

MINUTES

MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall
1101 Poyntz Avenue

July 1, 2019

MEMBERS PRESENT

Ken Ebert, *chair*
Phil Anderson
John Ball

Neil Parikh
Jerry Reynard, *vice-chair*

MEMBERS ABSENT

Debbie Nuss
Gary Stith

STAFF PRESENT

Chad Bunger, Asst. Community Development Director; Barry Beagle, Senior Planner; John Adam, Senior Planner

1. CALL TO ORDER

- 1.1. Ebert called the meeting to order at 7:00 p.m. Staff called the roll and stated there was a quorum.
- 1.2. Open Public Comments: there were none.

2. CONSENT AGENDA

- 2.1. Approve the minutes of the June 17, 2019, Manhattan Urban Area Planning Board meeting

Reynard moved that the Board approve the Consent Agenda; Parikh seconded. Motion passed 4–0–1.

- 2.2. Consider the final plat of Scenic Crossing, Unit 3, a 1.9-acre, a two-lot subdivision of Lot 31 of Scenic Crossing, located northeast of the Kimball Avenue and Anderson Avenue intersection (Applicant: Bayer Construction; file no. SUB-19-041)

Ebert said he has no real objections to the replat brought before the board today. He said it is a logical solution to a problem. He said what he found to be the exception, according to the regulations is that final plats if found to be substantially in compliance with the preliminary plat, are automatically approved. He said he has an issue with the substantial completion portion and has spoken with City Staff about his questions. He said creating two lots of out one with access to Scenic Landing would be of no matter, but the creation of the flag lot is where the potential with the preliminary may have crossed the line. He said the subdivision regulations have significant discussion mostly prohibiting the creation of flag lots unless the MUAPB finds them necessary. Parikh asked whether Ebert's issue was with the actual process, this particular platting or both. Ebert said he had an issue with the process

of finding it in substantial compliance, which he personally did not concur with City staff, due to the creation of a flag lot. Parikh asked if there was a definition of substantial compliance that they could refer to. Ebert said there are not, to his knowledge, statements of what constitutes substantial compliance. Bunger read the definition of substantial compliance from Article XI of the Subdivision Regulations. Reynard asked where the flag lot was located and Ebert explained the graphics to him. Anderson asked whether Ebert was interested in further defining what constitutes substantial compliance at a future time. Ebert said he would potentially be interested but was unsure as to whether the UDO would be handling this or not.

Parikh moved that the Board move item 2.2 to the bottom of the General Agenda. Reynard seconded. Motion passed 4–1–0.

3. GENERAL AGENDA

- 3.1. A public hearing to consider amendments to Section 8 – Agricultural District (AG), of the Riley County Zoning Regulations (*Applicant: Riley County Planning Board*)

Isaac presented the amendment and background for the change and recommended approval of the proposed amendments.

Ebert asked if staff had considered the unintended consequences of this amendment.

Isaac stated that the statutes exempt agricultural uses and buildings from zoning regulations allowing the situation to occur. He explained that with the current limitations of the existing regulations, the County doesn't have a viable solution for when a farmer needs to separate the homesteads from the farm ground.

Ebert opened the public hearing and asked if anyone had any comments.

Dawn Anderson, 1719 Fairchild Avenue wanted to know what the downside would be to having two extraneous farmsteads.

Isaac stated there really wasn't a downside. He explained that the problem is occurring at the beginning of the process, whereby the statute allows uncontrolled development to take place through agricultural exemption. He said the Department must remain vigilant in determining what is agricultural when considering an application for an agricultural exemption. He stated that the proposed amendment was drafted to provide a solution to when farm homes are no longer needed as part of an agricultural operation.

Ebert closed the public hearing.

Ball moved to recommend approval to the Board of County Commissioners to adopt the proposed amendments, as published. Anderson seconded. Motion passed 5–0–0.

- 3.2. Consider the final plat of Scenic Crossing, Unit 3, a 1.9-acre, a two-lot subdivision of Lot 31 of Scenic Crossing, located northeast of the Kimball Avenue and Anderson Avenue intersection (Applicant: Bayer Construction; file no. SUB-19-041)

Moved from consent agenda.

Anderson asked whether Ebert would be okay with proceeding with the agenda item and subsequently plan a workshop with City Staff to work on adjusting the definition of substantial compliance. Ebert said he would agree to that.

Ball moved that the Board approve of the FINAL PLAT of Scenic Crossing, Unit 3, a 1.9-acre, a two-lot subdivision of Lot 31 of Scenic Crossing, located northeast of the Kimball Avenue and Anderson Avenue intersection. Anderson seconded. Motion passed 5–0–0.

4. REPORTS AND COMMENTS BY BOARD MEMBERS AND STAFF

4.1. Planning updates from staff

There were none.

4.2. Comments from Board members

Anderson and Ball said they would be absent on 7/15/19. Ball said he understands the Chair's objection to the process but was uncomfortable with the applicant being held hostage while the Board further discussed the procedural questions. Ebert thought it would be beneficial for the applicant to hear the comments and discussion. Richard Seidler spoke about the process with the Scenic Cross, Unit Three Final Plat. Parikh said he moved to push item 2.2 to the general agenda in order to give Board members adequate time to process Ebert's comments and come to a conclusion prior to voting. Ebert asked staff if there were any follow up comments. Bungler said he would be cautious how staff address the concerns brought about by the Board during this hearing. There are some processes that are administrative in nature and are approved automatically if all requirements are met. Denial based on political reasons instead of based on standards could open the doors to legal challenges. Parikh asked if the item should have come before the board to approve a flag lot prior to this hearing. Bungler said the final plat memo details the content. Ball asked whether the City would bring an application before the Board that did not conform to all required criteria. Staff said they would not.

4.3. Next meeting. Chair announced the next meeting is July 15, 2019

5. ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

Submitted by Dre'Vel Taylor, Planning Intern