

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
Thursday, February 24, 2011
7:00 p.m.

MEMBERS PRESENT: Nikki Miller, Chairperson; Jerry Reynard, Linda Morse; and Mike Kratochvil.

MEMBERS ABSENT: Bill Meredith, Vice-Chair; Mike Hill; and Stephanie Rolley.

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

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE FEBRUARY 7, 2011, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

APPROVE THE FINAL PLAT OF LOTS 1-6 OF THE MANHATTAN MARKETPLACE SHOPS, UNIT FOUR ADDITION, PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED NORTH OF LEAVENWORTH STREET, SOUTH OF OSAGE STREET, WEST OF N. 3RD STREET, AND EAST OF N. 4TH STREET. (APPLICANTS: MCCULLOUGH DEVELOPMENT - RICH SEIDLER/SCHULTZ CONSTRUCTION INC.- MARK BACHAMP/OWNER: DIAL-MANHATTAN LLC - RICHARD KIOLBASA, MANAGER)

Kratochvil moved that the Board approve Consent Agenda. Reynard seconded the motion, which passed on a vote of 4-0, with Kratochvil abstaining from the minutes which passed (3-0-1) because he was not at that meeting.

GENERAL AGENDA

A PUBLIC HEARING TO CONSIDER A STATE OR MUNICIPALLY OWNED AND OPERATED PUBLIC UTILITY OR PUBLIC FACILITY FOR THE PROPOSED FIRE STATION NO. 3 AT 2727 AMHERST AVENUE, WHICH IS APPROXIMATELY 600 FEET NORTHEAST OF THE INTERSECTION OF SETH CHILD ROAD AND AMHERST AVENUE, ON THE SOUTH SIDE OF AMHERST AVENUE. (APPLICANT/OWNER: CITY OF MANHATTAN-JERRY SNYDER, DIRECTOR OF FIRE SERVICES)

Zilkie presented the Staff Report and recommended approval, based on the findings in the Staff Report, with no conditions.

Miller opened the public hearing.

Jerry Synder, Director of Fire Services, explained response time information and coverage for the southwest area. He said that currently portions of Stagg Hill and the Lee Mill Heights areas have around a nine minute response time and the goal is to respond in five minutes. He said the Amherst Avenue station won't be able to serve everything in the area within five minutes and the farthest reaches will be in the six minute response range. He said having the two new stations is important for the safety of the public and the firefighters. He mentioned that ideally, at a minimum, there needs to be twelve to fourteen firefighters to operate against a fire. With the two new stations, there will be eight on scene within six minutes.

Kratochvil asked if the initial staffing level at Station #3 will be four, and if the extra bays will allow for growth. He also asked if there will be a traffic light on Seth Child Road and Amherst to allow the trucks to get out.

Synder said the station will have room for eight staff and be able to accommodate an ambulance. He indicated there is a traffic light on Seth Child Road and that all the City's fire trucks have a strobe system which turns traffic lights to red, except for the direction the truck is going.

Kratochvil said he is glad to see this station is being built because the old Anderson facility is ready to be retired.

Miller closed the public hearing with no one else speaking.

Kratochvil said he is in favor of the project for several reasons. First, because of the central location of the site; second, the station has the capacity to grow in the future; third, the public restrooms for the Linear Trail; and fourth, the improved response time is important for the southwest side of town.

Kratochvil moved that the Planning Board find that by a preponderance of the evidence, the public interests to be served by the proposed Municipal Facility outweighs the impacts upon the legitimate community interests and recommends approval of proposed Fire House No. 3, based on the findings in the Staff Report.

Reynard seconded the motion.

Morse indicated she supported the findings in the Staff Report and agreed with Kratochvil's comments regarding justification for the station.

Miller concurred.

The motion passed on a vote of 4-0.

CONSIDER A REQUEST FOR ANNEXATION OF THE PROPOSED SCENIC WOODS PUD, AN APPROXIMATE 23.1 ACRE TRACT OF LAND GENERALLY LOCATED ALONG THE EAST SIDE OF N. SCENIC DRIVE, SOUTH OF STONE DRIVE, AND NORTH OF THE DEAD-END OF HUNTER DRIVE. (APPLICANT/OWNER: G. REX STONE TRUST AND THE SHIRLEY STONE TRUST – SHIRLEY STONE, TRUSTEE)

Reynard moved to remove the item from the Table. Kratochvil seconded the motion, which passed with a vote of 4-0.

A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED SCENIC WOODS PUD, AN APPROXIMATE 24.5-ACRE TRACT OF LAND, GENERALLY LOCATED ALONG THE EAST SIDE OF N. SCENIC DRIVE, SOUTH OF STONE DRIVE, AND NORTH OF THE DEAD-END OF HUNTER DRIVE, FROM COUNTY G-1, GENERAL AGRICULTURAL DISTRICT, AND R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT, AND AO, AIRPORT OVERLAY DISTRICT, TO PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT, AND AO, AIRPORT OVERLAY DISTRICT. (APPLICANT/OWNER: G. REX STONE TRUST AND THE SHIRLEY STONE TRUST – SHIRLEY STONE, TRUSTEE)

Reynard motioned to remove the item from the Table. Kratochvil seconded, which passed with a vote of 4-0.

Zilkie presented the Staff Reports for the annexation and rezoning of the proposed Scenic Woods Residential Planned Unit Development. Following the reports, he recommended approval of the annexation, based on conformance with Comprehensive Plan, Growth Vision and Capital Improvements Program; and recommended approval of the rezoning to PUD, Residential Planned Unit Development with AO, Airport Overlay District, based on the findings in the Staff Report with fifteen (15) conditions of approval.

Kratochvil asked if the club house is included with phase one of the development.

Zilkie said the club house is proposed to be built in phase two and the applicant can address that question.

Kratochvil asked if the 907 parking spaces include the covered carports and garages. Zilkie confirmed that it does.

Morse asked if the site drains to the north and east towards Wildcat Creek.

Zilkie said it does and that the applicant will share additional information regarding the drainage plan.

Morse said the Board has been concerned with Wildcat Creek and wants to be sure they are very conscious about what the impacts are with development in the area.

There being no other questions on the annexation, Miller asked for a motion.

Morse moved that the Manhattan Urban Area Planning Board recommend approval of the annexation of the 23.1 acre tract of land for the proposed Scenic Woods PUD, based on conformance with the Future Land Use Map of the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

Reynard seconded the motion, which passed on a vote of 4-0.

Miller opened the public hearing for the rezoning.

Joseph Pease, Peaco Builders (8 Yacht Club Place, Tequesta, Florida) and representative for Gordon Engel the purchaser of the property, said Mr. Engel grew up in the area and would like this project to be his retirement investment. The development would be a high quality product, which will last a long time and which Mr. Engle intends to own long term.

Kratochvil said he would like to see the club house in phase one and that other developments in the area have established the club house in phase one, which is an advantage to the tenants, as well as leasing and maintenance operations. He asked how leasing and maintenance will be addressed if there is no club house in phase one.

Pease said it relates to cost and because it is a large project with the club house being a huge capital outlay. He said phase two is not too far out.

Kratochvil asked what the time frame is between phase one and phase two.

Pease said if the market stays strong, phase one will be completed in 2011, with phase two in 2012.

Matthew Kohls, BG Consultants, clarified the proposed storm drainage plan. He said there were two dams built in the 1970s, which according to Mrs. Stone were to divert water from heading north which directs the water to the east. Drainage from both the south and the west of the site continues to flow through the site to the east. The proposed detention pond in the northern portion of the PUD site is for storm water generated by the development. Additionally, he said this development will have no impact on Wildcat Creek. Wildcat Creek has a drainage area of about 55,000 acres with about a 10 hour water runoff time from the headwaters. The water from this development will reach Wildcat Creek in approximately 20-30 minutes and will be into the creek and out before the peak flow hits from upstream areas. He said Wildcat Creek has approximately 17,000 cubic feet/second, while the flow from the detention pond is around 36 cubic feet/second.

Miller asked for clarification about the flow of Wildcat Creek.

Kohls said the site does drain into Wildcat Creek, but in an easterly direction, not to the north and there is no impact on the peak Wildcat Creek flows.

Miller asked about maintenance of the existing the dams.

Kohls said the two dams are on the PUD property and will be maintained by the property owner.

Rob Ott, City Engineer, said that all projects with detention ponds, the City is requiring a restrictive covenant on the pond so the developer/owner must maintain it or the City can assess the owner for maintenance costs. He said erosion control measures along the natural drainage way have also been considered.

Kratochvil asked if the drainage will be improved post-development, compared to what is there now. Kohls said that was correct.

Marlene Irvine, Realtor, representing Pete Gerboth, 115 Hunter Drive, who is deployed overseas, reviewed the proposed PUD project and said the plan is well thought out, but Gerboth's hesitation is about having apartments next to his house. She said he lives on the northeast corner of Hunter Drive and Highland Ridge Drive adjacent to the PUD site. The area behind his house is a large drainage ravine, and while it is a platted lot, she does not know who would spend the money to build there. She understood the desire for street connectivity to Miller Ranch, however if Hunter Drive is connected to Miller Ranch, there is a concern about the high speed of traffic in front of the house. She said she is an apartment owner and she knows that there are boyfriends and girlfriends, so if she rents a 3-bedroom apartment, there may be six people who hang out there. She suggested a compromise of closing the entrance on Hunter Drive, which would slow the traffic down. Additionally, she wanted to make sure the screening is appropriate to provide a good barrier between the apartments and the adjacent residential structures.

Tim Engel, a minority partner in the project, pointed out the ravine is not right behind Mr. Gerboth's house. He said the developers and owners agree with Irvine about closing the entrance on Hunter Drive, because they do not want to add more traffic to their development. However, he believes the access point was requested by the City for connectivity to Miller Ranch.

Kratochvil asked about the club house not being a part of phase one and where the leasing office, maintenance office, and amenities for phase 1 will be located.

Engel said they have talked with a local leasing agency for management and maintenance of the project. The agency is located within a five minute drive of the development. Engel said the club house with the apartment development to the north of this site is going in as one of the last parts of the development.

Kratochvil reiterated that on-site management is important, especially for a quality development. He asked if there will be a children's play area with phase one.

Pease said they are looking at providing a "tot lot" with swing sets for the first four buildings. He also asked the Board to not make bike racks a condition of approval because they would like to put them in according to demand. He noted there will be storage areas on the site as part of the garages.

Morse asked about the number of people who will live in the project and if that number is dictating the three entrances recommended by Staff.

Ott said the concern is providing only one connection from Miller Parkway westward to Scenic Drive. He said that while Wreath Avenue will connect to the north, it is not known when it will be constructed and Amherst Avenue is the only other connection to the north. Ott said the Planning Board has consistently expressed concern about the lack of connectivity in the Miller Parkway area and that there are too many cul-de-sac subdivisions which do not provide enough options for motorists. He said the City is not trying to turn Hunter Drive into a collector street and it will be more like Butterfield Road or Walter's Drive in Northview. He said Hunter Drive will be a local street with parking to provide more options and connectivity to these neighborhoods. He said some decisions and recommendations from City staff are influenced by the concerns expressed by the Planning Board to give more options for residents, rather than have the "lollypop" type subdivisions. Ott said the proposed development concept originally did not have the present street configuration and it was more difficult to move through the development site along Hunter Drive. Ott said City Staff recommended making Hunter Drive function more like a true local public street with a sidewalk along it to create that connectivity.

Kratochvil asked Ott about the grade for the proposed connection of Hunter Drive to Miller Parkway. Ott said it would be steep at one point.

Kratochvil said is it not really developable property at that steep portion and it might be green space. He said he understands the proposed street will be more of a two-lane residential street and that speeds will be slowed down. He said the City is doing what the Planning Board has been asking for to increase connectivity in the area and he agrees with staff that the connection of Hunter Drive to Miller Parkway is needed as a local street.

Morse asked if parking will be allowed on Hunter Drive. Ott said most likely yes, with it being a 31-foot wide local street, there will be parallel parking. It could be restricted to one side if there are sight distance issues.

Morse asked if the parking will be contained within the project and not spill out onto Hunter Drive. Ott said maybe the developer could speak to that.

Ott said the proposed PUD places higher density residential development close to Scenic Drive, similar to the previous Independence Place proposal and that Hunter Drive will not be the major thoroughfare in the area.

Kratochvil asked if there has been any intergovernmental discussion about widening Scenic Drive.

Ott said it is in the Public Works' Capital Improvements Program list of projects, but not much has been talked about it with other units of government. He said the West Anderson widening and Kimball Avenue widening are also part of challenge, as well as funding sources for these projects.

Morse asked Zilkie for clarification about Condition number 15 regarding allowable exempt signage.

Zilkie said that type of signage includes address numbers, political signs, or other type of signage that is typically found in a residential subdivision. He said this is a standard condition in PUD's to allow for this typical signage.

Irvine said City Staff does a wonderful job; however there are already three connections, so Miller Parkway would be four, and Hunter Drive would be five.

Miller asked about the screening of the development from the existing residential area to the southeast.

Fred Gibbs, BG Engineering, said the Preliminary PUD proposes to have a 6 foot tall wooden fence and that the Final Development Plan will have the 6 foot tall wooden fence at a minimum, but it can be upgraded at that time.

Miller closed the public hearing for the rezoning.

Morse said the proposal is a large development that has been carefully considered and that City Staff has surely met the needs of the community with the fifteen conditions. She said she would however like the bike racks to be kept as a condition of approval, even though the developer expressed concern about them, because the Planning Board has been stressing the need for more pedestrian and bicycle amenities.

Kratochvil thanked the developers for a great development proposal, saying he will vote for approval, but he would prefer the club house to be built in phase one.

Morse moved that the Planning Board recommend approval of the proposed rezoning of Scenic Woods PUD from County G-1, General Agricultural District and R-1, Single-Family Residential District with AO, Airport Overlay District, to PUD, Residential Planned Unit Development District with AO, Airport Overlay District, based on the findings in the Staff Report, with the fifteen (15) conditions recommended by City Administration.

Reynard seconded the motion, which passed on a vote of 4-0.

A PUBLIC HEARING TO AMEND ORDINANCE NO. 6544 AND THE APPROVED PRELIMINARY DEVELOPMENT PLAN OF LOT 15, MANHATTAN MARKETPLACE UNIT TWO, GENERALLY LOCATED NORTH OF LEAVENWORTH STREET, SOUTH OF OSAGE STREET, WEST OF N. 3RD STREET, AND EAST OF N. 4TH STREET. THE PROPOSED AMENDMENT REPLACES APPROVED BUILDING P, A FOUR STORY MIXED USE COMMERCIAL, MULTIPLE-FAMILY RESIDENTIAL, PARKING GARAGE BUILDING, AND PUBLIC PLAZA, WITH A PROPOSED NEW FOUR STORY MIXED USE COMMERCIAL AND MULTIPLE-FAMILY RESIDENTIAL BUILDING, PUBLIC PARK SPACES, PUBLIC PLAZA, AND SURFACE OFF-STREET PARKING. OTHER CHANGES INCLUDE

MODIFICATIONS TO LANDSCAPING, SIGNAGE, AND OTHER IMPROVEMENTS. (APPLICANTS: MCCULLOUGH DEVELOPMENT - RICH SEIDLER/SCHULTZ CONSTRUCTION INC.- MARK BACHAMP /OWNER: DIAL-MANHATTAN LLC - RICHARD KIOLBASA, MANAGER)

Zilkie presented the staff report and recommended approval with three (3) conditions.

Kratochvil asked why the changes to the M-FRO District regarding parking and building length are not taken into account in this project, saying that the building is approximately 200 feet long along 4th Street.

Zilkie said the original 2006 Preliminary Plan had the same building length along the whole block, except for the public plaza. He said unlike the M-FRO areas, this site is an extension of the downtown.

Kratochvil asked if BBN's letter with comments on the Design Guidelines will be addressed. Zilkie said the applicant can respond to those.

Morse said she supports promoting a strong downtown versus sprawl. Typically in the downtown there is not this density of residential which requires additional parking. She wanted to make sure parking is provided on Lots 2 and 3 of the PUD and not developed for commercial uses.

Zilkie said Lots 2 and 3 would require a PUD amendment to convert the proposed parking lots to buildings.

Morse asked about the park spaces and if the three smaller parks are equivalent in area to the original public plaza.

Jason Hilgers, Assistant City Manager, said the three areas are being designed by a landscape architect. Originally the public plaza was associated with the retail spaces, but the area is changing and has evolved into three "pocket parks" that are larger in total area. He said the various green spaces will provide different groups with different opportunities and should facilitate more people interacting with the spaces, compared to the original plaza proposal.

Miller asked about sidewalks and bike racks.

Zilkie explained the extensive sidewalk system around the perimeter of the project and internal to the project, as well as bike rack locations.

Miller opened the public hearing.

Charlie Bush, CEO McCullough Development, said McCullough Development has been involved with Manhattan Marketplace with Strasser Landing and the new 16-plex project. He said they have known that parking is an important issue throughout the development and that they have made a commitment and a several million dollar investment to the area. He said their projects have been successful in spite of the fact that parking

availability can change from day to day. The original PUD always envisioned high density housing in the project. The current proposal acknowledges that there will be times when parking availability may not always be the most convenient for their tenants, but there is more than enough parking in the area to satisfy their needs and the needs of other users. He asked for support of the project, which he said meets the intent of the original plan.

Rich Seidler, Director for Development for McCullough Development, said McCullough Development has made significant monetary and construction investment in Manhattan Marketplace. Their total involvement in the north end project has been done in less than 18 months, during which time 46 residential units were constructed, 16 more residential units are currently being constructed, and they renovated the Strasser House and placed it on the historic register. He said the current proposal is for the remaining portion of the development and is not about the changes that occurred to the overall north end development before they become involved. The end result is clearly different than what was originally proposed, but change that is what happens in large developments.

Seidler said McCullough Development is excited about additional investment in the area because the proposed residential apartment building will help link the north end to the rest of the downtown and provide the connectivity that is needed. He said the proposal meets the original intent to provide downtown housing and that each of the three pocket parks will be different and will provide green space for the public. He said this is a local project with local builders and owners. This proposal is in reaction to the removal of the originally planned 3-million dollar multi-level publically funded parking garage. Therefore the number of privately funded surface stalls will limit the density of residential units that can be provided. McCullough Development knows that each residential unit should have the opportunity to have one parking space per unit, which the plan does provide. Throughout the downtown, each building depends on the one next to it and behind it, and there has always been interdependency for shared parking, similar to the original north end proposal. He said McCullough Development is very comfortable that there will be more than enough parking, probably closer to one stall per bedroom. He said there are 100 potential spaces associated with opening of 3rd Street. There are 71 designated stalls associated with their building on Lot 1 within the PUD. He said there is an additional 263 public parking spaces surrounding the PUD and a total of over 300 stalls within 300 feet of the development, which provides adequate parking for their needs and surrounding owners. He said the total amount of green space from the three pocket parks is greater than the area originally shown in the 2006 plaza and the proposal provides green space throughout the project. He responded to the Architect's comments in the letter from BBN saying that all the mulch throughout the north end is being converted to river rock. He said they do have a site lighting plan that conforms to the requirements and the half-foot candle power. He said the siding on the building is a cementitious product meeting the Design Guidelines. He said the building lighting is low wattage.

Miller closed the public hearing with no one else speaking.

Kratochvil apologized to the developer about his misunderstanding about the building length. He said he is confident the developer will make this project work, as they have

with their previous projects in the downtown area. He said it is a great development that will help tie everything together.

Kratochvil moved that the Planning Board recommend approval of the proposed amendment of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 15, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1-6 of Manhattan Marketplace Shops, Unit Four, Planned Unit Development, based on the findings in the Staff Report, subject to the three conditions of approval recommended by City Administration.

Reynard seconded the motion.

Morse said she is pleased with the local participation and the quality of the development. She said it is a significant residential investment in the downtown and it is important to put people in the downtown area. This project will help raise the quality of the whole neighborhood and inspire others to reinvest in the area.

Miller concurred with the comments and said the area is definitely alive with activity and this will continue that trend.

Following discussion, the motion passed on a vote of 4-0.

REPORTS AND COMMENTS BY BOARD MEMBERS

There were no reports or comments.

Miller adjourned the meeting.

Respectfully submitted,

Ashley Myers, Planning Intern