

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**November 17, 2008**  
**7:00 p.m.**

**MEMBERS PRESENT:** Jerry Reynard, Chairperson; Stephanie Rolley, Vice-Chair; George Ham; Bill Meredith; and Nikki Miller.

**MEMBERS ABSENT:** Mike Hill; and Mike Kratochvil.

**YOUTH IN GOVERNMENT:**

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

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

**APPROVE THE MINUTES OF THE NOVEMBER 3, 2008, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

**APPROVE THE FINAL PLAT OF GRAND MERE ADDITION, UNIT THREE, GENERALLY LOCATED 1,750 FEET NORTH OF THE INTERSECTION OF VANESTA DRIVE AND KIMBALL AVENUE. (APPLICANT/OWNER: GRAND MERE DEVELOPMENT – MARY VANIER)**

Ham noted a correction on page one of the Minutes of the November 3, 2008 meeting, saying that Stephanie Rolley is the Vice Chair and not himself.

Meredith moved that the Board approve the Consent Agenda, with the correction to the Minutes as noted. Rolley seconded the motion, which passed on a vote of 5-0.

**GENERAL AGENDA**

**CONTINUATION OF 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)**

Ham moved to remove the item from the table. The motion was seconded by Rolley and passed on a vote of 5-0.

Bunger presented the staff report and recommended approval with twelve (12) conditions and provided information about a possible thirteen (13) condition.

Meredith asked what if parties don't agree to the agreement to maintain the retaining walls and drainage easement as proposed by City Administration. Bunger responded that the applicant could request that the City condemn a property to establish a drainage easement to ensure that the retaining wall was maintained, but this would be as a last resort.

Reynard opened the public hearing.

Kail Katzenmeier, applicant, provided information about his attempts to address the neighbors and the Planning Boards concerns about the proposed development. He has spoken with adjacent property owners to the south west. Their requests were that screening be added to the south and west sides of the stair towers. He also talked about refurbish the existing retaining wall on the property to the southwest and creating a drainage easement on his property to help with the drainage issue of the area. Katzenmeier also provided information about adding an additional parking stall to create a 1:1 parking space to bedroom, and.

Katzenmeier then addressed the Board to consider not including the possible thirteen conditional of approval. He stated that he felt that requiring a covenant requiring him to maintain the retaining wall in perpetuity was to strong. He asked for the Board to look for alternative to the covenant or set a time limit to the length of the covenant requiring the maintenance of the wall. Katzenmeier did state that he felt that the owner of the adjacent property and himself has come to an agreement about the wall and a covenant may not be needed.

Jeff Hancock, P.E., Sloan, Meier, Hancock, P.A., provided details of the supplemental drainage study. His information included that they surveyed the existing wall and the top of the curb line along Quivera Drive and have determined that the water will flow around the development onto Quivera Drive before it overtops the retaining wall. Hancock provided further information on the additional amount of stormwater runoff created by the development and its minimal impacts on the area. Hancock then explained the proposed mitigation plan for the stormwater runoff. This plan includes creating a detention area to retain the amount of stormwater equivalent to the amount generated by the development and to refurbish the retention wall.

Rolley asked if the proposed screening on the stair tower will negatively affect the vision triangle at Tecumseh Road and Quivera Drive. Bunger explained that the tower to be screened is on the opposite side of the building, away from the vision triangle.

Meredith asked how the drainage flume affects the houses on the opposite side of College View Road. Hancock stated that because of the dynamics of the flume, the PUD will have no impact on the properties to the south of College View Road.

Leah Cunnick, 2010 College View Road, asked the applicant if the retaining wall will be increased in height and also how the proposed covenant will work in regards to who will pay for maintenance of the retaining walls.

Katzenmeier explained that the supplemental study showed that the retaining wall does not need to be taller, but rather refurbished to make sure that it is sound and maintained. Katzenmeier stated he proposes to refurbish the shore up the retaining wall. Katzenmeier then explained his understanding of the covenant to maintain the retaining wall and the granting of the drainage easement.

Cunnick asked how the development will be screening. Using an aerial photo, Katzenmeier showed the proposed fencing plan.

Bunger provided a clarification on the City's proposal for the maintenance covenant. He explained that it is the City's intent that a covenant be made between all property owner of the retaining wall and the applicant that defines who is responsible for the maintenance. It is not the City's intent to make the applicant the sole responsible party of maintaining the retaining walls and drainage flume.

Rolley asked why the City is not maintaining the flume, when there is a larger problem with the watershed. Bunger responded that the flume is a private improvement on private property. If the development analyzed and created a drainage plan around the use of the private structure, then that development should participate in the maintenance of the structure until a public solution can occur.

Cunnick stated that she was told by an unknown City official that the City was to maintain the floor of the drainage flume and she owned the retaining walls and that she was responsible for those walls.

Katzenmeier stated that the development won't make the drainage conditions worse, but he is committed to shoring up the retaining wall.

Cunnick stated that as long as the retaining wall is shored up at 2010 College View Road, she would not have an issue with the proposed development.

Lori Molt, 2016 College View Road, spoke against the development. Her reasons for the Board to deny the PUD included the impact of stormwater drainage on the area, the fact that the developer combined multiple lots together to make up one-half (1/2) acre to be allowed request a PUD rezoning and that she felt that the 3-story building does not fit the character of the area. She also felt that the proposed parking of the development is not adequate for the number of apartments and that this will cause an increase in parking congestion in the area. She thought that the building setbacks were too small and were

not similar to other neighborhoods and zoning districts. Finally, she felt that the PUD was not beneficial to all parties.

Katzenmeier offered the history of the property since he purchased the property, his current plan for the property and his belief that the plan will improve the existing neighborhood by replacing the existing structure and increasing the number of off-street parking spaces compared to the existing situation.

Reynard asked if there were any more comments from the public, with no further comments, the public hearing was closed.

Reynard asked if there is a chance that the public works improvement project needed to correct the drainage issue not be funded.

Rob Ott, City Engineer, informed that the Board that the project is on the list to get designed.

Bunger wanted to clarify that the proposed covenant and drainage easement is intended to remain only until the public works project can be completed.

Rolley asked if the City should be involved to maintain and clean out the flume since the property owner was told that the flume was the City's responsibility.

Bunger deferred the question to Ott. Ott did not know the details of the history of the drainage flume and could not comment on whose responsibility was to maintain the flume.

The Board discussed the need for the proposed thirteenth condition. Katzenmeier stated that he would ensure that the existing was repaired to shore it up structurally.

Miller appreciated that Katzenmeier has stepped up to fix the retaining wall and felt that the City should be involved in helping addressing the drainage problem.

Rolley commented that the supplemental drainage report addressed her issues with the drainage problem. Rolley also addressed the issues brought forth by Molt. Rolley stated that she felt the proposed parking lot for the apartment building is consistent with other developments found on the east side of the campus. Rolley also stated that although this proposed development does not meet the design standards found in the Multi-Family Redevelopment Overlay District, the architectural design is based on the local transitional need of the area. Rolley stated that she could support the development because it is an appropriate in-fill development for the location.

Rolley moved that the Manhattan Urban Area 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 twelve (12) conditions recommended by City Administration and with the addition of a thirteen (13) condition as written in the November 17<sup>th</sup>, 2008 memorandum from Chad Bunger, but edited to include "and the City" in the clause ". . .

insuring the long term viability and maintenance of the channel by the property owner(s) and the owner(s) of the PUD, **and the City. . .**”.

*(Editors Note: The 13 conditions recommended by the Planning Board are as follows):*

1. Permitted uses shall include a multiple-family dwelling consisting of twelve (12), one-bedroom apartment units; and an existing two-family dwelling consisting of a three (3) bedroom unit and a two (2) bedroom unit.
2. A minimum of seventeen (17) off-street parking spaces shall be provided. Four (4) parking spaces on Lot 1 and thirteen (13) parking spaces on Lot (2).
3. Lights shall be provided as described on the architectural drawings and shall be full cut-off design. Building lighting shall be provided as proposed and shall not cast direct light onto public or private streets or adjacent property.
4. 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.
5. All landscaping and irrigation shall be maintained in good condition.
6. A six (6) foot tall cedar screening fence shall be provided along the entire length of the west side of the parking lot and shall connect to the trash enclosure.
7. An eight (8) foot tall cedar screening fence shall be provided along the southern property line of Lot 2 from the western end, to the southeast corner of the apartment building, and the stacked exterior air conditioner condenser units shall be lowered to not extend above the screening fence.
8. The existing gravel parking adjacent to the driveway and attached garage on Lot 1 shall be paved.
9. The wall sign proposed on the stair tower shall have a maximum gross surface area of forty (40) square feet. The wall sign located on the retaining wall shall be permitted as proposed.
10. Temporary banner signs shall not be permitted.
11. 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.
12. A detention area within the proposed drainage easement shall be constructed as proposed in the Supplemental Drainage Analysis, dated November 5, 2008.
13. The Preliminary Development Plan and rezoning shall be contingent upon a written covenant and drainage easement between all affected properties and the city, insuring the long term viability and maintenance of the channel by the property owner(s) and the owner(s) of the PUD, and the City, which shall be enforceable by the City and filed on the subject properties, prior to submittal of the Final Development Plan.

**CONTINUATION OF 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)**

Ham moved to remove the item from the table. The motion was seconded by Rolley and passed on a vote of 5-0.

Bunger presented the staff report and recommended approval.

Reynard asked how much of the neighborhood is nonconforming to the Zoning Regulations because of the rezoning in 1969. Bunger responded that most of the neighborhood is currently nonconforming due to lot size and lot width.

Reynard opened the public hearing.

With no comments from the public, Reynard closed the public hearing.

Meredith moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of Lot 34, College View Addition, less the north twelve (12) feet, from R, Single-Family Residential District to R-1, Single-Family Residential based on the findings in the Staff Report. Ham seconded the motion, which passed on a vote of 5-0.

**A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED REVISED MCCALL LANDING COMMERCIAL PLANNED UNIT DEVELOPMENT FROM PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT, TO PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT. THE PUD IS GENERALLY LOCATED NORTH OF THE INTERSECTION OF MCCALL ROAD AND CARLSON STREET, SOUTH OF LEVEE DRIVE, WEST OF MCCALL PATTERN COMPANY, AND EAST OF ABBOTT MANAGEMENT AND SUNFLOWER STORAGE. (OWNER: MCCALL PATTERN COMPANY /APPLICANT: MCCULLOUGH DEVELOPMENT INC .- CHARLES BUSCH.)**

Rolley moved that the Planning Board table the public hearing to the December 1, 2008 meeting, as requested by the applicant. Meredith seconded the motion, which passed on a vote of 5-0.

### **REPORTS AND COMMENTS BY BOARD MEMBERS**

There were no reports or comments.

Respectfully submitted,  
Chad Bunger, Planner