

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
July 2, 2007
7:00 p.m.

MEMBERS PRESENT: George Ham, Chairperson; Mike Kratochvil; Stephanie Rolley; Jerry Reynard; Mike Hill; Bill Meredith.

MEMBERS ABSENT: None.

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Cam Moeller, Planner; Chad Bunger, Planner.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

1. **APPROVE THE MINUTES OF THE JUNE 4, 2007, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**
2. **APPROVE THE FINAL PLAT OF UNIVERSITY HEIGHTS ADDITION, UNIT NINE, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF YALE CIRCLE AND AMHERST AVENUE. (APPLICANT/OWNER: VERNON AUEN)**

Kratochvil moved that the Board approve the Consent Agenda. Rolley seconded the motion, which passed on a vote of 6-0.

GENERAL AGENDA

1. **A PUBLIC HEARING TO CONSIDER THE REZONING OF THE VILLAS AT LIBERTY PARK ADDITION, FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO R-2, TWO-FAMILY RESIDENTIAL DISTRICT, AN APPROXIMATE 26 ACRE TRACT OF LAND GENERALLY LOCATED WEST OF THE INTERSECTION OF BRADFORD TERRACE AND AMHERST AVENUE, AND PEACHTREE CIRCLE AND AMHERST AVENUE. (OWNER/APPLICANT: WILDCAT LAND CO., LLC-SAM AND MALINDA ODLE)**

Ham and Rolley stepped down due to conflict of interest. Kratochvil served as Acting Chairperson. Zilkie noted that the Board had previously considered this application at a May 7, 2007 public hearing. However, after the close of the hearing a protest petition was filed with the City and during review of the petition, it was

discovered that not all of the property owners within the area of notification were notified of the first Public Hearing, due to an error in the list provided by the applicant. The application was withdrawn by the applicant and resubmitted for a new Public Hearing.

Zilkie presented the Staff Report, recommending approval.

It was noted that neither the applicant, nor their consultant was present to address questions.

Kratochvil opened the Public Hearing.

Michael Hodges (3731 Peachtree Circle) told the Board that the neighborhood had gathered 111 signatures on their petition in opposition of the proposal. Hodges said that most people had purchased their homes under the assumption that the subject property would be developed with single-family homes. Hodges said the subject property is not the best location for R-2 zoning.

Kratochvil asked what had transpired over the last 30 days to generate so much opposition when only one property owner had spoken at the previous Public Hearing. Hodges said most people were not aware of, or did not understand, what was being proposed.

Kratochvil said the area is booming and public opposition to development in the area usually comes back to traffic concerns. Kratochvil said something has to be done at some point in time. Hodges said traffic was a concern of his as well.

Neil Farmer (3700 Persimmon Circle) said he is president of the Miller Ranch Homeowner's Association and that the Homeowner's Association did not receive notification of the first public hearing. Farmer said the neighborhood does not want townhomes, due to the associated increases in traffic and density.

Fred Rodriguez (3716 Peachtree Circle) said he moved to Manhattan from southern California for a higher quality of life. He was concerned about how townhomes would affect the quality of life in the neighborhood.

Brett DePaola (905 Overhill Road) said the proposal could almost be considered spot zoning. He said there is no reason to willfully increase traffic in the area.

Dave Casper (3700 Bradford Terrace) apologized for the fact that the neighborhood was not organized to speak at the previous Planning Board meeting. He said the large number of people in the audience tonight indicated the level of opposition towards the project.

John Alstadt (3704 Overhill Circle) said that homeowners in the area thought their investment was not going to be sustained. Alstadt said if the local community

opposes a rezoning application that should be the primary consideration, regardless of the reasons for opposition.

Brian Bieker (3708 Bradford Terrace) questioned how the increase in population associated with new development would affect school district boundaries.

George Wang (928 Overhill Road) spoke in opposition of the proposal, mentioning property taxes and traffic.

John Strawn (3801 Peachtree Circle) said he lives across the street from the subject property. He said that when he bought his house he was told the area was zoned R, Single-Family. Strawn said he has concerns about traffic and children's safety.

Kratochvil closed the Public Hearing.

Hill said the neighborhood had brought up a lot of issues for the Board to consider. Hill noted that other townhouse developments in the area had been Planned Unit Developments. He said blanket R-2 zoning leaves the door open for poor aesthetic quality. The applicant was not here to answer questions and in May she indicated she wanted to provide a less expensive product. Hill said traffic was not a big an issue as this particular development is a relatively small piece in the bigger puzzle.

Meredith said he would second Hill's comments. Meredith said he would like to have seen the public at the first meeting. Meredith said he was concerned that the applicant was not present.

Kratochvil encouraged the residents to stay involved throughout the process, including at the City Commission meeting.

Hill said he is not completely opposed to R-2 zoning at this location, but is concerned about the lack of information provided with the application with respect to restrictive covenants and design standards.

Hill moved to recommend denial of the proposal, based on the rezoning not being consistent with the purpose and intent of the Zoning Ordinance, citing concerns about compatibility and protection of property values.

Reynard seconded the motion. Zilkie asked for further clarification behind the reasoning for denial.

Kratochvil suggested the Board could table the item until the applicant was present. He cautioned the Board that it needed to be careful and have solid reasoning to recommend denial and that they can't just say they don't know what it will look like. He understood concerns about lower quality and that they don't know who might actually develop the project. He said they need to come up with the reasoning for the recommendation.

Reynard said he is troubled that the applicant chose not to attend the meeting. Reynard said he too is not against R-2 zoning, but is concerned about the lack of information. He said the applicant previously said the homes would be in the lower \$250,000 range. The neighborhood has taken the time to come out to the meeting.

Hill rescinded his motion to deny and then moved to table the item to July 16th so that the applicant may provide more information. The request may be brought back to the Planning Board as either a Planned Unit Development, or with more information regarding design quality, design standards, or restrictive covenants.

Reynard seconded the motion, which passed on a vote of 3-1, with Kratochvil voting against the motion.

2. ANNUAL ORGANIZATIONAL MEETING AND ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSON

Kratochvil nominated Rolley as Chair. Meredith seconded the motion, which passed on a vote of 5-0 (Rolley abstained).

Kratochvil nominated Ham to serve again as Vice-Chair. Reynard seconded the motion, which passed on a vote of 5-0 (Ham abstained).

3. REPORTS AND COMMENTS BY BOARD MEMBERS.

Reynard agreed to serve as the Board's representative on the Flint Hills Regional Growth Plan.

The Board discussed having an informal policy that items not be considered on the General Agenda if the applicant is not present.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Cam Moeller, Planner II