

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
November 3, 2008
7:00 p.m.

MEMBERS PRESENT: Jerry Reynard, Chairperson; Stephanie Rolley, Vice-Chairperson; Mike Hill; Mike Kratochvil; Bill Meredith; and, Nikki Miller.

MEMBERS ABSENT: George Ham.

YOUTH IN GOVERNMENT: None.

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Cam Moeller, Planner II; Chad Bunger, Planner; and, Rob Ott, City Engineer.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE SEPTEMBER 4, 2008, AND OCTOBER 20, 2008, MANHATTAN URBAN AREA PLANNING BOARD MEETINGS.

APPROVE THE FINAL DEVELOPMENT PLAN OF THE PENNY'S CONCRETE INDUSTRIAL PUD AND THE FINAL PLAT OF THE PENNY'S ADDITION, GENERALLY LOCATED SOUTH OF THE INTERSECTION OF EUREKA DRIVE AND EUREKA TERRACE. (APPLICANT: PENNY'S CONCRETE-DAVID HOOVER/OWNER: SSF DEVELOPMENT, INC/)

Rolley moved that the Board approve the Consent Agenda. Meredith seconded the motion, which passed on a vote of 5-1, with Kratochvil opposed.

GENERAL AGENDA

A PUBLIC HEARING TO REZONE A ONE-HALF (1/2) ACRE TRACT OF LAND CONSISTING OF 2005 AND 2011 TECUMSEH ROAD AND THE APPROXIMATE THE NORTH TWELVE FEET OF 2012 COLLEGE VIEW ROAD, FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT. THE PROPOSED TECUMSEH LOFTS WILL CONSIST OF A TWELVE UNIT APARTMENT BUILDING AND AN EXISTING TWO-FAMILY DWELLING UNIT. (APPLICANT: KAIL KATZENMEIR/OWNERS: GOLDA WILSON TRUST C/O THE TRUST COMPANY OF MANHATTAN AND CAPSTONE DEVELOPMENT-KAIL KATZENMEIR)

Bunger presented the staff report and recommended approval with conditions.

Kratochvil asked for clarification that both the multiple-family apartment building and the two-family dwelling were a part of the proposed PUD. Bunger said that was correct.

Hill asked about the proposed density of the development. Bunger confirmed that the density would be 28 dwelling units per acre. Hill then asked if this development falls within the M-FRO, Multi-Family Redevelopment Overlay District or would be required to follow the design standards in the overlay district. Bunger said that it is not in the M-FRO District and that it would not be required to follow the same standards.

Hill asked what the total amount of green space that is associated with the development. Bunger stated that it was approximately 53% and that did not include the proposed or existing parking spaces.

Reynard opened the public hearing.

Kail Katzenmeier, applicant, provided additional information about the development and gave some background to the existing two-story structure located at 2005 Tecumseh Road.

Sarah Cunnick, 2010 College View Road, spoke against the proposed rezoning. Her concerns include the screening of the proposed apartment building and the impact of the development on existing flooding conditions. Cunnick provided information on the existing drainage problems and the flooding that occurs along Tecumseh Road and Quivera Road. Cunnick provided pictures of the existing drainage structures and flooding caused by a storm on June 5, 2008.

Reynard asked questions about the pictures that Cunnick provided. Cunnick explained the height of the retaining wall that is located on their property.

Leah Cunnick, 2010 College View Road, provided additional information about the existing flooding and drainage issues of the area and the impact the proposed development will have on their property and surrounding properties.

Reynard asked about the depth of the flooding that occurs on College View. Leah Cunnick stated that the water has not reached the foundation of the houses across along Tecumseh Road.

Sarah Cunnick provided a written copy of their comments and concerns.

Lori Molt, 2016 College View Road, spoke against the proposed development. Her concerns were that development would negatively impact the surrounding area's on-street parking congestion created by the college and the hospital to the north, the development was too intense for the size of property and that the development would adversely impact

her property value. Molt stated that 11 parking spaces are provided for general use and one space reserved for handicap accessible needs. Molt felt the amount of parking was not adequate for the apartment building if no one in the apartment building needed the handicapped accessible parking space or if the units were rented by more than one person. Molt felt that combining the two lots together along with the northern 12 feet of 2012 College View Road to allow the development of the apartment building was an unfair loophole in the regulation. Using the northern 12 feet of 2012 College View Road adversely impacted her property by taking away the enjoyment of her back yard. Molt provided a written copy of her concerns.

Judy Hamilton, owner of 2015 Tecumseh Road, expressed her concerns about the current flooding issues and the impact the development would have on her property and the surrounding area.

Katzenmeier spoke to address the concerns of the people that spoke against the development. Katzenmeier felt that parking would improve in the area. The existing two-story structure only has parking for a total of 6 off-street parking spaces, which is not enough for the existing bedroom count. The proposed parking would have 1 parking space for each bedroom. Katzenmeier explained how the current flood problems impacts his property and what he would need to do to renovate the existing building and protect it from the existing drainage issues.

Jeff Hancock, Sloan, Meier, Hancock – project engineer, spoke in depth about the drainage issues and the stormwater drainage analysis for the development. Hancock explained that the cause of the drainage issues is due to the undersized stormwater drainage system in the area and the substantial public works projects needed to improve the issue. Hancock spoke about the proposal to handle the existing drainage problems, but felt that the best option was to utilize the existing drainage system found on the property and the properties to the south. Hancock provided more details of the drainage plan for the development.

Hamilton, 2015 Tecumseh Road, asked if the proposed retaining wall around the apartment building would impact the ponding on Tecumseh Road. Hancock said that it would, but because of the area of ponding and the minor amount of water displaced by the development, it should not increase the amount of flooding in the area.

Leah Cunnick had concerns that the water displaced by the development would top the existing retaining wall and cause damage to her property. Hancock said that he would take the elevation of the existing retaining wall to determine if it was higher than the elevation at the corner of Tecumseh Road and Quivera Road to see how the additional water drains from the area.

Hill asked if the proposed drainage plan was just diverting the problem. Hancock stated that it would not because the water will flow to the same location no matter if it flows through the man-made drainage channel or at the corner of the two streets Hancock further explained the existing drainage issues in the area and need for Public Works

projects to improve the situation for the entire area.

Rolley asked about the increase in stormwater that will be generated by the development and leave the property. Hancock explained his methods for calculating the stormwater run-off and his philosophy in managing stormwater run-off for this property.

Rolley felt that a PUD is intended to improve the situation for the property and the surrounding area. She felt that increasing the amount of stormwater run-off generated from the site did not meet the overall intent of using the PUD zoning.

Rolley asked about the proposed parking for the apartment building. Tracy Anderson, Anderson-Knight Architect – project architect, stated that it was a code requirement and that a certain percentage of the parking be dedicated as handicap accessible parking. Anderson stated that each parking space will be assigned to an apartment and if no tenants need to use the handicap stall, it could be re-assigned to another tenant.

Rolley asked if re-assigning the handicapped accessible parking space was permitted. Anderson further explained his interpretation of the code requirement of the handicapped stall. Rolley asked staff the question regarding re-assigning the handicapped stall if no tenant needs to use it. Bunger stated that he did not know the answer to that question, but could follow up with Code Services to find an answer.

Miller asked if there had been any studies of the parking demand created by one-bedroom apartments. Bunger stated that one-bedroom rental units in the M-FRO District are required to provide a minimum of 1 parking space per bedroom. Other apartment developments outside of M-FRO neighborhood have provided less than 2 parking spaces for one-bedroom apartments through the PUD process or from an Exception by the Board of Zoning Appeals.

Hamilton asked where the tenants will park on the street once they learn that Tecumseh Road floods during heavy rains.

Katzenmeier responded to the additional comments made by the neighbors and Board. Katzenmeier offered to increase the height of the retaining on 2010 College View Road if it was needed to meet the drainage plan of the development. Katzenmeier expressed his concerns of the existing flooding issue and stated that is a bigger problem that is needed to be addressed by the City to improve the stormwater sewer system. Katzenmeier also stated that he felt he was improving the on-street parking situation by increasing the off-street parking space to bedroom ratio to 1:1 for the new development compared to the existing conditions.

Rolley asked what could be built on the property if the PUD was not considered. Bunger responded that the existing two-story structure was given an opinion of legal nonconforming, which means it could be repaired back to its original condition in terms number of units and bedrooms. The developer would most likely not have to improve the parking lot or increase the number of off-street parking spaces since the opinion of legal

nonconformity is based on historic Zoning Regulations. If the structure was removed from the property, a single-family detached dwelling could be built on the lot.

Rolley asked if the development proposed in the PUD could be limited to 8 units in the apartment building. Katzenmeier did not believe that it would be financially feasible to build an 8 unit, one-bedroom apartment building on the lot.

Reynard closed the public hearing.

Meredith stated that he would like to see the existing structure replaced by a new one, but did have problems with the drainage issue and could not improve the PUD as presented.

Reynard asked Rob Ott, City Engineer, to provide information on the drainage issue. Ott provided information on the cause of the flooding issue and the Public Works projects required to improve the situation.

Hill asked if the projects needed to improve the existing conditions would be on the capital improvement project (CIP) list for next year. Ott stated that the projects were scheduled to be on this year's list, but could not be funded and would most likely be on the up-coming year's CIP list.

Rolley asked Ott to consider updating the Stormwater Master Plan to incorporate new best management practices. Ott stated that his department is beginning to take a new look at the Stormwater Master Plan.

Rolley stated that she struggles with the issue that the redevelopment is important for this property and the development not addressing the impacts through the PUD process.

Kratochvil asked the Board to keep in mind that this is an existing problem that the development will not improve or make worse. Kratochvil saw the issue as a property rights issue. Kratochvil felt that the applicant could improve his property based on existing conditions which could adversely affect adjacent property owners without any oversight by City Administration or the Board could approve the PUD as proposed to ensure that it is done correctly to protect the adjacent properties.

Hill asked whether the existing and proposed stormwater run-off would affect the fraternity house and properties at the corner of Quivera Road and College Heights Road. Ott felt that these properties would not be adversely impacted.

Kratochvil moved that the Planning Board recommend approval of the proposed rezoning of Tecumseh Lofts PUD, from R, Single-Family Residential District, to PUD, Residential Unit Development District, based on the findings in the staff report, with the ten (10) conditions recommended by City Administration.

The motion died for a lack of second.

Hill asked if there was any merit to table the request to address storm water concerns.

Meredith agreed with the idea to table the item for more information.

Kratochvil asked what other information could be brought before the Board to address the issues of the drainage problems.

Ott provided information on the various options that he discussed with Jeff Hancock to handle stormwater runoff. He asked Hancock to not increase the impact on the area by the development's storm water runoff.

Ott asked the residents of 2010 College View Road if increasing the height of the retaining wall on their property would satisfy their concerns. The owners felt that it would alleviate their concerns.

The Board and surrounding property owners discussed possible options to improve the existing conditions in the area and the impacts created by the development.

Rolley moved that the Manhattan Urban Area Planning Board table the public hearing of the proposed rezoning of Tecumseh Lofts PUD to allow time for the applicant to prepare a hydrological study of the surrounding neighborhood and to create recommendations for short-term mitigation for stormwater run-of and to allow City Administration to verify if the handicap accessible parking can be re-assigned to truly have a 1:1 parking ratio. Meredith seconded the motion, which passed on a vote of 5-1, with Kratochvil opposed.

A PUBLIC HEARING TO REZONE THE APPROXIMATE SOUTH 114 FEET OF THE PROPERTY AT 2012 COLLEGE VIEW ROAD, FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT. (APPLICANT: SCHWAB-EATON, P.A. – CHRIS COX/OWNER: GOLDA WILSON TRUST C/O THE TRUST COMPANY OF MANHATTAN)

Rolley moved that the Manhattan Urban Area Planning Board table the public hearing of the proposed rezoning at 2012 College View Road until the proposed rezoning of the Tecumseh Lofts PUD is heard by the Planning Board. Meredith seconded the motion, which passed 6-0.

REPORTS AND COMMENTS BY BOARD MEMBERS

None.

Respectfully submitted,

Chad Bunger, Planner