

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
July 16, 2007
7:00 p.m.

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

MEMBERS ABSENT:

YOUTH IN GOVERNMENT:

STAFF PRESENT: Eric Cattell, Assistant Director For Planning; Steve Zilkie, Senior Planner; Jane Winslow Senior Planner; Chad Bunger, Planner; Diane Stoddard, Deputy City Manager; Jason Hilgers, Assistant City Manager; Karen Davis, Director of Community Development; Dale Houdeshell, Director of Public Works; Curt Loupe, Director of Parks and Recreation; Jerry Snyder, Director of Fire Services; Peter VanKuren, Airport Director.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

1. **APPROVE THE MINUTES OF THE JULY 2, 2007, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**
2. **APPROVE THE FINAL PLAT OF THE SCENIC MEADOWS ADDITION, UNIT TWO, GENERALLY LOCATED ON THE EAST SIDE OF SOUTH SCENIC DRIVE, APPROXIMATELY 2,600 FEET NORTH OF THE INTERSECTION OF SOUTH SCENIC DRIVE AND EUREKA DRIVE. (APPLICANT/OWNER: FRANK TILLMAN-CEDAR HILLS DEVELOPMENT INC.)**
3. **APPROVE THE FINAL PLAT OF LEE MILL HEIGHTS ADDITION, UNIT FOUR, GENERALLY LOCATED WEST OF LEE MILL HEIGHTS ADDITION, UNIT THREE AND AN EXTENSION OF MILLER PARKWAY. (APPLICANT OWNER: LEE MILL LAND CO. LLC-TIM SCHULTZ)**
4. **APPROVE THE FINAL DEVELOPMENT PLAN FOR A PROPOSED MAINTENANCE BUILDING IN THE MEADOWLARK HILLS PLANNED UNIT DEVELOPMENT, GENERALLY located NORTH OF KIMBALL**

AVENUE AND WEST OF TUTTLE CREEK BOULEVARD.
(APPLICANT/OWNER: MANHATTAN RETIREMENT FOUNDATION, INC.)

Rolley indicated that she was stepping down from voting on Item 3, due to a conflict of interest.

Hill moved that the Board approve Items 1 and 4 on the Consent Agenda, as presented. Meredith seconded the motion, which passed on a vote of 6-0.

Hill moved that the Board approve Items 2 and 3 on the Consent Agenda, as presented with the condition of approval recommended by City Administration on Item 2. Reynard seconded the motion, which passed on a vote of 6-0 on Item 2, and 5-0 on Item 3.

GENERAL AGENDA

1. **REVIEW THE PROPOSED 2008-2013 CAPITAL IMPROVEMENTS PROGRAM (CIP) FOR CONFORMANCE WITH THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN AND REVIEW THE URBAN SERVICE AREA BOUNDARY.**

Cattell gave an overview of the agenda item, indicating that City Commission Resolution No. 1979-253 indicates that the Planning Board shall be given the proposed Capital Improvements Program to review for conformance with the Manhattan Urban Area Comprehensive Plan and to forward any comments, prior to its adoption by the City Commission. In addition, the Board is to annually review the Urban Service Area Boundary along with the CIP.

Cattell said the City recently entered into an agreement with Pottawatomie County regarding the treatment of sanitary sewer from areas along a portion of the US 24 Corridor east of the Blue River, including the recently annexed Heritage Square PUD and a larger future growth area. This could potentially lead to expanding the USAB in the future into portions of this area. However, no changes or specific action is needed at this time regarding the USAB. The USAB will be reviewed again this winter, as part of the annual review of the Comprehensive Plan.

Cattell indicated that representatives from city departments were present to provide summaries of their proposed CIP items and to answer questions.

The Deputy City Manager, Assistant City Manager and Department Heads provided overviews of their proposed CIP projects and answered questions from the Board.

Hill asked about the parking garage and if it would be built in 2008. Jason Hilgers, Assistant City Manager, indicated the garage was part of the hotel, conference center project and it could potentially be started in 2008, but was more likely in 2009.

Rolley asked if and when the Part 150 Noise Study would be conducted. Peter VanKuren, Airport Director, indicated the Part 150 Study would be initiated this month and would include public involvement.

Rolley asked about park land acquisition in the Miller Parkway corridor area. Curt Loupe, Director of Parks and Recreation, indicated that the City Commission was being presented several options to consider for acquiring park land along that corridor.

Ham made a motion that the Manhattan Urban Area Planning Board finds that the proposed 2008-2013 Capital Improvements Program is in general conformance with the Manhattan Urban Area Comprehensive Plan. The motion was seconded by Reynard and passed on a vote of 6-0.

Zilkie indicated that Items 2 and 3 needed to be tabled.

2. **TABLE A PUBLIC HEARING TO CONSIDER AMENDMENT OF THE FINAL DEVELOPMENT PLAN OF LOT 5 IN THE SOUTH WIND OFFICE PARK PLANNED UNIT DEVELOPMENT AT 222 SOUTHWIND PLACE; AND, THE REZONING OF AN APPROXIMATE ONE (1) ACRE TRACT OF LAND AT 230 SHUSS ROAD FOR THE PROPOSED SOUTHWIND LOFTS PLANNED UNIT DEVELOPMENT FROM R-2, TWO-FAMILY RESIDENTIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT. (APPLICANT/OWNER: FOWLES-RIFFEL, LLC, RON FOWLES AND GWYN RIFFEL)**

Kratochvil moved to table the Public Hearing to consider an Amendment of the Final Development Plan of Lot 5 in the South Wind Office Park Planned Unit Development; and, the Rezoning of an approximate one (1) acre tract of land for the proposed Southwind Lofts PUD from R-2, Two-Family Residential District, to PUD, Planned Unit Development District, to the Monday, August 6, 2007, Manhattan Urban Area Planning Board meeting, as recommended by City Administration. The motion was seconded by Reynard and passed on a vote of 6-0.

3. **TABLE A PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT OF THE PURPLE WAVE ADDITION GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF US HIGHWAY 24 AND LEVEE DRIVE, 825 LEVEE DRIVE. THE CONCURRENT OF THE PROPOSED PURPLE WAVE ADDITION, A PRELIMINARY AND FINAL PLAT, WHICH WILL CONSIST OF PROPOSED LOT 1 FOR ONE (1) PROPOSED HIGHWAY COMMERCIAL LOT. THE FINAL PLAT ALSO INCLUDES LOT 2 OF MANHATTAN INDUSTRIAL PARK (OWNER/APPLICANT: PURPLE WAVE HOLDINGS, LLC-AARON MCKEE)**

Meredith moved to table the Public Hearing to consider the Concurrent Plat of the proposed Purple Wave Addition, to the Monday, August 6, 2007, Manhattan Urban Area Planning Board meeting, as recommended by City Administration. The motion was seconded by Reynard and passed on a vote of 6-0.

4. **CONTINUATION OF 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)**

Rolley indicated that she and Ham would be stepping down from participation on this item, due to conflicts of interest.

Kratochvil took over as Acting Chairperson for the item.

Hill moved that the item be removed from the table. Reynard seconded the motion, which passed on a vote of 4-0.

Zilkie provided an update and overview on written information received from the applicant since the last meeting. He said the applicant had told him that someone would be present at the meeting to represent the item.

Kratochvil asked for clarification that if there would be 62 dwellings proposed if the site were to be rezoned to R-2 and 35 single-family homes if it is not rezoned. Zilkie confirmed the numbers, based on the Replat.

Kratochvil asked if the applicant, or a representative, was present to speak on behalf of the request. No one came forward.

Kratochvil opened the public hearing.

John Alstadt (3704 Overhill Circle) discussed the definition, and history, of zoning. Alstadt said the purpose of zoning is to separate incompatible uses, to prevent new developments from harming existing residences and businesses. Responding to assertions made at the previous Planning Board meeting that it has not been shown that multi-family developments harm property values, Alstadt said the studies he has researched indicate that this cannot be determined. Alstadt said, if given a choice, anybody would choose a neighborhood that does not include multi-family residences. Alstadt said the proposed zoning designation does not match up with the adjacent neighborhood and does not match up with the intent as originally conceived by the developer of Miller Ranch. Alstadt said he believes the proposed zoning will have a detrimental affect on the property values of nearby homes. Alstadt said zoning is

designed to protect local residents but the proposed zoning will adversely impact the character of the existing neighborhood.

Brett DePaola (905 Overhill Road) discussed the past experiences of the neighborhood with the applicant. DePaola said the applicant has built a number of homes that did not meet the covenants of Miller Ranch. DePaola said these issues have yet to be resolved to the neighborhood's satisfaction. DePaola also mentioned several meetings between the applicant and the neighborhood where the applicant made clear that she would build what she wanted to without input from the neighborhood. DePaola said he would be worried about the proposed zoning change from R to R-2 regardless, but is particularly concerned because of firsthand experience with this particular developer. DePaola said he wants to see the developer make money, just not at the neighborhood's expense.

Kevin Martin (3700 Catalpa) said he would like to echo previous comments about this developer. Martin spoke of the large amount of dirt sitting in the road with ongoing development and fears it will be replicated with the proposed development. Martin said that prior to buying his home he did his homework so that he knew what type of development was planned for the surrounding area. Martin said he wants to live in the type of neighborhood that was previously planned. Martin said he would not have purchased his home had he thought there would be multi-family residences across the street.

Neil Farmer (3700 Persimmon Circle) noted that there are 37 homeowners in attendance in opposition to the proposed rezoning. Farmer noted that prior to tonight's meeting, a neighborhood committee had met to discuss what they wanted to say. Farmer said that Altstadt had spoken as representative of the neighborhood. Farmer said the neighborhood is serious about wanting the right decision to be made.

Kratochvil closed the public hearing, with no one else speaking.

Meredith said he agreed with some of the zoning standards 3, 5 and 6 identified by the speakers and that those were the standards he had identified as being of concern to him. The information provided by the applicant indicates units in the subdivision will be in the \$200,000 to \$250,000 range, which will be a downscale version of the Townhomes at Miller Ranch and fits in with some of the concerns mentioned. However, the Comprehensive Plan clearly states the Miller Ranch area will contain a variety of housing types and densities, as well as a neighborhood commercial center. Nevertheless, standards 3, 5, and 6 are a concern.

Hill stated that the reasons to recommend denial relate to the standards regarding conformance with the general neighborhood character, compatibility of the proposed district with nearby properties and the extent to which it may have detrimental affects, and the surrounding zoning. He said he had three reasons to recommend denial: first, the land is being up-zoned, which makes the request unique, in a sense, and different from any of the other zoning requests that have come before the Board; also, because

it is next to an already existing R-1 neighborhood where most of the homes are already built, which in his mind has established an architectural precedence for the entire area; and third, because of the fact that many of the higher density zonings that the Board has approved in the surrounding area were PUD's and the request came before the Board and thus those have conformed with the architectural precedents that we have set. He said that straight R-2 zoning leaves too many unknowns. He said we've been given a few unknowns by a short letter from the applicant, but the applicant decided not to show up and answer many of the questions Hill still had, which would include the amount of square footage, more of the architectural details, more questions about materials, height, visual appeal, landscaping or lack of, and restrictive covenants. All those things, in his mind, with the unknowns of those issues, would lead to incompatibility, or could lead to incompatibility, with the surrounding neighborhood. Thus, it could have a detrimental affect on the character and value, as well as a negative visual impact on the neighborhood. So in his mind, like the Board has done with most, but not all, of the other areas, the rezoning site should be a PUD, if it is to move forward in any type of multi-family zoning. Or, the site should stay R. He said the comments were to define or back up his motion.

Hill moved that the Manhattan Urban Area Planning Board recommend denial of the proposed rezoning of The Villas at Liberty Park, from R, Single-Family Residential District to R-2, Two-Family Residential District, based on Hill's comments above. Reynard seconded the motion.

Kratochvil said he has watched Miller Ranch from the very beginning and seeing where it is today and it made him feel good that the neighborhood was standing up for what it feels is right. He encouraged the neighborhood to keep its eyes open because this is not a dead issue. He said there is other land in the area. He said the Board relies on staff, public and surrounding neighborhoods and appreciated the neighborhood coming out.

On a vote, the motion was approved 4-0.

5. REPORTS AND COMMENTS BY BOARD MEMBERS AND STAFF

Cattell introduced Jane Winslow, who is the new Senior Long Range Planner, filling the vacancy left by Ockert Fourie.

Respectfully submitted,

Cam Moeller, Planner II