

TOWN OF MANHATTAN
Regular Meeting
January 12, 2017
MINUTES

Mayor Dave Rowell called the meeting to order in the Town Meeting Room, at 207 S 6th St. at 7:00 P.M. Present were Council Members Gregg Dietz, Steve Gonzalez, Dan Ryan, and Greg Schack. Also present was Clerk/Treasurer Pam Humphrey. Twelve members of the public were present.

PUBLIC COMMENTS:

None

TRANSITIONAL ZONING ORDINANCE:

Public Hearing

Eleanor Mest, 317 S Broadway: She spoke in opposition to the change from R-1 to Transitional. She wondered if conditional uses would be a better approach. She asked to take out some of the height exceptions in the ordinance.

April Barnes, 315 S Broadway: She stated that it may not be the right time to make a zoning change. She asked if there is support to change 2 blocks on both sides. She stated that the long term planning was to make the gateway to Town residential. She asked if there is a need and support for the change. She suggested polling the affected property owners on S Broadway. She reminded the Council that the previous change was resisted by the affected owners. She indicated that 4 lots seem to be the major driver in the change.

Denise Gustine, 205 S 4th: She stated that she is not in favor of the change. She lives on the back side of a landscaping business on S Broadway. Disruption is a concern. She stated that she doesn't see the need to change it.

Mike Marburger, 314 S Broadway: He gave a history of when he bought his property. He feels that there is too much traffic on S Broadway to make it a desirable location for new residents with young families. He stated that the proposed zoning offers property owners the ability to have a greater value in their property. Current residents do not have to change anything to live where they do. Overall, he felt the change is a good economic value for the Town.

Ken Fenno, 102 Cottonwood: He stated that he is opposed to the proposed transitional zoning. He said it is not necessary, and he is concerned about empty business spots in Town. He stated that he believes it will decrease property values. He indicated that the first Planning Board was opposed to changing Broadway from residential. He is concerned that the ordinance is very loose and that there are plenty of other places for businesses in Town. He also suggested taking a poll of affected property owners.

Dave Hebner, Planning Board President: He clarified that this public hearing is for the ordinance only, not the map. This designation would be added to the zoning ordinance. He stated that the ordinance is very structured as far as permitted uses.

Lindsay Schack, 302 N Broadway: She stated that it would be important to get input from affected property owners regarding the map. She felt that the height exceptions

are likely cancelled out by other parts of the ordinance. Businesses that are appropriate for Main Street would not be appropriate for transitional zoning and vice versa. Small businesses are growing in the state right now. Tech type businesses are one example of the type of business that could be possible in this zoning. It would allow the home owner to work out of their house. Value and use of homes is increased for these uses. She cannot see a way that the Town would not be able to closely monitor the uses in this zone. She stated that she supports the Transitional Zoning Ordinance.

Tom Wells, 314 N 5th: He stated that he takes a future stance when looking at this ordinance. A lot is changing in the valley and Manhattan itself. More people and businesses are coming to Manhattan. The ordinance provides an opportunity to protect the entrance and keep the residential feel of the area. This could provide an opportunity to have some small businesses in the corridor. He is in favor of the ordinance.

Written comment from *Jade Stokke, 110 W Park*: Opposed

Discussion/Decision

Motion- Schack, Second- Ryan; Vote – Unanimous: Motion passed to approve the amendment to the Manhattan Zoning Ordinance to add Transitional Zoning with a revision on 10-6C-5 to remove exceptions for fire tower, tank, water towers, spires, church steeples, radio and television towers or necessary mechanical appurtenances.

*This is a first reading of the amendment to the Manhattan Zoning Ordinance. A 2nd reading will be held at the February 9, 2017 Council meeting.

Councilman Ryan: He state that the Town needs to be able to govern what it has. Small businesses are ideal. Property values would increase. Rules need to be in place. This is the plan to address the residents' concerns, it is direction.

Mayor Rowell: He is concerned that some of the properties are rentals, and more will probably come. Rental properties tend to degrade in time. This transitional zoning idea came up because it was needed. The Town needs to plan for and control the growth, because we cannot stop it. More homes are being proposed, we need to plan well and prioritize.

Councilman Gonzalez: He stated that in regard to the height exceptions, none of the uses are permitted uses in the ordinance.

Councilman Dietz: He agrees that rentals are becoming more common on that block. He has seen how this zoning works in Bozeman and it seems to work well. There is not a parking issue and the areas stay residential looking. Main street rents are very high. He is in support of the ordinance. This will protect the entrance to keep the area looking residential as well as providing services.

Councilman Schack: He stated that we need to plan for the future and have a plan in place, so there are more opportunities for residents. The Town needs to move forward into the future. He would like to see more blocks on the proposed map. The Ordinance limits what can and cannot be done. An increase in traffic will probably decrease the number of residential homeowners on the street. It could actually improve some of the older homes in the area.

TRANSITIONAL ZONING MAP

Public Hearing

Eleanor Mest, 317 S Broadway: She asked if this rezoning would make more or less rental properties. She asked if increase in property value would increase taxes.

Lindsay Schack, 302 N Broadway: She stated that rentals are permitted in this zoning. It does not increase property taxes as they are now, it would be reassessed at the time of sale of the property. The Planning Board had property owners from these blocks on S Broadway that are in support of Transitional Zoning in the area.

Ken Fenno, 102 Cottonwood: He stated that N Broadway also has a lot of traffic. He suggested seeing how it works in one area before adding more.

Tom Wells, 314 N 5th: He stated that map was huge to start with. The Planning Board decided to scale it down to see how it works.

Discussion/Decision

Motion- Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to approve zoning map amendment to add Transitional Zoning as proposed in the map presented.

*This is a first reading of the amendment to the Manhattan Zoning Map. A 2nd reading will be held at the February 9, 2017 Council meeting.

Councilman Schack: He stated that this gives residents in the area the opportunity to work at home and keep their property. He feels that more areas may be appropriate, such as N 5th.

Councilman Ryan: He stated that the Council is trying to help the Town establish a direction for the growth that is happening. They are trying to get that direction under control.

SCHOOL CHOICE WEEK PROCLAMATION:

Mayor Rowell read a proclamation for School Choice Week.

BOARD APPOINTMENTS:

Planning Board

Motion- Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to reappoint Tom Wells to the Manhattan City-County Planning Board for a 2-year term.

Motion- Dietz; Second- Schack; Vote- Unanimous: Motion passed to approve the Mayoral reappointment of Daniel Simser to the Manhattan City-County Planning Board for a 2-year term.

Board of Adjustment

Motion- Deitz; Second- Ryan; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Diane Letendre to the Manhattan Board of Adjustment for a 3-year term.

MAYOR'S REPORT:

- Dan Ryan and Mayor Rowell met with DNRC representatives regarding water issues. They are still waiting for a letter from the DNRC about what the meeting entailed.
- The CL building is almost finished. Cold slowed down the progress.
- Mayor Rowell met with the engineer of the school project and expressed 2 issues that the Town will have. Those are a secondary exit off of Nixon Gulch and a

looped water line. These were not figured in original planning and budgeting. He will be getting some kind of proposal from the school to help fund the water main.

- Mayor Rowell asked TD&H to apply for a DNRC grant for flood control planning. It is for \$10,000 for control planning south of the interstate.
- The Town's TSEP grant was ranked 14 out of 96 for the sewer line replacement project. Kyle Scarr is doing a written presentation for the committee. The outcome will be announced at end of the legislative session.
- Robert Seamons is going over the budget for an RFQ for plant expansion and new requirements.
- Rider court will be on next month's agenda.

CONSENT AGENDA:

Motion- Dietz; Second- Schack; Vote- Unanimous: Motion passed to approve the consent agenda.

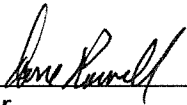
Business Licenses: CT Construction, Freguen Roofing, Inc., Avant Building Group

Approval of Minutes: Regular Meeting minutes from December 8, 2016.

Claims: Dated 12/09/16 - 01/12/17 totaling \$ 325,821.44 including payroll.

ADJOURN:

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



Mayor



Clerk/Treasurer