

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
May 19, 2008
7:00 p.m.

MEMBERS PRESENT: George Ham Vice-Chair; Jerry Reynard; Mike Hill; Mike Kratochvil; and Bill Meredith.

MEMBERS ABSENT: Stephanie Rolley, Chairperson; Nikki Miller.

YOUTH IN GOVERNMENT:

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Cam Moeller, Planner II; Steve Hampton, Engineer III.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

1. **APPROVE THE MINUTES OF THE MAY 5, 2008, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**
2. **APPROVE THE FINAL PLAT OF GATEWAY SUBDIVISION, NO. 2, GENERALLY LOCATED AT THE WALGREENS DRUG STORE SOUTH OF BLUEMONT AVENUE, WEST OF N. 3RD STREET, EAST OF N. 4TH STREET, AND NORTH OF MORO STREET. (OWNERS: DIAL MANHATTAN LLC; AND WG-7060 KS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, C/O WACHOVIA DEVELOPMENT CORPORATION/APPLICANT: DIAL MANHATTAN LLC AS AGENT FOR MACOMB MALL HOLDING LLC, SCHOSTAK BROTHERS AND CO.)**

Kratochvil moved that the Planning Board approve the Consent Agenda. Meredith seconded the motion, which passed on a vote of 5-0.

GENERAL AGENDA

1. **TABLE THE PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT OF BARTON PLACE ADDITION, UNIT TWO, GENERALLY LOCATED SOUTH OF WILDCAT CREEK AND APPROXIMATELY 950 FEET WEST OF AMHERST AVENUE. (OWNER/APPLICANT: CEDAR HILLS DEVELOPMENT CORP. - FRANK TILLMAN)**

Hill moved that the Planning Board table the item to the June 2, 2008 Manhattan Urban Area Planning Board meeting.

The motion was seconded by Reynard and passed on a vote of 5-0.

Kratochvil asked whether staff was comfortable that the application would be ready for the June 2nd meeting. Zilkie said he was pretty comfortable that it would be ready.

2. **A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF THE FINAL DEVELOPMENT PLAN AND ORDINANCE NO. 6203 OF THE FINAL DEVELOPMENT PLAN OF THE WALGREENS PUD; AND, REZONE LOT 87, WARD 2, FROM C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT, TO PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT. LOT 87 WILL BECOME A PART OF THE WALGREENS PUD TO ACCOMMODATE A PROPOSED RELOCATION OF THE EXISTING RIGHT IN/RIGHT OUT ON BLUEMONT AVENUE AND OTHER IMPROVEMENTS TO THE WALGREENS SITE GENERALLY LOCATED SOUTH OF BLUEMONT AVENUE BETWEEN N. 4TH STREET AND N. 3RD STREET AND NORTH OF MORO STREET. (OWNERS: DIAL MANHATTAN LLC; AND WG-7060 KS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, C/O WACHOVIA DEVELOPMENT CORPORATION/APPLICANT: DIAL MANHATTAN LLC AS AGENT FOR MACOMB MALL HOLDING LLC, SCHOSTAK BROTHERS AND CO.)**

Zilkie presented the staff report and recommended approval based on the findings in the Staff Report with three (3) conditions.

Ham opened the Public Hearing.

Bob Welstead, Dial Realty, said they had been working with Walgreen's for 2 to 3 years. Welstead said the new configuration will be safer for the Walgreen's drive-thru and better with respect to parking. Welstead said the Walgreen's engineering department had given approval of the relocation in late 2006.

Ham closed the Public Hearing with no one else speaking.

Hill said that not many times is there a second chance to improve a less than ideal situation and said he appreciated Dial's efforts to accomplish this.

Hill moved that the Board recommend approval of the proposed Amendment to Final Development Plan of the Walgreens No. 1, Commercial Planned Unit Development; and, the rezoning of Lot 87, Ward 2, from C-5, Highway Service Commercial District, to PUD, Commercial Planned Unit Development District, with the following conditions:

1. 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 approval of the plans for the right in/right out along Bluemont Avenue.

2. All landscaping and irrigation shall be maintained in good condition.
3. The Final Development Plan for Lot 1, Lot 2, and Lot 3 shall be subject to the conditions of approval of Ordinance No. 6203.

Meredith seconded the motion, which passed on a vote of 5-0.

3. **A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED MCCALL CATS COMMERCIAL PLANNED UNIT DEVELOPMENT, AN APPROXIMATE FOUR (4) ACRE TRACT OF LAND FROM C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT, C-6, HEAVY COMMERCIAL DISTRICT, AND, PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT, TO PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF MCCALL ROAD AND HAYES DRIVE, A PORTION OF WHICH FRONTS ON HOSTETLER DRIVE. THE PROPOSED COMMERCIAL PUD WILL CONSIST OF A BROAD RANGE OF HIGHWAY SERVICE COMMERCIAL USES ON THREE (3) LOTS. (OWNERS/APPLICANTS: DW, LLC (DAVE DREILING); S & B MOTELS, INC. (STAN WEILERT); AND, WILDCAT CUSTARD, LLC (RON OBERG).)**

Zilkie presented the Staff Report and recommended approval based on the findings in the Staff Report with ten (10) conditions.

Kratochvil asked if there was enough right-of-way on McCall Road for left turn lanes into the development. Zilkie noted that McCall is improved to an urban standard and said he would defer to the consultant or City Engineering staff to answer the question about the left turn lanes.

Ham opened the Public Hearing.

Jeff Hancock, consultant with Sloan Meier Hancock, represented the applicants. Hancock said that McCall Road is 5-lanes with two-way center left turn lanes rather than independent left turn lanes. Hancock noted how they have consolidated several existing driveways on McCall.

Kratochvil thanked Hancock for the clarification.

Ham closed the Public Hearing with no one else speaking.

Meredith moved that the Board recommend approval of the proposed rezoning of McCall Cats PUD from C-5, Highway Service Commercial District, C-6, Heavy Commercial District, and PUD, Commercial Planned Unit Development District, to

PUD, Commercial Planned Unit Development District, with the following conditions:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-5, Highway Service Commercial District, except for: Adult Businesses as defined by the Code of Ordinances; Amusement Parks; Churches, chapels, temples and synagogues; Construction equipment sales and rentals; Motorcycle sales or repair; Animal hospitals; Broadcasting studios with large outdoor towers; Kennels; Outdoor movie theaters; Schools; and Convenience Stores and other businesses with underground fuel storage.
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 and shall be full cutoff design. Building lighting shall be provided as proposed and shall not cast direct light onto public or private streets or adjacent property.
5. Ground entry and skirted poles signs shall be permitted as proposed.
6. The skirted pole signs shall include a three (3) foot tall masonry planter around the base, incorporating masonry materials similar to those used in the building, and landscaping within the planter.
7. Wall signs shall be permitted as proposed.
8. Temporary banner signs shall be limited to no more than one (1) banner sign per lot. Exempt signage shall include signage 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. Advertising signs (off-site signs) shall be prohibited in the PUD.
9. Prior to issuance of a certificate of occupancy for a building on proposed Lot 3, the existing off-site advertising sign shall be removed.
10. Prior to the development of Lot 2, an amendment of the PUD shall be submitted and approved prior to issuance of any required permits.

Reynard seconded the motion, which passed on a vote of 5-0.

4. REPORTS AND COMMENTS BY BOARD MEMBERS

There were no reports or comments.

Respectfully submitted,

Cam Moeller, AICP
Planner II – Long Range