

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**August 7, 2006**  
**7:00 p.m.**

**MEMBERS PRESENT:** George Ham, Acting Chairperson; Mike Toy; Jerry Reynard; Mike Hill; Stephanie Rolley; Mike Kratochvil.

**MEMBERS ABSENT:** Harry Watts.

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Ockert Fourie, Senior Planner; Rob Ott, City Engineer.

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

1. **APPROVE THE MINUTES OF THE JULY 17, 2006, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**
2. **APPROVE THE FINAL PLAT OF THE EUREKA ADDITION, GENERALLY LOCATED WEST OF THE INTERSECTION OF EUREKA DRIVE AND SOUTH SCENIC DRIVE. (OWNER/APPLICANT: SSF DEVELOPMENT LLC-ROGER SCHULTZ)**
3. **APPROVE THE FINAL PLAT OF PRAIRIE LAKES UNIT 3, GENERALLY LOCATED SOUTH OF WALTERS DRIVE AND EAST OF BUTTERFIELD ROAD AND NORTHFIELD ROAD INTERSECTION. (OWNER: OVERLY PROPERTIES INC. /APPLICANT: RUSSEL WEISBENDER.)**

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

**GENERAL AGENDA**

1. **A PUBLIC HEARING TO CONSIDER THE REZONING OF LIMEY POINTE PUD, AN APPROXIMATE 13-ACRE TRACT OF LAND, GENERALLY LOCATED ALONG THE NORTH SIDE OF MCCALL ROAD, EAST OF TUTTLE CREEK BOULEVARD AND ON THE EAST AND WEST SIDES OF HOSTETLER DRIVE, FROM R-2, TWO-FAMILY RESIDENTIAL DISTRICT; I-2, INDUSTRIAL PARK DISTRICT; C-6, HEAVY COMMERCIAL DISTRICT; AND, C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT. PROPOSED PERMITTED USES INCLUDE ALL OF THE**

**PERMITTED AND CONDITIONAL USES OF THE C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT. (OWNERS: CITY OF MANHATTAN AND DIAL REALTY DEVELOPMENT CORP. / APPLICANT: DIAL REALTY DEVELOPMENT CORP.)(NOTE: THIS ITEM WAS TABLED AT THE JULY 17, 2006, MANHATTAN URBAN AREA PLANNING BOARD MEETING.)**

Reynard moved to remove the item from the table. Kratochvil seconded the motion, which passed on a vote of 6-0.

Zilkie presented the Staff Report, recommending approval with ten (10) conditions listed in the Staff Report.

Hill asked is if landscaping was proposed with the signs and if ground signs or pole signs were being proposed. Zilkie indicated that no landscaping was proposed with the signs, however City Administration suggested there should be. He said the application documents had conflicts and was confusing regarding proposed signage, and that commercial PUD's are supposed to base signage on the C-2 District regulations as a starting point.

Ham opened the public hearing.

Bob Welstead, Dial Realty and the applicant, informed the Board that the different tenants in this proposed development have differing needs, in particular as it relates to business signs. Dial would prefer unified design standards for both pole and ground signs. Pole signs should be limited to 30 feet in height and be skirted by materials similar to those of the primary structure, with landscaping at the base of the signs. Welstead discussed the proposed access from McCall Road to the site and to the adjoining properties. There were initial discussions with the American Legion, but they have not responded to the access design as proposed. A one-half cent Transportation Development District (TDD) sales tax is being considered to help pay for the public improvements in this area.

Toy asked about the conflicting pole sign heights in the application. Welstead confirm that pole signs would be limited to 30 feet in height.

Ham indicated that pole signs needed to be kept short and incorporate materials from the buildings as has been done in other commercial PUD's.

Rolley asked about inconsistencies in parking isle widths and suggested that the easternmost driveways from Lots 1 and 3 should line up. She also commented that the orientation of the Pizza Hut building on Lot 4 was different than the other buildings.

No one else spoke and Ham closed the public hearing.

Hill asked about phasing and timing of improvements on McCall Road. Ott reviewed the needed improvements along the McCall Road corridor including approximate timing and the ultimate design.

Responding to a question from Kratochvil, Ott indicated the City would participate in a percentage of the street improvement funding.

Kratochvil asked if the American Legion had been informed about the street changes. Zilkie indicated the City had requested Dial to submit comments from its discussions with the Legion and that the City had notified the Legion of the public hearing.

Hill moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of Limey Pointe PUD from R-2, Two-Family Residential District; I-2, Industrial Park District; C-6, Heavy Commercial District; and, C-5, Highway Service Commercial District, to PUD, Planned Unit Development District, based on the findings in the Staff Report, with the ten (10) conditions listed in the Staff Report and modifying Condition Number 5 by adding additional limitations that pole signs shall be limited to a maximum 30 foot height and that materials and architectural quality from the principal building be incorporated into the pole sign structure, including brick, stone and/or stucco.

Reynard seconded the motion.

Zilkie asked for clarification regarding the maximum square footage of pole and ground signs, explaining that the proposal utilizes the C-2 District limitation of 1 square foot of sign area per 1 foot of street frontage. However, because the lots are different sizes, signs could have more area on some lots compared to others.

Hill asked if that was equitable. Zilkie indicated that the same general limitation applies equally to each lot regarding sign area based on the frontage of the lot. However, he suggested that a maximum square footage of 200 square feet should be considered because some lots have much larger frontages. He also asked if the Board wanted landscaping around the sign bases.

Hill indicated he wanted to include landscaping around the base of signs and that the skirting of poles should not just be metal sheeting, but should reflect the architectural quality and materials in the building.

Welstead indicated he agreed with those requirements for unifying the signage.

Rolley expressed concern over driveways having different widths and also not being aligned. She asked the developer and City Administration to look at the possibility of aligning the driveways between Lot 1 and 3 when the Final Development Plans are being prepared.

Following the Planning Board's discussion of revised signage restrictions in Condition 5, Hill indicated his concurrence by amending his motion to incorporate the modifications as discussed, which was seconded by Reynard. The amended motion passed on a vote of 6-0, with the following conditions of approval:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-5, Highway Service Commercial District; except

- for Adult Businesses which shall be prohibited.
2. 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.
  3. All landscaping and irrigation shall be maintained in good condition.
  4. Light poles shall be provided as described in the application documents and shall be full cutoff design. Building lighting shall be provided as proposed and shall not cast direct light onto public or private streets or adjacent property.
  5. An architecturally unifying pole and/or ground signage plan shall be submitted with the Final Development Plan for the first phase. The signage plan shall apply to the entire PUD, and shall include, but not be limited to, clear architectural elements, materials and lighting, and ground treatments, such as stone planters and landscaping at the sign base. Height, maximum gross surface area, structural type, setback and illumination shall be clearly set out in the signage plan. The signage plan shall indicate that there shall be no more than one (1) pole or ground sign per lot. In addition, pole signs shall have a maximum height of 30 feet above the ground; the total gross surface area of pole and ground signs including reader-boards shall be limited to no more than 1 square foot of sign area per 1 foot of linear street frontage and shall not exceed a maximum 200 square feet in area; skirting for pole signs and the base of pole and ground signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and signs shall include a landscaped area around the base.
  6. Wall signs shall be permitted as proposed.
  7. Temporary banner signs shall be limited to no more than one (1) banner sign per lot. 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. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.
  8. Traffic improvements cited in the July 31, 2006, Inter-Office Memorandum from the City Engineer shall be constructed with the first phase of the development to include:
    - (a.)The second through lane for westbound traffic on McCall Road between Hays Drive and Hostetler Drive shall be added.
    - (b.)The westbound and eastbound left turn lanes shall be aligned at the intersection of Hostetler Drive & McCall Road.
    - (c.)Hostetler Drive shall match the south leg of the intersection in terms of number of lanes and configuration.
    - (d.)An urban section shall be shown on the plans along the north side of McCall Road and shall include curb and gutter.
  9. Drainage improvements cited in the July 31, 2006, Inter-Office memorandum from the City Engineer for storm inlets and storm sewer pipes shall be provided with the first phase of the development.
  10. Prior to the development of Lots 3, 5 and 6, an amendment of the PUD shall be submitted and approved prior to issuance of any necessary permits.

2. **A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF THE MANHATTAN ZONING REGULATIONS TO MODIFY ARTICLE IV, DISTRICT REGULATIONS, SECTION 4-302, (B) CONDITIONAL USES, OF THE I-2, INDUSTRIAL PARK DISTRICT, TO ADD DOG WASHES AS A CONDITIONAL USE. (APPLICANT: TOM ABBOTT)**

Zilkie presented the Staff Report, recommending approval of the amendment to the Manhattan Zoning Regulations.

Ham opened the public hearing.

Tom Abbott, applicant, gave an overview of the proposal indicating he was planning to manufacture the self contained units and that they treat the waste water before it goes into the pit.

There being no one else speaking, Ham closed the public hearing.

Rolley moved the Manhattan Urban Area Planning Board recommend approval of an amendment to modify Section (B) (1), Conditional Uses, "Car and truck washes", in Article IV, District Regulations, Section 4-302, I-2, Industrial Park District, to allow "Car, truck and/or dog washes", based on the findings in the Staff Memorandum.

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

3. **A PUBLIC HEARING TO CONSIDER THE REZONING OF INVERNESS TOWNHOMES PUD, AN APPROXIMATE 2.7-ACRE TRACT OF LAND, GENERALLY LOCATED ON THE NORTHEAST CORNER OF AMHERST AVENUE AND MILLER PARKWAY, FROM C-2, NEIGHBORHOOD SHOPPING DISTRICT, TO PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT. THE PROPOSED DEVELOPMENT WILL CONSIST OF FOURTEEN (14) RESIDENTIAL TOWNHOMES. (OWNER: CAPITAL CONNECTIONS, INC. /APPLICANT: CHAPEL HILL INC.)**

Ham stepped down to avoid a possible conflict of interest, with Toy serving as interim Chair.

Zilkie presented the Staff Report, recommending approval with the four (4) conditions outlined in the Staff Report and adding a fifth condition regarding exempt signage, which he handed out to the Board.

Reynard asked about the location of the proposed wrought iron fencing. Tracy Anderson, architect representing the applicant, indicated it would be four feet tall and setback from the Amherst Avenue property line behind the existing berm.

Kratochvil asked if a clubhouse and safe-rooms were being provided. Anderson indicated no clubhouse was proposed and they had not discussed safe-rooms.

Rolley questioned the desirability of a building façade length of 420 feet.

Zac Burton, owner and developer of the property, indicated that economic feasibility of the project determined the number of proposed units. He indicated they had worked closely with the Miller Ranch Homeowners' Association and surrounding property owners to reach agreement on the proposed land use, the design of the town homes, materials for construction and scope of the project. He said his original proposal was for a small neighborhood commercial center, based on the existing zoning, however, following input from the Homeowner's Association, he revised the proposal to reflect their desires for residential uses in the area. He said he had designed small townhouse units on each end, but the neighbors wanted more consistency in the size of the dwellings. He said the large berm along Amherst Avenue will reduce visibility of the development.

Toy opened the public hearing.

Neal Farmer, President of the Miller Ranch Homeowners' Association, indicated the proposed PUD reflects what they had discussed with the applicant and they did not want commercial uses in the neighborhood. He said the Association had proposed the 4 foot iron fencing to insure that all the fencing would be consistent throughout the PUD.

Nancy Evangelids, 3824 Stratford Drive, an adjacent property owner, spoke in support of the project and indicated she appreciated the applicant's willingness to work with the neighborhood.

Ham closed the public hearing.

Kratochvil appreciated the willingness of the developer and neighbors working out their differences and asked that some thought be given to safe-rooms in the dwellings.

Kratochvil moved that the Manhattan Urban Area Planning Board recommend approval of the rezoning of proposed Inverness Townhomes PUD, from C-2, Neighborhood Shopping District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the following conditions of approval:

1. Permitted uses shall include fourteen (14) townhouse units.
2. 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.
3. All landscaping and irrigation shall be maintained in good condition.
4. On-street parking shall be limited to east side of Burton Place.
5. Exempt 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 shall be permitted in the PUD.

Reynard seconded the motion.

Rolley said that while she appreciated the neighborhood and developer working together, she could not support the PUD because of the proposed change in land use in the Comprehensive Plan from neighborhood commercial, to residential town homes. She was of the opinion that the proposed 420 foot long façade of the town home development did not relate to the present neighborhood character.

Hill said that he did not initially support the proposed 14-unit town home development and he agreed with Rolley about the length of the building. However, due to the unique situation and the effort made by the developer to resolve all the issues with the neighborhood, he was willing to support the proposal.

Ham called for the vote on the motion, which passed on a vote of 4-1, with Rolley casting the dissenting vote.

Ham reassumed his position as Acting Chair of the Board.

4. **APPROVE THE FINAL PLAT OF DAISY MEADOW ADDITION, GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF DICKENS AVENUE AND HUDSON AVENUE. THE PROPOSED SUBDIVISION WILL CREATE 18-SINGLE FAMILY RESIDENTIAL LOTS. (OWNERS: DAVID AND LINDA WEISBENDER/ APPLICANT: RUSSEL WEISBENDER)**

Zilkie presented the Staff Report and explained the reworded conservation easement, recommending approval of the Final Plat.

Hill moved that the Manhattan Urban Area Planning Board approve the Final Plat of the Daisy Meadow Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations.

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

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

There being no other business, the meeting was adjourned.

Respectfully submitted,

Ockert Fourie, Senior Planner