

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**February 4, 2013**  
**7:00 p.m.**

**MEMBERS PRESENT:** Gary Stith, Chairperson; Linda Morse, Vice-Chairperson; Phil Anderson; John Ball; Jerry Reynard; and, Mike Kratochvil.

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Chad Bunger, Planner II; and Kevin Credit, Planner.

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

**APPROVE THE FINAL PLAT OF GRAND VISTA ADDITION, UNIT 3, GENERALLY LOCATED 750 FEET SOUTH OF THE INTERSECTION OF GRAND VISTA DRIVE AND GRAND MERE PARKWAY. (APPLICANT/OWNER: THIERER CONSTRUCTION INC. - LARRY THIERER, PRESIDENT)**

Anderson moved that the Board approve the Consent Agenda. Reynard seconded the motion, which passed on a vote of 6-0.

**GENERAL AGENDA**

**A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE TEXT OF THE MANHATTAN ZONING REGULATIONS IN ARTICLE IV, DISTRICT REGULATIONS, TO ADD CULTURAL FACILITY AS A PERMITTED USE TO THE C-3, AGGIEVILLE BUSINESS DISTRICT; C-4, CENTRAL BUSINESS DISTRICT; AND, C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT. (APPLICANTS: CITY OF MANHATTAN AND MID-WEST EDUCATIONAL CENTER INC. DBA WONDER WORKSHOP)**

Zilkie presented the staff report and recommended approval.

Stith asked for the definition of the “cultural facilities.” Zilkie provided the definition

Morse asked if the City had a facility that meets the cultural facilities definition. Zilkie explained the option of complying with the Zoning Regulations or going through the Municipal Facility process.

Stith reminded the Board that although the text amendment request was brought to the Board for a specific property and use, the text amendment applies to all of properties within the C-3, C-4 & C-5 zoning districts. Thus the decision should be based on this.

Ball asked if there were any downsides to approving the request. Zilkie could not think of any. Ball agreed.

Stith asked if a dinner theatre would meet the definition. Zilkie thought so. Stith stated that a movie theatre would not meet the definition, but it has its own definition in the Zoning Regulation.

Anderson thanked the applicant for his efforts with the Wonder Workshop.

Stith opened the public hearing. No one spoke.

Stith closed the public hearing.

Anderson moved that the Planning Board recommend approval of the amendment to the Manhattan Zoning Regulations to amend Article IV, District Regulations, to add Cultural Facility as a Permitted Use to the C-3, Aggieville Business District; C-4, Central Business District; and, C-5, Highway Service Commercial District, based on the findings in the staff memorandum.

Reynard seconded the motion, which passed on a vote of 6-0.

**A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF ORDINANCE NO. 6951 AND THE APPROVED FINAL DEVELOPMENT PLAN OF LOT 4, DOWNTOWN ENTERTAINMENT DISTRICT COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT. THE PROPOSED AMENDMENT CONSISTS OF MODIFICATIONS TO THE EXISTING MIXED USE COMMERCIAL AND RESIDENTIAL BUILDING IN ORDER TO CONVERT THE ENTIRE BUILDING TO RESIDENTIAL USE AS WELL AS OTHER SITE MODIFICATIONS. THE AMENDMENT IS IN THE FORM OF A FINAL DEVELOPMENT PLAN. (APPLICANT/OWNER: HCW MANHATTAN LLC - RICK HUFFMAN )**

Zilkie presented the staff report and recommended approval.

Anderson asked how the parking for that apartment building would be controlled. Zilkie deferred the question to the applicants.

Stith opened the public hearing.

Gary Fultz, HCW and applicant, addressed the question regarding the controlled parking for the apartment building. He indicated the parking would be gated.

Anderson asked why the applicants felt that they could not find suitable tenants for the commercial spaces. Fultz thought that the area is a little over developed at this time with the existing vacant spaces at the Hilton Garden Hotel, the new existing building to the north of the site and the proposed building to the east of the site.

No one else spoke.

Anderson and Fultz discussed the added benefits to downtown that the proposed PUD amendment will have.

With no one else willing to speak; Stith closed the public hearing.

Stith commented that while the plans call for mixed-use buildings, he felt that vacant retail space would be detrimental to the development due to its location, while occupied residential space would be a contribution to the area. If the building was facing S. 3<sup>rd</sup> Street, he would not agree to the change. Because of these factors, he felt the amendment would be a smart move to make.

Morse was happy to see some residential in this commercial area. She was concerned with spillover parking into the residential area to the west. She was reluctant to compromise on the parking requirements, but was willing to support the amendment because the added residential space was minimal compared to what was already planned. Stith commented that the residential areas would generate less parking than the retail space.

Stith added that he hopes that the hotel will encourage its customers to use the parking garage.

Kratochvil was skeptical of the proposal. He felt that the retail space was an important piece of the south end redevelopment area. Other developers have committed to making a mixed-use building work in the area. He hoped that the need for retail was not being overshadowed.

Stith stated he understood Kratochvil's concerns, but given the location of the site, the proposal was not out of line.

Morse also stated she appreciated Kratochvil's concerns and hoped it didn't set a precedent. She felt that the residential building would provide a mix of uses in the area.

Ball moved that the Planning Board recommend approval of the proposed amendment of Ordinance No. 6951 and the Final Development Plan of Lot 4, Downtown Entertainment District Commercial Planned Unit Development District, to be known as the Final Development Plan of Lot 1 and Lot 2, Hilton Garden Inn, Downtown Entertainment District Commercial Planned Unit Development, based on the findings in the Staff Report.

Reynard seconded the motion, which passed on a vote of 5-1, with Kratochvil opposed.

**REPORTS AND COMMENTS BY BOARD MEMBERS AND STAFF.**

Ball stated that he would be missing a couple of MUAPB meetings because of commitments with his upcoming City Commission election campaign.

Cattell asked the Board to check their calendars about the March 18<sup>th</sup> meeting due to spring break.

Stith announced to the Board and public that the February 21<sup>st</sup> meeting will be a work session to review a draft of the Wildcat Creek Floodplain Management Plan. Bunger provided some additional information on the floodplain management plan.

Stith pointed out that the February 21<sup>st</sup> meeting will be on a Thursday.

Respectfully submitted,

Steve Zilkie, AICP, Senior Planner and  
Chad Bunger, AICP, CFM, Planner II