

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

MEMBERS PRESENT: Debbie Nuss, Chairperson; Phil Anderson; John Ball; Ken Ebert, Vice-Chairperson

MEMBERS ABSENT: Neil Parikh, Jerry Reynard, Gary Stith

STAFF PRESENT: Chad Bunger, Assistant Director Community Development; Carol Davidson, Senior Current Planner; John Adam, Senior Long-Range Planner

Nuss opened the meeting at 7:00 p.m.

OPEN PUBLIC COMMENTS

There were none.

CONSENT AGENDA

APPROVE THE MINUTES OF THE AUGUST 21, 2017, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

CONSIDER THE FINAL PLAT OF MANHATTAN MEDICAL CENTER, UNIT III, A REPLAT OF LOT 1, MANHATTAN MEDICAL CENTER, UNIT II AND LOTS 1 AND 3, MANHATTAN MEDICAL CENTER PUD, PHASE I.

CONSIDER THE FINAL PLAT OF KIMBALL PLACE, UNIT THREE, A REPLAT OF LOTS 1, 2, 3, 4, AND 5, KIMBALL PLACE ADDITION.

Anderson made the motion to approve the consent agenda and Ken Ebert seconded it. The motion passed 4-0-0.

GENERAL AGENDA

There were no new cases for the General Agenda.

REPORTS AND COMMENTS BY BOARD MEMBERS AND STAFF.

Nuss asked city staff for updates.

Chad Bunger reported on the progress of the UDO. He said that the first modular review has been completed by the City and suggestions have been sent to the consultant.

Nuss asked Bunger regarding the decision of the City Commission on the Stonehaven development.

Bunger said the residential rezoning was approved while the C-2 Zoning was denied by the City Commission.

Nuss commented that during the Planning Board's hearing, they were advised not to separate it on a lot-by-lot basis but vote for or against the entire proposal.

Adam said that voting on a lot-by-lot basis it is not an advisable practice. As an advisory board it is the role of the Planning Board to look at development proposals from a technical point of view and evaluate them based on zoning regulations, compatibility with the Comprehensive Plan, and traffic issues. He further elaborated that the City Commission takes into account the general sentiment of the public while deciding on development proposals. This was the likely reason of their voting differently on the proposal than the Planning Board and denying the C-2 zoning.

Nuss inferred that being an advisory board, their role and authority might be different from the City Commission which is a statutory body.

Ebert confirmed from Bunger that all the C-2 zoning was denied by the Commission, including the zoning for the proposed annexation. He later commented that annexation of any property into the City mandates the zoning of the property.

Bunger reaffirmed his point saying that in the Stonehaven case, the applicant and the consultant will now have to bring a new proposal with new zoning recommendations for lots where C-2 zoning was earlier proposed.

Ebert asked about the details of the protest petition against the Stonehaven development.

Bunger explained that two petitions were brought. One would have mandated the City Commission to approve the rezone with a super (i.e., 4/5) majority if the petition was a found to be valid. This petition would have needed the signatures of neighbors owning land equivalent to 20% of the total area required to be notified. Since the protest petition could not meet this criterion, the petition was deemed invalid.

The other protest petition brought to the commission was of general nature; that is, with signatures of the general public from around Manhattan. This petition was not legally binding on the Commission but just a reflection of the general public sentiment.

Ebert asked if the Commission sent the proposal back to the MUAPB, would the Commission need a simple or super majority to do that.

Bunger elaborated the four options that were available to the City Commission and the criteria for approval:

1. Approve the entire proposal. This would require a simple majority.

2. Table it for further discussion. This would require a simple majority.
3. Send it back to the MUAPB for specific suggestions. This would also need a simple majority.
4. Deny it or modify it. This would need a super majority of 4/5.

Ball commented that the process worked well and came to a good conclusion.

Anderson commented on Houston, Texas, being a planning disaster and thanked the City staff for putting in a lot of time and energy for good planning in Manhattan.

Since there were no further comments, Nuss adjourned the meeting at 7:20 p.m.