

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING BOARD/ZONING COMMISSION
June 14, 2011**

CALL TO ORDER

The regular meeting of the Great Falls Planning Board/Zoning Commission was called to order by Chairman John Harding at 3:04 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Mr. John Harding
Mr. Bill Roberts
Mr. Michael Bates
Ms. Cheryl Patton
Mr. Thor Swensson
Mr. Wyman Taylor

Planning Board Members absent:

Mr. Marty Byrnes
Mr. Terry Hilgendorf
Mr. Ron Kinder

Planning Staff Members present:

Mr. Mike Haynes, Planning & Community Development Director
Ms. Jana Cooper, Planner II
Ms. Phyllis Tryon, Senior Administrative Assistant

Others present:

Mr. Dave Dobbs, City Engineer

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

MINUTES

Mr. Harding asked if there were any changes to be made to the minutes of the public hearing and regular meeting held on May 10, 2011. There were no changes and the minutes were received as submitted.

PUBLIC HEARING

McLean Garden Tracts – Single Lot Subdivision (2712 Lower River Road - a portion of Lot 2, McLean Garden Tracts, Section 23, Township 20 North, Range 3 East, Cascade County, Montana)

PLANNING STAFF REPORT & RECOMMENDATION

Ms. Cooper presented details of the application for an Amended Plat of Lot 2, McLean Garden Tracts. The Amended Plat subdivides the property into two lots to create an additional buildable residential lot. Ms. Cooper presented the conditions of approval, and concluded by offering to answer any questions from the Board.

PETITIONER'S PRESENTATION

The petitioner did not desire to make a presentation.

PROPOSERS OPPORTUNITY TO SPEAK

There were no proponents.

OPPOSERS OPPORTUNITY TO SPEAK

There were no opponents.

OTHER PUBLIC COMMENT

There was no other public comment.

PETITIONER'S OPPORTUNITY TO CLOSE

The petitioner did not wish to close.

PLANNING ADVISORY BOARD DISCUSSION & ACTION

Mr. Harding opened the Planning Advisory Board discussion and action. There was no discussion.

MOTION: That the Planning Advisory Board recommend the City Commission approve the Amended Plat of a Portion of Lot 2, McLean Garden Tracts based on the Findings of Fact and subject to the conditions presented in the Staff report.

Made by: Mr. Roberts
Second: Mr. Swensson

Mr. Harding asked for further discussion and there was none.

Vote: The motion carried unanimously.

Ms. Cooper advised the applicant of the next procedural steps regarding the application.

PUBLIC HEARING

Cascade Ridge Senior Living Facility (3001 15th Ave South between 29th Street South and 32nd Street South)

PLANNING STAFF REPORT & RECOMMENDATION

Ms. Cooper presented details of the application for approval of a rezoning of a portion of the subject property from PLI – Public Lands and Institutional to R-6 Multi-family residential high density. The developer also requested a subdivision of the property from one lot into two lots. The R-6 zoning is only proposed on the newly created eastern lot in the subdivision.

The developer presented to Neighborhood Council 5 on April 18, 2011. The Council voted they were in support of the project and had additional comments noted in the Staff report, including concerns about storm drainage and construction dust and debris. One of the comments was that they were not in favor of the project having tax exempt status. A letter was received by the Planning and Community Development Department from a concerned neighbor who had been under the impression this project would not have tax exempt status. Ms. Cooper stated she thought the matter has been cleared up by the developer discussing the matter with concerned neighbors.

Ms. Cooper presented the conditions of approval, and concluded by offering to answer any questions from the Board.

There were questions for Ms. Cooper from the Board clarifying that the project is, in fact, tax exempt. Mr. Taylor stated the City must provide emergency fire and police services, as well as support for the school district. He noted the same tax exempt status applies to the Grandview Benefis project. Ms. Patton questioned whether the owners of this project were a for-profit corporation. It was explained that Mountain Plains Equity Group is a for-profit corporation, but the project is a 50-50 partnership between Mountain Plains and Benefis Health Systems. Ms. Patton said there were other low income housing tax credit projects in Great Falls, and although she was not certain of their tax status, she would like City staff to look into that to ensure all entities are treated equally. She reiterated Mr. Taylor's comments that the City must provide emergency services for this project, and noted that even low income housing projects under the Great Falls Housing Authority make payments to the City in lieu of taxes.

Mr. Roberts requested that map details have larger print. He also requested that aerial maps have a date label and that properties bordering the subject property be described by name.

Mr. Swensson asked if the 15th Street extension was going to end at the eastern section of the Cascade Ridge project. Ms. Cooper explained that the ultimate goal is to get 15th Avenue South built from its existing location at 29th Street South through to 32nd Street South. There is a previous agreement between the City of Great Falls and Benefis to accomplish this goal. Benefis has agreed to design and install the street from its existing western terminus through the Cascade Ridge project to its eastern property boundary. The portion of 15th Avenue South east of the Cascade Ridge boundary has not been dedicated to the City as right-of-way; currently, the City is negotiating with the owners of that property, a group named Ventas, to have the northerly 60 feet of their property donated to the City as right-of-way. If the right-of-way is donated by Ventas, Benefis will be required to complete the construction of 15th Avenue South through to 32nd Street South and be reimbursed a proportionate share if adjacent land owners annex into the City.

PETITIONER'S PRESENTATION

Mr. Tim Morgan, 2825 3rd Ave North, Billings, with Mountain Plains Equity Group, clarified that this subdivision secures and completes the dedication of the 15th Street South right-of-way. He stated with respect to the tax exempt status of the project that Mountain Plains corresponded with the City and Neighborhood Council 5 about the tax status, but that there was some confusion about the matter with the Neighborhood Council. He stated he felt he had not made the matter clear with the Council.

Mr. Morgan stated that this project needed to be tax exempt due to the caps allowed on rent charges for low income housing. He stated that without the tax exempt status, rents would have to be raised above the cap, which would make the project untenable.

PROPOSERS OPPORTUNITY TO SPEAK

Mr. Frank Soltys, 1104 Durango Drive, Great Falls, Executive Director of Senior Services for Benefis Health Systems, stated that the senior population in Cascade County is rapidly growing. He said that baby boomers age 65 and older now account for nearly 15% of the population in Cascade County, as compared to 14% in Montana and 12.5% nationwide, according to the University of Montana Bureau of Business and Economic Research. He said that number is expected to reach 23% by 2025, putting further demands on housing appropriate for seniors. He said that senior housing that is in close proximity to available medical services promotes the life expectancy of those that live there.

OPPOSERS OPPORTUNITY TO SPEAK

There were no opponents.

OTHER PUBLIC COMMENT

Mr. Bob Zadick, 3205 14th Ave South, Great Falls, stated that he owns the land adjacent to Park Place where 15th Street South ends. He inquired as to who is responsible for the improvements on 15th Street South. Mr. Haynes stated that the cost of the roadway improvements and utility extensions are being borne by Benefis as a condition of the Grandview at Benefis project. He added that at such time as the owner of Mr. Zadick's property chooses to annex into the City, that owner would be liable for half the costs of the improvements adjacent to the property.

Mr. Zadick noted that City boundaries now surround his property on all four sides, and asked if he would be forced to annex into the City. Mr. Harding stated that the City has discretion to force annex wholly surrounded enclaves. Mr. Haynes said that the City has no intention of involuntarily annexing the property, but that at such time as Mr. Zadick would want to voluntarily annex, then a proportionate share of the costs of the road extension would be due.

Mr. Zadick stated that his property behind 10th Avenue South, behind the Flamingo, was forced into annexation. Mr. Harding said the City decided a number of years ago to bring properties surrounded by City services into the City. Mr. Zadick stated there were 17 such properties at that time that were supposed to be annexed, but only his property and one other were annexed at that time. The annexation increased his taxes significantly. Mr. Harding stated that other properties were annexed over a period of time.

Mr. Haynes clarified for Mr. Zadick that there was no annexation as part of the application in front of the Board since the Cascade Ridge property was already in the City. Mr. Haynes said that Mr. Zadick's property is an unincorporated enclave now and will remain so after this action. Mr. Zadick had no further comments.

Ms. Helen Kolppa, 1200 32nd Street South, #70, Great Falls, said she lives in the Devonshire Townhouses and asked who was responsible to maintain the property that is being subdivided. Mr. Haynes responded that it is the responsibility of the property owner to maintain the property.

Mr. Morgan of Mountain Plains responded that the 4.3 acres of Cascade Ridge will all be landscaped. The back area and northeast corner area will be planted and maintained by Cascade Ridge. There will be a portion designed to retain run-off. Ms. Kolppa was concerned about the area becoming a parking area for motor homes, etc. Mr. Haynes clarified that was regulated by code enforcement, and Mr. Morgan noted it was not the intent to provide that type of parking on the site.

There were no further public comments.

PETITIONER'S OPPORTUNITY TO CLOSE

The petitioner did not wish to close.

PLANNING ADVISORY BOARD DISCUSSION & ACTION

Mr. Harding opened the Planning Advisory Board discussion and action. Ms. Patton stated she was very much in support of the project, but was unsure about the tax exempt status. She asked if the garages were definite, and Mr. Morgan stated the garages were a commitment.

Mr. Taylor commented that he was in favor of the project, but did not understand why Benefis, as a non-profit medical institution, is qualified to operate tax exempt housing.

ZONING COMMISSION DISCUSSION & ACTION

MOTION: That the Zoning Commission recommends the City Commission approve rezoning the subject property legally described as Lot 1B of an Amended Plat of Lot 1, Block 2, First Addition to Great Falls Clinic Addition, Section 17, T 20 N, R 4 E., Cascade County, Montana from the existing PLI-Public lands and institutional district to an R-6 Multi-family residential high density, subject to the Planning Advisory Board adopting Recommendation II and the conditions presented being fulfilled by the applicant.

Made by: Ms. Patton
Second: Mr. Bates

Mr. Harding asked for further discussion and there was none.

Vote: The motion carried unanimously

PLANNING ADVISORY BOARD ACTION

MOTION: That the Planning Advisory Board recommends the City Commission approve the Amended Plat of the subject property legally described as Lot 1B of an Amended Plat of Lot 1, Block 2, First Addition to Great Falls Clinic Addition, Section 17, T 20 N, R 4 E., Cascade County, Montana and the accompanying Findings of Fact.

Made by: Mr. Bates
Second: Mr. Roberts

Vote: The motion carried unanimously.

Mr. Harding requested Ms. Cooper to explain the next procedural steps that will take place for this project. Ms. Cooper stated that the Planning Board recommendations will be taken to the City Commission, which will approve or deny the subdivision and rezoning. If approved, the applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Recorder's Office.

The public hearing portion of the meeting was concluded.

BOARD ACTIONS – NOT REQUIRING PUBLIC HEARING

There were none.

COMMUNICATIONS

Upcoming Planning Board Projects

1. 13th Street North & 10th Avenue North – Row Vacation
2. Shumaker Washbay – Pre-application meeting held on May 5, 2011

Project Status:

1. Great Bear Innovation Park, Phase 1 – City Commission Meeting Agenda June 7 & July 5
2. Former Montgomery Energy Site – Awaiting Additional Documents

Meeting/Obligation Calendar, June 10, 2011 – June 24, 2011

A copy of the calendar is attached and incorporated herein by reference, and was received without comment.

Petitions & Applications Received

None

Good & Welfare

The next regularly scheduled meeting of the Planning Advisory Board/Zoning Commission is June 28, 2011.

PUBLIC COMMENT

There was no further public comment. Mr. Harding spoke to clarify for the Board the position of the City regarding annexation of wholly enclosed enclaves. He also explained that the Planning Advisory Board/Zoning Commission does not make decisions on the tax exempt status of projects. Board discussion ensued about tax exemption guidelines.

Ms. Patton requested that Mr. Harding adjourn the meeting in honor of Ms. Danna Duffy, who served four years on the Planning Advisory Board until January 1 of this year, and who passed away this morning.

ADJOURNMENT

The meeting was adjourned by Chairman Harding in honor of Ms. Danna Duffy at 4:00 p.m.

CHAIRMAN

SECRETARY