

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**

**Monday, August 1, 2005**  
**7:00 p.m.**

**MEMBERS PRESENT:** Loren Pepperd, Chairperson; Jerry Reynard; George Ham; Mike Hill; Mike Kratochvil; Mike Toy; and Harry Watts

**STAFF PRESENT:** Steve Zilkie, Senior Planner; Ockert Fourie, Senior Planner; Jeremy Frazell, Planner; Jeff Hancock, Director of Public Works/Utilities

**I. OPEN PUBLIC COMMENTS**

Pepperd opened and closed Open Public Comments, with no one speaking.

**II. CONSENT AGENDA**

1. **APPROVE THE MINUTES OF THE JULY 7, 2005, AND JULY 18, 2005, MANHATTAN URBAN AREA PLANNING BOARD MEETINGS.**

Ham moved that the Board approve the Consent Agenda. Reynard seconded the motion, which passed on a vote of 7-0.

**III. GENERAL AGENDA**

1. **A REQUEST FOR ANNEXATION OF AN APPROXIMATE ONE HUNDRED AND FIVE (105) ACRE TRACT OF LAND GENERALLY LOCATED SOUTH OF MILLER PARKWAY AND WEST OF FT. RILEY BOULEVARD. THE ANNEXATION SITE INCLUDES THE MILLER RANCH WATER TOWER. (APPLICANTS AND OWNERS: SSF DEVELOPMENT LLC/BAYER CONSTRUCTION INC.)**
2. **A PUBLIC HEARING TO CONSIDER THE REZONING OF AN APPROXIMATE FOUR AND FOUR TENTHS (4.4) ACRE TRACT FROM COUNTY G-1, GENERAL AGRICULTURAL DISTRICT, TO R-2, TWO-FAMILY RESIDENTIAL DISTRICT, AND AO, AIRPORT OVERLAY DISTRICT, GENERALLY LOCATED SOUTH OF MILLER PARKWAY AND THE MILLER RANCH WATER TOWER, AND WEST OF FT. RILEY BOULEVARD. (APPLICANTS AND OWNERS: SSF DEVELOPMENT LLC/BAYER CONSTRUCTION INC.)**

3. **A PUBLIC HEARING TO CONSIDER THE REZONING OF AN APPROXIMATE ONE HUNDRED AND ONE (101) ACRE TRACT OF LAND FROM COUNTY G-1, GENERAL AGRICULTURAL DISTRICT, TO R, SINGLE-FAMILY RESIDENTIAL DISTRICT, AND AO, AIRPORT OVERLAY DISTRICT, GENERALLY LOCATED SOUTH OF MILLER PARKWAY AND WEST OF FT. RILEY BOULEVARD. THE REZONING SITE INCLUDES THE MILLER RANCH WATER TOWER. (APPLICANTS AND OWNERS: SSF DEVELOPMENT LLC/BAYER CONSTRUCTION INC.)**
  
4. **TABLE A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE PROPOSED STONEHAVEN ADDITION, AN APPROXIMATE ONE HUNDRED AND FIVE (105) ACRE TRACT OF LAND GENERALLY LOCATED SOUTH OF MILLER PARKWAY AND THE MILLER RANCH WATER TOWER, AND WEST OF FT. RILEY BOULEVARD. THE SUBDIVISION IS PROPOSED TO CONSIST OF ONE HUNDRED AND ONE (101) SINGLE-FAMILY LOTS AND ONE (1) TWO-FAMILY RESIDENTIAL LOT. (APPLICANTS AND OWNERS: SSF DEVELOPMENT LLC/BAYER CONSTRUCTION INC.)**

At the request of the applicant a motion by Watts, which was seconded by Reynard, to table the Annexation, Rezoning and Preliminary Plat for the Stonehaven Addition until the August 15, 2005 Planning Board meeting was approved on a 7-0 vote.

5. **REMOVE FROM THE TABLE AND CONDUCT A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF WOODLAND HILLS ADDITION, UNIT SIX, AN APPROXIMATE TWENTY THREE (23) ACRE TRACT OF LAND GENERALLY LOCATED WEST OF ROSENCUTTER ROAD, AND EAST OF THE INTERSECTION OF KINGWOOD DRIVE AND SUMAC DRIVE. THE SUBDIVISION IS PROPOSED TO CONSIST OF FORTY FOUR (44) SINGLE-FAMILY RESIDENTIAL LOTS, WHICH ARE ZONED R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT. (APPLICANT/OWNER: U.L.D., INC.) (NOTE: A 9.7-ACRE TRACT OF LAND, WHICH WAS ORIGINALLY INCLUDED AS A PART OF THE PRELIMINARY PLAT, AND THE CONCURRENT ANNEXATION AND REZONING OF THE 9.7-ACRE TRACT, HAS BEEN WITHDRAWN FROM CONSIDERATION. THE PRELIMINARY PLAT OF THE 23-ACRE TRACT OF LAND IS ENTIRELY WITHIN THE CITY OF MANHATTAN.)**

Hill stepped down from the Board due to a stated conflict of interest.

Reynard moved the item to be removed from the Table and a Public Hearing be Conducted. Kratochvil seconded the motion, which passed on a vote 6-0.

Following the presentation of the staff report by Zilkie, the Chair opened the public hearing.

Mike Hill, the developer was the first to speak. Hill requested the Planning Board delete the condition included in the recommendations of the staff report and provided a letter of support for the Woodland Hills Addition. He added that the slope can be reduced through grading; the lot frontage width of the steepest lots have been increased to allow for greater ease of access and more space; the desirability of these lots outweigh the grade issue; and in Hill's opinion the Comprehensive Plan

requirement was meant to exclude sites that were inaccessible and had slopes that were predominantly greater than 20%.

Ham pointed out that the subdivision regulations require grading plans for multiple-family residential, commercial and industrial development. Single-family lots on steep slopes are not required to provide grading plans for lots with 20% slope or greater.

Hill, stated that it is possible to be creative with lots that have a 20% slope or greater.

Hill, in response to a question from Watts, confirmed that there were areas in previously approved development phases in this area that had grades of 20% or greater.

Watts also wanted to know if there was a plan showing overall street connections for the larger area. Hill was of the opinion that the goal should be to reduce through traffic in this area, and that there were more appropriate alternatives to bringing traffic through this area. Watts asked the applicant if any special fire prevention measures have been taken. Hill indicated that extensive discussion had taken place with the Fire Department, and as a result additional fire hydrants have been added.

The Chair then invited comments from the public.

*Billie Dean, 2450 Rosencutter Road*, indicated that they own a farm closest to the proposed subdivision. Dean expressed concern over increased runoff from the site that could create: flooding problems; increase slope erosion; and any future demand for access to Rosencutter Road that could lead traffic problems.

The Chair closed the Public Hearing.

Watts moved that the Board approve, without any conditions, the Preliminary Plat of Woodland Hills Addition, Unit Six, based on conformance with the Manhattan Urban Area Subdivision Regulations, and grant a Variation of maximum cul-de-sac length for Sumac Circle, based on the findings in the Staff Memorandum.

The motion was seconded by Reynard.

Toy stated the bases of approval without the condition were that the Board was satisfied that the developer has both the experience and a plan to deal with the steep slopes that equal or exceed 20%.

The motion was adopted on a vote of 6-0

Mike Hill re-joined the meeting.

6. **A PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT (PRELIMINARY AND FINAL PLAT) OF THE PROPOSED THOMPSON ADDITION, AN APPROXIMATE ONE AND EIGHT TENTHS (1.8) ACRE TRACT OF LAND GENERALLY LOCATED SOUTH OF SNOWBIRD DRIVE AND NORTH OF PARKWAY DRIVE, AT 2026 PARKWAY DRIVE. THE SUBDIVISION IS PROPOSED TO CONSIST OF FIVE (5) SINGLE-FAMILY RESIDENTIAL LOTS. (APPLICANT: TODD THOMPSON/THOMPSON CONSTRUCTION; OWNERS: PAUL AND SHIRLEY FLEENER)**
  
7. **A PUBLIC HEARING TO CONSIDER THE REZONING AN OF APPROXIMATE ONE AND EIGHT TENTHS (1.8) ACRE TRACT OF LAND FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT, GENERALLY LOCATED SOUTH OF SNOWBIRD DRIVE AND NORTH OF PARKWAY DRIVE, AT 2026 PARKWAY DRIVE. (APPLICANT: TODD THOMPSON/THOMPSON CONSTRUCTION; OWNERS: PAUL AND SHIRLEY FLEENER)**

The Chair indicated that these two items will be dealt with concurrently.

Zilkie presented the staff reports for these items.

The Chair opened the Public Hearing and invited the applicant or representative to address the Board.

*Kirk Hoke, 1704 Westbank Way, the owner's representative, addressed the drainage issues of the site. The storm water facility under Snowbird Drive is under-designed, and is currently not able to handle increased storm water runoff across the property. The addition of the houses in this subdivision will not significantly increase storm water flow volume in this area and the applicant should, therefore, not be required to solve the existing drainage problem. Currently the top of the road surface at Snowbird Drive is one foot below the level of the basement of the home 2033 Parkway Drive. (On March 30, 2007, an email was sent to the City by the owner of 2033 Parker Drive, see preliminary plat file of the Thompson Addition for email, requesting the Minutes be modified to indicate that the basement is one foot below the top of Snowbird Drive, rather than one foot above the road, as stated by Kirk Hoke. Minutes modified on April 3, 2007, to merely reflect comments by property owner received by email on March 30, 2007.)*

The Chair invited the public to speak to the items.

*Paul Fleener, 2026 Parkway Drive, supported the project.*

*Scott Smith, 2111 Snowbird Drive, indicated regret that there were no sidewalks along Snowbird Drive. He can see some positive aspects to the development proposal, but expressed concerns about traffic safety at the proposed intersection of the cul-de-sac and Snowbird Drive. The intersection is proposed at a curve along Snowbird Drive.*

*LuAnn Miller, 2033 Parkway Drive, raised a concern indicating that the culvert under Snowbird Drive is too small. They have experienced several storm water backups into*

their basement. The culvert and storm water drainage need to be improved because Snowbird Drive acts as a dam during severe storm events. The drainage across proposed Lot 5, in particular, is a problem.

*Paul Flager, 2107 Snowbird*, had concern over traffic safety caused by winter ice conditions on Snowbird Drive, and the location of the proposed access point to the development. On street parking is also limited in the area.

*Mark Miller, 2033 Parkway Drive*, expressed the need to deal with the issue of drainage at the present time and not at some future date. Miller favored tabling the proposal until such time as the developer has come up with a plan to deal with the drainage issue.

There being no further comments, the Chair closed the public hearing and turned to the Board for discussion.

Watts asked how the traffic access issue will be resolved. Hoke indicated that there were no other options. Watts also wanted to know who is responsible for enlarging the culvert under Snowbird Drive and how will this affect drainage further downstream. LuAnn and Mark Miller indicated the problem was limited to the development site and the drainage under Snowbird Drive.

Hill asked if this is the time to deal with the drainage issues associated with this site and the undersized culvert at Snowbird Drive.

Jeff Hancock, Director of Public Works, said that ideally now would be the appropriate time to deal comprehensively with the drainage issues associated with this location. With the limited increase in runoff created by the proposed development it would also seem unfair to expect this developer to carry the full cost burden of improving the drainage in this area. Adding a price tag of \$81,000 to the development cost of a small project such as this, which will effectively increase the storm water runoff by less than 1% per 50-year storm event, would probably make the project financially not viable. This is a responsibility that the City needs to assume. Funding is an issue. This project is not in the CIP and the City has no plans to address this issue in the foreseeable future. This project is listed as a discretionary project in the Storm Water Management Master Plan. Funding is allocated to priority projects first before action is taken on discretionary projects.

Reynard wanted to know if there was a traffic problem at the proposed intersection at Snowbird Drive. In response, Hoke indicated that due to the expected traffic volumes generated by the proposal they did not anticipate that this would be an issue rising to a level requiring a traffic analysis.

Hill moved the Board table the item until such time as the developed could be present at the Planning Board meeting to discuss possible options to deal with the drainage issues associated with the project. The motion was seconded by Reynard. The motion was defeated on a vote of 3 to 4. Hill, Kratochvil, Pepperd and Reynard voted against the

motion to table the application.

Kratochvil moved to approve the Concurrent (Preliminary and Final) Plat of Thompson Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations, with two conditions:

1. The Thompson Addition shall be rezoned, as proposed, R, Single-Family Residential District, to R-1, Single-Family Residential District.
2. A variation of the sidewalk requirement shall be granted and no sidewalks shall be required along Snowbird Drive and the proposed Thompson Circle cul-de-sac.

The motion was seconded by Reynard.

Hill proposed a friendly amendment to the motion to add a third condition, specifically, "The City Engineer, along with City staff, shall look at the drainage ditch and make sure that there are plans to do what is necessary to help water flow out of that area."

The friendly amendment to the motion was accepted by Kratochvil and Reynard.

On a vote, the motion was approved on a vote of 5-2, with Ham and Watts in opposition, with the following conditions:

1. The Thompson Addition shall be rezoned, as proposed, R, Single-Family Residential District, to R-1, Single-Family Residential District.
2. A variation of the sidewalk requirement shall be granted and no sidewalks shall be required along Snowbird Drive and the proposed Thompson Circle cul-de-sac.
3. The City Engineer, along with City staff, shall look at the drainage ditch and make sure that there are plans to do what is necessary to help water flow out of that area.

Ham and Watts did not support the motion because they wanted to table the plat and have the applicant, Todd Thompson/Thompson Construction, address the drainage concerns expressed by the Miller's.

Kratochvil moved that the Manhattan Urban Area Planning Board recommend approval of the rezoning of the proposed Thompson Addition, from R, Single-family Residential District, to R-1, Single-family Residential District, based on the findings in the staff report.

Reynard seconded the motion which was approved on a vote of 7-0.

- 8. A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE PROPOSED GRAND VISTA ADDITION, AN APPROXIMATE TWELVE AND SEVEN TENTHS (12.7) ACRE TRACT OF LAND GENERALLY LOCATED SOUTH OF THE INTERSECTION OF GRAND MERE PARKWAY AND GRAND RIDGE COURT, AND WEST OF KIMBALL AVENUE. THE SUBDIVISION IS PROPOSED TO CONSIST OF TWENTY-TWO (22) SINGLE-FAMILY RESIDENTIAL LOTS. (APPLICANT: THERER CONSTRUCTION INC.; OWNER:**

**GRAND MERE DEVELOPMENT INC.)**

Zilkie presented the staff report.

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

Reynard moved that the Board approve the Preliminary Plat of Grand Vista, based on conformance with the Manhattan Urban Area Subdivision Regulations, and grant a Variation of maximum cul-de-sac length for Grand Vista Lane, based on the findings in the Staff Memorandum.

The motion was seconded by Kratochvil, which was approved on a vote of 7-0

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

There was no further business and the meeting was adjourned.

Respectfully submitted,

Ockert Fourie, Senior Planner