

Regular City Commission Meeting

Mayor Pro Tempore Jones presiding

Call to Order: 7:00 P.M.

Commission Chambers Room 206

**ROLL CALL / STAFF INTRODUCTIONS:** City Commission members present: Bob Jones, Tracy Houck, Bill Bronson and Fred Burow. Mayor Bob Kelly was excused. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Fire Chief Steve Hester; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; Human Resources Director Gaye McInerney; City Attorney Sara Sexe; and, Police Captain John Schaffer.

**AGENDA APPROVAL:** City Manager Greg Doyon noted that Item 13, Resolution 10201, was pulled from the agenda for consideration at a later date; and, Item 7, the Minutes of the August 1st Commission meeting, were updated after original posting. No changes were proposed by the City Commission. The agenda was approved as submitted.

*\*\* Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of the meeting for additional details \*\**

### **PETITIONS AND COMMUNICATIONS**

1. **Miscellaneous reports and announcements.**

There were no miscellaneous reports or announcements from the public.

### **NEIGHBORHOOD COUNCILS**

2. **Miscellaneous reports and announcements from Neighborhood Councils.**

There were no miscellaneous reports or announcements from Neighborhood Councils.

### **BOARDS AND COMMISSIONS**

3. **Miscellaneous reports and announcements from Boards and Commissions.**

There were no miscellaneous reports and announcements from members of boards and commissions.

4. **Appointment, Great Falls Planning Advisory Board.**

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission appoint Dave Bertelson to the remainder of a three year term ending on December 31, 2018, to the Great Falls Planning Advisory Board.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Pro Tempore Jones called for the vote.

Motion Carried 4-0

5. **Appointments, Parking Advisory Commission.**

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission appoint Katie Hanning and Lee Wiegand to the Parking Advisory Commission for the remainder of three year terms beginning August 15, 2017 through April 30, 2019.

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners.

Commissioner Houck thanked the applicants for stepping up to the plate and representing downtown businesses.

Mayor Pro Tempore Jones asked if there were any comments from the public. Hearing none, Mayor Pro Tempore Jones called for the vote.

Motion Carried 4-0

**CITY MANAGER**

6. **Miscellaneous reports and announcements from the City Manager.**

City Manager Greg Doyon announced that since the last meeting several training sessions were held: (1) MLCT, Local Government Center, and MMIA sponsored a training covering risk management and personnel management, (2) mandatory supervisor training; and (3) a Global Leadership Summit.

Water Plant Supervisor Wayne Lovelis appeared with Manager Doyon this past week on KGPR radio station to talk about the Water Treatment Plant.

Park and Recreation Interim Director Patty Rearden announced that over the past year and a half restroom, parking lot, trail, landscaping and irrigation improvements have been made at West Bank Park that have been funded through a variety of grants and tax increment money. To finish Phase 1 of the Master Plan, there are two projects left: a pavilion that will be built this fall, and a natural playground at West Bank Park. Interim Director Rearden announced that the City was awarded a KaBoom grant and the natural playground structure will be installed Saturday, August 19th, by 200 volunteers in the community. A ribbon cutting ceremony will take place at 2:30 p.m.

**CONSENT AGENDA**

7. Minutes, August 1, 2017, City Commission Meeting.
8. Total Expenditures of \$4,424,113 for the period of July 14, 2017 through August 2, 2017, to include claims over \$5,000, in the amount of \$4,145,139.
9. Contracts List.
10. Approve a contract agreement from Nalco Company in the amount of \$485,963 for water treatment chemicals for FY 2017/18.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Pro Tempore Jones called for the vote.

Motion Carried 4-0

## **PUBLIC HEARINGS**

**11. Ordinance 3164 - An Ordinance to rezone the property legally described as Foxwood Estates Subdivision, from R-1 Single-family Suburban to PUD Planned Unit Development district; and, approve the Amended Plat of Foxwood Estates Subdivision.**

Planning and Community Development Director Craig Raymond reported that this item is a public hearing on Ordinance 3164 to consider rezoning certain property within the City of Great Falls. Additionally, if Ordinance 3164 is adopted, then the applicant and staff request that the City Commission approve of an amended plat that would change the lot layout and density by decreasing the lot count from 14 to seven.

The subject property, known as Foxwood Estates, is on the southwest corner of Park Garden Road and Park Garden Lane. The City Commission approved annexation and subdivision of the property, assigning R-1 Single-family suburban zoning, in October of 2008. The subdivision was approved with 14 lots and an access easement for the purpose of a private drive through the development.

The Owner is requesting that the subject property be rezoned from the R-1 district to PUD Planned Unit Development district in order to propose oversized lots that will accommodate large attached garages, as well as large detached garages for storage for various items such as RVs, ATVs, boats, etc.

Use of the PUD zoning district allows for the proposal of unique development standards, per OCCGF §17.20.2.040 Establishment and purpose of districts, which states:

“A Planned Unit Development district is a special type of zoning district that is proposed by the developer to account for a desired mix of uses. Each district is unique and therefore has its own set of development standards which are documented in the approval.”

Ordinarily, Title 17 of the Land Development Code permits attached and detached garages in the R-1 zoning district. The garage area limitation measurements are cumulative of all garage spaces including attached and detached private garages. The garage area is allowed based on the size of the lot for which the garage is proposed for. For a lot that is  $\pm 10,001$  to  $\pm 43,559$  square feet, the code will allow 1,600 square feet of garage area. The PUD standards for the subject property were originally proposed by the applicant, at maximum 1,500 square foot attached garage and a 3,000 square foot accessory building/detached garage. However, after further discussion and negotiations, the Zoning Commission recommended the City Commission increase the maximum attached garage square footage to be 1,600 square feet.

The subject property is surrounded on the east, west and south by county land. These are larger parcels with single family houses with a similar look, function and impact; therefore, it would be appropriate to establish PUD zoning and adopt similar development standards for the subject property. PUD zoning district classification is subject to building envelopes, setbacks, and special development standards. The proposed development standards for the PUD have underlying R-1 Single-family suburban standards, and will be compatible with the surrounding neighborhoods. There are, however, a few differences from some of the R-1 standards and generally these have to do with use restrictions.

Since the intent of the PUD is for large residential lots, with the ability to have larger garages, there are several uses that are allowed in an R-1 Single-family suburban zoning district that staff recommends prohibiting in this PUD:

- Agriculture, horticulture, nursery
- Convenience sales
- Contractor yard type I
- Agriculture, livestock
- Private stable/barn
- Roadside farmer's market

This will help limit the impact upon the adjoining single-family residential uses, and it will keep the character of the subdivision with the surrounding area.

Concurrent to the rezoning request, the applicant is also requesting an approval of the amended plat to the Foxwood Estates Subdivision to aggregate the 14 existing lots into seven lots. The amended plat will also vacate the access easement for Den Drive (the private drive that was proposed for the original subdivision). By state regulations, when more than five lots are aggregated the governing body shall review the plat.

The basis for decision on zoning map amendments is listed in OCCGF §17.16.40.030. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall, at a minimum, consider the criteria which are included in the agenda report as Findings of Fact. Staff finds that the proposed zoning map amendment meets the criteria as submitted.

Mayor Pro Tempore Jones declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3164.

Mayor Pro Tempore Jones closed the public hearing and asked the will of the Commission.

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3164 and the accompanying Findings of Fact.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Pro Tempore Jones called for the vote.

Motion Carried 4-0

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission approve the amended plat of Foxwood Subdivision and Findings of Fact.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Pro Tempore Jones called for the vote.

Motion Carried 4-0

12. **Resolution 10192 - A Resolution to Create Great Falls Special Park District Number 1 for The Purpose of Providing Certain Maintenance, Purchasing, and Improvement Services for City-Owned Facilities, Land, and Equipment under the Responsibility and Care of the City of Great Falls Parks and Recreation Department; and Providing for Other Matters Properly Relating Thereto.**

Park and Recreation Interim Director Patty Rearden reported that this item is a public hearing to consider Resolution 10192. Staff recommends the Commission conduct a public hearing and vote to deny Resolution 10192.

On November 15, 2016, the City Commission adopted the Great Falls Parks and Recreation Master Plan. The Plan identified many deficiencies in the Great Falls Park and Recreation maintenance practices and lack of adequate staffing, including \$12 million dollars in deferred maintenance. These deficiencies were a result of lack of adequate funding for the Great Falls Park and Recreation Department.

The City's general fund cannot adequately fund Park and Recreation. Therefore, the Master Plan recommended the creation of a city-side park district to supplement current funding and create a sustainable funding source for the purpose of providing the Park and Recreation system services.

On June 6, 2017, the City Commission adopted Resolution 10191, a resolution of intent to create the proposed special park district pursuant to Montana State law. The adoption of Resolution 10191, and the publication of said adoption, triggered a 60 day statutory protest period that began June 9, 2017. The protest period ended August 9, 2017.

Notices of this public hearing were published in the *Great Falls Tribune* on June 9 and 16, 2017. Pursuant to the cited statute, the Commission is required to consider all protests in deciding to proceed with the creation of a special purpose district. This public hearing allows for residents to provide additional support for, or opposition to, the creation of Great Falls Special Park District No. 1.

The City received 5,758 returned forms, and the percentage of protest of the cost of the assessment is 21.6%. Because the protest of the cost of the assessment is higher than 10% and lower than 50%, staff recommends, and the Commission is legally required, to deny Resolution 10192.

The next step in the process, if the Commission still wishes to proceed with the creation of the subject special purpose district, is for the Commission to direct staff to develop a Resolution that would refer the question of creation to the Great Falls electorate. A Resolution would need to be adopted prior to February 20, 2018, to be submitted to the County Election Administrator. Pursuant to Mont. Code Ann. §13-1-504, the question must be held on the same day as the regular school election day, which is

the first Tuesday after the first Monday in May. If held, the election would be on May 8, 2018. All qualified resident electors of Great Falls may vote on the question, and the results of the vote are not based on the cost of the assessment. Staff respectfully requests the Commission give direction on this issue.

Mayor Pro Tempore Jones declared the public hearing open.

No one spoke in support of Resolution 10192.

Written correspondence in support was received from **Roberta Boylan**, 405 Park Drive North, #3E.

Speaking in opposition to Resolution 10192 was:

**John Hubbard**, 615 7th Avenue South, disagreed with the protest process. He suggested this matter be submitted to a vote of the people.

Written correspondence in opposition was received from **Cory McKinney** (We Ticket ID 28013f87), **Jeanne Wilson** (Web Ticket ID 311107cb), **Matthew Ott** (Web Ticket ID 29813b1b), **Diane Nelson**, 1409 8th Avenue NW, and **Dannette Rutherford**, 2326 3rd Avenue North.

There being no one further to address the Commission, Mayor Pro Tempore Jones closed the public hearing and asked the will of the Commission.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission deny Resolution 10192.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners.

Commissioner Burow commented that there was a lot of misconception about the letters that were sent out. The letter explained the public's opportunity to oppose the proposed district and it followed state law. By denying this resolution, the Commission can now have the discussion about whether to put it on the ballot in the spring. At that time, if it passes, the Commission will know that the community wants to spend the money to fix up the parks and continue providing or adding new things to it; or, if it fails, then the Commission will have to have the conversation of what does the community want to cut back on. There are certain things that will have to go away whether it is park land or services provided if there is no money to fund it.

Commissioner Bronson suggested that, during Commission Initiatives portion of the meeting, the Commission provide staff with direction on how the Commission wants to proceed in this matter.

Commissioner Bronson commented that over a year ago the community strongly supported a new Master Plan for its parks for the next several years. As part of that plan and part of the process the Commission heard from the community that they were prepared to look at additional resources to support parks and recreational programs because the City doesn't have the resources to provide that level of support. The Commission in conjunction with staff, in good faith, followed through with the recommendations of the Park Master Plan and went the route of the Park Maintenance District. All of the procedures that have been followed are in accordance with state law. To the extent that there has been criticism about the process, he encouraged people to contact legislators to change the laws on special improvement districts.

Commissioner Houck commented she is disappointed the process is not moving forward this evening. The process has been extensively publicized. She hopes as this moves forward that citizens will become active in the community. Unfortunately, now it will be another year behind and the cost of capital improvements will increase. Facilities may be closed or shut down temporarily because maintenance issues are not being taken care of. Investing in the community will help increase the tax base.

Mayor Pro Tempore Jones added that the City made reasonable accommodations to those people that notified the City that they disposed of their information and protest forms. This matter will be discussed again under Commission Initiatives as to the direction this Commission wants staff to go regarding this matter.

Motion Carried 4-0

### OLD BUSINESS

### NEW BUSINESS

13. ~~**Set Public Hearing for September 5, 2017 to consider Resolution 10201, which would authorize the City to enter into a lease agreement with the Great Falls International Airport Authority (GFIAA) for property located at 3015 Airport Drive, currently housing the Emergency Operations Center and to consider granting the GFIAA a Quit Claim Deed on property.**~~

Item 13 was pulled from the Agenda.

14. **Labor Agreement between City of Great Falls and the International Association of Fire Fighters, Local #8 (IAFF Local #8).**

City Manager Greg Doyon reported that the Collective Bargaining Agreement with the International Association of Fire Fighters, Local #8 (IAFF #8) is for a term of July 1, 2017 through June 30, 2019. Manager Doyon noted minor updates and he highlighted the significant contract adjustments: wages, creation of lieutenant rank, fire/captain inspector position, certification pay, medical expense reimbursement plan, medical insurance/premiums, and wellness fitness program.

City Manager Doyon characterized the CBA negotiation as more of a collaboration. He thanked Fire Chief Steve Hester for suggesting the Infinity bargaining process, as well as expressed appreciation to his leadership team and that of IAFF #8. The parties were able to reach a tentative agreement in a little over four hours.

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission approve the labor agreement between the City of Great Falls and IAFF Local #8, and authorize the City Manager to execute the agreement.**

Mayor Pro Tempore Jones asked if there were any comments from the public.

**John Hubbard**, 615 7th Avenue North, inquired if the insurance carrier was Blue Cross Blue Shield and was informed it was not.

**David VanSon**, 2404 1st Avenue North, President of IAFF #8, echoed Manager Doyon's comments about the process. The last CBA negotiations took a little over two years. He thanked IAFF's and the City's management teams.

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners.

Mayor Pro Tempore Jones commented that he was going to abstain from the vote on this matter due to his son being a fireman for the City of Great Falls. He further commented he was proud of the Fire Department and City staff for reaching an agreement in that short amount of time. It speaks volumes and he would like to see it continue.

There being no further discussion, Mayor Pro Tempore Jones called for the vote.

Motion Carried 3-0-1 (Mayor Pro Tempore Jones abstaining)

### **ORDINANCES/RESOLUTIONS**

#### **15. Resolution 10196, Annual Tax Levy.**

Fiscal Services Director Melissa Kinzler reported the City is required to fix an annual tax levy by setting mills to generate property tax revenues to fund City operations. The City received the taxable valuation from the Montana Department of Revenue on August 4, 2017. Accordingly, the City can now compute and set its annual mill levy.

During the FY 18 budget process, the Fiscal Services Department projected \$2 million in newly taxable property. The projection was based on newly taxable property estimates from the Montana Department of Revenue. The newly taxable revenue reported was \$437,295 and \$840,000 in additional tax revenue received from FY 17. The total new taxable revenue is \$1.2 million dollars. This results in \$722,000 less tax revenue than what was projected. In light of the revised figures and an uncertain outcome of tax appeals, the City Commission can still proceed with adopting Resolution 10196.

There is sufficient general fund undesignated balance to offset the projected tax revenue loss. After receiving tax payment in FY 17, the projected general fund undesignated fund balance is \$8.4 million, or 29.7% of expenditures. Use of fund balance to offset the revenue would reduce the balance to \$7,744,572 or 25.2% of expenditures.

The total mill levy for tax year 2017, which is FY 2018, is 194.78 mills, totaling \$18.3 million dollars. There is a decrease of \$7,113 for the soccer park debt, and \$264,535 for the swimming pool debt that was paid off in 2017. The projected impact on a \$100,000 home with a taxable market value is \$1.32 for the inflationary adjustment, \$3.74 for the permissive medical levy, and a reduction of \$3.97 for the swimming pool debt, resulting in a net total increase of \$1.09.

**Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10196.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners.



Commissioner Burow noted that \$1.09 increase is a small amount and he doesn't believe there will be much opposition to that.

Commissioner Bronson commented that the bottom line is that the City is constrained by a version of 1986 legislation putting a cap on how much money local government can raise. Essentially the City is given the benefit of small inflationary increases in order to meet the needs and the demands of the public for the important services provided.

Mayor Pro Tempore Jones asked if there were any comments from the public.

**John Hubbard**, 615 7th Avenue South, discussed opposition to state official pay raises.

There being no one further to address the Commission, Mayor Pro Tempore Jones called for the vote.

Motion Carried 4-0

**16. Ordinance 3157 - An Ordinance to rezone the property legally described as East Ridge Addition Phase 5, Block 2, Lot 2, from R-2 Single-family Medium Density to PUD Planned Unit Development.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to accept Ordinance 3157 on first reading and to set a public hearing for September 5, 2017.

East Ridge Addition Phase 5 was annexed into the City of Great Falls and assigned R-2 Single Family Medium Density zoning in April 2009. The subject property is currently  $\pm 40,395$  square feet and is located in the vicinity of 13<sup>th</sup> Avenue South and 47<sup>th</sup> Street South. The applicant is requesting a rezone of the subject property in order to accommodate and continue a similar development pattern from previous phases of East Ridge.

At its regularly scheduled meeting on July 18, 2017, the City Commission approved the preliminary plat of Block 2, Lot 2 of the Phase 5 East Ridge Addition to create 10 lots. Lots shown on the draft preliminary amended plat, range in size from  $\pm 3,829$  square feet to  $\pm 4,515$  square feet. The owner would like to develop the subject property with 2-unit townhomes, accompanied by a rezone of the property to PUD Planned Unit Development.

This project also entails the annexation and dedication of Tract 2A as public right-of-way and will enable the construction of 13<sup>th</sup> Avenue South to an extension of 47<sup>th</sup> Street South. This part of the project will be forthcoming in the near future after the preliminary plat and rezone has been approved. The draft improvement agreement is scheduled to come before the City Commission on September 5<sup>th</sup>. Generally, the required improvements to serve the subdivision are:

Roadways: The Owner is responsible for the installation of all improvements to 47<sup>th</sup> Street South and 13<sup>th</sup> Avenue South, in accordance with plans submitted to and approved by the City of Great Falls Engineering Division.

Utilities: The Owner is responsible for the installation of all public utilities, as per the Improvement Agreement, in order to serve the proposed subdivision. The on-site improvements required for the development of the subject property shall be installed as shown on the final construction plans that are

submitted to, and approved by, the Public Works Department. The on-site improvements shall include everything required to provide water, sanitary sewer, storm water management, and access, including streets and sidewalks.

Storm Water Management: A Stormwater Management Plan shall be developed to City standards, and it shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits.

Director Raymond further noted that at this time details of the improvement agreement include cost share and reimbursements between the developer, the city and other adjacent owners.

The basis for decision on zoning map amendments is listed in OCCGF §17.16.40.030. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider the criteria attached to the agenda report as Findings of Fact – Zoning Map Amendment. Staff's position is that the proposed rezone request complies with all of the review criteria as submitted.

Additionally, at the conclusion of a public hearing held on June 27, 2017, the Zoning Commission recommended the City Commission approve the rezoning request from R-2 Single-family medium density to PUD Planned Unit Development for the subject property subject to the fulfillment of the following Conditions of Approval:

1. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Amended Plat.** Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff.
3. **Utilities.** The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
4. **Land Use & Zoning.** Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for this PUD Planned unit development district designation.
5. **Subsequent modifications and additions.** If after establishment of the 2-unit townhomes, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

**Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3157 on first reading and set a public hearing for September 5, 2017.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Pro Tempore Jones called for the vote.

Motion Carried 4-0

**17. Ordinance 3161 Amending Title 1, of the Official Code of the City of Great Falls (OCCGF), Pertaining To General OCCGF Provisions.**

City Attorney Sara Sexe reported that this ordinance is a continuation of staff correcting various types of deficiencies throughout numerous sections of City Code. The ordinance under consideration would amend several provisions of Title 1, pertaining to General Provisions of the Official Code of the City of Great Falls. The majority of the amendments are non-substantive including typographical errors, and reformatting of subsections. Substantive changes include adding a description of "City Logo" in the definitions section of Chapter 1. The definition of "City Logo" would be inserted because the Code requires that the City Logo be displayed on the City Flag.

Additionally, this ordinance would add an additional provision to Chapter 2, proposed OCCGF 1.2.040, that would dictate that, unless otherwise specified by the Code or stipulation of the parties, all administrative proceedings pursuant to the Code would be governed by the Montana Administrative Procedure Act as set forth in Mont. Code Ann. Title 2, Chapter 4.

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3161 on first reading and set a public hearing for September 5, 2017.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Pro Tempore Jones called for the vote.

Motion Carried 4-0

**18. Ordinance 3166 Amending Title 17, Chapter 20, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Exhibit 20-1 Principal Uses by District.**

Planning and Community Development Director Craig Raymond reported that this agenda item is a request to accept Ordinance 3166 on first reading and set a public hearing for September 5, 2017, to consider the approval of specific Land Development Code text amendments pertaining to the allowed use of property in the C-2 zoning district.

Although the specific cause for action at this particular time is related to a specific zoning enforcement case, Planning and Community Development staff has been considering for some time the rationale for the restriction against worship facilities in the C-2 zoning district. *Worship Facility* is defined in Title 17 as "...a place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, rectories, and day care centers within the same structure. The term does not include, community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like."

The intent of the proposed zoning change is two-fold: Give owners of underutilized commercial properties more options to develop or lease their spaces for religious organizations; and to allow congregations more flexibility to conduct religious assembly, so that local land use regulations do not impose unjustified, substantial burden on religious exercise. Including Worship Facilities in C-2 zoning districts will increase the overall land area to approximately 70% of the city within which religious uses can potentially locate.

The proposed amendment to C-2 General Commercial will add Worship Facilities to the existing uses, which include: high-traffic businesses, special care facilities, hotels, taverns, casinos, restaurants, sales/retail, general services, equipment repair and rentals, auto-related businesses, storage, indoor sports and entertainment, government and civic uses, communities centers, cultural facilities, health care facilities, schools, and cell towers.

At the conclusion of the public hearing on July 11, 2017, the Zoning Commission recommended that the City Commission approve the requested zoning code text amendment as proposed.

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners.

Commissioner Houck noted that the City is once again opening the door for good land use and development.

**Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3166 on first reading and set a public hearing for September 5, 2017.**

Mayor Pro Tempore Jones asked if there were any comments from the public. Hearing none, Mayor Pro Tempore Jones called for the vote.

Motion Carried 4-0

19. **Ordinance 3167 An ordinance to rezone the property located at 2016 Central Avenue E, From C-1 neighborhood commercial to R-3 single-family high density.**

Planning and Community Development Director Craig Raymond reported that this item is a request to accept Ordinance 3167 on first reading and schedule a public hearing for September 5, 2017.

The subject property is located at 2016 Central Avenue East on the south side of the roadway. In total, the property comprises 7500 square feet on a 50-foot wide by 150-foot deep lot having two (2) existing structures on the property: a single family dwelling constructed circa 1941 and a 240 square foot outbuilding built in 1945.

While this is a City-initiated rezoning request, it is based on a request from the current property owner to construct a detached garage on the rear of the property. When staff and the contractor discussed the request last year, it was discovered that the property was zoned C-1 Neighborhood Commercial. Given that the property is a long-standing residential use and character and next to other residential uses and zoning, rezoning the property was determined to be the best option. If residential zoning is granted for the property, a garage can be constructed that can comply with all zoning standards. Leaving the commercial zoning in place would prevent the garage from being constructed in the desired logical location.

The basis for decision on zoning map amendments is listed in OCCGF §17.16.40.030. The recommendation of the Zoning Commission, and the decision of City Commission, shall at a minimum consider the criteria which are attached as Findings of Fact. Staff finds that the proposed zoning map amendment meets the criteria as submitted.

After the public hearing on July 11, 2017, the Zoning Commission recommended that the City Commission approve ordinance 3167 providing for the rezoning of the subject property from C-1 Neighborhood Commercial to R-3 Single Family High Density District.

**Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3167 on first reading and set a public hearing for September 5, 2017.**

Mayor Pro Tempore Jones asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Pro Tempore Jones called for the vote.

Motion Carried 4-0

### **CITY COMMISSION**

20. **Miscellaneous reports and announcements from the City Commission.**

Commissioner Houck encouraged those interested to apply for board openings on the Design Review, Mansfield, and Planning Advisory Boards.

21. **Commission Initiatives.**

Mayor Pro Tempore Jones noted that earlier this evening the Commission denied Resolution 10192. Staff now needs direction from the City Commission whether or not to prepare a resolution to submit the question of creating a park maintenance district to the election office for a vote of the people.

After discussion, the Commissioners concurred on moving forward with having staff prepare a resolution to submit to the election office for a vote of the electorate to be presented at a work session. In addition, staff was requested to look at other possible alternatives in which this issue could be presented to the electorate with respect to asking their views on additional funding. Additionally, to the maximum extent possible, that staff address some of the particular criticisms regarding the process for other funding alternatives at said work session.

Commissioner Bronson suggested, and the Commissioners concurred, that the Commission author a letter of support to the Charlottesville City Council regarding the recent violence that took place in Charlottesville.

Commissioner Burow suggested staff prepare an ordinance for consideration to allow concealed firearms to be carried in City parks and trails for protection. After discussion, Manager Doyon commented that staff will explore this issue and provide feedback to the Commission.

### **ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Mayor Pro Tempore Jones, to adjourn the regular meeting of August 15, 2017, at 8:30 p.m.**

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**Mayor Pro Tempore Bob Jones**

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**City Clerk Lisa Kunz**

**Minutes Approved: September 5, 2017**