

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
August 7, 2017
7:00 p.m.

MEMBERS PRESENT: Neil Parikh, Chairperson; Debbie Nuss, Vice-Chairperson; Gary Stith; Jerry Reynard; Phil Anderson; Ken Ebert; John Ball

MEMBERS ABSENT: None.

STAFF PRESENT: Eric Cattell, Director of Community Development; Chad Bunger, Assistant Director of Community Development; Carol Davidson, Senior Planner; John Adam, Senior Planner; Ben Chmiel, Planner II

OPEN PUBLIC COMMENTS

Parikh opened the meeting for public comments. Since no one from the public spoke he closed the public comments.

CONSENT AGENDA

APPROVE THE MINUTES OF THE JULY 17, 2017, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

CONSIDER THE FINAL DEVELOPMENT PLAN OF AUSTIN TRAILERS, AN AGRI-BUSINESS PLANNED UNIT DEVELOPMENT GENERALLY LOCATED AT THE INTERSECTION OF DEEP CREEK ROAD AND PILLSBURY DRIVE, ON THE WEST SIDE OF PILLSBURY DRIVE, IN UNINCORPORATED RILEY COUNTY.

CONSIDER THE FINAL DEVELOPMENT PLAN OF 12TH & BLUEMONT LOFTS PUD, A 37-UNIT, FOUR-STORY APARTMENT BUILDING ON A 0.87-ACRE TRACT COMPRISING SIX LOTS AT THE NORTHEAST CORNER OF NORTH 12TH STREET AND BLUEMONT AVENUE.

CONSIDER THE FINAL PLAT OF SCENIC CROSSING, UNIT 2, A 14-LOT DUPLEX SUBDIVISION ON 1.9 ACRES NORTHEAST OF THE INTERSECTION OF KIMBALL AVENUE AND ANDERSON AVENUE.

Stith commented that the minutes of the July 17 meeting had no mention of why the Planning Board recommended denial of rezoning a lot for the construction of parking space for Manhattan Medical Center. It is important to have the reasons for denial in the minutes for the City Commission to review it.

Chad Bunger recommended tabling the minutes till the next meeting. John Ball commented that the discussion preceding the motion supplied the reasons; the motion

could reference that.

Stith made the motion to table the minutes and approve the balance of the Consent Agenda; Nuss seconded. Motion passed 7-0-0.

GENERAL AGENDA

A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF 1.22 ACRES AT 800 ANNEBERG CIRCLE IN ORDER TO EXPAND WILDCAT CREEK GOLF COURSE CLUBHOUSE.

*Applicant: Ron Wells; Agent: Kevin Fateley, Wildcat Creek Fun & Fitness
file no. ANX-17-068*

A PUBLIC HEARING TO CONSIDER THE REZONING OF 1.22 ACRES AT 800 ANNEBERG CIRCLE FROM COUNTY AG, GENERAL AGRICULTURE, TO C-5, HIGHWAY SERVICE COMMERCIAL, IN ORDER TO EXPAND WILDCAT CREEK GOLF COURSE CLUBHOUSE.

*Applicant: Ron Wells; Agent: Kevin Fateley, Wildcat Creek Fun & Fitness
file no. REZ-17-069*

Chad Bunger presented the staff report. He informed the Board that the majority of the lot at 800 Anneberg Circle was already zoned C-5, and the applicant wants to add another plot of land to the existing zoning. All the land is owned by the Wells Family Trust and the fitness center, golf course, clubhouse are all under a lease agreement with the Wells Family Trust. The 1.22 acres of land is needed to expand the fitness center located at the clubhouse. He further informed the Board that the building plans have not yet been received by the City. Bunger also mentioned that the entire area was in the floodplain, and the new buildings would be required to comply with the floodplain regulations. He assured that there would be no negative impact of the annexation on the neighboring properties, as the area is zoned for recreational uses and the zoning, as well as the annexation, conforms to the Comprehensive Land Use Plan.

Bunger further informed the Board that the site met the minimum lot size requirements so it was consistent with Manhattan Zoning Regulations. He commented that there would be no adverse impact on health, safety, and morals of the community due to the development. City Administration recommended approval of both the annexation and rezoning from County General Agricultural to C-5 District (Highway Service Commercial). Bunger informed them that the item will go to the City Commission on September 5, 2017.

Parikh asked for comments from the Board members. Ball asked if the applicant has indicated its plans for addressing the flood plain regulations to the City in any way. Bunger explained, that although the applicant has not proposed anything yet, they were likely to consider using fill to raise the land to the required elevation. The applicant could also opt to flood proof the structure to meet FEMA's and the City's standards.

Ken Ebert asked about special assessments for infrastructure assets to the site. Bunger replied that they will be reviewing public utilities for water.

Parikh opened the public hearing. Since no one spoke on the matter he closed the hearing.

Stith moved to recommend approval of the annexation and rezoning; Reynard seconded. Motion passed 7-0-0.

REMOVE FROM THE TABLE AND CONDUCT A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF APPROXIMATELY 21.4 ACRES LOCATED GENERALLY WEST AND SOUTH OF THE INTERSECTION OF MILLER PARKWAY AND HIGHWAY K-18 AS PART OF A SUBDIVISION PROJECT CALLED STONEHAVEN, UNIT TWO.

*Applicants: Bayer Construction & Manhattan Properties of Kansas
file no. ANX-17-059*

REMOVE FROM THE TABLE AND CONDUCT A PUBLIC HEARING TO CONSIDER REZONING PARTS OF A 124-ACRE DEVELOPMENT AREA FROM AG, GENERAL AGRICULTURE (COUNTY), R-2, TWO-FAMILY RESIDENTIAL, I-5, BUSINESS PARK, AND R, SINGLE-FAMILY RESIDENTIAL, TO C-2, NEIGHBORHOOD SHOPPING, C-5, HIGHWAY SERVICE COMMERCIAL, AND R-3, MULTIPLE-FAMILY RESIDENTIAL, AS PART OF A SUBDIVISION PROJECT CALLED STONEHAVEN, UNIT TWO, LOCATED GENERALLY SOUTH OF MILLER PARKWAY, NEAR THE INTERSECTIONS OF MILLER PARKWAY & ARBOR DRIVE AND MILLER PARKWAY & AMHERST AVENUE.

*Applicants: Bayer Construction & Manhattan Properties of Kansas
file no. REZ-17-060*

REMOVE FROM THE TABLE AND CONDUCT A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF A 124-ACRE SUBDIVISION, CALLED STONEHAVEN, UNIT TWO, CONTAINING 128 TWO-FAMILY AND SINGLE-FAMILY LOTS, COMMERCIAL LOTS, AND TRACTS DEDICATED AS OPEN SPACE. THE DEVELOPMENT IS LOCATED GENERALLY SOUTH OF MILLER PARKWAY, NEAR THE INTERSECTIONS OF MILLER PARKWAY & ARBOR DRIVE AND MILLER PARKWAY & AMHERST AVENUE.

*Applicants: Bayer Construction & Manhattan Properties of Kansas
file no. SUB-17-061*

Stith moved to remove all three items from the table; Reynard seconded. Motion passed 7-0-0.

Bunger presented the staff report. He reported that the applicant is petitioning the City to annex and rezone two unplatted pieces of land (10.6 acres and 7.5 acres on the south and east sides, respectively) A large part of the development will remain R, Single-family Residential District. There will also be an R-3 portion, part of which will be an assisted living facility, and several lots would be zoned C-2, Neighborhood Commercial Shopping District. The majority of the land will remain unchanged. The two unplatted plots would be annexed and rezoned Single Family. Part of the annexation to the

northeast will have parks and part of it will be C-2 District. The applicant is proposing 70 single-family lots, tracts of open space, conservation easements, assisted living facility, and commercial lots. Of the five tracts to be platted as open space, four would be donated to the City. These would be dedicated to storm water management and parks. The fourth tract will be used for a trail head that would lead to land that the City may be interested in developing as parkland. The fifth will be used for a neighborhood identification sign.

He reported the development would occur in two phases. Phase One would be the assisted living facility, some commercial sites, park, detention basins and other storm water infrastructure, and two-family dwellings. Phase Two will include the construction of the remaining two-family and single-family houses. Access to the development would come off of Miller Parkway. Three new streets were proposed per the development plan. One of the streets would be designed as a collector and would be bike friendly and have sidewalks on both sides. The street would change to a local street and reach the single-family neighborhood furthest south in the development. Sidewalks were proposed on both sides of Amherst Avenue and Stonehaven Drive to provide access to the trailhead and parkland. Parks and Recreations Department had some concern about the steepness of trail and recommended careful design. City's Parks and Recreation Advisory Board has recommended accepting the donated land. The remaining portion of the development would have sidewalks on one side of the street as per subdivision regulations. There would be bike lanes and sidewalks on both sides of Miller Parkway.

Some lots in the C-2 District would gain access from Miller Parkway, some from Amherst Avenue, and some will have access through Stonehaven Drive. A 50-foot front setback had been proposed in the C-2 District along Miller Parkway and a 30-foot landscape easement. There is a wide list of commercial and business uses and conditional uses that can go in the development in the C-2 District.

Bunger reported that a neighborhood meeting was held by the applicant in May. The land use for adjacent areas was low to medium density. The R, Single-Family Residential District, has a density of 1.2 dwelling units per net acre and R-2 is 2.77 dwelling units per net acre. The I-5 District is intended to provide employment facilities, like corporate headquarters, R&D facilities, and educational facilities, along with some ancillary commercial uses. The C-2 District is intended to serve the needs of the adjacent neighborhoods as well as several other neighborhoods and would include service-oriented retail shops, supermarkets, restaurants, and convenient stores. The development could not have any tall buildings due to the Airport Overlay district.

Bunger said that the proposed rezoning generally conformed to the Comprehensive Land Use Plan and there should be no adverse impact of the development on the neighborhood.

Elaborating on the traffic scenario, Bunger said that all three new streets will have left-turn lanes off of Miller Parkway. A right-turn lane to serve as a deceleration lane was proposed to meet road design standards for collectors and arterials in the non-residential areas. The total and peak traffic in and out had been calculated for full buildout of the development and at a community growth rate to a 20-year horizon; most of the intersections would be operating at Level of Service (LOS) B and would not go below

LOS C even after full buildout and the 20 years after the development. Only one intersection was likely to degrade to LOS F twenty years from now due to growth of the City generally. The traffic and storm water study were reviewed by City engineers and found acceptable. The proposed preliminary plat conforms to the subdivision regulations and public services can be provided to the site. City Administration recommended approval of the annexation, rezoning, and preliminary plat with the condition that the access design would need to be approved by the City Engineer and that each phase of the development will account for storm water management.

Stith asked for a clarification on the 50-foot setback. Bunger explained that it ran all along the Miller Parkway frontage in the commercial area and a portion of the R-3 area adjoining Miller Parkway. The setback was identical to the I-5 District to prohibit building near the Miller Parkway.

Stith asked the difference between the 30-foot landscape easement and the 50-foot setback. Bunger replied that the 30-foot landscaping easement will be used only for landscaping and not for parking. It will also contain the utility easement.

Stith asked if the City wants the park area; Bunger confirmed that it does.

Stith pointed out that the pedestrian easement was not shown in the plat; Bunger replied that there could be a note or a condition set in place for the area on the final plat, and the City will make sure that happens.

Stith asked if a Level of Service F at one of the intersections would occur 20 years from now or immediately. Bunger replied that it would occur only after 20 years at full buildout based on 2% annual growth in the City. Stith noted that nothing, therefore, warranted attention in the immediate future regarding traffic. Bunger agreed.

Ken Ebert asked if the applicant intends to submit any restrictive covenants to limit certain uses in the C-2 Zone. Bunger replied that the applicant presented some covenants to limit certain uses in the C-2 District at the neighborhood meeting but not to the City. The applicant can chose to do it but the City cannot make it a condition on the rezone.

Ebert asked if the traffic count of 9,000 vehicle trips was inclusive of the total buildout of all the undeveloped land in that part of town or just the proposed development. Bunger replied that it was most likely from just the proposed development.

Brian Johnson, City Engineer, confirmed that it was on full buildout only of the development under consideration.

Ebert expressed a concern regarding the sight distance and removal of some trees as mentioned in the plan. Johnson replied that there were three intersections that have sight distance issues when making a left turn, which is the longest movement. He noted that a roundabout was one option to eliminate the sight distance issues because it would slow down vehicular speed.

Ebert asked if the improvements necessary for rectifying the sight distance issue would

be a City project or would the developer be involved. Johnson replied that it will be addressed at the construction phase. Most of the problem areas are in the public right-of-way and can be mitigated; those on private property can also be mitigated

Ebert pointed out that a maximum size of 35,000 square feet has been mentioned for the C-2 District; that is the size of a football field, so it is sufficiently big to allow a big box store.

Parikh opened the public hearing.

Rich Seidler, 2924 Karen Terrace, spoke on behalf of the applicant. He informed the Board that the land has been under the ownership of family for the past 100 years. The applicants were sensitive to the concerns of the neighborhood, and hence requested to lower the zoning from C-5 (Highway Service Commercial District) to C-2 (Neighborhood Commercial District) after reviewing their neighbors' concerns at the neighborhood meeting. He said the applicant was being completely transparent to the neighborhood by presenting an overall master plan which included green space and commercial development. The master plan complied with the Comprehensive Land Use Plan and will have minimal impact on the neighborhood. It was beneficial to the City and had less density than what was allowed by the current zoning regulations, and it proposed less invasive potential uses. The developers of the project are local and care for their reputation to be able to work in the future.

Neil Slattery, the staff engineer for Medicare Systems Inc., said his employer has a five-acre tract under contract with the developers. He said they will start construction of the assisted living facility immediately after the permits are obtained.

Jeff Rogers, 1108 Leone Ridge Drive, a member of the Homeowners Association board, he was concerned about the traffic congestion likely to occur on Miller Parkway, especially between the water tower and the highway. He urged the Planning Board not to approve the C-2 rezoning to keep noise and congestion out of the neighborhood. He also requested the developer to take care of the hybrid iris garden lying between the water tower and Amherst Avenue developed by one of the neighbors.

Stefanie Harvey, 1112 Oaktree Place, the president of Oaktree Homeowners Association, questioned the need for having commercial development on both ends of the road. She said the odd location of the convenience store proposed on Miller Parkway by Arbor Drive would lead to a substantial increase in traffic. This point was not discussed by the City or the applicant. She said Oaktree Place was not a city street and was maintained by the neighbors; one of the streets in this development was directly across the western exit of Oaktree Place. She pointed out that the development has another exit at the water tower but no road was in existence there and that exit was on the other side of Oaktree Place. She expressed her concerns about the two exits on either end of Oaktree Place.

She said she was worried about the intersection at Arbor Drive that would eventually become an F-level traffic intersection and the one at Amherst Avenue and Miller Parkway that would become a C-level traffic intersection due to this development.

She questioned the need for the development based on these issues and asked if there would be street lights. She said the Oaktree Place neighborhood was against the development.

Joseph C. Urgan, 1020 N. Mill Point Circle, pointed out a blind entry onto Miller Parkway from Mill Point Circle. He was concerned about having 9,000 more vehicle trips per day making it difficult to get onto Miller Parkway as it meant having a car every 25 seconds.

He said that the applicant struck off several C-2 uses during the neighborhood meeting and that was not discussed in the meeting so far. He urged the Board to consider the potential store sizes. He said the development would have a catastrophic effect on Miller Ranch and Lee Mill Heights subdivisions in terms of safety, inconvenience, and change in the nature of the existing development. He emphasized the following points.

- The intersections, such as the intersection between Mill Point Circle and Miller Parkway, are relatively blind making it difficult to get onto Miller Parkway. The traffic study suggests an increase of one car every 27 seconds. This is seemingly unsafe and inconvenient to existing homeowners.
- There is a neighborhood pool and shared common space that will be directly across the street.
- The existing development is residential in nature. The current plan would potentially put a department store, or Jimmy Johns, or other business directly across from existing homes.
- There is little evidence in the plan to remedy the traffic situation other than stop lights, widening Miller Parkway, and a roundabout that would significantly alter the nature of the neighborhood
- The advertising to existing homeowners is not consistent, making it hard to comment on.

He commented that the plan might allow a bar or a liquor store directly across from his neighborhood. He requested the Board reconsider the plan and tone it down to make it less severe for the neighborhood.

Jim Mock, 3045 Geneva Drive, expressed his displeasure over a 50-foot-tall sign that would be put up if the proposed convenient store was teamed with a gas station across Fort Riley Boulevard. He wanted the applicant to clarify the possibility of a large gas station on a small plot of land with a 50-foot sign. He was concerned that this would reduce the value of the houses in the area.

Scott Eilert, 908 Overhill Road, discussed the K-18 exit and Miller Parkway. He said that Arbor Drive was on a slope. It would be difficult for drivers to get to Miller Parkway due to the proposed pedestrian pathway besides posing a risk to the pedestrians and bicyclists.

Burton Place and Miller Parkway were currently treated by people like a driveway and the Board needed to consider it. Also, there had been no talk about the level of service for bikers and pedestrians across Amherst with 3,300 cars. A car every 25 seconds would make it even more difficult for kids to cross the street.

He said there would a loss to property value. He asked the applicant to describe what the streets along this development would be comparable to in the future. He also pointed out the need to limit the traffic to the construction site during the construction phase.

Rebecca S. Klingler, M.D., 1100 South Mill Point, invited the Board to see for themselves how family-friendly, aesthetically pleasing, pedestrian friendly and unsuitable for commercial development the neighborhood was.

Erin Porter, 3044 Geneva Drive, expressed her nervousness to the Board regarding increased traffic in the area as her house was hit by a car this year and they were still repairing it.

Jim Dotts, 4417 Leone Terrace, said that his neighborhood was not meant for commercial development and questioned the cost of this development in terms of quality of life. He was concerned that since commercial development reduced the quality of life in the neighborhood in terms of health, safety, crime and traffic, the neighborhood will lose its bike- and pedestrian-friendly character.

Pete Paukstelis, 1209 South Mill Point Circle, said that although he is appreciative of the efforts of the applicant he was worried about the impact on the bike and pedestrians due to the C-2 District. He asked how the landscaping was going to be used.

Michael Walter, 2921 Arbor Drive, asked about the permitted uses for the area. He said the proposal for commercialization in the area was brought up in 2009 and members of the neighborhood submitted a letter recommending that the neighbors having a say in the type of development. The master plan being presented was market driven. He opined that a roundabout might not be able to help the neighborhood along Arbor Drive except impede traffic. He said that Arbor Drive was essentially a local road and making it to a collector street was going to burden the road. He quoted Georgia Tech research saying that an increased commercial activity has a negative impact on residential property values.

Tamara Hallaq, 3017 Arbor Drive, expressed her concerns about an increase in traffic, potential decline in existing neighborhoods, the potential increase in crime, and a decrease in property values. She showed a crime rate map; she said areas experience a 6% increase in crime due to gas stations and convenience stores.

Marilynn Mock, 3045 Geneva Drive, said neighbors on the south side of Fort Riley Boulevard had not been notified although they will be negatively affected by the development. She asked if they, as neighbors, can propose certain restrictions for the C-2 District.

Eileen King, 1032 South Wreath Drive, questioned the need for having two commercial

districts in close proximity per the plan.

Doug King, 1032 South Wreath Drive, said the Lee Mill Village on South Wreath Avenue was bankrupt and was an example of bad decision making. If that ever filled up it would add a lot of traffic which is already being debated tonight.

Michael Walter, 2921 Arbor Drive, said that there is going to be a school on Amherst Drive and Miller Parkway intersection according to the Assistant Superintendent of USD 383.

Rich Seidler replied to the public comments. He said the C-2 exclusions were in the packet provided to the Board and some conditional uses have been struck off.

He said the applicants were in negotiation with a convenience store and did not have a contract yet. He said the C-2 zoning did not necessarily mean that the neighborhood was going to be polluted. The applicant and the developer envisioned service commercial, such as medical care, and other welcome uses for the neighborhood rather than just a convenience store. They will address the traffic issue and establish restrictive covenants throughout the project, but the area needed to be rezoned for all of that to happen.

Brad Waller, Alfred Benesch & Co., 3226 Kimball Avenue, said he had a copy of the restrictive covenants and the Miller Ranch Homeowners Association is currently reviewing it. Seidler said that the plan complies with the Comprehensive Land Use Plan so there was nothing absurd about it.

Anderson commented that a lot of new traffic will result from the single-family part of the development.

Seidler said that the plan envisioned dwelling units that would augment the assisted living facility. He promised that there would be no apartments but some duplexes for senior citizens.

Anderson cautioned that the City should develop responsibly and lessen the impact of developments.

Waller said that the plat shows extensive pedestrian access, sidewalks on both sides of major thoroughfares, and walking trails to what would eventually become a community park.

Nuss asked if consideration was given to doing the development as a PUD. Seidler said that PUD s have been overused; PUDs create a rigid set of regulations for potential customers, reducing development choices.

Nuss questioned the time period of the development. Seidler replied that they expect buildout of the first phase in three to five years. Ultimate buildout could take five to seven years.

Ebert asked if the same restrictive covenants would apply to all commercial lots or

different covenants would apply to different lots. Seidler said that they would provide a list of covenants, adding that will not be part of the development proposal before the City for approval, but they would later be tied to deeds.

Ebert asked if the applicant would consider rezoning the area south of Oaktree Place and Brianna Court to residential and then come back with a PUD when the commercial market shows some interest, for example, a body shop or a small medical center. The applicant said that was not considered.

Reynard pointed out that an auto service use was permitted in the C-2 District; he asked if the applicant was thinking of a gas station. He asked about the sign height allowed for a gas station. Seidler said that lighting and signage were limited by the Manhattan Zoning Regulations.

Stith asked the applicant to provide to name existing streets that were comparable to some of the streets and traffic the neighborhood would see due to this development.

Jim Jussel, 11010 Haskell Avenue, Kansas City, Kansas, traffic engineer for the applicant, said that ITE guidelines had been followed for the traffic study. He said that a three-lane roadway carries up to 1,000 vehicles and that the traffic would be below the threshold. He added that a turn lane roadway can carry up to 16,000 vehicles. This many vehicles were not being added to the existing street. The data provided in the packet was based on 2% growth rate for the City in the future.

Johnson said that the sight distance issues would be looked at as a future Capital Improvements Program item; its importance will depend on the type of traffic generated.

Reynard asked if Miller Parkway was a collector and the speed limit was 30 mph. Johnson confirmed both questions.

Johnson provided a comparable for two-lane and three-lane roads. He said Kimball Avenue carries 10,000 vehicles a day; Clafflin Road between College Avenue and Westford carried about 8,000–9,000 vehicles a day. The maximum amount of vehicle trips on Miller Parkway resulting from this development was 5,200. This was half the street's capacity at full buildout.

Parikh closed the public hearing.

Stith commented that the Comprehensive Land Use Plan did show some kind of commercial activity in the area. Also walkability was important for the neighborhood and people needed something to walk to. Having commercial establishments doesn't necessarily ruin neighborhoods but enhances it. If the public is keen on having restrictive covenants they need to go to the City Commission meeting. The MUAPB's decision has to be based on the permitted uses of the C-2 District. He added that motels were a conditional use and they need to go through a hearing process before it can happen; the can fight it if one is ever proposed. He commented that the neighbors are more worried than they should be. Addressing people's concerns over the future LOS F intersection, he said that it was not going to happen in the immediate future but twenty years from now.

This will give the City and the Flint Hills MPO enough time to figure out a solution. He assured the people that if the development proceeded correctly their concerns will not be as bad as they look.

Ball said that there was dearth of developable land in Manhattan and development is needed to meet the future needs of the City. He added that the property was designed to be developed and it will result in more traffic. He quoted a similar issue from the past when Kansas State University put up a property for sale. The homeowners association conceded that whoever bought that property will have control over it. The owners have the right to develop a property in compliance with zoning regulations. Despite public concern he, as a Board member, is obligated to go by the zoning regulations of the City. He said he would support the annexation and the rezoning as being in the best interests of the City of Manhattan.

Anderson advised the public to go to the developer with suggestions, such as a child daycare, since they appear to be open to suggestions for the kind of development that would fit the neighborhood.

Ebert commented that the I-5 component presented in the plan was different from the Comprehensive Land Use Plan. He took exception to the commercial component on Lot 111, saying it looked like "spot zoning". He empathized with the neighborhoods and hoped that the convenience store and similar commercial establishments would be appropriately located at the intersection of Miller Parkway and Fort Riley Boulevard. He pointed out that the three-acre lot at the northern end of the site looked like a small PUD and the only access to the commercial lot is from the Miller Parkway. Both of the drives from Oaktree Place would have connections onto this particular tract which was visible in the traffic analysis. He took note that the intersection was not a true collector and it was somewhat rare for a zoning application to have such a large variety of uses. He asked if it is mandatory to vote for or against the entire project or a lot-by-lot basis.

Bunger replied that the Board needs to vote on the application as presented.

Ebert asked if it was within the means of the Planning Board to amend the application. Eric Cattell said that the Board members were obligated to vote for or against the entire plan, but they can ask the applicant to make changes in their proposal if they are willing to do so.

Nuss commented that she had heard no arguments during the course of testimony to support denial of the plan. There was no evidence suggesting the proposal does not comply with the Comprehensive Plan. While she was sympathetic to people's concerns, she had a different role as a member of the Planning Board. She urged the people to go to the City Commission meeting as they may be able to help them.

Parikh commented that he, too, was concerned by the orientation of the C-2 and water tower, but the project was still laid out in a way that complied with the zoning and subdivision regulations and the Comprehensive Plan. However, a restrictive covenant was possible and maybe the City Commission could do more about it.

Stith moved to recommend annexing approximately 21.4 acres located generally west and south of the intersection of Miller Parkway and Highway K-18; Reynard seconded. Motion passed 7-0-0.

Stith moved to recommend approval of the rezoning; Reynard seconded. Motion passed 6-1-0 (Ebert opposed).

Stith moved to recommend approval of the preliminary approval; Reynard seconded. Motion passed 7-0-0.

REPORTS AND COMMENTS BY BOARD MEMBERS AND STAFF

Parikh welcomed Carol Davidson to the City staff.

Nuss commented that the issue of public notification often comes up during public meetings. The Board needs to talk about it and make it clear since not everyone is computer savvy and not all read the newspaper. She also commented that PUDs were created to meet higher standards of development rather than providing for an exception. It was important to ensure good quality developments in the City.

Stith asked the City staff to update the Board on the Unified Development Code project. Bunger said the draft of Module 1 will be sent to the staff shortly. It contains the administrative details and district regulations. City staff and City Commission will review it and send it back to the consultants. They will then modify the draft based on the suggestions and give a final version for everyone including the public. A work session with the Planning Board and Ordinance Advisory Committee is scheduled in October. This will be followed by other modules.

Stith said he noticed that the trees at Candlewood Shopping Center had been cut down and asked if the owners were mandated to replace them. Cattell replied that he had been in conversation with the owner and they were in the process of replacing the trees.

Ebert asked if there was going to be a grace period for transition to the UDO. Cattell noted that the UDO adoption was still a year away. He said that there will be a seamless transition from the current zoning regulations to the UDO. The document is going to be much more visual and easy to comprehend.

Ebert asked what would happen if an applicant gets caught up in a transition period between two codes. Cattell said that the development code that is current at the time an application is made is the code that applies to the application through approval.

Parikh adjourned the meeting.

Respectfully submitted,
Annapurna Singh, Planning Intern