

MINUTES

MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall
1101 Poyntz Avenue

January 18, 2018

MEMBERS PRESENT: Debbie Nuss (chair), Phil Anderson, John Ball, Ken Ebert (vice-chair), Gary Stith

MEMBERS ABSENT: Jerry Reynard; Neil Parikh

STAFF PRESENT: Chad Bunger, Assistant Director of Community Development; Carol Davidson, Senior Planner; John Adam, Senior Planner; Doug May, Planner

Nuss called the meeting to order at 7:00 p.m.

I. OPEN PUBLIC COMMENTS

There were none.

II. CONSENT AGENDA

1. Approve the **MINUTES** of the December 18, 2017, Manhattan Urban Area Planning Board meeting.
2. Approve the **FINAL PLAT of the Interlachen Villas Addition, Unit Two**, generally located at Colbert Hills Drive and Fieldhouse Circle. (*Applicant/Owner: TJ Vilkanas*) *File no. SUB-17-108*

Ball moved that the Board approve the Consent Agenda; Anderson seconded. Motion passed 5-0-0.

III. GENERAL AGENDA

1. A **PUBLIC HEARING** to consider **AMENDING** Ordinance Nos. 6804, 6936, and 7053, and the Final Development Plan of Lot 3, Downtown Entertainment District Unit Three, Commercial Planned Unit Development to allow for additional signage on the existing Blue Earth Place building located at 227 Blue Earth Place. (*applicant: TJ Vilkanas; file no. SUB-17-108*).

May presented the staff report for the PUD amendment for the Downtown Entertainment District, Lot 3 to allow for greater flexibility of signage and recommended approval.

Anderson asked if most signs were shown on the south side in the proposed sign plan and if signs were allowed on the east, west, and north side. May confirmed that the greatest area for signs was shown on the south side and signage was allowed on the east, west, and north sides of the building.

Stith asked if the dark areas in the proposed sign plan were where signs were allowed, May confirmed this. Stith ask for clarification if the whole dark area could be filled. May replied that no sign can exceed 200 square feet and the dark areas illustrate where signage is allowed.

Nuss opened the public hearing.

Gwyn Riffel, owner/developer of Blue Earth Place, 1117 Hylton Heights Road, spoke of the need for signage flexibility for tenants to have an identity on multiple sides of the building. The public may have confusion of the location and how to access some of the tenants in the building due to current sign placement. The objective is to create stronger identity and visibility for tenants.

Nuss closed the public hearing.

Stith commented that PUDs are meant to provide some design flexibility from the typical zoning classifications but if the requirements in the PUD are so restrictive that amendments have to be made frequently they become ineffective.

Ball commented that he has noticed a lack of signage all around the building.

Ebert asked staff how the area of a sign is measured if it is composed of individual letters rather than a box. May explained that a shape drawn around the letters' extremities is used for the area measure.

Ball moved to recommend approval of the proposed amendment of Ordinance Nos. 6804, 6936, and 7053, and the Final Development Plan of Lot 3, Downtown Entertainment District Planned Unit Development; Stith seconded. Motion passed 5-0-0.

2. A **PUBLIC HEARING** to consider **AMENDING** Ordinance No. 7219, and the Final Development Plan of the Interlachen Villas Addition, Unit Two, Residential Planned Unit Development to allow for the development of 27 single-family detached homes. The PUD Amendment is in the form of a Final Development Plan. (*applicant: TJ Vilkanskas; file no. PUD-17-107*).

Davidson presented the staff report for the PUD amendment and Final Development Plan for the Interlachen Villas Addition, Unit Two and recommended approval.

Anderson asked if the homes would face Vanesta Drive and Colbert Hills Drive or the interior. Davidson replied that the homes will be facing Colbert Hills Drive and Vanesta Drive with the garages off the alley at the rear of the home. Anderson also asked how

wide the homes are. Davidson responded that the homes were 30–40 feet depending upon the width of the lot.

Ebert asked about the original PUD, Ordinance 7219, and how the illustrations provided appeared to be different than what had previously come before the board. Davidson explained that the illustrations provided were changed as the density was decreased and the entryways into the development were changed. Ebert also asked why Condition 3 included both the north and south portion of the PUD, as the south portion would not be included in the amendment. Davidson explained that this new ordinance will be attached to the existing PUD.

Ebert asked for clarification for Tract A, Lots 1–16. Davidson replied that the tract and lot identifiers have changed on the different renditions of the development but Tract A, Lots 1–16, refers to the final plat. Ebert asked where the final plat was. Davidson replied that the final plat had been approved earlier during the meeting under the Consent Agenda.

Ebert asked about the development setbacks. Davidson said the circulation illustration shows front setbacks and explained that the minimum side yard setback is 5 feet, but homes may have larger setbacks depending upon the lot size.

Stith commented that as a procedural matter the plat should always follow a zoning issue because there is an approved plat with an inconsistent PUD. Bunger clarified that the plat is contingent upon the approval of the PUD amendment. Stith also asked how changes are being documented so that there is an assurance that the PUD will be followed, Stith used the 5-foot side yard setback as an example. Davidson said that the setback is not present as a condition, in the developer description, or on the plat. Stith recommended that the setback be memorialized to insure the regulation is followed.

Stith asked about the house orientation, commenting that there is no documentation of access to the street right-of-way and there should be a designation that shows no direct access to the right-of-way. Davidson noted that on the most current plat no access easements are present.

Stith commented that the house orientation could be flipped, that the house could be turned to face the alley. Davidson responded that within the development plans the garages are shown in the rear of the house, accessed by the alley, and a change to this orientation would require an additional amendment.

Anderson asked if the minimum front yard setback would be 25 feet. Davidson confirmed this.

Bunger asked if Ebert was clear on the number of units allowed in the PUD. Stith commented that the condition 3 seemed ambiguous and asked if it applies to the entire PUD or the amount under consideration. Bunger responded that the purpose of the condition 3 is to amend the PUD but the only portion that has a detailed plat is on the north section which includes 27 single family detached units, the remaining 21 dwelling

units makes up the south portion. Since a final development plan has not been submitted for the south portion, this condition requires the developer to adhere to the described number of unit between the north and south portions. An amendment to the plat would be required if the number of units changed.

Ebert asked where it is stated that there is a 5-foot side yard setback. Davidson responded that it is not documented. Stith suggested that the setback be added as a condition. Ebert expressed concern for the developer because there are 34-foot-wide lots; with 5-foot side yard setback plus roof overhangs, this will result in a 20-foot-wide home. Stith commented that fire walls can be used to avoid the 5-foot side yard setback. Ebert responded that if the 5-foot side yard setback is not included within the PUD then the proximity between units may be considered.

Nuss opened the public hearing.

TJ Vilkanskas, owner/developer of Interlachen Villas, 3417 Vanesta Drive, gave background on the development stating that it is a challenging piece of land due to the topography. Initially the land was meant to be townhomes, but to avoid having that type of development at the entry to Colbert Hills Golf Course he purchased the land. It is currently platted for 62 attached units but, after a cost and market analysis and assessment of neighborhood concerns, they thought it was too modern and too dense for the area. Cost was an issue due to the topography; rather than basements the new development will be on slabs, which cut cost substantially. The density was decreased from 62 units to 40 units. The site will have green space and amenities in the middle, more than the initial plat. A homeowners association (HOA) will be established to maintain green space and amenities. A concern was that the lots would be rental units, so an HOA will be established to maintain the neighborhood. Another concern was fitting in with the overall neighborhood as the lots are much smaller but the design guidelines of the Vanesta area will be followed. Density will be greater but the homes will still resemble other homes in the area. This development is meant to be resale, not rentals. If a homeowner wants to rent the property, rent will be around \$2,500 a month and will not work in the current market.

Anderson asked if fencing would be allowed. Vilkanskas replied no, Grand Mere encourages no fencing in the area and the lots are already very narrow.

Stith asked if these units were like condominiums in the sense that the owner would own the house and land but the common areas would be maintained by the HOA. Vilkanskas replied that all lots will be maintained by the HOA but individually owned.

Ebert asked about parking on Colbert Hills Drive and where guest would park. Vilkanskas responded that no parking would be allowed on Colbert Hills Drive and guest will park in the driveways at the rear of the house.

Ball asked about the intended price point of the development. Vilkanskas replied \$275,000 to \$325,000. Ball commented that the HOA would be able to manage the issue of fencing.

Vilkanskas said he understands the concern about the density but it is currently zoned R-3, allowing for one unit per 1,000 square feet; he would like to avoid apartment complexes being developed in the future and would rather have a lower-density development.

Neil Horton, 3629 Vanesta Drive, felt that the new development would be different for the existing neighborhood. Horton asked the board to consider the implications the development will have on the neighborhood. The amendment application states that the homes to the east are not associated with Grand Mere but Horton disagrees. He said the staff report assumes the development probably will not have a negative effect on the area, but he thinks this is subjective and that there will be a negative effect on home values due to the higher density. Horton commented that the Grand Mere Master Plan's vision was to have higher density residential and small-lot single-family residential integrated into the community along Grand Mere Parkway but not isolated along the edge of Grand Mere. Horton questioned the conditions in the staff report stated that they were very vague and needed to be more specific because many items have been discussed but not memorialized, like landscaping and setback requirements. Horton commented that the density seems to be too high for the character of neighborhood and is concerned that the cluster home development will not fit the neighborhood, causing them to be unsuccessful. Horton asked the board to consider adding the following conditions to address his concerns; increase minimum lot width to 50 feet and request a deed restriction to require owner occupancy.

Ball commented that deed restrictions requiring owner occupancy are illegal.

Vilkanskas commented that the Grand Mere Master Plan originally planned for multifamily townhomes in the area. Regarding density, he said the city has assigned 38 units in the benefit district. Decreasing density will require a unit to pay multiple units worth of specials making them too expensive for the market. Thirty-eight units were established in the benefit district because it was planned to be multifamily apartments, by having more units this allows the units to be more affordable. The lot size is a product of the benefit district that is in place.

Blake Bauer, 2801 Palmer Circle, anticipated this area could be developed into multifamily housing. Bauer has seen larger density developments in other places with the rear garage and likes the aesthetic. Bauer commented that he is not against the development and is happy that they are single-family rather than multi-family. He thinks single-family will keep traffic down on Colbert Hills Drive because it is a steep road. Bauer likes the new ingress and egress location compared to the initial plat and the addition of sidewalks to the area.

Nuss closed the public hearing.

Stith comments that both the Grand Mere Plan and the Comprehensive Plan show this area as high density area. The current PUD, which has a higher density than the current proposal, has already been approved so if denied the initial development could be built. The proposed amendment is lower density and a more neo-traditional design. It is a different type of development but Grand Mere is a mix of developments currently.

Ball asked if a homeowners association or the Vanesta design guidelines could be included in the conditions. Davidson and Bunger replied that it was not typical protocol to force private agreements upon the developer.

Stith moved to recommend approval of the proposed amendment to Ordinance 7219, and the Final Development Plan of the Interlachen Villas Addition, Unit Two based on the findings in the staff report with nine conditions with the addition of a condition requiring a 5-foot side yard setback; Anderson seconded.

Nuss suggested a friendly amendment that additional language be added to Condition 3 to clarify the issue with the north and south sections. Stith commented that it doesn't need to be a condition because it is dictated by the plat. Nuss commented that the amendment wouldn't be clear without the plat. Stith replied that the number of units could not be changed without an amendment to the plat. Nuss withdrew her friendly amendment.

Motion as originally stated passed 5-0-0.

Ball commented that the design is a good recommendation for this lot compared to apartments or townhomes and will match the economics and character of the area.

Anderson commented that he likes the design of the development with the parking in the back.

Nuss commented that this proposal is a good compromise for the development and is an improvement from the initial proposal but is not unsympathetic to Mr. Horton's concerns about the development.

3. REPORTS and COMMENTS by Board Members and Staff

Anderson commented that he spent time in Columbus and Montgomery, Alabama. Both cities have a developed riverfront area and wanted to remind Adam of this issue.

Bunger asked members to report any absences. Bunger also commended on progress of UDO (Unified Development Ordinance) and will have a discussion with the consultant on February 19, 2018 for Module 2. There is an effort to put together a strategy for group workshops for new elements of UDO such as tiny homes and accessory dwelling units.

Ebert asked when the UDO advisory committee meeting is. Bunger replied that it will be on February 20th.

Meeting was adjourned at 8:34 p.m.

Submitted by Lesley Frohberg, Planning Intern