION: Because this PUD Amendment reaches and marginally exceeds the originally approved building square footage. City Administration is recommending a condition of approval that any future building expansions to the approved PUD's Final Development Plan shall require a PUD Amendment.

City Administration recommends approval of the proposed amendment of Ordinance Nos. 6388 and 7185 and the approved Final Development Plan of Lot 2B, Stonecreek Business Center, Unit Four Planned Unit Development, subject to the following condition of approval:

1. Any future building expansions shall require a PUD Amendment.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance Nos. 6388 and 7185 and the approved Final Development Plan of Lot 2B, Stonecreek Business Center, Unit Four Planned Unit Development, to be known as the Final Development Plan of ENT Amendment, stating the basis for such recommendation, with the conditions listed in the Staff Report.
2. Recommend denial of the proposed amendment of Ordinance No. 6388 and 7185 and the approved Final Development Plan of Lot 2B, Stonecreek Business Center, Unit Four Planned Unit Development, to be known as the Final Development Plan of ENT Amendment, stating the specific reasons for denial.
3. 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 Nos. 6388 and 7185 and the approved Final Development Plan Lot 2B, Stonecreek Business Center, Unit Four Planned Unit Development, to be known as the Final Development Plan of ENT Amendment, based on the findings in the staff report, with the condition recommended by City Administration.

PREPARED BY: Chad Bunger, AICP, CFM, Assistant Director

DATE: February 23, 2017

STAFF REPORT

AMEND ORDINANCE NOS. 6607, 6991, 7010, 7035, 7062, 7139, AND THE APPROVED FINAL DEVELOPMENT PLAN OF LOT 9, HERITAGE SQUARE SOUTH COMMERCIAL PLANNED UNIT DEVELOPMENT.

BACKGROUND

APPLICANT/ OWNER: Schultz Property Management, Inc. – Tim Schultz

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

LEGAL DESCRIPTION: Lot 9, Heritage Square South P.U.D.

LOCATION: Generally located to the south of the intersection of U.S. Highway 24 and South Port Road. (see attached location map)

AREA: 115,257 square feet (2.646 acres)

DATE OF NEIGHBORHOOD MEETING: Tuesday, January 31, 2017.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, February 25, 2017

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, March 6, 2017
CITY COMMISSION: Tuesday, March 21, 2017

EXISTING PUD:

EXISTING PUD AFFECTING LOT 9

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.

Attachment No. 2

2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Light poles shall be provided as described in the application documents. Exterior building lighting shall be provided as proposed and be of a cut-off design, so as to not cast direct light or glare onto streets or adjacent property.
5. Ground Signs shall be permitted and constructed as proposed.
6. Wall signs shall be permitted as proposed.
7. One (1) pole sign shall be permitted per lot on Lots 6, 7, 8 and 10, and no pole signs shall be permitted on Lots 1, 2, 3, 4, 5 and 9. Pole signs shall have a maximum total height of 50 feet above the ground; shall not exceed a maximum total 120 square feet in area; and shall include skirting of the pole. The skirting and the base of pole signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and, pole signs shall include an enhanced landscaped area around the base.
8. Exempt signage shall be permitted as described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited. *See Article VI, Section 6 -102 (A)(2) under the amended sign regulations for exempt signage.*
9. Traffic and drainage improvements to US-24 shall be provided as required by the Kansas Department of Transportation, and the applicant shall submit with the Final Plat either the approved access permit, or a letter from a KDOT representative authorizing the project based on the approved concept.
10. Drainage improvements shall be provided as proposed in the application documents and as per the City Engineer's requirements.
11. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 2, 3, 4, 5, 7, 8 and 10.

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 9**

Proposed Use and Building: The proposed PUD Amendment is to allow for Group Day Care Centers as a permitted use on Lot 9. Group Day Care Centers are defined by the Manhattan Zoning Ordinance as “A facility which is primarily designed, intended, or used for the providing of care for seven (7) or more children, for part or all of a day, away from the home of the parent or legal guardian.”

This PUD site was most recently a sit down restaurant with an outdoor seating area to the north of the building. The applicant proposes to renovate this portion of the multi-tenant commercial building to provide a secured Group Day Care Center for Creche Daycare that will serve up to 90 children. The Group Day Care Center will consist of classrooms for infants to preschool children, office spaces, reception area, storage and restrooms. The outdoor seating area will be converted to a fenced-in playground area. This fenced-in playground area will also encompass a portion of the open yard space to west of the building.

Proposed Signs: No specific signage has been proposed for the new use. The PUD originally allowed wall signs based on the original Final Development Plan. This requirement of the PUD will be applied to the signage for the proposed group day care center.

Proposed Lighting: Exterior lighting of the site include off-street parking lot light poles and pedestrian scaled lighting on the building and under its overhangs. No changes to the exterior lighting on the building or the lot are proposed.

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 Final Development Plan a 33,000 square foot multi-tenant commercial building and accessory off-street parking lot.

The proposed PUD Amendment should not limit the original use of development lot and will promote the efficient use of the site, and PUD, by allowing the continued use of a major space in 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 amendment is made necessary because the PUD did not allow Group Day Care Centers as a permitted use. As the applicant states, the space for the proposed Group Day Care Center is to be located where 2 separate restaurants had not been successful, for various reasons. The conversion of the tenant space to the Group Day Care Center will allow for use that is compatible to the development and surround areas.

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 space in the development. The amendment is necessary because of the condition of the approval of the Ordinance creating the PUD and not because the amendment will confer a special benefit to any person.

ADDITIONAL MATTERS TO BE CONSIDERED WHEN AMENDING A PLANNED UNIT DEVELOPMENT

1. LANDSCAPING: The site's established landscaping consisting of ornamental trees, shrubs, perennials, grasses and lawn areas. The outdoor play area for the group day care center will include the existing outdoor seating area of the previous restaurants and fencing in the grass yard area to the west of the building. This area will provide for playground areas for the group daycare children. The fenced in area will convert 2,700 square feet of open grass yard into the playground. The total playground area will be approximately 4,400 square feet.

2. SCREENING: A six (6) foot tall metal fence will be provided around the playground area for security of the children.

3. DRAINAGE: The site currently drains towards South Port Drive, which circles the site. The stormwater run off enters the public stormwater system. No changes to the drainage pattern are proposed. The site is not located within a regulated floodplain (*see Physical & Environmental Characteristics below*).

4. CIRCULATION: The existing street system provides an internal circulation pattern for the development which is safe, convenient and efficient for movement of goods, motorists, and pedestrians. No changes to the circulation patterns for the site are proposed. Parents, visitors and employees will use the existing entrances to the building.

Attachment No. 2

The building space will be access restricted per requirements of the Kansas Department of Health and Environment.

Pedestrian Access. Pedestrians access is provided by existing sidewalks along South Port Drive and sidewalks internal to the site.

Traffic. Due to nature of the PUD Amendment, a traffic study was not required by the City Engineer.

Off-Street Parking. One hundred and fifty-nine (159) off-street parking spaces are located on the site. No changes to the off-street parking lot layout are proposed. The site was approved as a multi-tenant commercial space. The site originally was planned for a restaurant. The establishment of the group daycare center at the space will generate less parking than the previous use.

5. OPEN SPACE/LANDSCAPED AND COMMON AREA: As stated the landscaping and lawn areas established on the site. The outdoor play area will fence in approximately 2,700 square feet of the open lawn area to the west of the building.

6. CHARACTER OF THE NEIGHBORHOOD: The neighborhood is generally characterized as a major highway service commercial 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 multi-tenant commercial building. The group daycare center is proposed in a space previously a sit down restaurant.

2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site relatively flat, lot within the circle created by 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:, South Port Drive ROW, Short Stop Convenience Store, Bubble Wash self-service car wash, U.S.-24 Highway ROW and undeveloped tract (future Heritage Square North); Heritage Square South PUD, C-5, Highway Service Commercial District.

(b.) SOUTH: South Port Drive ROW, Midway Wholesale, Salisbury Supply Retail sales and Midwest Exteriors; Heritage Square South PUD.

(c.) **EAST:** South Port Drive ROW, Vacant commercial property, Leizsler Corporate Headquarters and Warehouse, Widget Fun Center; Heritage Square South PUD.

(d.) **WEST:** South Port Drive ROW, Tractor Supply Store; Heritage Square South PUD.

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

5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable under the current zoning district. The PUD was established to provide a wide array of commercial uses generally following the C-5, Highway Service Commercial District. The specific site was approved to provide a multi-tenant commercial building. The C-5 District does not permit Group Day Care Centers. However, considering the broad range of commercial uses allowed in the PUD, the Group Day Care Center is suitable for the development and should not adversely impact adjacent properties.

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 site of the proposed Group Day Care Center was previously a sit down restaurant. The proposed PUD Amendment should be less intensive than the restaurant. The proposed use will most likely generate traffic that is concentrated at different times (i.e. before 8:00 am and after 5:00 pm) than the other businesses within the multi-tenant commercial development. The applicant has stated in the application information that the previous restaurants created parking issues for the development due to conflicting traffic generation with other businesses in the area.

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.

Attachment No. 2

- 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.
- 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.

Attachment No. 2

- 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.
- 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.

Attachment No. 2

- 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 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

Attachment No. 2

- 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.
- April 20, 2015 Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance No. 6607 and Ordinance No. 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development, with two conditions of approval.

Attachment No. 2

- May 5, 2015 City Commission approves first reading of an ordinance amendment of Ordinance No. 6607 and Ordinance No. 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development.
- May 19, 2015 City Commission approves Ordinance No. 7139 amending Ordinance Nos. 6607 and 7062, and the Preliminary Development Plan for Lot 2, Heritage Square South, Unit Three, Commercial Planned Unit Development, to be known as the Final Development Plan of Leiszler Oil Company, Lot 5, Heritage Square South, Unit Four, Commercial Planned Unit Development.
- May 19, 2015 City Commission accepts the easements and rights-of-way as shown on the Final Plat of Heritage Square South, Unit Four, Commercial Planned Unit Development.
- August 17, 2015 Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance Nos. 6607, 7062 and 7139, and the Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial PUD, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial PUD, based on the findings in the Staff Report.
- September 1, 2015 City Commission approves first reading of an ordinance amending the PUD as proposed.
- September 15, 2015 City Commission approves Ordinance No. 7166 amending Ordinance Nos. 6607, 7062, and 7139 and the Preliminary Development Plan for Lot 4, Heritage Square South Unit Four, Commercial Planned Unit Development, generally located southeast of the intersection of South Port Drive and US-24 Highway, to be known as the Final Development Plan of Midland Exteriors, Lot 4, Heritage Square South, Unit Four, Commercial Planned Unit Development.

Attachment No. 2

- January 21, 2016 Manhattan Urban Area Planning Board recommends approval of the proposed amendment of Ordinance Nos. 6607, 7062 and 7139, and the Preliminary Development Plan for Lot 2, Heritage Square South Unit Four, Commercial Planned Unit Development, to be known as the Final Development Plan of Family Fun Center, Lot 2, Heritage Square South, Unit Four, Commercial Planned Unit Development, based on the findings in the Staff Report.
- February 16, 2016 City Commission approves first reading of an ordinance amending the PUD, as proposed for a family fun center.
- March 1, 2016 City Commission approves Ordinance No. 7202 amending Ordinance Nos. 6607, 7062, and 7139 and the Preliminary Development Plan for Lot 2, Heritage Square South Unit Four, PUD, to be known as the Final Development Plan Lot 2, Heritage Square South, Unit Four.
- October 3, 2016 Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Heritage Square North from Pottawatomie County CH, Highway Commercial District, to C-5, Highway Service Commercial District; and, approved the Preliminary Plat for Heritage Square North with six (6) conditions of approval.

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 PUD Amendment is required because the Group Day Care Center was not permitted with the original PUD Ordinance. The proposed Amendment is consistent with the other existing and permitted uses established with Ordinance No. 6607.

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

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

12. OTHER APPLICABLE FACTORS: None

13. STAFF COMMENTS: All provisions of Ordinance Nos. 6607, 6991, 7010, 7035, 7062, 7139, 7166, and 7202 that are not in conflict with this amendment shall remain in force.

City Administration recommends approval of the proposed amendment of Ordinance Nos. 6607, 6991, 7010, 7035, 7062, 7139, 7166, and 7202, and the approved Final Development Plan for Lot 9, Heritage Square South, Commercial Planned Unit Development for the proposed Group Day Care Center.

ALTERNATIVES:

1. Recommend approval of the proposed amendment of Ordinance Nos. 6607, 6991, 7010, 7035, 7062, 7139, 7166, and 7202 and the approved Final Development Plan of Lot 9, Heritage Square South, Commercial Planned Unit Development, to be known as the Final Development Plan of Creche Daycare, stating the basis for such recommendation.
2. Recommend approval of the proposed amendment of Ordinance Nos. 6607, 6991, 7010, 7035, 7062, 7139, 7166, and 7202 and the approved Final Development Plan of Lot 9, Heritage Square South, Commercial Planned Unit Development, to be known as the Final Development Plan of Creche Daycare, 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 Nos. 6607, 6991, 7010, 7035, 7062, 7139, 7166, and 7202 and the approved Final Development Plan of Lot 9, Heritage Square South, Commercial Planned Unit Development, to be known as the Final Development Plan of Creche Daycare, stating the basis for such recommendation.

Attachment No. 2

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 Nos. 6607, 6991, 7010, 7035, 7062, 7139, 7166, and 7202 and the approved Final Development Plan of Lot 9, Heritage Square South, Commercial Planned Unit Development, to be known as the Final Development Plan of Creche Daycare, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, AICP, CFM, Assistant Director of Community Development

DATE: February 28, 2017