

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
September 5, 2013
7:00 p.m.

MEMBERS PRESENT: Linda Morse, Chairperson; Phil Anderson; John Ball; and Ron Hageman

MEMBERS ABSENT: Gary Stith, Mike Kratochvil, and Jerry Reynard

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

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE AUGUST 19, 2013, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

APPROVE THE FINAL DEVELOPMENT PLAN OF LOTS 2 AND 6, DOWNTOWN ENTERTAINMENT DISTRICT, UNIT THREE, COMMERCIAL PLANNED UNIT DEVELOPMENT, FOR A HOLIDAY INN EXPRESS GENERALLY LOCATED NORTH FT. RILEY BOULEVARD AND EAST OF N. 4TH STREET AND BLUE EARTH PLACE INTERSECTION. (APPLICANT: MANHATTAN HOTELS LLC – COLIN NOBLE, MEMBER/OWNER: CITY OF MANHATTAN)

Ball moved that the Board approve the Consent Agenda. Anderson seconded the motion, which passed on a vote of 4-0.

GENERAL AGENDA

TABLE A PUBLIC HEARING TO AMEND THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN TO ADOPT AND INCORPORATE THE PROPOSED WILDCAT CREEK FLOODPLAIN MANAGEMENT PLAN AS A PART OF THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN. (APPLICANT: CITY OF MANHATTAN)

Bunger discussed the status of the Wildcat Creek Floodplain Management Plan.

Ball moved that the Board table the Public Hearing. Anderson seconded the motion, which passed on a vote of 4-0.

A PUBLIC HEARING TO CONSIDER REZONING BODY FIRST HEALTH AND FITNESS CLUB AT 3615 HUDSON AVENUE, AN APPROXIMATE 5.4 ACRE TRACT OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF HUDSON AVENUE AND CLAFLIN ROAD, FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO C-2, NEIGHBORHOOD SHOPPING DISTRICT. (APPLICANT AND OWNER: BODY FIRST, LLC – DOUG SELLERS)

Bunger presented the staff report and recommended approval.

Ball asked about the current use of the subject site and if it conforms to the current zoning regulations. Bunger explained that the property was approved for a conditional use through the board of zoning appeals and conforms to the zoning regulations.

Morse asked about property ownership. Bunger explained the details of the ownership around the site. Morse then asked about the covenant that is in place and how it impacts the use of the property. Bunger said that the covenant excludes retail uses for the property. Cattell explained that the covenant was filed by the applicant and is a private covenant.

Morse asked to see the location of the additional parking for the site and if it was covered in the conditional use. Bunger explained the additional parking and how the rezoning of the property will affect the parking requirements.

Anderson asked about the parking and how it would impact Hudson Avenue. Bunger explained that the parking should not impact Hudson Avenue due to the ample parking available on the site.

Hageman asked about the possibility of future expansion of the property. Bunger said that the property could be expanded under the C-2 District but would have to comply with the zoning regulations for the district.

Ball asked if the covenant would still be applicable under the new zoning. Bunger said that it would apply after the rezoning.

Ball asked the applicant about the future use of the property.

Doug Sellers, applicant, explained the operations and plans for expansion.

Morse opened the public hearing.

Judd Annis, 1325 Hudson Avenue, expressed his concerns with the rezoning of the subject property and its impacts to his property value. He then said that the traffic from the school is already putting a strain on the neighborhood.

Anderson asked if the current use of the club is a nuisance. Annis said that everyone is used to the club and his concerns are for the proposed zoning.

Tom Eyestone, 1226 Windsong Lane, expressed his concerns with the parking issues and congestion in relation to his property. He then said that he is concerned about the property changing ownership.

Ball asked if Eyestone attended the neighborhood meeting. Eyestone said that he attended the first meeting concerning the conditional use but not the latest meeting.

John Thurston, 1217 Windsong Lane, expressed his concerns with the rezoning and the current covenant of the subject property. Thurston then said that he has concerns about the enforceability of the covenant and the unknown factors in regards to a potential change in ownership under the new zoning.

Anderson asked for elaboration on the covenant.

Bunger said that the covenant contains language for enforcement by the City of Manhattan and that it would be enforced by the City.

Thurston said that there is a big difference between an agreement in a covenant and the regulations that would be in place under a PUD.

George Lookheart, 1319 Hudson Ave, expressed his concerns with the potential traffic increases and the future changes that may come with a change in zoning.

David Jones, 1223 Windsong Lane, expressed his appreciation for the neighbor the applicant has been and expressed his concerns with the future uses under the rezoning to C2.

Tim Dalton, 1227 Wingsong lane, expressed his concerns with the future use of the subject property and expansion of parking in regards to traffic.

Rick Boomer, 1218 Windsong Lane, said that he was present during one of the neighborhood meetings and rezoning to commercial was not mentioned. Boomer then echoed the concerns of his neighbors.

Sue Peterson, 1200 Sharingbrook Drive, expressed her concerns with the future ownership of the property, if the property were to be rezoned.

Morse closed the public hearing.

Anderson asked about the concerns expressed about potential future owners of the subject property and how they can be addressed. Bunger explained the mechanisms in the covenant that relate to the issue.

Morse expressed her concern about the size of the property and asked about its potential future use. Bunger explained the types of uses that would not be allowed. Bunger also discussed a PUD as being another option but the applicant did not choose to go down that route.

Morse expressed her concerns with the traffic along Hudson Avenue and how the rezoning would impact the current situation.

Hageman expressed his concerns about the C-2 District and the future development potential.

Bunger explained the process that the staff has taken and that alternative options would have to be looked at in detail.

Ball moved that the Planning Board recommend denial of the proposed rezoning of 3615 Claflin Road from R, Single-Family Residential District to C-2, Neighborhood Shopping District, based on the findings in the Staff Report.

Ball expressed his rationale for the motion of denial.

Anderson then expressed his thoughts on the motion.

Hageman expressed his thoughts on the motion.

Morse expressed her thoughts on the motion.

Anderson seconded the motion, which passed by a vote of 4-0.

A PUBLIC HEARING TO CONSIDER REZONING MANHATTAN AREA TECHNICAL COLLEGE AT 3136 DICKENS AVENUE, AN APPROXIMATE 18 ACRE TRACT OF LAND GENERALLY LOCATED NORTH OF DICKENS AVENUE, SOUTH OF LUNDIN DRIVE, EAST OF WREATH AVENUE, AND WEST OF SETH CHILD ROAD, FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO U, UNIVERSITY DISTRICT. (APPLICANT ROBERT J. EDLESTON, PRESIDENT AND CEO OF MATC/OWNER: MANHATTAN AREA TECHNICAL COLLEGE BOARD OF DIRECTORS)

Zilkie presented the staff report and recommended approval.

Ball asked about the process of development in regards to the zoning regulations if the rezoning was approved. Zilkie explained that any modifications to the zoning regulations would go through the Board of Zoning Appeals.

Morse expressed her concerns about the development of the property without it being presented in front of the Board. Zilkie explained the process and regulations required for improvements to the site.

Rob Edleston, President CEO MATC, said he was present to answer any questions.

Anderson asked how the neighborhood responded to the rezoning request for the property. Edleston explained how the neighborhood meeting went and the overall feeling from the neighborhood.

Morse asked about parking for the property. Edleston explained the strategy for parking with the improvements.

Morse and Edleston then discussed several details of the campus master plan.

Morse opened the public hearing.

J. David Mattox, 3025 Dickens Avenue, expressed his concerns with the future parking and lighting impacts from the rezoning. Maddox said that he attended the neighborhood meeting and then discussed the campus master plan and how the plans could change based on the funding that is available at the time.

Morse closed the public hearing with no one else speaking.

Ball asked what the restrictions are under the University District. Zilkie discussed the zoning regulations under the U District.

Ball moved that the Planning Board recommend approval of the proposed rezoning of the Manhattan Area Technical College campus from R, Single-Family Residential District, to U, University District, based on the findings in the Staff Report.

Anderson seconded the motion, which passed by a vote of 4-0.

A PUBLIC HEARING TO AMEND ORDINANCE NO. 3974 AND THE FIRST NATIONAL BANK COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD), TO ESTABLISH THE PERMITTED USES IN THE PUD TO INCLUDE CERTAIN C-2, NEIGHBORHOOD SHOPPING DISTRICT USES; EDUCATIONAL, CULTURAL, AND RELIGIOUS INSTITUTIONS AND THEIR ASSOCIATED ACTIVITIES; AND, MULTIPLE-FAMILY RESIDENTIAL USES. THE PUD IS GENERALLY LOCATED AT WILDCAT LANDING, 1800 CLAFLIN ROAD. THE AMENDMENT IS IN THE FORM OF A FINAL DEVELOPMENT PLAN. (APPLICANT/OWNER: CRAIG SLOAN)

Bunger presented the staff report and recommended approval with six (6) conditions, including not allowing the proposed multiple-family uses, and that multiple-family would require a future amendment.

Bunger clarified details in the staff report.

Morse asked about parking for the employees.

Bunger explained the overall layout and stated that the applicant would be able to answer in detail.

Craig Sloan, applicant, said that there is a parking agreement for Daras Fast Lane. He also agreed to the condition that any future multiple-family use would require an amendment.

Anderson asked about the landscape plan.

Nathan Schrock, Root Partnership, discussed the proposed landscape plans for the subject property.

Anderson asked about the English as a Second Language program.

Annette Rohde, Project Coordinator, Campus Planning & Facilities Management, explained the details of the expansion and the proposed plans.

Morse opened and closed the public hearing with no one speaking.

Ball moved that the Planning Board recommend approval of the amendment of Ordinance No. 3947 and the Final Development Plan for Lot 1, First National Bank Addition, Commercial Planned Unit Development, based on the findings in the Staff Report, subject to the six (6) conditions of approval:

1. Permitted uses on Lot 1 shall include educational, religious and cultural institutions and their associated activities, and all the permitted and conditional uses of the C-2, Neighborhood Shopping District, except that the following uses shall be prohibited: Air conditioning, heating and plumbing sales; Automobile service stations; Tire, battery, and Automobile accessory stores; Bus terminals; Car washes; Drive-in establishments not associated with a bank or financial institution; Hotels and motels; Kennels, Package liquor stores; Public Utilities such as electrical or telephone substations that are not owned or operated by a municipality, where employees are generally not present, and that are in or near the area they are designed to serve.
2. Any future residential uses shall require a PUD amendment application to address layout and parking issues.
3. The following restriction listed in the original PUD application approved by Ordinance No. 3974 on July 20, 1982, shall be revoked: No single use can occupy more than 4,000 square feet of floor area and at least 50% of the second floor would have to be used for business and professional offices.

4. 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.
5. All landscaping and irrigation shall be maintained in good condition.
6. Signs shall be provided as proposed in the application documents, and Exempt signs to allow to those types of signs described in Article VI, Section 6-104 (A)(1),(2),(4),(5), and (7); and, Section 6-104 (B)(2) and B(5).

Anderson seconded the motion, which passed by a vote of 4-0.

IV. WORK SESSION AGENDA

FEMA MAP ADOPTION PROCESS.

Bunger presented the process for the FEMA floodplain map adoption.

Anderson asked how the City is going to handle the appeals process. Bunger said that if the appeal is based on scientific data then the documentation would be forwarded to FEMA. Bunger then said that communication will be going back and forth between the City and FEMA.

Ball asked about the total amount of residences being impacted by the new maps and commented on the difficulty in appealing the maps.

Anderson said that there have been a number of public meetings through the update process.

Morse said that the issue is that people don't really know about the map updates and have not yet been engaged in the process.

Bunger explained the public outreach process and said that there are floodplain facts on the City's website including the total amount of property that is changing flood risk with the preliminary maps.

Anderson asked if insurance covers the cost of raising a house. Bunger said that the insurance policies he looked at are not proactive but after a flooding event it would be covered.

Anderson asked about what we learned from the recent rain fall the City has experienced. Bunger said that the City was close to activating the emergency center at one point but the rain gauges fell after they peaked.

Morse and Bunger discussed the rules and regulations of the 500 year floodplain. Morse said that it might be beneficial to have an informative meeting for the property owners in the 500 year floodplain.

REPORTS AND COMMENTS BY BOARD MEMBERS

Cattell said that the City Commission authorized City Administration to start negotiations for the scope of services for the update to the comprehensive plan.

Respectfully submitted,

Chase Johnson, Planning Intern