

**CITY-COUNTY PLANNING BOARD
REGULAR MEETING
January 20, 2016
MINUTES**

CALL TO ORDER

Vice President, Dave Hebner called the meeting to order in the Town Meeting Room, at 207 S 6th St. at 7:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL: Board members present were Steve Albert, Dave Hebner, Lindsay Schack, Dan Simser, Alvin VanderVos and Tom Wells. Also present were Town Planner Ralph Johnson and Clerk/Treasurer Pam Humphrey. Eighteen members of the public were also present.

Excused: John Schutter, Carl Schutter, and Phil Willett

PUBLIC COMMENT/COMMUNICATIONS

None

NEW BUSINESS

Election of Officers

Motion- VanderVos; Second- Albert; Vote- 3-2: Motion passed to appoint Dave Hebner as President.

Motion- Simser; Second- Wells; Vote- 4-1: Motion passed to appoint Lindsay Schack as Vice President.

Alvin VanderVos agreed to serve again as Treasurer.

Re-Zoning Lots 21, 22, 31, 32, and 33 in the Farmstead

Public Hearing-Lots 21 and 22

Jason DeHaan, potential owner of lots 21, 22, 31: He presented townhomes and apartments proposal drawings to members of the audience. He described the projects that they are proposing if the zoning amendment is approved.

Jim Kack, 6531 Jackson Creek, Farmstead board: He indicated that the intent of the Farmstead was to be multi-family, small commercial, light industrial. They submitted the request for the re-zoning to best meet the current demand in Manhattan.

Ralph Johnson, Town Planner: He read the staff reports for the proposed lots for re-zoning. He summarized the reason for the re-zoning requests. He reviewed the 12-point test under which municipal governing bodies must consider whether a proposed zoning or rezoning of land is appropriate. He went over each of the 12 points for the request and how they would be affected by the rezoning. He indicated that the Planning Board and the Town Council must decide if the rezoning meets the intent of the Manhattan zoning ordinance. Johnson recommended approval with the condition that both lots are developed in the same zoning district, either R-3 or L-1.

Joan Thompson, 5 B Sedora, Hamilton Village HOA president: Hamilton Village has no objections.

Dan Ryan, 314 S 5th: He asked about the use of water within these subdivisions and how it is handled.

Vic Martin, Invest Montana lot 24: He spoke in favor of the rezoning. He would like to have lighting issues addressed. He will need security lighting, but is worried that there will be complaints about his lights. He likes the idea of a security fence between the lots and his.

Discussion/Decision

Board discussion included how double zoned land is designated on the zoning map and who regulates the use. They discussed possible uses of the land regarding traffic flow numbers. Manhattan S Road could be a corridor for light industrial traffic, but the current need is housing.

Motion- VanderVos; Second- Albert; Vote- Unanimous: Motion passed to recommend approval of rezoning of lots 21 and 22 per the staff report with conditions that both lots 21 and 22 must be developed with the same zoning designation, either R-3 or L-1.

Public Hearing-Lot 31

Ralph Johnson, Town Planner: He presented the request, reason for the request, and his staff report. He went over the 12-point test and how it related to this lot. Staff recommended approval of the rezoning of lot 31 to R-3.

Joan Thompson, 5B Sedora, Hamilton Village HOA president: She stated that Hamilton Village has no objections.

Bob Dellinger, 11 Moreland Ct: He stated that he is opposed to the rezoning. Their property is adjacent to lot 31. He summarized the history of when they built in the Farmstead. He stated that he feels that rezoning these lots would be spot zoning and their business would be surrounded by residential. He would like to see a buffer, which has not happened. He spoke in opposition to the rezoning of lot 31, 32 and 33.

Mike Gallagher, 11 Moreland Ct: He spoke in opposition to the rezoning. He stated that when they purchased their lot, they knew which lots were residential. They expected to have businesses next to them, not residential. They may not have built there if they knew that the zoning would be changed.

Jason DeHaan, Third Prime: He stated that he feels that the rezoning is logical to round out the residential corner. This lot is buffered by the street to the accounting office. Lot 31 would allow them to use lot 30 more effectively. They do not plan any other developments in the Farmstead.

Darrel DeHaan, Third Prime: He stated that fire codes will not allow lot 30 to be built on by itself because there is no outlet.

Discussion/Decision

Board discussion included that development needs to look at the total system impacts, not just one project at a time. They discussed who addresses the transportation issues and when traffic studies can be done. Residential traffic was discussed. Sidewalks in the Farmstead are narrow. The Board members expressed concern that current businesses would be sandwiched between residential areas. They were concerned with mixed uses. Demand for residential is currently high. The board expressed concern about the businesses on the north side of Wooden Shoe Ln being surrounded by residential.

Motion- Schack; Second- Albert; Vote- 3-2 in favor of recommending approval of

rezoning of lot 31 per the staff report.

Public Hearing-Lot 32

Ralph Johnson, Town Planner: He presented the request, reason for the request, and his staff report. He went over the 12-point test and how it related to this lot. Staff recommended approval of the rezoning of lot 32 to R-3. The lot is contiguous with other R-3 lots.

Joan Thompson, 5B Sedora, Hamilton Village HOA president: She stated that Hamilton Village opposes the rezoning because of the amount of traffic and people it would generate near their retirement community. They also wanted to consider Matson's Lab and keeping the street approach looking the same. She later stated that if the planned residences were age restricted, they would not object.

Mike Gallagher, 11 Moreland Ct: He stated that he felt that the rezoning should be looked at as a whole, not individually.

Jim Kack, 6531 Jackson Creek, Farmstead board: He stated that the existing units drove the decision to request the zone change. The existing emergency fire access would be completed as a street for Hamilton Village. He asked the board to approve with the condition that it is developed as age restricted per Hamilton Village's HOA requirements.

Joe DeKracker, 2A Darby Way: He asked about the traffic amounts proposed with the residential zoning.

Discussion/Decision

The Board discussed the fire access right of way. Board members were concerned that the north side of wooden shoe has three active businesses that would be split up by residential. Board discussion included tying lots 31, 32, and 33 to be developed in the same use.

Motion- Albert; Second- Schack: Vote – 3-2: Motion passed to recommend the rezoning of lot 32 to R-3 per the staff report with the condition that it will be in accordance with the Hamilton Village Home Owners Association regulations.

Public Hearing-Lot 33

Ralph Johnson, Town Planner: He presented the request, reason for the request, and his staff report. He went over the 12-point test and how it related to this lot. Staff recommended approval of the rezoning of lot 33 to R-3 and L-1.

Joan Thompson, 5B Sedora, Hamilton Village HOA president: She stated that Hamilton Village does not oppose the rezoning if they have the same age restrictions as Hamilton Village.

Bob Dellinger, 11 Moreland Ct: He asked for clarification of what the request is for. He feels that spot zoning seems to be in play with looking at each lot individually.

Jim Kack, 6531 Jackson Creek, Farmstead board: Lots 32 and 33 have the same ownership and the concept may be to include them into Hamilton Village.

Jason DeHaan, Third Prime: He stated that the purpose of the PUD is to provide flexibility for uses.

Discussion/Decision

The Board expressed concern about the established commercial used in the area. This lot may not lend itself to the residential development as did lot 32.

Motion- Albert; Second- none; Motion failed to recommend the rezoning of lot 33 to both R-3 and L-1 per the staff report with conditions.

Board member's justification for denial:

Dan Simser: Against because of commercial in the area, spot zoning issue

Alvin VanderVos: Against – There is a need to keep commercial together

Steve Albert: For

Lindsay Schack: Against - Lot 33 needs to stay commercial as it does not face the right way to fit with the proposed use on lot 32.

Tom Wells: Against – same as Schack

Motion- Albert, Second- VanderVos: Vote- Unanimous: Motion passed to revisit the cumulative effect of the rezoning recommendations.

VanderVos: He asked the accounting office if an age limit would be acceptable on Lot 31.

Bob Dellinger, 11 Moreland Ct: He stated that he may be ok with 55 and older. He questioned the driveway that is proposed.

Simser: He asked the DeHaans to address the idea of buffers.

Jason DeHaan, Third Prime: He stated that they were told that if buffering were a problem, they would have to fence it. He justified the driveway for the use of lots 30 and 31. He didn't feel that age restrictions would be an option for them. He offered to fence the boundary along the linear park. He asked for flexibility in planning in the Farmstead.

Mike Gallagher, 11 Moreland Ct: He asked the developer about putting a private street on lot 30. He asked about a fence as a buffer to the existing R-3 development adjoining their property.

There was no motion for a change to the lot 31 motion.

OLD BUSINESS

Transitional Zoning

The Board identified possible areas where transitional zoning would be appropriate. Two public hearings will be held to address the transitional zoning implementation and map. The first public hearing regarding transitional zoning will be at the February 17th meeting.

Sign Application – Excel PT

An email poll of absent board members was conducted after the last meeting. Lindsay Schack and John Schutter responded in favor of approving the sign application. Therefore, a majority of the members voted for approval of the application. The business was contacted with the approval.

PLANNERS REPORT:

None

APPROVAL OF MINUTES – November 18, 2015 and December 16, 2015

Motion- Schack; Second- Wells ; Vote- Unanimous: Motion passed to approve the minutes from November 18, 2015 and December 16, 2015.

PUBLIC COMMENT:

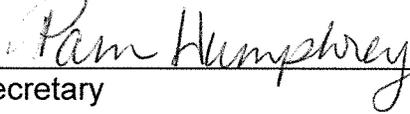
None

ADJOURN:

Motion- VanderVos; Second- Schack ; Vote – Unanimous: Motion passed to adjourn the meeting.



President



Secretary