

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**November 17, 2014**  
**7:00 p.m.**

**MEMBERS PRESENT:** Phil Anderson, Chairperson; John Ball, Vice-Chairperson; Gary Stith; Ron Hageman; Jerry Reynard; Linda Morse; and Neil Parikh

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Chad Bunker, Senior Planner; Lance Evans, Senior Planner; Benjamin Chmiel, Planner; Chase Johnson, Planner

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

**APPROVE THE MINUTES OF THE NOVEMBER 3, 2014, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

Stith moved that the Board approve the Consent Agenda. Reynard seconded the motion. The motion passed on a vote of (4-0) with Anderson, Parikh and Hageman abstaining because they were not at that meeting.

**GENERAL AGENDA**

**REMOVE FROM THE TABLE AND CONSIDER REZONING OF THE PROPOSED PRELIMINARY DEVELOPMENT PLAN FOR THE NOOR RESIDENCE MIXED PLANNED UNIT DEVELOPMENT, AN APPROXIMATELY 1.45 ACRE TRACT OF LAND, GENERALLY LOCATED TO THE SOUTHEAST OF THE INTERSECTION OF CLAFLIN ROAD AND HYLTON HEIGHTS ROAD, FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT TO PUD, MIXED PLANNED UNIT DEVELOPMENT. (APPLICANT/OWNER: NORTH AMERICAN ISLAMIC TRUST, INC. – DR. HAYDER RASHEE)**

Stith moved that the item be removed from the table and to conduct a public hearing. Reynard second the motion which passed by a vote of (7-0).

Bunger presented the staff report with the recommendation of approval with ten (10) conditions listed in the staff report.

Ball asked about the parking calculations used by City Staff and if there is a solution if the church capacity increases. Bunger said that there are other prime examples of how churches across town have increased their attendance over time and there really isn't a great solution.

Stith asked that the paragraphs that were deleted from the last staff report be put back into the updated staff report. Bunger said that staff will reinsert those paragraphs.

Anderson asked about the intent of the coffee shop in terms of clientele. Bunger said that he thinks the main focus of the coffee shop was to cater to the attendees of the Islamic Center and occupants of the apartment units. He then said he will let the applicant elaborate on that question.

Anderson opened the public hearing.

Hayder Rashee, the applicant, addressed the Board and elaborated on the focus of the coffee shop being for members of the mosque and apartment occupants.

Reynard asked if the coffee shop was going to be staffed or if there was going to be unstaffed coffee machines. Rashee said that the details are not finalized but the intent is to have prepackaged coffee and snacks.

Bunger mentioned that he has some photos taken by staff, the applicant and a neighbor.

Morse mentioned that she thought the Board requested a left turn lane from Claflin at the last meeting. Stith said that the City talked about the possibility of the improvements to Claflin at the last meeting.

Bunger presented the photos of the parking surrounding the mosque.

Rashee elaborated on the photos that he submitted and said that the mosque parking lot was not full during the Friday worship service but there was still significant parking along Hylton Heights by the mosque.

Anderson asked if the applicant thought the additional parking would help alleviate the parking issues.

Rashee said that he thinks it will help alleviate the issue. He then said that the mosque has recently purchased the house next door to the subject site and could expand parking in the future.

Gwyn Riffel, 1113 Hylton Heights Road, expressed concern about the additional access off of Claflin Road, saying there should be no access to Claflin Road. He also suggested a restrictive covenant on the coffee shop limiting it to tenants of the apartment building and mosque.

Mary Molt, 1122 Hylton Heights Road, expressed concerns about traffic and parking on Hylton Heights Road.

Ben Eckart, 1121 Hylton Heights Road, expressed his concerns about parking along Hylton Heights Road, which he said is there even when the mosque is not open.

Ian Reekie, consultant with Schwab-Eaton, discussed the traffic study in regards to access off of Claflin Road. He then elaborated on the capacity of the mosque and its relation to adequate parking, saying that the design occupancy assigned by the building code is much higher than would reasonably fit in the room with prayer mats and access isles.

Stith asked how fixed seating would affect the parking requirements and if the Board should limit the use to the mosque.

Cattell said that from a zoning standpoint city staff didn't want to limit the first condition of approval to just a mosque but the Board could make that a condition.

Reekie said that even with fixed seating it would be difficult to increase capacity with fire code requirements.

Anderson closed the public hearing.

Stith moved that the Board recommend approval of the proposed rezoning of Noor Residence Mixed Use Planned Unit Development from R, Single-Family Residential District, to PUD, Mixed Use Planned Unit Development District, based on the findings in the Staff Report, with the ten (10) conditions recommended by City Administration and two (2) additional conditions:

1. The Permitted Uses shall include a mosque (or other religious institutions) and a *thirteen (13)* unit apartment building with accessory coffee shop/restaurant, no drive-in type.
2. The coffee shop/restaurant shall be limited to 676 square feet in area.
3. The coffee shop/restaurant may be converted to a one-bedroom or two-bedroom dwelling unit subject to applicable zoning, building and fire codes.
4. A sight-obscuring screening fence of not less than six (6) feet in height shall be provided along the *southern and eastern* property line of the PUD.
5. Signage shall be limited to signs proposed in the application documents.
6. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(3),(4),(5), (7) and (9); and, Section 6-104 (B)(2) and (5).
7. Landscaping and irrigation shall be maintained in good condition.
8. A Landscape Performance Agreement shall be approved, prior to issuance of a building permit.
9. An Agreement between the City and the property owner shall be completed prior to the filing of the Final Plat, obligating the property owner to construct and maintain the storm water system including the underground storm sewer and detention structure, and allowing the City access to the structure for inspection and maintenance if the property owner fails in its duty to property maintain the storm water system.
10. Covenants shall be provided at the time of application for the Final Development

Plan detailing the cross easement between the two (2) lots for the proposed shared parking.

11. Bicycle racks shall be required to be installed
12. Remove General Note # six (6) from the Cover Sheet of the Preliminary Development Plan referring to a future addition to the apartment building.

Ball stated that it's difficult to ask the applicant to address the parking issues that are not directly caused by the applicant and that there are other solutions to the parking issues along Hylton Heights that need to be looked at.

Morse expressed her support for the proposal and said that there are a lot of good components of the project in regards to the Comprehensive Plan, including mixed use, and reuse. She said is a good example of shared parking. She then said that she thinks a left turn lane off of Claflin is a good idea and that there will only be a small gap in the sidewalk along the south side of Claflin Road after the project is completed.

Reynard seconded the motion which passed on a vote of (7-0).

**A PUBLIC HEARING TO AMEND ORDINANCE NO. 6145 AND THE FINAL DEVELOPMENT PLAN OF THE PROFESSIONAL PLACE PLANNED UNIT DEVELOPMENT (PUD), GENERALLY LOCATED NORTH OF ANDERSON AVENUE, EAST OF BELLEHAVEN ROAD AND WEST OF MIDLAND AVENUE, TO ALLOW ONE (1) PYLON SIGN AT THE ENTRYWAY TO THE PUD NOTING THE NAME AND ADDRESS OF THE COMPLEX AND A DIRECTORY OF THE BUSINESSES IN THE COMPLEX. (APPLICANT: JS SIGN & AWNING LLC / OWNER: JERRY WEIS, DANIEL DEMPSEY, MANHATTAN PORT AUTHORITY LLC, CALVIN EMIG, AND MIKE BEAN)**

Johnson presented the staff report with the recommendation of approval with one (1) condition listed in the staff report.

Stith asked if the amendment is consistent with the C-1, Restricted Business District in terms of the size of the signage. Johnson said that is consistent with the regulations and then elaborated on the sign regulations for the C-1 District.

Anderson opened the public hearing.

Anderson closed the public hearing.

Stith moved that the Board recommend approval of the proposed Amendment to Ordinance No. 6145 and the Final Development Plan of the Professional Place Planned Unit Development, based on the findings in the Staff Report, subject to the one (1) condition of approval recommended by City Administration:

1. One (1) pylon sign at the entryway of the PUD, as proposed, noting the name, address and identification of the businesses within the PUD shall be permitted.

Reynard seconded the motion which passed on a vote of (7-0).

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

Cattell reminded the Board of the upcoming Comprehensive Plan community workshop on Wednesday, November 19 and that the Project Advisory Committee meeting is Thursday, November 20 starting at 5:30pm.

Anderson adjourned the meeting.

Respectfully submitted,

Chase Johnson, Planner