

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
November 28, 2017**

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Nate Weisenburger at 3:10 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Nate Weisenburger, Chair
Scot Davis, Vice Chair
Dave Bertelsen
Peter Fontana
Charles Pankratz
Patrick Sullivan
Michael Wedekind

Planning Board Members absent:

Anthony Houtz

Planning Staff Members present:

Craig Raymond, Director P&CD
Brad Eatherly, Planner I
Connie Tryon, Sr. Admin Asst

Other Staff present:

Sara Sexe, City Attorney
Darcy Dea, Deputy City Clerk
Dave Dobbs, City Engineer
Garn Wanner, IT

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

MINUTES

Action Minutes of the Planning Advisory Board/Zoning Commission. Please refer to the audio/video recording of this meeting for additional detail.

Chair Nate Weisenburger asked if there were any comments or corrections to the minutes of the special meeting held on October 17, 2017. Seeing none, Mr. Sullivan moved to approve the minutes. Mr. Davis seconded, and all being in favor, the minutes were approved. Mr.

Weisenburger asked if there were any comments or corrections to the minutes of the meeting held on October 24, 2017. Seeing none, Mr. Wedekind moved to approve the minutes. Mr. Davis seconded, and all being in favor, the minutes were approved. Mr. Weisenburger asked if there were any comments or corrections to the minutes of the meeting held on November 14, 2017. Seeing none, Mr. Davis moved to approve the minutes. Mr. Wedekind seconded, and all being in favor, the minutes were approved. Ms. Sexe asked that the Board call for public comment before a vote is taken for approval of the minutes.

There was discussion on Sophia Sparklin's Board resignation due to time commitments, and the Planning Advisory Board will be actively recruiting a 9th member.

BOARD ACTIONS REQUIRING PUBLIC HEARING

Conditional Use Permit for a "Contractor Yard, Type II"

Brad Eatherly, Planner I, this particular project is being driven by a citizen complaint, which led to the discovery of a business operating in a zoning district that only allows that use with a Conditional Use Permit (CUP). The applicant, M&D Construction, is located at 814 7th Street North and has a current zoning of M-2 Mixed Use Transitional. The proposed CUP land use is for a Contractor Yard, Type II.

Mr. Eatherly reviewed site photos and said the contractor yard sits directly north of a residential area. The applicant is proposing site improvements which include building a four foot berm with landscaping and decorative fencing, laying rolled millings for driving surfaces, and repairing sidewalks and curb-cuts.

Neighborhood Council #7 voted in support of the CUP, but staff has received two citizen comments regarding concerns about noise and lights involving the property. Mr. Eatherly reviewed the basis of decision for the CUP as listed in the staff report, as well as the conditions that apply to this CUP as detailed in the staff report. Staff recommends approval of the CUP.

PETITIONER'S PRESENTATION

Spencer Woith, 1725 41st St South, representing Woith Engineering and M&D Construction, said the site plan provided showed the berming, fence and landscaping, as well as the improved sidewalks that will provide the area with much better aesthetics than currently exists. He also explained that Burlington Northern owns a large right-of-way adjacent to the property that may look unsightly, but is not part of the applicant's property.

PUBLIC QUESTION AND ANSWER SESSION

Heidi Gilbert, 614 8th Ave North, inquired about the rolled millings and pavement. Mr. Eatherly explained rolled millings would be placed in the drivable surfaces and there are plans for paving the employee parking area.

Andy Blewitt, 324 4th Ave North, asked what the traffic pattern was of the machinery moving in and out of the yard. Mr. Woith explained there is no pattern, and the traffic direction is dependent upon where the equipment is going.

Jacque Stingley, 221 4th Ave North, asked if a study was done on how trucks will access the area safely, as she has observed the trucks using Gibson Park to maneuver into the site. Mr. Raymond said City staff can address that issue.

Barb Walden, 703 Park Dr North, asked how tall the fence would be. Rhett Hulett, President of M&D Construction, said both the berm and the fence would be four feet tall and the fence would either be directly next to the berm or on top of it. Mr. Wedekind clarified that as they do not know where the fence will be placed specifically, the height will either be four feet or eight feet. Mr. Hulett said that was correct. Ms. Walden also asked what rolled millings were. Mr. Woith explained it was recycled asphalt product that looks very similar to pavement.

Mr. Pankratz asked if this CUP will change how the applicant chooses to use this site, and also if they plan on expanding the business. Mr. Hulett said the use will not change, and they do not plan on expanding.

Brenda Rubino, 621 3rd Ave North, said she was unclear if the fence was going on top of the berm or next to it and asked for clarification. Mr. Weisenburger said it has not been determined yet.

There was more discussion on the fence and Mr. Woith said they are open to suggestions on placement and height. Mr. Eatherly added that the proposed berm will include landscaping which will also increase the height of the berm.

Kelly Parks, 400 4th Ave North, asked if the CUP provides an opportunity to limit the ingress and egress of traffic. Mr. Raymond said it would be difficult to do an actual vehicle count and monitor and enforce traffic regulation. Ms. Parks asked how the CUP controls expansion. Mr. Raymond explained if there was a significant expansion and testimony from the neighbors on increased use, there would be a discussion with the owner about next steps. Mr. Hulett reiterated there is no plan to expand.

Mr. Wedekind asked what exactly this property is used for. Mr. Hulett explained it's for maintenance of equipment and contains the offices. He also explained they own another 26 acre property for the company.

Dona Stebbins, 811 8th Ave North, asked if this company has been operating at this location for six years not in compliance with zoning laws, why a CUP was not applied for sooner. Mr. Raymond said enforcement is complaint driven, and this situation was recently brought to the attention of staff.

Kevin Gilbert, 614 8th Ave North, asked for clarification on why equipment was being stored at the location when he understood the owner say it is not used for storage. Mr. Hulett clarified that not all of the equipment owned is stored at this location, but definitely some of it is.

Mr. Pankratz asked if the photographs provided in the packet was an accurate depiction of what the location normally looks like, and Mr. Hulett said yes. There was also discussion on previous use of the property.

Andy Blewitt, 324 4th Ave North, asked how long the CUP is good for. Mr. Raymond said the permit follows the land and is indefinite. If the use ceases for more than 12 months, the permit expires and the use ceases.

Kelly Parks, 400 4th Ave North, asked if the CUP is not granted, would the company have to shut down. Mr. Raymond said if the CUP is not granted, the City would need to start an enforcement action based on the zoning violation.

PUBLIC COMMENT

Mr. Weisenburger called three times for proponents.

Rhett Hulett, M&D Construction, said he truly wants to improve the aesthetics of the property for the neighbors, and is open to addressing neighborhood concerns regarding lighting. He emphasized the intent to be a good neighbor.

Mr. Weisenburger called three times for opponents.

Dona Stebbins, 811 8th Ave North, expressed her opposition to the project in light of traffic concerns and the encroachment of commercial property into the residential neighborhood. She asked the Board to deny the CUP and begin proceedings to remove the business.

Sandra Rice, 909 3rd Ave North #4, said she is a member of Neighborhood Council #7 but stated she does not represent the Council. She spoke in opposition of the project due to noise, traffic and fumes, and presented alternate use solutions for the property.

Kevin Gilbert, 614 8th Ave North, expressed opposition to the contract yard in a residential neighborhood.

Barb Walden, 703 Park Dr North, handed out current pictures to the Board of the property. She expressed her opposition to the project.

Kelly Parks, 400 4th Ave North, asked if the zoning has changed since the current owners took ownership. Mr. Raymond said no. She expressed her opposition of the project at this location and said if they have other property, they should utilize it.

BOARD DISCUSSION AND ACTION

MOTION: That the Zoning Commission recommend the City Commission approve the Conditional Use Permit subject to the applicant fulfilling the listed Conditions of Approval.

Made by: Mr. Pankratz
Second: Mr. Fontana

Mr. Wedekind inquired about the requirement for no rolled millings in the alley. Mr. Dobbs explained that gravel is preferred due to maintenance.

VOTE: All being in favor, the motion passed.

Condition Use Permit for a “Construction Material Sales”

Brad Eatherly, Planner I, said the property, located at 1800 NW Bypass, is currently zoned M-2 Mixed-use Transitional and the applicant is requesting a CUP to allow for a Construction Material Sales land use upon the property.

Mr. Eatherly reviewed pictures of the site, which was previously used as a telecommunication facility. He reviewed the site plan including improvements and the basis of decision as listed in the staff report. Staff recommends approval of the CUP.

PETITIONER’S PRESENTATION

Marty Byrnes, CTA Inc, said they are proposing to remove the existing tower and donate it to the Sheriff’s Department in Teton County. He reviewed proposed improvements to the property which include a 10,000 square foot storage facility and a new access off Watson Coulee Road. The purpose of this development is to store and sell commercial use roofing materials.

PUBLIC QUESTION AND ANSWER SESSION

Mr. Fontana asked for clarification on the requirement for stalls. Mr. Byrnes said the addition of the storage facility triggers new requirements for parking stalls.

Mr. Bertelsen asked how high the walls would be, and Mr. Byrnes said they have not been determined yet, but there would most likely be a 16-foot side wall.

PUBLIC COMMENT

There was no public comment.

BOARD DISCUSSION AND ACTION

MOTION: That the Zoning Commission recommend the City Commission approve the Conditional Use Permit subject to the applicant fulfilling the listed Conditions of Approval.

Made by: Mr. Wedekind
Second: Mr. Davis

VOTE: All being in favor, the motion passed.

COMMUNICATIONS

Mr. Raymond offered to provide log-in and usage training for the new agenda system software, Novus, at the next meeting. He also asked the Board if they preferred a Nominating Committee to elect a 2018 Chair and Vice Chair, or to take nominations from the floor. It was determined to put the election of a Nominating Committee on the next agenda. There was discussion on training for Board members, and clarification on what it means for the Board to provide Findings of Fact if their recommendation is different than staff recommendation.

Next Meeting Agenda – Tuesday, December 12, 2017

- None

Project Status:

- Review of projects going to City Commission on December 5, 2017

Petitions & Applications Received:

- None

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chair Nate Weisenburger adjourned the meeting at 4:47 p.m.

CHAIRMAN

SECRETARY