

MINUTES OF THE MEETING
OF THE
GREAT FALLS BOARD OF ADJUSTMENT/APPEALS
June 18, 2018

CALL TO ORDER

The meeting of the Great Falls Board of Adjustment/Appeals was called to order by Chair Jule Stuver at 3:00 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals members present:

Mr. Jule Stuver, Chair
Mr. David Carlson
Mr. Kyle Palagi
Mr. David Saenz
Ms. Krista Smith

Great Falls Board of Adjustment/Appeals members absent:

None

Planning Staff members present:

Mr. Craig Raymond, Director Planning & Community Development
Mr. Thomas Micuda, Deputy Director Planning & Community Development
Ms. Erin Borland, Planner II
Mr. Troy Hangen, Planner II
Ms. Connie Tryon, Sr. Administrative Assistant

Others present:

Ms. Sara Sexe, City Attorney
Mr. Joseph Cik, Assistant City Attorney

Mr. Raymond affirmed a quorum of the Board was present.

MINUTES

Chair Stuver asked if there was a motion to approve the meeting minutes as stated for June 7, 2018. Seeing no corrections, Mr. Carlson moved to approve the minutes as submitted, seconded by Mr. Palagi. All in favor, the minutes were approved.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Request from Great Falls Public Schools for Public Hearing Regarding Intent to Develop Public Land Contrary to Local Zoning Regulations

Mr. Palagi and Mr. Stuver stated they had conflicts of interest with the school projects, and recused themselves from any discussion.

Mr. Saenz disclosed past email communication with Ms. Tammy Lacey before the bond measure passed.

Chair Stuver had Vice Chair Carlson take over as Chair for the duration of the meeting.

Craig Raymond, Director of P&CD, said this was an unusual hearing, required by Montana Code Annotated (MCA), because Great Falls Public Schools (GFPS) desires to circumvent established zoning regulations. Great Falls High School, CMR High School, Giant Springs Elementary School, and Longfellow Elementary School are the projects being considered in this public hearing.

Mr. Raymond explained the hearing is required within 30 days of the date the agency gives notice to the Board of its intent to develop land contrary to local zoning regulations; however, the board has no power to deny the proposed use and shall act only to allow a public forum for comment on the proposed use. He also explained staff finds a clear distinction between the meaning of the word "zoning" as it is defined in MCA, and the development standard variances that GFPS seems to be asserting through the current hearing procedure. Staff reserves the right to require review and approval of all GFPS projects, both previously permitted and those under current review for conformance to all titles contained in the Official City Code of the City of Great Falls (OCCGF).

Mr. Raymond said the School District has purchased the property containing the historically eligible Campfire Building, and intends to construct a parking lot to serve Great Falls High. The City agrees that the School may circumvent the zoning regulations to develop the parking lot. However, the City believes GFPS should be required to abide by other regulations, including landscaping and buffer requirements between a commercial lot use and the abutting residential uses. Additionally, according to the most recent plans, the proposed parking lot design allows the improvements to encroach into the public right-of-way approximately 11 feet on the Campfire Building site. They are also asking for the donation of approximately 1/3 of Kranz Park. Staff believes it would be in GFPS best interest to propose projects that mitigate impacts to the surrounding neighborhood, as opposed to circumventing buffer, landscaping, and parking requirements, as well as not providing pedestrian safety facilities. While City Staff understands and respects operating under a tight budget, Mr. Raymond said pedestrian safety facilities, such as sidewalks, serve an important safety function in the community. Student and community safety should be given high priority due to the sharp increase in pedestrian injuries and fatalities around the country in the last 25 years.

Finally, Mr. Raymond said the School District should not make the mistake of assuming MCA, or any other statute, allows the District to take actions or make decisions that are under the sole and

undeniable authority of the City to make or authorize. He noted there seems to be some misunderstanding of this key fact, as proved by the recent removal of trees and some sidewalk within the City rights-of-way without permits, and deciding to alter public infrastructure without asking for review and approval, or even informing the City.

Notwithstanding this difference in opinion, Mr. Raymond said in an effort to allow for a better informed public, staff recommends that the Board of Adjustment conduct the public hearing so GFPS may present to the public all issues it feels are covered under MCA.

PETITIONER'S PRESENTATION

Tammy Lacey, Superintendent of GFPS, introduced the members from the Board of Trustees, representatives, and project team members present in the audience on behalf of Great Falls Public Schools. She noted GFPS intends to comply with as many regulations and ordinances as possible, and to work with City Planners as the projects progress.

Ms. Lacey reviewed shared goals of the City and GFPS, including health and safety. She said, however, despite the shared and common goals, some reduction or alterations to the ordinances are necessary, including zoning requirements. She said school safety and crime prevention are much different for schools than it is for a private property, and preventing crime can be aided by design. Trees and shrubs obstructing views into the school buildings are not desirable, and location of trees needs to be taken into consideration. Budgetary constraints are another factor, and spending money on ornamental shrubs, for instance, not only reduces what can be spent on educational space, but long term maintenance and cost is another consideration.

Ms. Lacey reviewed the proposed alterations and reductions to Title 17 of the OCCGF, which include: landscaping at Giant Springs and the future Longfellow; sidewalk, landscaping, and signage at CMR; parking, landscaping and signage at Great Falls High (GFHS); and use from residential to parking, and buffers and setbacks on the Campfire Property. She also reviewed a summary of all investments included in the \$98.8 million dollar bond that was passed for these improvements, which was based on a high-level facilities study done in 2010.

Ms. Lacey reviewed the modified landscaping plan for Giant Springs Elementary and explained what they believed to be a common sense approach in reduction of shrubs and landscaping. She reviewed the modified plans for sidewalk, landscaping, and signage for CMR. She expressed concerns on sidewalk construction along 14th Avenue NW; the City requirement is approximately 1,200 lineal feet of a 5-foot sidewalk, which will cost approximately \$100,000. Ms. Lacey said not only does this sidewalk have little anticipated use, access to the sidewalk from CMR is limited due to the chain link fence on 14th Avenue NW. Installation of the sidewalk may cause removal of trees along the street, and 14th Avenue NW is a snow removal route, which causes concerns about the build-up of snow on the sidewalk. Signage is another variation from code being proposed at CMR, and a private donor has asked for an increase in signage on the south side of the building. Other signage may or may not comply depending on private donor requests.

Ms. Lacey reviewed the alterations to landscaping at Great Falls High, the main one being the planting space between trees; City ordinance requires 35 feet between plantings and the proposed plan places them at 70 feet apart. She explained this is primarily so that the police force can see from a street level what is happening at the school. Reductions in ornamental shrubs and other required plantings are proposed due to safety, maintenance, and cost effectiveness. She pointed out what trees have already been removed, and said they were primarily ash trees, many

of which were aging and in decline. The tree count before the removal was 189. A total of 73 trees will be removed, and 64 trees will be planted by 2020, for a total loss of nine trees. With the addition of a 60,000 square foot building on the campus, Ms. Lacey said they are happy to get as close to the original number of trees as they propose.

Private donors are also anticipated for signage at Great Falls High, and may result in alterations to signage requirements. Ms. Lacey then reviewed the bond language passed specifically for the Campfire Building which is currently zoned R-3 Single Family Residential High Density. The property will be rezoned for school use as a parking lot. In order to fit the 18 spaces on GFPS property, the proposed plan varies from the setback and buffer regulations in City code. If they were to comply with setbacks and buffer requirements, only 11 spaces would be available. She reviewed the parking plan for the entirety of the site.

Ms. Lacey thanked the Board for the opportunity to conduct the public hearing.

OPPORTUNITY FOR BOARD MEMBERS TO ASK QUESTIONS

Mr. Carlson asked what percentage of signage coverage there would be for CMR. Ms. Lacey said she does not fully know what the donor's requests will be at this time. Mr. Carlson also inquired about the planning study done, and Ms. Lacey explained all of the design work was done after the facilities study was completed and after the bond passed.

Mr. Carlson asked if shrub versus tree requirements were specifically covered in City Code. Mr. Raymond said there are definite counts required for each per the Code. Mr. Carlson asked if everything presented at the meeting by Ms. Lacey had been shared with City staff. Mr. Raymond said the City has not received formal plan submittals. Mr. Micuda pointed out the Campfire property design submittal as shown on the slideshow presented by Ms. Lacey, was not part of the Board packets and must be a recent drawing.

Mr. Carlson asked Ms. Lacey if the purchase of the Campfire building was intended for parking, and she said Yes.

There was discussion on the reduction of shrubs and trees, particularly at Great Falls High. Ms. Smith asked if any of the trees that have been removed or are proposed to be removed could have been saved. Jana Cooper, TD&H Engineering, said the majority of the trees being removed were in the actual building footprint of the additional 60,000 square foot building, and some had to be removed per City requirements for fire access.

Mr. Carlson asked what was being worked on with City staff. Mr. Micuda said City code requires the City Forester review the removal of any boulevard trees, and those plans are currently under review.

Mr. Carlson inquired about the sidewalk along 14th Avenue NW for the CMR project, and asked if there were City plans to develop sidewalk. Mr. Raymond said as the commercial area to the south is developing, deferred installation agreements are being made with commercial developers for their share in installing sidewalk on the south side of 14th Avenue NW. He also said the City has extended the offer to the School District to explore the use CMAQ funds to help pay for sidewalk installation in an effort to partner with GFPS for pedestrian safety.

Ms. Smith asked what experience Hulteng Inc., representatives for GFPS, had in other communities like Great Falls. Andy Becker, Hulteng Inc., said they have gone through the process with other local authorities having jurisdiction, though under slightly different circumstances. Ms. Smith asked if there was a similar emphasis on safety and landscaping being in front of buildings. Mr. Becker said Yes, and those design development standards have been reinforced by all the Student Resource Officers in the communities he has worked in.

Mr. Saenz stated that though he appreciates private donors, he does not agree with having them dictate size or lettering of signage, particularly if it is in direct contrast to City codes and ordinances.

PROPONENTS OPPORTUNITY TO SPEAK

There were no proponents.

OPPONENTS OPPORTUNITY TO SPEAK

Nancy Rafferty, 209 17th Avenue Northwest, said having lived across from CMR for over 40 years, she strongly supports sidewalks be installed on 14th due to the considerable foot and vehicle traffic, and the existing condition of that area poses more of a liability than a sidewalk would. She also stated she believe GFPS should be held to the same standards and responsibilities as the other property owners in the neighborhood.

BOARD DISCUSSION AND ACTION

Vice Chair Carlson closed the public hearing. Ms. Smith thanked Ms. Rafferty for sharing her opinion and agreed with the relevance of her comments. Mr. Carlson also expressed favor of adding a sidewalk, but said he understands the concerns of the School District as well.

APPLICANT'S CLOSING COMMENTS

Ms. Lacey thanked the Board and staff for holding the public hearing.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Vice Chair Carlson adjourned the meeting at 4:30 p.m.